



Telephone: 0131 244 8173
E-mail: mandy.mccomiskie@gov.scot

Mrs D Armstrong
Scottish Borders Council
Sent By E-mail

Our ref: LDP-140-3

5 July 2023

Dear Mrs Armstrong

**PROPOSED SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN 2
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANNING) (SCOTLAND)
REGULATIONS 2008**

SUBMISSION OF THE REPORT OF THE EXAMINATION

We refer to our appointment by the Scottish Ministers to conduct the examination of the above proposed plan. Having satisfied ourselves that the planning authority's consultation and engagement exercises conformed with their participation statement our examination of the proposed plan commenced on 26 September 2022. We have completed the examination and now submit our report.

In our examination we considered all 76 issues arising from 1,351 unresolved representations identified by yourselves to the proposed plan. In each case we have taken account of the original representations, as well as your summaries of the representations and your responses to such, and we have set out our conclusions and recommendations in relation to each issue in our report.

The examination process included a comprehensive series of unaccompanied site inspections and, for some issues, we requested additional information from yourselves and other parties. We held one hearing session for Issue 006: Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement on 26 April 2023.

The proposed plan was written in the context of the provisions of Scottish Planning Policy. However, this document ceased to have effect on the adoption of the National Planning Framework 4 (NPF4) by Scottish Ministers in February 2023. At the same time, NPF4 became part of the statutory development plan. At that time SESplan 1 (2013) and its supplementary guidance ceased to be part of the statutory development plan.

The Chief Planner's letter dated 8 February 2023 states that "it may be that there are opportunities to reconcile identified inconsistencies with NPF4 through the examination process. However there are clear limitations to this. The scope of an examination is limited to issues raised in representations and the process must remain proportionate and fair".

In that context we have reviewed our findings to take account of NPF4. To retain a proportionate process we initially reviewed all 76 issues to identify those matters/issues



where there was a clear change in policy context. This process resulted in issue of a limited amount of further information requests in order to inform our consideration of these matters. Given that by this stage our report was substantially complete some of our conclusions continue to reference the now superseded Scottish Planning Policy context albeit in the past tense. However, in those cases we then place these conclusions in the context of NPF4. For some issues the policy context remains broadly similar and our conclusions reflect this. Otherwise in some limited circumstances we have recommended changes to reconcile any identified inconsistencies but only in so far as this falls within the scope of this examination.

Subject to the limited exceptions as set out in Section 19 of the Town and Country Planning (Scotland) Act 1997 (as amended) and in the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009, you are now required to make the modifications to the plan as set out in our recommendations.

You should also make any consequential modifications to the text or maps which arise from these modifications. Separately, you will need to make any necessary adjustments to the final environmental report and to the report on the appropriate assessment of the plan.

All those who submitted representations will be informed that the examination has been completed and that the report has been submitted to yourselves. We will advise them that the report is now available to view at the DPEA website and that it will also be posted on your website.

The documents relating to the examination should be retained on your website for a period of six weeks following the adoption of the plan by yourselves.

It would also be helpful to know when the plan has been adopted and we would appreciate being sent confirmation of this in due course.

Yours sincerely,

<i>Nick Smith</i>	<i>Alison Kirkwood</i>	<i>Malcolm Mahony</i>	<i>Philip Barton</i>
Reporter	Reporter	Reporter	Reporter



**REPORT TO SCOTTISH BORDERS COUNCIL ON THE
SCOTTISH BORDERS COUNCIL PROPOSED
LOCAL DEVELOPMENT PLAN EXAMINATION**

Reporters:

Nick Smith BSc (Hons) MRTPI
Alison Kirkwood BSc (Hons) MRTPI
Philip Barton MCD BA (Hons) MRTPI
Malcolm Mahony BA (Hons) MRTPI

Date of Report:

5 July 2023

Contents

Examination of Conformity with Participation Statement.....	1
Issue 1.....	5
Foreword and Chapter 1: Introduction.....	5
Issue 2.....	11
Chapter 2: The Changing Context and Meeting the Challenges for the Scottish Borders.....	11
Issue 3.....	22
Chapter 3: Policy Background.....	22
Issue 4.....	32
Chapter 4: Vision, Aims and Spatial Strategy.....	32
Issue 5.....	52
Chapter 5: Growing Our Economy.....	52
Issue 6.....	66
Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement.....	66
Issue 7.....	111
Chapter 7: Supporting Our Town Centres.....	111
Issue 8.....	116
Chapter 8: Delivering Sustainability and Climate Change Agenda.....	116
Issue 9.....	153
Placemaking and Design Policies.....	153
Issue 10.....	184
Economic Development Policies.....	184
Issue 11.....	210
Economic Development Policies: Policy ED9: Renewable Energy Development.....	210
Issue 12.....	245
Economic Development Policies.....	245
Issue 13.....	267
Housing Development Policies.....	267
Issue 14.....	295
Environmental Promotion and Protection Policies.....	295
Issue 15.....	328
Environmental Promotion and Protection Policies.....	328
Issue 16.....	363
Infrastructure and Standards Policies.....	363
Issue 17.....	394
Appendix 3 Planning Guidance and Standards.....	394

SCOTTISH BORDERS COUNCIL PROPOSED LOCAL DEVELOPMENT PLAN

Issue 18.....	402
Ancrum.....	402
Issue 19.....	405
Ashkirk.....	405
Issue 20.....	411
Birgham.....	411
Issue 21.....	415
Broughton.....	415
Issue 22.....	421
Cardrona.....	421
Issue 23.....	432
Cockburnspath.....	432
Issue 24.....	436
Coldingham.....	436
Issue 25.....	442
Coldstream.....	442
Issue 26.....	453
Darnick.....	453
Issue 27.....	480
Dolphinton.....	480
Issue 28.....	484
Earlston.....	484
Issue 29.....	494
Ednam.....	494
Issue 30.....	499
Eildon.....	499
Issue 31.....	502
Eshiels.....	502
Issue 32.....	529
Eyemouth.....	529
Issue 33.....	539
Foulden.....	539
Issue 34.....	541
Galashiels.....	541
Issue 35.....	604

SCOTTISH BORDERS COUNCIL PROPOSED LOCAL DEVELOPMENT PLAN

AGALA029 – Netherbarns	604
Issue 36.....	650
Gattonside.....	650
Issue 37.....	668
Gavinton.....	668
Issue 38.....	672
Gordon	672
Issue 39.....	675
Greenlaw.....	675
Issue 40.....	681
Hawick.....	681
Issue 41.....	737
Heaton.....	737
Issue 42.....	740
Innerleithen.....	740
Issue 43.....	758
Jedburgh.....	758
Issue 44.....	766
Kelso.....	766
Issue 45.....	777
Lamancha	777
Issue 46.....	782
Lanton	782
Issue 47.....	784
Lauder	784
Issue 48.....	787
Leitholm	787
Issue 49.....	790
Lilliesleaf.....	790
Issue 50.....	794
Maxton.....	794
Issue 51.....	796
Melrose	796
Issue 52.....	817
Minto.....	817

SCOTTISH BORDERS COUNCIL PROPOSED LOCAL DEVELOPMENT PLAN

Issue 53.....	819
Morebattle.....	819
Issue 54.....	826
Newstead.....	826
Issue 55.....	828
Newtown St Boswells.....	828
Issue 56.....	836
Nisbet.....	836
Issue 57.....	840
Oxnam.....	840
Issue 58.....	843
Oxton.....	843
Issue 59.....	861
Peebles (Existing Allocations and Retail Sites).....	861
Issue 60.....	875
Peebles (New Allocation and Proposals).....	875
Issue 61.....	896
Peebles (Longer Term Development and Business and Industrial Land).....	896
Issue 62.....	916
Peebles (Settlement Profile and Map).....	916
Issue 63.....	930
Preston.....	930
Issue 64.....	933
Reston.....	933
Issue 65.....	942
Selkirk.....	942
Issue 66.....	955
Sprouston.....	955
Issue 67.....	958
St Boswells.....	958
Issue 68.....	962
Stow.....	962
Issue 69.....	968
Swinton.....	968
Issue 70.....	973

SCOTTISH BORDERS COUNCIL PROPOSED LOCAL DEVELOPMENT PLAN

Tweedbank.....	973
Issue 71.....	990
Westruther.....	990
Issue 72.....	996
West Linton.....	996
Issue 73.....	999
Yetholm.....	999
Issue 74.....	1017
Response to submission made by SEPA.....	1017
Issue 75.....	1091
Local Biodiversity Sites.....	1091
Issue 76.....	1128
General and Miscellaneous.....	1128

Examination of Conformity with Participation Statement

1. Section 19(4) of the Town and Country Planning (Scotland) Act 1997 firstly requires an examination by the appointed person (reporter) of whether the planning authority has consulted on the proposed local development plan and involved the public in the way it said it would do so in its participation statement.
2. Section 20B of the same Act requires each planning authority to prepare a development plan scheme at least annually. The scheme should set out the authority's programme for preparing and reviewing its development plan, and must include a participation statement. This publication should state when, how and with whom consultation on the plan will take place, and the authority's proposals for public involvement in the plan preparation process.
3. Scottish Government Circular 6/2013: Development Planning states that "The Act restricts the Examination to the actions of the authority concerning consultation and public engagement in respect of the Proposed Plan, rather than the extended plan preparation process. In carrying out this assessment, Scottish Ministers envisage that the reporter will only refer to existing published documents such as the Participation Statement itself, the authority's statement of conformity with this, and any representations relating to the authority's consultation and public involvement activities".

The participation statement

4. The participation statement that was current at the time of the proposed plan period for representations was published in the authority's development plan scheme dated November 2020. That participation statement lists proposals for public engagement that would occur in advance of and/or during the period for representations on the proposed local development plan (as summarised below):
 - online videos, an online interactive story map, and, hosting copies of the proposed plan and associated documents on the authority's website and on Citizen Space (a public consultation software tool). Representations would be accepted via email and paper formats;
 - a 12 week period for representations, along with statutory advertisements, press and social media releases;
 - engagement with young people via the authority's Community Learning and Development Services;
 - letters and emails to parties on the authority's relevant contact list, along with posters to community councils for local distribution and notice boards;
 - a dedicated phone number to contact the authority's planning officers directly would also be set up; and,
 - neighbour notifications would be sent to property holders within 25 metres of potential employment, housing and regeneration sites (rather than the statutory 20 metres). Letters would also be sent to residential institutions, e.g. sheltered and student accommodation, where required.

5. The participation statement specifically states that no in-person events or physical deposit of documents in public buildings, such as libraries and council offices, would occur due to the requirements of the Coronavirus (Scotland) Act 2020.

The planning authority's report of conformity with the participation statement

6. Alongside the proposed plan, section 18(4) (a) (i) of the Act requires a planning authority to submit a report to Scottish Ministers demonstrating the extent to which the authority has met the needs of section 19(4). The authority's report, entitled 'Scottish Borders Local Development Plan 2: Participation Statement' describes those matters. That report was submitted alongside the proposed plan in July 2022 with an accompanying letter (dated 14 July 2022). The accompanying letter also summarises participation matters during the period for representations.

7. The authority's report covers the engagement process from review initiation to the proposed local development plan. However, the sole matter for this examination is conformity with the participation statement that was current at the period for representations. That is covered in part 5 of the authority's report, much of which updates text from proposed plan Appendix 4. The authority's report and its submission letter confirm that:

- the period for representations ran from 2 November 2020 to 25 January 2021;
- the proposed plan was available on the authority's website and on Citizen Space;
- an ArcGIS interactive StoryMap and various online videos were also available;
- consultation letters and emails were sent to parties on the local development plan contact list, including those that commented at Main Issues stage. These set out details for publication of the proposed plan and where it could be viewed;
- posters advertising the period for representations and related information were sent to all community councils to display. These included QR codes to enable direct access to the proposed plan website;
- neighbour notifications were sent to all property holders within 20 metres of potential employment, housing or regeneration sites. Letters were also sent to residential institutions (e.g. sheltered and student accommodation) as required;
- the authority's Children and Young People's Services were informed that the proposed plan had been published and where it could be found;
- press releases and awareness-raising publicity were issued to announce the publication of the proposed plan and the period for representations; including the authority's own Scottish Borders Connect publication, which goes to all households (except those that have opted for the Mail Preference Service);
- social media notifications were sent throughout the period for representations; statutory adverts were placed in the Berwickshire News, Hawick Paper, Peeblesshire News, Southern Reporter and the Borders Telegraph during the week commencing 2 November 2020;
- a direct phone line to planning officers was set up;
- representations were accepted via Citizen Space, email and letter; and,
- the authority also made available on request translations of key documents into the main community languages.

Representations on the participation process

8. The authority's submission letter (14 July 2022) states that a total of 1,014 representations were received. Where any were unclear or incomplete the authority sent follow-up emails. Where no response was received to follow-up emails a letter was sent to those who provided postal details (dated 7 April 2021). The deadline for responding was 23 April 2021. Despite this, the authority advises that it was unable to accept four representations due to lack of clarity, and, a fifth which covered the strategic environmental assessment, rather than the proposed plan.

9. Otherwise, the authority does not advise of any representations being made with specific regard to conformity with the participation statement. There are some representations in the summaries of unresolved issues that argue insufficient time was allowed for the period for representations, or, that there was a general lack of consultation/ insufficient publicity for specific sites, locations or groups (e.g. landowners). Some criticise the Main Issues Report consultation or that matters were only apparent at proposed plan stage. Some criticise the holding of the period for representations during Covid restrictions; preventing public meetings being held.

Reporter's conclusions

10. Based on the above, I find that the planning authority (Scottish Borders Council) published and promoted the proposed plan and gave twice as long as the minimum six week period for representations required by statute. Despite neighbour notification being carried out for property holders within 20 metres of potential site boundaries, rather than the 25 metres stated in the participation statement, this still fulfils the statutory requirements for neighbour notification. All other activities identified by the participation statement were carried out.

11. The relevant participation statement was published as part of the development plan scheme in November 2020 but that document does not say when in that November it was published. The period for representations commenced on 2 November 2020. At best these timings would have been similar or identical. The proposed plan also references the contents of the participation statement at Appendix 4. Even had the development plan scheme been published at the end of November 2020, parties would still have had more than the statutory six weeks during which time to consider the participation statement and also to then consider the proposed plan and make representations should they have wished to do so.

12. I have carefully considered the matters set out in the participation statement and the planning authority's own evidence of participation. The planning authority has met the statutory obligations in relation to the period for representations, neighbour notification and advertisement. Overall, I find that the planning authority consulted on the proposed plan and involved the public in the way it said it would do so in its participation statement; accepting that the Covid restrictions of the time placed limitations on both the planning authority and on participants. Being satisfied on these matters, the examination of the proposed plan can commence.

Nick Smith

Reporter

Issue 1	Foreword and Chapter 1: Introduction	
Development plan reference:	Volume 1 Policies – Foreword (page 5) and Chapter 1: Introduction (pages 6-9)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Iain Gibson (502) Wind 2 Ltd (597) Fred Olsen Renewables Ltd (598) Muirhall Energy Ltd (828) St Boswells Parish CC (1032)</p> <p>Please note that comments made in relation to the Foreword and Chapter 1 by Michael Marshall (518) – whose representation is also endorsed by Contributors 122, 789, 799, 853, 935, 948, 999 and 1032 - are considered under the Schedule 4 for Chapter 8 (Issue 8).</p>		
Provision of the development plan to which the issue relates:	Foreword (page 5) and Chapter 1: Introduction (pages 6-9)	
Planning authority’s summary of the representation(s):		
<p><u>Iain Gibson (502)</u></p> <ul style="list-style-type: none"> Contributor advises relative to the Foreword, that they could not find specific targets being set in relation to the Council’s commitment to sustainable economic growth, and promotion of a low carbon agenda and adaptation to climate change. <p><u>Wind 2 Ltd (597); Fred Olsen Renewables Ltd (598); and Muirhall Energy Ltd (828)</u></p> <ul style="list-style-type: none"> Contributors note that Chapter 1 ‘Introduction’ makes reference to the “<i>changing context and new challenges to be met</i>”, including policy background and also including matters such as vision, aim and spatial strategy and includes “<i>delivering sustainability and climate change agenda</i>”. However, they advise, it is striking that there is no mention within the Plan of the Scottish Government’s drive to attain ‘net zero’ in terms of greenhouse gas (GHG) emissions reduction, nor is there any mention of the Scottish Government’s declared Climate Emergency. They note that while there is reference to what the plan refers to as a move to “<i>low carbon</i>”, this is a policy objective that is now to a large extent overtaken by new legislative and policy provisions for the attainment of ‘net zero’. <p><u>St Boswells Parish CC (1032)</u></p> <ul style="list-style-type: none"> Contributor advises with regard to the Foreword that it is not clear whether the timeframe for the plan is 10 years or five years. If the plan period is for 10 years, then, the contributor advises, it will be necessary to address climate change, the 		

climate crisis, in a far more direct way. More generally, they advise that the majority of the documents' contents do not go far enough in addressing the climate crisis.

- With regard to the Foreword again, contributor objects to use of the phrase “*sustainable economic growth*” without at least some more detailed definition or explanation of this phrase being given.
- With regard to the Introduction Chapter, contributor advises that throughout the document, there seems to be references to “*town centres*”, which they advise should be bracketed with village centres, since the latter are similarly important and contain a scale of development characteristic to all of the Scottish Borders.
- Contributor advises that the proposed LDP should contain as an integral element, a strategic environmental assessment [SEA] and it would seem fitting that this is referred to within the introduction.
- Contributor considers that within Paragraph 1.11, it should be made clear to what extent the conclusions and recommendations of the reporter will actually be taken into account by the Council.
- Contributor advises with regard to Paragraph 1.12 that 12 weeks including the Christmas and New Year holidays is too short a time to meaningfully evaluate such a mass of written material, probably around 1000 pages.

Modifications sought by those submitting representations:

Foreword

- Foreword to clarify whether or not the Plan is for 5 years or 10 years; if 10 years, then the Plan should set out more in terms of addressing the climate crisis. (1032)
- Delete from Foreword the term “sustainable economic growth”, or provide a definition of this term. (1032)
- Foreword to specify targets set to address the Council’s commitment to sustainable economic growth and promotion of a low carbon agenda and adaptation to climate change. (502)

Chapter 1: Introduction

- Update text of this Chapter, and Plan, replacing all references to ‘low carbon’ with ‘net zero’ in terms of greenhouse gas (GHG) emissions reduction, and mention Scottish Government’s declared Climate Emergency. (597; 598; and 828)
- In Chapter 1, and throughout the Plan, clarify that “town centres” also refers to “village centres”. (1032)
- Refer to SEA in Chapter 1. (1032)
- Clarify to what extent the conclusions and recommendations of the Reporter will actually be taken into account by the Council. (1032)

Summary of responses (including reasons) by planning authority:

NO CHANGES TO FOREWORD AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

NO CHANGES TO CHAPTER 1 – INTRODUCTION, AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

Foreword (502, 1032)

- The Foreword is by the Chairman of the Planning Committee, and is not technically part of the Plan. As such, it is not intended to set out any policies or proposals; nor for that matter any targets or strategy, including in relation to climate change. It is a high level background statement summarising the purpose of the LDP. It is considered that the Foreword is entirely apt and well written, and it is not proposed to advise that any changes should be made to it. It is recommended that in line with standard procedure, the Foreword would be updated accordingly, at the end of the process; after Examination.
- As the Foreword advises, the Plan addresses the needs of the Scottish Borders for up to a period of 10 years. The Council's response to climate change is addressed in other sections of the Plan, see particularly Chapter 8 (Issue 8) and Policy ED9 (Issue 11).
- It is not considered that the term 'sustainable economic growth' is confusing or vague in its meaning; nor that there is any need for it to be deleted or clarified, or otherwise defined in the Foreword.
- As such, while leaving any revisions or additions to the Foreword to the Chairman's own discretion, the Council is content that the Foreword is maintained as it was written to introduce the version of the PLDP that was subject to public consultation in 2020-21.

Chapter 1 (597, 598, 828, and 1032)

- In response to the point raised by Contributors 597, 598 and 828, it is acknowledged that the emerging national planning context seeks the attainment of 'net zero' greenhouse gas emissions, and that this is, and will, change the strategy going forward from the promotion of *low carbon* to *net zero* technologies and operations. However, the PLDP reflects the 'low carbon' ambitions of NPF3 (CD063; please refer to Chapter 3, pages 29-40) and SPP (CD041; please refer to Paragraph 16, page 6, and Paragraphs 152-192, pages 36-44).
- While Contributor 1032 advises that they see no difference between village centres and town centres in planning terms, 'town centres' are explicitly defined in policy – specifically Policy ED3: Town Centres and Shopping Development. Therefore the term is specific, and is not transferrable to any town or village centre in the way that the contributor anticipates. In identifying so precisely which areas are within Town Centres, the Council's concern is to protect and enhance the role of these areas in promoting footfall. Although larger villages require shops and services for local residents, these are often accommodated in a small area or in a handful of buildings, which do not merit such formal protection as service centres. Town centres on the other hand, are areas that attract visitors and customers both from the town and from further afield. Accordingly, the Council would be concerned not to dilute or confuse the definition of Town Centres by expanding it to refer more widely and loosely to any local shop or service, rather than to town centres as retail areas.
- Contributor 1032 wishes to see reference to the SEA within the Introduction, but the latter is required and regulated under different legislation from the Plan. As such, it is not part of the Plan. Accordingly, the Council is content that it is not referenced in the Introduction.

- In response to the concern of Contributor 1032 that the Council should define the extent to which it would take account of the Reporter's conclusions and recommendations, the Reporter's recommendations and conclusions are binding on the Council. As per Paragraph 92 of Circular 6 2013 (CD059): "*The recommendations contained in Examination Reports are largely binding on planning authorities. Planning authorities may depart from the recommendations only in specific defined circumstances. These are set out in Regulation 2 of the Town and Country Planning (Grounds for declining to follow recommendations) (Scotland) Regulations 2009 and Section 19(11) of the Act. The circumstances where authorities may depart from recommendations are where the recommendation(s): (a) would have the effect of making the LDP inconsistent with the National Planning Framework, or with any SDP or national park plan for the same area; (b) is incompatible with Part IVA of the Conservation (Natural Habitats etc.) Regulations 1994; (c) would not be acceptable having regard to an environmental assessment carried out by the planning authority on the plan following modification in response to recommendations; (d) are based on conclusions that could not reasonably have been reached based on the evidence considered at the Examination*".
- Notwithstanding the advice of Contributor 1032, the consultation period was notably in excess of the period of time that is statutorily required for consultation (being 12 weeks). It is therefore not considered that any contributor has been disadvantaged by too short a period of time having been allowed for consultation. The decision to extend the consultation period did take account of the difficulties that the Covid pandemic was raising at that time, and it is not considered that this was insufficient or inadequate. Other interested parties set time aside appropriately in order to make submissions within the time period.

Reporter's conclusions:

1. I consider the above matters under my own heading structure (below).

Low carbon versus net zero (597, 598, 828 and 1032)

2. When the proposed plan was submitted the term 'low carbon' in both the Foreword and Chapter 1 reflected National Planning Framework 3 (NPF3). However, the legally binding targets to reduce greenhouse gas emissions to net zero by 2045 were also in force and ought to have been used in the proposed plan, if for no other reason than to avoid confusion. NPF3 has now been replaced by NPF4 which uses the term "net zero". In the interests of consistency, I recommend replacing the term "low carbon" with the term "net zero". Modifications are set out below.

The Foreword (502, 1032)

3. Foreword paragraph three already elaborates on what "sustainable economic growth" means and so there is no reason to delete the term or define it further. Paragraph one, sentence two is already sufficiently clear that the proposed plan covers a ten-year period and that mitigation of and adaptation to climate change form part of its approach. The respective matters of policy and related details are covered by subsequent chapters and policies that are themselves subject of this examination. No modifications are required.

Town and village centres (1032)

4. Proposed plan Chapter 1 mentions “town centres” in the context of regeneration and amongst various policy matters that are covered by the proposed plan. St Boswells Parish Community Council’s (1032) point about village and town centres being equally important appears to mix policy, function, and scale/status descriptions. It is for policy to determine how various centres are defined and how planning decisions are made about development there.

5. It is already sufficiently clear on any reasonable reading of Chapter 1 that it uses the term “town centres” as a general catch-all description. It is similarly clear that details on town centre matters are covered by another part of the proposed plan. These are covered separately in Chapter 7: Supporting Our Town Centres, and in Policies ED3: Town Centres and Shopping Development and ED4: Core Activity Areas in Town Centres (Issue 007: Chapter 7: Supporting Our Town Centres and Issue 010: Economic Development Policies: Policies ED1 to ED10 (excluding ED9) respectively). As such, there is no need to further differentiate between town and village centres in Chapter 1. No modifications are required.

Strategic Environmental Assessment (1032)

6. Chapter 1, paragraph 1.2 refers to an Environmental Report having been prepared alongside the proposed plan. This is the written report documenting the Strategic Environmental Assessment (SEA) process and conclusions. That document has been submitted alongside the proposed plan. Therefore, what the representation seeks has already been carried out and is appropriately referenced. No modifications are necessary.

Period for representations and reporter recommendations (1032)

7. “Where Are We In The Process” (Chapter 1, paragraphs 1.11 to 1.17) describes the period for representations stage of the proposed plan. If the council were minded to remove that text, it would not alter the meaning of the plan. Reference in paragraph 1.12 to a 12-week period for representations accurately represents the length of time the council allowed for that period for representations, which was sufficient based on section 18 of the Town and Country Planning (Scotland) Act 1997. No modifications are necessary.

8. The recommendations contained in this examination report are largely binding on the planning authority. It may depart from these recommendations only in specific defined circumstances set out in Regulation 2 of the Town and Country Planning (Grounds for declining to follow recommendations) (Scotland) Regulations 2009, and in section 19(11) of the Town and Country Planning (Scotland) Act 1997. It is not necessary to refer to these circumstances in the plan itself. No modifications are necessary.

Reporter’s recommendations:

Modify the local development plan by:

1. Replacing the words “the low carbon agenda” with “net zero greenhouse gas emissions by 2045” in the first sentence of the third paragraph of the Foreword (proposed plan page 5).
2. Replacing the words “low carbon economy” with “net zero economy” in the third sentence of paragraph 1.3 in Chapter 1: Introduction (proposed plan page 7).

Issue 2	Chapter 2: The Changing Context and Meeting the Challenges for the Scottish Borders	
Development plan reference:	Volume 1 Policies – Chapter 2: The Changing Context and Meeting the Challenges for the Scottish Borders (pages 11-14)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Peebles & District Community Council (122) Iain Gibson (502) Michael Marshall (518) Wind 2 Ltd (597) Fred Olsen Renewables Ltd (598) Scottish Renewables (612) Floors, Makerstoun, Nenthorn & Smailholm CC (789) Crailing, Eckford and Nisbet CC (799) Coriolis Renewables (811) Muirhall Energy Ltd (828) Innerleithen and District Community Council (853) South of Scotland Enterprise (883) Catriona Elizabeth McKay (935) Reston and Auchencrow CC (948) Kelso Community Council (978) Francine Hardwick (999) St Boswells Parish Community Council (1032) Scottish Water (1036)</p>		
Provision of the development plan to which the issue relates:	Chapter 2: The Changing Context and Meeting the Challenges for the Scottish Borders (pages 11-14)	
Planning authority’s summary of the representation(s):		
<p><u>Peebles & District Community Council (122), Michael Marshall (518), Floors, Makerstoun, Nenthorn & Smailholm CC (789), Crailing, Eckford and Nisbet CC (799), Innerleithen and District Community Council (853), Catriona Elizabeth McKay (935), Reston and Auchencrow CC (948), Francine Hardwick (999) & St Boswells Parish Community Council (1032).</u></p> <ul style="list-style-type: none"> • Would like a declaration of climate emergency before point 2.7 added. Concerned the measures introduced for Coronavirus should not impact on measures necessary to address the climate emergency. <p><u>Iain Gibson (502)</u></p> <ul style="list-style-type: none"> • Suggests there is nothing about sustainability of existing infrastructure such as parks, toilets, and tourist offices, under the heading ‘Infrastructure, Transport and Sustainability’ and a policy should be provided which commits to sustain all infrastructure. 		

- Suggests local roads in Peebles are in a worse condition than main roads and that the upgrade of these roads should be addressed. Suggests a policy to address upgrade to local roads in disrepair. Policy should be identified and included in the LDP as are main roads. Examples the contributor includes are Rosetta Road and Caledonian Road in Peebles.

Wind 2 Ltd (597) & Fred Olsen Renewables Ltd (598) & Muirhall Energy Ltd (828)

- Suggests that ‘low carbon future’ should be updated to ‘net zero future’, and that there are various references to low carbon used throughout the Plan that should be brought up-to-date to reflect current legislative and policy position for net zero.

Scottish Renewables (612)

- Notes there is no reference to the Councils declaration of the climate change emergency in the Proposed Local Development Plan (PLDP).
- Believes that a cross reference to chapter 8 Delivering Sustainability and Climate Change Agenda, doesn’t give the issue the priority it merits.
- Believes the absence of any specific reference to the need for renewable energy development gives the impression the delivery of renewable energy is of lesser importance.
- Proposes the climate change agenda (paragraph 2.18) in chapter 2 is amended so that the climate change emergency and the need to tackle climate change are specifically referenced as key issues in the changing context and challenges for the Scottish Borders to reflect the climate change emergency declaration.

Coriolis Energy (811)

- Believes the PLDP should set out the Scottish climate change targets in terms of Net Zero in chapter 2. The PLDP should include reference to reference the Councils own declared climate change emergency emphasising the role the Scottish Borders Council will play in delivering net zero targets.

South of Scotland Enterprise (883)

- Recognises the LDP rightly recognises the challenges and uncertainties presented by the Coronavirus (COVID-10) pandemic which is welcome. Agree with paragraph 2.8 which states: “*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*”. Reflecting the economic recovery efforts and new opportunities post pandemic, will likely require more flexibility than the LDP currently allows for.

Kelso Community Council (978)

- Regarding paragraph 2.15 the Community Council does not feel that the sentence “These options will be considered by the Council including the reinstatement of the former railway line from St Boswells to Berwickshire via Kelso” gives sufficient weight to the need to have the railway reinstated.

St Boswells Parish Community Council (1032)

- The Community Council question the household projection figures in paragraph 2.5, and wonders what the evidence for the 3.8% increase is.
- The contributor states in reference to paragraph 2.6 as a generality it is surprising to see references to houses in the countryside, modest developments or not, without some kind of health warning.
- The Community Council believes there should be mention of the importance of sustainability and in particular the importance to the environment and steps being taken to address the climate crisis in paragraph 2.8.
- The Community Council would like ease of access to schools to be included in the last sentence of paragraph 2.9.
- The contributor expresses that it is unfortunate that no reference here has been made to area partnerships in paragraph 2.10.
- The contributor expresses that paragraph 2.11 presumably refers to the healthy weight of an individual.
- In relation to paragraph 2.13 the contributor thinks it is difficult to believe the needs of disabled people are currently unquantified. They also mention there are several references to supplementary planning guidance in this plan but there was at one time a suggestion that such guidance be abandoned subsequent to the review of planning, and clarification of this point is welcome.
- In reference to paragraph 2.14 it is expressed that there must be a balance between maintenance and road network upgrading. There is arguably insufficient funding for the repair and maintenance of existing roads and this must be addressed urgently.
- The contributor supports the southward extension of the Borders railway but suggests consideration should be given to a rail link from central Borders eastwards to Berwick-upon-Tweed. The Community Council wishes to be involved in meaningful consultation as part of the consideration of Border railway expansion.
- The Community Council highlight that the pandemic has underlined the need for 100% coverage of superfast broadband for homeworking and home schooling. Therefore this plan should indicate a specific time-bound objective within which this matter is to be addressed.
- With regards to paragraph 2.18 the contributor believes rhetoric about ensuring high-quality design needs to be matched by clarity as to how this is to be delivered.

Scottish Water (1036)

- The contributor highlights the use of 'constraint' in the context of providing water and wastewater provision. In accordance with the Water Industry (Scotland) Act 2002, Scottish Water is funded to meet the costs of providing strategic treatment work capacity to support sustainable growth. Where we have limited capacity, this should not be seen as a constraint. If the network needs further reinforcement to support development, we will provide a reasonable cost contribution towards this.
- If the constraint is highlighted in the context of development occurring where there is no public sewerage or water within a reasonable distance, then we have no further comment to make. If not, would you consider removing any reference of 'constraint'?

Modifications sought by those submitting representations:

- Add a declaration of climate emergency before point 2.7. (122, 518, 789, 799, 853, 935, 948, 999, 1032)
- The contributor is of the view the measures introduced for Coronavirus should not impact on measures necessary to address the climate emergency. (122, 518, 789, 799, 853, 935, 948, 999, 1032)
- Provide a policy which commits to sustaining all infrastructure. (502)
- Address roads repair and maintenance funding and include a policy to address upgrading local roads in disrepair and include these within the LDP as are main roads. (502, 1032)
- Update low carbon future to net zero future, reflecting current legislation and policy position. (597, 598, 828)
- Amendment to paragraph 2.18 in chapter 2 Changing Context and Challenges for the Scottish Borders to include climate change emergency and the need to tackle climate change as key issues, so the plan more closely reflects the Council's climate change emergency declaration. (612)
- Include reference to Scottish climate change targets in terms of Net Zero, in chapter 2. (811)
- The PLDP should include reference to the Council's own declared climate change emergency emphasising the role the Scottish Borders Council will play in delivering net zero targets. (811)
- More flexibility likely required post pandemic than the LDP allows for (883)
- More weight to be given to reinstatement for the former railway line in this sentence (paragraph 2.15): "These options will be considered by the Council including the reinstatement of the former railway line from St Boswells to Berwickshire via Kelso" (978, 1032)
- Mention of sustainability and environment in paragraph 2.8. (1032)
- Ease of access to schools should also be included in the last sentence paragraph 2.9 (1032)
- In paragraph 2.17 (page 14), remove the word constraint. (1036)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO CHAPTER 2 AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN, WITH THE EXCEPTION OF THE FOLLOWING:

- ADDITION TO TITLE HEADING ON PAGE 13 TO INCORPORATE THE WORDS 'AND GREEN RECOVERY' IN ORDER TO READ: 'CORONAVIRUS AND GREEN RECOVERY'.
- ADDITION TO PARAGRAPH 2.8, AT SECOND SENTENCE, TO INCORPORATE THE WORDS: '...AND IN ADDRESSING THE CLIMATE EMERGENCY' AFTER THE WORD 'RECOVERY'.
- AMENDMENT OF TEXT IN PARAGRAPH 2.18 TO BE INCORPORATED AS NON SIGNIFICANT CHANGES - NEW SENTENCE TO BE ADDED AT BEGINNING OF PARAGRAPH: 'ON 25 SEPTEMBER 2020, SCOTTISH BORDERS COUNCIL DECLARED A CLIMATE EMERGENCY, AND THROUGH ITS CLIMATE CHANGE ROUTE MAP (CCRM) IS SEEKING TO ENSURE THAT IT CAN HELP ACHIEVE THE NATIONAL TARGET FOR SCOTLAND OF NET ZERO GREENHOUSE GAS

EMISSIONS BY 2045.’ IN SECOND SENTENCE, REMOVE WORDS: ‘LOW CARBON’ AND REPLACE THESE WITH THE WORDS: ‘NET ZERO’.

- THE WORDS: ‘...INCLUDING EASE OF ACCESS TO SCHOOLS.’ TO BE ADDED AT THE END OF PARAGRAPH 2.9.
- THE SECOND SENTENCE IN PARAGRAPH 2.13 SHOULD INCLUDE THE WORD ‘HOUSING’, TO READ ‘...FOR INCORPORATING THE HOUSING NEEDS...’
- IN PARAGRAPH 2.17 (PAGE 14) REMOVE THE TEXT IN THE THIRD LINE STATING: “ALTHOUGH IN SOME INSTANCES THERE ARE SOME CONSTRAINTS TO BE RESOLVED.”.

Climate Change declaration (122, 518, 612, 789, 799, 811, 853, 935, 948, 999, 1032)

- It is agreed the PLDP should be updated to incorporate confirmation of the Council declaring a climate emergency. This is stated within other proposed amendments in the Plan and it is agreed that the following sentence should be placed at the beginning of paragraph 2.18 ‘On 25 September 2020, Scottish Borders Council declared a Climate Emergency, and through its Climate Change Route Map (CCRM) is seeking to ensure that it can help achieve the national target for Scotland of Net Zero greenhouse gas emissions by 2045.’ Linked to this it is also proposed that the following text should be added at the end of second sentence in paragraph 2.8 ‘...and in addressing the Climate Emergency.’
- It should be noted chapter 8 Delivering Sustainability and Climate Change Agenda and Policy ED9 Renewable Energy Developments cover climate change emergency issues in more detail, (refer to Issues 8 and 11).

Text change: Low Carbon to Net Zero Future (597, 598, 828)

- The Council notes the provisions within paragraph 87 of Circular 6/2013 on Development Planning (CD059) which state that “*The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations.*” In that respect the Council is content for the text in paragraph 2.18 to be changed from low carbon future to net zero future. The modification of text would constitute a non-significant change.

Sustaining Infrastructure (502)

- The text in chapter two is introductory text and not a formal policy. Parks, key greenspace and other greenspace including play facilities are afforded protection under Policy EP11 Protection of Greenspace and Policy PMD2 Quality Standards ‘Greenspace, Open Space & Biodiversity’. Policy IS1 Public Infrastructure and Local Service Provision affords protection of loss of public infrastructure, facilities or local services. Consequently it is considered the matters raised by the contributors are addressed elsewhere in the Plan. No change required

Roads Maintenance and Policy (502,1032)

- Ongoing road maintenance does not form part of the Local Development Plan and financing and priorities are addressed via other departments within the Council. Strategic projects and major infrastructure proposals are set out in the Action

Programme (CD025). The key projects and major infrastructure proposals will help enable the implementation of the Local Development Plan. No change required.

Coronavirus COVID-19 – economic recovery (883)

- It is felt that sufficient considerations have been made throughout the Plan to the pandemic recovery. The introductory text paragraphs 2.7 and 2.8 acknowledge there are uncertainties. The Council is working in tandem with the respondent to address this issue and will continue to do so.

Coronavirus COVID-19 Recovery (122, 518, 789, 799, 853, 935, 948, 999, 1032)

- Heading title. In light of comments received in respect of recovery from the pandemic which should integrate COVID-19, climate change and economic development matters it is proposed the heading title top of page 13 should be amended to read ‘Coronavirus and Green Recovery’.
- Whilst it is recognised the disruption the pandemic has caused and the need to facilitate a strong recovery within the region’s economy, recovery must be consistent with the responses to the Climate Change Emergency.

Railway St Boswells to Berwickshire via Kelso (978, 1032)

- Priority and commitment has been given to a feasibility study of extending the railway to Hawick and Carlisle. It is considered what is stated in paragraph 2.15 is a fair statement of the current position and no more weight on a potential line from St Boswells to Berwickshire via Kelso could be given at the moment. Further public consultations will be carried out at the appropriate time. No change required to the LDP.

Climate change targets (811)

- The Scottish climate change net zero targets would better placed in Chapter 8: Delivering Sustainability and Climate Change Agenda and ED9 Renewable Energy Development (refer to Issues 8 and 11).

Broadband (1032)

- The promotion and introduction of improved broadband across the region falls under the remit of many bodies and the Local Development Plan is not the sole vehicle to promote this and indeed has a relatively minor role in its implementation in comparison to the opportunities that others could provide. The Scottish Government have their R100 programme, reaching 100% superfast broadband for all in Scotland, which is mentioned in para 2.16.

Meeting the housing needs of disabled people (1032)

- It is confirmed at this moment the council does not have specific details on the housing needs for disabled people. To help clarification the second sentence paragraph 2.13 should include the word housing to read ‘...for incorporating the housing needs...’ It is confirmed that existing Supplementary Guidance cannot

taken forward into the new plan under this title and such guidance will be renamed Supplementary Planning Guidance and will be incorporated within it as such.

Miscellaneous (1032)

- The 3.8% increase in household projections stated in paragraph 2.5 is calculated from National Records of Scotland Household Projections for Scotland, 2018 based data. The data and metadata can be found on National Records of Scotland website.
- With reference to the contributor's comments regarding some kind of health warning to be referenced in respect with housing in the countryside, unfortunately it is not clear the point being made. The Council does not consider an amendment is required in this instance.
- It is agreed the words '...including ease of access to schools.' could be included at the end of paragraph 2.9.
- With reference to comments that it's unfortunate that no reference to area partnerships is made in paragraph 2.10, it is not considered there is any need to amend the text to make reference to area partnerships.
- It is confirmed that paragraph 2.11 is referring to the healthy weight of an individual.
- The Council will continue to promote high quality design and placemaking. This is referred to throughout the LDP where relevant including within para 4.8, third bullet point, in Chapter 4 Vision, Aims and Spatial Strategy. The Development Management process takes account of the LDP and its policies and makes reference to the Council's SPG on "Placemaking and Design 2010.

Removal of word 'constraint' from Paragraph 2.17 (1036)

- Note comments from Scottish Water and acknowledge the point they make. It is proposed that on paragraph 2.17 (page 14) the text in the third line the text stating "although in some instances there are some constraints to be resolved." should be removed.

Reporter's conclusions:

Climate Change declaration (122, 518, 612, 789, 799, 811, 853, 935, 948, 999, 1032)
Text change: Low Carbon to Net Zero Future (597, 598, 828) and
Climate change targets (811)

1. Tackling climate change is covered throughout the proposed plan. It therefore seems odd that proposed plan Chapter 2, which covers changing context, omits the council's own declaration of a climate emergency (September 2020). It seems similarly odd that it references "low carbon" instead of the more recent and legally binding targets for "net zero greenhouse gas emissions by 2045". Both these omitted matters preceded the proposed plan's publication. Net zero has now also become part of NPF4 which replaces the "low carbon" agenda of its predecessor NPF3.

2. The above paragraph provides compelling reasons for modification. The council agrees and proposes modifications to paragraphs 2.8 and 2.18 which I am content would rectify matters. Recommended modifications are set out below. The most appropriate part of the plan for more detailed discussions of targets relating to "net zero" would be Chapter 8: Delivering Sustainability and Climate Change Agenda which is

covered separately in Issue 008. In that respect, no modifications are required for Chapter 2.

Sustaining Infrastructure (502)

3. The representation is correct that public infrastructure will form an important part of delivering the proposed plan. However, the council is also correct that important public infrastructure, facilities, and local services are protected by the Greenspace, Open Space and Biodiversity section of proposed plan Policy PMD2: Quality Standards, Policy EP11: Protection of Greenspace, and Policy IS1: Public Infrastructure and Local Service Provision. The role of Chapter 2 is to highlight matters of changing context rather than to set out policy. On my reading, Chapter 2 already does this. The contents of Policies PMD2 and EP11 are considered separately in Issue 009: Placemaking and Design Policies: Policies PMD1 to PMD5 and Issue 015: Environmental Promotion and Protection Policies: Policies EP7 to EP17, respectively. Proposed plan Policy IS1 is not the subject of unresolved issues. No modifications are necessary.

Roads Maintenance and Policy (502, 1032)

4. Roads upgrades and general road maintenance are different matters. Upgrades tend to be for reasons of safety, capacity, traffic flow, to accommodate/enable development or something else. Proposed plan Policy IS4: Transport Development and Infrastructure (Issue 016: Infrastructure and Standards Policies: Policies IS2 to IS17 & Policy Maps) and the proposed Action Programme list various road upgrade proposals. The general state of repair/condition of the current roads network is not a local development plan matter. Rather, the timing and nature of roads maintenance are decisions for the respective roads authority (the council for non-trunk roads and Transport Scotland for trunk roads). No modifications are required.

Coronavirus COVID-19 – economic recovery (883) and Coronavirus COVID-19 Recovery (122, 518, 789, 799, 853, 935, 948, 999, 1032)

5. Retitling the section 'Coronavirus' on proposed plan page 13 to "Coronavirus and Green Recovery" (as proposed by the council) would better reflect the priorities of economic recovery in a manner that responds to climate change and seeks to realise the associated economic benefits. Modifications are set out below.

6. Accepting recommended modifications in this report of examination, I am content that the proposed plan sufficiently balances the priorities of economic recovery with responding to climate change and other priorities. To that end, the council's response (above) to South of Scotland Enterprise is fair. On balance, the proposed plan is already viewing the importance of revitalising the area's economy alongside other priorities. That reflects NPF4 and appears consistent with the summaries of sustainable economic growth contained in the proposed plan Foreword and the challenges outlined in proposed plan Chapter 2. Therefore, no further modifications are needed to Chapter 2.

Railway St Boswells to Berwickshire via Kelso (978, 1032)

7. Both St Boswells Parish Community Council (1032) and Kelso Community Council (978) share an enthusiasm to see the reinstatement of the former railway from St Boswells to Berwickshire (and Berwick upon Tweed) via Kelso. This is already mentioned in proposed plan paragraph 2.15 as one proposal that the council is

evaluating. Therefore, it is not being ruled out. However, the council confirms that it is not able to commit to such a project at this stage. It would therefore be inaccurate to modify as sought.

8. Otherwise, the council's priority is the extension of the Borders Railway from Tweedbank to Carlisle and the addition of a new station on the East Coast Main Line at Reston. I saw that the new station at Reston has been completed. Based on the submitted evidence, I find nothing in paragraphs 2.14 and 2.15 to be inaccurate with regards to rail. Individual infrastructure projects are considered separately in Issue 016: Infrastructure and Standards Policies: Policies IS2 to IS17 & Policy Maps. No modifications are required.

Broadband (1032)

9. Proposed plan paragraph 2.16 explains that improved broadband will be an important part of the social, economic, and environmental future of the Scottish Borders. It also explains that the Scottish Government's R100 programme aims for 100% superfast broadband for all of Scotland. The council is correct that the plan will play a relatively minor part in the delivery of that infrastructure. Therefore, proposed plan paragraph 2.16 is already sufficiently clear on these matters. No modifications are required.

Meeting the housing needs of disabled people (1032)

10. Proposed plan paragraph 2.13 identifies meeting the needs of specific groups in response to duties set out in recent amendments to the Town and Country Planning (Scotland) Act 1997. The council confirms that it is working with partners to establish the housing needs of disabled people and intends to take forward supplementary planning guidance on this matter. Therefore, proposed plan paragraph 2.13 is not inaccurate, and the council intends to use an appropriate mechanism to introduce supplementary policy on this matter in due course. However, I agree with the council that its proposal to add the word 'housing' to paragraph 2.13 would provide some additional clarity on this matter. Modifications are set out below. Otherwise, housing policy is covered separately in Issue 013: Housing Development Policies: Policies HD1 to HD6.

Miscellaneous (1032)

11. I understand that the 3.8% growth in the number of households quoted by the proposed plan is sourced from the 2018 household projections prepared by National Records of Scotland (NRS). NRS is the government body responsible for population and household analysis, including forward projections of both. These projected changes represent some of those that the council anticipates in the future, hence its inclusion in this chapter, which focuses on changing context. No compelling evidence suggests these values to have been inaccurately quoted. No modification is required.

12. It is unclear what St Boswells Parish Community Council means by "health warning" in relation to housing in the countryside. I could speculate that the community council seeks explanation for why homes in the countryside is mentioned, although I consider that self-evident from proposed plan paragraph 2.6. That paragraph explains that housing completion rates have been comparatively low in recent years and have largely been made up from two sources of development, in this instance social housing

and a modest number of homes in the countryside. No evidence suggests any inaccuracy in proposed plan paragraph 2.6. No modifications are necessary.

13. The council agrees with St Boswells Parish Community Council regarding proposed plan paragraph 2.9 and proposes to add the words "...including ease of access to schools". Neither party sets out any justification for the proposed modification. However, on balance, this revision would fit within the context of the rest of paragraph 2.9 and address the representation. A modification is set out below. Having reviewed the remainder of paragraph 2.9, I am content that it would not conflict with the rest of the proposed plan (including other recommended modifications in this examination report).

14. My reading of proposed plan paragraph 2.10 is that the phrase "...a range of bodies including NHS Borders..." is sufficiently clear as a catch-all for a variety of organisations. I see no reason to specifically reference area partnerships. No modification is required.

15. On my reading, it is clear that proposed plan paragraph 2.11 refers to the healthy weight of an individual, as the council confirms. No change is sought, and none is required.

16. There is insufficient evidence to corroborate or refute the representation's contention (1032) that high-quality design referenced in proposed plan paragraph 2.18 has not always been the case everywhere. However, high-quality design is an essential pre-requisite of delivering attractive places that respond to climate change and support healthy living, amongst other matters described in proposed plan Chapter 2. The council is correct that these matters are covered by the proposed plan vision in Chapter 4 (see Issue 004: Chapter 4: Vision, Aims and Spatial Strategy). It will be for the development management process to determine individual proposals against design policies and other material considerations. Design and related policies are covered separately in Issues 009 and 013. No modification is required.

Removal of word 'constraint' from Paragraph 2.17 (1036)

17. Scottish Water indicates that the absence of capacity in the water supply or drainage network need not automatically be seen as a constraint to development. That reflects my understanding of the way that Scottish Water operates its infrastructure. I therefore agree with the council's proposed removal of the words "...although in some instances there are some constraints to be resolved." This would more accurately reflect the reality of this matter and avoid confusion. A modification is set out below.

Reporter's recommendations:

Modify the local development plan by:

1. replacing the heading "Coronavirus" with "Coronavirus and Green Recovery" on proposed plan page 13.
2. adding "...and in addressing the climate emergency" after the word "recovery" in the second sentence of paragraph 2.8 on proposed plan page 13.

3. adding "...including ease of access to schools." at the end of the final sentence of paragraph 2.9 on proposed plan page 13.
4. adding "housing" to the second sentence of paragraph 2.13 on proposed plan page 3 so that it reads "...for incorporating the housing needs...".
5. removing "...although in some instances there are some constraints to be resolved" from the third line of paragraph 2.17 on proposed plan page 14.
6. adding the new sentence "On 25 September 2020, Scottish Borders Council declared a climate emergency, and through its climate change route map (CCRM) is seeking to ensure that it can help achieve the national target for Scotland of net zero greenhouse gas emissions by 2045." at the beginning of paragraph 2.18 on proposed plan page 14.
7. replacing the words "a low carbon future" with the words: "net zero greenhouse gas emissions by 2045" in the second sentence of paragraph 2.18 on proposed plan page 14.

Issue 3	Chapter 3: Policy Background	
Development plan reference:	Volume 1 Policies – Chapter 3: Policy Background (pages 15-18)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Iain Gibson (502) Coriolis Energy (811) South of Scotland Enterprise (883) Rosalyn Anderson (988) St Boswells Parish Community Council (1032)</p>		
Provision of the development plan to which the issue relates:	Chapter 3: Policy Background (pages 15-18)	
Planning authority's summary of the representation(s):		
<p><u>Iain Gibson (502)</u></p> <ul style="list-style-type: none"> The Contributor identifies text on page 16, paragraph 3.8 that states: “A <i>strategic green network priority area will connect settlements in the Central Borders with Peebles and Innerleithen in the west.</i>” The contributor continues that they were unable to find specific information included in the Plan concerning this area to be created and for it to be added to the Plan and funding to be provided to deliver it. <p><u>Coriolis Energy (811)</u></p> <ul style="list-style-type: none"> The Contributor notes that paragraph 3.3 of the Proposed Plan states that “The LDP must address the requirements of the Strategic Development Plan (SDP) for the area”. It should be noted that the South East Scotland Strategic Development Plan (SESplan 2) was rejected by Scottish Ministers. It therefore has no weight regarding the development planning process regarding renewable developments. The reference to SESPlan should be removed. The Contributor also notes that reference is made to the Queen’s Counsel (QC) opinion ‘that elements of the supporting technical papers and documents which helped guide the proposed SDP and incorporate more up to date positions. Consequently, these should be considered as material consideration’. It should be made clear, in the SBPLDP, that this does not apply to Renewable Energy Developments. <p><u>South of Scotland Enterprise (883)</u></p> <ul style="list-style-type: none"> The Contributor states that the Plan talks explicitly (for example at Para 3.8) about the importance of improved connectivity particularly north to Edinburgh and south to Newcastle and Carlisle – described as being essential for the future economic growth of the area. It appears silent however on improved east-west connectivity, 		

which is well documented as being important for the wider South of Scotland region and its communities.

Rosalyn Anderson (988)

- The Contributor notes in respect to paragraph 3.4, that the previous SDP was rejected based on land use and transport issues and that they appreciate that this is a vast topic and that Queen's Counsel were involved. However, this is a really important aspect and one which this LDP needs to focus on to avoid further rejection. In such a vastly disparate area covering such a huge footprint in south-east Scotland, the population need to be a key component in being realistic about the future. Public transport and connections between communities are crucial but also, can so many communities be sustained in the long-term? Paragraph 3.8 that refers to the spatial strategy has become even more vital during the Covid pandemic with more people regularly seeking space for safe walking, cycling and other exercise, whilst also maintaining social distancing. This is very difficult on a number of very busy roads which only have paths on one side and also on the existing public and surfaced footpaths which are not wide enough to enable safe distancing.

St Boswells Parish Community Council (1032)

- The Contributor states that it seems strange that the local development plan does not reflect more closely the changes being put forward at the national level. Similarly it seems odd that SESplan 2 and the Borders land-use strategy are not more prominently featured as part of the strategic framework within which the LDP must operate.
- In respect to paragraph 3.5, it is difficult to understand why there is no mention of climate change and sustainability in considerations of the SDP.
- In respect to paragraph 3.7, despite the inadequacy of both strategic development plans, there is still a need for a regional overview which in particular takes account of the climate crisis and sustainability, both of which cannot be considered only within the boundaries of the Scottish Borders Council area.
- In respect to Paragraph 3.8, cross boundary relationships are also relevant to the National boundary, and in particular to the position of Berwick-upon-Tweed, and green networks such as the Southern Upland Way and Pennine Way. Former railway lines should be retained pro tem as significant footpath and cycleway networks, but the long-term possibility of their revival as railways should also be borne in mind.
- In respect to paragraph 3.9, it is unfortunate that the phrase *sustainable economic growth* is used in this paragraph, and doubly unfortunate inasmuch as it does not appear to include of itself the protection of the landscape and environment. This is a strategic error: what is sought is sustainable development which delivers successful economic, environmental, and social objectives *altogether*.
- In respect to paragraph 3.10, the community plan seems not as well-known as it should be. If there is such a document as described in this paragraph then presumably it is active between 2017 and 2027. Understanding of its existence and contents seems somewhat overstated, and this is a considerable concern in view of Scottish government's commitment to the close alignment of Community planning and development planning over the next few years.

- In respect to paragraph 3.11, the community plan, to be effective, cannot be a *live document* but must be time bound and capable of being monitored and reviewed: can it be made clear as to whether the Scottish Borders community plan is to be considered a material consideration in the development of the LDP?
- In respect to paragraph 3.12, it is not the experience of many folk in the Borders that the Scottish Borders community planning partnership works together with local communities. It would be a useful exercise if, as part of the LDP, elements of the community plan which might have relevance for the LDP were clearly articulated.
- In respect to paragraph 3.13, Area Partnerships do not appear to be working well, and although they may have a role to play in addressing issues of community planning and local development planning, this has yet to be substantially delivered. Even the boundaries of the locality plans seem surprisingly arbitrary, and it has been suggested that a more logical set of *localities* might be determined with secondary schools as their hubs. The status and the content of the area locality plans do not seem to be clearly addressed within the body of the local development plan, but if they do appear in this large document it would make sense for them to be referenced to page numbers in this paragraph.
- In respect to paragraph 3.14, it is not clear what relationship there may be between the new corporate plan *our plan for 2018 to 2023 and your part in it*, and the local development plan. Nor is it clear whether this document was produced with meaningful public consultation.

Modifications sought by those submitting representations:

- Seeks detail of the strategic green network to be added to the plan and funding to be provided to deliver it. (502)
- Seeks removal of reference to SESPlan within paragraph 3.3. (811)
- Seeks that it is made clear in the Plan that elements of the supporting technical papers and documents which helped guide the proposed SDP and incorporate more up to date positions that this do not apply to Renewable Energy Developments. (811)
- Seeks that the Plan is clearer in respect of the need for improved east-west connectivity which is important for the wider South of Scotland region and its communities. (883)
- Seeks that the Plan focus on land use and transport issues to avoid rejection and questions if so many communities can be sustained in the long term. (988)
- Seeks that the Plan reflects emerging policy at national level, and that SESPlan 2 and the Borders Land-Use Strategy are more prominently featured (1032)
- Seeks a regional overview to be incorporated into the Plan which in particular takes account of the climate crisis and sustainability. (1032)
- Seeks that former railway lines should be retained pro tem as significant footpath and cycleway networks, but the long-term possibility of their revival as railways should also be borne in mind. (1032)
- Seeks the Plan to support sustainable development which delivers successful economic, environmental, and social objectives *altogether*. (1032)
- Seeks the Plan to make it clear if the Scottish Borders community plan is considered a material consideration in the development of the LDP. (1032)
- Seeks that if the status and the content of the area locality plans are included in the Proposed Plan then there should be a reference to page numbers in paragraph 3.13. (1032)

- Seeks for the Proposed Plan to set out the relationship between the new corporate plan *our plan for 2018 to 2023 and your part in it*, and the local development plan. In addition, the Plan should also make clear if that document was produced with meaningful public consultation. (1032)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO CHAPTER 3 OF THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

Please note that comments made in relation to Chapter 3 by Michael Marshall (518) – whose representation is also endorsed by Contributors 122, 789, 799, 853, 935, 948, 999 and 1032 - are considered under the Schedule 4 for Chapter 8 (Issue 8).

Strategic Green Network (502)

- Chapter 3 refers to the policy background for the Proposed Local Development Plan and paragraph 3.8 makes reference to the Spatial Strategy for connectivity. The reference to the strategic green network as raised by the Contributor refers to Policy EP12 Green Networks which is set out in detail on pages 133 to 136.
- Figure EP12a identifies a series of existing features of the Strategic Green Network including the route referred to by the Contributor. It is therefore considered that the Proposed Plan already provides sufficient detail on the Strategic Green Network along with planned improvements and no changes are necessary.
- In respect to proposed improvements identified on Figure EP12a, it should be noted that the Eddleston River Restoration Project is funded by a range of bodies including Scottish Government, InterReg and SEPA. Further information on the project can be found at: <https://tweedforum.org/our-work/projects/the-eddlestone-water-project/>. With regards to the completion of the Earlston to Leaderfoot Multi-Use Path funding; it is acknowledged that two thirds of the route has already been completed. However, the Council are currently seeking funding for feasibility for the last piece of the route. At present there is no guarantee or firm confirmation of funding for the project.

Strategic Development Plan Reference (811)

- It should be noted that it is correct that the Proposed Plan continues to refer to the Strategic Development Plan. Whilst the Proposed Plan notes that the Proposed Strategic Development Plan was rejected, it should be noted that the Strategic Development Plan 2013 remains the Approved Strategic Development Plan (CD001) for the SESPlan area.
- It is also considered that the Proposed Plan is already clear in what elements of the supporting technical papers and documents which helped guide the proposed Strategic Development Plan and incorporate more up to date positions should be material considerations; the Proposed Plan in paragraph 3.5 states: "... a) *The policies of the proposed SESplan2 with exception of those polices relating to transport infrastructure ...*".

East/West Connectivity (883)

- In respect of east-west connectivity, it is highlighted that the Main Aims which are set out to deliver the Vision, within para 4.8 of the Proposed Plan, include the encouragement of better connectivity by transport. Policy IS4: Transport Development and Infrastructure of the Proposed Local Development Plan highlights that *“The spatial strategy is underpinned by a transport network which requires improvements to roads and railways in order to support and enable future development as well as improve connectivity across the Borders and in particular between the identifies key growth areas”* (para 1.3, page 156). The Policy notes that the Council supports schemes to provide new and improved infrastructure including improvements to key road routes. It is therefore considered that the encouragement of east-west connectivity is adequately set out within the Proposed Local Development Plan.
- Paragraph 2.15 (page 14) of the Proposed Plan refers to The Borders Transport Corridors Study which is a Transport Scotland funded pre-appraisal report featuring twenty one potential transport options for the Scottish Borders. These options will be considered by the Council and the text makes specific reference to the potential reinstatement of the former railway line from St Boswells to Berwickshire via Kelso. Policy IS4: Transport Development and Infrastructure confirms that there is a wide range of new and improved transport infrastructure across the Scottish Borders. This includes, for example, improvements to the A72 which is the main western route.

Land Use and Transport (988)

- It is considered that the Proposed Plan does focus on land use and transport, the Plan recognises that transport as well as digital connectivity remain vital to the future development of the Borders. Furthermore the Council accept that there is a continuing need to upgrade the main road network across the Scottish Borders and the Plan confirms the main routes where improvements are proposed. In addition, the Plan notes that the Borders Railway has been successful in providing improved connection to Edinburgh, and the Council continues to support the promotion of the Borders Railway extending south to Carlisle as well as an improved rail service for the Berwickshire communities with a rail halt at Reston. The Council accepts the need that good transport links must be developed between homes and job markets. It is noted that there are a number of geographically isolated communities within the Scottish Borders which can cause challenges when accessing services. It is also noted that the planning system has a crucial role to play within and beyond the immediate COVID-19 pandemic, and that a high performing planning system will have a critical role in supporting our future economic and societal recovery.

Various Matters Raised by St Boswells Parish Community Council (1032)

- As noted above, Chapter 3 refers to the policy background for the Proposed Local Development Plan. It is acknowledged that changes to the Planning System are underway. However they are not completely in place and their dissemination down to the local level is in many parts unclear. Until the National Planning Framework 4 and the relevant Regulations are in place, and forth coming guidance has been produced, it is not possible for the new Local Development Plan to fully reflect those changes. In respect to the Contributor’s reference to SESPlan 2, it should be noted that that document was rejected by the Scottish Ministers. With regards to the Land Use Strategy, it is noted that paragraph 8.13 of the Proposed Plan states: *“In terms of biodiversity, SPP identifies the need to have regard to the principles for sustainable*

land use set out in the Land Use Strategy. Paragraph 195 of SPP states expectation that public bodies apply the Principles for Sustainable Land Use, as set out in the Land Use Strategy, when taking significant decisions affecting the use of land”.

Furthermore the introductory text of Policy EP3: Local Biodiversity and Geodiversity (paragraph 1.4, page 109) states: *“Decision making will be guided by the LBAP, SPG for Biodiversity, British Standard 42020: 2013 Biodiversity, planning/development briefs, expert advice from relevant environmental agencies and information from the Local Environmental Record Centre (LERC). Any biological site survey undertaken by developers will be deposited with the Council’s Ecology Officer and in the LERC. The Council will adopt an integrated ecosystems approach to ensure sustainable use of land, water and living resources, in accordance with good practice, the Land Use Strategy and Scottish Biodiversity Strategy”.*

- It is acknowledged that the Plan may need updating in parts to reflect some significant developments which have occurred in response to the Climate Emergency within the period since the Council’s approval of the Proposed Plan in September 2020; both within the national planning policy context and within, and further to, the Council’s own declaration of a Climate Emergency. However, it is noted that paragraphs 3.5 and 3.7 both refer to the SESPlan Strategic Development Plan 2013 and the Proposed SESplan Strategic Development Plan 2 which was subsequently rejected by Scottish Ministers. For the avoidance of doubt, the Council is aware that the Climate Emergency, and the national and local authority level responses to it are a fast moving area in policy terms, and that it may well have to consider revisions to the Plan in due course, in light of significant developments, not least the approval of NPF4, which may occur even ahead of the Examination of the Plan. As such, the Council recognises the need to keep these matters under review.
- In respect to the Contributors comments regarding paragraph 3.8, it is accepted that cross boundary relationships are also relevant, and in that respect it is noted that that paragraph makes mention to improved connectivity between cities. It states: *“... Improved connectivity from Edinburgh to the north and from Newcastle and Carlisle to the south are recognised as being essential for the future economic growth of the area. ...”* Furthermore, the Proposed Plan recognises the importance of green networks such as the Southern Upland Way and Pennine Way. It should also be noted that Policy EP12: Green Networks protects the routes of all former railway lines and acknowledges their potential for footpath and cycleway networks. The Council are also supportive of improved rail connectivity within and beyond the Scottish Borders.
- The Council is well aware that sustainable development incorporates a number of factors including matters relating to the economy, *landscape and environment*. The Proposed Plan makes regular reference to this. However, in the context of the sentence the Contributor refers to, the LDP merely is making reference to the balance to be made between supporting sustainable economic growth whilst protecting the landscape and the environment. This balance is commonly addressed when considering planning applications, for example, for windfarm developments.
- In relation to comments regarding the use of the phrase *“sustainable economic growth”*, it is noted that Scottish Planning Policy 2014 (CD041) states on page 75 within its Glossary that it is: *“Building a dynamic and growing economy that will provide prosperity and opportunities for all, while ensuring that future generations can enjoy a better quality of life too”*. The Glossary also uses the Bruntland Definition of *“sustainable development”* as: *“Development that meets the needs of the present without compromising the ability of future generations to meet their own needs”*. It is therefore considered that these phrases are correct and appropriate to use.

- It should be noted that the Local Development Plan is not “*the vehicle*” for reiterating matters stated in other documents produced by the Council or its partners. However, the LDP must take account of matters relevant to the LDP process. It is contended the LDP does take on board these matters.
- In respect to the Contributors comments regarding paragraph 3.10, it should be noted that the introduction of the Community Empowerment (Scotland) Act 2015 requires the Scottish Borders Community Planning Partnership (CPP) to prepare and publish a Community Plan. The latest version of the Community Plan was approved by the Community Planning Strategic Board in May 2018 and can be found online at: https://www.scotborders.gov.uk/downloads/download/790/your_community_plan
- Community planning is the process by which the Council and other public bodies work with local communities, businesses and community groups to plan and deliver better services and improve the lives of people who live in Scotland. The Scottish Borders Community Planning Partnership (CPP) is tasked with taking this forward in the Scottish Borders. Under the Community Empowerment (Scotland) Act 2015 the Scottish Government requires the CPP to tackle local challenges and improve local outcomes, with a particular focus on reducing inequalities, by working together as partnerships and with local communities and businesses. The Scottish Borders Community Plan highlights what the Borders-wide inequalities are, and how the CPP together and with local communities and businesses can address those inequalities and improve outcomes. It is noted that some inequalities and outcomes are not Borders wide but much more localised to specific communities, for example rural isolation. To reflect these more localised inequalities five Locality Plans are being prepared. It is understood that the respondent has attended a number of Council Area Forums and has used this platform to raise many issues. The Community Plan is a “live document” so it can reflect the changing needs of the communities in the Scottish Borders. It should be noted that the Community Plan has been taken into consideration in the development of the Proposed Local Development Plan.
- The new Planning Act allows the opportunity for greater public input into the LDP process, the Council is keen to develop this opportunity and has identified nine new posts specifically to seek improved community involvement. These posts include five within the Locality Team and two Community Place Plans and Regeneration Officer posts within the Forward Planning Team. Consequently these posts will help ensure community input is enhanced and taken account off and coordinated across the Council in the preparation of the relevant plans.
- The purpose of the Corporate Plan is to set out the direction for the Council for the next 5 years (2018 to 2023) in order to make the most of the opportunities we have, tackle the challenges we face, take account of what our Councillors want to achieve for the Scottish Borders and to ensure that as a Council we respond to national policies and other statutory requirements. Obviously all Council documents and plans must take account of the Corporate Plan where relevant.

Reporter’s conclusions:

1. Proposed plan Chapter 3 summarises a variety of inter-related matters that provide some context for the positioning and formulation of policy elsewhere in the proposed plan. Many of the matters raised in representations relate to elements of other chapters or policies of the proposed plan and may be dealt with in those respective unresolved issues.

2. Since the publication of the proposed plan, National Planning Framework 3 (NPF3) and Scottish Planning Policy (2014) have been replaced by NPF4. SESplan 1 (2013) and its supplementary guidance have also ceased to have effect and NPF4 now forms part of the statutory development plan. Whilst elements of Chapter 3 are no longer up to date, the opportunity to recommend modifications is restricted to matters that have been raised in representations.

3. Many representations (above) cover elements of Chapter 3 paragraphs 3.1 to 3.7 but do not specifically seek modifications based on the paragraph above. However, this chapter describes matters elsewhere in the proposed plan that are themselves subject of representation and, in some instances modifications. Therefore, both directly and indirectly, there have been representations and modifications covering matters set out in the national and regional policy sections of proposed plan Chapter 3. I recommend modifications (below) to replace paragraphs 3.1 to 3.7 with two new paragraphs in the interests of accuracy and consistency. Modifications are set out below.

Strategic Green Network (502)

4. Proposed plan Figure EP12a map already shows green network matters referenced by Iain Gibson (502). The council acknowledges related projects, including the multi-use footpath, shown by the map. These are also covered by the proposed Action Programme. I would not expect Chapter 3 to repeat what is in Figure EP12a or the proposed Action Programme. No modification to proposed plan Chapter 3 is required.

Strategic Development Plan Reference (811)

5. The matters raised in representation (811) have been largely overtaken by the recent changes to national and regional planning set out in paragraph 2 (above). The recommended modifications to paragraphs 3.1 to 3.7 explain that strategic development plans ceased to have effect from 13 February 2023. Matters relating to renewable energy policy are covered separately in Issue 011: Economic Development Policies: Policy ED9: Renewable Energy Development. No further modifications are required in response to this representation.

East/West Connectivity (883)

6. I do not read proposed plan Chapter 3, or paragraph 3.8 specifically, to highlight the importance of links to Edinburgh, Newcastle upon Tyne and Carlisle, as the sole aim or to ignore other important links within Scottish Borders and beyond. This conclusion is reinforced to me by reading proposed plan Chapter 4, Policy IS4: Transport Development and Infrastructure, and the proposed Action Programme. Those make clear the importance placed by the proposed plan on a broad range of connectivity and transport links. Having reviewed the matters in the representation, I am satisfied paragraph 3.8 remains accurate in light of the matters covered by paragraph 2 (above). No modification is required.

Land Use and Transport (988)

7. By my reading, Rosalyn Anderson (988) appears to caution the council about the risk of failing to consider transport and land use given the experience of proposed SESplan 2. I agree with Rosalyn Anderson that the planning system has an important role to play and that this proposed plan is one element of such. The recommended

modifications to replace paragraphs 3.1 to 3.7 with two new paragraphs would remove the references to the transport appraisal for proposed SESplan 2.

8. The council has not prepared a transport appraisal but has considered transport and other infrastructure matters in its site assessment work. Individual proposals and considerations relating to transport are covered separately in Issue 016: Infrastructure and Standards Policies and Issue 017: Appendix 3 Planning Guidance and Standards. Various transport matters are also raised in relation to specific site proposals in individual settlements as covered by Issues 018 to 074 of this report of examination.

9. The council also commissioned TRICS analysis to consider the impacts of specific site allocations on existing roads. Those matters are covered in detail for other unresolved issues in this report of examination, including Issue 040: Hawick, Issue 043: Jedburgh and Issue 070: Tweedbank.

10. The same sources of information quoted in the paragraphs above also convince me that the council has considered a broad range of transport and related matters including but not limited to public transport and infrastructure. No further modification is needed to proposed plan Chapter 3.

Various Matters Raised by St Boswells Parish Community Council (1032)

11. The matters raised in representation (1032) in relation to proposed SESplan 2 and the wording of paragraphs 3.5 and 3.7 have been largely overtaken by the recent changes to national and regional planning set out in paragraph 2 (above). The recommended modifications to paragraphs 3.1 to 3.7 explain that Strategic Development Plans ceased to have effect from 13 February 2023. The proposed alternative wording would remove the two paragraphs that this representation is seeking to change.

12. The Borders Land Use Strategy is appropriately referenced in proposed plan Chapter 8 (Issue 008: Chapter 8: Delivering Sustainability and Climate Change Agenda). Modifications in relation to climate change have already been recommended to the Foreword, Chapters 1, 2 and 4 in relation to climate change (see Issues 001, 002 and 004). No further modifications are required to Chapter 3.

13. The proposed plan has no remit to plan for matters beyond the boundaries of the Scottish Borders Council. However, it recognises its part in various cross-boundary issues such as green networks, rail, cycle and footpaths. These are shown on various maps throughout the proposed plan, even where the council boundary is shared with authorities in England. On my reading, the proposed plan appears to do what the community council seeks, albeit that such matters are covered in greater detail in other parts of the proposed plan. No modification is required.

14. By my reading of proposed plan paragraph 3.9, the respective sentence is considering sustainable economic growth as a counter position to protecting landscape and the environment. The council's response above references the Scottish Planning Policy (2014) glossary definition of sustainable economic growth. That definition implied that sustainable economic growth is already the outcome of balancing social, environmental and economic matters.

15. More recently, NPF4 does not define sustainable economic growth but does reference it in relation to the place principle. Although Scottish Planning Policy (2014)

has now been superseded, its definition of sustainable economic growth does not appear to be unfit for purpose and largely reflects what the proposed plan foreword appears to infer for that term. I am content that this does not affect my broader findings in the paragraph above.

16. However, given the rural and expansive nature of much of the Scottish Borders, I can see how landscape and environmental matters will frequently form part of such considerations. This would be particularly evident in design matters, as referenced by paragraph 3.9. Therefore, the present sentence may not be incorrect. Irrespective, that sentence is not the policy set out by the proposed plan. It is instead a broad descriptor of matters covered by policy. Based on considerations of (and recommended modifications to) the respective issues in this report of examination, there is no need to modify proposed plan Chapter 3 paragraph 3.9.

17. Chapter 3 paragraphs 3.10 to 3.14 summarise the council's work with partners at a corporate level through its community planning role. By its nature, that process considers many matters that relate to, or which inform planning, but which may not be within the remit of the planning system. It is not the role of the development plan to comment on the success or otherwise of such work. Therefore, no modification is required.

Reporter's recommendations:

Modify the local development plan by:

1. deleting the headings "National Planning Policy" and "Regional Planning Policy" on proposed plan page 15.
2. replacing Chapter 3 paragraphs 3.1 to 3.7 on proposed plan pages 15 and 16 as follows:

"3.1 National Planning Framework 4 (NPF4) became part of the statutory development plan in February 2023. It identifies national development which should be accommodated within LDPs and also sets out national planning policies. The development plan should be read as a whole.

3.2 The LDP was prepared during the era of strategic development plans in Scotland. Following the rejection of proposed SESplan 2 strategic development plan, SESplan 1 (2013) remained the strategic development plan until it ceased to be part of the development plan in February 2023. Consequently, the requirement for the LDP to comply with a strategic development plan no longer applies."

Issue 4	Chapter 4: Vision, Aims and Spatial Strategy	
Development plan reference:	Volume 1 Policies – Chapter 4: Vision, Aims and Spatial Strategy (pages 19-22)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Peebles & District CC (122) B Dominic Ashmole (494) Wind 2 Ltd (597) Fred Olsen Renewables Ltd (598) Scottish Renewables (612) J Leeming (755) Peebles Civic Society (769) Renewable Energy Systems (802) Coriolis Energy (811) Muirhall Energy Ltd (828) Belltown Power (836) Rosalyn Anderson (988) St Boswells Parish CC (1032)</p> <p>Please note that comments made in relation to Chapter 4 by Michael Marshall (518) – whose representation is also endorsed by Contributors 122, 789, 799, 853, 935, 948, 999 and 1032 - are considered under the Schedule 4 for Chapter 8 (Issue 8).</p>		
Provision of the development plan to which the issue relates:	Chapter 4: Vision, Aims and Spatial Strategy (pages 19-22)	
Planning authority’s summary of the representation(s):		
<p><u>Peebles & District CC (122)</u></p> <ul style="list-style-type: none"> Contributor notes that the spatial growth strategy identifies three Strategic Development Areas (SDAs), but advises that little consideration has been given to measures that would allow the three areas to act as a unified whole. They consider that there is a need for improvements to transport links between SDAs; specifically, improvements to the A72 (Galashiels to Peebles) and A703 (Peebles to Edinburgh) roads. <p><u>B Dominic Ashmole (494)</u></p> <ul style="list-style-type: none"> Contributor takes issue with omission from Paragraph 4.7 of reference to SBC’s recently declared Climate Emergency and advises that this paragraph also provides no concrete details and targets regarding any planned emergency response. This they further advise, reinforces an impression of a ‘business as usual’ approach, incompatible with meeting the Paris climate goals. 		

- Again with reference to Paragraph 4.7, contributor considers that reference to “adaptation” as a route to a low carbon economy would be more appropriately replaced by “mitigation”.
- Also in relation to Paragraph 4.7, contributor advises that buildings must not only be designed to be “*resilient to the effects of climate change*” but also to a mitigating, Passivhaus-equivalent standard.

Wind 2 Ltd (597); Fred Olsen Renewables Ltd (598); and Muirhall Energy Ltd (828)

- Contributors observe with regard to Paragraph 4.1 that the vision is drawn from the Proposed Strategic Development Plan (SDP) known as SESPlan, but advise that the SDP is dated and has not been approved by the Scottish Government. They consider that since SDPs are now no longer to be progressed under the provisions of the new Planning Act, it would be inappropriate to rely on what they advise, must be considered an outdated vision; not least because it makes no reference to climate change nor the new drive to a net zero society and economy.
- Contributors note with regard to Chapter 4, and its ‘Aims’, that the first of these – Paragraph 4.2 - refers to “growing our economy”, but does not mention the need for economic recovery from the coronavirus pandemic, nor make any reference to any of the considerable amount of policy advice that has been provided to the Scottish Government on the need and opportunity for a ‘green recovery’.
- Again, apparently in reference to Paragraph 4.2., the contributors advise that in terms of the economy, SBC should take account of the ‘Programme for Government’ 2020-21 which was published in September 2020; while the Climate Change Plan Update, emphasises the opportunity and importance of a green recovery. Contributors quote specific text from these documents for consideration in terms of what they consider should be set out here, although it is not entirely clear whether they want the specific text to be included, or how they specifically wish it to be referenced or reflected in the text of the Plan at this point. However, it is apparent that they consider that the section entitled ‘Growing Our Economy’ should be setting out that this should be an inherently Green Economy; and that they consider that the response to the Climate Emergency should be marled through every aspect of the Council’s spatial strategy, including its concern to grow the economy.
- With regard to Paragraph 4.7, contributors note that there is reference to the Council seeking to address climate change issues and adaption “*in order to seek a low carbon economy*”. They counsel that this is a dated policy expression, and the Council needs to set out the Scottish Government’s, and its own, current net zero policy aspirations throughout the next version of the LDP.
- With regard to Paragraph 4.8 and the identification of the main aims for communities, contributors note that the only reference to climate change is at the fourth bullet (under ‘Sustainability’) where there is reference to “*promote climate change adaption*”. However, contributors consider that adapting infrastructure to deal with climate change is only part of the approach needed. They advise that there is also a need to considerably increase renewable energy infrastructure/supply.
- Contributors consider that the context text in LDP2, should clearly and explicitly spell out that fundamental change is expected across the whole of society to address the climate emergency, and that renewables will, as the UK Government has said, have a key role in this.

Scottish Renewables (612)

- Contributor advises that the vision and main aims set out in Chapter 4 do not include tackling climate change, and should be updated to do so.
- Specifically, the contributor notes that the vision at Paragraph 4.1 (page 19), is taken from the aborted SESPlan2 document, which was not approved by Scottish Ministers. Accordingly, the contributor considers that the plan, and therefore its vision, is of “*very limited*” weight, with no requirement for the Plan to adopt its terms. Moreover, the contributor advises, there have been several significant legislative and policy developments in the period since SESPlan2 was prepared, including the Scottish Government’s commitment to being net zero by 2045. Instead of the vision set out in SESPlan2, the contributor therefore seeks an updated approach similar to that set out in the Aberdeen City and Shire SDP which refers expressly to the need ‘*to take on the urgent challenges of climate change*’, which should reflect Scottish Government priorities and those of the Council itself in terms of its response to climate change.
- Contributor adds that there is no reference to supporting the delivery of renewable energy within the text box on ‘sustainability’, and considers that this should be amended and retitled ‘Sustainability and Climate Change’. Within the text, they advise that reference should be made to the Council’s commitment to be at least net zero by 2045 in line with both Scottish Government and Council policy and legislation; and specific support should also be stated for development that will help the Council meet this objective.

J Leeming (755)

- With regard to Paragraph 4.10 and its advice that ‘(t)he Central SDA...is the primary area for future growth’, contributor fears that SBC seems to have a long-term determination to convert the area into “*an unrelenting suburb*”, since the Plan does nothing to slow this process. They wish this strategy to be reconsidered to allow the area to retain the amenity value which makes it so special, in line with the Tweed-focussed Strategic Green Network (Policy EP12, Plate EP12a).

Peebles Civic Society (769)

- With regard to Paragraph 4.9, contributor observes that the policy objective prioritises connectivity from Edinburgh to the north, and from Carlisle and Newcastle to the south, with no mention of the importance of connectivity between the three Strategic Planning Areas [Strategic Development Areas]. They wish to see more emphasis on reinforcing effective transport links between the SDAs over and above the general support for improvements to key road routes, including the A72 and A703, within Policy IS4.

Renewable Energy Systems (802)

- Contributor makes the point in general, and in particular reference to Chapter 4, that there is a need to update/take account of NPF4 and the Climate Emergency. With regard to Paragraph 4.8, they specifically seek the addition of a further bullet point to reference “*the ‘green recovery’ in the post Covid economy*”, in line with the Scottish Government’s Programme for Government 2020. Under the heading re ‘Sustainability’, a further heading is sought to make it clear that “*LDP2 will continue to support new renewable energy developments*”. The contributor acknowledges that there is commentary on this issue at Para 4.7, but having it identified as a

specific aim, they advise, would carry greater significance and weight in development management terms; and, they add, would align it with the Programme of Government 2020, and reflect one of the Key Opportunities set out in the NPF4 Position Statement.

Coriolis Energy (811)

- Contributor looks for reference to Strategic Development Plan to be removed from text in Chapter 4 and more generally; and in its place, looks for update of vision in light of Climate Emergency drive at national and local levels.
- Contributor seeks acknowledgement in Chapter 4 of the role of renewable developments in supporting the Council in its need to meet its vision and how renewable developments can support its obligation to be net zero by 2045.

Belltown Power (836)

- Contributor expresses disappointment that the Plan's 'Vision' does not expressly reference the need to combat climate change and contribute to Scottish Government's target of net zero by 2045 and 50% of energy from renewable energy sources by 2030; and recommends that this commitment, and these targets, be explicitly included within the Plan's aims. This includes also, support for development that will help the Council reach its target.

Rosalyn Anderson (988)

- With regard to Paragraph 4.2, contributor considers that the amount of business land allocated should be reviewed in the light of Covid, including the need and potential for greater home-working.
- Contributor considers that Paragraph 4.3 gives the impression that there has been over-identification of new housing land in the LDP, given the level of overall uptake. They consider that this suggests that inclusion of land within conservation areas which are a good focus for tourism, should be avoided.
- With regard to Paragraph 4.4, contributor considers that changing town centres could mean more creative sustainable town-centre-based housing, to develop communities close to transport hubs, support services and facilities for leisure, hobbies and improving well-being in place of vacant shops in many areas across the Region.
- With regard to Paragraph 4.7, contributor advises that there is a clear need to reduce travel and especially reliance on transport linked to fossil fuel, but also to reduce road accidents on local roads.

St Boswells Parish CC (1032)

- With regard to Paragraph 4.1, contributor considers approach set out with respect to transport strategy to be "*somewhat risky*" in light of Scottish Government's rejection of SESPlan2; and advises that it is particularly light on environment.
- With regard to Paragraph 4.2, contributor advises that the provision of superfast broadband is even more important than road improvements, and should be mentioned in this paragraph. Contributor questions whether or not there is in fact a business land shortage, seeking the survey information including position with respect to derelict land.

- With regard to Paragraph 4.3, contributor advises that the housing land supply identified in the LDP appears overgenerous, and does not focus adequately on the locations where development would be most appropriate or efficient. Contributor considers that the suggestion that the new housing figures in the LDP reflect an appropriate level of demand, is contradicted by average completion numbers over the years.
- With regard to Paragraph 4.4, contributor considers that town and village centres should accommodate housing as a priority as well as following the town centre first principles.
- In relation to Paragraph 4.5, contributor advises that Brexit is liable to create major challenges for everybody in rural areas, not just rural landowners; and to this end, rural schools and facilities including village halls, and high environmental quality, should also be added to the priority list for rural areas.
- With regard to Paragraph 4.6, contributor advises that it is important to know in an up-to-date fashion, what it is that is important in the way of heritage assets, and considers that the tone of this paragraph requires some attention, specifically in the need to switch from seeing them as economic assets to emphasizing the need for heritage assets to be conserved and handed on to subsequent generations, and for conservation management plans to ensure that this is done in a sustainable and balanced manner.
- With regard to Paragraph 4.7, contributor seeks a less self-congratulatory tone, and acknowledgement of the sustainable development committee and Sustainable Development Goals, and the fact that the Council has declared the climate crisis. As well as being clear about its role as a regulatory authority in addressing the climate crisis, contributor considers that as an organisation, the Council should at the very least, have an understanding of its own carbon footprint and a clear plan to decarbonisation in accordance with Scottish government targets.
- With regard to Paragraph 4.8, contributor perceives a requirement for special-needs housing but also that at present, the Council does not know the extent of this requirement. Contributor advises that establishing this should be a priority. Rather than new settlements, contributor considers that there ought to be an emphasis on the conservation of existing communities, and of the built and natural environment. Contributor does not consider it to be clear what is meant by an adequate range of sites and premises for business/industrial units and uses. Contributor counsels that economic development along the railway corridor will only make sense if it is planned at the most appropriate nodes in the way of stations or halts. Contributor considers that the regeneration of villages, as well as towns, will be important, along with positive conservation and, where possible, the promotion of residential use. This will contribute to sustainability. Contributor considers that where funds for new public infrastructure are limited, it will be important to focus them on a relatively limited range of locations rather than a wider range of sites with development consents. Contributor considers that it might be relevant to list out the Sustainable Development Goals in Paragraph 4.8. Contributor advises that waste management on its own is not enough: the mantra must be reduce, reuse, recycle. Contributor advises that there will be a requirement for climate change adaptation and mitigation, and the sooner the better. Contributor fears that the protection of Green spaces within built-up areas will be lost as *“planning convenience trumps sustainable planning for everyone”*.
- Contributor suggests with respect to Paragraph 4.9, that it may be helpful to identify which SDP - SDP1 or SDP2 - is being referred to. Contributor wishes to see residential conversion and the promotion of mixed use town and village centres

encouraged. Contributor considers that the existence of Berwick-upon-Tweed as a place of considerable significance to the eastern Borders, should be acknowledged.

- Contributor considers with respect to Paragraph 4.11, that while dualling of the A1 may be beneficial in road safety terms, it seems unlikely to be something which will contribute to economic growth in any serious manner. Similarly, contributor considers it difficult to imagine the impact of large-scale offshore renewables on the character and setting of Eyemouth.
- Regarding Paragraph 4.12, contributor considers that relatively poor links to Edinburgh suggest that despite housing pressures for it to become a dormitory town, Peebles should be carefully regulated in order to retain its present qualities of sustainability as a county town. Contributor suggests Peebles too might be considered for a link to the Scottish railway network.

Modifications sought by those submitting representations:

Chapter 4, General

- Revise chapter to clearly and explicitly spell out that fundamental change is expected across the whole of society to address the climate emergency, and that renewable energy will have a key role to play in this, as per the UK Government's advice. (597; 598; 828).
- Revise chapter to remove reference to the Strategic Development Plan, and instead frame it in terms that take account of NPF4 Position Statement and the Climate Emergency; including reference to the significant role and contribution renewables must make to the attainment of net zero by 2045; and identifying targets needed to be met to keep net zero aspirations on track. (802; 811; 836)

Chapter 4, Paragraph 4.1, page 19

- Rewrite Paragraph 4.1 to omit reference to the proposed Strategic Development Plan and focus on climate change and the drive to a net zero society and economy. (597; 598; 828; 612).
- Add text to Paragraph 4.1 to highlight environment/need to respond to Climate Emergency. (1032)

Chapter 4, Paragraph 4.2, page 19

- Revise or augment Paragraph 4.2 to mention the need for economic recovery from the coronavirus pandemic, and the need and opportunity for a 'green recovery'; advising that the Council's response to the Climate Emergency should be marled through every aspect of the Council's spatial strategy going forward, including attainment of net zero emissions by 2045, in line with the Scottish Government's national target. 597; 598; 828).
- Add reference to Paragraph 4.2 to acknowledge importance of superfast broadband. (1032)

Chapter 4, Paragraph 4.5, page 20

- Add advice (acknowledgement) to Paragraph 4.5 that rural communities (not just rural landowners) will face major challenges, particularly with respect to local services and facilities (1032)

Chapter 4, Paragraph 4.6, page 20

- Amend tone of Paragraph 4.6 to reflect need for heritage assets to be conserved and handed on to subsequent generations; include requirement for conservation management plans for these assets in these terms. (1032)

Chapter 4, Paragraph 4.7, page 20

- Add reference to Paragraph 4.7 to SBC’s recently declared Climate Emergency and provide details and targets regarding any planned emergency response. (494)
- In Paragraph 4.7, substitute reference to “adaptation” as a route to a low carbon economy, with term, “mitigation”. (494)
- Remove reference to “*low carbon economy*” and replace with expression of concern to advance Council’s net zero policy aspirations (597; 598; 828).
- Add the following text to the end of the last sentence of Paragraph 4.7: “*and to a mitigating, Passivhaus-equivalent standard*”. (494)
- Revise Paragraph 4.7 to remove self-congratulatory tone and acknowledge Sustainable Development Committee and Sustainable Development Goals, and Council’s declaration of a climate crisis [Climate Emergency] (1032)

Chapter 4, Paragraph 4.8, page 20-21

- Re-title ‘Sustainability’ text-box: ‘*Sustainability and Climate Change*’ (612).
- At ‘Sustainability’ list, add new bullet point under fourth (‘Promote climate change adaptation’), which references: “*Increase considerably renewable energy infrastructure/supply*”. (597; 598; 612; 828).
- At ‘Sustainability’ list refer to the Council’s commitment to be at least net zero by 2045 in line with both Scottish Government and Council policy and legislation; and state support for development that will help the Council meet this objective (612).

Chapter 4, Paragraph 4.9, page 21

- Advise of need for improvements to transport links between SDAs; specifically, improvements to the A72 (Galashiels to Peebles) and A703 (Peebles to Edinburgh) roads (122; 769), and over and above the support that is given under Policy IS4. (769)
- Clarify which SDP is being referred to. (1032)

Summary of responses (including reasons) by planning authority:

NO CHANGES TO CHAPTER 4 ‘VISION, AIMS AND SPATIAL STRATEGY’ AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN, WITH THE EXCEPTION OF THE FOLLOWING, WHICH ARE CONSIDERED TO BE NON-SIGNIFICANT CHANGES ACCEPTABLE TO THE COUNCIL:

- SUBSTITUTE THE ENTIRE TEXT FOR PARAGRAPH 4.7, PAGE 20, WITH THE FOLLOWING TEXT –
“ON 25 SEPTEMBER 2020, SCOTTISH BORDERS COUNCIL DECLARED A CLIMATE EMERGENCY, AND THROUGH ITS CLIMATE CHANGE ROUTE MAP (CCRM) IS SEEKING TO ENSURE THAT IT PLAYS ITS PART IN ACHIEVING THE NATIONAL TARGET FOR SCOTLAND OF NET ZERO GREENHOUSE GAS EMISSIONS BY 2045, IN STEP WITH THE NATIONAL CLIMATE CHANGE PLAN

(UPDATED IN DECEMBER 2020). THE COUNCIL CONTINUES TO PROMOTE AND INVESTIGATE WAYS TO ADDRESS CLIMATE CHANGE ISSUES AND ADAPTION IN ORDER TO SEEK A NET ZERO EMISSIONS ECONOMY. THERE IS A CONTINUING NEED TO REDUCE PRIVATE VEHICULAR TRAVEL, GREENHOUSE GAS EMISSIONS AS WELL AS ENERGY CONSUMPTION AND REDUCE WASTE ARISING; AND TO SUPPORT RENEWABLE ENERGY OPPORTUNITIES WHERE POSSIBLE. HEAT MAPPING MUST BE INVESTIGATED AND DEVELOPED IN ORDER TO EXPLORE OPPORTUNITIES FOR SUPPLY AND DEMAND OF RENEWABLE ENERGY, AND NEW BUILDINGS MUST BE DESIGNED TO BE RESILIENT TO THE EFFECTS OF CLIMATE CHANGE.”.

- SUBSTITUTE FOURTH BULLET-POINT IN ‘SUSTAINABILITY’ LIST WITHIN PARAGRAPH 4.8, ON PAGE 21, WITH THE FOLLOWING –
“DELIVER CLIMATE CHANGE MITIGATION WHILE ENSURING CLIMATE CHANGE ADAPTION.”.

REASONS:

It is noted that:

- Contributor 806 (Aldi Stores Ltd) welcomes the ambitions of the LDP to provide opportunities for the economic growth of the region and job creation, and supports the ambitions to reduce travel in order to work towards a low carbon economy. They support the ambitions of the plan, and consider that it is important that the policies contained within it, can help deliver economic growth. (CD183, page 71).
- Contributor 833 (Scottish Land & Estates) is supportive of Aims and Visions, particularly having regard to Growing the Economy and Rural Environment. In relation to the ‘Growing Our Economy’ Section of Chapter 4, the Contributor specifically welcomes 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 their view, achieving this will enable sites to be unlocked more easily. Their support in relation to rural environment, cites advice given in Chapter 5. (CD183, pages 298-299).

Climate Emergency; Declaration of Climate Emergency; and Contribution of Renewables to Meeting the Council’s Net Zero Targets and Aspirations; National Planning Framework 4 (122, 494, 597, 598, 612, 802, 811, 836, 828, 1032)

- Contributors variously raise concerns to the effect that Chapter 4 (and/or the Plan in general) does not (do not) have sufficient regard to - or does not (do not) give sufficient prominence, indeed centrality, to - one, some, or all, of the following: (a) the Council’s adoption of the UN Sustainable Development Goals; see Scottish Borders Council, Embedding Sustainable Development, 29 August 2019 (CD032); (b) the Climate Emergency, and the Council’s response to the same, including the Council’s own Declaration of a Climate Emergency; see Scottish Borders Council, Responding to the Climate Emergency, 25 September 2020 (CD029); (c) the need to meet the targets being set by the Scottish Government going forward to 2045, with respect to the attainment of net zero; see The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (CD053), and the significant contribution from, and to come from, renewables towards meeting these targets; and/or (d) the need to anticipate the national ‘direction of travel’ away from the vision set out in

NPF3 and SPP, to that of NPF4, as anticipated in the Position Statement; see National Planning Framework 4 Position Statement (CD064). (The contributors' representations were submitted before the publication of Draft NPF4, hence their reference to the Position Statement).

- The Council has considered these matters more fully elsewhere in other Schedule 4s, and in response to the same concerns being made by the same contributors. Please see the Schedules for Policy ED9 (Issue 11) and Chapter 8 (Issue 8), where all of these matters are addressed and in the same or equivalent terms as these concerns are presented by the contributors in relation to Chapter 4.
- For the reasons that are set out and considered more fully in the other aforementioned Schedule 4s, the Council does not consider that it is appropriate to seek to get ahead of NPF3 (CD063) and SPP (CD041) in the terms that the contributors either directly, or indirectly, advise it should do. As such, the Council would therefore maintain its concern to align the Plan with NPF3 and SPP at this time, at least ahead of the approval of NPF4, which it is accepted will likely require a very significant review of the policies, proposals and supporting text of the Plan as this is currently set out.
- However, and as is acknowledged in the Schedule 4s on Chapter 8 (Issue 8) and Policy ED9 (Issue 11), the introductory text of the Plan is now out-of-date, and would reasonably reference the above noted concerns, albeit not in terms of any revisions to policies and proposals, to acknowledge the new context which is emerging in relation to the climate emergency, and need to help meet the national goal of attaining net zero emissions by 2045. Nonetheless, it is considered that these matters are more appropriately picked up in the supporting texts for Chapter 8 and Policy ED9, as per the advice of these other Schedule 4s, rather than in Chapter 4; excepting though that Paragraph 4.7 which is essentially a summary of Chapter 8, does require to align with any revisions or updates that are made to Chapter 8. The bullet on sustainability in Paragraph 4.8 would also reasonably be updated to acknowledge the important role of both mitigation and adaptation in counteracting climate change and its impacts.
- The concern of Contributor 494 that Paragraph 4.7 should mention 'mitigation' rather than 'adaptation' is noted, but the current wording implies both 'mitigation' ("*ways to address climate change*") as well as adaption. It may be that the term 'mitigation' might now be preferred in a version of Paragraph 4.7 revised to take account of the above noted concerns, but it is not considered that 'adaption' requires to be removed. On the contrary 'adaption' is a key part of our strategy in addressing climate change, since unfortunately, living with climate change that has already occurred (adaption), needs to be a key part of our strategy going forward to 2030, even as we seek to mitigate more extreme climate change effects.
- A similar point to the above, is made by Contributors 597, 598 and 828, although their specific concern is not that reference to 'adaption' should be omitted, but rather that the opportunity should be taken to recognise the need to develop considerably, renewable energy infrastructure and supply. However, the concern in Paragraph 4.7 is to give a summary of Chapter 8, and therefore it is considered appropriate that the text does not need to make any more specific references beyond adaption and addressing climate change, which the Council considers reasonably encompasses renewable energy development.
- Contributors 597, 598 and 828, and Contributors 612 and 802, consider that renewable energy should be recognised to have a key role in delivering on the vision set out at Paragraph 4.7. This is acknowledged to be the case, but again, it is

considered that such advice is not usefully included in the summary at this point in the Plan, which is essentially intended as a summary of Chapter 8.

- The concerns of Contributors 597, 598, 612 and 828 that the LDP should set out the Council's aspirations and targets for addressing the Climate Emergency are noted, but the Council does not see this as the role of the LDP. Moreover, the Council has produced its Climate Change Route Map [CCRM] (CD030), which, it is considered, does largely fulfil the role that the contributors are concerned to see embedded at the heart of the Plan. However, while the LDP might now usefully be updated to reference the CCRM, it is not required to reproduce or supersede it.
- Contributor 612's concern that the sub-title of the text-box entitled 'Sustainability'; should be augmented with the addition of the words '*and Climate Change*' to the end of it, is noted. However, this is not considered to be necessary. At least, it is not the intention that the sub-titles used in Section 4.8 should closely follow the previous subheadings, or reference closely the chapter headings used thereafter.
- Responding to the concerns of Contributor 612, the Council accepts that there is a need to update the Plan to reference the need to achieve net zero greenhouse gas emissions by 2045, and recognise the Council's Declaration of a Climate Emergency. However, the concern at Paragraph 4.8 is to set out the Plan's main aims in bullet-point form, and not to provide any detailed or exhaustive description. This is liable to be more usefully addressed in the preceding text, as noted above.

SESPlan/Vision (597, 598, 612, 811, 828, 836, 1032)

- Contributors advise that SESPlan (CD001) is dated while SESPlan2 (CD005) has not been approved by the Scottish Government. As such, they consider that the Vision as set out at Paragraph 4.1, is therefore no longer appropriately maintained, particularly since it does not reference climate change and economic recovery, nor the drive for a net zero society and economy.
- The Council is aware that the proposed Strategic Development Plan has not been approved by the Scottish Government due to specific concerns that it was not informed by an adequate and timely Transport Appraisal and did not take account of the relationship between land use and transport. However, the vision presented at 4.1 has not been disputed by the Scottish Government, and is supported by all of the constituent Local Planning Authorities. As such, it is considered that this vision would still be appropriately maintained as the underlying Vision of the Plan.
- It is anticipated – as contributors also anticipate – that the approval of NPF4 in due course, is liable to require a review of these matters. However, until NPF4 is progressed to approval, the Council considers that it would only reasonably maintain the Vision as agreed with its partner authorities in the Proposed Strategic Development Plan (CD005; please refer to page 6).

Green Economy (597, 598, 828)/Green Recovery (802)

- Contributors 597, 598 and 828 advise that in terms of the economy, SBC should take account of the 'Programme for Government' 2020-21' which was published in September 2020 (CD054); while the Climate Change Plan Update (CD055) emphasises the opportunity and importance of a green recovery. They consider that the section on 'Growing Our Economy' should be setting out that this should be an inherently Green Economy, and that the response to the Climate Emergency should be marled through every aspect of the Council's spatial strategy, including its concern to grow the economy.

- Beyond the concern noted above that Paragraph 4.7 should be updated to reflect and agree with changes to Chapter 8 (specifically to acknowledge and highlight the Climate Emergency and the Council's response to this), it is not considered that the Plan requires to be rewritten to embed the concept of a 'green economy' or a 'green recovery' in the text. However, it has been considered appropriate to include direct reference to 'green recovery' in the section on Coronavirus, Paragraphs 2.7 and 2.8 (this is covered in the Schedule 4 on Chapter 2, which is Issue 2).
- Again, the Council acknowledges that the approval of NPF4 is potentially liable to require a thorough review and reset of the Plan, or its successor, but until Draft NPF4 has been progressed to approval by the Scottish Government, any concern to pre-empt, or get ahead of, this process, can only be seen as premature, and at risk of ending up in conflict with the line that is ultimately taken forward within NPF4 (if not in the general approach, then potentially within the details and specifics of what requires to be taken forward within the LDP).

Strategic Development Areas (122, 755, 769, 1032)

- Contributors 122, 769 and 1032 wish to see improvements in transport connections between the various Strategic Development Areas. The Council's strategy in these respects is addressed within Chapter 2 and Policies IS1 and IS4 (please also refer to the Schedule 4 on Issue 2 with regard to Chapter 2; and the Schedule 4 on Issue 16, with regard to Policy IS4. There are no outstanding issues relating to Policy IS1).
- The Council notes the view of Contributor 755 that the Central Strategic Development Area may become an "*unrelenting suburb*". The Council has set out a detailed set of Proposed Proposals and Policies within the Plan to help identify and enable development within the central Borders, which is considered appropriate and proportionate to the area and its development needs. The Council does not consider that these development proposals will result in an unrelenting suburb.

Housing and Residential Development (988, 1032)

- Contributors raise general points about the housing strategy which are the same as points they have raised elsewhere in relation to other sections of the Plan. These are dealt with in the Schedule 4 on Housing (please refer to Issue 6).

Business Land (988, 1032)

- The Council notes the view of Contributor 988 and query of Contributor 1032 that too much land has been, or may have been, allocated for business use. This point is addressed in the Schedule 4 on Issue 10, specifically in relation to Policy ED1: Protection of Business and Industrial Land.

Town Centres (988, 1032)

- Contributors' views that the changing nature of town centres offers potential opportunities for more creative sustainable housing, are noted. These matters are dealt with in the Schedule 4 on Town Centres (Issue 7) and in the Schedule 4 on Housing (Issue 6).

Green Spaces (1032)

- Contributors' views with respect to potential loss of Green Spaces due to development are noted. These matters are dealt with in the Schedule 4 on Policy EP11 (please see Issue 15).

Peebles (1032)

- Contributor's views with respect to development of Peebles, and potential for rail link are noted.

Candidate National Park (1032)

- Contributor's support for National Park is noted. These matters are dealt with in the Schedule 4 on General and Miscellaneous (Issue 76).

Rural Services and Amenities (1032)

- Contributor wishes to see rural schools, facilities such as village halls, mentioned under Paragraph 4.5, as requiring support. However, while the Council acknowledges the importance of good quality local service provision, the paragraph is not intended to be exhaustive, and focusses on how development might help and support rural communities through its contribution to the rural economy.

Road Travel (988)

- Council notes the contributor's concerns to reduce road travel as a means of reducing reliance on fossil fuels and to prevent road accidents, however, these matters lie directly out with the remit of development planning, notwithstanding that the Council does seek to reduce the need for vehicular travel by encouraging working from home, improving broad band, and supporting public transport as a viable alternative to private vehicle use. Again, these matters are considered more fully in the Schedule 4 on Transport Development and Infrastructure (Policy IS4) (please see Issue 16).

Coronavirus Pandemic (597, 598, 828, 988)

- Contributors identify the pandemic as a seminal moment in the social and economic history of our region, the nation and the world; but while it may or may not have longer-term effects or impacts along the lines they anticipate, it is still too early to discern whether or not it will have had any lasting impact on work patterns etc. As such, while it is alert to the potential difficulties and opportunities that living with the pandemic has highlighted for our region, the Council does not consider that it is appropriate at this stage, to accept uncritically, any view that these are now entrenched, long-term trends, rather than shorter-term effects. Ultimately at this stage, it is safer and more reasonable to allow that there is some uncertainty with respect to how working patterns etc. will be reconfigured in the longer-term. In short, the Council does not consider that it is required to get ahead of the national picture or to anticipate any particular position being, or becoming, 'the new normal' going forward into the long-term and the pandemic recovery.

Sustainable Development Goals (1032)

- Contributor's concern that UN SDGs should be referenced in Chapter 4 is noted. These matters are dealt with in Schedule 4 on Climate Change (Chapter 8) (please see Issue 8).

Miscellaneous (494, 1032)

- The advice of Contributor 494 that buildings should be designed to meet Passivhaus or equivalent standards in design is noted, but this is not a matter that can be required or addressed directly, at least so precisely, through the Plan. Such matters are more appropriately for Building Standards who in turn, must work within a nationally-set framework rather than one the Council would seek to set or control.
- Contributor 1032 seeks a greater profile within the Plan for matters relating to broadband coverage and digital connectivity. However, it is considered that these matters are appropriately recognised in the Plan.
- Contributor 1032 makes various comments about the tone or approach of various sections (specifically Paragraphs 4.1., 4.6 and 4.7), but the Council is content that the tone of these is appropriate, particularly when it considered that they are intended to give a brief overview within a chapter on Vision, Aims and Spatial Strategy rather than to set out any more detailed or exhaustive position, which is covered initially in the next chapters (5 to 8), and then thereafter, carried into the actual policies and proposals of the Plan.
- While Contributor 1032 considers that Paragraph 4.6 places too much emphasis on the economic aspects of heritage, it is considered that the paragraph is balanced in its description of what heritage means for local communities and their sense of place, while acknowledging their role and value as tourist and visitor attractions.
- Notwithstanding the concern of Contributor 1032, the Council is content that the importance of Berwick-Upon-Tweed to the eastern Borders is reflected appropriately in the Plan.

Reporter's conclusions:

1. Since a variety of the issues identified by the council's headings (above) are inter-related, I have grouped some of these below and respond to them together.
2. During the examination of the proposed plan, National Planning Framework 4 (NPF4) was laid before the Scottish Parliament (8 November 2022), approved by the Scottish Parliament (10 January 2023) and adopted by Scottish Ministers (13 February 2023).
3. I issued a further information request in January 2023 asking parties that commented on this issue (Issue 004) what weight should be attributed to NPF4 and what changes, if any, it would have made to their previous representations (above). For the council I asked what changes, if any, it would have made to their responses to representations (above).
4. Only Peebles Community Council (122), St Boswells Parish Community Council (1032), Renewable Energy Systems (802), Coriolis Energy (811) and the council responded. I therefore treat all other parties as retaining their previous positions (above).
5. All of the responding parties listed in the paragraph above agree that significant weight should be given to NPF4. However, St Boswell's Parish Community Council

varies this, arguing ‘considerable’, ‘significant’ or ‘some’ weight, depending on the matter. Upon adoption, NPF4 replaced Scottish Planning Policy (2014) and NPF3 (2014) and became part of the statutory development plan. When that happened, SESplan 1 (2013) and its Supplementary Guidance (2014) ceased to have effect.

6. Parties that responded to my further information request have otherwise used the provisions of NPF4 to reinforce their previous positions which I consider below. The council identifies parts of its response where it referenced NPF3/Scottish Planning Policy (2014) and referred to the NPF4 process. Whilst it recognises the likely need to alter text referencing those, it does not give me any specific wording or details. These matters are broadly covered below based on original representations. However, the Chapter 4 paragraph 4.3 reference to HNDA2 has now been superseded by the findings of Issue 006 (Chapter 6 Planning for Housing and Appendix 2 Meeting the Housing Land Requirement). In the interests of consistency and accuracy I recommend deleting this reference to HNDA2. Modifications are set out below.

Climate Emergency; Declaration of Climate Emergency; and Contribution of Renewables to Meeting the Council’s Net Zero Targets and Aspirations; National Planning Framework 4 (122, 494, 597, 598, 612, 802, 811, 828, 836, 1032)
and
SESplan/Vision (597, 598, 612, 811, 828, 836, 1032)
and
Green Economy (597, 598, 828)/Green Recovery (802)

7. Chapter 4, paragraph 4.1 explains that the proposed plan vision was derived from proposed SESplan 2. Although Scottish Ministers rejected proposed SESplan 2, its vision was not the basis for that rejection. Therefore, nothing suggests paragraph 4.1 to be factually inaccurate.

8. Since SESplan 1 (2013) has ceased to have effect, there is no longer any requirement for the proposed plan to follow its lead. Irrespective, and despite the differences in wording between the proposed plan vision and those of SESplan 1 (2013) and the Adopted Local Development Plan (2016), their respective meanings are ostensibly the same. They each promote sustainability/ sustainable growth, good places for people to live, work and do business and the associated outcomes. No evidence suggests that these themes are either outdated or made irrelevant by the rejection of proposed SESplan 2 or recent changes to planning legislation.

9. Some parties reference the NPF4 position statement, but that has now been superseded by NPF4 (adopted February 2023). NPF4 seeks inter-related outcomes around sustainable, liveable and productive places. In my view, these have much in common with my observations in the paragraph above and I find no conflict between NPF4 and the proposed plan vision.

10. The proposed vision does not specifically mention climate change, net zero, renewable energy, environmental projects/matters, nor indeed other issues that may be of close interest to individual representations. However, that is not the role of a vision. A vision and associated aims are high level and succinct statements that illustrate purpose and direction. I am content that the proposed vision and aims are so written.

11. The proposed vision references achieving ‘sustainable growth’. This is a very broad descriptor that includes a plethora of actions and activities including all of those sought

by representations and those covered in response to my further information request. Tackling climate change, although significant in its own right, is perhaps one of the most obvious (but not the only) expression of living within the Earth's environmental limits, itself one fundamental component of sustainable growth. I am therefore content that the proposed vision is sufficiently all encompassing, with no persuasive evidence convincing me of omissions that require modification.

12. It is factually correct that a climate emergency has been declared, and the target of net zero greenhouse gas emissions by 2045 is legally binding. Since the submission of the proposed plan, these have been integrated into NPF4. I therefore strongly agree with the need for both the climate emergency and the net zero targets to be acknowledged in proposed plan Chapter 4. The council also agrees and proposes revised wording for paragraph 4.7 which would suitably reference these matters. Doing so would satisfactorily resolve the above matters without the need to modify the vision itself. It is not the role of Chapter 4 to reiterate NPF4 Policy 11, or indeed any other policy. Those matters are covered separately in specific policies of the proposed plan and are covered in other issues within this examination report. Modifications are set out below.

13. Several representations seek the addition of climate change mitigation alongside the current text describing 'adaptation' to climate change in paragraph 4.8 'sustainability' list bullet 4. Given that the legally binding target of net zero and the associated actions to deliver it are about mitigating climate change to limit global temperature rise, it seems odd to omit the term 'mitigation'. The council's proposed revision to the wording of the fourth bullet of the 'sustainability' list under paragraph 4.8 would satisfactorily resolve this. Modifications are set out below.

14. Several representations seek modifications to recognise the terms 'green economy' and/or 'green recovery'. Both terms have gained recent political/societal traction, perhaps in part as a result of net zero and the declaration of a climate emergency. Neither term presently appears in the vision or any other part of proposed plan Chapter 4, but related modifications are recommended in Chapter 2 (Issue 002).

15. For the reasons stated above, I am content that the current wording of the proposed vision is sufficient to encapsulate the measures envisaged by green economy/recovery. The remaining matter is whether the wording 'green economy' and/or 'green recovery' should be added to other text in Chapter 4.

16. Proposed plan Chapter 4, paragraph 4.2 covers 'growing our economy'. Were I to recommend modifying that text, it could give a false impression that this section (and indeed the council's aims) is solely about growing 'green' sectors of the economy. That would be misleading and detract from the vision. In my view, the terms 'green economy' and 'green recovery' are about recognising the economic benefits to be gained from responding to climate change and living more sustainably, and, moving the economy as a whole in that direction. This has direct impacts for those sectors with very strong and specific involvement in achieving those things, and less direct or indirect impacts on those whose operation could itself be made 'greener'/more sustainable as a consequence.

17. As presently set out, the climate change section is at paragraph 4.7 and largely disconnected from the economy section at paragraph 4.2. Moving the council's revised paragraph 4.7 ahead of existing paragraph 4.2 would introduce the climate change matters and then enable a minor amendment to the first sentence of existing

paragraph 4.2 to read “The LDP provides opportunities for economic growth (including the green economy/recovery) and job creation.” Modifications are set out below.

18. Although the above recommended modification may appear more subtle than representations seek, I am satisfied that it would flow from the vision, make evident the linkage between tackling climate change and growing the economy, whilst also retaining the legitimate and important points made in current paragraph 4.2. These changes would, in my view, also link more clearly with preceding chapters in the proposed plan and remain true to and consistent with what is stated in later chapters (including recommended modifications). Modifications are set out below.

Housing and Residential Development, Business Land, Town Centres (988, 1032)
and
Sustainable Development Goals, Green Spaces, Candidate National Park (1032)

19. I am content that the level of detail in proposed plan Chapter 4 is currently sufficient for its purpose of succinctly setting out the vision and aims of the proposed plan. The variety of matters covered by the above headings; including United Nations Sustainable Development Goals, and, whether there is enough/too much housing and/or employment land, are best considered in other issues in this report of examination. Those respective issues consider policy and related evidence matters directly. Having reviewed the findings of those issues, I am content that proposed plan Chapter 4 remains accurate with no need for further modifications.

20. Although the council considers the matter of a candidate national park raised by St Boswell’s Parish Community Council (1032), it omits it from the above summary for this issue. I consider this to be a typing error since it is subsequently covered by the council’s response above. I also note that the matter of a candidate national park is covered in Issue 076: Miscellaneous.

21. The declaration of a national park is for Scottish Ministers and cannot be done through the proposed plan. If the candidate national park is successful during the lifetime of this proposed plan, then the area it covers is likely to form a new national park authority that may have its own planning powers. If so, once prepared and adopted, that national park’s own local development plan would supersede the council’s for the relevant area(s). However, at the time of writing, no decision has been made by the Scottish Government on candidate national parks. No modification is required.

Strategic Development Areas (122, 755, 769, 1032)

22. The central issue of concern in representations appears to be transport links between the proposed strategic development areas. In proposed plan Chapter 4, the Spatial Strategy section explains to the reader where development will be focussed. Other parts of the plan explain how and where that will occur, and the actions required to support it are covered by the proposed Action Programme.

23. Delivering the vision, and the basis for the revisions sought by representations (above), requires the majority of future development to be located within/close to the largest concentrations of population, jobs, services and infrastructure. By my reading, that is what the spatial strategy already describes.

24. Comments by J Leeming (755) about the Central Strategic Development Area becoming an 'unrelenting suburb' relate to the nature of proposed development rather than whether concentrating development around the largest settlements is the correct course of action. The exact nature, design and layout of such development is a matter of detail to be governed by the allocation of land and development policies in the proposed plan. Those are covered separately in various other issues in this report of examination. No modifications are necessary.

25. St Boswells Parish Community Council suggests the addition of 'location' to the sustainability checklist on proposed plan page 21 in response to paragraph 4.3. However, location is adequately covered by the spatial strategy in Chapter 4 and other respective policies and allocations in the proposed plan. No modifications are necessary.

Peebles (1032)

26. The points about development in Peebles, specific industrial estates or streets and proximity to a potential rail link appear to relate to the location of development which is a spatial strategy issue. The spatial strategy in Chapter 4 explains that Peebles is at the heart of one of the proposed strategic development areas. The inter-relationship of road, bridge and traffic matters with housing, business and industrial allocations in the town are addressed in Issue 005: Growing Our Economy. Subsequent details regarding individual sites and proposed development are covered separately by Issues 059 to 062, which cover land for housing, employment and other uses of land in Peebles itself. Those are the appropriate Issues in which to consider the detail of individual site allocations. No modifications are required.

27. The council has addressed requested changes to paragraph 4.12 by representation (502) under Issue 005 rather than Issue 004. Similar changes are requested to paragraph 5.6 in the proposed plan. To avoid confusion, consideration of this matter is also set out under Issue 005. No modifications to paragraph 4.12 are required as a result of our conclusions.

Rural Services and Amenities (1032)

28. St Boswells Parish Community Council (1032) is likely to be correct about the importance of village halls, schools and other facilities, to their respective settlements and surroundings. However, paragraph 4.5 appears to be pitched at a high level covering the rural economy and the role of broadband and transport connections. I therefore accept the council's point that proposed plan paragraph 4.5 (and others in Chapter 4) is not intended to be an exhaustive list of matters. No modifications are necessary.

Road Travel (988)

29. The council suggests that reducing road travel to minimise reliance on fossil fuels and road safety are not within the remit of development planning. I partly agree since the design of vehicles (including power source), the speeds at which people drive and the flow and management of traffic are not within the remit of development planning. However, the use of land and the location, design and layout of development are within the remit of development planning and can influence traffic volumes. Traffic volumes can, in turn, influence fossil fuel consumption (and emissions) and affect road safety.

30. However, I am satisfied that proposed plan Chapter 4 (including the proposed modifications above) outlines the importance of mitigating climate change and thus reducing carbon emissions (including from vehicles). Similarly, the spatial strategy outlines how development is proposed to be focussed in and around the largest concentrations of people, jobs, services and infrastructure. This offers the optimum opportunity to reduce the need to travel, to make active and/or passenger transport available to the users and occupiers of existing and proposed development in those same areas. That offers future generations an opportunity to reduce car reliance with some associated benefits for emissions, health and road safety.

31. The council also proposes to improve connections within and between those same settlements. The matters of concern to Rosalyn Anderson (988) are adequately dealt with by the various issues covering transport, development locations and related matters (including Issue 016: Infrastructure and Standards Policies: Policies IS2 to IS17 & Policy Maps, which covers proposed plan Policy IS4: Transport Development and Infrastructure). No modifications are required to Chapter 4 on these matters.

Coronavirus Pandemic (597, 598, 828, 988)

32. The Covid 19 pandemic has shown that certain business operations can take place remotely/electronically whereas others cannot. Which of these is optimal in the short, medium or longer term depends on a variety of business-related factors. Just as it cannot automatically be assumed that there would be a return to pre-pandemic travel patterns, we also cannot automatically assume the opposite. On balance, it would be unwise to assume that what are presently short-term responses to the Covid pandemic will become the 'new normal' in the longer term. For these reasons, I agree with the council's appraisal of this matter. No modifications are needed.

Miscellaneous (494, 1032)

33. In order to achieve the vision and aims of the proposed plan (including the above recommended modifications), buildings would need to enable their occupiers to consume low levels of heat, power, water and other resources. Although passive haus (referenced by B Dominic Ashmole (494)) may be one example of how to achieve this, there may be others, including some that apply to non-residential land uses.

34. The translation of such standards into a set of requirements for buildings is a matter for the Building Regulations. Even were that not so, proposed plan Chapter 4 would not be where such matters are covered in detail. I am content that reference to climate change mitigation and adaptation in proposed plan Chapter 4 (as per recommended modifications above) are sufficient for that purpose. Place quality matters, which include design, are covered separately in Issue 009: Placemaking and Design Policies: Policies PMD1 to PMD5, which considers place making policies. No modifications are required.

35. I can see how improved broadband coverage and digital connectivity referenced by St Boswells Parish Community Council (1032) would contribute to various aspects of the vision and aims of the proposed plan, such as the economy and climate change. However, Chapter 2, paragraph 2.16, adequately recognises the role and importance of broadband and digital connectivity. It is also already described in the fourth bullet point in the 'communities' list under paragraph 4.8. Therefore, no further modification is necessary.

36. By my reading, proposed plan Chapter 4 is not self-congratulatory. I am content that the paragraphs forming Chapter 4 elaborate on the vision in brief, with greater detail on these matters elsewhere in the proposed plan. Therefore, no modifications are required, accepting that I separately propose modifications (above) for different reasons.

37. St Boswells Parish Community Council (1032) is correct that proposed plan paragraph 4.6 references the need to capitalise on the tourism and economic development interests of built and natural heritage. However, that same paragraph also explains the importance of protecting and enhancing that same heritage and the importance of new development respecting the character, appearance and amenity of built and natural heritage. On their own and together these matters do not appear out of kilter with what the plan proposes or suggest an approach that would automatically be to the detriment of the respective heritage assets. Therefore, no modification is required.

38. The proposed plan contains numerous references to Berwick upon Tweed specifically, and, to other settlements that are also beyond the Scottish Borders, such as Edinburgh, Carlisle and Newcastle upon Tyne. It does so in relation to travel and transport infrastructure, and, also in relation to work and the economy. Having reviewed the whole proposed plan and all of the unresolved issues, I am content that sufficient reference has been made to Berwick upon Tweed and other settlements (accepting recommended modifications). Therefore, no further modification is necessary.

Representation by Michael Marshall (518)

39. The council states that it has considered the matters raised in the representation made by Michael Marshall (518) (and supported by other representations) at Issue 008: Chapter 8: Delivering Sustainability and Climate Change Agenda. Although that may be so, at least some of that representation seeks modifications to proposed plan Chapter 4. I am satisfied that those matters are covered by the paragraphs above. No further modifications are required.

Reporter's recommendations:

Modify the local development plan by:

1. amending the first sentence in paragraph 4.2 on proposed plan page 19 to read:

“The LDP provides opportunities for economic growth (including the green economy/ recovery) and job creation.”

2. deleting the words “...as identified in HNDA2...” in paragraph 4.3 on proposed plan page 20.

3. replacing the whole of paragraph 4.7 on proposed plan page 20 with the following text:

“On 25 September 2020, Scottish Borders Council declared a climate emergency, and through its climate change route map (CCRM) is seeking to ensure that it plays its part in achieving the national target for Scotland of net zero greenhouse gas emissions by 2045, in step with the national climate change plan (updated in December 2020). The council continues to promote and investigate ways to address climate change issues

and adaptation in order to seek a net zero emissions economy. There is a continuing need to reduce private vehicular travel and greenhouse gas emissions as well as energy consumption and waste arisings; and to support renewable energy opportunities where possible. Heat mapping must be investigated and developed in order to explore opportunities for supply and demand of renewable energy, and new buildings must be designed to be resilient to the effects of climate change.”

4. moving the section entitled “Sustainability and climate change” (revised paragraph 4.7 above) to sit above the section entitled “Growing our economy” (currently paragraph 4.2).

5. replacing the fourth bullet in the paragraph 4.8 “sustainability” list on proposed plan page 21 with the following text:

“Deliver climate change mitigation while ensuring climate change adaptation.”

Issue 5	Chapter 5: Growing Our Economy	
Development plan reference:	Volume 1 Policies – Chapter 5: Growing Our Economy (pages 23-25)	Reporter: Alison Kirkwood
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Iain Gibson (502) Wind 2 Ltd (597) Fred Olsen Renewables Ltd (598) Scottish Renewables (612) Renewable Energy Systems (802) Coriolis Energy (811) Muirhall Energy Ltd (828) Belltown Power (836) Innerleithen and District CC (853) South of Scotland Enterprise (883) Roselyn Anderson (988) Francine Hardwick (999) St Boswells Parish Community Council (1032)</p>		
Provision of the development plan to which the issue relates:	Chapter 5: Growing Our Economy (pages 23-25)	
Planning authority's summary of the representation(s):		
<p><u>Iain Gibson (502):</u></p> <ul style="list-style-type: none"> In respect of the following text within Chapter 5, page 24, para 5.4: “Distribution of available land is important and there is a recognised need to allocate further business and industrial land within the Peebles area in particular”, the Contributor considers that there does not appear to be specific evidence provided of this need. The Contributor is of the view that further land allocation(s) for business and industrial use should only proceed after a clear demonstration of both need and compliance with all other policies. In respect of the following text within Chapter 5 page 24 5.6: “Due to the ongoing uncertainty as to when or indeed if a new bridge will be built, any proposals identified to the southern side of the town can only be longer term options”, the Contributor is of the view that the commitment that no further allocation of land for business and/or industrial development on the south side of Peebles will be made until there is a new bridge is not as strongly expressed here as in para 4.12 regarding housing development. Also, additional caveats require to be added. The Contributor considers that it should be stated as policy that no further allocation of land for business and/or industrial development on the south side of Peebles will be made until there is a new bridge as strongly as in para 4.12 regarding housing development. Two other caveats should be included pertinent to any new business land allocations being released on the south side of Peebles: 1) The capacity of 		

Caledonian Road to handle additional traffic (as well as the heavy volume of traffic on this road, it needs to be remembered that there is a point where Caledonian Road does not meet the DMRB width requirement); and 2) The roundabout at the Old Parish being at capacity.

- In respect of Chapter 5, page 25, para 5.8, the Contributor is of the view that there ought to be a regeneration project for Peebles.

Wind 2 Ltd (597), Fred Olsen Renewables Ltd (598), Muirhall Energy Ltd (828):

- The need to address economic recovery is relevant to this Chapter and should be taken into account. There is no mention of the need for economic recovery from the coronavirus pandemic. In this regard and linking to the net zero policy objective, there has been a considerable amount of policy advice provided to the Scottish Government on the need and opportunity for a 'green recovery' including the 'Programme for Government' 2020-21, published in September 2020.

Scottish Renewables (612):

- The Contributor is disappointed at the lack of any reference the renewable energy sector provides to the Scottish Border's economy, both directly through employment and investment as well as through use of local businesses. Renewable energy developments also make significant contributions to local communities. Chapter 5 should be updated to make express reference to the economic benefits of renewable energy development.

Renewable Energy Systems (802):

- The Contributor is concerned to note that Chapter 5 makes no reference to the green economy, green recovery or the economic development opportunities associated with the renewable energy sector and its associated supply chain. The Onshore Wind Policy Statement (OWPS) (2017) notes that 'onshore wind is a vital component of the huge industrial opportunity that renewables more generally create for Scotland'. It also notes that 'The industrial opportunity, and the extent to which we can continue to capture these benefits, remains a top priority for Scottish Ministers'. While there is reference to the low carbon economy in Section 8 of the Plan, a specific reference to and acknowledgement of the economic opportunities associated with the renewable energy sector in Chapter 5 would create appropriate linkages between various Sections of the Plan and create a supportive context for specific the Plan policies.

Coriolis Energy (811):

- Chapter 5 of the Plan does not acknowledge the economic benefits which can be generated by renewable energy development and it is submitted that Chapter 5 of the Plan should clearly acknowledge this. It is submitted that reference should be made, in Chapter 5, to the 'Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments' published in May 2019 stating the economic and community benefits of such developments.

Belltown Power (836):

- The Contributor is disappointed at the lack of any reference to the renewable energy sector within Chapter 5 – Growing Our Economy as it provides to the Scottish Border’s economy, both directly through employment and investment as well as through use of local businesses. Renewable energy developments also make significant contributions to local communities.

Innerleithen and District CC (853) & Francine Hardwick (999):

- Append ‘United Nations Sustainable Development Goals 8’ (UN SDG 8) to the title of this section.
- Add paragraph explaining how the aims and objectives in this section meet UN SDG 8.

South of Scotland Enterprise (883):

- The Contributor notes that with respect to future economic development opportunities it is important to recognise that many of these will be associated with tourism, natural capital, energy and food and drink including agriculture, and by their very nature be beyond the defined strategic areas, existing industrial sites and remote from the railway corridor.
- Home working (amplified by the global Coronavirus pandemic), which the plan currently appears silent on, could arguably be as important as more traditional employment sites going forward. Similarly, the Scottish Borders area has amongst the highest rate of self-employed people within Scotland, who may require access to smaller lock ups or adequate provision within their homes to undertake their business. The LDP could include provisions to support this key future economic trend, which going forward may be key to attracting people to live in the area, including for example measures to be adopted in new housing developments.
- The LDP highlights at Para 5.9 (page 25) the use of Simplified Planning Zones to allow certain developments, for example, within business parks without having to apply for planning consent. The use of these and other planning freedoms will be of elevated importance over the next decade to aid the regions competitiveness particularly as it recovers from Covid-19, as well as in enabling the pace of change required including that associated with upgrading the electricity grid to allow decarbonised heat targets and those relating to electric vehicle uptake to be met.
- Para 5.10 (page 25) states that “...The creation of a new South of Scotland Enterprise Agency covering Dumfries and Galloway and the Scottish Borders offers a once in a generation opportunity to increase the level of investment in economic growth, skills and innovation. It is intended that the new Agency will closely align its work with Scottish Enterprise, Skills Development Scotland, Scottish Funding Council and Visit Scotland”. We suggest amending this to “The creation of a new South of Scotland Enterprise Agency covering Dumfries and Galloway and the Scottish Borders offers a once in a generation opportunity to drive inclusive economic growth, skills and innovation across the region. SOSE will be a key part of Team South of Scotland, working to deliver the agreed Regional Economic Strategy.”
- The aim of the Plan, further to para 5.11 (page 25) could be amended to talk more positively about and be more explicit in referencing new opportunities including for example Natural Capital, particularly given this is a key focus of the Borderlands Inclusive Growth Deal and is at the heart of the Scottish Governments Programme for Government and economic recovery planning.

Rosalyn Anderson (988):

- In relation to paragraph 5.3 (page 23) of the Proposed Local Development Plan, the Contributor notes that Covid is expected to have impacted on unemployment figures so that the 2018 data may not be useful for the 2020 LDP when we continue to be in the midst of a pandemic. Predictions are a challenge and whilst some new retail businesses had opened in the interim period before our current lockdown their survival may well be in doubt. The self-employed in the Borders will be suffering to differing degrees and the full impact of Covid on employment figures remains an unknown.

St Boswells Parish Community Council (1032):

The Contributor expresses the following views in relation to Chapter 5:

- Paras 5.1 to 5.3 - surprisingly there is nothing here relating to the climate crisis, which even as far back as the Stern report was shown to have considerable economic investment opportunities.
- Figure 4 would benefit from having information on it relating to numbers of the economically active, both in the Scottish Borders and in Scotland.
- It could be concluded from para 5.4 that there is overmuch land allocated for business and industrial use. In discussions relative to the Borders railway expansion it will be important to analyse its potential significance in sustainable development terms, not just those which relate to business or industrial aspects.
- Para 5.5 - sites identified for business and industrial uses should not be readily used for other purposes unless and until the next local development plan so identifies them.
- Para 5.6 - no information is shared about the possibility of derelict or contaminated land available in the vicinity. Working from home may also be a possibility in Peebles. The influence of Edinburgh is perhaps felt more strongly here but unless public transport can be improved the expansion of the town might be better resisted.
- In respect of para 5.7 and as stated above, the opportunities presented by the railway corridor, both existing and proposed, should reflect the potential for sustainable development, not just for business and industry. It is hoped that the Borders railway expansion feasibility study will involve community consultation so that the full potential of the railway can be delivered. It is hoped that Town centre first principles will apply in any analysis of Galashiels, and although the great tapestry of Scotland may be more than a catalyst, it would seem that sustainable development must involve significant use of town and village centre sites in residential use.
- Para 5.8 - the proposed National Park incorporating the northern Cheviots is a project which would benefit the centre of Jedburgh.
- Para 5.9 - simplified planning zones are a broadly unsuccessful planning tool, and despite its initial promotion as part of the recent planning review this is not the term which is being promoted by the revised planning system. The Tweedbank masterplan has been particularly successful in structural landscaping terms, and any proposals must recognise and reinforce the special landscape qualities created by those who came before us.
- Para 5.10 - while city region deals should not be ignored, to some extent they can cut the legs from under the statutory development planning system, and it is important that any additional funding which they may provide is used to achieve the

ends identified and publicly accepted in the development plan as approved. The south of Scotland enterprise agency should not be considered to focus solely upon economic activities. That is not its remit. Its creation should be seen as an opportunity to promote sustainable development linking economic, environmental, and social benefits. It will be important for the local development plan to identify opportunities where this enterprise agency can act for the wider public good, and in particular be energetic in addressing the challenges of the climate crisis.

- Para 5.11 - the LDP should give more weight to sustainable development, not solely to the economic development benefits which can be accrued by sound planning.
- Para 5.12 - while there are many potential benefits in re-establishing rail connections from the Borders to Carlisle, increased access to Carlisle airport will not be one of them if it enables increased domestic flights, a serious and unnecessary contributor to greenhouse gas emissions.

Modifications sought by those submitting representations:

- Contributor considers that there is not enough evidence that further business and industrial land is required within Peebles. (502)
- Contributor requests that it is stated as policy that there will be no further allocation of land for business and industrial purposes on the south side of Peebles until a new bridge is constructed. The contributor is of the view that two other caveats should be included pertinent to any new business land allocations being released on the south side of Peebles: 1) The capacity of Caledonian Road to handle additional traffic (as well as the heavy volume of traffic on this road, it needs to be remembered that there is a point where Caledonian Road does not meet the DMRB width requirement); and 2) The roundabout at the Old Parish being at capacity. (502)
- The Contributor requests that Peebles is identified for a regeneration project within para 5.8 (page 25) of Chapter 5 (502).
- Contributors seek recognition within Chapter 5 – Growing our Economy to the contribution that the renewable energy sector makes to the Scottish Border's economy and local communities. (612, 802, 811, 836)
- Contributor requests that reference be made, in Chapter 5, to the 'Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments' published in May 2019 stating the economic and community benefits of such developments. (811)
- Contributors consider that Chapter 5 – Growing our Economy' should address economic recovery. (597, 598, 828)
- Contributors request that 'UN SDG 8' is appended to the title of Chapter 5 – Growing our Economy and that a paragraph is added explaining how the aims and objectives in this section meet UN SDG 8. (853, 999)
- Contributor considers that Chapter 5 – Growing our Economy should recognise that future economic development opportunities will be associated with tourism, natural capital, energy and food and drink including agriculture and that these will be located beyond defined strategic areas, existing industrial sites and remote from the railway corridor. (883)
- Contributor considers that Chapter 5 – Growing our Economy should make reference to home working (amplified by the global Coronavirus pandemic) and the need for smaller lock-ups or adequate provision within homes to undertake business for the self-employed. (883)

- The Contributor requests that the following text within para 5.10 (page 25) ‘...to increase the level of investment in economic growth, skills and innovation. It is intended that the new Agency will closely align its work with Scottish Enterprise, Skills Development Scotland, Scottish Funding Council and Visit Scotland’ is replaced with ‘to drive inclusive economic growth, skills and innovation across the region. SOSE will be a key part of Team South of Scotland, working to deliver the agreed Regional Economic Strategy.’ (883)
- The Contributor requests that further to para 5.11 (page 25), the Plan is amended to talk more positively about and be more explicit in referencing new opportunities including for example Natural Capital. (883)
- The Contributor seeks consideration that, in relation to paragraph 5.3 (page 23), Covid is expected to have impacted on unemployment figures and that the 2018 data may not be useful for the 2020 LDP. (988)
- Contributor requests amendments to the following paragraphs:
 - Para 5.1 – 5.3 should make reference to the climate crisis/economic investment opportunities.
 - Figure 4 should include information relating to economic activity.
 - Para 5.4 – current text could be interpreted as meaning there is an over-supply of business and industrial land.
 - Para 5.6 – questions if there is vacant and derelict land within Peebles which might be available for allocation, notes that home-working is a possibility in Peebles and is of the view that unless public transport can be improved the expansion of Peebles should be resisted.
 - Para 5.7 – notes that the sustainable development benefits of the Borders Railway do not just relate to business/industrial land, seeks confirmation that there will be consultation with the public relating to the Borders Railway Expansion Feasibility Study and that Town Centre First Principles apply in Galashiels.
 - Para 5.8 – suggests the proposed National Park would benefit the centre of Jedburgh.
 - Para 5.9 – is of the view that Simplified Planning Zones (SPZ) are a broadly unsuccessful planning tool and requests that any proposals within the Tweedbank SPZ recognise and reinforce the special landscape qualities of the area.
 - Para 5.10 - The creation of the South of Scotland Enterprise should be seen as an opportunity to promote sustainable economic development linking economic, environmental and social benefits. The LDP should identify opportunities where the Agency can act for the wider public good and the climate crisis.
 - Para 5.11 – the Plan should give more weight to sustainable development not solely economic development benefits.
 - Para 5.12 – increased access to Carlisle Airport should be discouraged due to greenhouse gas emissions. (1032)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO CHAPTER 5 – GROWING OUR ECONOMY AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN WITH THE EXCEPTION OF THE REPLACEMENT TEXT SUGGESTED BY CONTRIBUTOR NO. 883 WHICH IS CONSIDERED TO BE A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL.

REASONS:

Please note that comments made in relation to Chapter 5 by Michael Marshall (518) – whose representation is also endorsed by Contributors 122, 789, 799, 853, 935, 948, 999 and 1032 - are considered under the Schedule 4 for Chapter 8 (Issue 8).

It is noted that the South of Scotland Enterprise (883) broadly support the specific aims relating to this Chapter subject to their more detailed comments (CD183 page 433).

Iain Gibson (502):

- The Scottish Borders Employment Land Audit (2021) (CD070, page 8) carried out on a yearly basis by the Council acknowledges that “*There is 2.4ha of immediately available business and industrial land within the Northern area*” and that “*there is a shortage of variety of business and Industrial land in the Northern HMA*”. In addition, it is noted that Scottish Planning Policy 2014 (CD041, page 24), paragraph 93 states that: “*The planning system should:*
 - *promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;*
 - *allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; ...”.*
- It is also noted the Scottish Borders Employment Land Audit (2021) acknowledges that (CD070, page 14)“... *the Proposed Plan requires more business and industrial land of suitable type, availability and site servicing to be found in particularly the Northern HMA ...*” For that reason the Proposed Plan has identified additional High Amenity Business land on site MINNE003 and MPEEB007, as well as Business and Industrial Site BSHI001.
- In respect to paragraph 4.12 as raised by the Contributor, that section relates to the Spatial Strategy as set out in the Strategic Development Plan (CD001, pages 7-8). The Council are clear that it is their opinion that Tweed Bridge does not have the capacity to serve any new development in the Peebles, over and above the sites allocated in the Plan. To state that it is the Council’s policy would not only be impractical but also unrealistic. It should be noted that circumstances and conditions can change over the course of time.
- It should be noted that the longer term mixed use site SPEEB005 was first formally identified within the Scottish Borders Consolidated Local Plan 2011 (CD010, Volume 2 – Settlements, pages 443-444 and 447) following the recommendation of the Local Plan Amendment Examination Reporter (refer to CD039, Issue 100, pages 307-315) for longer term mixed use development. The site had been subject to public consultation prior to its inclusion in the Consolidated Local Plan. It should be noted that the Proposed Plan continues to provide the opportunity to bring forward Business and Industrial land on site SPEEB005 Peebles East (South of the River) should it be required.
- In the consideration of any site for inclusion in the LDP, a full site assessment (CD118) is carried out and the views of various internal and external consultees (such as Roads Planning, Education, Economic Development, Landscape, Scottish Water, SEPA, and NHS) are incorporated into that assessment. In doing this rigorous site assessment process, the best sites possible are identified. The site assessment also considers many issues in relation to transport and water/sewage

infrastructure, as well as other environmental issues such as archaeology, biodiversity, flood risk and landscape.

- It should be noted that Roads Planning Section are satisfied that the Tweed Bridge and the road network has the capacity to take the traffic associated with the allocated development sites in the Proposed Plan. In addition, pedestrian provision on Caledonian Road was recently improved as part of the approval of Site APEEB021, as was parking provision in Caledonian Road, and traffic calming measures have recently been implemented in South Parks to reduce traffic speeds and to facilitate pedestrian movement. The Roads Planning Section has confirmed that Caledonian Road has the capacity to accommodate further traffic which will be influenced by traffic management which is controlled by the Council.
- In respect to the Contributors request that Peebles is identified for a regeneration project within para 5.8 (page 25); it should be noted that considerable work was undertaken prior to the identification of the settlements listed – Hawick, Jedburgh, Eyemouth, Selkirk and Galashiels. Prior to the award of funding, considerable time and resources were allocated to assist in identification and application of funding sources. Furthermore these settlements are Council regeneration priorities. It is therefore, not considered appropriate to include Peebles within this paragraph. However, this can be reviewed for the future and perhaps the new Local Place Plans can be a vehicle for addressing this.

Wind 2 Ltd (597), Fred Olsen Renewables Ltd (598), Muirhall Energy Ltd (828)

- Chapter 5 does note, within paragraph 5.1 (page 23) of the Plan, that ‘The Covid 19 will continue to have an impact on the economy and the LDP must ensure there is an emphasis on supporting sustainable economic growth to combat the virus impacts where possible’. The Council is content that these points have also been adequately stated both within Chapter 5 and Chapter 4 – Vision, Aims and Spatial Strategy’ of the Plan and would draw the Reporter’s attention to ‘Schedule 4 for Unresolved Issue 4 – Vision, Aims and Spatial Strategy’ where these points are also addressed.

Scottish Renewables (612); Renewable Energy Systems (802); Coriolis Energy (811) & Belltown Power (836):

- The Contributors comments are noted, however, the Local Development Plan covers a vast range of subject matters and whilst Chapter 5 does not directly make reference to the renewable energy sector it does set out, within paragraph 1.1 (page 74) of Policy ED9 – Renewable Energy Development, that ‘The generation of renewable energy also supports the transformational change to creating a low carbon economy and helps to increase sustainable economic growth. The Council would not be opposed to this matter being specifically referred to within Chapter 5 as a non-material change if considered to be necessary by the Reporter. The Council does not, however, consider it necessary to specifically mention the ‘Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments’ published in May 2019 within this part of the Plan.

Innerleithen and District CC (853) & Francine Hardwick (999):

- The United Nations Sustainable Development Goals are referred to within Chapter 8 – Delivering Sustainability and Climate Change Agenda, specifically within paragraph 8.4 (page 34). Furthermore, Policy PMD1 – Sustainability sets out the Council’s commitment to embedding sustainable development within its strategies, policies and service delivery and confirms that the Council pledges to implement the United Nations Sustainable Development Goals as they relate to local government within para 1.2 (page 40). These goals are intrinsic to the Plan and it is not considered necessary to set these out specifically within the title of Chapter 5 or as a separate paragraph.

South of Scotland Enterprise (883):

The Planning Authority would respond to each of the points raised by the Contributor respectively as follows:

- Policy ED7 – Business, Tourism and Leisure Development in the Countryside (pages 68-70) of the Plan recognises these points. The preamble to this policy acknowledges that the Scottish Borders is a distinctive place which is largely rural in character and that opportunities exist at appropriate locations outwith settlements where economic activity and diversification can take place. The policy supports proposals for business, tourism or leisure development in the countryside that assist in strengthening communities and retaining young people in rural areas provided particular criteria (as set out within the Policy itself, page 69) can be met.
- The Proposed Plan was published for a period of public consultation at the beginning of November 2020 at a time of continued uncertainty and transition in relation to the impacts of Covid-19 upon the economy. As this uncertainty remains at this point in time, it is considered that the housing market will dictate the facilitation of space to enable home-working. This may become a common feature within planning applications for new dwellinghouses or indeed for household extensions whereby residents adjust existing properties to facilitate home-working.
- These comments are noted. In order to capitalise on the opportunities brought by the Borders Railway, the Council created a Simplified Planning Zone scheme to encourage investment at the Central Borders Business Park in Tweedbank (CD092). The Council will continue to consider utilising this tool through future developments where appropriate.
- The replacement text suggested by Contributor 883 is considered to be a non-significant change which is acceptable to the Council.
- It is considered that this paragraph (5.11, page 25) suitably sets out the high level potential impacts of Brexit and it is not considered necessary to expand upon this further.

Rosalyn Anderson (988):

- It is accepted, as set out within paras 2.7 and 2.8 (page 13) of the Plan, that the impacts of the Coronavirus raises a number of uncertainties for the future. The Plan, is however, based on the most up to date figures available at the time of production.

St Boswells Parish Community Council (1032):

The Planning Authority would respond to each of the points raised by the Contributor respectively as follows:

- It is considered that Chapter 8 – Delivering Sustainability and Climate Change Agenda of the Proposed LDP (pages 33-36) adequately sets out these matters.
- It is considered that these figures are adequately set out within paragraph 5.2 (page 23).
- The Council is satisfied that there is not an over-supply of business and industrial land but that there is an adequate supply in most parts of the Scottish Borders as set out within para 5.4 (page 24). Transport policies within the Plan seek to promote the most sustainable means of travel giving priority to public transport in preference to travel by car.
- Policy ED1 – Protection of Business and Industrial Land (pages 52-56) aims to ensure that adequate supplies of business and industrial land are retained for business and industrial use and are not diluted by a proliferation of uses.
- The Council undertakes an annual Vacant and Derelict Land Survey to establish the extent and state of vacant and derelict land within the Scottish Borders and the amount of land that has been rehabilitated since the previous survey. The findings of this survey are considered in the potential allocation of sites for a variety of uses. The option of working from home to those residing in Peebles does not remove the need for new land for business and industrial use within the town although clearly the impacts of the Coronavirus raises a number of uncertainties for the future. Transport connectivity remains vital to the future development of the Borders and there is a continuing need to upgrade the main road network across the Region. The LDP confirms the main routes where improvements are proposed and these include the A72 and A703 (Policy IS4 – Transport Development and Infrastructure, page 157).
- Delivering sustainable development is a key theme throughout the Plan and is intrinsic to all policies. It is hoped that the brief associated with any feasibility work for the extension of the Borders Railway will have an element of public consultation incorporated.
- The Town Centre First Principle is set out within the preamble to Policy ED3 – Town Centres and Shopping Development of the Plan and is intrinsic to all town centres within the Scottish Borders.
- Para 8.15 (page 36) within the Proposed Plan sets out clearly the Council's current position regarding the designation of a National Park within the Scottish Borders. As part of the consultation on the Main Issues Report (CD008, page 87) a question was asked seeking public opinion on such a proposal, its possible location and an operational model. There were mixed responses to the proposal although more were in favour and a range of potential sites were identified. The LDP text confirms the Council will take on board the findings of the responses to the MIR and carry out further work. This will include completing analysis of the case and options for a National Park and setting out a programme (project plan) for that work, including timescales, how we will interact with the group supporting the National Park and the wider community and what further studies will be required. Ultimately the Council will take a view on deciding whether or not to support a National Park and where such a designation should be. It is confirmed that the designation of a National Park is ultimately a matter for Scottish Ministers following an assessment and recommendation by NatureScot. The selection and promotion of any specific National Park at this stage, let alone deciding how it would be defined and operated, would be premature, ahead of full and appropriate consultation on all such matters.

As such, it is not considered that new or revised text is required within Paragraph 5.8.

- Comments noted. Any development within the Simplified Planning Zone (SPZ) at Tweedbank must satisfy the parameters set out within the scheme (CD092, pages 27-66) to ensure there is no detrimental impact upon the landscape qualities of the area. The SPZ seeks to regenerate and maximise the land available at the existing business and industrial site, effectively seeking to attract investment, deliver the development of business and industrial land and therefore achieve policy goals.
- Comments noted. The Plan recognises the role of the new South of Scotland Enterprise Agency and the Council will continue to engage in positive dialogue with this body.
- Delivering sustainable development is a key theme throughout the Plan and is intrinsic to all policies.
- A balance must be struck between environmental impact and conversely the potential opportunities the proximity to Carlisle Airport may offer to local communities, particularly Newcastleton in the case of the Scottish Borders.

Reporter's conclusions:

Iain Gibson (502)

1. The representation states that there is no specific evidence of a need for further business and industrial land allocations in the Peebles area. The council has explained that the need for further business and industrial land in the Northern Housing Market Area is identified in the Scottish Borders Employment Land Audit 2021. As Peebles is the largest settlement in the northern area and is also located within the Western Borders Strategic Development Area, I consider it reasonable that potential opportunities in this location are considered. Mr Gibson's representation in relation to a specific business and industry allocation in Peebles (zEL204) is addressed under Issue 061: Peebles (Longer Term Development and Business and Industrial Land) - SPEEB003 and SPEEB004; SPEEB005 and SPEEB008; zEL46, zEL204 and SPEEB010.

2. Paragraphs 4.12 and 5.6 refer to the provision of a second bridge across the River Tweed in relation to bringing forward further allocations for housing or business development to the south of the river. The representation points out that the wording of paragraph 5.6 on this matter is not as strongly expressed as in paragraph 4.12 which states that a new bridge is required.

3. I note that potential longer-term housing and mixed-use proposals (SPEEB003 – SPEEB005) identify the provision of a new bridge linking north and south of the River Tweed as a site requirement. However, the site requirements for allocation SPEEB005 also indicate that employment land could come forward early to meet a shortfall in business and industrial land. Within this context, it would be misleading for paragraph 5.6 to state that allocations will not come forward until there is a new bridge. I would expect this matter to be considered further in the preparation of a masterplan for site SPEEB005. No modification to paragraph 5.6 is required.

4. Mr Gibson request the addition of two further caveats to housing and business allocations at paragraphs 4.12 and 5.6. These relate to addressing traffic capacity at Caledonian Road and the roundabout at the Old Parish. The council's roads planning team is satisfied that the existing road network has capacity to take the traffic associated

with existing allocations. In terms of potential longer-term allocations, other necessary transport improvements are identified in the council's site assessment report. However, these do not align with the potential requirements identified in the representation. I find that there is no compelling evidence to justify including these as a caveat to development at this time. However, I would expect all potential longer-term allocations to be subject to further transport assessment, when necessary, mitigation measures could be identified. No modifications are required to paragraphs 4.2 or 5.6. Matters relating to a new bridge at Peebles are also considered in Issue 061.

5. Paragraph 5.8 informs the reader of the regeneration projects that are being carried out across the Borders. As there is not currently a regeneration project in place for Peebles, no change is required to the wording of this paragraph. However, this would not prevent the council considering the need for a regeneration project in Peebles. No modification is necessary.

Wind 2 Ltd (597), Fred Olsen Renewables Ltd (598), Muirhall Energy Ltd (828), Scottish Renewables (612), Renewable Energy Systems (802), Coriolis Energy (811) and Belltown Power (836):

6. Local Development Plans are expected to be concise. Matters relating to economic and green recovery are addressed in proposed plan Chapter 4 and in our recommended modifications at Issue 004: Chapter 4: Vision, Aims and Spatial Strategy. Therefore, there is no need for these to be repeated in proposed plan Chapter 5.

7. However, given that the council has recently declared a climate emergency and produced a Climate Change Route Map, I consider the omission of a specific reference to renewable energy in paragraph 5.1 to be an anomaly. I agree with representations that it would be appropriate to mention the economic benefits that renewable energy can bring in Chapter 5 of the plan. A modification to paragraph 5.1 is recommended. However, I do not consider it appropriate to include community benefits in a Chapter entitled "Growing Our Economy" or that there is any need to cross refer to other government documents on this matter.

Innerleithen and District CC (853) & Francine Hardwick (999):

8. Representations in relation to The United Nations Sustainable Development Goals are addressed under Issue 008: Chapter 8: Delivering Sustainability and Climate Change Agenda. The conclusions there do not require any changes to Chapter 5 on this matter.

South of Scotland Enterprise (883):

9. The comments made regarding the nature of future economic development opportunities and the use of Simplified Planning Zones are not seeking any specific changes to the proposed plan. No modifications are required.

10. I agree with the council that the potential increase in demand for homeworking and any planning related implications would be a matter for the next local development plan. No compelling evidence has been presented on what, if any, measures would be appropriate in new housing developments and whether these would require changes in policies or allocations. No modifications are required.

11. The representation suggests alternative wording for the last two sentences in paragraph 5.10 on the basis that the South of Scotland Enterprise Agency is now operational. The council supports the proposed changes and I agree that it would be helpful to provide updated information in relation to this agency. A modification to this effect is recommended.

12. South of Scotland Enterprise requests that reference is made to the Borderlands Natural Capital Project. The text in paragraph 5.11 provides a high-level overview of the economic challenges post Brexit. As there are likely to be a number of relevant projects and initiatives throughout the 10-year plan period, I do not consider it necessary or appropriate to refer to a particular one in paragraph 5.11. No modification is required.

Rosalyn Anderson (988):

13. I consider that any changes in economic trends as a result of the coronavirus pandemic would be a matter for the next local development plan. This would allow time for the gathering and analysis of evidence on the impacts of the pandemic. No modifications are required.

St Boswells Parish Community Council (1032):

14. Subject to the modifications recommended in Issues 004 and 008, I consider that matters relating to the climate crisis are adequately addressed in the plan. There is no need for these to be repeated in paragraphs 5.1 to 5.3.

15. The purpose of Figure 4 is to illustrate the information on unemployment rates referred to in paragraph 5.3. There is no requirement for the plan to provide information on the numbers of people who are economically active. No modification is required.

16. The points made in relation to paragraphs 5.4 to 5.10 and 5.12 are not seeking any specific modifications to the proposed plan. Rather, the representation provides commentary on aspects of these paragraphs and potential future proposals.

17. Whilst Policy ED7 gives weight to the economic benefits of business and tourism development, proposals would also be assessed against the listed environmental criteria in Policy ED7 and other relevant policies. No modification is required.

Reporter's recommendations:

Modify the local development plan by:

1. adding the following clause to the penultimate sentence of paragraph 5.1 on proposed plan page 23, after the words "Scottish Borders":

"...and recognising the economic benefit that renewable energy development can bring".

2. replacing the last two sentences of paragraph 5.10 on proposed plan page 25 with:

"The creation of a new South of Scotland Enterprise Agency covering Dumfries and Galloway and the Scottish Borders offers a once in a generation opportunity to drive

inclusive economic growth, skills and innovation across the region. The new agency will be a key part of Team South of Scotland, working to deliver the agreed Regional Economic Strategy.”

Issue 6	Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement	
Development plan reference:	Volume 1 Policies – Chapter 6: Planning for Housing (pages 27-28) and Appendix 2: Meeting the Housing Land Requirement (pages 193-202)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Middlemede Properties (648) John Wilson (683) J Leeming (755) Rural Renaissance (803) (1 of 5, 2 of 5, 3 of 5, 4 of 5 & 5 of 5) Renwick Country Properties (807) Stephen Amos (810) Roxburghe Estates (813) (1 of 5, 2 of 5, 3 of 5, 4 of 5 & 5 of 5) Whiteburn Caerlee LLP (818) Bruce Weir (821) Michael Ridgeway (824)</p>	<p>C W Properties (826) (1 of 2 & 2 of 2) James Wauchope (831) (1 of 3, 2 of 3 & 3 of 3) Taylor Wimpey UK Ltd and AWG Property Ltd (835) Taylor Wimpey UK Ltd (842) M & J Ballantyne (843) Scottish Government (847) Carmichael Homes Limited (848) Roselyn Anderson (988) Homes for Scotland (1014) St Boswells Parish Community Council (1032)</p>	
Provision of the development plan to which the issue relates:	Chapter 6: Planning for Housing (pages 27-28) and Appendix 2: Meeting the Housing Land Requirement (pages 193-202)	
Planning authority’s summary of the representation(s):		
<p><u>Middlemede Properties (648)</u></p> <ul style="list-style-type: none"> The Scottish Government published an amended version of Scottish Planning Policy (SPP), which should be taken into account in the next version of the LDP. The contributor outlines these key changes within their submission, specifically (paragraphs 27, 29 and 30) and states that the Proposed LDP at present does not meet these requirements. This should be addressed in the interim and that does not take away from the need to take into account the clear direction of travel of policy in the NPF4 documentation. Raise concerns that the Council seeks to rely on SESplan 2 namely the Strategic Development Plan (SDP) which is widely regarded as being out of date. It is accepted that the legal position is out of the Council’s control, however, SESPlan 2 was rejected relating to transport impact and there was no endorsement by the Scottish Ministers of any aspect of the draft plan including housing. The Council will be aware that there are subsequent decisions by Ministers and Scottish Government Reporters that support the position that SESplan 2 and supporting documents are now of limited assistance. It is considered that SBC has placed undue weight on SESplan 2 supporting documentation which is clearly now dated. In short, the approach of wholesale adoption of SESplan 2 documentation is not considered appropriate and SBC should set out a proper and up to date evidence base that is capable of supporting housing policies in the draft LDP. 		

- The contributor states that the clear direction of policy travel set out by the Scottish Government in the NFP4 Position Statement is an important material consideration and whilst the housing supply numbers will need to be re-examined, it would also be appropriate to re-examine the effectiveness and deliverability of certain key sites.
- The Scottish Government has signalled through its NPF4 Position Statement, major changes as to how housing it to be delivered – measuring housing delivery with a greater emphasis on net zero, sustainability and as an infrastructure first approach. This is coupled with a renewed focus on the use of brownfield and vacant land.

John Wilson (683)

- The contributor has undertaken their own calculations contained within 'Appendix 2', which calculate a shortfall in the housing land supply (2009 to 2026) of 6,620 units.
- Policy 5 of SESPlan 2013 establishes the housing supply targets for the Edinburgh and South East Scotland City Region, including the Borders. The contributor has used these figures within the calculations contained within Appendix 2.
- The contributor concludes that, over the period (2009-2019), 9,650 units should have been completed in the Borders. However, the number of units delivered during that period totals 3,959 units. While it is accepted that excluding sites which the Planning Authority has pursued development of, from the suite of sites proposed for housing allocation would be counterproductive; it is clear that more needs to be done to maintain an effective supply of land for housing and deliver new homes in the Borders.
- The contributor has undertaken their own calculations of the housing land supply for the Scottish Borders and concludes that there is an audited shortfall of 6,620 units and that the audited effective housing land supply is 2,351 units and not 3,679 units (large and small sites).
- In respect of large sites only, the contributor has undertaken their own calculations which conclude that the audited effective supply (large sites) is 1,758 units and not 3,086 units.

J Leeming (755)

- The contributor does not think that any more land needs to be allocated for housing at this time, outwith exceptional circumstances.
- The LDP states that, 'The Council is required to maintain an effective 5 year housing land supply at all times'. A 5 year supply at current rates is around 1,500 houses. Indeed, the housing land requirement for (2012-2030) is estimated at only 7,300 (section 6.2), yet there is existing provision for more than 9,000 houses (Table 4). On a net basis, then, the region does not need more housing land allocated before 2030; developers are already sitting on ample land banks. Demand for new housing is anyway likely to be lower than the LDP's assumptions, because of falling population, Brexit and the pandemic.
- With the future so uncertain, it would be better to pause and re-examine the situation when it's time to draw up the (2026 – 2030) LDP and things are clearer.
- The only ways that demand for housing might increase in the short term are if:
 - a) older peoples, as the LDP suggests, want to live in smaller households, which would lead to only a temporary increase before a long-term decline, and could be managed anyway using existing land banks, or
 - b) there is significant immigration into the region in the near term – which looks unlikely.

- The LDP acknowledges coronavirus, though naturally doesn't take account of it in the figures. Its aftermath will only reduce housing demand relative to pre-pandemic levels, both directly and indirectly.
- The estates built recently in the region have tended to be homogenous, monotonous developments bolted onto otherwise varied and attractive settlements. I would like to see new housing having to conform a lot more to the local vernacular, so that it might indeed enhance the built heritage.
- It isn't appropriate for this LDP to be allocating new sites in a settlement where existing sites haven't yet been developed, because the negative impacts of previously allocated sites might only become apparent when they are actually completed.

Rural Renaissance (803) (1 of 5 - 5 of 5)

- Contributor states that allocations must be effective and has undertaken their own analysis of the effectiveness of the Scottish Borders housing land supply (attached within their submission). This was based on an assessment of effectiveness, using the PAN 2/2010 definitions. The contributor adjusted the Council's 2019 housing land audit assessment to include only those sites that are backed by a house builder or developer because these are the only sites that can be considered to be truly effective and marketable.
- State that the question of the sufficiency of the land supply must be judged on a localised housing market area basis and not on a local authority wide basis. It is not acceptable to conclude that if Scottish Borders has an overall effective 5 year land supply, the shortfall in Central Borders can be ignored because it can be made up elsewhere. The contributor concludes that there is a shortfall in the effectiveness in Central Borders that needs to be addressed.
- Housing land supply is an absolute, there is a legal requirement to maintain a rolling 5 year land supply at all times.
- The contributors' assessment of the Central Borders land supply suggests that a third of the land supply is not backed by a house builder and therefore fails the Scottish Governments effectiveness test. This amounts to 1,866 units, which they argue should be removed from the effective land supply.
- The result of the removal of 1,866 units from the effective housing land supply is the need to allocate alternative sites through the LDP.
- Any shortfall in Central Borders must be made up in Central Borders.
- State that the Council's measurement of likely demand is flawed on two counts. The housing market in the prime CBHA is only began to recover, as supported by private house completions based on value. As the Council allocates the sites and grants consent, if they have not granted consent in marketable locations there will be a shortfall in completions – it is self-fulfilling.
- The contributor concludes that there is a clear requirement for the Proposed LDP to identify further housing land in the Central Borders housing market area, and within the area identified as rest of Central Borders housing market area.
- States that there is an over reliance on affordable housing. There are too many sites in the Central Borders housing market area, in remote settlements which cannot be developed due to market failures, the result of development costs increasing beyond the price of the house.
- The contributor states that their previous submissions to various LDP documents have made the argument that the Central Borders housing market area is too large

and needs to focus on areas where there is known demand and need to be well located to the Borders railway.

Renwick Country Properties (807)

- The contributor has attached their earlier submission to the Main Issues Report dated 2019, including reference to the previous housing figures contained within the MIR.
- Over 8,900 new homes which were assigned to the Borders for delivery before 2024 in SESPlan (adopted 2013) have not been built as of January 2021. It is considered that much more substantial volumes of housing will have to be delivered locally this decade and going forward.
- The contributor has undertaken their own calculations contained within 'Appendix 2', which calculate a shortfall in the housing land supply (2009 to 2026) of 6,620 units.
- Policy 5 of SESPlan 2013 establishes the housing supply targets for the Edinburgh and South East Scotland City Region, including the Borders. The contributor has used these figures within the calculations contained within Appendix 2.
- The contributor concludes that, over the period (2009-2019), 9,650 units should have been completed in the Borders. However, the number of units delivered during that period totals 3,959 units. While it is accepted that excluding sites which the Planning Authority has pursued development of, from the suite of sites proposed for housing allocation would be counterproductive; it is clear that more needs to be done to maintain an effective supply of land for housing and deliver new homes in the Borders.
- The contributor has undertaken their own calculations of the housing land supply for the Scottish Borders and concludes that there is an audited shortfall of 6,620 units and that the audited effective housing land supply is 2,351 units and not 3,679 units (large and small sites).
- In respect of large sites only, the contributor has undertaken their own calculations which conclude that the audited effective supply (large sites) is 1,758 units and not 3,086 units.

Stephen Amos (810)

- The contributor has undertaken their own assessment of the housing land supply within the Scottish Borders, which is attached as Appendix 2 within their submission.
- The contributor has commented on sites contained within the housing land audit, to re-calculate the effective housing land supply. The calculations conclude that the effective housing land supply is 1,758 units and that there is a discrepancy of 1,328 units.

Roxburghe Estates (813) (1 of 5 - 5 of 5)

- The contributor has undertaken their own assessment of the housing land supply within the Scottish Borders, which is attached as Appendix 2 within their submission.
- The contributor has commented on sites contained within the housing land audit, to re-calculate the effective housing land supply. The calculations conclude that the effective housing land supply is 1,758 units and that there is a discrepancy of 1,328 units.

Whiteburn Caerlee LLP (818)

- The scale of housing required for the Scottish Borders has been set out by the SESPlan Strategic Development Plan which then requires to come forward and delivered by the Local Development Plan.
- Pressures have grown year on year and across the Borders, many sites appear not to have been brought forward during the current LDP period and thus constrained. This then led to a shortfall in the housing delivery. The contributor has attached their analysis within 'Appendix 3' of their submission.
- The contributor has undertaken their own calculations contained within 'Appendix 3', which calculate a shortfall in the housing land supply (2009 to 2026) of 6,620 units.
- Policy 5 of SESPlan 2013 establishes the housing supply targets for the Edinburgh and South East Scotland City Region, including the Borders. The contributor has used these figures within the calculations contained within Appendix 3.
- The contributor concludes that, over the period (2009-2019), 9,650 units should have been completed in the Borders. However, the number of units delivered during that period totals 3,959 units. While it is accepted that excluding sites which the Planning Authority has pursued development of, from the suite of sites proposed for housing allocation would be counterproductive; it is clear that more needs to be done to maintain an effective supply of land for housing and deliver new homes in the Borders.
- The contributor has undertaken their own calculations of the housing land supply for the Scottish Borders and concludes that there is an audited shortfall of 6,620 units and that the audited effective housing land supply is 2,351 units and not 3,679 units (large and small sites).
- In respect of large sites only, the contributor has undertaken their own calculations which conclude that the audited effective supply (large sites) is 1,758 units and not 3,086 units.

Bruce Weir (821)

- Although the Housing Land Audit (April 2020) identifies a housing land supply, it is evident that many allocated sites are yet to come forward for development and dating as far back as 2016. This then leading to the housing land supply not being fully built out and posing significant questions on the deliverability of the allocated sites within both the existing and proposed LDP.
- The contributor has undertaken their own assessment of the housing land supply within the Scottish Borders, which is attached as Appendix 2 within their submission.
- The contributor has commented on sites contained within the housing land audit, to re-calculate the effective housing land supply. The calculations conclude that the effective housing land supply is 1,758 units and that there is a discrepancy of 1,328 units.

Michael Ridgeway (824)

- The contributor has undertaken their own assessment of the housing land supply within the Scottish Borders, which is attached as Appendix 2 within their submission.
- The contributor has commented on sites contained within the housing land audit, to re-calculate the effective housing land supply. The calculations conclude that the

effective housing land supply is 1,758 units and that there is a discrepancy of 1,328 units.

- The contributor states that the housing land supply set by the current LDP is not being met. Many historical sites being brought forward with little or additional new allocations to meet future LDP2 requirements which will run to 2026.
- Delivering new housing on-site can help to service that existing demand while maintaining the character of the surrounding area.

C W Properties (826) (1 of 2 - 2 of 2)

- The contributor has undertaken their own calculations of the housing land supply for the Scottish Borders and concludes that there is an audited shortfall of 6,620 units and that the audited effective housing land supply is 2,351 units and not 3,679 units (large and small sites).
- The contributor has commented on sites contained within the housing land audit, to re-calculate the effective housing land supply. The calculations conclude that the effective housing land supply is 1,758 units and that there is a discrepancy of 1,328 units.
- The Planning Authority has a responsibility to ensure an effective supply of housing land which is deliverable.
- Policy 5 of SESPlan 2013 establishes the housing supply targets for the Edinburgh and South East Scotland City Region, including the Borders. The contributor has used these figures within the calculations contained within Appendix 2.
- The contributor concludes that, over the period (2009-2019), 9,650 units should have been completed in the Borders. However, the number of units delivered during that period totals 3,959 units. While it is accepted that excluding sites which the Planning Authority has pursued development of, from the suite of sites proposed for housing allocation would be counterproductive; it is clear that more needs to be done to maintain an effective supply of land for housing and deliver new homes in the Borders.

James Wauchope (831) (1 of 3 - 3 of 3)

- The contributor has undertaken their own assessment of the housing land supply within the Scottish Borders, which is attached as Appendix 2 within their submission.
- The contributor has commented on sites contained within the housing land audit, to re-calculate the effective housing land supply. The calculations conclude that the effective housing land supply is 1,758 units and that there is a discrepancy of 1,328 units.

Taylor Wimpey UK Ltd and AWG Property Ltd (835)

- The contributor considers that SBC has taken an incorrect approach to defining and providing for an adequate housing land supply within the Proposed LDP2. The failure to plan for meeting the HLR set of by the adopted SDP (SESPlan1) is considered to be contrary to SPP and case law and is expected to lead to housing land shortfalls of well in excess of 5,000 homes. The whole strategy of the Proposed LDP2's approach to delivering housing land should be reconsidered and
- restarted to aim to meet the HLR set out within the approved SDP – through the allocation of additional, effective housing sites.

- SESPlan 1 (2013) is the SDP that is in force for the Borders at present and identified 9,560 homes between (2009-2019) and 3,280 between (2019-2024). The total HLR for between (2009-2024) totals 12,930 units.
- The contributor states that the figures included within the Proposed LDP represent 56% of the figure sought across SESPlan1's timescale.
- SPP states that LDP's for Local Authorities are to meet a HLR that has come from the SDP that forms its Development Plan.
- HNDA2 was signed off as robust and credible in March 2015. The Proposed SESPlan 2 was rejected by Scottish Ministers in May 2019. The adopted SDP continues to be SESPlan 1, and it that document with which the Proposed LDP must be consistent.
- HNDA2, which forms part of the evidence base to inform policy decisions within the Proposed SESPlan2, cannot be used to make policy decisions or adjustments to housing figures within the proposed LDP. The proposed plan must accord with the adopted SDP.
- Housing completion figures set out in subsequent versions of SBC's Housing Land Audit's indicate that a total of 3,646 homes have been delivered between (2009 – 2024), leaving a remaining SESPlan HLR of 9,284 homes still to be provided for within Scottish Borders up to 2024. A target which is only for up to c.4 years into the 10 years for which LDP2 needs to identify sufficient effective housing land.
- The HLA identifies that there is currently an effective housing land supply of 3,679 homes up to (2023/24). Therefore, even if all of that were to be delivered, alongside all of the new allocations within the first 3 years of the Plan period, SBC's LDP2 would still have a shortfall of 5,038 homes (5,605 – 567) on the SESPlan HLR at (2024), with three quarters of the LDP2 period still to run and additional/extrapolated SESPlan HLR figures up to (2032) still to be applied.

Taylor Wimpey UK Ltd (842)

- The contributor considers that SBC has taken an incorrect approach to defining and providing for an adequate housing land supply within the Proposed LDP2. The failure to plan for meeting the HLR set of by the adopted SDP (SESPlan1) is considered to be contrary to SPP and case law and is expected to lead to housing land shortfalls of well in excess of 5,000 homes. The whole strategy of the Proposed LDP2's approach to delivering housing land should be reconsidered and restarted to aim to meet the HLR set out within the approved SDP – through the allocation of additional, effective housing sites.
- SESPlan 1 (2013) is the SDP that is in force for the Borders at present and identified 9,560 homes between (2009-2019) and 3,280 between (2019-2024). The total HLR for between (2009-2024) totals 12,930 units.
- The contributor states that the figures included within the Proposed LDP represent 56% of the figure sought across SESPlan1's timescale.
- SPP states that LDP's for Local Authorities are to meet a HLR that has come from the SDP that forms its Development Plan.
- HNDA2 was signed off as robust and credible in March 2015. The Proposed SESPlan 2 was rejected by Scottish Ministers in May 2019. The adopted SDP continues to be SESPlan 1, and it that document with which the Proposed LDP must be consistent.
- HNDA2, which forms part of the evidence base to inform policy decisions within the Proposed SESPlan2, cannot be used to make policy decisions or adjustments to

housing figures within the proposed LDP. The proposed plan must accord with the adopted SDP.

- Housing completion figures set out in subsequent versions of SBC's Housing Land Audit's indicate that a total of 3,646 homes have been delivered between (2009 – 2024), leaving a remaining SESPlan HLR of 9,284 homes still to be provided for within Scottish Borders up to 2024. A target which is only for up to c.3 years into the 10 years for which LDP2 needs to identify sufficient effective housing land.
- The HLA identifies that there is currently an effective housing land supply of 3,679 homes up to (2023/24). Therefore, even if all of that were to be delivered, alongside all of the new allocations within the first 3 years of the Plan period, SBC's LDP2 would still have a shortfall of 5,038 homes (5,605 – 567) on the SESPlan HLR at (2024), with three quarters of the LDP2 period still to run and additional/extrapolated SESPlan HLR figures up to (2032) still to be applied.

M & J Ballantyne (843)

- The contributor states that the SDP is SESplan (2013). The Council acknowledges that the Proposed SESplan 2 (2016) was rejected by Scottish Ministers but is opting to utilise the background information set out in HNDA2 and the Housing Technical Note which underpinned SESplan2. However, while these background papers may provide a more up to date evidence base than SESplan1, their use are in conflict with the primary legislation that is the 1997 Act.
- The housing land requirement must be derived from the approved development plan, that being SESplan1.
- However this is calculated, either by averaging the total housing land requirement across 2009-2024 and rolling forward to 2031, averaging the housing land requirement in SESplan1's latter period of 2019-2014 and rolling forward to 2031 or by utilising the last 3 years of the housing land requirement and then the projections of HNDA1 which informed SESplan1, the number must derive from the adopted development plan.
- SESplan 1 sets a housing land requirement for the Scottish Borders of 9,650 between 2009-2019 and of 3,280 between 2019-2024.
- The 3 suggested methods described in paragraph 2.14 above give annual housing land requirements of 862, 656 for the first two options respectively and 656 until 2024, 492 for the third option. These represent total housing land requirements of 15,516, 11,808 and 9,348 respectively.
- The contributor stresses that these are suggestions and that there are potentially other permutations that could appropriately link back to SESplan1. In any event all options will likely result in an annual housing land requirement that is considerably higher than that currently presented in the LDP.
- The housing land requirement set out in the LDP should be amended so as to be clearly derived from SESplan1. This will lead to a higher housing land requirement to 2031 than is presently set out.
- The contributor disputes the programming contained within the Housing Land Audit (2019), given the number of long-standing sites in the audit which have year on year failed to deliver and also the number of very small sites which are reliant on funding availability to individuals rather than developers. These small sites should be classed as windfall if they deliver rather than programmed as effective sites.
- The contributor states that a thorough review of the audit is required to identify what can be considered as effective and what the actual housing land supply is.

Therefore, this may also result in a need for the identification of additional sites to meet the amended housing land requirement.

Scottish Government (847)

- The plan should clearly demonstrate how it was allocated a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption, to be consistent with SPP.

Carmichael Homes Limited (848)

- It is considered that the housing allocations within the Proposed LDP do not provide adequate supply within the locations identified forming part of the strategy for development. Specifically, Peebles, which is a high demand location, as a very limited supply of deliverable housing allocations with much of the land available constrained by infrastructure investment or land ownership issues. Much of the supply of housing is not in the locations that meets the arising demand placing pressure on affordability in these areas.
- The contributor requests that a review of the housing land requirement is undertaken to ensure that the allocations made are likely to become effective within the plan period and fit with the development strategy for the authority. The supply does not meet the housing land requirements and a review should be undertaken to determine if additional allocations are necessary.
- The contributor has undertaken review of all of the allocations, planning history and the likely effectiveness of the sites in accordance with the guidance in Planning Advice Note 2/2010. They consider that there are a significant number of allocations that do not fit with the strategy and are not expected to be effective and or realistic that the full allocation will be delivered within this plan period. Comment on each of the sites listed within the established housing land supply have been made in Appendix 3 along with highlighting the age of the allocation and its fit with the development strategy. In summary, there are a significant number of old sites and a large proportion of smaller development sites within the Housing Land Audit. Much of the effective land supply is also located within smaller settlements that are unlikely to provide any significant contribution towards the housing land supply.
- The information on windfall trends suggests that the average figure has been 99 units p.a and there is no justification to state why it is likely that the annual contribution will increase significantly. It is assumed that the Council consider the windfall proportion will increase as a function of increased delivery. It is also possible that the proportion of windfall sites is a large proportion is due to the constraints placed on the allocations in marketable locations. Through a well planning and researched development plan strategy it would be expected that the proportion of windfall is likely to be much lower. The figures presented are neither based on past trends or sound assumptions. With no evidence presented it cannot be assumed that windfall development will continue at the same rate it has as this relies on brownfield or redevelopment opportunities becoming available that are not already allocated within the Local Development plan, or that do not already have planning permission and listed within the extensive list of sites within the Housing Land Audit.
- Table 5 on Page 196 of the Proposed Plan lists the effective supply (Years 1-5) as 3,679, but using the figures presented in the 2019 Housing Land Audit this would

equal 3,086 units. It is not clear if there is double counting of windfall assumptions within this figure, but this requires to be clarified as it could result in a reduction in the short term supply of 593 units, more than is being provided by new allocations.

- Whilst it is recognised that other towns may be attractive due to availability of land, they are not as marketable, they do not have the demand and will not deliver the housing units needed. There should be greater flexibility in the housing land in a settlement such as Peebles that is integral to the strategy and is necessary to support local housing needs and demand.
- The contributor has attached an appendix outlining comments on the programming for all sites contained within the housing land audit.

Rosalyn Anderson (988)

- The LDP must include identification of adequate development land but (para 4.3) seems to suggest there is more than enough for the next 5 years although the suitability of the locations is unknown, taking in to account figures in (para 2.4) for the changing demographics. The housing needs of the ageing population, as well as the disabled, as not adequately identified, as already highlighted and Covid adds to uncertainty regarding housing demand created by internal movement or people moving to the area for work.
- The figure 7,228 is given in this section as a housing land requirement to (2030/31) but the unit of measurement is not defined. The contributor questions whether this is the total number of houses and how this relates to developments which are flats. In light of the changing demographics, more single storey and single or double occupancy housing would appear necessary as well as retirement complexes through public consultation seems critical to establish the aspirations of our population as we age and become more dependent.

Homes for Scotland (1014)

- Scottish Borders has not provided a detailed analysis of the effectiveness of the remaining sites which are to be carried forward despite lack of take-up. There is background paper called Full Site Assessment but this does not consider each site in the context of the PAN 2/2010 criteria for effectiveness.
- The Scottish Borders will be missing out on positive development opportunities by not exploring in more detail the reasons behind the low take up existing sites. Limiting the release of new sites is only an appropriate strategy if the Council has sufficient confidence those sites already allocated will be delivered in this Plan Period. Even if the Council is averse to increasing the overall quantum of allocated housing land, it should put more work into reviewing and potentially replacing long-standing allocations, ensuring it is relying on sites in which it can have most delivery confidence.
- The contributor questions whether Chapter 6 (Planning for Housing) sets out the correct housing land requirement, particularly in the context of the SESPlan 1 SDP. They have for some time disagreed with the Council on its approach to housing land supply. Their concern goes beyond any analysis of numbers to the way the Council perceives and deals with its history of seeing limited take up of site allocations.
- HFS includes within its membership a number of smaller scale home builders based in and building in the Scottish Borders. Their advice to us is that the Scottish Borders Council is missing out on opportunities to develop the local economy, address the socio demographic challenges it talks about in Chapter 2 of the

Proposed Plan and provide real opportunities to meet their aspiration and provide real choice. A member had provided two housing delivery graphs, which are based on Scottish Government data, and which illustrate the Scottish Borders failure to keep pace with the South East Scotland region in recovering from the effects of the global financial crisis, particularly in respect of the supply of private housing.

- The contributor states that the Council needs to:
 - Review the cumulative impact of its policies on build costs (including their impact on development by smaller scale home builders)
 - Shift its approach to land release to realign its suite of allocations with the market interest that does exist; and
 - Have a flexible land release policy that can respond not just to a technical shortfall in the land supply but to any issues arising in association with the delivery of allocated sites and other sites already in the established

supply.

- Chapter 6 and Appendix 2 fail to clearly set out what the housing land requirement for the plan periods is (including what the plan period itself is) and how the land allocated in the plan, and available from other sources, combines to meet the requirement. This leaves consultees to piece the information together for themselves. HFS has done this in so far as possible on the basis of the consultation information, and the particular circumstances the Scottish Borders finds itself in as the first Council to bring forward a Proposed Plan since the rejection of SESplan 2.
- The contributor objects to the housing land requirement and housing land supply information presented in the Proposed Plan. Within Appendix 1 of their submission, the contributor sets out their thinking and work to date, but the Council should note there are many unresolved issues that prevent them from giving a definitive view on whether this LDP will satisfy the requirements of national policy and legislation.
- If a further stage of work on the HLR and land supply is not undertaken prior to submission of this plan for examination, it seems inevitable these issues will require significant work by all parties at the examination stage itself.
- The basic policy framework within which LDPs are prepared remains unchanged, and in his 16 May 2019 letter to the then Convenor and Vice Convenor of SESplan, the Minister for Local Government, Housing and Planning indicated that the constituent authorities should prepare LDPs that are consistent with SESplan 1.
- In Appendix 2 to the Proposed Plan (Meeting the Housing Land Requirement) the Council refers to both HNDA2 and the rejected SESplan2. It is unclear what the Council's basis is for following this approach rather than that suggested by the Minister at the time of SESplan2 being rejected.
- There is no indication how this LDP is intended to work in concert with others in the region to cumulatively ensure the homes required are planned for and delivered.
- There remains uncertainty in identifying a base date for this plan, following the rejection of SESplan 2. Arguably, with SESplan1 remaining the extant SDP, the base date should be the start of the SESplan1 period (2009). However, the contributor notes that the Council is using 2012 as a base date for the HLR and for ease of cross-reference their figures reflect that. The contributor would be content to remodel out figures if a different base date is agreed before or during the examination.
- The contributor suggests an alternative housing land requirement for the Proposed Plan, set out within (Table 1) of their submission. In the absence of a definitive alternative HLR figure for the Scottish Borders for the period beyond 2014, the contributor suggests using the figure 492 which could be rolled forward for the

remainder of this LDP period. Together, this points to an HLR of 13,315 for this plan. The contributor considers that the Council has provided insufficient information on the rationale for picking that figure as the best HLR for this LDP. Without that clear rationale for departing from SESplan1, HFS and other consultees are disadvantaged in attempting to identify whether the HLR being promoted by the Council is appropriate.

- The contributor sets out their understanding of the available sources of supply for LDP2 within their submission (Table 3). The effective land supply is ordinarily derived from the HLA. The contributor did not provide comments on the HLA2019. In previous years the contributor has often observed that Scottish Borders audits present an unreliable source of information on future completions. 33% of the sites in the Central Borders that the audit lists as effective, do not have the backing of a house builder. Until that changes there is no prospect of those sites being delivered. One means of recognising this could be to identify an appropriate way of discounting the indicative programming from this audit so as not to over-rely on sites with a history of non-delivery and/or the absence of a developer interest. This is something HFS has suggested to the Scottish Borders during audit discussions in the past, and a tool that has been used elsewhere in Scotland where an authority is accepting of the potential for over-programming in audits.
- HFS do not have a specific alternative figure for the existing effective supply, so they have worked with the figures from the 2019HLA in so far as they can. However, as there is no annualised programming beyond the first 7 years of the audit, we have no basis on which to estimate the expected programming for each year from 2027/28 to the end of the plan period.
- The contributor does not accept that constrained sites should be counted towards the land supply for the plan period as there is no information available on when or how those sites are expected to become unconstrained. There is also a lack of clear information on how the windfall assumptions are derived and whether there is any double counting between future windfall programming and what is already accounted for in HLA2019.
- We have accepted the Council's demolition figures, through more information on how these are identified would be beneficial. We have accepted the Council's unit figures for new and removed allocations.
- The contributor has identified a land supply of 6,866 homes for the plan period. This is lower than both the SESplan1 derived HLR and the SESplan2 HLR favoured by the Council.
- It is unreasonable to expect stakeholders to infill the information we have identified as being missing or incomplete, and HFS requests that the Council provides full information on the matters we have raised. For the benefit of consultees and the examination process, the Council should provide a clear, fully sourced and evidence table of its land supply. A first step would be for HLA2020 to carry through its annualised programmed beyond Year 7 and to identify how much of the effective supply is coming from windfall sites and/or allocations which are proposed as new or to be deleted.

St Boswells Parish Community Council (1032)

- Paragraph (4.4): Towns and village centres should accommodate housing as a priority.
- Paragraphs (6.1 - 6.3): It is disappointing that there is no reference here to the housing stock, both new and existing, in relation to the climate change crisis. There

requires to be some additional explanation of the total target figures given in table 3, since by simple calculation 18 years at 300 houses per year produced a total of just 5,400 units.

- Paragraph (6.6): In line 3 it's maybe poor availability of housing for younger people that if intended. Nowhere is mentioned the density assumption for residential development on new sites. If this is left up to developers, they will generally be building what they think they can sell at the highest profit, rather than what would be useful for the community and a genuine contribution towards sustainable development.
- Paragraph (4.3): The housing land supply identified in the LDP appears overgenerous, and thus perhaps does not focus adequately on the locations where development would be most appropriate: there may be an element of wastefulness in this. The suggestion that the new housing figures in the LDP reflect an appropriate level of demand appears given the lie by average completion numbers over the years.
- There may be a case for the promotion of housing improvement and housing conversion grants.
- Housing development policies: It would seem helpful if there were paragraphs on the extent to which holiday homes are distorting the housing market and fuel poverty.

Modifications sought by those submitting representations:

- Modification to the Proposed LDP, to take account of the SPP changes made on 18 December 2020. (648)
- Modification to the Proposed LDP, to set out a proper and up to date evidence base that is capable of supporting the housing policies in the Proposed LDP, rather than relying on SESPlan2. (648)
- Modification to the Proposed LDP, to take into consideration the NPF4 Position Statement as a material planning consideration in respect of housing policy. (648)
- Modification to the Proposed LDP, to re-examine the effectiveness and deliverability of key sites. (648)
- Modification to the Proposed LDP, to update Appendix 2 to reflect the calculations set out within their submission, in respect of a shortfall in the housing land supply of 6,620 units. Take cognisance of Policy 5 of SESPlan 2013 in establishing the housing supply targets; undelivered backlog of housing and the updated programming of large effective housing sites. (683, 826, 807,818)
- Modification to the Proposed LDP, to exclude any new allocated sites for housing. (755)
- Modification to the Proposed LDP, to re-assess the effective housing land supply to include only those sites that are backed by a house builder or developer and are considered to be effective and marketable. (803)
- Modification to the Proposed LDP, to re-assess the effective housing land supply based on localised housing market areas and not on a local authority wide basis. (803)
- Modification to the Proposed LDP, to include further housing land in the Central Borders housing market area. (803)
- Modification to the Proposed LDP, to re-examine the effective housing land supply sites, which conclude that there are 1,758 effective units. (810, 813, 821, 824, 831)

- Modification to the Proposed LDP, in respect of the overall housing land supply strategy and for the housing land requirement to be informed by SESPlan1. (835, 842, 843)
- Modification to the Proposed LDP, to review the programming and effective housing land supply contained within the Housing Land Audit (2019). Remove small sites from the effective housing land supply and classify these sites as windfall. (843)
- Modification to the Proposed LDP, to set out how it has allocated a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption. (847)
- Review of the housing land supply to ensure that allocations are effective and fit with the development strategy. (848)
- Review the appropriateness of the proposed HLR in the context of SESplan 1 and the need for LDPs in South East Scotland to work in concert to achieve the required cumulative quantum of effective housing land. Provide a fully evidenced rationale for the proposed HLR. Modification of the HLR to be 13,315 for the Plan period. (1014)
- Provide fuller evidence on all proposed sources of supply. (1014)
- Review anticipated output from sites identified in the latest housing land audit and consider using a discounting mechanism to recognise the long-standing difficulties in accurately programming sites in the Scottish Borders, particularly those with no developer attached. This could be done through the 2020 audit or an interim piece of work. (1014)
- Provide extrapolated site programming, beyond year 7 of the 2019 audit, through to at least 2030/31. This could be done through the 2020 audit or an interim piece of work. (1014)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO CHAPTER 6: PLANNING FOR HOUSING OR APPENDIX 2: MEETING THE HOUSING LAND REQUIREMENT AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN. HOWEVER THE COUNCIL WOULD WELCOME FURTHER CONSIDERATION BY THE REPORTER ON THIS MATTER IF IT IS CONSIDERED NECESSARY, TAKING INTO ACCOUNT THE POSITION OF NPF4 AT THE TIME OF THE EXAMINATION.

REASONS:

Please note that comments made in relation to Chapter 6 by Michael Marshall (518) – whose representation is also endorsed by contributors 122, 789, 799, 853, 935, 948, 999 and 1032 – are considered under the Schedule 4 for Chapter 8 (Issue 8).

Housing position for Scottish Borders (Context)

- There are varied comments and modifications outlined above in respect of Chapter 6 and Appendix 2 of the Proposed LDP. This includes the housing land requirement and housing land supply for the Proposed LDP. On this issue, there are a variety of suggested amendments to the housing land requirement and assessment of the effective housing land supply.

- It should be noted that one agent has submitted the same 'Appendix 2' on behalf of nine contributors in respect of the housing land issue. These submissions re-iterate the same points in respect of the housing land supply figures.
- It is acknowledged that housing figures within Local Development Plan's is going through a period of change, with a shift away from being set out within the Strategic Development Plans to being set out within the forthcoming National Planning Framework (NPF) 4. As a result, Scottish Borders Council is aware that the housing figures set out within the Proposed LDP will need to take cognisance of NPF4, once adopted, which is likely to occur throughout the duration of the Proposed LDP Examination process.
- The Proposed LDP is based on the housing land requirement set out within the SESplan Proposed Strategic Development Plan (SDP) 2016 (CD005) and informed by Housing Need and Demand Assessment 2 (HNDA) 2015 (CD004), however again it is acknowledged that these will be superseded when NPF4 is a material planning consideration. At this point in time, it is considered that it would be premature to use the figures contained within the Draft Fourth National Planning Framework (NPF) 2021 (CD065).
- As a result, Scottish Borders Council would be happy for the Reporter to consider this matter further, taking into consideration NPF4 when it is a material consideration and forms part of the Development Plan.
- It should be noted that Scottish Borders Council has fed into the Draft NPF4, in consultation with the Scottish Government. It is considered that the figures contained within the Draft NPF4 are reasonable and realistic and not too dissimilar to the housing figures contained within the Proposed LDP. The housing land requirement is 4,800 units for the 10 year period (480 units per annum), which includes 30% additional flexibility. Therefore, it is considered that the Scottish Borders would still have a sufficient housing land supply for the plan period, if the draft NPF4 figures were to be included within the forthcoming NPF4.
- Furthermore, it should also be noted that Appendix 2 contained within the Proposed LDP is based on the Housing Land Audit (HLA) 2019 (CD071). At the time of producing the Schedule 4's, this was the most up to date audit finalised. However, the Council were near finalisation of the 2020 audit at the time of producing the Schedule 4's. Therefore, an up to date audit would be available at the time of the Examination, should the Reporter wish to consider it.
- The responses set out within this Schedule 4 are based on the content within the Proposed LDP.

Housing Land Requirement (648, 683, 807,818, 826, 835, 842, 843, 847, 1014)

- A number of the contributors raise concerns regarding the housing land requirement set out within the Proposed LDP and the reliance on the SESplan Proposed SDP 2016 (CD005) to inform the figures. There are a number of conflicting proposed modifications in respect of the; housing land requirement figure, having an up to date evidence base and setting out an amended housing land requirement.
- It should be noted that contributors to the issue on housing land requirement do not all agree on any clear housing shortfall figures themselves and there are a variety of figures proposed as part of the submissions. It is considered that whatever is presented within the Proposed Plan it will not satisfy the various wants and needs of all the respective parties. As stated earlier, a number of the contributors have used the same agent, who submitted the same Appendix for a variety of sites, outlining alternative housing land requirement and supply figures.

- The context for the housing land requirement is contained within the Housing Technical Note (CD036). Scottish Planning Policy (SPP) 2014 (CD041) requires Council's to identify a generous supply of land for housing within all housing market areas, across a range of tenures, maintaining a 5 year supply of effective housing land at all times. In City Regions, the Strategic Development Plan (SDP) identifies the housing land requirement for the plan area. SPP confirms that the Housing Need & Demand Assessment (HNDA) provides the evidence base for defining the housing supply target. It is recognised that the HNDA is a technical, modelling exercise which provides a range of estimate-based scenarios.
- SESPlan prepared HNDA2 (CD004) in accordance with the detailed guidance from the Scottish Government, and this was considered 'robust and credible' by the Scottish Government in March 2015. It should be noted that the HNDA2 is at present the most up to date and therefore reliable evidence of the housing need and demand within the SESPlan area.
- The SESPlan Housing Background Paper 2016 (CD006) sets out the background, process and justification for the housing supply targets and housing land requirements which are set out within the SESplan Proposed SDP 2016 (CD005). The current SESPlan SDP 2013 (CD001) was approved in June 2013, however the SESplan Proposed SDP 2016 (CD005) was rejected by Scottish Ministers on 16th May 2019. The reasons cited were the Ministers were not satisfied that the Plan was informed by an adequate and timely Transport Appraisal and did not take account of the relationship between land use and transport. Whilst the proposed SDP was rejected there are elements of the supporting technical papers and documents which helped guide the Proposed SDP and incorporate the most up to date positions.
- The housing figures contained within the Proposed LDP are based on SESPlan Proposed SDP 2016 (CD005), as it is considered to be the most up to date position in terms of housing need and demand and was informed by the most up to date HNDA. It is considered that the SESplan SDP 2013 (CD001) housing figures are out of date and do not provide an up to date position, in respect of housing need and demand, within the Scottish Borders.
- However, it is acknowledged that the housing land requirements for each Local Authority will be set out within the forthcoming NPF4. The Council does not agree to modify the plan in response to the above representations, however would welcome further consideration by the Reporter on this matter, taking into consideration the position of NPF4 at the time of the Examination.

Base date for Proposed LDP2 (1014)

- Concerns were raised regarding the base date of the Proposed LDP, in respect of the housing figures. The contributor states that the base date should be the start of SESPlan1 period (2009). However, the base date included within the Proposed Plan is (2012/13) which correlates with SESPlan Proposed SDP 2016 (CD005) as set out within the SESPlan Housing Background Paper 2016 (CD006). For the reasons outlined above, the Council consider it is appropriate to use SESPlan Proposed SDP 2016 (CD005) figures, given that they provide the most up to date housing need and demand context for the Scottish Borders.

Housing Land Supply (including identified shortfall/re-assessment of effectiveness of sites) (648, 683, 803, 807, 810, 813, 818, 821, 824, 826, 831, 843, 847, 848, 1014, 835, 842, 1032)

- A number of contributors raised concerns regarding the housing land supply set out within the Proposed LDP, including undertaking alternative calculations of the housing land supply and proposed updates to Appendix 2 housing figures.
- Some of the proposed modifications include an update to Appendix 2, which take into consideration; SESPlan SDP 2013 housing land requirements (CD001), the undelivered backlog and an updated programming of the effective housing land supply, with ultimately a shortfall in the housing land supply being identified. There are a variety of alternative figures proposed by the contributors in respect of the shortfall and effective housing land supply.
- Comments are made that only those sites backed by a house builder or developer should be included within the effective housing land supply. In response, it should be noted that the lack of ownership of a site by a house builder/developer does not mean that sites are not effective. There are examples of a number of sites throughout the Scottish Borders, where Registered Social Landlords are in the process of land acquisition with the intention of developing sites for affordable housing. Furthermore many landowners are approached by developers, or indeed landowners contact them themselves, and consequently these sites become effective and are developed in due course. Given the vast number of sites within the Scottish Borders, it would be unreasonable and unrealistic to programme sites on this basis.
- A number of contributors have undertaken their own assessments of the programming of large sites within the Housing Land Audit (HLA) 2019 (CD071) and conclude that there are only 1,758 units within the effective housing land supply.
- Comments are also made that a review of the housing land requirement should be undertaken to ensure that the proposed allocations are likely to become effective within the plan period.
- Contributor (843) questions the inclusion of small sites within the effective housing land supply. In response, it is noted that like other rural local authorities, small sites less than 5 units, play a large role in terms of the effective housing land supply and completions. Given the rural context of the area, is it considered appropriate to include a percentage of small sites within the effective housing land supply, to represent the nature of the rural housing market.
- Contributor (1014) raises concerns that there is no detailed analysis within the site assessments of the effectiveness of the remaining sites which are being carried forward, despite the lack of take up. Furthermore, that 33% of effective sites within the HLA 2019 (CD071) do not have the backing of a developer and propose a modification to consider a discounting mechanism to recognise the long-standing difficulties in accurately programming sites in the Scottish Borders, particularly those with no developer attached. Furthermore, they request another modification to provide extrapolated site programming, beyond year 7 of the HLA 2019 (CD071) through to 2030/31. In addition they seek a modification to provide fuller evidence on all proposed sources of the housing land supply.
- In response to the comments and modifications outlined above, it is not considered appropriate to re-assess the effectiveness/programming for each individual housing site as part of the Proposed LDP. The correct mechanism for undertaking this is through the annual housing land audit itself. The Council has finalised the HLA 2019 (CD071) and is currently working on finalising the HLA 2020. The audit process involves and encourages any interested party, most notably the development industry, to feed into this process and submit comments at the appropriate time as to whether it is considered timescales for the development sites are reasonable. It is not considered that the Proposed LDP process is the mechanism for challenging

this, and comments would be welcomed by developers as part of the audit process. It should be noted that all large sites contained within the HLA 2019 (CD071) were reviewed in respect of their programming and effectiveness. The Council engaged with land owners and house builders as part of this process and also hold third party information which together influence the programming. One of the challenges in preparing the audit, is that one party may argue that all their land, or majority of it is effective, but suggest another party (parties) is not effective. However, these parties then submit comments to the audit stating the contrary. Consequently, there is often conflicting advice submitted on sites and therefore whatever conclusions are drawn by the Council will be challenged. The Council makes decisions on the audit and the effectiveness of sites throughout the region and believes the conclusions are made in an independent and fair manner. This reaffirms why this should be undertaken as part of the audit process.

- In respect of the audit, it provides a snapshot of the housing position at a fixed point in time. The Proposed Plan has to look at what might be delivered within the plan period. The Proposed LDP provides a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy 2014 (CD041). The Plan allocates a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption. The Council do not agree with the claims that there is a shortfall in the housing land supply.
- In respect of adding on undelivered backlog, the Council does not consider this to be best practice, especially when including undelivered units from SESPlan SDP 2013 (CD001) which is no longer the most up to date position in respect of housing need and demand. It is considered that by adding the undelivered backlog would result in a completely unrealistic and unjustified housing land requirement.
- Contributor (848) queries the effective land supply figure (3,679 units) contained within Appendix 2 (Table 5, page 196) of the Proposed LDP. For clarification, the HLA 2019 (CD071, refer to Introduction, page 14) states that the 5 year effective housing land supply is 3,679 units. This is consistent with the contents of Appendix 2 of the Proposed LDP. The housing land audit includes both allocated sites and any windfall approvals with extant planning consent. For the avoidance of doubt, it should be noted that units have not been double counted.
- Although not a proposed modification, contributor (1032) raises concerns in respect of the level of demand, in comparison to the average completions over recent years. The reasoning for the housing land requirement is set out above. In respect of monitoring the five year effective housing land supply, Appendix 2 within the Proposed Plan sets out the methodology for this. It should be noted that likely actual demand is illustrated by the performance of the development industry over the previous 5 year period as required by Scottish Planning Policy 2014 (CD041). This is measured by actual completions and is the most appropriate measure of market performance.
- As re-iterated from above, it is acknowledged that the housing land requirements for each Local Authority will be set out within the forthcoming NPF4. The Council does not agree to modify the plan in response to the above representations, however would welcome further consideration by the Reporter on this matter, taking into consideration the position of NPF4 at the time of the Examination and any more up to date finalised Housing Land Audit by the Council.

SPP: Changes made on 18th December 2020 (648)

- The contributor requests a modification, to take account of the SPP changes from December 2020.
- It should be noted that since the contributor submitted the above comments, both PAN 1/2020 and the December 2020 updates to Scottish Planning Policy (SPP) regarding sustainability have been quashed and retracted. Therefore, as a result these comments no longer reflect the up to date policy position and should not be taken into consideration in the production of the Proposed LDP and as such all references have been removed.
- All references to both PAN 1/2020 and the December changes to SPP are no longer relevant.
- Therefore, taking into consideration the above, the Council does not agree to modify the Proposed LDP in response to this representation.

NPF4 Position Statement: Material consideration (648)

- Although not a modification, the comments from the contributor are noted in respect of the NPF4 Position Statement 2020 (CD064) and housing delivery. However, NPF4 remains at a draft stage, and once adopted NPF4 will be a material planning consideration in the planning process.

No additional land to be allocated for housing/demand/tenure (755, 988, 1032)

- The contributor (755) requests a modification to exclude any new allocated sites for housing within the Proposed LDP, stating; there is sufficient land allocated within the Proposed LDP; demand for new housing will likely be lower due to decreasing population, Brexit and the impact of pandemic and there are sufficient undeveloped sites allocated within the Plan. Furthermore, states that the only way demand will increase in the short term are if older people want to live in smaller households and there is significant immigration. Contributor (988) also questions the need for any additional housing and states that the housing needs of the ageing population and disabled are not adequately identified. Contributor (1032) raises concerns in respect of the housing land supply being overgenerous, and thus perhaps not being focused adequately on the locations where development would be most appropriate.
- In response to the comments regarding future demand, the Proposed LDP was informed by the Housing Need and Demand Assessment (HNDA) 2 (CD004) and is based upon the housing land requirements set out within the SESPlan Proposed SDP 2016 (CD005). In respect of the new sites being allocated as part of the Proposed LDP, these total 567 units. Furthermore, there are six sites proposed for removal totalling 108 units.
- In response to contributor (988) and comments regarding housing for the ageing population and disabled, it is considered that these are addressed within the Proposed LDP. The allocations themselves do not specify the type of housing which will be developed on the site. However, there are a range of policies contained within the Proposed LDP, including Policy HD1: Affordable Housing Delivery and Policy HD6: Housing for Particular Needs. The specific final proposals will be assessed as part of the Development Management process.
- The contributors (755 & 988) make reference to the impact of the pandemic upon the housing market. However, the full impact remains unknown for the time being. Therefore, the figures contained within the Proposed LDP continue to take account of HNDA2 (CD004), which has been considered to be robust and credible.

- Contributor (1032) raised concerns in respect of the housing land supply. Scottish Planning Policy (SPP) 2014 (CD041) requires Council's to identify a generous supply of land for housing within all housing market areas, across a range of tenures, maintaining a 5 year supply of effective housing at all times. It is considered that these additional units will provide additional flexibility to the sites being carried over from the previous plan and ensure that the Proposed LDP provides a range of sites in terms of size, tenures and density throughout the whole of the Scottish Borders. It is considered that the Proposed Plan provides a range and choice of sites across all housing market areas within the Scottish Borders, in line with SPP.
- It should be noted that the contributor (755) objected to a number of specific sites within the Proposed LDP and these are dealt with as part of the specific settlement Schedule 4's.
- Contributor (988) questions the housing land requirement figure of 7,288 units. For clarification, this figure is the total number of units required for the period (2013/13 to 2030/31) and includes flatted developments too. The specific design, tenure and density of the proposed units would be assessed at the Development Management stage. The allocations include an indicative site capacity, however do not specific the type of housing.
- The Council does not agree to modify the Proposed LDP in response to these representations.

More local vernacular house design (755)

- Although not a modification, the contributor states they would like to see new housing having to conform a lot more to the local vernacular, to enhance the built heritage.
- There are a range of policies included within the Proposed LDP which promote placemaking and design principles. Policy PMD2: Quality Standards aims to ensure that all new development, not just housing, is of a high quality and respects the environment in which it is contained. The policy does not aim to restrict good quality modern or innovative design but does aim to ensure that it does not negatively impact on the existing buildings, or surrounding landscape and visual amenity of the area. The policy sets out a number of criteria for placemaking and design and sustainability, which proposals should take cognisance of.
- The Council has also produced Supplementary Planning Guidance: Placemaking and Design (CD084), to guide developers.
- It is considered that there are sufficient policies and guidance for proposals to be assessed against and this would be taken into consideration at the Development Management stage, when detailed proposals were being considered.

Release land where there is market interest (1014)

- It is considered that the Proposed LDP allocates a range and choice of sites throughout all housing market areas within the Scottish Borders, in order to meet the housing land requirement.

Density of allocation (1032)

- Although not a modification, the contributor raises concerns regarding the density assumption for residential development on new sites being left up to developers.

- It should be noted that every housing allocation within the Proposed LDP includes an indicative site capacity, which takes into consideration the site context, surrounding area and known constraints. These are indicative and the final layout and design of any proposed development will be subject to consultation and assessment against the Local Plan policies, as part of the Development Management process at that point in time.
- The Proposed LDP also sets out site requirements, which take on board consultation feedback.

Location of allocations/over supply (803, 848, 1032)

- Concerns were raised that there is an over reliance on affordable housing and that there are too many sites in the Central Borders housing market area, in remote settlements which cannot be developed due to market failures. In response, it is considered that the Proposed LDP provides for a range and choice of allocations within all housing market areas. It is acknowledged that the character of the Scottish Borders is that there are a large number of smaller villages and towns. However, development should not be solely focused within a small number of larger settlements. There is a requirement to provide a choice and range throughout the whole of the Scottish Borders. It should also be noted that the housing allocations within the Proposed LDP do not specify whether they will be developed for market or affordable housing. Such proposals will be assessed as part of the Development Management process against a range of policies at that time. Furthermore, the importance of these affordable housing sites within the Scottish Borders must be acknowledged, which have been very successful in recent years. The Strategic Housing Investment Plan (SHIP) (CD164) sets out the pipeline for affordable housing project delivery across the Scottish Borders, to assist meeting in the demand.
- Contributor (1032) raises concerns that towns and village centres should accommodate housing as a priority. In response, the Proposed Plan allocates a range of sites for housing throughout the Scottish Borders. It is not always possible to identify suitable housing sites within or near town centres, however there are a number of re-development sites allocated within the Proposed Plan, which have an indicative site capacity for housing. The Proposed Plan promotes the re-development of such brownfield sites within towns and villages. However, there will always be a necessity to identify additional land to accommodate housing developments on the edges of towns and villages, to meet the needs and demands within the Scottish Borders, for a range and choice of tenure and density.
- Although not a modification, the contributor states that the housing land supply appears over generous and questions whether it is in locations where development would be most appropriate.
- Appendix 2 sets out the housing land requirement for the Scottish Borders for the Plan period and states that there are 12,867 units contributing towards the housing land requirement. This takes into account; supply contained within the Housing Land Audit 2019 (CD071), completions, demolitions, units being removed and units being added.
- Although not a modification, contributor (848) raises concerns that the housing allocations within the Proposed LDP do not provide adequate supply within the locations identified forming part of the strategy for development, specifically in Peebles. Furthermore, contributor (1032) raised concerns that there should be greater flexibility in the housing land in a settlement such as Peebles that is integral

to the strategy and is necessary to support local housing needs and demand. In response, whilst the western area has a considerable amount of undeveloped allocated housing land it should be noted that much of this is within Innerleithen and Walkerburn. Historically Peebles has been a vibrant market for housing development and the development industry will continue to seek further land in this area to meet demand. However, due to a number of physical and infrastructure constraints further housing site options are limited. Consequently, consultants were appointed to prepare a study to identify both potential short and long term options and their findings have influenced the housing proposals in Tweeddale within the Proposed LDP.

- A modification was proposed to include further housing land within the Central housing market area, in respect of a claimed shortfall in housing land supply.
- The Council disputes that there is a shortfall in the housing land supply and considers that the housing land supply satisfactorily meets the housing land requirement set out within the Proposed Plan. Therefore, there is no requirement to allocate any additional land within the Central housing market area, further to those sites being included within the Proposed Plan and carried forward from the adopted LDP.
- Concerns were raised that the Central housing market area is too large in size and needs to focus on areas where there is known demand and close to the Borders railway. It should be noted that due to the character of the Scottish Borders, the towns and villages are spread out quite vastly over the area. In respect of the Central housing market area, it is acknowledged that it is a large area, however it encompasses a number of the key strategic towns within the Borders, as well as smaller towns and villages. It is not considered that the Proposed LDP is the mechanism to start re-assessing these longstanding housing market areas.

Windfall assumptions (848, 1014)

- The contributors raised queries regarding the windfall figure contained within Appendix 2 of the Proposed Plan. The windfall assumptions are set out within Table 5 contained within Appendix 2. The figures are taken from the SESPlan Housing Land Technical Note 2011 (CD003). The figure is 146 units per annum for the period (2017/18 to 2023/24) and 98 units per annum for the period (2024/25 to 2030/31). It is considered that the windfall figures included within the Proposed LDP are an acceptable and reasonable estimate of the potential windfall for the Scottish Borders going forward. It should be noted that given there is a degree of uncertainty in predicting windfall sites, some years might be slightly more/less than other years.

Cumulative impact of policies on build cost (1014)

- The contributor does not propose a modification, however raises concerns regarding the cumulative impact of policies on build costs. In response, it is noted that build costs should be factored into the decision making process. However, at the Development Management stage, a range of factors need to be considered including; house design, materials and developer contributions required for the proposal. These will all be factored in and taken into consideration as part of the planning application process.

Flexible land release policy (1014)

- The contributor does not propose a modification, however raises concerns regarding the flexible land release policy. In response, the Proposed Plan currently includes Policy HD4: Further Housing Land Safeguarding, which aims to assist the Council to maintain the five year effective housing land supply at all times, while safeguarding particularly sensitive areas from development. The housing land audit process will be used to monitor the need for any additional land release. Where a shortfall is identified within the Local Development Plan area, new development will be directed to the longer term safeguarded areas identified in relation to settlements. Therefore, it is considered that Policy HD4 provides a policy which can release additional land, in the event of a housing shortfall being identified. Policy PMD4 Development adjoining Development Boundaries also allows the release of non - allocated land for development, subject to criteria tests, should there be a housing land shortfall.

Constrained units (1014)

- The contributor does not consider that constrained units should count towards the land supply for the Proposed LDP, given that there is no information available on when or how those sites are expected to become unconstrained.
- Table 4 within Appendix 2 of the Proposed LDP, shows that there were 1,303 constrained units within the Housing Land Audit 2019 (CD071), from the total established housing land supply of 9,176 units.
- LDP's must allocate a range of sites which are effective or capable of becoming effective to meet the HLR up to Year 10 from the predicted year of adoption, ensuring a minimum 5 years effective land supply at all times. A number of the constrained units will be due to phasing. It is not unreasonable that these units will not become free from constraints within this period. Therefore, they are included within the overall established housing land supply.

Climate change and housing stock (1032)

- The contributor does not propose a modification, however raises concerns that there is no reference to the housing stock, in relation to the climate change crisis. In response, it is not entirely clear what the contributor means by this point.

Housing improvement/grants (1032)

- The contributor states that there may be a case for the promotion of housing improvement and housing conversion grants. This is not a matter to be dealt with as part of the Proposed LDP, however it would be something that colleagues within the Housing Strategy team could assist home owners with and provide advice on.

Holiday Homes (1032)

- The contributor states that it would be helpful if there were paragraphs on the extent to which holiday homes are distorting the housing market, within the housing policies. This point is acknowledged, however given the attractive rural nature of the Scottish Borders and attractive destination for tourists, there will always be an element of the housing stock that is utilised for holiday homes. The Council does not have any hard figures on this. The housing land requirement and housing land

supply figures are based on residential units and that is what is monitored through the housing land audit process.

Fuel Poverty (1032)

- The contributor states that it would be useful if there were paragraphs on fuel poverty within the housing policies. It is acknowledged that fuel poverty is an issue within the Scottish Borders. However, other bodies within the Council would address this and the LDP would not lay down definitive policies to address this.

Reporter's conclusions:

(648), (683), (755), (803), (807), (810), (813), (818), (821), (824), (826), (831), (835), (842), (843), (847), (848), (988), (1014) and (1032)

I use my own headings rather than those of the council.

National and strategic policy context

1. The review of the adopted Scottish Borders Local Development Plan (2016) began with the Main Issues Report (2018) and earlier related engagement. Proposed SESplan 2 (2016) was rejected by Scottish Ministers in May 2019. Therefore, SESplan 1 (2013) and its Supplementary Guidance (2014) remained the extant strategic development plan covering Scottish Borders when the proposed plan was prepared and submitted.

2. At proposed plan submission (summer 2022), Draft NPF4 (2021) had replaced the preceding NPF4 Position Statement (2020) and had completed its own consultation process. However, it was still subject of potential change. The courts had earlier quashed Scottish Planning Policy (2020) and so Scottish Planning Policy (2014) remained extant during the preparation and submission of the proposed plan, as did National Planning Framework 3 (NPF3) (2014).

3. After the commencement of this examination, Revised Draft NPF4 was laid before the Scottish Parliament (November 2022). It was subsequently approved by the Scottish Parliament (January 2023) and adopted as NPF4 by Scottish Ministers (February 2023).

4. Upon adoption, NPF4 replaced NPF3 and Scottish Planning Policy (2014). Section 24 of the Town and Country Planning (Scotland) Act 1997 was also amended to make NPF4 part of the statutory development plan from 13 February 2023. The same amendment also meant that strategic development plans and their supplementary guidance ceased to be part of the statutory development plan. When that happened, the requirement for the proposed plan to be consistent with SESplan 1 (2013) and its Supplementary Guidance (2014) also ceased. The Chief Planner's letter of February 2023 outlines these changes.

5. Previously, it was the strategic development plan that set out the amount of housing land that should be planned for by the local development plan using the term 'housing land requirement' (HLR). However, NPF4 Annex E now sets out a minimum all tenure housing land requirement (MATHLR) for each local authority area in Scotland. This is the minimum amount of housing land that NPF4 sets out for local development plans to

plan for. NPF4 Annex E states that Scottish Borders is expected, as a minimum, to plan for land to accommodate 4,800 homes over the ten-year plan period.

Further Information Request

6. As a result of the above changes to the development plan, I circulated a further information request to the Council and all parties whose representations are covered by this issue. It sought views on how, if at all, NPF4 altered original representations and the council's response to them (above) in relation to the amount of land that should be planned for housing and to land supply. This included an opportunity to comment on Housing Need and Demand Assessment 3 (HNDA3) and the council's Housing Land Audit 2020.

7. Only some parties responded to my further information request. These parties were the council, Scottish Government, Homes for Scotland, M&J Ballantyne, Taylor Wimpy and AWG Properties Limited, and several of the parties represented by Ferguson Planning. Those parties are CW Properties, Mr Bruce Weir, Mr James Wauchope, Mr John Wilson, Mr Michael Ridgeway, Renwick Country Properties and Rural Renaissance. It was made clear that I would assume original representations to remain if no response was made to the further information request.

8. I then held a hearing on 26 April 2023 to discuss these matters. Only the council, Homes for Scotland, and Ferguson Planning (for its clients listed in the paragraph above) opted to attend. Further references to the hearing/ hearing parties means the afore listed parties. References to Ferguson Planning's clients means those listed above.

9. All further information request responses and hearing discussions have been considered along with the representations above in reaching my conclusions.

How much housing land to plan for

Revised and original positions

10. The responses to the above further information request alter some parties' positions. Therefore, I summarise the alternative options of how much housing land to plan for in the paragraphs below.

11. Rosalyn Anderson (988), J Leeming (755) and St Boswells Parish Community Council (1032) did not change their preference of planning for an amount of housing land that is less than the proposed plan housing land requirement (HLR). They believe that there is already sufficient land based on recent build rates. They present no alternative amount of housing land to plan for.

12. House builders/landowners continue to oppose the proposed plan HLR. Various alternatives and reasoning are presented, but all rely in some way on SESplan 1 and its Supplementary Guidance. SESplan 1 Supplementary Guidance sets out a Scottish Borders HLR until the end of 2023/24, which these parties appear to favour using. For the post 2023/24 SESplan 1 policy vacuum, these parties' representations and further information responses continue to advocate three alternatives.

13. Homes for Scotland continues to propose a housing land requirement of 492 per year (2024 to 2032). This is predicated on the apportionment of part of the SESplan-wide figure of 47,999 (2024 to 2032) to Scottish Borders. M&J Ballantyne, and Taylor Wimpey and AWG Properties Limited (835) confirm that they now support Homes for Scotland's approach of apportionment. Homes for Scotland states that if I dismiss this method, then it supports the 'backlog' argument set out by Ferguson Planning's clients (below).

14. Various parties argue there to be a backlog of unbuilt homes from the SESplan 1 period 2009 to the most recent monitoring data. They contend that this has not been considered and should be included within or added to the amount of housing land to be planned for.

15. Ferguson Planning's clients listed in paragraph 7 (above) now favour adding a proportion of the above argued backlog to the NPF 4 Annex E MATHLR for Scottish Borders. In their view, the amount of housing land to plan for should be no less than 8,000 over the 10-year plan period.

16. Some representations appear to favour extrapolation of SESplan 1 Supplementary Guidance HLR or related land supply but also reference backlog and planning for an HLR similar to that of Homes for Scotland post 2023/24. For example, Taylor Wimpey (842) did not specifically change its views at further information request stage but its initial representation references land supply shortfall and compares it with "...extrapolated SESplan HLR figures up to 2032." Therefore, for completeness, I consider 'extrapolation' of SESplan 1 Supplementary Guidance HLR for Scottish Borders as one approach. Otherwise, I consider both backlog and the Homes for Scotland approach as set out above.

17. The council now rejects the proposed plan HLR in favour of using the NPF4 Annex E MATHLR (see paragraph 5 above) for Scottish Borders becoming the amount of housing land that should be planned for. It opposes the above alternatives presented by the other parties.

Terminology

18. Homes for Scotland also submitted a legal opinion when commenting on the further information request responses of other parties. Since those parties had not seen that legal opinion, I invited them to comment on it. M&J Ballantyne, Taylor Wimpey and AWG Properties Limited, and Ferguson Planning's clients (paragraph 7 above) support the legal opinion. The council confirms that the legal opinion does not alter its position.

19. That legal opinion was submitted to this examination but appears to have been prepared specifically for a separate and unrelated court challenge against dismissal of an appeal against refusal of planning permission. It is not for this examination to consider that matter, which is a different exercise to the examination of a local development plan. Nevertheless, the legal opinion appears to focus on concerns that extant local development plans do not include a local housing land requirement (LHLR).

20. Homes for Scotland argues that NPF4 cannot be implemented in full because the proposed plan was prepared in a different policy environment. That policy environment relied on the term HLR rather than the newer term of LHLR. At the hearing, following my

query, Ferguson Planning argued HLR and LHLR to be interchangeable terms with regard to its own position.

21. The term HLR was previously used in national planning policy but has now been replaced by LHLR in NPF4. NPF4 therefore represents the most recent iteration of Scottish Ministers policy and terminology on this matter. The Chief Planner's letter dated 8 February 2023 states "...it may be that there are opportunities to reconcile identified inconsistencies with NPF4 through the examination process." Therefore, I conclude that use of terminology is one such matter that could be reconciled in that way.

22. HLR (in Scottish Planning Policy 2014 parlance) is derived by adding what was then termed 'generosity' to the housing supply target. In the proposed plan and supporting evidence, the proportion of 10% 'generosity' was added. Given that the proposed plan was prepared in the Scottish Planning Policy (2014) era, it is unsurprising that it expresses matters in terms of housing supply targets and HLR. However, as noted above, both terminologies have now been superseded.

23. More recently, NPF4 Annex E sets out a MATHLR for Scottish Borders, which is the minimum amount of housing land to be planned for. Based on the Housing Land Requirement Explanatory Paper and its Addendum (CD223 and CD224) referenced by the council and Scottish Government, I understand the MATHLR to include a 30% margin of what is now termed 'flexibility'. This suggests that NPF4 has already considered how many homes to plan for and has added a margin of flexibility to determine the minimum amount of housing land to be planned for by the local development plan. It is not the role of this examination to scrutinise the NPF4 process or content.

24. NPF4 page 62 states that "To promote an ambitious and plan-led approach, the Local Housing Land Requirement [LHLR] is expected to exceed the 10 year Minimum All- Tenure Housing Land Requirement (MATHLR) set out in Annex E." NPF4 does not state how to calculate the LHLR, only that it is expected to exceed the MATHLR. If the only pre-requisite is the expectation that it exceeds the MATHLR, that suggests the lowest expected LHLR is MATHLR+1 and that there does not appear to be a cap.

25. Therefore, I am persuaded that HLR, MATHLR and LHLR are all land requirement figures. Each was/is used to state how much housing land the LDP is to plan for. In the case of MATHLR this is a minimum and not a cap. Therefore, that the proposed plan was prepared under a different policy regime makes no difference to the fact that it was previously and is now still expected to set out how much housing land it plans for, albeit using slightly different terminology. Those differences in terminology do not appear to be fundamental in determining how much housing land to plan for. I thus proceed on the basis that references to HLR and LHLR can both be taken as representing parties' views on how much housing land should be planned for.

26. Homes for Scotland is also concerned that the scale of LHLR must be, but has not been, informed by a Delivery Programme and a housing pipeline, which considers site deliverability. These are land supply matters which are covered separately in paragraphs 63 to 70 (below). There, I conclude that housing land audit data and the proposed Action Programme provide sufficient understanding of expected site delivery to inform the scale of LHLR. Otherwise, section 21 of the Town and Country Planning (Scotland) Act 1997 requires Delivery Programmes to be published within three months after plan adoption.

Evidence base and policy

27. Parties favouring ‘apportionment’, ‘extrapolation’ and ‘backlog’ arguments each rely on the credibility of SESplan 1 and its Supplementary Guidance as the basis for how much housing land to plan for. As such they expect me to give those documents some form of credence or high status. Indeed, Homes for Scotland asks that I consider SESplan 1 to be a “significant material consideration”.

28. Even if I did as those parties seek, I could not give SESplan 1 or its Supplementary Guidance higher status than NPF4. NPF4 is part of the statutory development plan, SESplan 1 and its Supplementary Guidance are not. NPF4 is also more recent and is based on a more up to date evidence base. I also find nothing in legislation, policy or guidance to indicate that a superseded strategic development plan should carry significant weight in this examination process.

29. In submitted evidence and at the hearing, parties have relied on various evidence about need and demand to inform or support their respective positions. I have before me three HNDAs, all of which are robust and credible. That means that there is no need for me to assume that either has been incorrectly prepared. Therefore, the only factor of difference between them is the data they consider and how up to date it is.

30. Homes for Scotland and its supporters favour using HNDA1 to inform proposed plan policy. This is because it informed SESplan 1 (2013) and its Supplementary Guidance (2014), the strategic development plan at the time the proposed plan was submitted. However, I note that HNDA1 modelled need and demand using data and trends that largely pre-date the 2008 financial crash, including the 2006-based household projections.

31. The hearing parties agreed that the pre-2008 era was one of market conditions that were comparatively favourable for housebuilding, resulting in comparatively high output. However, they also agreed that this ceased with the financial crash of 2008. After that time completions fell. This is shown in the completions graphs supplied by Homes for Scotland and by Ferguson Planning. That persuades me that HNDA1 models need and demand based on household change patterns and other trends from a now bygone era. Those same projections also predate the 2011 census.

32. Homes for Scotland and its supporters oppose use of HNDA2 and HNDA3. However, both used household projections based after the 2011 census. Those have been anchored in a more recent empirical understanding of demographic factors from a primary source than the projections used for HNDA1. They are also coterminous with the post-2008 economy and housing market. Both share similar trajectories of household growth that are significantly lower than those of HNDA1, even on their respective most optimistic scenarios.

33. Various parties ask me to disregard HNDA2 on account of the rejection of proposed SESplan 2 by Scottish Ministers. However, that rejection did not cancel the robust and credible status of HNDA2, nor render its findings inaccurate or irrelevant. Irrespective, HNDA2 has now been replaced by HNDA3.

34. Homes for Scotland and its supporters dismiss HNDA3 for having not been considered through consultation in the preparation of the proposed plan. That is correct. However, under both the previous and current planning regimes, the HNDA was

considered in the preparation of strategic development plans and now, national planning frameworks, to determine how much land Scottish Borders should plan for. Therefore, it was never used directly in that same way by the Scottish Borders local development plan. Instead, the LDP's role was/is to identify the land to meet that requirement.

35. Scottish Government's further information request response confirms that HNDA3 informed the Scottish Borders MATHLR in NPF4 Annex E. It is not the role of this examination to scrutinise NPF4. Therefore, HNDA3 has already informed the requisite part of the adopted development plan and there is no demonstrated need to repeat this with the local development plan preparation process.

36. I am prepared to accept Homes for Scotland and Ferguson Planning's points that market conditions have improved since the post 2008 recession. However, no evidence suggests that the market conditions prevalent before 2008 have returned. Even were that so, it would not alter the fact that the data considered by HNDA1 is now well over a decade out of date. Nor would it alter the fact that two equivalent exercises at different times, that are also robust and credible, consistently find lower levels of need and demand are likely to arise compared to what HNDA1 envisaged.

37. J Leeming and St Boswells Parish Community Council each argue that the Covid 19 pandemic and Brexit have had suppressive impacts on need and demand for new homes. However, there is no specific data I can rely on either way. Both phenomena occurred during 2020 and are referenced by HNDA3. However, neither is covered by the 2018-based household projections that inform HNDA3. I accept that this data may partly include any migration slowdown post-dating the 2016 Brexit referendum.

38. The council also argues those same two phenomena are partly responsible for low build rates. I am prepared to accept that the Covid 19 pandemic restrictions are likely to have stifled market activity in the short term. I am also prepared to accept that there may be knock-on social and economic impacts from both in the short-, medium- and long-term future but neither HNDA3 nor recent build figures quantify those effects. Therefore, I cannot conclude on these matters either way. However, I do accept that both may present a degree of uncertainty to investment decisions in a way that was not so before the 2008 financial crash.

39. On balance, I am therefore satisfied that HNDA3 offers the most up to date robust and credible understanding of need and demand for new homes and that this has already been translated into policy via NPF4. The only outstanding questions are how much higher than the MATHLR the LHLR should be, and, whether there is sufficient land to accommodate that figure. I consider both matters below.

40. Homes for Scotland and its supporters, and Ferguson Planning's clients are factually correct that the council's approach of using MATHLR as the LHLR would fail to exceed the MATHLR, as "expected" by NPF4 page 62. However, the council is correct that the word "expected" does not constitute an absolute requirement.

41. The Oxford English Dictionary defines 'expected' to mean 'probable'. It defines the word 'required' to mean 'necessary' or 'requisite'. On that basis, it is not 'necessary' or 'requisite' for LHLR to exceed MATHLR. Indeed, MATHLR is the minimum amount of land to plan for. The council is also correct that the Scottish Borders MATHLR already contains 30% flexibility on top of being based on the most optimistic modelled scenario of need and demand from HNDA3.

42. Since MATHLR is the minimum amount of land to be planned for, I must reject all representations asking for a lower figure. The evidence suggests that planning for lower levels would risk failing to meet the identified need and demand for new homes and so risk the associated problems of insufficient housing, to the detriment of Scottish Borders.

Backlog in the evidence base

43. I have already dismissed the policy basis for 'apportionment', 'extrapolation' and 'backlog' above, all three would be higher than the NPF4 MATHLR for Scottish Borders. However, the 'backlog' argument also relies on the contention that the matter of unbuilt homes from the SESplan era has not been accounted for. I consider this below.

44. No parties dispute that fewer homes were built in Scottish Borders over the SESplan 1 period than were planned for by SESplan 1 Supplementary Guidance. However, this relies on the statistical monitoring of completions against a document that is no longer part of the development plan. Whilst those homes were not built, that does not automatically mean that they now should be.

45. The evidence above (HNDA2 and HNDA3) strongly indicates that the need and demand for these homes is unlikely to have arisen. Although the policy position was to build them, the evidence base moved on. Policy did not catch up with the evidence due to the rejection of proposed SESplan 2 and the then planning review. The evidence base has now caught up and been translated into policy in the NPF4 MATHLR.

46. The backlog argument also relies on my accepting that HNDA3 has not considered backlog for Scottish Borders. However, this argument blurs two separate factors; the consideration of need and demand to inform a development plan about how much land to plan for; and, whether homes that were planned for have been built. The argued backlog is a measurement against a policy position on housebuilding, whereas HNDAs consider factors that influence need and demand. Whilst related, these are different.

47. HNDAs consider need and demand by modelling new households and existing need. New households are informed by household projections. These extrapolate the most recent trends. Self-evidently, each new set of projections replaces its predecessor. The existing need considers factors including homelessness and concealed households. Together, these give a refresh of need and demand based on the most recent understanding of data. Therefore, to do as Ferguson Planning's clients and others wish, would be to double count the backlog of unbuilt homes into an exercise that already considers existing need and newly forming households.

48. Since, HNDA3 is robust and credible, I am therefore content that it properly models scenarios of future need and demand. It also does not appear to ignore consideration of existing need or new households for Scottish Borders. Nowhere does NPF4 state a need to look back to superseded plans or to account in any way for previous housing shortfalls on top of the MATHLR. NPF4 has now considered all of the relevant matters in more recent evidence and has 'reset the clock' on housing with MATHLR.

LHLR conclusions

49. I therefore recommend replacing all references to housing supply targets and HLR in proposed plan Chapter 6 and Appendix 2 text and tables with an LHLR of 4,800 over the ten-year period. For the sake of accuracy, I also recommend replacement of text,

terminology and tabular information relating to Scottish Planning Policy (2014), NPF3, SESplan 1 and its Supplementary Guidance, and proposed SESplan 2 and HNDA2 with NPF4 and HNDA3 related text and information as appropriate. Modifications to this effect are set out below.

Plan Base Date

50. Various representations criticise the proposed plan base date of 2012/13. It would seem odd for a plan that looks forward 10 years to commence at least 10 years in the past. At the hearing, the council, Homes for Scotland and Ferguson Planning's clients all agreed on a revised base date of 2023/24. On balance, it is preferable that the base date of the plan is as close to the likely date of adoption as possible. Whilst I cannot be certain when the council would adopt the plan it is plausible on the timing of this examination report that it would be during the year 2023/24.

51. NPF4 expects the MATHLR (and by default the LHRL) to cover a ten-year period. However, using the above base date would result in a time gap between it and the most recent evidence as of March 2021 (Housing Land Audit 2021). That time gap covers the two monitoring years 2021/22 and 2022/23.

52. The Council proposes methods to overcome this time gap, with which the hearing parties were largely content. It first recommends using the most recent five-year average annual housing completions up to the date of the 2021 housing land audit, as a proxy for completions in each of the above two monitoring years. It also applies its demolitions assumptions of 20 homes per year for those same two years.

53. In the absence of actual completions data for these two years, the hearing parties were content, albeit that Homes for Scotland and Ferguson Planning's clients believe this could underestimate the number of completions. That is certainly a risk. However, no empirical evidence allows me to comment either way on whether it would under or overestimate completions for those years. Otherwise, no parties disputed the council's assumption of 20 demolitions per year and applying that figure to the above two monitoring years and also the ten-year plan period (twelve years in total). I also find no reason to oppose using that estimate.

54. Therefore, I am content that the plan base date should be 2023/24 and plan year one, to coincide with the likely date of adoption. Plan year ten would be 2032/33. I am also content that appropriate statistical mechanisms can be employed to overcome the above time gap. I consider the detail of this separately under the land supply heading below. This would require modifications to proposed plan Chapter 6 and Appendix 2 text and tables to account for these base date changes. Modifications are set out below.

Land supply

Housing land audits

55. Representations from landowners and home builders almost exclusively argue there to be insufficient land to deliver the proposed plan HLR and/or the amount of land they believe should be planned for. Several argue this to justify the allocation of sites that they own or have a commercial interest in. Individual sites are covered separately in Issues 018 to 074, which cover settlements.

56. The hearing parties largely agreed that the LHLR figure should be compared with components of land supply to determine sufficiency, albeit that they favour different LHLRs and take different views on the contents of the housing land audit. However, I have already dismissed the LHLR alternatives for the reasons set out above. I therefore also reject the statistical and other conclusions derived from comparisons of them with land supply data.

57. Proposed plan Appendix 2 makes comparisons with data in the 2019 Housing Land Audit. However, my Further information request invited comment on the more recent Housing Land Audit 2020. Parties responding to my further information request provided updated information accordingly. However, the council subsequently advised that it had published the 2021 audit. I therefore invited the hearing parties to amend their previously submitted positions. These matters were discussed at the hearing and have informed my conclusions below.

58. At the hearing, the council contested Homes for Scotland's position that neither the 2020 nor the 2021 housing land audits had been prepared properly, citing related consultation correspondence. Homes for Scotland argued that no Scottish Borders housing land audit has ever been accurate but appeared to concede that this is not unique in Scotland. Indeed, I understand housing land audits to be an estimate based on a snapshot in time that is updated annually.

59. Homes for Scotland supports Ferguson Planning's alternative to the 2020 audit. Ferguson Planning believes this would change little when considered against the more recent 2021 Housing Land Audit. However, Ferguson Planning also confirmed that its 2020 alternative was not subject of any specific engagement process besides having been seen by its clients. On that basis, if engagement is a key factor, then Ferguson Planning's alternative to the 2020 audit would not seem to better either the housing land audit (2020 or 2021) on process or engagement grounds.

60. The council also criticised Ferguson Planning's methodology for being overly focused on whether planning permission had been granted. Whilst that can be a helpful indicator, it is not the sole determinant of land effectiveness under Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits. Irrespective, Ferguson Planning's alternative analysis only presents data for a five-year time period whereas the proposed plan covers ten years. Thus, some of the sites dismissed by Ferguson Planning's method may still be relevant to my considerations of land sufficiency for the proposed plan period. At least the 2021 audit offers some greater time coverage, even if some parties disagree with its programming.

61. On balance, I accept that the 2021 audit may not be perfect and that it can only ever represent a snapshot in time. However, it is the most up to date position, it covers a longer time period than the alternative and has been subject of broader engagement than it, even if not all parties are content with that. I therefore opt to use the 2021 Housing Land Audit whilst recognising its limitations.

62. Many parties did not revise their previous representations on land supply, despite being offered the opportunity to do so in my further information request. Many of those representations were based on analysis of the 2019 audit, which has now been twice superseded, and so I dismiss those arguments in favour of the 2021 audit position. I now consider what factors covered by the audit should be used to determine whether there is sufficient deliverable housing land supply to meet my above recommended LHLR.

Determining sufficiency of land supply

63. NPF4 no longer states the need for a five-year effective land supply. All comparisons with that measurement are, therefore, now irrelevant for development plan making.

64. Section 21 of the Town and Country Planning (Scotland) Act 1997 requires planning authorities to publish a Delivery Programme within three months of plan adoption (as was so for Action Programmes previously). NPF4 page 62 states that the Delivery Programme “is expected to establish a deliverable housing land pipeline for the Local Housing Land Requirement”. The NPF4 glossary indicates that the deliverable housing pipeline will be for “sequencing of the LHLR to be over the short (1-3 years), medium (4-6 years) and long-term (7-10 years) and be set out in the local development plan delivery programme”. This is a monitoring and managing role and it is not for the plan to establish the deliverable housing land pipeline. I understand that future housing land audits will monitor housing land, pending revised guidance.

65. The NPF4 glossary defines deliverable land as being “free from constraints or there is a commitment to overcome constraints, and development is able to be delivered in the period identified for the site within the Deliverable Housing Land Pipeline”. I must assess the sufficiency of the land supply for development plan purposes. However, that assessment through this examination relies on specific issues raised about deliverability in terms of allocated sites where not included or agreed through the audit process. Early preparation of a draft delivery programme may have helped evidence how and when sites might come forward and how specific constraints might be addressed. However, I consider that the focus here is on securing a sufficient deliverable land supply, not the subsequent delivery programme or pipeline.

66. The Housing Land Audit 2021 presents data up to year seven. I am therefore satisfied that the 2021 Housing Land Audit data before me lends itself to being usable for my consideration of whether there is sufficient land to accommodate my recommended LHLR in the NPF4 environment. Homes for Scotland’s concerns about this rely on matters relating to backlog and LHLR, which I dismiss above. I consider its concerns regarding Housing Land Audit (2021) data for post year seven in the paragraphs below. Neither of these matters convinces me that I cannot or should not use data from the 2021 audit.

67. The council favours comparing the entire established land supply with the LHLR to determine sufficiency. As part of doing so it recommends subtracting anticipated demolitions and sites that are currently in the 2021 audit but which the proposed plan intends to deallocate. Homes for Scotland accepts the latter two elements but has concerns about the reliability of using audit data for constrained sites and for post year seven sites.

68. Even if some of the constrained sites became what the audit terms ‘effective’ during the plan period, I have no way to quantify this or to determine how reasonable that assumption would be. However, contrary to Homes for Scotland’s suggestion, I could not treat post year seven data in the same way as the constrained sites. Closer inspection of the 2021 Housing Land Audit shows that two thirds or so of the post seven-year figure is made up of sites that are programmed to commence development prior to audit year seven (plan year five given my conclusions on base date above). That gives me confidence that a not insignificant share of the post year seven land supply has the

potential to come forward during the plan period. In the event of a more buoyant market with more completions, that same capacity could be developed more quickly. However, I cannot quantify this.

69. The council proposes that the estimated completions for the monitoring years 2021/22 and 2022/23 should be subtracted from the established supply (see paragraphs 50 to 54 above). However, in view of paragraphs 66 to 68 (above), I focus on the deliverable land supply for audit years one to seven. That would have the effect of diminishing only the seven-year deliverable supply. In my view, that is more cautious than the approach outlined by the council and may account in some way for the risk of under counting of estimated completions that concerned Homes for Scotland and Ferguson Planning's clients in paragraph 53 above.

70. Therefore, Table 1 (below) begins with the seven-year land supply from the 2021 Housing Land Audit (5,505). These figures are shown in Table 1 rows 1 to 3 (below). I consider only the land supply in years one to seven as I have no specific basis to account for sites in the post year 7 category with regard to the ten-year plan period. This means that the figure in Table 1 row 3 is likely to undercount the land that would be available and capable of being delivered during the plan period. It also omits longer term mixed use and housing sites that could yield housing but for which there is presently no indicative capacity and no immediate expectation of delivery during the plan period.

71. Table 1 (below) then subtracts from the above figure, the estimated completions for the two years 2021/22 and 2022/23 (576) and the anticipated 20 demolitions per year (240 over those same two years and also over the ten-year plan period, thus 12 years in total). These are referenced in paragraphs 50 to 54 above) and shown in Table 1 rows 4 and 5.

72. The hearing parties agree that newly allocated sites, which are not presently in the 2021 Housing Land Audit, should also be added. These are listed in proposed plan Appendix 2 Table 11 and have a total indicative capacity of 605 homes. However, the Table 11 footnote advises that site AGREE009 (38 homes) is already in the housing land audit and so excludes this site to avoid double counting. Therefore, a total capacity of 567 homes on newly allocated sites is added in Table 1 at row 6 (below).

73. However, in Issues 018 to 074 we recommend deletion of six sites from the plan. Three of these sites are presently newly allocated sites in proposed plan Appendix 2 Table 11 (ADARN005, AGALA029 and AOXTO010) with a total indicative capacity of 85 homes. The other three sites we recommend for deletion are allocated in the proposed plan and are already in the 2021 audit (EGL43, EC2 and EY5B) with a total indicative capacity of 21 homes. Together, these recommended deletions represent 106 homes and must be subtracted in Table 1 row 7 (below) to avoid double counting. All six sites are listed in Table 2 (below) for completeness.

74. The council also proposes to deallocate six different sites with a total indicative capacity of 108 homes as set out in proposed plan Appendix 2 Table 12. These sites are not expected to deliver housing. These are also subtracted to avoid double counting at Table 1 row 8 (below).

75. Having accounted for removals and newly added sites (above) Table 1 row 9 shows a total seven-year supply of 5,042. That figure is still larger than my recommended LHLR of 4,800 homes for the ten-year plan period.

76. The hearing parties agreed that it was reasonable to add in a factor for windfall development. I agree since these have the potential to contribute to supply and have done so notably in recent years. The hearing parties were content with the council's suggestion of using the average of actual windfall completions from the five or ten years up to the 2021 Housing Land Audit.

77. After the hearing the council provided the raw figures from which the average was calculated, and I offered the hearing parties the opportunity to comment on these. The five-year average was 102 homes per year and the ten-year average was 107 per year. I note that the five-year average differs little from the previous figure of 98 per year that the council used in the proposed plan. On that basis, and out of caution, I use the figure of 102 homes per year as a windfall proxy for my calculations. Over the ten-year plan period, that would represent 1,020 homes on windfall sites (Table 1 row 10 below).

78. Ferguson Planning did not oppose the method but did oppose this figure representing over 10% of supply or thereabouts. I understand this to be because, in recent years, actual windfall has represented a much higher share of all completions. No parties dispute that to be so. However, what is built depends on far more factors than what is allocated versus what is windfall. This does not suggest that I should alter my findings in the above paragraph.

79. Adding the above windfall proxy for the ten-year plan period to the remaining seven-year supply (row 9 + row 10) gives a total of 6,062 (row 11). This total (including windfall) (row 11) is then compared with my recommended LHLR of 4,800 over the ten-year plan period (row 12). This shows that the land supply would be sufficient to accommodate my recommended LHLR of 4,800 over the ten-year plan period with a significant residual surplus of 1,262 (row 13). This is likely an undercount of any surplus due to the omission of post year seven audit data from the calculations. Overall, these calculations give me a high degree of confidence that there is more than likely to be sufficient deliverable land over the ten-year plan period and there is no need to allocate more land in the proposed plan.

Table 1: Land supply comparison with recommended local housing land requirement

Row	Category	Amount
1	Supply years 1 to 5	3,538
2	Supply years 6 and 7	1,967
3	Total supply to year 7 (from 2021 Housing Land Audit)	5,505
4	Estimated completions for the years 2021/22 and 2022/23	-576
5	Demolitions (20 per year for twelve years)	-240
6	New site allocations (Excluding site AGREE009) (proposed plan Appendix 2 Table 11)	567
7	Sites recommended for deletion through this examination	-106
8	Deallocated sites (proposed plan Appendix 2 Table 12)	-108
9	Total with removals and newly added sites	5,042
10	Windfall Proxy (five-year average applied over ten years)	1,020
11	Total with windfall proxy added	6,062
12	Recommended LHLR (ten years)	4,800
13	Residual Surplus	1,262

Sources: My recommended LHLR, Housing Land Audit 2021 and 5-year average based windfall proxy
 Note: Excludes Housing Land Audit 2021 figures for Post Year Seven and Constrained Supply

80. Table 2 (below) lists all six sites that the reporters recommend deleting from the proposed plan in Issues 018 to 074. These sites are described in paragraph 73 (above) and are removed from the supply in Table 1 row 7 (above) to ensure that there is no double counting and that these sites do not contribute to the supply.

Table 2: Sites recommended for deletion by the Reporters in Issues 018 to 074

Issue	Site	Site Name	Settlement	Indicative Capacity
026	ADARN005	South of Darnlee	Darnick	10
034	EGL43	Balmoral Avenue	Galashiels	10
035	AGALA029	Netherbarns	Galashiels	45
058	AOXTO010	Deanfoot Road North	Oxton	30
074	EC2	Caddonhaugh	Clovenfords	6
074	EY5B	Minchmoor Road East	Yarrowford	5
Total used in Table 1 row 7 (above)				106

Land supply conclusions

81. I have focussed on whether the land supply provides confidence that the minimum amount of housing land (MATHLR) can be met. There is an expectation in NPF4 that the MATHLR would be translated to a higher figure when interpreted through the local development plan (LHLR) and in the context of local circumstances. The next iteration of this local development plan may look to address this. In the meantime, in the absence of evidence to support a higher figure and as the land supply significantly exceeds the MATHLR, I consider my recommended approach to be sufficient.

82. On the evidence above, there is already sufficient deliverable land in the first seven years to meet the entire LHLR, even accounting for assumed completions between the audit date and adoption date of the plan, demolitions, deallocated sites and sites recommended for deletion. New site allocations in the proposed plan and the windfall proxy would further add to this.

83. Therefore, I am content that there would be sufficient land to accommodate my recommended LHLR of 4,800 over the ten-year plan period without the need to allocate any additional sites besides those already identified in the proposed plan. As noted above, individual sites are considered separately in Issues 018 to 074.

84. The council advises that changes resulting from the 2021 Housing Land Audit and the alternative LHLRs (now my recommended LHLR) are likely to require numerous consequential changes to Chapter 6 and Appendix 2. Although the council did not specify what each of these would be, it is sufficiently evident from all parties' submissions and the above analysis that modifications would be necessary.

85. I therefore recommend replacement of all relevant statistics in text and tables contained in proposed plan Chapter 6 and Appendix 2 in light of the 2021 Housing Land Audit and the above calculations and assumptions. I also recommend replacement of text that describes the above replacement data to ensure accuracy, and which provides the context for NPF4 as part of the development plan, including reliance on its MATHLR. These reflect matters rehearsed at the hearing and have been arrived at having considered the points raised by hearing parties and in written submissions. Whilst it is

not entirely necessary to go into such detail, the timing of this plan and the absence of an up-to-date background housing report to support the sufficiency of the approach, persuade me to recommend revising these details in order to update the information contained in proposed plan Appendix 2. Modifications are set out below.

Housing sub-market areas

86. Carmichael Homes (848), Rural Renaissance (803) and some others appear to argue that there is insufficient land supply in particular settlements or localities. However, for that to be so, calculations would need to demonstrate that there was insufficient housing land supply to meet the amount of housing land planned for in those localities.

87. When the proposed plan was submitted, development plans were only required to set out housing supply targets (and by default HLR) for functional housing market areas and local authority areas (Scottish Planning Policy (2014) paragraphs 115 and 118 to 120). The SESplan Housing background Paper states that the sub-market areas are not functional housing market areas. More recently, NPF4 does not require the presentation of MATHLR or LHLR to sub housing market areas (functional or not). Nor does it prevent it.

88. Proposed plan Appendix 2 reproduces 2019 housing land audit completions and housing land supply data for the four sub-market areas in the Scottish Borders. Equivalent data is covered by the 2020 and 2021 housing land audits. However, without a corresponding HLR or LHLR for those sub-market areas, there is no statistical basis from which to draw the conclusions that the representations make.

89. Therefore, the representations do not justify greater land release in one part of Scottish Borders Council area versus another. This matter plays no role in my above consideration of what the LHLR should be, or, whether there is sufficient land supply to accommodate it. Such judgements are all made at local authority level.

Other Matters (648), (755), (988), (1014) and (1032)

90. Homes for Scotland's wish for the council to "realign its suite of allocations with market interest" seems to be an alternative description for allocating sites that its members favour in addition to/instead of those in the proposed plan. The council's rationale for site allocations is set out in proposed plan Appendix 1, and other submitted documentation. On my considerations of land supply (above), there is no need to allocate any additional land for housing besides what is already identified by the proposed plan. Individual site allocations and promoted sites are considered separately in Issues 018 to 074. No modifications are required to proposed plan Chapter 6 or Appendix 2.

91. Omission of explicit details for density, sustainability and climate change considerations in proposed plan Chapter 6 does not mean that these matters are ignored by the proposed plan. Such matters are also relevant to other land uses besides housing. These matters are covered separately in the proposed plan Policies PMD1 to PMD5, which cover placemaking, and Policy HD3: Protection of Residential Amenity. Those policies are considered separately in Issue 009 and Issue 013 respectively. These matters are also covered by NPF4, which is part of the development plan for

Scottish Borders, and there is no need to repeat them. No modifications are required to proposed plan Chapter 6 or Appendix 2.

92. The proposed plan strategy focuses housing and other land uses in/close to the largest settlements with the broadest range of services and infrastructure. J Leeming's (755) suggestion that it is not appropriate to allocate new sites in a settlement where others have not yet been developed may be inconsistent with that strategy. The proposed strategy derives from the vision and is considered separately in Issue 004. Land allocations are considered individually in Issues 018 to 074. No modifications are required to proposed plan Chapter 6 or Appendix 2.

93. Town and village centres are places where housing can be located, as suggested by St Boswells Parish Community Council (1032). However, those are already the priority locations for a range of other land uses. Some allocated housing/ mixed use/ regeneration sites with indicative capacity for housing are located in or close to town centres already, others are not. Land allocations are considered individually in Issues 018 to 074. Town centre uses are considered separately in Issue 007: Chapter 7: Supporting our town centres. No modifications are required to proposed plan Chapter 6 or Appendix 2.

94. St Boswells Parish Community Council's criticism of proposed plan Chapter 6 paragraph 6.6 line three, appears to be one of emphasis. The council and the community council also appear to make the same point. My reading of proposed plan paragraph 6.6 is that it summarises elements of the council's Local Housing Strategy (LHS), rather than the contents of the proposed plan. The LHS is not subject of this examination, and, in fairness, the community council does not suggest so. Nevertheless, no evidence suggests that paragraph 6.6 incorrectly summarises the LHS. No modifications are required to proposed plan Chapter 6 or Appendix 2 on that matter. However, paragraph 6.6 refers to the LHS as having a timescale of 2020-25, which differs from the submitted copy of that document. Following my query, the council confirmed the dates in paragraph 6.6 to be a typing error that should be corrected to say "2017-22". Modifications are recommended below.

95. St Boswells Parish Community Council's suggestion that proposed plan Chapter 6 should cover fuel poverty, homelessness, sub-tolerable housing, and the extent to which holiday homes are distorting the market, risks duplicating the role of the LHS. These matters are also considered in the HNDA to one extent or other and contribute to its understanding of likely need and demand for new homes. Therefore, I am content that these matters have been sufficiently considered to the appropriate extent by NPF4 and in my recommended LHLR (above). No modifications are required to proposed plan Chapter 6 or Appendix 2.

96. The promotion of housing improvement and conversion grants referenced by St Boswells Parish Community Council would constitute a financial package. Even if it would deliver planning aims, it is not itself within the remit of land use planning and so is not a matter for the proposed plan. Such matters may appropriately sit in an Action Programme (now Delivery Programme). However, the proposed Action Programme is not subject of this examination. No modifications are required to proposed plan Chapter 6 or Appendix 2.

Reporter's recommendations:

Modify the local development plan by:

1. replacing proposed plan Chapter 6 paragraphs 6.1 to 6.4 and Tables 3 and 4 on pages 27 and 28 as follows:

“BACKGROUND

6.1 National Planning Framework 4 (NPF4) sets out a minimum all tenure housing land requirement (MATHLR) of 4,800 over the plan period of ten years (480 per year on average). The council adopts this figure as its local housing land requirement (LHLR) for the ten years 2023/24 to 2032/33 and there is sufficient housing land planned for to meet that requirement. Appendix 2 provides further context to the local housing land requirement, contributions to the requirement and the monitoring of housing land supply. The LDP will seek to encourage and facilitate increased levels of development activity and housing completions, particularly in respect of affordable housing.

6.2 The Council produces an annual Housing Land Audit (HLA) in order to monitor housing completions and housing land supply. The most recent 2021 HLA recorded 298 completions in the years 2020/21. The average rate of completions for the past five years was 288 units per year. Table 3 below shows the historical completion rate between 2016/17 and 2020/21.

TABLE 3: HISTORICAL COMPLETIONS (2016/17 to 2020/21)

AUDIT PERIOD	2016/17	2017/18	2018/19	2019/20	2020/21	Total
Completions	250	222	345	324	298	1,439

Source: Housing Land Audit 2021”

2. amending the first sentence of paragraph 6.6 on proposed plan page 28 to read:

“The Council’s Local Housing Strategy 2017-2022...”

3. amending the final sentence of paragraph 6.8 on proposed plan page 28 to read:

“As a result of this and the local development plan examination, a total of eight sites have not been carried forward into this LDP, and the mixed-use site (MGREE001) is now a business and industrial allocation.”

4. replacing paragraph 6.9 on proposed plan page 28 with the following:

“Thirteen new allocations with an indicative capacity are included within the LDP, comprising twelve housing sites and one mixed use site. It should be noted that (AGREE009) was included within the 2021 HLA established housing land supply, as a windfall site. Therefore, the indicative site capacity for 38 units cannot be counted in the new allocations being taken forward, to avoid double counting the site. The new sites provide a total indicative capacity of 482 units (excluding AGREE009). This will provide additional flexibility to the sites being carried over from the previous plan and ensure that the LDP provides a range of sites in terms of size, tenures and density throughout the whole of the Scottish Borders. The LDP also identifies potential longer-term sites which

could be brought forward if required within the LDP period, subject to addressing any constraints.”

5. replacing the words “The sites included in the proposed plan...” in the first sentence of paragraph 6.10 on proposed plan page 28 with the words “The sites included within the LDP...”

6. replacing the words “...included within the proposed plan.” in the third sentence of paragraph 6.10 on proposed plan page 28 with the words “... included within the LDP.”

7. replacing the proposed plan Appendix 2 title “Meeting the Housing Land Requirement” with “Meeting the Local Housing Land Requirement”.

8. amending the first sentence of Appendix 2 paragraph 1.1 on proposed plan page 194 by adding the word “local” between the words “...the” and “housing land requirement...” to read:

“... background context to the local housing land requirement and provisions...”

9. replacing Appendix 2 paragraphs 1.2 to 1.4 on proposed plan page 194 as follows:

“1.2 This appendix sets out the local housing land requirement for the Scottish Borders and housing land supply.

1.3 NPF4 Annex E sets out a minimum all tenure housing land requirement (MATHLR) for Scottish Borders of 4,800 over the ten-year plan period (480 per year on average). This was informed by Housing Need & Demand Assessment 3 (HNDA3), which covers Scottish Borders. It also contains a flexibility of 30% above the need and demand for new homes on the most optimistic modelled scenario.

1.4 The above MATHLR figure is not a cap on how much housing land the LDP should plan for. The amount of land that the LDP does plan for is called the local housing land requirement (LHLR).”

10. deleting the red text heading “part A: HOUSING LAND WITHIN THE LDP” on proposed plan page 194.

11. replacing Appendix 2 paragraphs 2.1 and 2.2 on proposed plan page 194 as follows:

“2.1 The MIR was prepared based upon what was then termed housing land requirement (HLR) from proposed SESplan 2 (2016). However, when proposed SESplan 2 was rejected by Scottish Ministers, SESplan 1 (2013) and its supplementary guidance remained part of the development plan.

2.2 However, in February 2023 NPF4 was adopted by Scottish Ministers and became part of the statutory development plan. At the same time SESplan 1 and its supplementary guidance ceased to be part of the development plan and there was no longer a requirement for the LDP to be consistent with them. The proposed plan local housing land requirement therefore reflects NPF4.”

12. replacing the entirety of Appendix 2 sections 3 to 6 (including all titles, all paragraphs and all tables) on proposed plan pages 195 to 200 as follows:

“3. LOCAL HOUSING LAND REQUIREMENT

3.1 As outlined above, NPF4 has now become part of the statutory development plan and it sets out a MATHLR of 4,800 over the ten-year plan period. The council has adopted this as the LHLR on account of it being based on the most optimistic scenario modelled by HNDA3 and incorporating a 30% margin of flexibility on top of that.

TABLE 1: LOCAL HOUSING LAND REQUIREMENT (2023/24 – 2032/33)

LOCAL HOUSING LAND REQUIREMENT	2023/24 to 2032/33
LHLR for the Scottish Borders (2023/24 to 2032/33)	4,800

4. HOUSING LAND SUPPLY CONTRIBUTIONS TO MEET THE LOCAL HOUSING LAND REQUIREMENT

4.1 The most significant part of meeting the local housing land requirement, has been identified through previous LDP allocations, planning permissions and through estimates for future windfall approvals.

4.2 The baseline position takes account of the 2021 Housing Land Audit (HLA). Table 2 shows the updated housing land supply from that document broken down into; years 1 to 5, years 6 and 7, post year 7 and constrained sites.

TABLE 2: ESTABLISHED HOUSING LAND SUPPLY (2021 HLA)

HLA SUPPLY CATEGORY	NUMBER OF UNITS
Years 1-5	3,538
Years 6 & 7	1,967
Post Year 7	1,945
Constrained sites	1,265
Total	8,715

Source: Housing Land Audit 2021

4.3 The approach used by the Council to undertake the 2021 HLA is in accordance with PAN 2/2010 which states under the marketability criteria, that the test to identify if a site is effective is whether ‘the site, or a relevant part of it, can be developed in the period under consideration’. The 2021 HLA considers a site to be effective if there is a reasonable prospect that it could be developed within the 5-year period. In future, a delivery programme will set out a pipeline of deliverable housing land for the short term (1 to 3 years), medium term (4 to 6 years) and long term (7 to 10 years).

4.4 The contributions by Scottish Borders to meet the LHLR outlined above, are set out in Table 3 below, based on the 2021 HLA. Table 3 shows the potential contribution to the requirement, which includes the existing established housing land supply (HLA 2021) and windfall assumption for years (2023/24 to 2032/33). It also includes estimated completions for the two monitoring years 2021/22 and 2022/23. These need to be considered because there is a time gap of those two years between the 2021 housing land audit (March 2021) and the base date of the plan (2023/24). The windfall

assumptions apply for the ten years of the plan period from 2023/24 to 2032/33 only. That is because the completions estimates for the years 2021/22 and 2022/23 include windfall assumptions for those years already.

TABLE 3: CONTRIBUTIONS TO THE REQUIREMENT (2021/22 TO 2032/33)

	2021/22 TO 2028/29	2028/29 TO 2032/33	ADDITIONAL POTENTIAL	TOTAL
Years 1-5	3,538			3,538
Estimated completions for years 2021/22 and 2022/23	-576			-576
Years 6 & 7	1,967			1,967
Post Year 7		1,945		1,945
Constrained			1,265	1,265
Windfall Assumption	(102 x 7) 714	(102 x 3) 306		1,020
Total Potential	5,643	2,251	1,265	9,159

Source: Housing Land Audit 2021 and windfall assumptions below

4.5 In addition, demolition assumptions are based on 20 units per annum, which totals 240 units over the twelve years 2021/22 and 2032/33. This covers the ten years of the plan and the two years between its 2023/24 base date and the 2021 HLA (March 2021). This is outlined in Table 4 below.

TABLE 4: DEMOLITIONS

	2021/22 to 2032/33
Loss of supply due to demolitions (2021/22 to 2032/33)	-240

4.6 Table 5 outlines the total contributions to the local housing land requirement, which takes account of the following; elements of the established housing land supply (2021 HLA), estimated completions for the two years preceding the plan base date, windfall assumptions, assumed demolitions and allocations added/removed from LDP2. The table demonstrates that the total contributions to the housing land requirement is 9,272 units. Sections 5 & 6 go into more detail in respect of units being removed and added from LDP2.

TABLE 5: CONTRIBUTIONS TO THE HOUSING LAND REQUIREMENT

CONTRIBUTIONS TO THE REQUIREMENT	2021/22 to 2032/33
Potential Supply (HLA 2021)	8,715
Estimated completions (2021/22 and 2022/23)	-576
Windfall Assumption (ten years of the plan period)	1,020
Demolitions (2021/22 to 2032/33)	-240
Units being removed from LDP2	-129
Units being added to LDP2	482
Total	9,272

4.7 Table 6 below compares the local housing land requirement against the total contributions, as set out above. The table shows that the contributions meet the local housing land requirement and that the LDP2 provides additional flexibility overall.

TABLE 6: HOUSING LAND REQUIREMENT VS CONTRIBUTIONS

REQUIREMENT VS CONTRIBUTIONS	
Local Housing Land Requirement (2023/24 to 2032/33)	4,800
Contributions to the Requirement	9,272
Total surplus	+4,472

WINDFALL SITES

4.8 In addition to the allocated housing sites throughout the Plan period, some of the demand for new housing will be met through windfall sites. Windfall sites are sites which have not been identified for housing through the Plan preparation process. They are generally small, infill sites, although large windfall sites can occasionally come forward. The number of completions on windfall sites is shown below in Table 7. It should be noted that windfall development makes a substantial contribution to the housing land supply within the Borders area, given its rural character and the relatively low level of development activity on larger sites. Over the past 5 years the average number of completions on windfall sites was 102 units. The ten-year average is 107 per year. Of the total completions since 2012 between 76 and 143 units have been on windfall sites. It is anticipated that 1,020 units will be developed on windfall sites in the Scottish Borders during the period 2023/24 and 2032/33 based on the more cautious five-year average.

TABLE 7: WINDFALL COMPLETIONS (2012 TO 2021 HLA)

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	10 Year Average
Total number of completions	266	306	288	272	373	250	222	345	324	298	294
Number of completions on windfall sites	143	133	104	101	76	121	84	115	96	92	107
% of completions from windfall sites	54%	43%	36%	37%	20%	48%	38%	33%	30%	31%	37%

COMPLETIONS

4.9 Table 8 shows the number of completions in the Scottish Borders from the 2017 to 2021 HLA period. The total number of completions in the past five years has peaked at 345 in 2019, with completions lower in the following two years. The lower level of

completions across the Borders since the recession is a result of stalled sites, lack of developer and mortgage finance. Overall, the average rate of completions over the previous five years was 288 units per year.

TABLE 8: COMPLETIONS (2017 TO 2021 HLA)

	2017	2018	2019	2020	2021	5 Year Average
Total number of completions	250	222	345	324	298	288

5. NEW ALLOCATIONS WITHIN THE PLAN

5.1 The LDP2 includes a number of new allocations for housing and mixed use, which have indicative site capacities. Table 9 outlines the additional sites included within the LDP2. All of the sites are allocated for housing, with the exception of one mixed use allocation in Innerleithen. The new sites provide additional flexibility within the LDP and have been through a detailed site assessment process. The table outlines that 482 additional units are being brought forward as part of the LDP2.

TABLE 9: NEW SITES ALLOCATED IN THE LOCAL DEVELOPMENT PLAN

SETTLEMENT	SITE CODE	SITE NAME	PROPOSED USE	INDICATIVE SITE CAPACITY
Coldstream	ACOLD014	Hillview North (Phase 2)	Housing	100
Eddleston	AEDDL010	Land South of Cemetery	Housing	30
Gordon	AGORD004	Land at Eden Road	Housing	25
Grantshouse	AGRAN004	Land North of Mansefield	Housing	8
Greenlaw	AGREE009	Poultry Farm	Housing	38*
Hawick	AHAWI027	Burnfoot (Phase 1)	Housing	60
Innerleithen	MINNE003	Land West of Innerleithen	Mixed Use	50
Jedburgh	AJEDB018	Land East of Howdenburn Court II	Housing	20
Melrose	AMELR013	Harmony Hall Gardens	Housing	5
Peebles	APEEB056	Land South of Chapelhill Farm	Housing	150
Reston	AREST005	Land East of West Reston	Housing	5
Selkirk	ASELK040	Philiphaugh Mill	Housing	19
Westruther	AWESR002	Edgar Road	Housing	10
TOTAL				482*

*AGREE009 cannot be counted in the total additional units above. The units are already included within the 2021 HLA as a windfall approval.

5.2 It should be noted that the housing site (AGREE009) is included within the 2021 HLA established housing land supply, as a windfall development for 38 units. Therefore, the indicative site capacity for site AGREE009 cannot be counted as part of the new allocations being taken forward within the LDP, to avoid double counting.

6. REMOVAL OF SITES WITHIN THE PLAN

6.1 There are nine sites from the previous local development plan (2016) that are removed from this LDP, totalling 129 units. Table 10 outlines the housing, mixed use and redevelopment allocations which have been removed and are not being carried forward into the Plan. It should be noted that the allocation (MGREE001) is being taken forward as a business and industrial allocation within the Plan.

TABLE 10: SITES TO BE REMOVED FROM LDP2

SETTLEMENT	SITE CODE	SITE NAME	PROPOSED USE	INDICATIVE SITE CAPACITY
Chesters	RC2B	Roundabout Farm	Housing	5
Clovenfords	EC2	Caddonhaugh	Housing	6
Earlston	EEA12B	Earlston Glebe	Housing	25
Eyemouth	BEY1	Barefoots	Housing	20
Galashiels	EGL43	Balmoral Avenue	Housing	10
Greenlaw	MGREE001	South of Edinburgh Road	Mixed Use	6
Lilliesleaf	EL16B	Mueslie Drive	Housing	7
Preston	zRO16	Preston Farm	Redevelopment	45
Yarrowford	EY5B	Minchmoor Road East	Housing	5
Total				129

13. deleting the red text heading “PART B: MONITORING THE EFFECTIVE SUPPLY” on proposed plan page 201.

14. deleting the entirety of section 8 (all titles, text and tables) on proposed plan pages 201 and 202.

Issue 7	Chapter 7: Supporting Our Town Centres	
Development plan reference:	Volume 1 Policies – Chapter 7: Supporting Our Town Centres (pages 29-31)	Reporter: Alison Kirkwood
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Peebles and District Community Council (122) Michael Marshall (518) J Leeming (755) Floors, Makerstoun, Nenthorn and Smailholm Community Council (789) Crailing, Eckford and Nisbet Community Council (799) Innerleithen and District Community Council (853) Catriona Elizabeth McKay (935) Reston and Auchencrow Community Council (948) Francine Hardwick (999) St Boswells Parish Community Council (1032)</p>		
Provision of the development plan to which the issue relates:	Chapter 7: Supporting Our Town Centres (pages 29-31)	
Planning authority's summary of the representation(s):		
<p><u>Peebles and District Community Council (122), Michael Marshall (518), Floors, Makerstoun, Nenthorn and Smailholm Community Council (789), Crailing, Eckford and Nisbet Community Council (799), Innerleithen and District Community Council (853) Catriona Elizabeth McKay (935), Reston and Auchencrow Community Council (948) Francine Hardwick (999)</u></p> <ul style="list-style-type: none"> In relation to 'Chapter 7 Supporting our Town Centres' (page 29), the contributors would like the appropriate United Nations Sustainable Development Goals (SDGs) (8-11) appended to the title of this section. The contributors would also like a new paragraph to be inserted explaining how the aims and objectives in this section meet the corresponding SDGs. <p><u>J Leeming (755)</u></p> <ul style="list-style-type: none"> The contributor is encouraged by the 'town centre first' approach (para 7.1), though this seems to be an attempt to correct the damaging effects of previous LDPs which endorsed out-of-town shopping facilities. The contributor hopes the Council is investigating what Kelso and Peebles (retail vacancy rates around 6%) are doing right that the rest of the region's towns (retail vacancy rates around 14%) aren't. Perhaps full-time opening for council-financed facilities (e.g. local libraries) in town centres would be a good start. <p><u>St Boswells Parish Community Council (1032)</u></p>		

- In respect of Figures 5 and 6 (page 30), some Scottish figures would be helpful.
- The contributor states that the role of town centres may also be changing due to planning decisions taken on the introduction or relocation of supermarket developments. This graph (Figure 6: Average Town Centre Weekly Footfalls (2007-2019, page 30) in particular is almost unintelligible due to its use of colour gradation.
- The thrust of paragraph 7.4 is completely incorrect. Economic changes within Town centres cannot be met by economic stimuli alone, but need to reflect a more realistic process in which to a greater degree they become places where people want to live. This is consistent with the town centre first philosophy.
- Within paragraph 7.5, there may be a case for the promotion of housing improvement and housing conversion grants.
- To the lay reader, paragraph 7.7 would not be understandable.

Modifications sought by those submitting representations:

- In relation to Chapter 7: 'Supporting our Town Centres' on page 29 of the Proposed Plan the contributors would like the appropriate UN SDGs (8, 9, 10 and 11) appended to the title of this section. (122, 518, 789, 799, 853, 935, 948, 999, 1032)
- The contributor would like a new paragraph to be inserted within Chapter 7 explaining how the aims and objectives in this section meet the corresponding SDGs. (122, 518, 789, 799, 853, 935, 948, 999, 1032)
- The contributor would like some Scottish figures to be added to Figures 5 and 6 on page 30 of the Proposed Plan. (1032)
- The contributor would like Figure 6 updated so colour gradation is not used. (1032)
- The contributor would like paragraph 7.4 amended to state that economic changes within Town centres cannot be met by economic stimuli alone, but need to reflect a more realistic process in which to a greater degree they become places where people want to live. (1032)
- The contributor considers that there may be a case for the promotion of housing improvement and housing conversion grants within paragraph 7.5. (1032)
- The contributor requests that paragraph 7.7 is simplified. (1032)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO CHAPTER 7 AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

Please note that comments made in relation to Chapter 7 by Michael Marshall (518) – whose representation is also endorsed and supported by Contributors 122, 789, 799, 853, 935, 948, 999 and 1032 - are considered under the Schedule 4 for Chapter 8 (Issue 8).

United Nations Sustainable Development Goals (122, 518, 789, 799, 853, 935, 948, 999, 1032)

- It should be noted that within the introductory text for Policy PMD1 – Sustainability, it states '*the Council pledges to implement the United Nations Sustainable*

Development Goals (UN SDG) as they relate to local government'. It is felt that this reference clearly sets out the Council's support for the UN SDG and it is not felt that the title of Chapter 7 should be updated to include an additional reference to UN SDG numbers 8, 9, 10 and 11 as this would result in a chapter title that was too lengthy and inconsistent with other chapter titles within the Proposed Plan.

- It is not considered necessary to insert a new paragraph within Chapter 7 explaining how the aims and objectives in this section meet the corresponding UN SDGs. The purpose of Chapter 7 is to provide a high level overview of town centres across the Scottish Borders and how these are being supported by policies within the Proposed Plan. As previously stated, the Council's commitment to the UN SDGs is stated within Policy PMD1 and Chapter 8 of the Proposed Plan.
- It is accepted that within the introductory chapters there are several options as to how these can be set out and the text incorporated within them. It is not considered necessary to keep repeating text within all/certain chapters. It is considered as stated above that Chapter 8 is the most appropriate primary place to make reference to the points raised by the contributors.
- More detailed comments relating to the UN SDGs are included within the Schedule 4 for Unresolved Issue 8.

Town Centres - General (755)

- In relation to Kelso and Peebles, it should be noted that the Council have maintained their existing approach in relation to Core Activity Areas within these towns and not increased the level of flexibility as they continue to perform well. The Council will continue to monitor retail vacancy rates and pedestrian footfall within the towns to assess the vitality and viability of each of them.
- In relation to the location and opening times of Council facilities such as libraries, this is not within the remit of the Local Development Plan.

Figures 5 and 6 and Paragraphs 7.4 – 7.7 (1032)

- Figures 5 and 6 aim to provide local context. It is not considered necessary to state Scottish figures within this Chapter.
- Figure 6 clearly sets out the average weekly footfall across the main town centres in the Scottish Borders over a 13 year period. The graph reproduces a significant amount of data in a clear and concise manner. It is not considered necessary to amend Figure 6 within the Proposed Plan.
- Paragraph 7.4 sets out how and why town centres are changing in the Scottish Borders it also explains how the planning system can assist in maintaining their role as a vibrant focus for communities. It does not state that economic changes can only be met by economic stimuli, it merely acknowledges the role of planning to help stimulate economic activity. The development management process supported by planning policy aims to create places where people want to live.
- In relation to comments on paragraph 7.5, the Council encourage housing improvements and can assist with providing information to residents on available grants however it is not felt necessary to make reference to that within this chapter.
- It is felt that paragraph 7.7 is clear and understandable for a reader with limited planning knowledge and therefore it is considered there is no need for the text to be amended.

Reporter's conclusions:United Nations' Sustainable Development Goals

1. Representations in relation to the United Nations' Sustainable Development Goals are addressed under Issue 008 (Chapter 8: Delivering Sustainability and Climate Change Agenda). The conclusions there do not require any changes to Chapter 7 on this matter.

Town Centres – General (755) (1032)

2. The comments regarding lower retail vacancy rates in Kelso and Peebles are not seeking any modifications to the proposed plan. I agree with the council that changes to the opening hours of facilities in town centres is not a local development plan matter.

3. St Boswells Parish Community Council considers that the town centre first principle should also apply to villages. I note that reference is made to Jedburgh, which is identified as a town centre in the proposed plan.

4. The purpose of the town centre first principle is to protect and enhance the character, vitality and viability of town centres and apply a preferred order of locations for uses which generate significant footfall. Given their smaller size, villages would not be expected to provide the same number and range of shops and services as town centres and are less likely to be well served by public transport.

5. Policy ED3: Town Centres and Shopping Development would treat proposals within or on the edge of villages as out of centre development. However, criterion g) provides support for "appropriate small scale shopping provision designed to serve the needs of local rural communities".

6. There is no requirement in national policy to apply the town centre first principle to villages. I consider that the approach taken in the proposed plan reflects the provisions of national policy and also considers the needs of village communities. No modifications are required.

7. St Boswells Parish Community Council suggests that town and village centre living should be encouraged and that some survey work should be carried out in this regard. I find that this matter is already addressed in paragraph 7.2 which refers to opportunities for town centre living and paragraph 7.3 which indicates that the council carries out regular town centre surveys. No modifications are necessary.

Figures 5 and 6 and Paragraphs 7.4 – 7.7 (1032)

8. I agree with the council that there is no requirement for Scottish figures on vacancy rates and town centre footfall to be included in Figures 5 and 6. I consider the purpose of Figure 6 is to show general trends in town centre footfall, not necessarily the specific totals for each individual year. As such, I consider the use of colour gradation to be acceptable. No modifications are required.

9. Proposed plan Chapter 7 focusses on the role of town centres as mixed activity hubs, in particular for uses which attract significant footfall. Whilst I agree that National

Planning Framework 4 encourages town centre living, this is not the primary function of town centres. Given concerns about the potential adverse impact of the Covid 19 pandemic on the vitality and viability of town centres, I consider the thrust of paragraph 7.4 to be appropriate. No modifications are required.

10. I do not consider the availability of housing improvement and housing conversion grants to be directly relevant to planning policy. No modifications are required.

11. Paragraph 7.7 summarises some of the policy changes in relation to town centres compared to the current local development plan. A more comprehensive explanation is provided in the text (paragraphs 1.1 to 1.7) which precedes Policy ED4: Core Activity Areas in Town Centres.

12. I agree with St Boswells Parish Community Council that the summary provided in paragraph 7.7 is unclear. Rather than repeat the information provided elsewhere in the proposed plan, I recommend that paragraph 7.7 is deleted.

Reporter's recommendations:

Modify the local development plan by:

1. Deleting paragraph 7.7 on proposed plan page 31.

Issue 8	Chapter 8: Delivering Sustainability and Climate Change Agenda	
Development plan reference:	Volume 1 Policies – Chapter 8: Delivering Sustainability and Climate Change Agenda (pages 33-36)	Reporter: Alison Kirkwood
Body or person(s) submitting a representation raising the issue (including reference number):		
Peebles & District CC (122) Kristina Lewis (448) Mr & Mrs Grewar (468) Karen McDonald (488) B Dominic Ashmole (494) Michael Marshall (518) Wind 2 Ltd (597) Fred Olsen Renewables Ltd (598) Scottish Renewables (612) The Southern Uplands Partnership (750) Peebles Civic Society (769) Lamancha, Newlands and Kirkurd Community Council (772) Floors, Makerstoun, Nenthorn and Smailholm CC (789) Tweedgreen (797) Anthony Newton (798)	Crailing, Eckford and Nisbet CC (799) Renewable Energy Systems (802) Coriolis Energy (811) Muirhall Energy Ltd (828) Scottish Land & Estates (833) Belltown Power (836) Scottish Government (847) Innerleithen and District CC (853) Patricia Goodacre (902) Jacqueline Moore (924) Catriona Elizabeth McKay (935) Julian Goodacre (944) Reston and Auchencrow Community Council (948) Rosalyn Anderson (988) Francine Hardwick (999) St Boswells Parish CC (1032)	
Provision of the development plan to which the issue relates:	Chapter 8: Delivering Sustainability and Climate Change Agenda (pages 33-36)	
Planning authority's summary of the representation(s):		
<p><u>Peebles & District CC (122)</u></p> <ul style="list-style-type: none"> Contributor appends and endorses the representation from Contributor 518 (Michael Marshall). <p><u>Kristina Lewis (448)</u></p> <ul style="list-style-type: none"> Contributor advises that the plan needs to take account of the climate emergency. Contributor advises of concerns relating to identifying areas vulnerable to flooding, use of green space, planting of trees, provision of chargers for electric vehicles, and provision of eco-friendly heating and power solutions for new buildings. (Beyond stating their concerns, they do not give any details, or identify any particular actions or solutions they would seek to address these). <p><u>Mr & Mrs Grewar (468)</u></p>		

- Contributors advise that the Plan fails to mention the climate emergency.
- Contributors seek protection of the environment, and in particular green spaces, wildlife corridors, trees, woodlands and shrub-lands in policy [the Plan].
- Contributors implore the Council not to allow any more trees to be chopped down in conservation areas.

Karen McDonald (488)

- Contributor advises that there is no mention of the Climate Emergency.
- Contributor advises that there is a loss of green spaces, woodlands, and conservation areas, and failure to act is causing irreversible damage to wildlife. They consider that protection of the environment needs to be looked upon as a strategic part of the plan going forward.
- Contributor advises that the Council needs to take immediate steps to halt the destruction of any further woodlands within Border towns.

B Dominic Ashmole (494)

- Contributor advises that given the Council's recent Climate Emergency declaration, much stronger wording should be included, indicating what emergency measures are planned to ensure the region's undoubted potential in this area will be urgently realised.
- In reference to Paragraph 8.3, contributor advises of the need to promote the uptake of electric vehicles. (They do not make any specific proposals as to how the paragraph should be revised to address their concern, or how this matter might otherwise be advanced through the Plan).
- In reference to Paragraph 8.6, contributor advises of the need to retrofit existing housing stock for energy efficiency and zero-carbon heating systems. (They do not make any specific proposals as to how the paragraph should be revised to address their concern, or how this matter might otherwise be advanced through the Plan).
- In reference to Paragraph 8.14, contributor advises of the need to the need to create new woodlands. (They do not make any specific proposals as to how the paragraph should be revised to address their concern, or how this matter might otherwise be advanced through the Plan).

Michael Marshall (518)

- Please note that the contributor has raised a number of similar issues to various parts of the proposed LDP, chiefly the introductory chapters 1 to 8 inclusive. Rather than repeat these points, as well as the Council's responses to these, throughout the other respective Schedule 4s on the other chapters, it is considered more appropriate, and simpler, to respond to all of the issues they have raised within this single Schedule 4. The issues they raise are as follows:
- Taking account of the Council's commitment to the UN Sustainable Development Goals (SDGs), its declaration of a climate emergency, and in light of the urgent need to arrest global biodiversity loss, the contributor advises that the Plan should now be updated to reflect the urgency of these matters, meet the Council's commitments to taking action in all cases, and drive forward the transformative change required to address them appropriately over the next decade, principally by the Plan now being revised to explicitly reference the UN SDGs throughout.

- Contributor approves of Council's adoption of the UN's Sustainable Development Goals (SDGs) in September 2020, and considers that these should be - and should be seen to be - fundamental and integral to the Plan; "*elevated to their correct status as an overarching set of goals and fully incorporated into Part 1*". In particular, they are concerned that the introductory chapters should explain how the Plan is informed by, and responds to, the objectives of the SDGs, both collectively, and individually where particular SDGs are more relevant to a particular policy area.
- In particular, contributor is keen to stress their view that such an approach should equate to a reduced role for economic growth as an objective of the Plan, and conversely, result in an enhanced role for the protection of biodiversity.
- Contributor advises that since LDP2 sets the agenda for the next decade, it must reflect the Climate Emergency, encompassing the Council's own declaration of a climate emergency in September 2020.
- Contributor advises that in light of the national failure to achieve the Aichi goals on preventing biodiversity loss which were set in 2010, they consider that the Plan should now seek to address directly, global biodiversity loss as an urgent issue, pointing out that the Aichi goals on preventing biodiversity loss have now been incorporated as the biodiversity goals of the UN's Sustainable Development Goals (SDGs).
- In terms of more specific proposed revisions, contributor concentrates on how they consider that Part 1, the Foreword and introductory chapters, particularly Chapter 8, should now be revised to address these concerns appropriately, and specifically seeks the following revisions to the Plan:
- Foreword – Contributor advises that the statement at paragraph 3 of the Foreword that "*SBC is committed to sustainable economic growth*", is not aligned with Scottish Government policy in that it privileges goal 8 of the SDGs (economic growth) over the other sixteen goals, and should therefore be revised to reflect the Council's commitment to address all 17 SDGs equally. The contributor suggests that Paragraph 3 might be rewritten to echo, firstly, text on page 5 of the NPF3; specifically, that: "*The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as 'meeting the needs of the present without compromising the ability of future generations to meet their own needs'. [Resolution 42/187 of the United Nations General Assembly]*"; and then text paraphrasing the preamble of the SDGs themselves, essentially recognising their importance and stating the commitment to address all 17 SDGs on the basis that these are: "*integrated and indivisible and balance the three dimensions of sustainable development: the economic, social and environmental*".
- Chapter 1 (Introduction) – Contributor seeks the reiteration at Chapter 1 – for the purpose of elevation - of the phrase from Paragraph 1.2 on page 40 of Volume 1 of the Plan that: "*The Council pledges to implement the United Nations SDGs as they relate to local government*".
- Chapter 2 (Changing Context and Meeting the Challenges for the Scottish Borders) – Contributor seeks addition of a section mentioning the declaration of the climate emergency before Paragraph 2.7; and then in relation to page 13 itself, seeks reassurance – a statement - that measures to be introduced for Coronavirus will not impact measures necessary to address the climate emergency.
- Chapter 3 (Policy Background) – Contributor asks that this chapter be updated to reflect the policy mandate for UN SDGs.
- Chapter 4 (Vision, Aims and Spatial Strategy) – Contributor advises that the Scottish Government has committed to the UN SDGs in July 2015, so this section should be

framed in terms of that commitment. More specifically, they seek a revision and reframing of Paragraphs 4.2 to 4.7, to take a balanced approach in terms of addressing the UN's SDGs (not privileging economic growth over sustainability, as they see it); specifically, they suggest, firstly, by explicitly stating that a balanced approach will be taken as per the UN SDGs; secondly, by stating that the order of these objectives does not indicate priority (or alternatively, by reversing the order in which these objectives are given); thirdly, by 'mapping' [associating] each aim to [with] the relevant SDG; and fourthly, by concluding with a clear statement that economic considerations will not trump sustainability when cross-referencing to Paragraph 8.5 (which the contributor also wishes to see revised, as per their advice noted below).

- Chapter 5 (Growing Our Economy) – Contributor seeks appendage of “(UN SDG 8)” to the title of this section, and the addition of a paragraph explaining how the aims and objectives in this section, will meet UN SDG8.
- Chapter 6 (Housing) – Contributor seeks appendage of “(UN SDG 11)” to the title of this section, and the addition of a paragraph explaining how the aims and objectives in this section, will meet UN SDG11.
- Chapter 7 (Supporting our Town Centres) – Contributor seeks appendage of “(UN SDGs 8, 9, 10 and 11)” to the title of this section, and the addition of a paragraph explaining how the aims and objectives in this section will meet these corresponding SDGs.
- Chapter 8 (Delivering Sustainability and the Climate Change Agenda) - Contributor seeks the following specific changes to Chapter 8:
 - a) Addition of “(UN SDG 13, 14 & 15)” to the title ‘Delivering Sustainability and the Climate Change Agenda’ on page 33.
 - b) At beginning of Chapter 8, the addition of a paragraph explaining how the aims and objectives in this section meet UN SDG 13, 14 & 15.
 - c) Contributor advises that given the Scottish Government’s commitment to an evaluation against the targets of the IPBES (Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services), Paragraph 8.4 should be moved to the top of this section (to Paragraph 8.1) and reworked to include: the key messages from IPBES and the key messages from item 3.1 of the minutes of the sustainability committee 4-Sep-2020, 12 report from CEO of Borders Forest Trust and Chair of Scottish Environment. The latter are set out by the contributor as three points; firstly, the recognition of there being seven principal drivers of global biodiversity loss; secondly, that “*SNH’s the State of Nature Scotland report 2019 revealed that, since recording began, 49% of Scottish species had decreased...*” and thirdly, and lastly, that: “*between the 1940s and 1980s the area of broadleaved and mixed woodland fell by 23% and 37% respectively and native Caledonian pine forests now covered less than 90,000 hectares – just over 6% of the original area.*”
 - d) In relation to Paragraph 8.5 on page 34, the contributor advises that this section reflects poor organisational design in that it privileges economic considerations, and [in so doing] suggests that the Sustainable Development Committee, and its targets are irrelevant and impractical, which, the contributor advises, undermines the SDC’s role and importance, setting it up to fail. Accordingly, the contributor considers that this section should be replaced with a statement that underlines the fundamental role the SDC plays, and the indivisibility of economic, social and environmental goals.
 - e) In relation to 8.13 (page 36), and biodiversity, the contributor asks that this be updated to reflect the failure to meet the Aichi targets and the recent restatement

of Scottish policy commitment to meeting them as part of the UN SDGs, referencing IPBES.

- f) With specific regard to Paragraph 8.14 on page 36, the contributor seeks revisions to recognise and address their observation that *“the pockets of woodlands in Borders towns” are “not just a unique and distinctive part of our natural and built environment, but important for their biodiversity value in their own right. In several towns they link key green spaces and conservation areas, forming strategic wildlife corridors connecting the hearts of our beautiful towns to the wild spaces nearby. For many, this connection to nature is what makes our community spaces such a vibrant place to live and work. Given the declaration of the climate emergency, one immediate and practical step SBC can take is to declare an immediate halt to the destruction of any pockets of woodlands within Borders towns. This is completely consistent with existing strategy (SBWS) and should involve zero cost to either the public or private sector as we are essentially talking about woodlands in conservation areas”*.
- Contributor concludes by emphasising the need for a strong and principled Plan to represent the public good fairly *“when balancing powerful economic interests with the wellbeing of our society and the health of our environment”*.

Wind 2 Ltd (597); Fred Olsen Renewables Ltd (598); and Muirhall Energy Ltd (828)

- Contributors advise that the Plan should reflect the NPF4 Position Statement (Nov 2020) and Climate Change Plan Update (Dec 2020), and align with the most up-to-date, relevant national planning, energy policy and legislative provisions. They advise that this would not only set a more positive policy framework for delivering renewable energy development within the Council area, but would assist in meeting the Council’s own aims and objectives for the promotion of net zero and sustainable development in the LDP area, and be a more appropriate and ambitious response to the declared Climate Emergency. Such an approach would be consistent with the significant policy support at Scottish Government level for the deployment of onshore wind energy development and other renewable energy technologies as set out in the Onshore Wind Policy Statement and Scottish Energy Strategy. The contributors advise that the clear ‘direction of travel’ for NPF4 is to increase the delivery of renewable capacity, and the planning system is seen as being of pivotal importance for Scotland in meeting the challenging net zero targets.
- Contributors seek a re-phrasing at Paragraph 8.1 to omit reference to *“a low carbon economy”*, and instead to recognise a *“net zero”* outcome as the objective for the SBC area. They also seek reference to how that the Climate Change Scotland Act has been amended, to place the net zero targets into legislation.
- With regard to Paragraph 8.2, contributors welcome reference to the Scottish Energy Strategy and the Onshore Wind Policy Statement, but advise this should also be updated to refer to the Climate Change Plan Update, published in December 2020, since it will be imperative for the new LDP to take into account the Climate Change Plan Update provisions.
- Regarding Paragraph 8.3, contributors note that this makes reference to NPF3 and SPP, but advise that this needs to be adapted to take into account the direction of travel for policy that has been set out in the NPF4 Position Statement.
- In their consideration of Paragraph 8.8., contributors do not support the plan making reference, firstly, to the Renewable Energy Supplementary Guidance (the SG); which they do not consider to be *“up to date advice”* (paragraph 8.8); and secondly, to the Landscape Capacity Study and Cumulative Impact Study by Ironside Farrar

dated 2016 (itself an update to the original 2013 study). Their concern is that the SG was prepared, consulted upon and approved by Scottish Ministers on the basis that it was to support policies in the existing LDP adopted in 2016. They advise however, that this cannot be rolled forward into the new LDP without any further procedure, and if it were, that this would not be consistent with the Development Planning (Scotland) Regulations 2008, which require an SG to be prepared to supplement an already approved plan. The draft SG itself must also be subject to consultation. As such, they conclude, the 2018 SG cannot, by definition, meet these legal requirements for the purposes of the new LDP. Additionally, they advise, they do not in any case, support the use of policy which is itself based on assessment work that is already over 4 years old. Contributors further advise that the Onshore Wind Policy Statement (2017), makes it clear that there have been significant developments in turbine technology. Since the Ironside Farrar report was first prepared in 2013 and updated in 2016, that position, they find, is now even starker. They advise that the Landscape Capacity Study is dated in these respects and as such, they consider, is now of very limited, if any, assistance, in the development of planning policy or determination of planning applications. It is therefore recommended that all references to the SG and its supporting material should now be deleted from the plan. Contributors also advise that this position is further substantiated because there are new legislative provisions coming into force as a result of the new Planning Act, to cease the statutory basis of Supplementary Guidance.

Scottish Renewables (612)

- Contributor expresses concern that the Plan does not refer to the Scottish Government's updated targets as set out in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, or to the Council's declaration of a climate emergency, which they consider should be expressly referenced, including in terms of the need to deliver the range of measures approved by the Council at its meeting of 25 September 2020.
- Contributor does not support, and seeks removal of, reference to the Renewable Energy Supplementary Guidance (SG) and the Landscape Capacity and Cumulative Impact Study by Ironside Farrar. They consider that continued reliance on these, would be inappropriate and likely unlawful. This is because the SG was approved by the Scottish Ministers in support of the LDP adopted in 2016, and cannot be rolled forward into the new development plan without further procedure. They advise that Supplementary Guidance can only be prepared to supplement an existing approved plan, and must itself be subject to consultation. Maintenance of the 2018 SG would therefore not meet development planning regulations.
- Moreover, the contributor also objects to reference to the SG in the Plan on the basis that the SG is based on assessment work that is now over 4 years old. The contributor advises that there have been significant developments in turbine technology since the Ironside Farrar report was first prepared in 2013, and updated in 2016, and it is therefore considered by the contributor, to be of very limited, if any, assistance in the development of planning policy, or [within] the determination of individual planning applications. The contributor advises that the Reporter at the most recent windfarm planning inquiries in the Scottish Borders [by which they mean the conjoined inquiry on proposals relating to Fallago Rig 1 and Fallago Rig 2], did not place any reliance on the findings of the landscape capacity studies when making their assessment. The contributor makes reference to the Reporter's report

on cases WIN-140-5 and WIN-140-6 (Fallago Rig 1 and Fallago Rig 2) in support of this point.

The Southern Uplands Partnership (750)

- Contributor expresses concern that the Plan makes almost no mention of the climate emergency, and does not identify any significantly different approach to responding to it. They urge the Council to amend the Plan to better reflect the climate emergency and the need to give full consideration to the way that any development will impact on climate change and the biodiversity crisis.

Peebles Civic Society (769)

- Contributor advises that since SBC has recently declared a “Climate Emergency”, these words should appear within LDP2, at Chapter 8. They add that they also look to the Council to action the objectives within Chapter 8.

Lamancha, Newlands and Kirkurd Community Council (772)

- Contributor asks that the climate emergency should be pivotal within the LDP. They consider that there is too much emphasis on economics, when national policy seeks to commit councils to balancing economic, social and environmental factors.
- Contributor requests the LDP acknowledge the value of the small pockets of woodland within Borders towns and their benefits to both people and wildlife.

Floors, Makerstoun, Nenthorn and Smailholm CC (789)

- Contributor states endorsement of, and attaches in full, the representation of Michael Marshall (518).
- Contributor regrets that the Climate Emergency is not currently part of the SBC Local Development Plan, and hopes that it can at least be borne in mind.

Tweedgreen (797)

- Contributors advise that the Plan fails to reflect the extent of the Climate Emergency, particularly in so far as the next ten years (the Plan period) are critical for responding to the Climate Emergency effectively, and this should now be reflected in the plans and policies of the Plan.
- Contributors express concern that the pandemic is being used as an excuse for delay, and that an effective response to both the Climate Emergency and Covid Emergency, requires structural change. They stress that the climate emergency is a health emergency and that SBC’s response to this, needs to be an emergency response.
- Contributors advise that health and sustainability should be at the core of all future planning; and that this should include community and planetary health, as well as individuals’ health. They see the Plan as a missed opportunity to address health in its widest sense, and to put health in the context of climate change. By way of example, they seek the promotion and delivery of good social housing with low carbon heating and high quality insulation, and sustainable transport, to reduce air pollution and minimise respiratory and other health problems health.

- Contributors consider that every opportunity should be taken by SBC to support allotments and encourage local food production, which is good for health and good for the local economy.
- Contributors consider that the reference to “*job markets*” should refer to “*the Green New Deal*” and the evidence that green economic development is good for jobs, which in turn benefits health, and is good for the climate.
- Contributors consider that the UN’s Sustainability Development Goals provide a vital framework, and the LDP would benefit from sections being directly linked with specific goals.
- Contributor suggests that each section is prefaced by a statement that: “*this chapter/section is presented in the context of, and as a response to, the climate emergency*”, to clarify that SBC is taking seriously its responsibility to deliver on the Scottish Government Climate Change Plan. An example of an omission which they consider throws into question SBC’s commitment, is in the section on flooding (IS8), where they observe that absolutely no mention is made of climate change being the cause of changing weather patterns and greater risk of flooding.

Anthony Newton (798)

- Contributor advises that the word Climate Emergency does not appear anywhere in LDP2. Declaring a Climate Emergency, they advise, means that it must now become central to everything the Council does, but [the] Council’s response in the Plan is not convincing, and [the] Council must ensure that the objectives as set out in Volume 1 Section 8, are actually implemented.

Crailing, Eckford and Nisbet CC (799)

- Contributors both endorse and support the submission tendered to SBC separately, by Mr Michael Marshall (518) and ask that the issues this representation addresses in terms of the Climate Emergency, be given a key focus throughout the document.
- Contributor is particularly concerned that SBC should be active in halting the destruction of pockets of woodlands within both Border towns and villages.

Renewable Energy Systems (802)

- In their commentary on Chapter 8; particularly, Paragraph 8.8; contributor seeks support for acknowledgement of national planning policy support for renewable energy to facilitate transition to low carbon economy. They also state that the advice of the Council’s Renewable Energy SG from 2018 that the Council will continue to support all new renewable energy types in appropriate locations, should be reflected in LDP2 itself, in the main renewable energy Policy ED9.

Coriolis Energy (811)

- Contributor advises that there is a need to update/review text of Chapter 8 in light of recent developments at national and local level with regard to the Climate Emergency.
- Contributor questions reference to both the Renewables SG and Landscape Capacity Study, advising that it is no longer appropriate to refer any longer, to these documents without direct approval of the SG to support the new Plan.

Scottish Land & Estates (833)

- Contributor comments with specific regard to Paragraph 8.3. While they welcome the line: *“Developments should include clear and direct links to public transport nodes”* in the sense that it will help combat climate change, they are concerned that it could be read as a tool to refuse development which is not near public transport nodes, without consideration [first] being given to the impacts on rural communities and businesses which may depend on single [private] vehicle transport. They draw attention to the advice of Scotland’s National Transport Strategy that: *“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”*. Secondly, they advise that to accord with the approach of Scotland’s National Transport Strategy, the line should be revised to the following wording: *“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.”*

Belltown Power (836)

- Contributor seeks reference in Chapter 8 to the Councils declaration of a climate emergency, as well as statements of support for developments that can deliver the range of measures contributing to the 50% of energy target by 2030 and net zero target of 2045.
- Contributor seeks removal of references to the Renewable Energy Supplementary Guidance (SG) and to the Landscape and Capacity Study and Cumulative Impact Study by Ironside Farrar dated 2016 (which is a minor update to the original dated 2013). They consider these to be outdated; noting they were referenced in the LDP dated 2016. They consider it inappropriate to continue to reference it, as it does not reflect the latest guidance or renewable technology.

Scottish Government (847)

- In reference to Chapter 8, the contributor makes formal objection on the grounds that the plan should be modified to include a policy that fulfils the requirements of Section 3F of the Town and Country Planning (Scotland) Act 1997. Contributor points out that Section 3F requires that all Local Development Plans must include policies requiring all developments in the Local Development Plan area be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use, calculated on the basis of the approved design and plans for the specific development, through the installation and operation of low and zero-carbon generating technologies. Contributor advises that examples of how other local development plans have approached this requirement, are set out in the annex of the annual reporting published by the Scottish Government: Climate Change Act annual reports.

Innerleithen and District CC (853)

- Contributor endorses, supports, and attaches the representation on the Proposed Scottish Borders Local Development Plan, submitted by Michael Marshall (518).
- Contributor asks that the Climate Emergency be put front and centre in the Plan.
- Contributor challenges the document's emphasis on economics, pointing to Scottish and national policy which commits councils to balancing economic, social and environmental factors.
- Contributor requests that SBC take immediate steps to halt destruction of pockets of woodlands within Borders towns.

Patricia Goodacre (902)

- Contributor observes that while this LDP sets development policy for the next decade, it has done so without any reference to climate emergency, to which SBC signed up in September 2020. If accepted, they advise, the Borders will have no hope of meeting sustainability targets.
- Contributor considers that the Plan, prioritises economic development and ignores the needs of, not just the next generation, but of all our futures; and actively undermines the achievement of those needs, by failing to balance powerful economic interests with the wellbeing of society and the health of the environment.
- Contributor advises that any development plan should sustain and increase biodiversity; advising that planting more trees and banning the felling of existing woodland, especially those which edge the rivers and sustain and secure the banks, would be one simple measure to take.

Jacqueline Moore (924)

- Contributor is disappointed to see little mention of factors relating to the climate emergency, and advises that given that Scottish Borders Council has declared a climate emergency, and Scotland [has] failed to meet targets set in 2010, this is a glaring omission.
- Contributor advises that green spaces and trees are vital for conserving air quality and helping to prevent soil erosion and flooding, as well as being important for the flora and fauna in the countryside. Contributor wishes to see a commitment to include the protection of green space, woodland and hedgerows in council policy.

Catriona Elizabeth McKay (935)

- Contributor considers climate emergency should be front and centre of all future development and planning policy, to protect the environment.
- Contributor advises that the Plan presents an opportunity to take action to preserve the amenity of towns and protect the local natural environment.
- Contributor fully endorses the detailed comments made by Mr Michael Marshall (518).
- Contributor advises that there is an urgent need for a local planning framework that fully embraces environmental sustainability, and the Plan needs to acknowledge the twin threats of the climate emergency and biodiversity loss.
- Contributor advises that the plan needs to reference SBC's declaration of a climate emergency on 25 September 2020; and needs to reflect Scottish Government's own environmental policy by adopting the UN SDGs as part of its own overarching goals and mission statement.

- Contributor advises that the Plan should not prioritise economic growth over the environment, [while] language that preferentially benefits economic considerations over environmental sustainability needs to change; specifically, Section 8.5 (page 34), which emphasises the need for ‘practicality’ over sustainability, thereby undermining the decision making powers of SBC’s new Sustainable Development Committee.
- Contributor seeks an automatic rejection of all future planning applications that involve the destruction of natural habitats; including applications that threaten the last remaining pockets of precious native and semi-native woodland in Borders towns and countryside. They add that the Council needs to enforce existing laws that protect conservation areas and trees that are covered by Tree Preservation Orders and stop rescinding TPOs in favour of developers; and suggest that the Council revisit [rescind?] all current planning applications with approval in principle [Planning Permission in Principle?] that involve the destruction of natural habitats or felling of mature trees/woodlands.

Julian Goodacre (944)

- Contributor observes that the Council has declared a Climate Emergency but advises that the 10 year Plan does not address or even mention, the overriding issue, which is that major changes are now needed to address the Climate Emergency.
- Contributor advises that some of the policies in the Plan go against Government policy. (They do not identify, or otherwise indicate, any specific policies).
- Contributor considers that the Council should show commitment to its declaration of a climate emergency and reconsider the entire plan in the light of the alarming ongoing global situation.

Reston and Auchencrow Community Council (948)

- Contributor supports the LDP2 and fully support the representation made by Michael Marshall (518).

Rosalyn Anderson (988)

- Contributor advises with regard to Section 8.2 that all planning applications for housing and business, including agricultural use, should have an essential requirement for green mitigations, including solar panels (and allowance of maximum permitted numbers, whether a conservation area or not, in order to take climate change seriously, and so need to be much more flexible. Contributor also seeks an absolute requirement for a wind turbine for all new developments, and considers that this would help with the acceptance of the larger scale developments.
- Contributor advises with regard to Section 8.3, that there is a need for improved connectivity through better cycling and suitably surfaced footpaths of adequate width to allow safe passing of walkers and cyclists and social distancing. This should be a key learning point from the pandemic, with pavements on both sides of roads which are also popular walking routes.
- With regard to Section 8.10, contributor considers that flood risk needs to be considered in relation to smaller new developments, and Darnick Vale is a good example.

Francine Hardwick (999)

- Contributor objects to the adoption of most of the proposed Local Development Plan, citing the reasons summarised below:
- Contributor advises that a climate emergency has been declared nationally in Scotland and the UK, and also in the Scottish Borders, but the Plan inadequately reflects the current and developing thinking on required responses to planning in a climate emergency; so as it stands, they consider, the Plan is not fit for purpose.
- Contributor advises that time is running out to reduce carbon emissions in Scotland by 75% by 2030, but advises, the plan has not been thought out in sufficient detail to achieve these targets, and so they advise, is not fit for purpose.
- Contributor notes that the Scottish Government is currently working on new policies for future regional development plans [that are] fit for purpose for a climate emergency between now and 2030; and that there is also a Citizens Climate Assembly currently putting together recommendations for Scottish Government to adopt, in response to the climate crisis and the need to reduce emissions in all spheres of life. Contributor commends the latter to the Council, and suggests that those involved in producing Local Development Plans might avail themselves of this information/these resources.
- Contributor attaches the representation of Michael Marshall (518) which the contributor considers, highlights flaws in the proposed LDP with respect to the ongoing climate emergency and the measures required to address the climate crisis.

St Boswells Parish CC (1032)

- Contributor endorses the paper circulated by Michael Marshall (518) which deals with the Climate Emergency and the importance of Sustainable Development.
- Contributor notes specific comments in relation to Paragraphs 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 8.8, 8.9, 8.12, 8.13 and 8.14. (Comments with regard to 8.15 are addressed under the S4 on the National Park).
- With regard to Paragraphs 8.1 and 8.2, the contributor advises that consideration should be given to putting these at the beginning of the Plan, since such matters should be at the forefront of any planning. However, they advise that it is not clear from this section, what the Council will do, both as planning authority and as far as its own business activities are concerned. Moreover, the contributor suggests that there should be a reference here to the Sustainable Development Goals, and the Council's current performance towards achieving them.
- In relation to Paragraph 8.3, the contributor notes that it is possible that there may be helpful references within National Planning Framework 4 which are relevant, but advises that this paragraph has an important omission which should be corrected; specifically that developments should be designed so that their location, use and layout help reduce the need to travel by car. Notwithstanding public consultation on the draft Borders transport study 2018, the contributor advises that communities will wish to be consulted on the location, installation and use of electric vehicle charging points.
- In relation to Paragraphs 8.4 and 8.5, the contributor advises that the UN Sustainable Development Goals should be enumerated, with the Council advising what it is actually doing, or has actually done; for example, establishing its own carbon footprint.

- With regard to Paragraph 8.6, contributor asks whether there has been any assessment of the effectiveness of these strategies, while some figures on homelessness and the extent of fuel poverty in the Borders might be helpful.
- With regard to Paragraph 8.8, contributor considers that it would be useful to know the contributions made by various energy sources in the Borders, and contrast these with the sectoral consumers of energy. This, they suggest, might be an initial point of reference, moving forward towards reducing, reusing, and recycling.
- Contributor considers further explanation is needed in Paragraph 8.9, as to how a waste transfer station is going to improve Scottish Borders' transition towards a Zero waste target.
- With respect to Paragraph 8.12, contributor considers that in general, natural flood protection works and plans should be supported. Furthermore, they consider, the re-introduction of beaver should be promoted. However, their view is that a 75 year level of protection does not on the face of it, seem sufficient.
- Regarding Paragraph 8.13, contributor asks, firstly, which land-use strategy is being referred to; secondly, if the Borders is a pilot; thirdly, how the land-use strategy referred to, has been publicly adopted as a basis of planning; and lastly, if it a material consideration.
- With respect to Paragraph 8.14, contributor observes that the melding of land-use strategy and development planning will require particular management planning on the ground. This may be one of the greatest challenges facing the issues of sustainability and the climate crisis.

Modifications sought by those submitting representations:

General

- Revise, update or rewrite the Plan to put UN Sustainable Development Goals (SDGs) front and centre of planning policy, stating the Council's commitment to meet these, and setting out its proposals to make the necessary step changes required to address these. (122; 518; 789; 797; 799; 853; 902; 935; 948; 999; 1032)
- Revise, update or rewrite the Plan to reflect the emerging national planning policy position with respect to addressing the Climate Emergency including in reflecting the Council's own declaration of a climate emergency; as well as the Scottish Government's commitment, strategy and targets for attaining net zero emissions by 2045. (122; 448; 468; 488; 494; 518; 597; 598; 750; 769; 772; 789; 797; 798; 799; 802; 811; 828; 833; 836; 853; 902; 924; 935; 944; 948; 988; 999; 1032)
- Revise, update or rewrite the Plan to address Biodiversity Loss and protect biodiversity and the natural environment, including a review of progress on (ultimately the failure to meet) Aichi 2010 targets, and how this is being addressed in order to contribute appropriately to the arrest of global biodiversity loss. (122; 518; 750; 789; 799; 853; 902; 935; 948; 999; 1032)
- Revise, update or rewrite the Plan to give a clear commitment that the protection of the natural environment and addressing climate change, will be given equal, balanced or even priority, treatment over economic development, notwithstanding the impacts of the pandemic (122; 518; 772; 789; 799; 853; 902; 935; 948; 999; 1032)
- Revise, update or rewrite the Plan to ensure that health and sustainability are at the core of all future planning; and that this should encompass community and planetary health, as well as individuals' health; putting health in the context of climate change. (797)

Foreword

- Revise statement at Paragraph 3 of the Foreword that “*SBC is committed to sustainable economic growth*” to reflect the Council’s commitment to address all 17 SDGs equally, including quotation or other reference to text on page 5 of NPF3 that: “*The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as ‘meeting the needs of the present without compromising the ability of future generations to meet their own needs’. [Resolution 42/187 of the United Nations General Assembly]*”. Follow this by quoting or paraphrasing the preamble of the SDGs themselves, essentially to advise that the Council recognises the importance of the SDGs and is committed to addressing all 17 SDGs on the basis that these are: “*integrated and indivisible and balance the three dimensions of sustainable development: the economic, social and environmental*”. (122; 518; 789; 799; 853; 935; 948; 999; 1032)

Chapter 1

- Reiteration at Chapter 1 the phrase from Paragraph 1.2 on page 40 of Volume 1 of the Plan that: “*The Council pledges to implement the United Nations SDGs as they relate to local government*”. (122; 518; 789; 799; 853; 935; 948; 999; 1032)

Chapter 2

- Add section to Chapter 2 mentioning the declaration of the climate emergency before Paragraph 2.7. (122; 518; 789; 799; 853; 935; 948; 999; 1032)
- State on page 13 that measures to be introduced for Coronavirus will not impact measures necessary to address the climate emergency. (122; 518; 789; 799; 853; 935; 948; 999; 1032)

Chapter 3

- Update chapter to reflect the policy mandate for UN SDGs. (122; 518; 789; 799; 853; 935; 948; 999; 1032)

Chapter 4

- Reframe this section in terms of Scottish Government’s commitment to the UN SDGs. (122; 518; 789; 799; 853; 935; 948; 999 1032)
- Revise and reframe Paragraphs 4.2 to 4.7, to take a balanced approach in terms of addressing the UN’s SDGs (not privileging economic growth over sustainability); specifically, (a) by explicitly stating that a balanced approach will be taken as per the UN SDGs; (b) by advising that the order of the objectives set out in these paragraphs does not indicate priority; (c) by relating each objective to the most relevant SDG(s); and (d) by concluding with a clear statement that economic considerations will not trump sustainability. (122; 518; 789; 799; 853; 935; 948; 999; 1032)

Chapter 5

- Append “(UN SDG 8)” to the chapter title of this section on page 23. (122; 518; 789; 799; 853; 935; 948; 999; 1032)
- Add a paragraph to Chapter 5 explaining how the aims and objectives in this section, will meet UN SDG8. (122; 518; 789; 799; 853; 935; 948; 999; 1032)

Chapter 6

- Append “(UN SDG 11)” to the chapter title of this section on page 27. (122; 518; 789; 799; 853; 935; 948; 999; 1032)
- Add a paragraph to Chapter 6 explaining how the aims and objectives in this section, will meet UN SDG11. (122; 518; 789; 799; 853; 935; 948; 999; 1032)

Chapter 7

- Append “(UN SDGs 8, 9, 10 and 11)” to the chapter title of this section on page 29. (122; 518; 789; 799; 853; 935; 948; 1032)
- Add a paragraph to Chapter 7 explaining how the aims and objectives in this section, will meet UN SDGs 8, 9, 10 and 11. (122; 518; 789; 799; 853; 935; 948; 999; 1032)

Chapter 8

- Append “(UN SDG 13, 14 & 15)” to the end of the chapter title of this section on page 33. (122; 518; 789; 799; 853; 935; 948; 999; 1032)
- Add a paragraph to Chapter 8 explaining how the aims and objectives in this section will meet UN SDGs 13, 14 & 15. (122; 518; 789; 799; 853; 935; 948; 999; 1032)
- Update/revise/replace Chapter 8 to take account of, and reference, NPF4 Position Statement (Nov 2020) and Climate Change Plan Update (Dec 2020), to bring the plan and policy approach into line with today’s relevant national planning, energy policy and legislative provisions. (597; 598; 811; 828)
- Move Paragraph 8.4 above Paragraph 8.1, and rework to include: (a) the key messages from the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES); and (b) key messages from item 3.1 of the minutes of the sustainability committee 4-Sep-2020, report from CEO of Borders Forest Trust and Chair of Scottish Environment. (122; 518; 789; 799; 853; 935; 948; 999; 1032)

Chapter 8, Paragraphs 8.1 and 8.2, page 33

- Revise Paragraphs 8.1 and 8.2, to clarify what the Council will do, both as planning authority and as far as its own business activities are concerned, to facilitate transition to a low carbon economy. (1032)
- Make reference at Paragraphs 8.1 and 8.2 to the UN Sustainable Development Goals, and the Council’s current performance towards achieving them. (1032)
- Move Paragraphs 8.1 and 8.2, revised as proposed above by same contributor, to the front of the Plan. (1032)

Chapter 8, Paragraph 8.1, page 33

- Re-phrase first sentence in Paragraph 8.1., at point where it states “*to facilitate the transition to a low carbon economy*”, reference should instead be made to the achievement of a “net zero” outcome for the SBC area. (597; 598; 828)

- In reference to the Climate Change (Scotland) Act 2009, advice should be given as to how this Act has now been amended to place the net zero targets into legislation. (597; 598; 828)

Chapter 8, Paragraph 8.2, page 33

- Update Paragraph 8.2. to refer to the Climate Change Plan Update, published in December 2020. (597; 598; 828)
- Revise Section 8.2 to require: (i) that all planning applications for housing and business, including agricultural use, should have an essential requirement for green mitigations, including solar panels (and allowance of maximum permitted numbers, whether a conservation area or not); and (ii) an absolute requirement for a wind turbine for all new developments. (988)

Chapter 8, Paragraph 8.3, Page 34

- Update Paragraph 8.3, to recognise direction of travel for policy set out in the NPF4 Position Statement. (597; 598; 828)
- Revise sentence, from: “*Developments should include clear and direct links to public transport nodes*”, to: ““*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.*” (833)
- Revise Section 8.3 to require improved connectivity through better cycling and suitably surfaced footpaths of adequate width to allow safe passing of walkers and cyclists and social distancing. (988)
- Revise Paragraph 8.3 to include advice that developments should be designed so that their location, use and layout, help reduce the need to travel by car. (1032)

Chapter 8, Paragraphs 8.4 and 8.5, Page 34

- Update Paragraphs 8.4 and 8.5, to enumerate [listing individually, by number] the UN Sustainable Development Goals, advising in relation to each, what the Council is actually doing, or has actually done, to address each point. (1032)

Chapter 8, Paragraph 8.5, Page 34

- Delete Paragraph 8.5 on page 34, and replace with a statement that underlines the fundamental role the Council’s Sustainable Development Committee plays, and the indivisibility of economic, social and environmental goals. (122; 518; 789; 799; 853; 935; 948; 999; 1032)
- Revise Section 8.5 (page 34) to remove emphasis on the need for ‘practicality’ over sustainability; and remove language that preferentially benefits economic considerations over environmental sustainability. (935)

Chapter 8, Paragraph 8.6, Page 35

- Include within Paragraph 8.6 some figures on homelessness and the extent of fuel poverty in the Borders. (1032)

Chapter 8, Paragraph 8.7 and Paragraph 8.8, Page 35

- Remove reference at Paragraphs 8.7 and 8.8 to the Renewable Energy Supplementary Guidance (the SG) and the Landscape Capacity Study and Cumulative Impact Study by Ironside Farrar (dated 2016). (597; 598; 612; 811; 828)
- Include advice on the contributions made by various energy sources in the Borders, and contrast these with the sectoral consumers of energy. (1032)

Chapter 8, Paragraph 8.9, Page 35

- Add explanation to Paragraph 8.9, of how the consented waste transfer station at Easter Langlee, Galashiels, is going to improve Scottish Borders' transition towards a Zero waste target. (1032)

Chapter 8, Paragraph 8.10, Page 35

- Revise Section 8.10 to require that flood risk be considered in relation to smaller new developments such as Darnick Vale. (988)

Chapter 8, Paragraph 8.12, Page 36

- Augment Section 8.12 to state support for the re-introduction of beaver. (1032)

Chapter 8, Paragraph 8.13, Page 36

- Paragraph 8.13 (page 36), to be updated to reflect failure to meet the Aichi targets and Scottish policy commitment to them as part of the UN SDG, referencing IPBES. (122; 518; 789; 799; 853; 935; 999; 1032)

Chapter 8, Paragraph 8.14, Page 36

- State commitment and revise planning policy to halt and prevent the destruction of pockets of woodlands and the removal of trees within Border towns, including and especially from within Conservation Areas. (122; 468; 488; 518; 772; 789; 799; 853; 902; 924; 935; 948; 999; 1032)
- State commitment and revise planning policy to halt and prevent felling of trees and woodlands, especially along river banks, within the Scottish Borders. (468; 902)
- State commitment and revise planning policy to protect green spaces, trees, hedgerows, biodiversity and the natural environment from development. (468; 488; 902; 924; 935)
- Advise of change of policy, firstly, to automatically refuse any planning applications for developments that destroy the natural environment or require the removal of trees or woodlands; and secondly, notify of the Council's concern to review and, where it sees fit, revoke all current but unimplemented planning consents where the natural environment would be destroyed or where trees would be removed. (935)

Chapter 8, Miscellaneous

- Insert a new policy at Chapter 8 that fulfils the requirements of Section 3F of the Town and Country Planning (Scotland) Act 1997, specifically that all Local Development Plans must include policies requiring all developments in the Local Development Plan area be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their

use, calculated on the basis of the approved design and plans for the specific development, through the installation and operation of low and zero-carbon generating technologies. (847)

Summary of responses (including reasons) by planning authority:

NO CHANGES TO CHAPTER 8 'DELIVERING SUSTAINABILITY AND CLIMATE CHANGE AGENDA' AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN, WITH THE EXCEPTION OF THE FOLLOWING, WHICH ARE CONSIDERED TO BE NON-SIGNIFICANT CHANGES ACCEPTABLE TO THE COUNCIL:

- SUBSTITUTE THE ENTIRE TEXT FOR PARAGRAPH 8.1, PAGE 33, WITH THE FOLLOWING TEXT –

“NATIONAL PLANNING POLICY AND GUIDANCE PROMOTES AND SUPPORTS RENEWABLE ENERGY TO FACILITATE THE TRANSITION TO A LOW CARBON ECONOMY. HOWEVER, EMERGING NATIONAL PLANNING POLICY AND GUIDANCE SEEK TO GO FURTHER: THE ACHIEVEMENT OF NET ZERO GREENHOUSE GAS EMISSIONS BY 2045. THE CLIMATE CHANGE (SCOTLAND) ACT 2009 REQUIRES ALL PUBLIC BODIES TO CONTRIBUTE TO THE ACHIEVEMENT OF THE EMISSIONS REDUCTION TARGETS IN THE ACT, AND TO DELIVER THE GOVERNMENT’S CLIMATE CHANGE ACTION PROGRAMME. MORE RECENTLY, THE CLIMATE CHANGE (EMISSIONS REDUCTION TARGETS) (SCOTLAND) ACT 2019 HAS SET A LEGALLY-BINDING TARGET FOR SCOTLAND OF NET ZERO EMISSIONS OF GREENHOUSE GASES BY 2045; WITH INTERIM TARGETS TO BE MET ON THE ROAD TO NET ZERO, OF AT LEAST 56% BY 2020; 75% BY 2030; AND 90% BY 2040. WHILE THESE TARGETS ARE TO BE ACHIEVED THROUGH COORDINATED ACTIONS TAKEN ACROSS ALL SECTORS INVOLVING THE PUBLIC AND PRIVATE SECTORS, INDIVIDUALS AS WELL AS ORGANISATIONS, PLANNING HAS AN IMPORTANT ROLE IN ALL CASES. THE UPDATE TO THE CLIMATE CHANGE PLAN (DECEMBER 2020) STATES AT PARAGRAPH 2.5.2 THAT: “PLANNING IS A KEY DELIVERY MECHANISM FOR MANY OF THE POLICIES WITHIN THIS CLIMATE CHANGE PLAN UPDATE, ACROSS ALL SECTORS. BY MAKING THE RIGHT CHOICES ABOUT WHERE AND WHAT DEVELOPMENT SHOULD TAKE PLACE IN THE FUTURE, PLANNING CAN HELP TO REDUCE EMISSIONS WHILST IMPROVING THE WELLBEING OF COMMUNITIES AND THE QUALITY AND RESILIENCE OF PLACES ACROSS SCOTLAND”. THE NEED TO MITIGATE THE CAUSES OF CLIMATE CHANGE AND THE NEED TO ADAPT TO ITS SHORT AND LONG TERM IMPACTS SHOULD BE TAKEN INTO ACCOUNT IN ALL DECISIONS WITHIN THE PLANNING PROCESS. THE GENERATION OF ENERGY FROM RENEWABLE SOURCES AND LOW CARBON TECHNOLOGIES CAN HELP REDUCE DEPENDENCE ON FOSSIL FUELS AND REDUCE THE OUTPUT OF HARMFUL EMISSIONS.”.
- SUBSTITUTE THE ENTIRE TEXT FOR PARAGRAPH 8.2, PAGE 33, WITH THE FOLLOWING TEXT –

“ON 25 SEPTEMBER 2020, SCOTTISH BORDERS COUNCIL DECLARED A CLIMATE EMERGENCY. IN ORDER TO SET OUT A CLEAR PLAN OF ACTION TO REDUCE EMISSIONS OF GREENHOUSE GASES WITHIN OUR REGION, THE COUNCIL APPROVED ITS CLIMATE CHANGE ROUTE MAP (CCRM) ON 17 JUNE 2021. THIS SETS A STRATEGIC DIRECTION FOR THE COUNCIL AND ITS PARTNERS AND COMMUNITIES IN THE REGION, TO MOVE FORWARD TO

A NET ZERO EMISSIONS ECONOMY BY 2045 IN LINE WITH THE NATIONAL TARGET SET BY THE SCOTTISH GOVERNMENT. THE CCRM DEFINES A HOLISTIC APPROACH - A WHOLE BORDERS COLLABORATIVE APPROACH – TO THE ACHIEVEMENT OF THE COUNCIL’S NET ZERO EMISSIONS TARGET, WITHIN WHICH THE GENERATION OF RENEWABLE ENERGY IN PLACE OF THE BURNING OF FOSSIL FUELS, WILL PLAY A LEADING AND SIGNIFICANT ROLE. SCOTTISH BORDERS COUNCIL IS PROACTIVE IN SUPPORTING A RANGE OF RENEWABLE ENERGY TYPES. IN IMPLEMENTING STATUTORY DUTIES TO SUPPORT BOTH RENEWABLE ENERGY AND PROTECT THE LANDSCAPE AND THE ENVIRONMENT, THE COUNCIL SEEKS A BALANCE BETWEEN THESE OBJECTIVES WITHIN THE DECISION MAKING PROCESS. THE SDP REQUIRES LDPS TO IDENTIFY, AS APPROPRIATE, OPPORTUNITIES TO CO-LOCATE SOURCES OF HIGH HEAT DEMAND WITH SOURCES OF HEAT SUPPLY AND TO LOCATE NEW DEVELOPMENT WHERE PASSIVE SOLAR HEATING AND SOLAR POWER CAN BE MAXIMISED.”.

- SUBSTITUTE THE ENTIRE TEXT FOR PARAGRAPH 8.4, PAGE 34, WITH THE FOLLOWING TEXT –

“IN AUGUST 2019 THE COUNCIL COMMITTED TO IMPLEMENTING THE UN SUSTAINABLE DEVELOPMENT GOALS (UN SDGS). THE COUNCIL IS FORMALLY COMMITTED TO EMBEDDING SUSTAINABLE DEVELOPMENT IN ITS STRATEGIES, POLICIES AND SERVICE DELIVERY AND HAS SET UP A SUSTAINABLE DEVELOPMENT COMMITTEE TO OVERSEE THIS PROCESS. BY DOING SO, THE COUNCIL IS ENSURING THAT IT HAS A CLEAR, COHERENT AND OVERARCHING ETHICAL FRAMEWORK FOR ITS ACTIVITIES. THIS BRINGS BENEFITS TO ITS ORGANISATION AND SUPPORTS ITS EFFORTS TO OPTIMISE OUTCOMES. THE COUNCIL’S COMMITMENT TO SUSTAINABLE DEVELOPMENT IS MANIFEST IN ITS PLEDGE TO DRIVE AND MONITOR THE IMPLEMENTATION OF THE UN SDGS AS THEY RELATE TO LOCAL GOVERNMENT. SUCH A COMMITMENT RECOGNISES THE INCREASING URGENCY THAT WE LIVE AND USE RESOURCES IN WAYS WHICH DO NOT COMPROMISE THE QUALITY OF LIFE FOR FUTURE GENERATIONS.”.

- SUBSTITUTE THE ENTIRE TEXT FOR PARAGRAPH 8.7, PAGE 35, WITH THE FOLLOWING TEXT –

“AS RECOMMENDED BY THE DIRECTORATE FOR PLANNING AND ENVIRONMENTAL APPEALS FOLLOWING THE EXAMINATION OF THE LDP (2016), THE COUNCIL WAS REQUIRED TO PRODUCE SUPPLEMENTARY GUIDANCE (SG) ON RENEWABLE ENERGY. THIS SG WAS ADOPTED IN JULY 2018. IT CONFIRMS THE REQUIREMENTS OF NATIONAL PLANNING FRAMEWORK 3, SCOTTISH PLANNING POLICY (SPP), STRATEGIC DEVELOPMENT PLAN 2013, AND LDP 2016. IT MAKES REFERENCE TO OTHER DOCUMENTS FROM A WIDE RANGE OF SOURCES WHICH ARE CONSIDERED RELEVANT GUIDANCE FOR ANY INTERESTED PARTIES TO REFER TO. THE SG HAS BEEN CARRIED FORWARD INTO THE NEW ADOPTED PLAN AS SUPPLEMENTARY PLANNING GUIDANCE.

- SUBSTITUTE THE ENTIRE TEXT FOR PARAGRAPH 8.8, PAGE 35, WITH THE FOLLOWING TEXT –

“WIND ENERGY IS THE MAIN COMPONENT PART OF THE SPG [FORMER SG] ON RENEWABLE ENERGY, AND THE DOCUMENT GIVES USEFUL AND UP TO DATE ADVICE ON A RANGE OF MATTERS TO BE ADDRESSED WHEN DETERMINING PLANNING APPLICATIONS FOR TURBINES. THIS INCLUDES AN UPDATED IRONSIDE FARRAR LANDSCAPE CAPACITY AND CUMULATIVE

IMPACT STUDY 2016. CROSS BOUNDARY STRATEGIC WIND FARM ISSUES WILL BE ADDRESSED AND EXPLORED IN CONSULTATION WITH NEIGHBOURING AUTHORITIES, AS WELL AS IDENTIFYING OPPORTUNITIES FOR THE REPOWERING OF EXISTING WIND FARM SITES. THE SPG [FORMER SG] ON RENEWABLE ENERGY ALSO MAKES REFERENCE TO A RANGE OF OTHER COMMON ENERGY TYPES. THIS INCLUDES REFERENCE TO MICRO-RENEWABLES INCLUDING PHOTOVOLTAIC PANELS, FIELD SCALE SOLAR VOLTAICS, BIOMASS, ENERGY FROM WASTE, ANAEROBIC DIGESTION, HYDRO AND GROUND SOURCE HEAT PUMPS. FOR EACH OF THESE ENERGY TYPES, REFERENCE IS GIVEN TO USEFUL BACKGROUND INFORMATION AND GOOD PLANNING PRACTICE GUIDANCE. THE SPG [FORMER SG] ON RENEWABLE ENERGY CONFIRMS THE COUNCIL'S CONTINUING SUPPORT FOR ALL RENEWABLE ENERGY TYPES WITHIN APPROPRIATE LOCATIONS."

REASONS:

United Nations' Sustainable Development Goals (SDGs) (122; 518; 772; 789; 797; 798; 799; 853; 902; 924; 935; 948; 999; 1032)

- Contributors seek various revisions to the Plan and to Chapter 8 to reflect and action the Council's commitment to the United Nations' Sustainability Development Goals (SDGs) as set out in Scottish Borders Council's Report of 29 August 2019, Embedding Sustainable Development (CD032). The changes requested are often involved, and anticipate that the Plan should respond *directly* to the SDGs, rather than to any national response guided by the Scottish Government. Key concerns are that the SDGs should constitute an overarching set of goals for the Plan, and more specifically, that economic growth should not be prioritised over the protection of the environment. They consider that the Plan should be reframed to reflect the appropriate balance of the economic, social and environmental dimensions which underpin sustainable development.
- The SDGs capture and describe issues of the greatest importance to the future of our planet and to the future of humankind. The Council acknowledges its commitment to the SDGs and that it needs to see a global perspective in which the local and global are inherently intertwined. However, at this stage, and on a practical point, the SDGs are high-level, global and international in focus, aimed at national governments, and often visionary and aspirational. Even at an international level there is often a lack of consensus as to the type of actions and measurements required to realise them. These matters are therefore in the first instance, issues more reasonably addressed by international organisations and national governments, rather than handed on to local authorities to address in isolation, at the regional level. An effective response to the SDGs would appear to be best and most practically coordinated from the national level, and translated into a meaningful plan of national action, which local authorities would be able to coordinate with national government and other local authorities, to implement and deliver. This will certainly emerge in the fullness of time, but at this stage, the SDGs are not a practical policy framework for the Plan, notwithstanding that their words, visions, aspirations and targets are necessary and important per se.
- SDGs are one of numerous higher-level documents that require to be incorporated and translated from national to local level, and reflected in the Plan, and it would simply be impractical and confusing to all parties, to continuously set out in detail how every policy, proposal or guidance in the Plan can be seen to reflect, respond

to, or embody every international, national, strategic/regional and local instrument it is required to address. Ultimately the Plan requires to strike a careful balance. On the one hand, it is required to identify all that informs it, and set out how it is seeking to respond to this, but on the other, it also needs to be as accessible and user-friendly as possible, for the purpose of informing and explaining planning decisions. Some concern does need to be had to ensure that it does not become overloaded with details outwith the direct scope of the planning process.

- Accordingly, the Council respectfully rejects contributors' concerns that the Plan should be reframed and revised around the SDGs, or that these should otherwise be elevated within the Plan. More practically, it is considered that the Plan through its policies and proposals already, and inherently, reflects the need to balance the economic, social and environmental aspects of sustainable development, and in a way that can be translated from principles that accord with the SDGs to the assessment of individual planning proposals. It is not considered that giving greater salience to the SDGs in the introductory chapters, would practically advance this.
- A similar position prevails with respect to advice from the IPBES as with the UN SDGs. In point of fact, as Contributor 518 advises, the former in any case informs the latter. Again, while recognising the global context, the Council must respond to and work within the national response set by the Scottish Government. It is considered that contributors will be satisfied with the direction that is being set by the Scottish Government. The Council will endeavour to play its part going forward, coordinating with national government and other local authorities. However, the Council is not persuaded that it has to act in any uncoordinated or isolated way. It is more appropriate for it to seek to work within the national response the Scottish Government is coordinating.
- The Council considers that it does take appropriate account of environmental issues and does so, within an appropriate balance with economic and social considerations. It does so, through the plans and proposals of the Local Development Plan, which in turn reflect national, strategic and local considerations. Ultimately policies do allow for specific proposals to be assessed appropriately, and necessary account given to impacts and benefits. Where it is appropriate to support a development proposal, regard is had to how environmental impacts can be minimised having regard to what mitigation is possible and acceptable. In these ways, it is considered that environmental issues are appropriately considered, and taken into account within planning decisions.
- Responding to the need to clarify the relationship between the Plan and the UN SDGs, the Council considers that Paragraph 8.4 could be revised along the lines noted above, to reflect that the Council is committed to implementing the UN SDGs, and how it anticipates that this commitment will be integrated into its operations.

Climate Emergency (122; 468; 488; 494; 518; 597; 598; 612; 772; 789; 797; 798; 799; 811; 828; 836; 853; 902; 924; 935; 944; 948; 999; 1032)

- It is acknowledged that the Plan's introductory chapters including particularly Chapter 8, would need to be updated to reflect some significant developments that have occurred in response to the Climate Emergency within the period since the Council's approval of the PLDP in September 2020; both within the national planning policy context, and within, and further to, the Council's own declaration of a Climate Emergency.
- The Council is content to update the Plan, and Chapter 8, specifically Paragraphs 8.1 and 8.2, to reflect and respond to these developments, including in recognition

and acknowledgement of the Council's own declaration of a Climate Emergency, and proposes relevant text at the beginning of this section. For the avoidance of doubt, the Council is aware that the Climate Emergency, and the national and local authority level responses to it, are a fast moving area in policy terms, and that it may well have to consider revisions to the Plan in due course in light of significant developments; not least the approval of NPF4, which may occur even ahead of the Examination of the Plan. As such, the Council recognises the need to keep these matters under review.

- However, the Council is committed to progressing the Plan appropriately, and does not consider it appropriate, justified or necessary, to seek to 'get ahead' of due process in the way that some contributors are currently seeking or advocating, or consider would be justified in response to the Climate Emergency.
- The Council is also committed to the production of new Supplementary Planning Guidance on Sustainability and Climate Change which will follow the direction of the Council's developing corporate approach to addressing climate change issues.

Biodiversity Loss and Protection of Trees, Woodlands, Biodiversity and Natural Heritage (122; 468; 488; 518; 772; 789; 799; 853; 902; 924; 935; 948; 999; 1032)

- Contributors express concern that the Plan does not directly acknowledge or reference biodiversity loss, and/or that it should now recognise and respond to a biodiversity emergency in the same terms as climate change. This point appears to be related to the above noted concern that the Plan should more directly reflect and acknowledge the UN SDGs. Indeed, Contributor 518, whose representation is appended to, and referenced by several other contributors, makes this link between arresting biodiversity loss and respecting and reflecting the SDGs directly. However, as with the wider point about the UN SDGs already noted above, the Council does not consider it practical or necessary for the Plan to make such direct and continuous reference to these matters and considers that the policies and proposals of the Plan constitute a framework for balanced decision-making in the public interest.
- With regard to biodiversity loss, contributors draw specific attention to particular concerns, most notably with respect to the protection of trees and woodlands; with a number even more specifically seeking a halt to tree removals from within Border towns, and specifically from within Conservation Areas in Border towns.
- With regard to concerns that the Plan should protect trees, woodlands, biodiversity and the natural environment, and notwithstanding that some contributors appear to be unaware of these policies, it is considered that the Plan does contain a wide range of policies that exist to prevent unacceptable impacts upon the natural environment and natural heritage resources.
- With respect to the particular concern that the Council should call a halt to all tree and woodland removals in Border towns and their Conservation Areas, the Council is not aware of any actual or planned woodland removals from any Conservation Areas in any town in the Borders. It is the case that from time to time, trees in Conservation Areas, usually as individual trees rather than as woodland stands, are with Council approval, the subject of tree works, and depending on the specific circumstances, may on occasion, require removal. However, this is something that occurs only when necessary and/or where the public interest is considered to be better served by the removal(s). This is most likely to occur where individual trees have been identified as a risk to public safety due to die-off, disease or storm damage. Within the planning system, it is also possible that developments will be

proposed, including within Conservation Areas, which may have impacts upon trees, and these need to be considered fully to establish what these impacts are and whether or not these impacts can be avoided or mitigated appropriately. Where impacts upon trees are identified in relation to development proposals, and where these cannot be avoided or appropriately mitigated through design or layout (or through the incorporation of some other means of safeguarding), a view would ultimately be required by the Planning Authority as to whether or not any loss or damage to trees would be outweighed by the benefits of the development to the local area. Each proposal must be considered on its own planning merits, but it would be unusual for the Local Planning Authority to be in a position where it would be likely to support the removal of any healthy mature trees (in a Conservation Area or elsewhere), but if it were, it would first have sought to have considered, all other alternatives to such tree removals, and even where these were considered to be necessary, it would still have sought to have fully explored how to minimise the extent of removals required.

- While tree removals may need to occur from time to time within Conservation Areas, it is not considered that this happens at any frequency which would reasonably justify or substantiate Contributor 518's call for "*an immediate halt to the destruction of any pockets of woodlands within Borders towns*". If contributors do have any specific concerns with respect to any specific pockets of woodland they are aware of, or concerned about, they could refer these to the Council to establish how these may be statutorily protected. It is considered the planning system, and system of authorisations for tree removals per se, work sufficiently well.
- Some contributors (468; 902; 924; and 935) consider that there is a wider requirement for new or enhanced protection of trees, woodlands, natural habitat and biodiversity more generally. They consider that the planning system is failing to protect trees, woodlands, hedgerows, greenspaces, natural habitat and wildlife, they anticipate, due to the absence of any such protections in policy, or inadequate enforcement of them. However, it is considered the issues they raise are adequately covered by relevant policies. Two contributors (468 and 924) for example, call for policies to protect green spaces, woodlands, trees and hedgerows, without referencing, or commenting on, proposed Policy EP11 (Protection of Greenspace) and proposed Policy EP13 (Trees, Woodlands and Hedgerows). Another (902) asks for policies to sustain biodiversity, without referencing Policy EP1 (International Nature Conservation Sites and Protected Species); Policy EP2 (National Nature Conservation Sites and Protected Species); or Policy EP3 (Local Biodiversity and Geodiversity). If these contributors have any specific concerns with these particular policies, then they do not make these known.
- One of the contributors (902) seeks a ban on woodland removals, which is understood to mean, or to include, commercial forestry. However, forestry is firstly, a sustainable industry, in that it generally seeks to balance the harvesting and planting of trees, but secondly, forestry is a permitted land use, and the Local Planning Authority has no powers through planning or otherwise, to seek to regulate or control it in these terms. It might be added that the local economy is dependent upon forestry for jobs and sustainably sourced materials, with benefits through forestry management to the local area in terms of amenity, leisure and biodiversity too. In short, the Council has no powers to ban forestry, which has the potential to benefit the Borders landscape, community and economy.
- The Council is exploring ways in which to help increase or support more tree planting in the region, but planning consent is not required to plant trees, and therefore this matter is not pursued directly through the planning system. Contributor

935 references planning policy (EP11, in particular) in their representation, but remains concerned that current and recent planning decisions do not take account of impacts on the natural environment, calling for an automatic rejection of all proposals that would impact the natural environment, and even the rescinding of planning consents already issued where retrospectively it were found that these would impact the natural environment. While the contributor's concerns are clear, there are practical limitations and considerations. Firstly, all development at some level or another can potentially impact on the natural environment, if not within the development of the land on site per se, then in terms of the progression of the development itself; manufacture and transport of materials etc. While the contributor does not call for an automatic rejection of all development, some consideration would still need to be given even within their own proposed system, as to what degree of impacts upon the natural environment would be tolerated; at least as to where the line might be, to justify any automatic rejection. Secondly, the assumption is made that no account or consideration has been given to the natural environment within the determination of planning applications. However, all planning applications must be assessed against all relevant planning policies which in both the current and proposed Local Development Plan do include policies to protect biodiversity (EP1, EP2 and EP3); trees, woodlands and hedgerows (EP13); and green space (EP11); as well as many other aspects of the natural and cultural heritage environments. Development is a necessary part of our economy and is required to deliver the homes, business premises, community facilities and other developments that our communities need. Ultimately planning decisions require a balanced view, taking account of the benefits of the development as well as the need to conserve the landscapes, and natural heritage and cultural heritage resources, which sustain and enhance our environment. In setting its targets and ambitions for tackling climate change, both the Scottish Government and the Council have recognised that it is fundamental that these are attained while continuing to meet the needs of our economy, our local communities, and our citizens.

- While the Council has not issued any planning consents where it has not had appropriate regard to the impacts of the subject development upon its site and surroundings, including natural heritage, it could not now in any case, seek to revisit any consents it had recently issued to revoke consents it has approved on the basis of its current policies; including those relating to environmental promotion and protection. The economy works on certainty, and society on trust in due process, and therefore were the Council to engage in a retrospective review of all its recent and legitimately issued planning approvals, this would create uncertainty and distrust, which would impact the local economy and local area significantly and adversely, and would be highly challengeable.
- It is appreciated that contributors are largely seeking a robust regional response to the global Climate Emergency and to Biodiversity Loss, but it is not considered that they have identified any better or more practical ways to do this than are set out in the Proposed Local Development Plan. The Council will continue to review its statutory development plan and consider how it might best address the Climate Emergency, including arresting Biodiversity Loss, but all such measures must be compatible with continuing to grow and develop the local economy and support local communities. The Council cannot neglect its responsibilities to local communities, residents and businesses any more than it can to the environment, and to current and future generations here and worldwide. When considering development proposals and how these are best accommodated, it remains imperative that an appropriate balance can be struck through, and within, the planning process between the environmental, economic and social aspects of sustainability.

Holistic Health and Sustainability Approach (797)

- Contributors advise that health and sustainability should be at the core of all future planning; and that this should include community and planetary health, as well as individuals' health. Their concern is to see health put in the context of climate change. As such, they appear to advocate for a holistic, welfare and health-focussed approach to planning. However, it is not clear if or how, their stated concerns could be met within the Plan, its policies and proposals. While the contributors' perspective is appreciated, it is not altogether clear how this would be, or would bring about, significant structural change in development planning in the way they anticipate. At least, while the Plan may benefit from a holistic perspective vis-à-vis the relationship between planetary and human health, it is difficult to grasp how this could result practically, in any different approach or methodology to that which is at the heart of the Plan at present.
- The Plan does support and encourage a wide range of matters relating to health and welfare, including the promotion of walking and cycling as accessible, safe and convenient forms of travel and exercise, as well as the protection and enhancement of open spaces for amenity and exercise.

Transport Strategy and Rural Communities (833)

- Contributor is concerned that development which is needed by rural communities, but which is not near public transport nodes, might be refused under Paragraph 8.3. They suggest that advice that developments should include clear and direct links to public transport nodes, should therefore be supplemented by advice to the effect that where no such node exists, these should be included in proposals, or development should be permitted where refusal of it would affect community/business viability.
- Paragraph 8.3 is not itself planning policy. Even in policy though, the Council would always avoid any form of words that relied on, or implied, any automatic acceptance of any planning proposal on the grounds that *its refusal would be liable to have adverse impacts*.
- The planning system relies on planning proposals being assessed on their own planning merits, with planning decisions being reached after the Council has carefully weighed up the possible benefits of a proposal against any potential negative impacts it might have. This however, would be completely undermined were the Council simply compelled under its own planning policies to accept any proposal presented to it, and in the form in which it was proposed, whenever an applicant could posit that the refusal of consent would be liable to have adverse consequences. Within the planning decision-making process, the applicant's reasons do not outweigh the need for any planning proposal to be fully and appropriately assessed on its own planning merits.
- Based on the context of their comments, the contributor does likely recognise that each planning proposal should be considered on its own planning merits, and it is considered that planning policy – specifically Proposed Policies ED7 and HD2 – is sufficient to give due consideration to the types of concerns that they raise with respect to the assessment of planning proposals in rural areas. The Plan for its part, does not require any blanket refusal of any and all planning proposals made in rural areas that are not immediately accessible using public transport. The above mentioned policies do acknowledge circumstances in which development might be supported in rural areas. However, these same policies, also set out strict criteria

against which these proposals are assessed, to ensure that they are appropriate, and development for the most part, is reasonably steered towards land within the Development Boundary in the towns and larger villages of the Borders, as the most sustainable locations for new development.

- It is not considered that any revision or addition to Paragraph 8.3, Chapter 8 or any other part of the Plan, is required to address the contributor's concern.

Pandemic (518; 797)

- While one contributor (518) expresses concern that measures to address the pandemic (or stimulate recovery from the pandemic) might negate measures to address climate change, another (797) expresses concern that the pandemic may serve as an excuse to delay making the structural change required to address the climate emergency.
- While recognising both the disruption that the pandemic has caused and the need to facilitate a strong recovery within our region's economy, the Council considers that it does in the Plan, and in all other measures it has taken, and is taking, to address the pandemic, reflect its concern that recovery from the pandemic must be consistent with its responses to the Climate Emergency and to the delivery of social justice.

Green Mitigations for all Developments (988)

- Contributor considers that at Chapter 8 there should be absolute requirements for all new developments to include 'green mitigations' and an absolute requirement they include a wind turbine.
- The sentiment that any new development should be inherently required within the planning process to account for its own carbon footprint, and to include all necessary mitigation and remediation, is appreciated. However, any inflexible, blanket imposition of such requirements would be liable to be impractical and unworkable, and also goes beyond anything that the Scottish Government does require at present, or is considering requiring through Draft NPF4 (CD065). An automatic, general imposition of such requirements is impractical and ultimately unworkable vis-à-vis the contexts in which the vast majority of developments are brought forward. It would be liable to log-jam the planning system if such stringent, inflexible and additional requirements were to be imposed.
- It is appropriate in the case of larger developments at least, to consider what green mitigations can be appropriately accommodated therein, or on site, but in such ways that these do not undermine the function and effectiveness of the principal proposal when this is otherwise capable of support. However, the extent to which these mitigations might be able to offset, compensate for, or counteract, any and all emissions generated/to be generated in the development and operation of the development going forward, is much harder to assess. Developers are required to consider the impacts of their proposals fully, and identify any and all appropriate opportunities for mitigation on site; but the extent to which this should translate into an automatic refusal whenever a development cannot offset its carbon footprint, is problematic. It fails to allow for any capacity for developers or operators to address such issues off-site, or for communities to have the houses and businesses they need in one place, with renewable energy and green mitigation needs met elsewhere.
- Where addressing climate change is a responsibility for society it is ultimately counterproductive for the Local Planning Authority to 'pass the buck' in the way the

contributor suggests would be appropriate or effective. Developers and businesses are asked to do more, and to consider effective, innovative ways to respond to the climate emergency. However, this cannot ignore economic realities and practicalities, particularly for smaller businesses and communities whose development needs would not be met were development to be conditioned, effectively obstructed, in this way.

- The problem becomes even starker when considering any absolute requirement for a wind turbine with every development. Even allowing that such measures might only be required on a particular type or scale of development more reasonably capable of accommodating such requirements, the accommodation of a wind turbine would be liable to slow the delivery of development, with implications for communities, jobs, residents and the economy. Further, specific consideration would need to be given to where precisely new turbines should be accommodated. If this were not to be on-site with new housing or new business premises (which may prove impossible, impractical or just undesirable), then there would be a requirement to identify off-site provision, which would be tantamount to a new proposal per se, requiring full and appropriate assessment in its own regard, including environmental impacts. It is to be borne in mind that renewable energy developments generate emissions too and impact the environment. Development must seek 'the right development in the right place' rather than any more piecemeal, short-term view that wind turbines should be provided at all cost, including environmental costs, with no regard for the specific circumstances of the development, the site, the local community, the local area, environment or even the local need.
- It is not considered that any revision or addition to Paragraph 8.2, or to any other policy or part of the Plan, is required to address the contributor's concern.

Energy Use and Provision within Scottish Borders (1032)

- Contributor is concerned to see Paragraph 8.6 informed by figures about homelessness and fuel poverty in the Scottish Borders. Besides the fact that any figures given are only ever a 'snapshot' of circumstances at a particular time, which will then be superseded during the Plan Period, it is not considered that specific figures would benefit the narrative of this particular paragraph.
- Contributor seeks advice at Paragraph 8.8 about various energy sources and sectoral consumers of energy in the Borders in the interests of establishing an initial point of reference, moving forward towards reducing, reusing, and recycling. While it may be useful to reflect the wider concerns and issues the Council is facing going forward into the new Plan period, such matters are more appropriately dealt with in, and through, the Climate Change Route Map.
- It is noted that the contributor wishes to see some explanation at Paragraph 8.9 of how the consented waste transfer station at Easter Langlee, Galashiels, is going to improve Scottish Borders' transition towards a Zero waste target. However, the contributor is more reasonably referred to the planning consent and Scottish Borders Council's waste strategy for the more up-to-date position, rather than the Plan having to revisit justification for established, if recent, developments.

Pressures on Existing Services and Infrastructure (988; 1032)

- Contributor 988 seeks requirements of improved connectivity through better cycling and suitably surfaced footpaths of adequate width to allow safe passing of, and social distancing between, walkers and cyclists. It is considered that the Proposed

Policies; particularly PMD2, IS4, IS5 and IS6; serve to ensure that the access requirements of all new development are met and designed appropriately, including in terms of the issues raised by the contributor, and that no revised or ulterior policy or provision is required to address this concern.

- Contributor 988 considers that there is a particular need to take account of flood risk in relation to smaller developments. However, while they appear to be under the impression that flood risk is not currently considered in relation to smaller developments, this is not in fact the case. No such exclusion exists in current or proposed policy. Instead, policy – existing and proposed Policy IS8 - is concerned with whether or not the site proposed for development, regardless of its size, is within an area deemed to be at risk of flooding. The Council's Flood Prevention team will be consulted on any proposal that requires planning approval, regardless of that site's size, whenever the site is within an area that is identified as being susceptible to flood risk. SEPA continues to be consulted upon on all new sites submitted for inclusion within the LDP.
- With respect to advice on Paragraph 8.12, Contributor 1032 expresses the view, without substantiation, that they do not on the face of it, consider that a 75 year level of protection from flooding within the Hawick Flood Protection Scheme, would be sufficient to protect the town adequately from flooding events. However, the Hawick Flood Protection Scheme has been developed on the basis of detailed modelling by appropriately qualified hydrologists and engineers, and moreover, its construction is currently in progress. Accordingly, notwithstanding the contributor's view on this matter, it is not considered that there is any reasonable need or useful point to revisit or review these technical matters in the Plan. The contributor would more appropriately address any specific concerns for clarification, to the Council's Flood Prevention Section or indeed, the Hawick Flood Protection Scheme project team.
- Contributor 1032 seeks, specifically, revisions to Paragraph 8.3 to include advice that developments should be designed so that their location, use and layout, help reduce the need to travel by car. While it would question the need for this to be specifically referenced at this point, the Council concurs with the contributor's sentiment, and considers that the principle – albeit one that is likely to be given greater definition through the progress of NPF4 – is already central to existing and proposed planning policy (especially policies on Placemaking and Design [particularly PMD1; PMD2] and Infrastructure and Standards [particularly IS4]). Moreover, it is one that is central to the Council's land use strategy as set out in Volume 2. However, the Council does not consider that the Plan, its policies or proposals would benefit from any statement at this particular point in the introductory text as per the contributor's proposal.

Promotion of Electric Vehicle Use; Retrofitting of Existing Housing Stock with Zero or Low Carbon Technologies; and Planting of New Woodlands (494; 797; 1032)

- Contributors make reference to the need to promote the uptake of electric vehicles; to retrofit existing housing stock for energy efficiency and zero-carbon heating systems; and to create new woodlands.
- Notwithstanding that these have all been identified as areas for action or support by the Council in its Climate Change Route Map (June 2021) (CD030), these are not matters that are capable of being advanced directly through the Proposed Local Development Plan. Accordingly, the Council does not consider that any specific revisions are required to the Plan, its policies, proposals or supporting text, to address the contributors' concerns.

- However, the Council recognises that development planning will have a role in helping to promote and support the roll out of infrastructure required to promote and expand electric vehicle use, and it is looking to take this matter forward within its forthcoming SPG on Sustainability and Climate Change.

Allotments and Local Food Production (797)

- Contributor encourages SBC to support allotments and encourage local food production, in the interests of promoting health and welfare in the community.
- The Plan includes proposed Policy EP17 – Food Growing and Community Growing Spaces, which promotes the safeguarding and enhancement of existing food growing areas and supports new and extended food growing areas that meet community needs. Additionally, the Council has a Food Strategy Team, which includes a recently appointed Food Growing Officer. As such the Council considers that it has, and is seeking to implement, a strategy and policy position which is in line with the contributor's request.

Scottish Government (847)

- It is considered that the specific points the Scottish Government has raised in relation to Chapter 8 are more appropriately dealt with under the responses received in relation to Policy PMD2, which is where the Council has considered these matters.

Miscellaneous (1032)

- Contributor seeks a declaration of support for the reintroduction of beaver to the Scottish Borders, but this is not a planning matter.
- Contributor asks questions about the Land Use Strategy in comments on Paragraph 8.13. These are fairly wide in their remit, and do not propose any revisions or amendments to the plan. The contributor has elsewhere taken the opportunity of the consultation to raise more general issues and concerns, and the Council is happy to address this and any queries they might wish to take forward.

Proposed Revisions to Chapter 8 to Agree with Changes Sought to Policy ED9 by Renewables Industry (597; 598; 612; 811; 828; 836)

- The revisions sought to Chapter 8 by renewables developers and renewables industry representatives largely agree with, and mirror, points they have made and are seeking to progress, relative to Policy ED9. Essentially, each is seeking revisions to Chapter 8 as part of a wider programme of changes they would wish to see made to the Plan to address issues relating to climate change, and renewables. In light of this, the Reporter is referred to the Schedule 4 on Policy ED9 (Issue 11), which deals with these matters fully, and within the context of these contributors' wider concerns. However, with regard to Chapter 8, and in order to be consistent with its response to the representations made on Policy ED9, it is acknowledged that the text in Chapter 8, at Paragraphs 8.7 and 8.8 - which seeks to clarify how the Renewable Energy SG (2018) and the Ironside Farrar Landscape Capacity and Cumulative Impact Study (2016) would be used in support of the Plan - would be appropriately updated here too, in line with the introduction to Policy ED9.

Accordingly, revised text for Paragraphs 8.7 and 8.8 is identified above, to address this concern.

Scottish Planning Policy (2020) (598)

- Fred Olsen Renewables Ltd (598) includes an additional section in their representation, which recommends bringing the Plan more into line with the advice and guidance of amended SPP (2020). However, since the approval of the latter was overturned at appeal, and since the Scottish Government has advised that it now has no plans to progress the amended SPP (2020) to approval, this should be disregarded.

Reporter's conclusions:

General

1. Proposed plan Chapter 8 summarises the legislative and national policy context on sustainability and climate change. It also sets out the council's position on these matters. The general thrust of representations is that the wording of this chapter is out of date and does not accurately reflect Government targets and priorities to address the climate emergency or the council's more recent declaration of a climate emergency.
2. The council's response above acknowledges that modifications to Chapter 8 would be appropriate in response to changes that have taken place since the proposed plan was published in September 2020. In this regard, it suggests modifications to some paragraphs in Chapter 8. These include reference to the current targets for net zero emissions of greenhouse gases set out in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.
3. Representations on matters covered in Chapter 8 and the council's response predate the adoption of National Planning Framework 4 (NPF4) in February 2023. Those who submitted representations were therefore invited to comment on the implications of NPF4 for the points made in their original representations. This also provided the council with the opportunity to update its response.
4. Changes to Chapter 8 addressed under Issue 008 would not affect the wording of policies relating to sustainability and climate change matters. Representations and any suggested modifications to the wording of policies are addressed under separate issues. However, there is agreement amongst parties that the adoption of NPF4 has significant implications for the wording of Chapter 8.
5. I agree that the wording of Chapter 8 should be amended to refer to current legislation and national policy and remove the references to documents that have been superseded or are no longer relevant. NPF4 forms part of the development plan and I do not consider it necessary for its provisions on sustainability and climate change matters to be replicated in full in Chapter 8 of the local development plan. I therefore recommend the replacement of paragraphs 8.1 to 8.4 with six new paragraphs, based on the council's suggested wording but with amendments to take account of NPF4 and other policy updates. I do not consider there is any need to reorder these paragraphs as requested in representation (518) and endorsed by others. Related modifications are recommended to parts of Chapter 1 and the Foreword (Issue 001), Chapter 2

(Issue 002) and Chapter 4 (Issue 004) which address these matters earlier in the plan as requested in representation (1032)

6. Responses (518 and 935) to the further information request on the implications of NPF4 seek changes to the wording of various environmental promotion and protection policies. However, their original representations to the proposed plan did not specifically seek changes to the wording of these policies.

7. The Chief Planner's letter on the transitional arrangements for NPF4 (dated 8 February 2023) notes that there may be opportunities to reconcile identified inconsistencies with NPF4 through the examination process. However, there are limitations to this as "the scope of an examination is limited to issues raised in representations and the process must remain proportionate and fair".

8. It is not the role of the examination to provide a full and comprehensive assessment of compliance or otherwise with NPF4. Representations to the proposed plan in relation to the wording of the environmental promotion and protection policies are addressed separately under Issues 014 and 015 (Environmental Promotion and Protection Policies EP1 – EP17). None of our recommended modifications there weaken any of the policies and there is otherwise no conflict between those and NPF4. The text in Chapter 8 would also not be made inaccurate by those recommended modifications. No modifications to chapter 8 are required on this matter.

United Nations' Sustainable Development Goals (SDGs) (122; 518; 772; 789; 797; 798; 799; 853; 902; 924; 935; 948; 999; 1032)

9. The council considers that the United Nations' Sustainable Development Goals should first be addressed and co-ordinated at national level. It does not consider that it is the role of local development plans to respond directly to these.

10. In the period since the council prepared its response, the Scottish Government has adopted NPF4. It identifies six overarching spatial principles and states that these principles will play a key role in delivering on the United Nations' Sustainable Development Goals. Table 1 - National Planning Framework 4 Summary (page 05) includes reference to relevant United Nations' Sustainable Development Goals under the headings sustainable places, liveable places and productive places. This table illustrates how these goals relate to the spatial principles, national developments and policies in NPF4.

11. NPF4 forms part of the development plan and where matters are addressed in it these do not need to be repeated in local development plans. There is no requirement in national policy to translate the 17 sustainable development goals directly into local development plan policy. Within this context, I agree with the council that it is not necessary for the proposed plan to be re-written to reflect and cross-refer to the wording of the United Nations' Sustainable Development Goals.

12. The council has suggested a modification to the wording of proposed plan paragraph 8.4 to indicate that in August 2019, it agreed to commit to implementing the United Nations' Sustainable Development Goals. I agree that such a modification would be helpful to clarify the council's position on this matter. This sentence is included in the recommended modifications below (at new paragraph 8.6). I do not consider there is any need for the local development plan to refer directly to the IPBES

(Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services). No other modifications are required.

Climate Emergency (122; 468; 488; 494; 518; 597; 598; 612; 772; 789; 797; 798; 799; 811; 828; 836; 853; 902; 924; 935; 944; 948; 999; 1032)

13. As I have explained above, I am recommending revisions to the content of paragraphs 8.1 to 8.4 to reflect the provisions of NPF4, current targets for net zero emissions of greenhouse gases and the declaration of a climate emergency by the council. I consider that these modifications would address representations relating to the lack of reference to the climate emergency in the proposed plan. The council explains in paragraph 8.5 that its Sustainable Development Committee is tasked with providing an annual update on its actions in relation to the climate emergency. There is no need to provide this information in paragraphs 8.1 and 8.2, as sought in representation (1032).

Paragraph 8.5 (122; 518; 772; 789; 797; 798; 799; 853; 902; 924; 935; 948; 999; 1032)

14. The council does not appear to have provided a response to the comments in representation (518), and endorsed by others, in relation to paragraph 8.5. Parties are concerned that the council is prioritising economic growth over the environment. It is not the role of the local development plan to comment on the work and priorities of the Council's Sustainable Development Committee. However, I consider that the last sentence in paragraph 8.5 is at odds with the wording of paragraph 8.4, which highlights the council's commitment to embedding sustainable development in its strategies, policies and service delivery. I recommend a modification to delete the last sentence of paragraph 8.5.

Biodiversity Loss and Protection of Trees, Woodlands, Biodiversity and Natural Heritage (122; 468; 488; 518; 772; 789; 799; 853; 902; 924; 935; 948; 999; 1032)

15. Proposed plan paragraph 8.13 refers to the national policy context in relation to biodiversity and sustainable land use. Responses to the further information request draw attention to relevant extracts in NPF4 on these matters. Whilst acknowledging the references to "Just Transition" in NPF4, I do not consider this is a matter which can be addressed through changes to the proposed plan at examination stage. However, parties can take comfort that, as NPF4 forms part of the development plan, its policies will also be used in the determination of planning applications. I recommend that paragraph 8.13 is replaced with alternative wording which outlines the provisions of NPF4 in relation to the nature crisis. A modification to this effect is recommended below.

16. Proposed plan paragraph 8.14 sets out the council's approach to the protection and planting of trees and woodland, within the context of Scottish Government policy. A number of representations relate to how existing legislation and policies are used and enforced, rather than seeking modifications to the proposed plan.

17. The general thrust of representations is to require enhanced protection for environmental assets such as trees and woodland, green space and biodiversity assets. However, no specific changes to the wording of the environmental promotion and protection policies (EP1 – EP17) are requested in these representations.

18. Each of the above policies in the proposed plan is preceded by supporting text which highlights the need to protect and, where appropriate, enhance that particular environmental designation. Subject to the recommended modifications set out under Issues 014 and 015 (Environmental Promotion and Protection Policies), I consider that matters relating to the protection of environmental assets are satisfactorily addressed in policies EP1 – EP17 and supporting text. There is no requirement for the content of these policies and/or the supporting paragraphs to be repeated in Chapter 8. No modifications are necessary.

19. I agree with the council that in assessing development proposals, there may be a need to balance conflicting priorities and setting out a moratorium on tree removal would not be appropriate. Proposals which would affect trees and woodland would be assessed against NPF4 Policy 6 and proposed Policy EP13, both of which seek to prevent their loss or damage. No modification is necessary.

Holistic Health and Sustainability Approach (797)

20. Representation (797) seeks changes to the proposed plan to address health matters in the context of climate change. It suggests that each section of the plan is prefaced by the statement “This chapter/section is presented in the context of, and as a response to, the climate emergency”.

21. I agree with representation (797) that there are links between promoting health and wellbeing and addressing the climate emergency. However, I do not consider any specific changes to the proposed plan are necessary. The proposed plan already requires all policies to be read against Policy PMD1: Sustainability which includes public health in the list of sustainability principles. No modifications are required.

Transport Strategy and Rural Communities (833) (1032)

22. Proposed plan paragraph 8.3 summarises the national and Strategic Development Plan policy context in relation to improved connectivity by sustainable travel modes. Recommended modifications to this paragraph are set out below (now paragraph 8.4) to reflect NPF4 and remove references to NPF3, Scottish Planning Policy (2014) and the Strategic Development Plan.

23. Subject to these recommended modifications, I consider that the wording of this paragraph would reflect the aims of NPF4 on sustainable transport matters. I consider that Policies PMD1: Sustainability and PMD2: Quality Standards address the need for the location of development to help reduce reliance on car travel. However, given the rural nature of much of the Scottish Borders, I agree that it may not be possible for all development to “include clear and direct links to public transport nodes”. I therefore recommend the inclusion of the words “where possible” at the end of the fourth sentence in proposed plan paragraph 8.3. A modification to this effect is recommended below.

Pandemic (518; 797)

24. The comments made in representations (518) and (977) in relation to the coronavirus pandemic are not seeking any changes to proposed plan Chapter 8. No modifications are required.

Green Mitigations for all Developments (988)

25. Proposed plan paragraph 8.2 provides a summary of some of the national policy documents in place at the time in relation to renewable energy and climate change. It also refers to some Strategic Development Plan requirements which are no longer relevant. As I have explained above, changes to paragraphs 8.1 to 8.4 are recommended to reflect the provisions of NPF4 and remove references to documents no longer in operation.

26. Regardless of any changes to the wording of Chapter 8, development proposals will be required to be assessed in relation to relevant NPF4 policies. NPF4 Policy 1 requires significant weight to be given to the global climate and nature crises when considering all development proposals and Policy 2 relates to climate mitigation and adaptation. However, there is no requirement for all planning applications to include “green mitigations”.

27. In response to representation (988) and to provide clarification on this matter, I consider that the revised wording of paragraph 8.1 should include references to NPF4 Policies 1 and 2. A modification to this effect is recommended.

Energy Use and Provision within Scottish Borders (1032)

28. Proposed plan paragraph 8.6 provides information on other council strategies. It is not the role of the local development plan to assess the effectiveness of these. Nor is there any requirement to provide figures on homelessness, the extent of fuel poverty or the contributions made by various energy sources in the local development plan. No modifications are necessary.

Pressures on Existing Services and Infrastructure (988; 1032)

29. I consider that the recommended modifications to proposed plan paragraph 8.3 (now paragraph 8.4) would address the points raised in representations (988) and (1032) in relation to improved connectivity and sustainable transport. The comments made in these representations in relation to flood risk are not seeking any changes to proposed plan Chapter 8. No further modifications are required.

Promotion of Electric Vehicle Use; Retrofitting of Existing Housing Stock with Zero or Low Carbon Technologies; and Planting of New Woodlands (494; 797; 1032)

30. I note that NPF4 (page 139) states that a strategic approach to rolling out electric vehicle charging in South Scotland will be required. I have no evidence before me to indicate how a modification to the proposed plan could help deliver this. I do not consider that community consultation on the location, installation and use of electric charging points is a local development plan matter.

31. Similarly, in relation to the planting of new woodlands and good social housing with low carbon heating and high-quality insulation, no evidence indicates how a change to the wording of Chapter 8 would address the concerns raised in representations (494) and (797). No modifications are required.

Allotments and Local Food Production (797)

32. The comment that “every opportunity should be taken by SBC [Scottish Borders Council] to support allotments and encourage local food production, good for health and good for the local economy” is not seeking any change to the proposed plan. No modification is required.

Scottish Government (847)

33. As the council has addressed these matters in relation to Policy PMD2, our consideration of this representation is set out in Issue 009.

Miscellaneous (1032)

34. I agree with the council that comments relating to the reintroduction of beavers into the Scottish Borders and questions regarding the Land Use Strategy do not require any modifications to the proposed plan.

Proposed Revisions to Chapter 8 to Agree with Changes Sought to Policy ED9 by Renewables Industry (597; 598; 612; 811; 828; 836)

35. Proposed plan paragraphs 8.7 and 8.8 provide background information on the council’s Supplementary Planning Guidance on Renewable Energy and Landscape Capacity and Cumulative Impact Study. Similar wording is included in the supporting text (paragraphs 1.7 and 1.8) for Policy ED9: Renewable Energy Development. As part of the examination, I sought further information from the council and relevant parties on the implications of NPF4 in relation to representations on this matter.

36. In Issue 011 - Economic Development Policies: Policy ED9: Renewable Energy Development, I recommend modifications to Policy ED9 and its supporting text. As matters relating to the status of the existing Supplementary Planning Guidance and Landscape Capacity are fully addressed in the paragraphs that precede Policy ED9, I do not consider these need to be replicated in Chapter 8. In the interests of consistency and to avoid confusion, I recommend that paragraphs 8.7 and 8.8 (including the two images) are removed from the proposed plan. A modification to this effect is set out below.

Scottish Planning Policy (2020) (598)

37. I agree with the council that there is no justification for amendments to reflect the provisions of Scottish Planning Policy 2020, as this document was overturned at appeal. Current national planning policy is set out in NPF4. No modifications are required.

Reporter’s recommendations:

Modify the local development plan by:

1. replacing paragraphs 8.1 to 8.4 on proposed plan pages 33 to 34 with the following six paragraphs:

“8.1 National Planning Framework 4 (NPF4) states that “the global climate emergency means that we need to reduce greenhouse gas emissions and adapt to the future impacts of climate change”. It identifies six overarching spatial principles which will play a key role in delivering the United Nations’ Sustainable Development Goals. Part of the NPF4 national spatial strategy is that “Scotland’s future places will be net zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment”. NPF4 Policy 1 gives significant weight to the global climate and nature crises and Policy 2 will ensure that emissions from new development are minimised as far as possible.

8.2 The Climate Change (Scotland) Act 2009 requires all public bodies to contribute to the achievement of the emissions reduction targets in the Act, and to deliver the Government’s climate change action programme. More recently, the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 has set a legally binding target for Scotland of net zero emissions of greenhouse gases by 2045; with interim targets of 75% by 2030; and 90% by 2040. While these targets are to be achieved through coordinated actions taken across all sectors involving the public and private sectors, individuals as well as organisations, planning has an important role in all cases.

8.3 The update to the Climate Change Plan (December 2020) states at paragraph 2.5.2 that: “planning is a key delivery mechanism for many of the policies within this climate change plan update, across all sectors. By making the right choices about where and what development should take place in the future, planning can help to reduce emissions whilst improving the wellbeing of communities and the quality and resilience of places across Scotland”. The need to mitigate the causes of climate change and the need to adapt to its short- and long-term impacts should be taken into account in all decisions within the planning process. The generation of energy from renewable sources and low carbon technologies can help reduce dependence on fossil fuels and reduce the output of harmful emissions.

8.4 NPF4 is supportive of promoting renewable energy and also identifies the need to support other key sustainability principles of social, economic and environmental considerations. It seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. Developments should be designed so that their use and layout help reduce the need to travel by car and should include clear and direct links to public transport nodes, where possible. These matters will continue to be embedded into LDP policy when assessing new development proposals. The Council will continue to promote key strategic walking, cycling and recreational routes. The draft Borders Transport Study 2018 identifies a series of transport corridor options which will be considered and developed further. The Council is promoting the installation and use of electric vehicle charging points.

8.5 On 25 September 2020, Scottish Borders Council declared a climate emergency. In order to set out a clear plan of action to reduce emissions of greenhouse gases within our region, the council approved its Climate Change Route Map on 17 June 2021. This sets a strategic direction for the council and its partners and communities in the region, to move forward to a net zero emissions economy by 2045, in line with the national target set by the Scottish Government. The Climate Change Route Map defines a holistic approach - a whole Borders collaborative approach – to the achievement of the council’s net zero emissions target, within which the generation of renewable energy in place of the burning of fossil fuels, will play a leading and significant role.

8.6 In August 2019, the council committed to implementing the United Nations' Sustainable Development Goals. The council is formally committed to embedding sustainable development in its strategies, policies and service delivery and has set up a Sustainable Development Committee to oversee this process. By doing so, the council is ensuring that it has a clear, coherent, and overarching ethical framework for its activities. This brings benefits to its organisation and supports its efforts to optimise outcomes. The council's commitment to sustainable development is manifest in its pledge to drive and monitor the implementation of the United Nations' Sustainable Development Goals as they relate to local government. Such a commitment recognises the increasing urgency that we live and use resources in ways which do not compromise the quality of life for future generations."

2. deleting the final sentence from paragraph 8.5 on proposed plan page 34.
3. deleting paragraphs 8.7 and 8.8 and the two inserted images on proposed plan page 35.
4. replacing paragraph 8.13 on proposed plan page 36 with:

"8.13 NPF4 states that we will need to respond to a growing nature crisis, and to work together to enable development that addresses the social and economic legacy of the coronavirus pandemic, the cost crisis and longstanding inequality. NPF4 Policies 3 and 4 protect biodiversity and natural assets, which in turn play a crucial role in carbon reduction."

<p>Issue 9</p>	<p>Placemaking and Design Policies: Policy PMD1: Sustainability; Policy PMD2: Quality Standards; Policy PMD3: Land Use Allocations; Policy PMD4: Development Adjoining Development Boundaries; Policy PMD5: Infill Development</p>	
<p>Development plan reference:</p>	<p>Volume 1 Policies – Placemaking and Design Policies PMD1 to PMD5 (pages 40-50)</p>	<p>Reporter: Philip Barton</p>
<p>Body or person(s) submitting a representation raising the issue (including reference number):</p>		
<p>Peebles & District Community Council (122) Wind 2 Ltd (597) Fred Olsen Renewables Ltd (598) Scottish Renewables (612) Peebles Civic Society (769) Anthony Newton (798) Renewable Energy Systems (802) Coriolis Energy (811) Elizabeth Mitchell (819)</p>	<p>Muirhall Energy (828) Scottish Land & Estates (833) Scottish Government (847) Ruth Noble (966) Homes for Scotland (1014) St Boswells Parish Community Council (1032) Scottish Environment Protection Agency (1043) 1 of 2</p>	
<p>Provision of the development plan to which the issue relates:</p>	<p>Placemaking and Design Policies PMD1 to PMD5</p>	
<p>Planning authority’s summary of the representation(s):</p>		
<p>Policy PMD1: Sustainability</p> <p><u>Wind 2 Ltd (597), Fred Olsen Renewables Ltd (598) and Muirhall Energy (828)</u></p> <ul style="list-style-type: none"> This policy is generally supported; however the supporting text says it underpins all the Proposed LDP’s policies, and developers will be expected to incorporate its provisions into their developments. The policy does not provide support for developments that are intended to help mitigate the effects of climate change, such as renewable energy development. It is recommended that the policy be amended to include the following text: “(a) the inclusion of proposals that will help mitigate climate change and help Scotland attain net zero emissions”. <p><u>Scottish Renewables (612)</u></p> <ul style="list-style-type: none"> The contributor generally supports the policy. The policy says sustainability underpins all the Proposed Plan policies, and developers will be expected to incorporate it into their developments. However, the policy does not provide support for developments that are intended to help mitigate the effects of climate change, such as renewable energy development. The contributor requests the policy is amended to include ‘(a) the inclusion of proposals that will help mitigate climate change’. 		

- Criteria C of the policy refers to ‘landscapes’ as distinct from natural resources. The contributor does not support this approach, which has the effect of making the protection of ‘landscapes’ a separate requirement from the protection of natural resources. In the experience of the Contributors members, policies that afford landscapes enhanced protection can be used to oppose the development of renewable energy developments. These developments are, by design, intended to protect natural resources, but because of locational requirements may have an impact on landscapes. The contributor states that the reference to ‘landscapes’ should be deleted from Policy PMD1.
- The contributor states that the policy seeks to make involvement with the local community a development plan policy. The contributor and its members are committed to community engagement, and regularly undertake consultation well in excess of legislative requirements. However, this policy is neither appropriate nor necessary. It is not appropriate because it provides no context for what is meant by ‘involvement’, ‘local community’ or ‘improvement of their environment’. On this latter point, ‘their environment’ could be read to mean the immediate environment or a much wider area, which in the context of climate change means a global context. It is also not clear how differing views on a development would be treated by this policy, or if an applicant would be required to have regard to matters not relevant to planning to comply with this policy. The contributor states that the policy is unnecessary as the requirements for community consultation are set out in the 1997 Act, The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and associated Scottish Government guidance and policy. At best, this policy represents duplication of the existing statutory consultation process. However, if criteria (I) was applied to require something different to the existing statutory requirements then it would likely be unlawful. The contributor recommends that criteria (I) be deleted.

Renewable Energy Systems (802)

- The Contributor welcomes the acknowledgement in paragraph 1.1 that LDP2 has a key role to play in encouraging the use of renewable energy sources. However, it is of concern to note that Policy PMD1 itself does not make any reference to the promotion of renewable energy and low carbon technologies. Criterion (e) encourages the efficient use of energy and resources, particularly non-renewable sources, but this does not go far enough. As Policy PMD1 is an overarching policy of relevance to all planning applications it is imperative that a further criterion is added to the policy which explicitly encourages developers to promote low carbon and renewable energy technologies as part of their development proposals. This is an essential addition to this Policy to reinforce the message that addressing the climate emergency and achieving net zero by 2045 must be key outcomes for LDP2.

Coriolis Energy (811)

- The contributor generally supports the broad principles of the policy. Paragraph 2.4 states that “All policies contained within the Plan should be read against Policy PMD1”. It should be clear that the Policy will be applied as far as reasonable and relevant to the proposed development. It is noted that no reference is made to mitigating the effects of climate change of which renewable developments would play a part is contained in the Policy PMD1. The contributor requests that the statement “the support for climate change mitigation” should be incorporated into Policy PMD1. The contributor also requests that the policy should be amended to include the

following criteria: '*(a) the contribution of the development to meeting climate change targets*'. (811)

- Policy PMD1 states “the protection of natural resources, landscapes, habitats and species” which, appears, on the face of it, to offer enhanced protection to landscapes and which may lead to inappropriate opposition to renewable energy proposals. The contributor states that the text of Policy PMD1 should be amended in order that it is clear that landscape is part of the natural resources. The contributor seeks the rewording of criteria c) within Policy PMD1 to read: '*c) the protection of natural resources, including landscapes, habitats, and species*' (811)
- The Contributor requests the opening paragraph of Policy PMD1 is amended to read: '*In determining planning applications and preparing development briefs, the Council will apply the following sustainability principles, as relevant to the proposed development, which underpin all the Plan's policies and which developers will be expected to incorporate into their developments:*' (811)

Ruth Noble (966)

- Contributor requests reference is made to the Climate Emergency (as declared by SBC) and the United Nations Sustainable Development Goals (UN SDG 13, 14 & 15). Add a paragraph explaining how the aims and objectives in this section meet UN SDG 13, 14 & 15.

St Boswells Parish Community Council (1032)

- Paragraph 1.4 - The preservation of agricultural land requires a specific reference here. It might be useful if the Council could offer its own sustainability checklist. Other models are available.

Policy PMD2: Quality Standards

Peebles & District Community Council (122)

- The Contributor states that Policy PMD2 requires that all new development is of a high quality and respects the environment in which it is contained. The South Parks development in Peebles is a clear demonstration of cramped housing that does not match the quality of the surrounding houses. The developer increased the application from an indicative 50 units to an actual 71 units, and this was given approval at the Planning Committee meeting. The contributor also states that wording needs to be included in policies that requires substantial justification for such an increase and an assessment of the impact that such an increase would have on the environment in general and the locality in particular.

Peebles Civic Society (769)

- Considering the disappointing design quality of some recent approved developments in their area, the Contributor asks for more planning briefs to be prepared for development sites within LDP2, and more rigorous attention to be applied in assessing the design quality of planning applications from large housing developments down to replacement windows, to ensure that the higher quality objectives can be achieved.

Anthony Newton (798)

- Whilst the public consultation of LDP2 is good, a lot more support and guidance should be given to local communities to create their own vision for their areas. The creation of Town Plans is complicated and local communities across the Borders should be supported and advised in how to put these together. This would really be local placemaking and should be included in the Placemaking and Design (PMD) section.

Renewable Energy Systems (802)

- The Contributor questions whether this policy is relevant to renewable energy developments, such as onshore wind farms. The issues that this policy deals with such as design, placemaking, accessibility and green space are all matters more relevant to other forms of development such as residential, commercial and mixed use proposals. Given that there is a stand-alone policy specifically relevant to renewable energy proposals (Policy ED9), The Contributor considers that it would be appropriate for LDP2 to make it clear that this policy does not apply to renewable energy developments.
- A point by point assessment of a typical onshore wind farm development against the criteria of Policy PMD2 would appear to be unnecessary given that the vast majority of these criteria simply would not be relevant to such an application. The requirement for such proposals to 'integrate with its landscape surroundings' is likely to prove problematic for onshore wind farm developments and applying these policy tests could potentially give rise to unintended policy conflicts and inconsistency with the main renewable energy policy.
- The Contributor considers that this policy should be updated to make it clear that it does not apply to renewable energy developments, in the same way that LDP2 usefully states that Policy ED10 is not relevant to wind energy applications.
- The Contributor considers that criterion (a) should be amended to clarify what is meant by 'the current carbon dioxide emissions reduction target has been met'. Is this intended to be a reference to targets set out in the Supplementary Planning Guidance mentioned in the Policy, some building standard requirements or some other targets?

Elizabeth Mitchell (819)

- The Contributor states they are surprised that every house built in the Borders seem to be painted white/cream. They would blend into the environment if they were painted in colours like green/heather/brown/sandy. The contributor is dissatisfied every time they look to the Eildons and see the blot on the landscape that is Harleyburn.

Scottish Land & Estates (833)

- The Contributor states that in the section "Accessibility" they 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 features 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.

Scottish Government (847)

- The Contributor states the Plan should be modified to include a policy that fulfils the requirements of Section 3F of the Town and Country Planning (Scotland) Act 1997 which requires that all Local Development Plans must include policies requiring all developments within the area be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use, calculated on the basis of the approved design and plans for the specific development, through the installation and operation of low and zero-carbon generating technologies.

Homes for Scotland (1014)

- With the NPF4 Position Statement indicating NPF4 will set out a consistent policy for meeting Section 3F of the Town and Country Planning (Scotland) Act 1997 in relation to emissions policies, the Scottish Borders Council ensure its approach to reducing carbon emissions through planning policy does not set higher standards for the Scottish Borders than is sought through Building Standards on a Scotland-wide basis. Seeking higher reductions could have a negative impact on development viability without having any real impact on emissions levels, given the low level of development happening within the Scottish Borders. Policy PMD2 requires development to meet the current carbon dioxide emissions reduction target. No target is stated in the plan so it is assumed this means meeting the current building standards. For the avoidance of doubt this should be made clearer in the wording of the policy.

St Boswells Parish Community Council (1032)

The contributor makes the following comments in relation to Policy PMD2:

- Paragraph 1.1 - There is much reference to new development, but a majority of concern should really be addressed to existing places and their appropriate conservation and sensitive adaptation to address the challenges posed by the climate crisis.
- Paragraph 1.3 - Beauty should be added to the list of qualities of successful places. It should be noted that this point was accepted by SESplan2 inquiry reporters.
- Paragraph 1.5 - It is surprising to see reference to building standards in the local development plan. Here again there is reference to new development, but one of the major challenges will be adapting existing building stock and life patterns to address the challenges of climate change.
- Paragraph 1.7 - It is all very well setting up a sustainable development committee, but beyond potential what current relevance has it got to the planning of the Scottish Borders and in particular to local plan policies and proposals?
- Criteria a) within the Sustainability section should be updated as follows:
 - a) in terms of **location**, layout, orientation, construction, and energy supply...
- The section on accessibility should mention the importance of easy walking distances to community facilities including public transport. Place making and design matters would benefit from consideration of the following:
 - An Urban Design Panel
 - The promotion of pre-application discussion without the imposition of additional fees

- The recruitment of suitably skilled designers in regulatory positions
- A requirement for high-quality place making in all public developments, especially by the Council itself as demonstrating strong leadership in this area.

Scottish Environment Protection Agency (1043) 1 of 2

- The Contributor supports the retention of this policy. They welcome the reference to active and sustainable travel modes in the Accessibility Section. They question the removal of reference to District Heating in section a) of this policy relating to energy and resource use minimisation and sustainable construction and would recommend that the Council ensures adequate policy coverage is given to District Heating and Heat Networks. Further detail and justification is provided as part of Unresolved Issue 11 in relation to Policy ED9 – Renewable Energy Development.

Policy PMD3: Land Use Allocations

St Boswells Parish Community Council (1032)

- The Contributor states this policy should have some reference to the Land Use Strategy and there should be an assumption that agricultural land will be retained.
- In relation to paragraph 1.4, the contributor states that while it is possible that the Council may not have the relevant skills in-house at the moment, instinctively the employment of consultants to produce developers' briefs on the instruction of developers seems inherently suspect without additional safeguards. Development briefs should also be examined and reported upon by the Council's urban design panel.

Policy PMD4: Development Adjoining Development Boundaries

Peebles and District Community Council (122)

- The contributor states the policy should be retitled to "Development outwith and adjacent to development boundaries".

Scottish Renewables (612)

- The contributor understands this policy is not principally directed towards renewable energy development, it does nevertheless say that renewable energy policy is relevant. This suggests draft Policy PMD4 could be applied to renewable energy developments. The location of renewable energy development is determined by operational requirements and constraints, such as the source of power and existing grid connections. Whilst Policy PMD4 has numerous exceptions, none of these relate to renewable energy or developments that are intended to address the climate change emergency. The contributor recommends that Policy PMD4 is amended to provide flexibility for it to support sustainable development and help tackle climate change.

Renewable Energy Systems (802)

- The Contributor notes that the Renewable Energy SG is identified as a document that may be of relevance to this policy. RES is unclear why this may be, given that the

policy refers to development boundaries and town and village expansion. The policy itself does not make any reference to renewable energy uses and to avoid any confusion reference to the Renewable Energy SG should be removed and perhaps a further statement provided within the Policy itself that it does not apply to renewable energy proposals; these being assessed primarily against Policy ED9.

Coriolis Energy (811)

- The contributor states that this policy is understood to be related to built developments in close proximity to settlements. It is not considered to be a policy which should be applied to wind farm development. In situations where infrastructure associated with a wind farm development, such as an access track, are in close proximity to a settlement the impacts of these elements only should be considered. It is submitted that the reference to Renewable Energy in the list of Supplementary Guidance which may be relevant to the policy should be removed.

Homes for Scotland (1014)

- The contributor supports the opening this policy provides for unallocated development outside but adjacent to current settlement boundaries. However, two factors currently limit the likelihood of it unlocking good new opportunities for housing development, including development by smaller-scale home builders:
- Firstly, the current wording of criterion (c) means this policy would not apply if there was no shortfall in the 5-year housing land supply. Given the importance of smaller - scale home builders to housing delivery in the Scottish Borders, the Council should increase the flexibility of the policy by allowing for small windfall housing sites even where there is a 5-year housing land supply, if the proposal is sustainable and can make a positive contribution to meeting housing need and demand in the Scottish Borders.
- Secondly, the policy is nullified in locations to which Policy EP6 (Countryside around Towns) applies. Policy EP6 effectively rules out development around many settlements that may hold the market interest required to attract development. In giving Policy EP6 more weight than Policy PMD4 the Council is therefore reducing its own flexibility. There may be circumstances where the Council would want to grant planning permission for the right housing development outwith the development boundary of settlements to which EP6 applies.

Policy PMD5: Infill Development

Homes for Scotland (1014)

- In 2019, the Contributor prepared a report on Smaller-Scale Home Builders, they surveyed planning authorities across Scotland on whether they thought their LDPs supported this part of the sector. Infill development policies were often cross-referenced as examples of where smaller-scale home builders may find opportunities. The contributor states that Policy PMD5 has the potential to provide that support, but it should have an additional criterion added that clearly indicates that it applies to small housing developments. That would encourage and support smaller scale home builders in the Scottish Borders.

Modifications sought by those submitting representations:**Policy PMD1: Sustainability**

- The Contributors suggest the policy be amended to include the following text: “(a) the inclusion of proposals that will help mitigate climate change and help Scotland attain net zero emissions”. (597, 598 and 828)
- The Contributor states the policy should be amended to include the following criteria: ‘(a) the inclusion of proposals that will help mitigate climate change’. (612)
- The contributor seeks the deletion of the ‘landscapes’ from criteria (c) of Policy PMD1. (612)
- The Contributor requests criteria (l) of Policy PMD1 is deleted. (612)
- The Contributor requests the inclusion of an additional criterion which explicitly encourages developers to promote low carbon and renewable energy technologies as part of their development proposals. (802)
- The Contributor states that the statement “the support for climate change mitigation” should be incorporated into Policy PMD1. The contributor also requests the following criteria is added to Policy PMD1 – ‘(a) *the contribution of the development to meeting climate change targets*’. (811)
- The Contributor seeks the rewording of criteria c) to read: ‘c) *the protection of natural resources, including landscapes, habitats, and species*’ (811)
- The Contributor seeks an amendment to the opening paragraph of Policy PMD1 to read: ‘*In determining planning applications and preparing development briefs, the Council will apply the following sustainability principles, as relevant to the proposed development, which underpin all the Plan’s policies and which developers will be expected to incorporate into their developments:*’ (811)
- The Contributor would like reference to be made to the Climate Emergency (as declared by Scottish Borders Council) and the United Nations Sustainable Development Goals (UN SDG 13, 14 &15). The contributor would like a new paragraph explaining how the aims and objectives in this section meet UN SDG 13, 14 & 15. (966)
- The Contributor would like a specific reference to the preservation of agricultural land within paragraph 1.4. The contributor also states it might be useful if the Council could offer its own sustainability checklist. (1032)

Policy PMD2: Quality Standards

- The Contributor requests that an additional criterion is added that requires substantial justification for an increase in site capacity from the indicative capacity within the LDP in addition to an assessment of the impact that such an increase would have on the environment in general and the locality in particular. (122)
- The Contributor seeks the inclusion of a reference to the creation of Town Plans within the policy. (798)
- The Contributor considers that it would be appropriate for LDP2 to make it clear that this policy does not apply to renewable energy developments (802)
- The Contributor seeks the inclusion of a reference to ‘twenty-minute neighbourhoods’ within the ‘Accessibility’ section of the policy. (833)
- The Contributor objects to the non-inclusion of a policy that fulfils the requirements of Section 3F of the Town and Country Planning (Scotland) Act 1997. (847)
- The Contributor seeks clarification that in respect of carbon reduction, development is required to meet (rather than exceed) building standards. (802 and 1014)

- The Contributor would like the policy to include references to existing places and their appropriate conservation and sensitive adaptation to address the challenges posed by the climate crisis. (1032)
- The Contributor requests that 'beauty' is added to the bullet point list in paragraph 1.3. (1032)
- The Contributor requests that within the Sustainability section, 'location' should be added to criterion A) and include reference to the importance of easy walking distances to community facilities including public transport. (1032)
- The Contributor seeks the reinstatement of the policy wording relating to District Heating Systems which has been removed. (1043 -1 of 2)

Policy PMD3: Land Use Allocations

- The Contributor seeks the inclusion of a reference to the Land Use Strategy within the policy. (1032)

Policy PMD4: Development Adjoining Development Boundaries

- The Contributor would like the policy title changed to "Development outwith and adjacent to development boundaries". (122)
- The Contributor recommends that Policy PMD4 is amended to provide flexibility for it to support sustainable development and help tackle climate change. (612)
- The Contributor requests that the reference to Renewable Energy within the list of 'Supplementary Guidance which may be relevant to the policy' should be removed. (802, 811)
- The Contributor requests the rewording of the policy to introduce flexibility for small-scale housing developments outwith but adjacent to development boundaries in instances where there is no technical shortfall in the effective land supply, where this would make a positive and sustainable contribution to the supply of new homes to meet requirements in the Scottish Borders. (1014)
- The Contributor would like to see more flexibility where the Council may want to grant planning permission for the right housing development outwith the development boundary of settlements to which Policy EP6 applies. (1014)

Policy PMD5: Infill Development

- The contributor would like additional policy wording to expressly support development by smaller-scale home builders in the Scottish Borders. (1014)

Summary of responses (including reasons) by planning authority:

NO CHANGES TO THE POLICIES PMD1, PMD2, PMD3, PMD4 OR PMD5 AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

Policy PMD1: Sustainability

It is noted that Peebles Civic Society (769) and the Scottish Environment Protection Agency (1043 -1 of 2) support Policy PMD1 – Sustainability (CD183, pages 46 and 508).

Mitigation of Climate Change (597, 598, 612, 802, 811 and 828)

- Comments and support noted. The issue of climate change and sustainability is addressed throughout the Proposed Plan, both within the introductory chapters as well as within a policy context. Chapter 8 sets out in detail the Council's proactive approach to mitigating climate change.
- In relation to renewable energy development, this is covered by Policy ED9 – Renewable Energy Development, furthermore, the Council have also produced Supplementary Planning Guidance on Renewable Energy.
- In addition to Policy PMD1, Policy PMD2 – Quality Standards acknowledges the role the Council has in helping to meet the Scottish Government's future target for nearly carbon zero homes and buildings. Criteria a) of Policy PMD2 also makes reference to the use of low and zero carbon technologies and details the sustainability requirements of new development within the Scottish Borders.
- Consequently, it is felt that the issues raised by the contributors are already covered within Policies PMD1 and PMD2 and no changes are necessary.

Criteria (c) of Policy PMD1 (612 and 811)

- Criteria (c) which states 'the protection of natural resources, landscapes, habitats and species' is written as currently worded within the adopted Local Development Plan 2016. It is not considered that the wording and reference to 'landscape' gives this matter any elevated status within the decision making process and it is not considered the wording has caused any issues or uncertainties in practice. It is considered the criteria test is appropriately worded and no change is required.

Criteria (I) of Policy PMD1 (612)

- Criteria (I) within Policy PMD1 states 'the involvement of the local community in the design, management and improvement of their environment' and it is considered this criteria test seeks to ensure correct pre-application community consultations are carried out where required and that communities have opportunities to comment on planning applications via the development management process. Criteria (I) does not suggest communities should determine planning applications. Responses from communities to planning applications will remain material considerations as part of the decision making process.

Opening Paragraph of Policy PMD1 (811)

- It is acknowledged that the criteria tests within Policy PMD1 may not all be relevant to a specific planning application given the wide range and nature of proposals. It is considered implicit that this is the case and the Council would not feel it necessary to amend the wording to include '*as relevant to the proposed development*' as proposed by the Contributor. However if the Reporter(s) were minded to include this text the Council would have no objection.

Reference to Climate Change Emergency and United Nations Sustainable Development Goals (966)

- Comments noted. It should also be noted that within the introductory text for Policy PMD1 – Sustainability, it states '*the Council pledges to implement the United Nations*

Sustainable Development Goals (UN SDG) as they relate to local government. It is felt that this reference clearly sets out the Council's support for the UN SDG.

- Chapter 8, paragraph 8.4 of the Proposed Plan details the key areas of benefit pledged by the Council to deliver the UN SDG. Chapter 8 also acknowledges the increasing urgency that we live and use resources in ways which does not compromise the quality of life for future generations. It is not felt that the Proposed Plan is the place for further detailed explanation in relation to specific UN SDG.
- In September 2020, following the production of the Proposed Plan, the Council declared a Climate Change Emergency. Comments relating to the Climate Change Emergency are covered within Unresolved Issue 8 in relation to Chapter 8 of the Proposed Local Development Plan.
- In addition to this, other references to the Climate Change Emergency will be included at appropriate points throughout the Proposed Plan as detailed within Unresolved Issue 8. There will also be further detail in relation to sustainability and climate change included within the proposed Supplementary Guidance as referred to within Appendix 3 of the Proposed Plan.

Preservation of Agricultural Land (1032)

- Criterion a) of Policy PMD1 states the need to incorporate the long term sustainable use and management of land. Prime quality agricultural land is protected by Policy ED10 – Protection of Prime Quality Agricultural Land and Carbon Rich Soils. This policy acknowledges that prime quality agricultural land is a valuable and finite resource and when allocating sites the Council have aimed to avoid such land.

Sustainability Checklist (1032)

- In relation to the comments on a sustainability checklist, it is not felt that this level of detail would be appropriate or sit well within Policy PMD1 however it is considered that this could be considered for incorporation within the proposed Supplementary Planning Guidance on Sustainability and Climate Change as stated within Appendix 3 of the Proposed Plan (page 204).

Policy PMD2: Quality Standards

Peebles Civic Society (769) supports the aim of Policy PMD2: Quality Standards relating to ensuring all 'new development is of a high quality and respects the environment in which it is contained' and welcomes the reinforced policy objectives for higher standards in placemaking and design. Homes for Scotland (1014) welcome the removal of the 2016 LDP policy wording on District Heat Networks. Provision of these networks through housing development in the Scottish Borders is not likely to be viable and the policy wording here on "the efficient use of energy and resources, particularly non-renewable resources" is more flexible. The Scottish Environment Protection Agency (1043 - 1 of 2) support the retention of Policy PMD2 – Quality Standards and welcome the reference to active and sustainable travel modes in the Accessibility Section. (CD183, pages 46, 460 and 508).

Indicative Site Capacities (122)

- Comments noted. As stated within paragraph 10.6 of Volume 2 of the Proposed Local Development Plan, each site allocated for housing has an indicative capacity figure

suggesting the number of housing units the site could accommodate. This broad figure takes account of matters such as the site area of the allocation and the densities of existing surrounding housing. However, planning applications can be submitted for schemes which, for example, may incorporate smaller units which in turn can increase the number of units on the site. This in itself does not necessarily mean the proposal could not be supported as long as other key considerations are addressed, for example, consideration must be given to the design quality of the proposal and ensuring infrastructure can accommodate any proposed extra units. Consequently the site capacity stated is indicative only and should not be taken as a definitive maximum number of units a site could accommodate.

Supplementary Planning Guidance (769)

- In addition to Policy PMD2, the Council has produced a significant number of planning briefs and masterplans alongside the Local Development Plan. Appendix 3 of the Proposed Plan includes an extensive list of Planning Briefs that the Council intend to produce. This list includes housing, business and industrial, mixed use, redevelopment and longer term sites. The assessment of planning applications is part of the Development Management process not the Local Development Plan. It is considered respective planning briefs, the SPG on Placemaking and Design and reference within para 1.1 of the supporting text for policy PMD4 which states "*The aim of the policy is to ensure that all new development, not just housing, is of a high quality and respects the environment in which it is contained*" is sufficient from the planning policy side to set up the Development Management process to address this matter.

Town Plans (798)

- Comments noted. The Council have recently created two new Community Place Planning & Regeneration Officer posts who will help with the creation of Local Place Plans within the Scottish Borders. Local Place Plans are a new type of plan identified within the new Planning (Scotland) Act 2019 which will give communities an opportunity to forward proposals for their respective settlements/ areas.

Renewable Energy Developments (802)

- Comments noted. It is acknowledged that in relation to renewable energy proposals Policy ED9 is the more relevant policy. However, Policy PMD2 is a general policy for all proposals and some elements of the policy will be relevant to renewable energy developments.

Placemaking and Design (819 and 1032)

- Comments noted. The finishing materials on buildings will be decided on a case by case basis at the planning application stage. (819)
- The Council have produced Supplementary Guidance relating to Placemaking and Design which it intends to update as stated in Appendix 3. It should be noted that the Development Management Team already offers a pre-application advice service which is a chargeable service (*the pre-application advice service is currently suspended for three months due to COVID-19 and unprecedented application numbers*). Within their submission the Contributor has suggested an advisory panel

and recruitment of specialist officers, unfortunately this is not currently financially practical or possible given Council resources. (1032)

Carbon reduction (802, 847 and 1014)

- Comments noted. It is felt that criteria a) of Policy PMD2 fulfils the requirements of Section 3F of the Town and Country Planning (Scotland) Act 1997. The criteria states that:
 - *a) In terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources and the incorporation of sustainable construction techniques in accordance with Supplementary Planning Guidance. Proposals must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use low or zero carbon technology.*
- The criteria supports the need for new development to avoid rising projected emissions through the use of low or zero carbon technologies. (847)
- The Council declared a Climate Emergency in September 2020 and has consequently set up a number of work areas and working groups to ensure a corporate approach on a range of matters which will include the promotion of attaining zero carbon emissions. Supplementary Planning Guidance is to be prepared on Sustainability and Climate Change and the requirements within it, which will include reference to attaining zero carbon emissions for new buildings, will become a material consideration to any relevant planning applications. *It should be noted that submissions received directly relating to Climate Change have been addressed as part of Unresolved Issue 8 relating to Chapter 8 (Delivering Sustainability and Climate Change Agenda).* (847)
- Comments noted. In the introductory text to Policy PMD2, paragraph 1.5 confirms the current building standards targets for carbon zero homes and buildings. It is considered that the current wording of criteria a) is explicit by asking for proposals to meet the current carbon dioxide emissions reduction target. Relevant consultees would be contacted to discuss any proposals at the application stage to ensure the target is met, or possibly exceeded. Therefore it is not felt that the wording needs to be amended. (802 and 1014)

Twenty Minute Neighbourhoods (833)

- Comments noted. Whilst the Council are aware that 20 minute neighbourhoods will be included within National Planning Framework 4 (NPF4) until there is definitive guidance on this matter, it is difficult to include a policy criteria test within Policy PMD2 at this point in time.

Introductory Text (1032)

- Comments noted. As stated within the first sentence, policy PMD2 relates to new development. This policy is not relevant to existing development and such policies only apply to proposals which require planning permission. The Proposed Plan contains various other policies which relate to the conservation, protection and enhancement of built heritage in the Scottish Borders.

- The bullet point list detailed in paragraph 1.3 includes the six qualities of successful places identified by the Scottish Government. It is not considered necessary to amend this to include a reference to 'beauty' which can often be subjective. It is noted that the Contributor submitted similar comments in relation to SESPlan 2. These were addressed as part of Unresolved Issue 3 of the SESplan Examination however the Reporter did not include this change as part of their recommendation (CD202, comment number 25 on page 136).
- In relation to the comments on paragraph 1.5, throughout the LDP there are references to other departments within the Council whose input feeds into the LDP and decision making process. The reference to Building Standards is justified in showing the successful sustainability of new development requires a Council wide approach to address climate change.
- Within paragraph 1.7, reference is made to the Council's Sustainable Development Committee however paragraphs 8.4 and 8.5 of Chapter 8 – Delivering Sustainability and Climate Change Agenda within the Proposed Plan, make more detailed reference to the Sustainable Development Committee and its role within the Council. Paragraph 8.4 states that the creation of the Committee will ensure that the Council 'has a clear, coherent and overarching ethical framework for its activities, which brings benefits to the organisation and supports its efforts to optimise outcomes'. The conclusions of the Sustainable Development Committee will become material considerations where relevant to any planning application. Relevant text can be incorporated where required into the next appropriate LDP.

Policy Criteria (1032)

- Regarding the insertion of the word 'location' within criteria a), it is felt that the policy in its current form is sufficient however if the Reporter is minded the Council would not object and would consider it a non-significant change.
- Criteria t) makes reference to the need to meet travel demands by firstly walking, then cycling then public transport and finally through use of public transport. It is not felt this needs to be amended. Due to the rural geography of the Borders and number of small settlements, it is not practical to add a requirement relating to the need for easy walking distances to community facilities. Whilst the Council encourages sustainable travel modes and are actively seeking ways to achieve this, unfortunately achieving this in every case is unlikely.

District Heating Systems (1043) 1 of 2

- The previous policy wording referred to by Contributor 1043 (1 of 2) is shown below:

SUSTAINABILITY

a) in terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance.

- The above wording was inserted by the Reporter following the LDP Examination in 2016. As part of the Local Development Plan review process, the reference to District Heating Schemes was removed. These type of schemes are not common place within

the Scottish Borders, and are unlikely to become so, certainly in the short to medium term due to the practicalities and infrastructure costs of bringing one online. The updated policy wording included within the Proposed Plan makes reference to the use of renewable energy and resources and although there is no explicit reference to district heating systems, such schemes would still be encouraged and supported by Policy PMD2. Therefore it is not felt there is justification to amend the wording of criteria a).

Policy PMD3: Land Use Allocations

It is noted that the Scottish Environment Protection Agency (1043 -1 of 2) support the retention of Policy PMD3 – Land Use Allocations (CD183, page 508).

- Comments noted. The aim of this policy is to ensure that sites allocated within the Local Development Plan are developed for their intended use and that any alternative use is subject to appropriate justification. It is not felt that there is a need to include a reference to the Land Use Strategy within the policy. (1032)
- Planning Briefs for sites allocated sites within the LDP are produced by the Forward Planning Team with input from various teams throughout the Council as well as external stakeholders. For various reasons the Council may appoint a Consultant to undertake the production of Planning Briefs. This may be due to time constraints or other work pressures, alternatively there is often a requirement for specialist knowledge which the Council does not have in-house. Before an external consultant is appointed by the Council, a project brief is produced which then goes through a full tender process to ensure a fair and transparent process. Following the production of any Planning Brief or Supplementary Guidance it is presented to the Council's Planning and Building Standards Committee (PBS) to be approved for public consultation which then allows people to comment on the documents and feed into the process. Any significant changes are then reported back to the PBS for final approval of the document. The Council do not currently have an urban design panel in place. (1032)
- If the Council has not prepared a planning brief for a site, likely due to timescales or other work commitments, a planning brief can be submitted by a developer as part of an application submission, this is not uncommon practice. However, any such brief must satisfactorily address all identified site requirements within the LDP and ultimately must be agreed by planning officers in consultation with other parties where required. Consequently all such planning briefs are rigorously scrutinised and would not be accepted if they are not considered appropriate by the Council. In practice such briefs are generally discussed with officers in advance of their preparation in order to ensure they are prepared as required and address relevant matters. Developers are aware it is within their interests to ensure this process is followed. (1032)

Policy PMD4: Development Adjoining Development Boundaries

It is noted that M&J Ballantyne (843) and the Scottish Environment Protection Agency (1043 -1 of 2) support Policy PMD4 – Development Adjoining Development Boundaries (CD183, pages 303 and 508).

Policy Title (122)

- Comments noted. It is not considered necessary to amend the title of this policy which only applies to development adjoining development boundaries. It is considered the title is clear and appropriate and the pre policy text confirms when the policy is to be used. Any residential development outwith and not adjoining a development boundary will be assessed against Policy HD2 Housing in the Countryside.

Supporting Sustainable Development and Cross Reference to Supplementary Planning Guidance on Renewable Energy (612, 802 and 811)

- Policy PMD4 – Development Adjoining Development Boundaries is written in a way to principally consider residential proposals which adjoin settlement boundaries. It is acknowledged that the definition of ‘development’ covers a multitude of other building types and land uses. Consequently some forms of renewable energy, for example a biomass plant, a solar farm, could also be considered under this policy. It is therefore considered correct that a cross reference is made to the SPG on Renewable Energy. However, clearly the relationship between some forms of renewable energy, for example, wind farms, may not be appropriate in close proximity to existing settlements and residencies and it is considered the criteria tests within Policy PMD4 are appropriately worded in order for the development management process to consider the suitability or otherwise of such proposals on a case by case basis. Any proposal which adjoins a development boundary would not solely be considered under this policy and the Council support for sustainability and climate change agenda would also be factored into the decision making process by other relevant policies within the Local Development Plan.

Small scale development outwith development boundaries (1014)

- The contribution of small sites and windfall sites to the housing land requirement is acknowledged. However, within the Proposed Local Development Plan, the Council has identified sufficient and appropriate housing allocations within development boundaries which have been identified following extensive site assessments and consultations. It is considered this remains the most appropriate method for identifying preferred sites as opposed to amending this policy as suggested by the respondents. This policy is very much an exceptions policy and like any other site allocation it should not differentiate nor favour between individual, small scale and national house builders. By allowing the change proposed it could potentially result in a significant amount of development in the countryside across the Scottish Borders done in an undesirable piecemeal fashion. It is considered there are a number of potential windfall sites/infill sites within development boundaries as well as opportunities to develop within existing rural building groups throughout the region which small scale builders could utilise and develop.

Countryside Around Towns (1014)

- The Countryside Around Towns (CAT) Policy (EP6) identifies an area for protection from piecemeal development due to the areas outstanding biodiversity, landscape, historical recreation context. Policy EP6 does set out criteria to be met for development to be approved within the CAT area however proposals will not be approved if this criteria is not met.
- The CAT area is within the Central Borders Housing Market Area which is highly desirable for developers due to its location and setting. Consequently the CAT has

been designated to ensure tighter controls on development pressures and to prevent coalescence between the settlements within it. It is therefore considered correct that as stated within paragraph 1.3 of the introductory text to Policy EP6 that the CAT will take precedence over Policy HD2 - Housing in the Countryside except in cases when development within the confines of a building group could be supported. Obviously in some instances it is inevitable that some land adjoining development boundaries within the CAT will be released for development as part of the LDP process where market interest remains, otherwise housing land requirements not be achieved, settlements would stagnate and the economic benefits of housing in these areas would be lost. Therefore, it is not agreed that the proposed amendment by the Contributor, to allow additional flexibility can be supported.

- The contributor also makes reference to a conflict between Policy PMD4: Development Adjoining Development Boundaries and Policy EP6: Countryside Around Towns. The contributor requests that Policy EP6 is amended to give Policy PMD4 precedence over it. It should be noted that the Contributor's comments in respect of the proposed amendments to Policy EP6 are dealt with as part of Unresolved Issue 14 and this Schedule 4 only responds to the comments made specifically in relation to Policy PMD4.

Policy PMD5: Infill Development

It is noted that the Scottish Environment Protection Agency (1043 -1 of 2) support the retention of Policy PMD5 – Infill Development (CD183, page 508).

- Comments noted. It is not considered necessary to amend the policy wording to include specific reference for the support of development by smaller-scale builders. The Council does not differentiate between individual, small scale and national developers. Each proposal is assessed on a case by case basis and the Council are supportive of the right development in the right location, irrespective of who the applicant is. Therefore it is not felt that any changes are required to the policy wording. (1014)

Reporter's conclusions:

1. National Planning Framework 4 (NPF4) superseded Scottish Planning Policy (2014) and became a part of the development plan on 13 February 2023. A further information request was issued seeking views about the applicability of NPF4 to certain matters relevant to the examination of this issue. I have taken the comments received into account in my conclusions below.

Policy PMD1: Sustainability

Mitigation of Climate Change (597, 598, 612, 802, 811, 828)

2. Criterion e) of the proposed policy seeks to ensure that non-renewable resources are used efficiently. Criterion f) expects all waste, including water, to be minimised and sustainably managed. These criteria are generally consistent with the waste hierarchy that underpins a circular economy, as illustrated on NPF4 page 146. In addition, paragraph 1.1 on proposed plan page 40 explains the key role that the local development plan will play in "helping encourage the reduction of building and transport

related emissions, encouraging the use of renewable energy sources and sustainable development”.

3. Proposals would also need to accord with NPF4 Policy 2c), which supports development proposals for “retrofit measures to existing developments that reduce emissions or support adaptation to climate change”. In addition, proposals would need to accord with proposed Policy ED9 – Renewable Energy Development, which is examined in Issue 011: Economic Development Policies: Policy ED9: Renewable Energy Development.

4. I am satisfied, therefore, that the proposed policy adequately draws attention to the need for all proposals to mitigate climate change and help Scotland attain net zero greenhouse gas emissions. No modification is necessary.

5. Representation (802) refers, twice, to “Policy PMP1”. I have treated these references as typographical errors, which should instead read “Policy PMD1”. Carbon dioxide is only one of several greenhouse gases that contribute to climate change. Nevertheless, the proposed plan does refer specifically to “low carbon design” (paragraph 1.7 on page 42) and criterion a) of proposed policy PMD2: Quality Standards requires proposals to demonstrate “that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology”. This criterion also requires “appropriate measures” to be taken “to maximise the efficient use of energy and resources, including the use of renewable energy and resources and the incorporation of sustainable construction techniques”.

6. The development plan must be read as a whole. This would include NPF4 Policy 1, which states that “when considering all development proposals significant weight will be given to the global climate and nature crises”. Also, in relation to renewable energy development, NPF4 Policy 11e) states that “significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets”. Consequently, I am satisfied that it is unnecessary to duplicate the requirements of criterion a) of proposed Policy PMD2 in proposed Policy PMD1. No modification is necessary.

Criterion (c) (612, 811)

7. Irrespective of whether designated or not, the visual and other impacts of development upon landscape(s) need to be taken into account by decision makers. To this effect, the council prepared a number of landscape character area studies that describe the qualities of landscapes throughout Scottish Borders. These studies are now incorporated within the Scottish Natural Heritage (now NatureScot) Scottish Landscape Character Types Digital Map and Descriptions 2019.

8. Proposed policies EP4: National Scenic Areas, EP5: Special Landscape Areas, and EP10: Gardens and Designed Landscapes seek to protect the qualities for which these areas are designated. Paragraph 8.2 on proposed plan page 33 states: “In implementing statutory duties to support both renewable energy and protect the landscape and the environment, the Council seeks a balance between these objectives within the decision-making process.” This statement is repeated in paragraph 1.2 on page 74 of the proposed plan. I agree that a balance needs to be struck between the

economic benefits of development and achieving an appropriate level of protection for landscapes.

9. Thus, giving the impression that, as an overarching principle, any landscape impacts of development should be ignored (or restricted to protected landscapes alone) would be inappropriate. Indeed, NPF4 Policy 11e)ii. describes the balanced approach that decision makers are now expected to take in this regard: “significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable”. No modification is required.

Criterion (I) (612)

10. The requirements for statutory pre-application consultation are set out in Sections 35A, 35B and 35C of the Town and Country Planning (Scotland) Act 1997 and Regulations 4 to 7B of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Detailed advice about how to structure community engagement exercises is contained within Planning Advice Note 3/2010: Community Engagement.

11. Planning authorities are empowered by Section 35B(7) of the 1997 Act to require a prospective applicant to undertake additional consultation, either in scope or substance. Regulation 6 of the 2013 Regulations specifies the content of a proposal of application notice. Paragraph 2.49 of Circular 3/2022: Development Management Procedures states: “in requiring any additional pre-application consultation, planning authorities must have regard to the nature, extent and location of the proposed development and to its likely effects, both at that location and in its vicinity. Additional consultation requirements should be proportionate, specific and reasonable in the circumstances”.

12. Circular 3/2022 paragraph 2.9 states: “The Scottish Government also encourages pre-application engagement with communities in cases where statutory [pre-application consultation] requirements do not apply”. Paragraph 2.50 and 2.51 of the same Circular advise that “planning authorities should be as clear as they can as to their expectations of matters to be included in the [pre-application consultation] report. In this way, the prospective applicant will be more readily able to show that the required steps have been undertaken...Planning authorities, in considering any additional consultation requirements, may want to seek the views of others, for example, the relevant community councils”.

13. The protections against disproportionate and/or unreasonable requests for additional consultation set out in Section 35B(8) of the 1997 Act, and expanded upon in Circular 3/2022 paragraph 2.49, should be considered sufficient grounds upon which to challenge any decision to refuse to validate a proposal on the grounds that insufficient consultation has taken place.

14. However, criterion I does not use the word “consultation”. It refers instead to “community involvement”. The Oxford English Dictionary defines “involvement” as “the condition of being implicated, entangled, or engaged”. Thus, involvement means more than simply being informed of a matter. Someone who is involved in the production of a thing plays a proactive role in forming its final shape. True involvement requires a potential developer to cede some control over their proposal to others.

15. Circular 3/2022 paragraph 2.57 requires potential developers “to help those who engaged in [pre-application consultation], and anyone else, see how that process shaped the eventual proposal. The explanation of how the prospective applicant took into account the views raised should seek to explain what changes were taken on board, and address any views which could not be accommodated”. This suggests to me more than mere tokenism. So, the reference to “community involvement” in criterion I is appropriate and necessary.

16. I am satisfied that including community involvement in criterion I) is reasonable given that it could cover a whole range of good practice and encompass a range of material considerations. There are existing provisions to prevent such processes becoming unreasonable or weight being attached to non-material considerations.

17. I am content that the phrase ‘local community’ is sufficiently broad and see no need to define that term further. It would be for applicants to ensure that they had made their fullest efforts to understand and involve the ‘local community’. I also agree with the representation that the phrase ‘improvement of their environment’ could range from the immediate environment to a much broader area. However, by my reading, that is rather the point of the policy. No compelling evidence convinces me that it is unreasonable to use such a phrase. No modifications are required.

Opening Paragraph (811)

18. The criteria within the proposed policy are intended to be read as overarching principles for achieving sustainable development. The requested modification is unnecessary because the relevance or irrelevance of specific criteria to individual proposals would be a matter for the decision maker to assess. Allowing room for applicants to disapply one or more of these overarching criteria would undermine the ability of decision makers to properly assess proposals against the provisions of the plan as a whole. No modification is necessary.

Reference to Climate Change Emergency and United Nations Sustainable Development Goals (966)

19. Various representations covering the United Nations Sustainable Development Goals are covered separately in Issue 008: Chapter 8: Delivering Sustainability and Climate Change Agenda.

20. In supporting paragraph 1.2 for Policy PMD1 on proposed plan page 40, the council pledges to “...implement the United Nations Sustainable Development Goals [UNSDG] as they relate to local government”. Proposed Policy PMD1 already requires protection of habitats and species, the sustainable use and management of land and the preservation of air and water quality. It also promotes a shift away from private car, the minimisation of waste and the efficient use of energy and resources. Related matters are also covered by NPF4 policies which also form part of the development plan.

21. In combination with the other policies, Policy PMD1 already seeks to ensure that development results in action that mitigates climate change and avoids or limits environmental damage, including to life on land and below water. Therefore, it already reflects the United Nations Development Goals. No modifications are necessary.

Preservation of Agricultural Land (1032)

22. As a statement of overarching policy aims, proposed Policy PMD1 is not intended to be read in isolation. Criterion a) refers to the long-term sustainable use and management of land, which could include the protection of prime quality agricultural land and carbon rich soils, such as peat. Criteria c) and e) may also be used to ensure that soils generally are treated as important non-renewable natural resources and their loss resisted.

23. Policy ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils covers development on agricultural land. It is examined separately in Issue 010: Economic Development Policies: Policies ED1 to ED10 (excluding ED9). NPF4 Policy 5: Soils criteria b) and c) also seek to protect prime agricultural land, peatland and carbon-rich soils. Therefore, these matters are sufficiently considered already. No modification is necessary.

Sustainability Checklist (1032)

24. A sustainability checklist can be a useful way to identify any environmental constraints of a site at an early stage. However, there is no legal requirement for a sustainability checklist to be submitted with all applications. Furthermore, potential environmental issues may be identified by other means, such as in pre-application discussions and/or in negotiating a processing agreement.

25. In addition, Circular 3/2022 paragraph 3.3 advises: “applicants are encouraged to think beyond the statutory minimum requirements for an application and try to anticipate, in discussion with the planning authority, what additional information might be needed to support efficient processing of the application”. This may include the unilateral submission of a sustainability checklist. Moreover, Section 39(1B) of the 1997 Act allows a planning authority to request additional information from an applicant.

26. As the council points out, there is scope to include a sustainability checklist template within proposed supplementary guidance. I agree that this would be the most appropriate place for a sustainability checklist and advice about its use to sit. However, the content of supplementary guidance is outside the scope of this examination. A separate process of public consultation would be involved in the production of supplementary guidance, so there would be an opportunity for citizens to shape its content. No modification is necessary.

Policy PMD2: Quality StandardsIndicative Site Capacities (122)

27. I have not been provided with a full planning history of the South Parks development, but I visited it when conducting my site inspections. I agree with the council that an indicative capacity should not be treated as a fixed maximum. Where there are good reasons to set a maximum development density figure, this may be achieved by other means.

28. However, the requested modification seeks ‘substantial justification’ to be advanced for a proposal to exceed a site’s indicative maximum capacity. I consider this to be unnecessary because increased residential density is not necessarily harmful. It

could represent an efficient use of land and, in the right place, can help to prevent or limit the need for settlements to expand into previously undeveloped land. In addition to the right location, good design is also necessary to make higher density schemes function well.

29. Whether a higher density scheme is acceptable or not will depend to a large degree upon site specific circumstances and these will be subject to a degree of planning judgment on the part of the decision maker. I see no need to require all applicants to justify exceeding a site's indicative capacity as a matter of principle. Citizens would have an opportunity to object to higher densities, giving their reasons, during the determination of individual planning applications. No modification is necessary.

Supplementary Planning Guidance (769)

30. It is not within my remit to consider the content of supplementary guidance, including site-specific planning briefs. Detailed matters of design would be assessed against criteria h) to n) of proposed policy PMD2: Quality Standards. Furthermore, paragraph 1.1 on page 41 of the proposed plan defines the scope of this policy, stating: "The aim of the policy is to ensure that all new development, not just housing, is of a high quality and respects the environment in which it is contained. The policy does not aim to restrict good quality modern or innovative design but does aim to ensure that it does not negatively impact on the existing buildings or surrounding landscape and visual amenity of the area. In some locations, the local environment will be more sensitive to change than in others."

31. Assessment of design quality can be highly subjective. The six qualities of successful places derived from Scottish Planning Policy (2014) paragraphs 41 to 46 are reproduced on page 41 of the proposed plan. However, as the council points out in its response to my further information request, these have been superseded by criterion b) of NPF4 Policy 14: Design, quality and place. They now read:

- Healthy
- Pleasant
- Connected
- Distinctive
- Sustainable
- Adaptable

32. I am satisfied that the proposed plan contains a sufficiently robust framework for the delivery of good design at all scales of development. Moreover, the representation seeks no specific modification to the wording of the proposed plan. Nevertheless, it would introduce confusion if the six qualities of successful places were not amended to reflect the language used in NPF4. Consequently, I agree with the council that the list in paragraph 1.3 on page 41 of the proposed plan should be modified to achieve this. Consequential changes to the same wording in the transportation standards section on proposed plan page 210 would also be required. Modifications are set out below.

Town Plans (798)

33. There is no statutory underpinning for the preparation of a Town Plan, which is primarily a tool for town centre regeneration. Nevertheless, it is one option for engaging

a community in localised plan making as the representation seeks. Another is the preparation of a Local Place Plan.

34. Section 15A of the Town and Country Planning (Scotland) Act 1997 empowers planning authorities to invite communities to prepare a Local Place Plan. The Town and Country Planning (Local Place Plans) (Scotland) Regulations 2021 set out the procedures for the preparation of such a plan. Circular 1/2022: Local Place Plans provides guidance about Local Place Plans. In addition, the council's states (above) that it has recently created two new posts to assist communities in this respect.

35. Neither a Town Plan nor a Local Place Plan would require, as a prerequisite for their production, the support of a development plan policy. Therefore, there is no need for the proposed plan to refer to either. Although their content could be a material consideration in relevant development management casework, once registered neither a Town Plan nor a Local Place Plan would become a part of the adopted development plan. No modification is required.

Renewable Energy Developments (802)

36. Not all of the criteria in PMD2 would always be relevant to all renewable energy proposals. However, the same could be said for other infrastructure development.

37. Singling out onshore wind development for exemption from this policy would be inappropriate because, although the amount of weight attached to these overarching considerations will differ from proposal to proposal, they are all relevant planning considerations. Moreover, although NPF4 Policy 11: Energy has the intent to "encourage, promote and facilitate all forms of renewable energy development onshore and offshore", criterion e) of the same policy lists 13 impacts that should be taken into account in project design and mitigation. Criterion e)i. refers to "impacts on communities and individual dwellings, including...visual impact..." and criterion e)ii. refers to "significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy".

38. So, as an overarching policy topic, it is entirely appropriate for proposed policy PMD2 to expect all development to integrate with its surroundings and wider environment. The extent to which these overarching principles are relevant to different types of development will clearly vary but the degree of relevance in any particular cases is a matter of planning judgment for the decision maker. No modifications are necessary.

Placemaking and Design (819), (1032)

39. The painting of outside walls does not constitute development within the meaning of section 26 of the Town and Country Planning (Scotland) Act 1997 and associated legislation. No planning permission would therefore be required for this. There is no need for a development plan policy to specify a particular colour scheme in most cases. Furthermore, permitted development rights are restricted in conservation areas and for listed buildings. Specific consents may be required and/or conditions imposed on any such consent to require specific and suitable colour palettes to be used. No modification is necessary.

40. The considerations suggested in this part of the representation are internal matters for the council and are not within the remit of this examination. However, reference to the six qualities of successful places in paragraph 1.3 on page 41 of the proposed plan (as modified to reflect the wording of the list in NPF4 Policy 14b)) adequately addresses the expectation that high quality place-making will be delivered by the policies of the proposed plan taken as a whole. No modification is necessary.

Carbon reduction (802, 847, 1014)

41. The council's response to this representation makes reference to Section 3F of the Town and Country Planning (Scotland) Act 1997. So, it seems clear to me that the "reduction target" referred to in criterion a) of proposed policy PMD2 is that determined by the Scottish Ministers under the provisions of Section F1 of the Climate Change (Scotland) Act 2009 (i.e. Annual targets: 2021 to year before net-zero year).

42. As far as the representation made by Homes For Scotland (1014) is concerned, paragraphs 1.5 and 1.6 on pages 41 and 42 of the proposed plan make it clear that exceeding the current greenhouse gas emissions reduction target set out in building standards technical guidance would be optional for developers who may be incentivised to do so because of potential price-point and reputational benefits. I can see nothing in the wording of the proposed policy that suggests any degree of compulsion in this respect and the proposed modification is therefore unnecessary. Where developers wish to unilaterally exceed regulatory minima in relation to the reduction of greenhouse gas emissions, the proposed policy would not prevent this.

43. Supporting paragraph 1.5 on proposed plan pages 41 and 42 makes sufficiently clear that the carbon dioxide emissions reduction targets in Policy PMD2 criterion a) are those of the relevant building standards, as the council contends. Therefore, criterion a) is stating how it expects that to be accounted for in terms of low or zero carbon technology. No modifications are required.

44. Section 3F of the 1997 Act, introduced by the Climate Change (Scotland) Act 2009, states: "a planning authority, in any local development plan prepared by them, must include policies requiring all developments in the local development plan area to be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use, calculated on the basis of the approved design and plans for the specific development, through the installation and operation of low and zero-carbon generating technologies".

45. The Scottish Government (847) has pointed me to examples of policy construction that, in its view, comply with Section 3F. Having sought clarification by means of a further information request, the most recent summary of these is found in the annex to the Twelfth Annual Report on the Operation of Section 72 of the Climate Change (Scotland) Act 2009 (SG/2022/43), published April 2022. SG/2022/43 paragraph 5.5 states: "all current local development plan policies, considered to implement Section 3F, are presented in the Annex to this report".

46. The annex to SG/2022/43 (page 40) quotes from criterion a) of Policy PMD2: Quality Standards of the Scottish Borders Local Development Plan, adopted May 2016 (i.e. the existing LDP). Given that the wording of the existing LDP is considered to comply with Section 3F, it is unclear from the content of the representation why the equivalent proposed policy wording is now considered to be non-compliant.

47. As far as reliance upon future supplementary guidance is concerned, another evidently compliant policy quoted in the annex to SG/2022/43 (South Ayrshire, adopted 23 September 2014) states: “the target reduction for new buildings required by this policy will be set out in related supplementary guidance, which we will produce, and be based on the 2010 building standards. A rising proportion of greenhouse gases will require to be offset through the use of low and zero-carbon generating technologies and the supplementary guidance will specify incremental targets to achieve this”.

48. Paragraph 1.5 on pages 41 and 42 of the proposed plan states: “In terms of Building Standards, the 2015 edition of Section 6 of the Technical Standards deliver the intended 21% aggregate reduction in carbon emissions on the 2010 standards (A 45% reduction compared to the 2007 standards). The 2003 Building (Scotland) Act allows Scottish Ministers to regulate for the purpose of furthering the achievement of sustainable development. This is achieved through the Building Regulations whereby sustainability is embedded into the Technical Standards.”

49. Although the Scottish Government would clearly wish to see the proposed policy modified, it has not suggested a form of words to achieve this. Moreover, given that:

- the equivalent existing LDP policy complies with Section 3F;
- the supporting text clearly explains the link between planning policy and building standards technical guidance, and
- there is an adequate ‘hook’ upon which to hang future supplementary guidance.

I am satisfied that the proposed policy would be compliant with Section 3F of the 1997 Act and that no modification is required.

Twenty Minute Neighbourhoods (833)

50. NPF4 now forms part of the statutory development plan. NPF4 Policy 15: Local Living and 20-minute neighbourhoods promotes “local living, including where feasible 20 minute neighbourhoods”. However, as the representation acknowledges, a 20-minute neighbourhood is unlikely to be feasible everywhere. NPF4 page 11 states, in part: “in rural areas the approach to local living will be shaped by local context”. Moreover, 20-minute neighbourhoods receive no mention in the spatial priorities for South Scotland (which includes Scottish Borders), as set out on NPF4 page 33. Instead, one of the priorities for South Scotland is to “increase the population by improving local liveability, creating a low carbon network of towns and supporting sustainable rural development”. It is likely that a future local development plan review would consider these matters further. No modification is required.

Introductory Text (1032)

51. Where the development of an existing building requires planning permission, the provisions of the local development plan would be equally relevant. Where proposed works do not require express permission or consent, then any relevant building standards would nevertheless need to be adhered to. Thus, the environmental performance of existing buildings could be improved whether planning permission is required or not. No modification is necessary.

52. The list in paragraph 1.3 on page 41 of the proposed plan is derived from the six qualities of successful place set out in Scottish Planning Policy (2014) paragraphs 41

to 46. I have recommended that this list is replaced by the equivalent list found in NPF4 Policy 14b). The Oxford English Dictionary defines 'beauty' as "that quality of a person or thing which is highly pleasing or satisfying to the mind; moral or intellectual excellence". Thus, beauty is a subjective concept. Nevertheless, in my view, beauty and good design are closely related. Consequently, there would be elements of beauty in a design that is all at once healthy, pleasant and distinctive. As Proposed SESplan 2 (2016) was rejected by Scottish Ministers; its contents carry no policy weight and are therefore irrelevant to this examination. No modification is necessary.

53. There is a close relationship between planning and building standards regulations, particularly in relation to the need to mitigate the effects of climate change. References to building standards in paragraphs 1.5 and 1.6 on proposed plan pages 41 and 42 provide useful context for readers because they explain in a holistic way how built development relating to both new and existing structures may contribute towards climate change adaptation and mitigation. These references are relevant in a general way and helpful to readers of the plan who have limited knowledge of the holistic control of built development. I can see no overriding reason why they should not be retained. No modification is necessary.

54. In relation to the content of paragraph 1.7 on proposed plan page 42, the council explains in paragraph 8.4 on proposed plan page 34 how it intends to use its Sustainable Development Committee to establish a "clear, coherent and overarching ethical framework" for its strategies, policies and service delivery. As an explanation of the overall strategic framework within which the proposed plan would sit, I consider the references to this committee to be useful background information for readers of the plan. No modification is required.

Policy Criteria (1032)

55. Paragraph 4.9 on proposed plan page 21 explains that strategic growth in the Scottish Borders will be directed to three strategic development areas. This comprises the spatial strategy for the proposed plan and towns within these areas "should provide the focus for retail, commercial and strategic opportunities". At a local level, settlement boundaries have been defined and individual site allocations have been made for housing, commercial and other types of development. Potential developers have also been invited to nominate sites for allocation and these have been assessed by the council and consulted on during preparation of the local development plan.

56. The spatial strategy is examined in Issue 004 – Chapter 4: Vision, Aims and Spatial Strategy. I am satisfied that the proposed plan adequately addresses the need to ensure that major development proposals are located in the most sustainable places.

57. The context of criterion a) of the proposed policy relates to the efficient use of energy and resources. So, the word "siting" may be more appropriate than "location" in this context. However, even this change is unnecessary in my view because, where minor and householder development is concerned, paying attention to "layout" and "orientation" should be sufficient to ensure that a building is optimally sited on a plot. No modification is necessary.

58. Criterion t) of the proposed policy establishes a hierarchy of travel modes for access to goods and services, with walking being the most preferable, followed by cycling, public transport and, least preferably, private cars. Given the largely rural

character of Scottish Borders, reliance upon private cars for access to work, services and facilities may be higher outside of the main settlements. Assessing proposals against this hierarchy is an appropriate response to the need to balance the promotion of sustainable patterns of travel with day-to-day life in a rural area. No modification is necessary.

District Heating Systems (1043)

59. SEPA's original representation is correct that the term "District Heating Schemes" is contained in Policy PMD2: Quality Standards criterion a) of the Adopted Local Development Plan (2016) but not in proposed Policy PMD2 criterion a) on proposed plan page 42. However, reference to "district heating infrastructure" is contained in supporting paragraph 1.6 on proposed plan page 42.

60. Heating is also covered in paragraph 4.7 on proposed plan page 20, which refers to the need for heat mapping. Heat systems are also referenced in various parts of Chapter 8: Delivering Sustainability and Climate Change Agenda (see Issue 008). However, these references are general and set the scene for the policies and proposals in later parts of the plan.

61. District heating currently appears to straddle the above sections and proposed plan Policy ED9: Renewable Energy Development. SEPA's original representation therefore commented on this matter in relation to both policies. However, proposed Policy ED9 and its supporting text are subject of recommendations for significant modification which includes removal of supporting text referencing district heating (see Issue 011). If I was to recommend no modifications to proposed Policy PMD2, then district heating would be referenced generally in the plan text only.

62. However, since the proposed plan was prepared, NPF4 has been adopted and now forms part of the statutory development plan. NPF4 page 69 and Policy 19: Heating and Cooling cover the relevant matters. The policy intent is to "encourage, promote and facilitate development that supports decarbonised solutions to heat and cooling demand and ensure adaptation to more extreme temperatures." NPF4 page 69 states that local development plans "should take into account the area's Local Heat & Energy Efficiency Strategy (LHEES). The spatial strategy should take into account areas of heat network potential and any designated Heat Network Zones (HNZ)." In its response to the further information for Issue 011: Policy ED9, SEPA replaces its previous responses with a request that "the Policy" (assumed to refer to Policy ED9) be consistent with NPF4 Policy 19. However, we have opted to consider heat and heat networks as part of Policy PMD2 and so we consider this matter there.

63. NPF4 Policy 19: Heating and Cooling criteria a) to c) cover connection to heat networks but rely on HNzs being identified. NPF4 Policy 19 c) only requires connection-ready development in locations where a heat network is planned but not yet in place. The council is also likely correct that there are few (if any) heat networks currently in Scottish Borders and the infrastructure needs and costs may mean that these are unlikely in the short or medium term. However, that should not be taken to dismiss or ignore these matters.

64. Otherwise, NPF4 Policy 19 Criteria d) and e) cover the necessary infrastructure and sources of heat and criterion f) covers how design can be used for heating and cooling. Overall, there does not appear to be a divergence between NPF4 Policy 19 and

proposed plan Policy PMD2 (or recommended modifications to Policy ED9), albeit that PMD2 no longer contains reference to district heating.

65. I am content that the strategy of concentrating development in strategic development areas offers new and existing development alike the opportunity to form or plug into heat networks that could or do exist. However, no submitted evidence suggests the mapping of HNzs to have been done in the proposed plan. A commitment to that work is contained in paragraph 1.3 on proposed plan page 74. That is supporting text for Policy ED9 which, as mentioned above, is subject of recommended deletion from that part of the proposed plan.

66. I therefore recommend the addition of new text based on heating from parts of paragraph 1.3 on proposed plan page 74 and reference to NPF4 Policy 19 in the supporting text for proposed Policy PMD2 on page 42. I also recommend that reference be made to “heat networks” in Policy PMD2 criterion a) along with new reference to NPF4 Policy 19 and HNzs. No other evidence enables me to state what heat networks exist and so it is likely that this matter will need to be integrated into the local development plan at the next review.

67. Together these recommendations would interface the local development plan with national planning policy. They would also ensure that the council has a planning route to deliver its LHEES and HNz findings and that those link with the implementation of development plan policy (NPF4 Policy 19 and proposed plan Policy PMD2). By my reading, this would ensure that the proposed plan is read in conjunction with, rather than in place of NPF4. Modifications are set out below.

Policy PMD3: Land Use Allocations

Land Use Strategy (1032)

68. The council’s land use strategy is examined as part of Issue 004 – Chapter 4: Vision, Aims and Spatial Strategy. Any unresolved representations relating to specific land-use allocations are examined separately in Issues 018 to 074. I see no need for the proposed policy to refer to the spatial strategy for its authority. This is because the proposed policy is intended to control the implementation of development on allocated sites rather than to justify their allocation afresh. No modification is required.

Preservation of Agricultural Land (1032)

69. As noted above, NPF4 Policy 5: Soils and proposed Policy PMD1 (above) and Policy ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils already consider this matter. Where relevant, the potential loss of agricultural land on allocated sites is addressed in Issues 018 to 073 which cover individual site allocations. No modification is necessary.

Planning Briefs (1032)

70. The process by which planning briefs are brought forward and by whom they should be prepared is an internal management issue for the council. No modification is required.

Policy PMD4: Development Adjoining Development BoundariesPolicy Title (122)

71. Peebles and District Community Council (122) favours retitling proposed plan Policy PMD4 to “Development outwith and adjacent settlement boundaries”. It does not otherwise seek modifications to the contents of the policy or state reasoning for its preferred retitling. However, I find that such a retitling would give a false impression of what the policy does and how it operates in conjunction with others.

72. Proposals for development in the open countryside would be assessed against Policies HD2 Housing in the Countryside and ED7 Business, Tourism and Leisure Development in the Countryside. These policies are examined in Issue 013 – Housing Development Policies: Policies HD1 to HD6 and Issue 010 – Economic Development Policies: Policies ED1 to ED10 (excluding ED9) respectively.

73. Proposed Policy PMD4 sets out the exceptional circumstances in which development proposals on sites adjoining a settlement boundary might be found acceptable. As all proposals must be assessed against the provisions of the development plan as a whole, if a scheme were to be considered exceptional when assessed against Policy PMD4, it may nevertheless be found unacceptable when assessed against Policy HD2 (for single houses) or Policy ED7. The link with other policies of the proposed plan is also made clear in PMD4 criteria a) and b), which specifically refer to compliance with policies ED7 or HD1 – Affordable Housing Delivery as conditions of exceptionality.

74. The approach outlined in the above proposed plan policies is not inconsistent with the approach outlined in NPF4. Irrespective, renaming the policy would create confusion and would not accurately describe its role and function. No modification is necessary.

Supporting Sustainable Development and Cross Reference to Supplementary Planning Guidance on Renewable Energy (612, 802 and 811)

75. I can identify no obvious reason why appropriate renewable energy proposals could not be justified against the criteria set out in proposed Policy PMD4. For example, criterion a) on proposed plan page 47 refers to “development in the countryside that has an economic justification under Policy ED7”. On page 70 of the proposed plan, readers are advised to cross-reference Policy ED7 with Policy ED9 – Renewable Energy Development. Therefore, renewable energy generation and/or infrastructure proposals could be treated in the same way as any other scheme proposed adjacent to a settlement boundary.

76. Furthermore, in granting permission on exceptional grounds under the proposed policy, one of the criteria to be used by the council would be “the infrastructure and service capacity of the settlement”. Proposals that would increase this capacity, such as infrastructure needed to connect existing and new development to sources of heat, as well as other forms of renewable energy infrastructure, could be treated exceptionally. Given the support for renewable energy development expressed elsewhere in the proposed plan, I see no overriding justification for modifying the wording of the proposed policy in the manner requested. This approach is also consistent with NPF4 Policy 19: Heat and cooling. No modification is therefore required.

77. The proposed policy sets out the exceptional circumstances in which development on sites adjacent to a settlement boundary may be found acceptable. As I explain above, this would reasonably include proposals for renewable energy generation and the infrastructure needed to support its delivery. Hence, although the content of any supplementary planning guidance is outside the scope of this examination to consider, it is appropriate for the council to refer potential applicants to it. No modification is necessary.

Small scale development Outwith Development Boundaries (1014)

78. Proposed Policy PMD4 criterion b) on proposed plan page 47 allows opportunity for affordable housing schemes to be treated exceptionally on sites adjoining a settlement boundary. In addition, paragraph 1.2 on the same page explains that proposals offering “significant community benefits”, including new housing to justify the provision of local services, such as a school, community centre or health centre may be treated exceptionally by virtue of proposed Policy PMD4 criterion d). Therefore, the policy already does as Homes for Scotland wishes, albeit that it may not allow development in all the circumstances that Homes for Scotland may seek. However, by my reading, that is the intention and would otherwise undermine the spatial strategy.

79. The construction of the proposed policy requires only one of the criteria on page 47 to be satisfied. If one of these criteria is met, then there would be a secondary test to overcome. Nevertheless, it would be inaccurate to argue that the first four criteria are dependent upon a shortfall in the at least five-year supply of effective housing land being demonstrated across Scottish Borders as a whole.

80. Homes for Scotland’s further information response seeks the rewording of Policy PMD4 criterion c) which it believes to read in the opposite manner to what is intended. The council makes no further comment. However, NPF4 Policy 16: Quality homes and Policy 17: Rural homes already stipulate the circumstances in which housing development on land that is not allocated by development plans would be acceptable. There is no need to repeat this in the local development plan. NPF4 also dispenses with the concept of a shortfall in the five year effective housing land supply. As such the first criterion c) in Policy PMD4 on proposed plan page 47 now represents a factor that is no longer necessary and which would confuse decision making. Accordingly, I recommend deletion of that criterion. Modifications are set out below.

Countryside Around Towns (1014)

81. Proposed Plan Policy EP6 is examined in Issue 014 – Environmental Promotion and Protection Policies: Introductory Text and Policies EP1 to EP6. Policy EP6 would apply only to those settlements identified in Figure EP6a on proposed plan page 117. There would, therefore, be no fundamental conflict between proposed Policies EP6 and PMD4. No modification is necessary.

Policy PMD5: Infill Development

Support for Development by Smaller-Scale Builders (1014)

82. I can see nothing in the construction of the proposed policy that could reasonably be considered to discriminate against applicants on the grounds of their corporate size or legal structure. No modification is necessary.

Reporter's recommendations:

Modify the local development plan by:

1. replacing the bullet pointed list in paragraph 1.3 on proposed plan page 41 with the following list:

- Healthy,
- Pleasant,
- Connected,
- Distinctive,
- Sustainable, and
- Adaptable

2. replacing “Distinctive, Safe & Pleasant, Easy to move around, Welcoming, Adaptable, and Resource efficient” in the third paragraph under the heading “Transportation Standards” on proposed plan page 210 with “Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable”.

3. adding a new paragraph between existing paragraphs 1.6 and 1.7 on proposed plan page 42 and consequential paragraph numbering as follows:

“The council supports the development of heat networks and the efficient use of renewables and will develop further work on heat mapping. Policy PMD2 will operate in conjunction with National Planning Framework (NPF4) Policy 19: Heating and Cooling.”

4. replacing proposed Policy PMD2 criterion a) on proposed plan page 42 with:

“a) in terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including use of renewable energy and resources, such as heat networks (as detailed in NPF4 Policy 19) and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Proposals must demonstrate that the current carbon dioxide emissions reduction target has been met with at least half of this target met through the use of low or zero carbon technology.”

5. deleting the first criterion c) of Policy PMD4 on proposed plan page 47 which reads “c) there is a shortfall identified by Scottish Borders Council through the housing land audit with regard to the provision of an effective 5 year housing land supply, OR”.

<p>Issue 10</p>	<p>Economic Development Policies: Policy ED1: Protection of Business and Industrial Land; Policy ED3: Town Centres and Shopping Development; Policy ED4: Core Activity Areas in Town Centres; Policy ED5: Regeneration; Policy ED7: Business, Tourism and Leisure Development in the Countryside; Policy ED8: Caravan and Camping Sites; Policy ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils</p>	
<p>Development plan reference:</p>	<p>Volume 1 Policies – Economic Development Policies ED1 to ED10 (excluding EP9) (pages 52 – 81)</p>	<p>Reporter: Alison Kirkwood</p>
<p>Body or person(s) submitting a representation raising the issue (including reference number):</p>		
<p>Scottish Forestry (048) Peebles and District Community Council (122) The Architectural Heritage Society of Scotland (413) Scottish Renewables (612) Renewable Energy Systems (802) Aldi Stores (806) Coriolis Energy (811) Scottish Government (847) South of Scotland Enterprise (883)</p>		<p>Moorbrook Textiles (901) Messrs Mitchell and Burn (982) NatureScot (983) Theatres Trust (990) Homes for Scotland (1014) St Boswells Parish Community Council (1032) Tom Miers (1037) Scottish Environment Protection Agency (1043) – 1 of 2</p>
<p>Provision of the development plan to which the issue relates:</p>	<p>Economic Development Policies ED1 to ED10 (excluding EP9)</p>	
<p>Planning authority’s summary of the representation(s):</p>		
<p>Policy ED1: Protection of Business and Industrial Land</p> <p>Scottish Renewables (612)</p> <ul style="list-style-type: none"> The Contributor notes that Policy ED1 creates a presumption against any uses that are not Class 4 (on High Amenity Business Sites) or Classes 4, 5 and 6 (on Business and Industrial Sites). Qualified support is given for other employment generating uses. It is common for business and industrial sites to include small scale renewable energy uses such as wind turbines and solar (both ground mount and roof-top). It is also common for electricity transmission infrastructure as well as battery storage facilities to be located within existing business and industrial sites. EV charging is already a feature on business and industrial sites and that will increase as transport is decarbonised. There will also be a need to accommodate developments to support the use of hydrogen. These uses do not fall within use Classes 4, 5 or 6. The Contributor recommends that Policy ED1 is amended to provide flexibility for development that will support renewable energy, provided this will not prejudice the 		

existing and predicted long term requirements for industrial and business land in the locality. This would maintain the objectives of this policy whilst ensuring flexibility to support development directed towards addressing climate change.

South of Scotland Enterprise (883)

- Contributor highlights that reference to the South of Scotland Economic Partnership (SOSEP) should instead be replaced with South of Scotland Enterprise Agency, at Para 1.4 (page 52) in the supporting text to Policy ED1 which presently reads “Consultation with the Council’s Economic Development Service, Scottish Enterprise (SE) and the South of Scotland Economic Partnership (SoSEP) will often be necessary to assist decision making...”

Moorbrook Textiles (901)

- The flexible approach of Policy ED1 within the Scottish Borders Local Development Plan should be maintained, the policy is overly prescriptive within the Proposed LDP.

Homes for Scotland (1014)

- The Contributor notes that the approach to this policy has shifted since the 2016 LDP and considers that it appears to have lost some of the flexibility it previously had for the reuse of some business and industrial land for other uses. The Contributor questions if this is because the ‘local’ sites previously flagged for potential development have been delivered, or because those local sites are not now identified and so are considered open for proposals as to new productive uses? The Council is asked to consider rewording this policy to allow for the reuse and redevelopment of some business and industrial land for housing development in instances where continuing business/ industrial use is no longer viable and required.

Scottish Environment Protection Agency (1043 1 of 2)

- The Contributor recommends a modification to Policy ED1 – Protection of Business and Industrial Land. The Contributor’s comments at the MIR_stage highlighted the importance of environmental considerations, especially flood risk, when allowing more flexibility in terms of supported uses. The Contributor is of the view that the proposed policy wording is not cognisant of the issues with regard to flood risk and particular use types and that it is important to consider sensitivity of use in line with the Contributor’s land use vulnerability guidance. The Contributor therefore recommends a modification to the policy to take account of environmental considerations, in particular flood risk. The Contributor would also recommend that Policy IS8 - Flood Risk is included in the list of cross-referenced policies.

Policy ED3: Town Centres and Shopping Development

Peebles and District Community Council (122)

- The contributor states the policy should be amended to include more emphasis on development and regeneration of town centres, with restrictions to be placed on new developments of out of town shopping.

The Architectural Heritage Society of Scotland (413)

- We note the expectation that in some Borders towns such as Hawick, changes in retail habits will realistically mean a reduction in core shopping areas. As this may result in the conversion of existing shopfronts to alternative uses, including residential, it would be helpful if the existing Shopfront guidance was updated to include specific guidance on what is appropriate for office, residential, or other conversions of existing retail premises. Some such conversions are particularly poor, and a coherent set of guidance would prove useful in conversations with prospective developers and consideration of subsequent planning applications.

Aldi Stores (806)

- The contributor states that parts of the current policy wording are inconsistent with Scottish Planning Policy (SPP) and should therefore be amended. The contributor recognises the aspirations behind town centres being preferred over edge-of-centre and out-of-centre locations, where possible they will always aim to locate in town centre locations. This firstly recognises the benefits such locations provide for local communities and the generation of linked trips. It is however important to recognise that centres such as these do not always offer opportunities to accommodate larger stores, alongside the necessary parking and servicing requirements that are essential for the business to operate viably given their scale and the composition and layout of trade within local high streets.
- Criteria a) – the contributor considers that this criteria is inconsistent with Scottish Planning Policy (SPP) where it is explicitly stated at paragraph 73, that out-of-centre locations should be considered acceptable where there is ‘no significant adverse effect on the vitality and viability of existing town centres’. Without the clarity of this wording within the current policy, it is unclear what thresholds of impact might be deemed acceptable.
- Criteria c) – is inconsistent with SPP. Paragraph 73 states that out-of-centre locations should be considered acceptable for proposals that will help to meet qualitative or quantitative deficiencies. In addition, the policy is not explicit in terms of how this links to the sequential test, as surely if a proposal has already demonstrated compliance with this, then it should not be necessary to consider if the level of deficiency can be met within town or edge of centre locations. This is in effect repetition and unnecessary in terms of the policy wording.
- Criteria d) – it is unclear what is meant by this criteria test and the contributor considers that this needs further supporting text to explain what is necessary to allow for a full consideration under the policy.
- Criteria h) – should be amended to ensure that it complies with the sequential test as set out at paragraph 68 of SPP. Whether a site is vacant, derelict or brownfield is not a consideration in terms of the sequential test. This should only be relevant where those sites are sequentially preferable and therefore offer benefits in terms of a location within or on the edge of a designated centre.

Policy ED4: Core Activity Areas in Town CentresTheatres Trust (990)

- The policy states, "*Community and cultural facilities could be supported in exceptional circumstances*". The Contributor states that these types of uses

contribute towards the vitality and viability of town centres, helping to draw in additional footfall which further supports other town centre businesses and minimises vacancies. The contributor states it is not clear therefore why they would only be supported in 'exceptional' circumstances as this would seem counterintuitive to supporting the plan's wider objectives. The contributor would further advocate revision of policy to protect cultural facilities from loss and inappropriate development which could harm their function.

Policy ED5: Regeneration

South of Scotland Enterprise (883)

- Paragraph 1.4 of the introductory text of Policy ED5 – Regeneration states that “*It is anticipated that the new South of Scotland Enterprise Agency, which will become operational in April 2020, will continue this place based approach to drive the local economy of the Scottish Borders and the South of Scotland with the aim of enhancing the area to be more attractive to businesses, investors, visitors and residents*”. The contributor comments that this reference is supported but the tense could be updated to reflect that SOSE are now live.

Policy ED7: Business, Tourism and Leisure Development in the Countryside

NatureScot (983)

- In relation to Policy ED7, the Contributor states that in their Main Issues Report response they highlighted the need for careful consideration of the potential impacts on natural heritage resources in relation to this proposed policy amendment. Whilst the Contributor states that they welcome the clear references to the environment and environmental policies in the supporting text on pages 68 and 69 of the Proposed Plan, this is not reflected in the policy itself and they recommend that as a key underpinning resource, it should be included in a relevant caveat. This may be best achieved by amending the second list of caveats as follows: a) The development must respect the environment, amenity and character of the surrounding area, or b) The development must have no significant adverse impact on the environment or on nearby uses, particularly housing.

Scottish Environment Protection Agency (1043) – 1 of 2

- The Contributor notes that proposals for holiday lodges/chalets will be considered against this policy rather than policy ED8 as was proposed as MIR stage. It is important to consider sensitivity of use in line with our land use vulnerability guidance. The Contributor highlights that holiday chalet/lodges would fall under the Most Vulnerable Use category. They therefore recommend a modification to the policy to take account of environmental considerations, in particular flood risk. They also recommend that Policy IS8 Flood Risk is included in the list of cross-referenced policies.

Policy ED8: Caravan and Camping Sites

Tom Miers (1037)

- In relation to Policy ED8, the Contributor states that the Council should apply the same general standards of development to caravan sites as it does to other types of non-housing development, and thereby arrive at the same result as for housing. Planners seem pre-disposed to caravan sites because they appear to offer economic advantages. The Contributor states that if a developer came forward with plans for holiday cottages that looked the same as static caravans they would be refused out of hand. The Council should work to applying the same standards in both cases as far as the legislation allows.

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

Coriolis Energy (811)

- Contributor specifically cites Policy ED10 in their representation, and then refers to the Draft Peatland and Energy Policy Statement issued by the Scottish Government. This they advise, reiterates that “*the map*” is not to be used as a development management tool. It is to assist in the preparation of spatial frameworks for onshore wind developments.
- Contributor advises that it must be clear (a) that where peat is present on a wind farm site, the matter should be fully investigated, and (b) that the presence of peat on a wind farm site is not in itself a reason to refuse planning permission.

Scottish Government (847)

- Contributor formally objects on the grounds that they seeks a specific amendment to Policy ED10, namely the inclusion of the proposed additional text here highlighted in bold: "*Development, except proposals for renewable energy development, which results in the permanent loss of prime quality agricultural land or significant carbon rich soil reserves, particularly peat, will not be permitted unless: (a) the site is otherwise allocated within this local plan; (b) the development meets an established need and no other site is available; (c) the development is small scale and related to a rural business; (d) **The development is for extraction of minerals where this accords with other policy objectives and there is secure provisions for restoration to return the land to its former status.** Proposals for renewable energy development, including proposals for wind energy development, will be permitted if they accord with the objectives and requirements of Policy ED9 on renewable energy development*".
- They advise that this revision is sought because Paragraph 80 of Scottish Planning Policy (SPP) states that development on prime agricultural land, or land of lesser quality that is locally important, should not be permitted except for a limited number of specified circumstances, which includes extraction of minerals, whereas the policy as worded, does not allow that there may be circumstances in which mineral extraction would be permissible.

Messrs Mitchell and Burn (982)

- With regard to Policy ED10, contributor advises that if the Plan is to achieve its stated aims of allowing settlements to grow and flourish then it should allow that new sites for development are likely to be on prime quality agricultural land within large areas of the southeast of Scottish Borders. Indeed, a number of sites within the Plan fall within this category, including new sites identified in ‘Appendix 2’.

- An amendment is sought by the Contributor to Policy ED10 to acknowledge that large parts of the Scottish Borders are classified as Prime Quality Agricultural Land, specifically in the southeast area. This is, or includes, specifically, a proposal that criterion (c) of the policy, should be amended to allow for small-scale development, development adjacent to development boundaries, and development supported by an agricultural land classification assessment.
- In addition, due to the blanket classification of prime quality agricultural land in the southeast of the Scottish Borders, the contributor suggests that the methodology for site selection Appendix 1 Stage II should be amended to give less weight to this site constraint in the southeast. They clarify that their concern is that sites should not be filtered out, or refused planning consent, simply on the basis of their classification as Prime Quality Agricultural land in this part of the Plan area (the southeast).

St. Boswells Parish Community Council (1032)

- Contributor advises that the title of Policy ED10 is unhelpful in that it should reflect the advice of Paragraph 1.1 of the preamble to the policy, which advises that land of lesser quality that is nonetheless locally important, should not normally be developed (or specifically that development should not be permitted there except in a limited number of specified circumstances).
- In line with this, the contributor considers that protection in these terms, should be afforded by the policy (Policy ED10) to land of lesser agricultural quality, especially where it is closely associated with towns or villages.
- Contributor considers that some additional explanation is required of the last sentence of Paragraph 1.1. in the Preamble to Policy ED10 (*"In order to take proper account of the terms of SPP, proposals for renewable energy developments, including proposals for wind energy development, will be required to accord with the objectives and requirements of policy ED9 rather than meet the requirements of this policy"*) but they do not elaborate on this observation to clarify why this additional explanation is needed.
- Contributor advises that there should not be a reference only to prime quality agricultural land in Paragraph 1.2 in the Preamble to Policy ED10. (Mention of prime quality land occurs here in the context of an explanation of what prime agricultural land is, and how it is defined, but it is not clear what the contributor specifically considers should be advised relative to land outwith this definition).
- Contributor advises that in Paragraph 1.3, it is not clear what is meant by areas of *"deepest peat"*.
- Contributor wishes reference to be made in Paragraph 1.3 to the land-use strategy and the importance of integrating land-use and statutory planning processes.
- Contributor advises that Figure ED10a should identify non-prime agricultural land of local significance.

Scottish Environmental Protection Agency (1043) 1 of 2

- Contributor recommends a modification to Policy ED10, specifically to reference a number of references and guidance in the Development Plan Guidance Notes (Soils) document (CD200), which the contributor would recommend signposting to, as part of the policy text, to ensure that it remains as up-to-date as possible, prior to the publication and adoption of the LDP.

Modifications sought by those submitting representations:**Policy ED1: Protection of Business and Industrial Land**

- The Contributor recommends that Policy ED1 is amended to provide flexibility for development that will support renewable energy, provided this will not prejudice the existing and predicted long term requirements for industrial and business land in the locality. The Contributor considers that this would maintain the objectives of this policy whilst ensuring flexibility to support development directed towards addressing climate change. (612)
- The Contributor suggests that paragraph 1.4 on page 52 be amended to replace 'South of Scotland Economic Partnership (SOSEP)' with 'South of Scotland Enterprise Agency'. (883)
- The Contributor requests that Policy ED1 – Protection of Business and Industrial Land remains as contained within the current Scottish Borders Local Development Plan 2016. (901)
- The Contributor requests that Policy ED1 – Protection of Business and Industrial Land is reworded to allow for the reuse and redevelopment of some business and industrial sites for housing development in instances where continuing business/industrial use is no longer viable. (1014)
- The Contributor requests that Policy ED1 – Protection of Business and Industrial Land is modified to take account of environmental considerations, in particular flood risk. The Contributor also recommends that Policy IS8 – Flood Risk is included in the list of cross-referenced policies. (1043 1 of 2)

Policy ED3: Town Centres and Shopping Development

- The contributor requests the policy is amended to include more emphasis on development and regeneration of town centres, with restrictions to be placed on new developments of out of town shopping. (122)
- The contributors do not seek any modifications to the Proposed Local Development Plan. (413)
- Contributor 806 requests the following changes to Policy ED3:
 - That criterion a) is amended to reflect SPP, to read: *“where it can be demonstrated that there is no significant adverse effect on the vitality and viability of existing town centres”*
 - That criteria c) is amended to read *“the ability of the proposal to meet a qualitative or quantitative deficiency in shopping provision”*
 - Regarding criteria d) *“the impact of the proposal on travel patterns and car usage”*, in its current form, it is unclear what is meant by this criteria test and consider that this needs further supporting text to explain what is necessary to allow for a full consideration under the policy. It may be sensible to combine this with general accessibility considerations under criteria e) of the Proposed Plan.
 - That criteria h) is deleted as it does not comply with SPP and sequential matters are dealt with by criteria b) of the policy.

Policy ED4: Core Activity Areas in Town Centres

- The Contributor would like the policy to be revised to exclude reference to community and cultural facilities only being supported in exceptional circumstances and that the policy is amended to protect cultural facilities from loss and inappropriate development which could harm their function. (990)

Policy ED5: Regeneration

- The Contributor seeks an update to paragraph 1.4 of Policy ED5 to reflect that South of Scotland Enterprise (SOSE) are now fully operational. (883)

Policy ED7: Business, Tourism and Leisure Development in the Countryside

- Seeks amendment to Policy ED7 in respect to the second list of caveats within the Policy to state "*The development must respect the environment, amenity and character of the surrounding area,*" or b) "*The development must have no significant adverse impact on the environment or on nearby uses, particularly housing,*". (983)
- Seeks the policy to take account of environmental considerations, in particular flood risk and that Policy IS8 Flood Risk is included in the list of cross-referenced policies. (1043 1 of 2)

Policy ED8: Caravan and Camping Sites

- Seeks that in relation to Policy ED8 that the Council apply the same general standards of development to caravan sites. (1037)

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

Policy ED10 (page 81)

- Insert into policy text the additional text highlighted in bold below: "*Development, except proposals for renewable energy development, which results in the permanent loss of prime quality agricultural land or significant carbon rich soil reserves, particularly peat, will not be permitted unless: a) the site is otherwise allocated within this local plan; b) the development meets an established need and no other site is available; c) the development is small scale and related to a rural business; d) **The development is for extraction of minerals where this accords with other policy objectives and there is secure provisions for restoration to return the land to its former status.** Proposals for renewable energy development, including proposals for wind energy development, will be permitted if they accord with the objectives and requirements of Policy ED9 on renewable energy development*". (847)
- Amend criterion (c) of the policy to allow for small-scale development, development adjacent to development boundaries, and development supported by an agricultural land classification assessment. (982)
- Ensure policy affords protection to land of lesser agricultural quality that is locally important, especially where it is closely associated with towns or villages, AND revise title of Policy ED10 to clarify that it includes reference not only to prime agricultural land but also land of lesser quality that is locally important. (1032)

Supporting Text (page 79)

- Clarify that where peat is present on a wind farm site, the matter should be fully investigated. (811)
- Clarify that the presence of peat on a wind farm site is not in itself a reason to refuse planning consent. (811)
- Provide additional explanation of the last sentence of Paragraph 1.1. in the Preamble to Policy ED10 (*"In order to take proper account of the terms of SPP, proposals for renewable energy developments, including proposals for wind energy development, will be required to accord with the objectives and requirements of policy ED9 rather than meet the requirements of this policy"*). (1032)
- Mention agricultural land of lesser quality that is locally important in Paragraph 1.2 in the Preamble to Policy ED10. (1032)
- Clarify what is meant by "deepest peat" in Paragraph 1.3. (1032)
- Make reference in Paragraph 1.3 to the land-use strategy and the importance of integrating land-use and statutory planning processes. (1032)
- Add references (signposts) to references and guidance of SEPA's The Development Plan Guidance Notes (Soils) document as part of the policy text. (1043 1 of 2)

Figure ED10a – Distribution Map (page 80)

- Figure ED10a should not be used to inform planning decisions (811)
- Figure ED10a should identify non-prime agricultural land of local significance. (1032)

APPENDIX 1 – Settlement Appraisal Methodology (page 190)

- Settlement Appraisal Methodology set out in Appendix 1, Part A, Stage II (page 190) should be amended to give less weight to prime quality agricultural land as a constraint in the southeast of the Scottish Borders. (982)

Summary of responses (including reasons) by planning authority:

IN RESPECT TO POLICY ED1, REPLACEMENT TEXT AS SUGGESTED BY CONTRIBUTOR NO. 883 AND THE INSERTION OF TEXT WITHIN THE 'KEY POLICIES TO WHICH THIS POLICY SHOULD BE CROSS REFERENCED' AS SUGGESTED BY CONTRIBUTOR NO. 1043 1 OF 2.

IN RESPECT TO POLICY ED4, INCLUDE A MINOR AMENDMENT TO THE WORDING AS SET OUT BELOW, IN RELATION TO COMMUNITY AND CULTURAL FACILITIES.

IN REPSECT TO POLICY ED5, INCLUDE A MINOR AMENDMENT TO THE WORDING IN RELATION TO THE SOUTH OF SCOTLAND ENTERPRISE AS SET OUT BELOW.

IN RESPECT TO POLICY ED7, INCLUDE REFERENCE TO POLICY IS8: FLOODING IN LIST OF 'KEY POLICES TO WHICH THIS POLICY SHOULD BE CROSS-REFERENCED" AT THE BASE OF THE POLICY.

IN RESPECT TO POLICY ED8, INCLUDE REFERENCE TO POLICY PMD2: QUALITY STANDARDS IN LIST OF 'KEY POLICES TO WHICH THIS POLICY SHOULD BE CROSS-REFERENCED" AT THE BASE OF THE POLICY.

IN RESPECT TO POLICY ED10, INSERT THE FOLLOWING CRITERION (D) INTO TEXT OF POLICY ED10, PAGE 81, BELOW EXISTING CRITERION C:

“D) THE DEVELOPMENT IS FOR EXTRACTION OF MINERALS WHERE THIS ACCORDS WITH OTHER POLICY OBJECTIVES AND THERE IS SECURE PROVISIONS FOR RESTORATION TO RETURN THE LAND TO ITS FORMER STATUS”.

ALL OF THE ABOVE CHANGES ARE CONSIDERED TO BE NON-SIGNIFICANT CHANGES ACCEPTABLE TO THE COUNCIL.

NO CHANGE TO POLICY ED3 AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

Policy ED1: Protection of Business and Industrial Land (883, 901, 1014, 1043 1 of 2)

- The overarching aim of the Scottish Government is to increase Sustainable Economic Growth. Scottish Planning Policy (SPP) (CD041) encourages planning authorities to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that could contribute to economic growth.
- The Strategic Development Plan (SDP) (CD001, para 93, page 33) requires that Local Development Plans maintain a supply of employment land allocations to meet changing demand and states that Local Development Plans should acknowledge and identify circumstances and locations in which non-conforming uses may be appropriate on strategic employment sites.
- Policy ED1 – Protection of Business and Industrial Land within the Proposed Local Development Plan seeks to establish a more simplified business/industrial land hierarchy comprising of two categories as opposed to the four categories contained within the current Local Development Plan 2016 (CD009, pages 33-37). The revised policy seeks to be more flexible in that it will rigorously safeguard high amenity business sites for Class 4 uses, however, it also recognises that there may be circumstances whereby high quality commercial activity may be acceptable as well as non-industrial business/employment generating uses if it enhances the quality of the business park as an employment location.
- Aside from the high amenity business sites, all other Business and Industrial sites should be predominantly Classes 4, 5 and 6. Development for other uses will generally be refused.
- The aim of the policy is to ensure that adequate supplies of business and industrial land are retained for business and industrial use and are not diluted by a proliferation of other uses. This policy must therefore be prescriptive in this respect.
- In response to the recommendation made by Contributor 612, the Council considers that a number of uses associated with renewable energy, manufacturing and storage for example, would potentially comply with the requirements of Policy ED1 in that it is possible they would fall within the Class 4, 5 and/or 6 use categories. The installation of small scale renewable uses within business and industrial sites which would not compromise the aim of the policy to ensure an adequate supply of business and industrial land policy would be encouraged and would be considered against Policy PMD1 – Sustainability of the Plan.
- The replacement text suggested by Contributor 883 is considered to be a non-significant change which is acceptable to the Council.

- In response to the questions posed by Contributor 1014, the Council can confirm that all Business and Industrial Sites contained within the current Local Development Plan 2016 were the subject of a review in consultation with the Council's Economic Development Service. All local sites have been retained as Business and Industrial Sites within the Proposed Local Development Plan with the exception of Riverside 8 (BSELK003) in Selkirk which has been upgraded to a High Amenity Business Site. It is the case that some of these sites are within operational use as business/industrial sites. The purpose of the Policy in this case, is to safeguard their continued use as such.
- The rewording proposed by Contributor 1014 is not considered to be appropriate. The re-allocation of business and industrial sites for alternative uses such as housing should be considered through the Local Development Plan site assessment and allocation process.
- In response to the modifications sought by Contributor 1043 1 of 2, the Council is of the view that the Contributor would be consulted during the process of any planning application(s) which are located within sites which are at flood risk. Furthermore, any such application(s) would be assessed against Policy IS8 - Flooding of the Plan which clearly refers to the Contributor's land use vulnerability guidance. The Council does not therefore consider that this modification is necessary. The Council would, however, agree with the insertion of 'Policy IS8 – Flooding' within the list of cross-referenced policies entitled 'KEY POLICIES TO WHICH THIS POLICY SHOULD BE CROSS REFERENCED' (page 56) at the end of Policy ED1 – Protection of Business and Industrial Land, as a non-significant change to the Plan.
- This policy approach received support for the most part through the Main Issues Report consultation period (CD158).
- For the aforesaid reasons, it is contended that Policy ED1 – Protection of Business and Industrial Land is suitable in its current form and should remain unchanged from that set out within the Proposed Local Development Plan.

Policy ED3: Town Centres and Shopping Development

Regeneration of Town Centres (122)

- Policy ED3 clearly sets out that the Council takes a town centre first approach and encourages town centre development over edge-of-centre and out-of-centre, therefore, it's felt no change is necessary. Matters of regeneration are covered within Policy ED5 – Regeneration which makes reference a number of initiatives that the Council has been involved to support town centres across the Borders. It also and sets out criteria to be met for the development of both allocated and non-allocated brownfield sites.

Supplementary Planning Guidance on Shop Fronts and Shop Signage (413)

- Comments noted. The existing Supplementary Planning Guidance on Shop Fronts and Shop Signage covers commercial units and does not make reference to converting shop frontages to other uses including retail. It may be as part of the next Local Development Plan Review, a set of guidelines or key considerations could be produced as town centres and their role continue to change.

Compliance with Scottish Planning Policy (806)

- Comments noted. The Council considers that Policy ED3 in its current form complies with Scottish Planning Policy (SPP) (CD041). The Council adopts the sequential 'Town Centre First' approach to site selection however it is acknowledged that not all town centres provide an opportunity to site a large retail unit such as a supermarket and associated facilities. Therefore the policy builds in an element of flexibility if specific criteria are met.
- It should be noted that criteria a), c), d) and h) were included in their current form within Policy ED3 during the previous Local Development Plan Examination in 2016 and were considered compliant with SPP by the Reporter.
- In relation to criteria a) and c) – the Contributor's comments are noted however it is not the purpose of the LDP to provide repetition of SPP and the content of SPP is a material consideration. It should be noted that the Council are not aware of this matter being an issue in practice.
- Criteria d) – The criterion in its current form discourages new out of town centre proposals which would significantly generate increased car usage. It is felt that this criteria is a key consideration and its intention is clear and therefore should not be changed.
- Criteria h) – It is not considered that criteria h) is inconsistent with SPP, the Council believe it is correct to make reference to brownfield sites. This criteria simply sets out the Council's wider policy objectives to bring brownfield sites back into use.
- Therefore the Council do not consider Policy ED3 to be inconsistent with SPP and do not see any justification for amending the criteria within the policy.

Policy ED4: Core Activity Areas in Town Centres (990)

- Comments noted. The Council is supportive of community and cultural facilities within the Scottish Borders and it is acknowledged that such facilities provide a valuable contribution to town centres however before locating them within a Core Activity Area various factors must be taken into account.
- Use Class 11 of The Town and Country Planning (Use Classes) (Scotland) Order 1997 includes a variety of community and cultural facilities such as cinemas, concert halls and casinos, not all of which would necessarily be appropriate in a Core Activity Area and may be better located elsewhere within the town centre. Consideration must also be given to residential amenity, as there are some community and cultural facilities which may have adverse impacts which must be taken into account.
- The changing role of town centres and Core Activity Areas is acknowledged and that they are also community and service centres. The use of the words "exceptional circumstances" are therefore perhaps too stringent a test. It is therefore acknowledged that community and cultural facilities could be accommodated within Core Activity Areas provided a case is submitted which demonstrates a positive contribution to the vitality and viability of the town centre is made
- Market forces will dictate the lifespan of any Core Activity Area use. The planning authority will judge the acceptability or otherwise of new proposals within these areas, giving consideration to matters such as footfall, vitality and viability. Determining planning applications for new uses in Core Activity Areas / towns centres requires consideration of a no of factors, many of which often conflict. The planning authority's sole consideration cannot be to protect community and cultural facilities and it is contended that the policy cannot therefore be amended as requested. However, impacts on existing uses will be considered on a case by case basis when planning application are submitted.

- Taking account of the above it is proposed that a minor wording change is made to the first sentence of paragraph 4 of the policy as follows:
Community and cultural facilities could be supported in certain circumstances where it can be demonstrated a positive contribution to the vitality and viability of the town centre is made. Residential development.....

Policy ED5: Regeneration (883)

- Comments noted. It is considered acceptable to update paragraph 14 of Policy ED5 to reflect that SOSE are now established and fully operational. Paragraph 1.4 should therefore be updated to read:
 - *South of Scotland Enterprise (SOSE) will continue this place based approach to drive the local economy of the Scottish Borders and the South of Scotland with the aim of enhancing the area to be more attractive to businesses, investors, visitors and residents.*

Policy ED7: Business, Tourism and Leisure in the Countryside (983)

- It should be noted that any planning application for a business, tourism or leisure development in the countryside would require to be assessed against relevant policies contained within the Plan, and not only the key policies to which specific policies such as ED7 should be referred to. (983, 1043 1 of 2)
- It is noted that the introductory text Policy PMD1: Sustainability states: “*All of the policies contained within the Plan should be read against Policy PMD1*”, this includes Policy ED7: Business, Tourism and Leisure in the Countryside. The aim of Policy PMD1 is to encourage economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place in accordance with Scottish Planning Policy. It is not to allow development at any cost. Furthermore, It should also be noted that page 70 of the Proposed Local Development Plan sets out the key policies to which Policy ED7 should be cross referenced, and goes further to state that: “*Many of the environmental policies will be relevant particularly those involving the protection of landscape assets*”. (983)
- The Council would have no major objections to the reference to the word “environment” being added to part a) within policy ED7 as proposed by the contributor, although it is contended that as stated above environmental considerations will clearly be addressed as part of the decision making process through other policy criteria tests within the Plan.
- Policy IS8: Flooding is intended to discourage development from taking place in areas which are, or may become, subject to flood risk. Where some level of risk may be acceptable, it also provides for development to be designed such as to minimise it. It is therefore considered that any future development proposal for a lodge/chalet that comes forward can be assessed satisfactorily in relation to flooding issues within the context provided by Policy IS8: Flooding. However, it is considered that Policy IS8 could be included within the list of policies that are cross referenced with Policy ED7 on page 70 of the Proposed Plan, this would constitute a non-significant change. (1043 1 of 2)

Policy ED8: Caravan and Camping Sites (1037)

- It is noted that contributor 983, NatureScot (CD183, page 451), supports the policy amendment that caravan and camping sites should also be subject to high standards of placemaking and design. It is also noted that Contributor 1043 1 of 2 - Scottish Environment Protection Agency supports the principle of Policy ED8.
- Policy ED8 sets out the criteria which applications for new or extended caravan and camping sites must meet. In addition, any application will also be assessed against other relevant policies contained within the Plan including Policy PMD2: Quality Standards which aims to ensure that all new development is of a high quality and respects the environment in which it is contained. It should also be noted that at the base of page 53 of the Proposed Local Development Plan it states that all applications will be considered against the Council's Supplementary Planning Guidance on Placemaking and Design. However, it is considered that Policy PMD2 could be included within the list of policies that are cross referenced with Policy ED8 on page 73 of the Proposed Plan, this would constitute a non-significant change. (1037)

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

It is noted that:

- Contributor 048 (Scottish Forestry) specifically cites Policy ED10 but does not identify any specific proposed revisions or additions that they would wish to see made to Policy ED10 or to any other part of the Proposed Local Development Plan. Instead, the representation is largely advisory, advising that the contributor is, in association with the Forestry Research Agency, currently revising its own guidance on woodland creation and retention of peat/organic soils. The contributor anticipates that this will "cut across" the LDP, but that there will also likely be synergies in approach and intention. It is noted that Scottish Forestry and Forestry Research Agency are revising their guidance on woodland creation and retention of peat/organic soils. No modifications to Policy ED10 or PLDP has been requested by this contributor or is otherwise suggested by the advice of this contributor. No modification or action required. (CD183, see page 18).
- Contributor 802 (Renewable Energy Systems) welcomes the clarifying statement in Paragraph 1.1 of the preamble to Policy ED10 and then in Policy ED10 itself, that this policy does not apply to renewable energy developments, which are instead to be assessed against the requirements of Policy ED9. No modification is sought to Policy ED10 or its preamble. Contributor considers that this useful statement could be applied elsewhere in LDP2 to remove any uncertainties about which policies in addition to Policy ED9, would be relevant to the consideration of a renewable energy proposal. The contributor appears to be referring specifically to Policy ED12, and goes on to raise these concerns directly in relation to that policy. These are most appropriately considered in relation to Policy ED12, and not in relation to Policy ED10, of which the contributor appears fully supportive, without applying any qualifications or seeking any amendments. No modification or action required relative to Policy ED10. (CD183, see page 65).

Renewable Energy Developments (802, 811, 1032)

- St. Boswells Parish Community Council (1032) advises that they consider that a better or fuller explanation of the last paragraph of Paragraph 1.1 is needed, but they do not advise as to any particular difficulty or specific issue with this description.

As such, it is difficult to respond to this concern, beyond merely noting that they have raised concerns about it. The Council is content that the explanation given is appropriate and does not consider that any addition or revision is necessary.

- Renewable Energy Systems (802) is content – and supportive – of the advice and exception made for renewable energy/wind energy proposals under Policy ED10. Indeed, their principle concern in raising the matter, appears to be in support of an ulterior recommendation that a similar approach is taken with respect to Policy ED12; which is considered in the Schedule 4 relating to that policy (Issue 12).
- Coriolis Energy (811) is concerned that a wind energy proposal could be refused in principle where the site coincides with an area designated either as Prime Quality Agricultural Land or as having Carbon Rich Soil. To this end, they seek assurances; clarification, if not revisions to Policy ED10; for the purpose of excluding the possibility that such a circumstance would automatically result in the refusal in principle of a wind energy/renewable energy development proposal.
- Both contributors 802 and 811 are wind energy developers and despite their different understandings and responses to the public consultation, are nonetheless understood to seek the same thing – the exclusion of renewable energy development proposals from assessment under Policy ED10. Since this is in fact directly stated and included as a provision within Policy ED10, it is considered that the concerns of both contributors are in fact met to their satisfaction. Therefore no modification is actually necessary to address their stated concerns. For clarity, in terms of the particular points raised by Coriolis Energy (811) and their request for clarification - or additional clarification - that Policy ED10, or its supporting map, Figure ED10a, would not in fact be used to refuse a renewable energy development proposal, it is not considered that any modification or addition along the lines suggested, is either necessary or reasonable where Policy ED10 includes explicit guidance that it is not to be applied to the assessment of renewable energy developments. No modification or action is required.

Minerals Developments (847)

- Contributor 847 proposes an additional, fourth, criterion to the list under Policy ED10, specifically: “*d) The development is for extraction of minerals where this accords with other policy objectives and there is secure provisions for restoration to return the land to its former status*”.
- Minerals development proposals are capable of being assessed under Policy ED12, which – further to a representation from NatureScot – also includes a presumption against peat extraction and other development likely to have an adverse effect on peatland and/or carbon rich soils within class 1 and 2 peatland areas. However, the proposed addition of proposed new Criterion d) into Policy ED10 - in so far as it accords with the advice and guidance of Paragraph 80 of Scottish Planning Policy (SPP) (CD041) - raises no concerns, should the Reporter consider that it ought now to be included within the provisions of Policy ED10 for the purpose of allowing for minerals developments, where appropriate, to be excepted from consideration under Policy ED10.

Southeast Scottish Borders (982)

- Messrs Mitchell and Burn (982) anticipate that the relatively greater amount of Prime Quality Agricultural Land in the southeast of the Scottish Borders would be liable to present a higher level of constraint to development than in other areas of the

Scottish Borders. They recommend the allowance of greater leeway to development in the southeast in certain circumstances; principally, small-scale development, development close to development boundaries and development proposals supported by an agricultural land classification assessment. In addition to modifications to the actual policy itself, they request that Settlement Appraisal Methodology set out in Appendix 1, Part A, Stage II (page 190) should be amended to give less weight to prime quality agricultural land as a constraint in the southeast of the Scottish Borders.

- National guidance – Paragraph 80 of SPP (CD041) – is clear that prime agricultural land should be conserved.
- Given that the purpose of Policy ED10 is to protect prime quality agricultural land as a valuable natural and economic resource within the region, it would be counterproductive to allow that that protection might be waived in the geographical area where it is most prevalent. Such a wide ranging and significant exception would have the effect of completely undermining the policy. It is to be borne in mind that the designation of Prime Agricultural Land is not itself relative in regional terms, but rather, is absolute in national terms. Therefore the prevalence of Prime Agricultural Land in a particular locality does not mean that it is therefore then more acceptably developed in that situation than it would be in an area where such land is comparatively rare. There is reasonably no basis to make the development of prime quality agricultural land in the southeast subject to any exceptional criteria; particularly where this would directly, significantly and negatively affect the operation of the policy.
- In addition, there is potential for any alternative wording to Policy ED10 for the purpose of allowing development that the contributor would like to see excepted (if not in fact, promoted and supported under Policy ED10), being in direct conflict with the intentions, if not the provisions, of other policies in the Plan, specifically Policy PMD4, Policy ED7 and Policy HD2.
- On a practical point, the contributor has also not provided any indication at all, of how terms such as ‘southeast’ or ‘small-scale’ would in fact be defined in practice, which would only add to the impracticalities of trying to operate their proposed revised policy.
- It is not clear what the Contributor intends by “an agricultural land classification assessment” other than that this would be some sort of independent assessment or report that a developer could commission and provide in support of their proposals. This being the case, it is therefore not clear what usefully or practically would be achieved, and the Council has neither the manpower nor finance to carry this out considering other pending work duties. Prime Agricultural Land is in any case, defined at a national level – not by the Council – so there would not be any opportunity for the Council and/or the developer to challenge the classification system, let alone agree that any particular area of land might reasonably be ‘downgraded’ to allow it to be developed.
- The contributor advises that the Settlement Appraisal Methodology set out in Appendix 1, Part A, Stage II (page 190) should be amended to give less weight to prime quality agricultural land as a constraint in the southeast of the Scottish Borders. This appears intended as another measure that the contributor perceives would be necessary to allow land in the southeast of the Borders to be developed. However, Appendix 1 is only describing the methodology of site selection, which reflects planning considerations set at national, strategic and local level. It is not per se, setting parameters or constraints in the way the Contributor appears to suppose that it does. However, even allowing that this might be interpreted as a request that

the methodology itself be amended, it is pertinent that Policy ED10 already and explicitly makes an exception for all proposals that relate to land allocated in the statutory development plan, which would in fact include any sites that had undergone selection within the methodology set out within Appendix 1, Part A. As such, any revision or deletion sought would not in fact affect their concern, which appears to relate to the assessment of planning applications not proposed allocations.

- Finally, it is considered that Policy ED10 already recognises appropriate exceptional circumstances and in terms that do allow developments that cannot be accommodated elsewhere, to be accommodated on such land when this is unavoidable or not unreasonable. As such, it is not considered that any revisions or modifications along the lines sought by Messrs Mitchell and Burn (982) should be made, and no modification or action is required to address their concerns.

Land of Lesser Agricultural Quality that is Locally Important (1032)

- St. Boswells Parish Community Council (1032) is in line with the advice of SPP with respect to their concern that account should be taken of the relative merits of land of lesser agricultural quality that is locally important within planning decisions.
- In terms of specific revisions sought, they would wish to see, firstly, the title of Policy ED10 amended to include reference to 'Land of Lesser Agricultural Quality that is Locally Important'; secondly, Figure ED10a amended to identify such land spatially; and finally, Paragraph 1.2 of the preamble text updated to include reference to this land. Although they do not state it, it is reasonably implicit that they would also consider that the text of Policy ED10 should be amended to include direct reference to 'land of lesser agricultural quality that is locally important', to afford it protection in the same or similar terms as the policy does for prime quality agricultural land.
- Notwithstanding, there is a practical difficulty as to how such locally important land is to be identified and designated for the purposes of interpreting a version of the policy written in these terms, in that such land is not defined and identified in these terms by the Crichton Institute in the same way that the latter defines Prime Agricultural Land, and such land would therefore have to be identified geographically and specifically by the Council. This would be a relatively resource intensive, long-term exercise which the Authority does not have the capacity to carry out at this time, particularly when considered against many other pending work and project commitments.
- Notwithstanding that this point does accord with the advice of SPP, it is not considered that this would be a particularly useful or necessary exercise at this time. Moreover, the version of Policy ED10 in the Plan, is that which is in the Adopted Scottish Borders Council Local Development Plan 2016 (CD009; please refer to page 60); and that which was supported at the Examination on the latter.
- Any issues or queries raised in relation to specific proposed developments with regard to locally important agricultural land, would be appropriately considered at the Development Management stage, on a case-by-case basis.
- Given that Paragraph 1.2 is expressly about prime quality land, and how this is defined, it is not considered that there is any need to mention or define other agricultural land.

"Deepest Peat" (1032)

- St. Boswells Parish Community Council (1032) does not specify what their precise concern is, with the use of the term 'deepest peat' in Paragraph 1.3.
- The concern may be for greater clarity in terms of how this would be determined, but in the context of a specific site, this is only reasonably understood in relative terms, and not as any absolute depth in metres. This would be addressed on a case by case basis at the planning application stage.
- It is not considered any clarification, or further clarification, is necessary on this point.

Land-use strategy and statutory planning processes (1032)

- The precise concern of St. Boswells Parish Community Council (1032) with respect to its concern that Paragraph 1.3 of the preamble text should refer to land-use strategy and the importance of integrating land-use and statutory planning processes, is not fully understood. However, the advice here seems fairly generic and adds little, if nothing, to the explanation of Policy ED10 and how this would be applied. It is not considered any clarification is necessary.

"Signposts" to SEPA's The Development Plan Guidance Notes (Soils) Document (1043)

- SEPA (1043 1 of 2) requests a modification; practically, an addition; to the supporting text of Policy ED10 to signpost references and guidance to its The Development Plan Guidance Notes (Soils) Document (CD200), but leaves the precise details both of what is signposted, how and where, to the discretion of the Council.
- While the Council appreciates SEPA's concern to reflect an up-to-date position in terms of their advice for applicants and developers, the Council maintains a concern that the Plan should not be burdened with having to provide updates of new guidance and advice from SEPA and other statutory consultees, particularly where this guidance does not directly relate to planning matters. SEPA itself, has the opportunity at the planning application stage, where it is a statutory consultee, to raise such issues relative to specific proposals and sites, and it is considered that this is the most appropriate place for it to draw such matters to applicants' attention. It must also be borne in mind that organisations such as SEPA regularly update their advice and guidance whereas the Plan relates to a longer time-frame. As such, the risk is that where such advice is set out in the Plan, it may become obsolete at a point in time before the Plan is superseded.

Reporter's conclusions:

Policy ED1: Protection of Business and Industrial Land (612, 883, 901, 1014, 1043)

1. In the period since the proposed plan was published, the new South of Scotland Enterprise Agency has become operational. I agree with the council's suggestion that the reference to the 'South of Scotland Economic Partnership' in paragraph 1.4 on page 52 should be replaced by 'South of Scotland Enterprise Agency'. A modification is recommended below.

2. The Scottish Environment Protection Agency (SEPA) has pointed out that the introduction of alternative uses on business and industrial sites may raise issues in relation to flood risk. SEPA initially sought a modification to include environmental

considerations in the wording of Policy ED1 and to add Policy IS8: Flooding to the list of cross-referenced policies on page 56 of the proposed plan.

3. The council agrees that Policy IS8 should be added to the list of cross-referenced policies but does not consider that environmental considerations should be covered in Policy ED1. SEPA has since confirmed that it is happy with this approach and is no longer seeking a change to the wording of Policy ED1.

4. As proposals in business and industrial sites may involve uses which are more vulnerable in flood risk terms, I agree that it would be appropriate to add Policy IS8 to the list of cross-referenced policies. A modification to this effect is recommended.

5. The council has explained that some proposals associated with renewable energy would potentially fall within classes 4, 5 or 6 of the Town and Country Planning (Use Classes (Scotland) Order 1997, as amended. Section 1 High Amenity Business Sites and section 2 Business and Industrial Uses of Policy ED1 set out the circumstances in which alternative uses would be appropriate. For example, where it would be ancillary or complementary or would provide a specific service for businesses. I consider that the wording of Policy ED1 already provides an element of flexibility which could apply to renewable energy. Furthermore, all policies in the plan are to be read against Policy PMD1: Sustainability which refers to “the efficient use of energy and resources, particularly non-renewable resources”. No modification is required.

6. The representation from Moorbrook Textiles (901) has been incorrectly summarised above and does not actually relate to the wording of Policy ED1. Instead, it states that the identification of two parts of allocation MPEEB007 in Peebles as a High Amenity Business Site is overly prescriptive. This matter is addressed in Issue 059: Peebles (Existing Allocations and Retail Sites). No modification to Policy ED1 is required.

7. Homes for Scotland (1014) considers that Policy ED1 should provide the flexibility to allow housing development where a site no longer has the potential to sustain its original use. Table 1 in the proposed plan sets out the existing and proposed business and industrial sites to which Policy ED1 applies. The council has indicated that this list of sites was informed by a review of the business and industrial sites contained within the current local development plan. This review would have allowed the council to exclude any site which it considered no longer has the potential to sustain its original use. I agree with the council that where land is specifically allocated for business and industry purposes, housing would not normally be appropriate. However, beyond the locations identified in proposed plan Table 1 (pages 53 and 54), there may be opportunities for housing development on sites currently or previously used for business and industry purposes, subject to relevant planning policies. No modification to Policy ED1 is required.

Policy ED3: Town Centres and Shopping Development (122, 413, 806)

8. The comments from the Architectural Heritage Society of Scotland (413) relate to supplementary guidance and are not seeking any change to the proposed plan.

9. Peebles and District Community Council (122) seeks more emphasis on development and regeneration of town centres. I agree with the council that Policy ED3 promotes a town centre first approach to shopping development and other uses which would generate significant footfall. It also states that the council will seek to develop and

enhance the role of town centres. The council also points to Policy ED5: Regeneration and its supporting text, which includes reference to the Scottish Borders Town Centre Regeneration Action Plan and other initiatives which focus on the development and regeneration of town centres. I do not consider that any changes are necessary to include more emphasis on development and regeneration of town centres in Policy ED3. No modification is required.

10. Aldi Stores (806) sought changes to the wording of the out of centre development section of Policy ED3 to bring it in line with Scottish Planning Policy (2014). As Scottish Planning Policy (2014) has now been replaced by National Planning Framework 4 (NPF4), we invited parties to comment on the implications of NPF4 for the points made in their original representation. This also provided the council with the opportunity to update its response to representations which were prepared prior to the adoption of NPF4.

11. Peebles and District Community Council (122) seeks restrictions on new developments of out of centre shopping and considers that this position is supported by NPF4.

12. Scottish Planning Policy (2014) paragraph 73 set out criteria for assessing out of centre development, including retailing. The equivalent policies in NPF4 (Policies 27 and 28) differentiate between retail proposals and other “uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces” (The non-retail uses are covered in Policy 27 only). NPF4 Policy 28 sets a stricter test for out of centre retail development than NPF4 Policy 27 does for other “uses which will generate significant footfall”.

13. The out of centre development section of proposed plan Policy ED3 does not differentiate between retailing and other forms of development. However, the representations submitted on this policy relate only to retail development. As the scope of the examination is limited to issues raised in unresolved representations, I have no remit to consider the need for modifications to Policy ED3 in relation to uses other than retail.

14. The changes to Policy ED3 sought in Aldi’s original representation (806) would provide support for out of centre development where specified criteria are met. Aldi does not consider that Policy ED3 should be re-written to reflect the wording of NPF4 Policy 28 at this advanced stage in the preparation of the local development plan. Instead, it suggests that the policy wording should be adapted to refer to policy intents and outcomes from NPF4 in relation to 20-minute neighbourhoods and improving the sustainability of shopping patterns.

15. The council’s initial response above does not recommend any modifications to Policy ED3. Apart from acknowledging that Scottish Planning Policy (2014) has now been superseded by NPF4, the council does not consider that any changes are needed to its response to representations on this matter.

16. Now that Scottish Planning Policy (2014) has been superseded by NPF4, there is no justification to amend the wording of proposed plan Policy ED3 to align with the provisions of the former.

17. The out of centre development section in proposed plan Policy ED3 provides a list of considerations that the council will have regard to, where relevant, in assessing applications for out of centre development, including retail proposals. NPF4 Policy 28 sets out a stricter test for retail development in out of centre locations than the considerations in proposed plan Policy ED3, starting from the premise that out of centre retail development will not be supported. The only exceptions are new, small scale neighbourhood retail development and shops ancillary to other uses in island and rural areas.

18. I find that, for retail proposals, the considerations for assessing out of centre development in Policy ED3 conflict with NPF4 Policy 28. In the interests of consistency with NPF4, I consider that Policy ED3 should be amended to make clear that these considerations do not apply to retail proposals. An additional first paragraph should be added to the out of centre development section of Policy ED3 to state that retail proposals in out of centre locations will be assessed in accordance with NPF4 Policy 28. A modification to this effect is set out below.

Policy ED4: Core Activity Areas in Town Centres (990)

19. The Theatres Trust (990) indicates that community and cultural facilities contribute towards the vitality and viability of town centres. Proposed plan paragraph 1.1 (page 62) states that the aim of core activity areas is to encourage public activity within the central parts of town centres. The council's response above explains that not all community and cultural facilities would necessarily be appropriate in core activity areas. However, it considers that the wording of Policy ED4 could be amended to make it less restrictive.

20. Policy ED3: Town Centres and Shopping Development includes community and cultural facilities in the list of uses which generate significant footfall and where a town centre location is preferred. However, I agree with the council that such uses would not necessarily always contribute to the vitality and viability of the town centre. The council's suggested modification to Policy ED4 would support community and cultural facilities within core activity areas where it can be demonstrated that the proposal would make a positive contribution to the vitality and viability of the town centre. I consider this approach to be appropriate and recommend a modification to this effect.

21. NPF4 Policy 31 c) and d) would apply to proposals that would result in the loss of an arts or cultural venue or are located within the vicinity of existing arts venues. There is no need for these clauses to be replicated in the local development plan. No further modification is required to Policy ED4 besides that mentioned in the paragraph above.

Policy ED5: Regeneration (883)

22. Consistent with the recommended change to Policy ED1, I agree that the wording of paragraph 1.4 on page 65 should be amended to reflect that South of Scotland Enterprise is now operational. A modification is recommended below.

Policy ED7: Business, Tourism and Leisure in the Countryside (983, 1043)

23. NatureScot (983) and SEPA (1043) requested that environmental considerations be added to the criteria set out in Policy ED7. SEPA is also seeking the inclusion of Policy IS8: Flooding in the list of cross-referenced policies on page 70 of the proposed plan.

24. The council agrees that Policy IS8 could be added to the list of cross-referenced policies but does not consider that environmental considerations should be covered in Policy ED7. As proposals for business, tourism and leisure development in the countryside may involve uses which are considered to be vulnerable in flood risk terms, I consider that it would be appropriate to add Policy IS8 to the list of cross-referenced policies.

25. Given the other criteria listed in the second part of Policy ED7, I consider the omission of environmental considerations to be an anomaly. This could be addressed by the inclusion of the word “environment” in criterion a), as suggested by NatureScot and supported by the council and SEPA. I recommend modifications below to address these matters.

Policy ED8: Caravan and Camping Sites (1037)

26. Policy ED8 requires that proposals “must be of the highest quality and in keeping with their local environment”. Further details on the council’s expectations in relation to high quality development is provided in Policy PMD2: Quality Standards. I agree with the council’s suggestion that Policy PMD2 Quality Standards should be added to the list of cross-referenced policies on page 73. A modification is recommended.

Policy ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils (048, 802, 811, 1032, 1043)

27. The representations from Scottish Forestry (048) and Renewable Energy Systems (802) are not seeking any modifications in relation to Policy ED10. Representation (802) wishes to see the statement that Policy ED10 does not apply to renewable energy replicated for other policies. However, it does not make clear which policies it is referring to. No compelling evidence has been provided to justify any modifications.

28. The representation from Coriolis Energy (811) relates to the following sentence in proposed plan paragraph 1.1 (page 79), “The policy seeks to prevent the permanent loss of prime quality agricultural land and carbon rich soils.” Representation (811) states that this sentence should be removed because the presence of peat on a wind farm is not in itself a reason to refuse planning permission.

29. Representation (811) incorrectly states that this sentence includes the words “Including proposals for wind farm development”. I consider the sentence as worded in the proposed plan to be consistent with NPF4 which also seeks to protect carbon-rich soils, restore peatlands, and minimise disturbance to soils (page 42). I agree that NPF4 Policy 5 (Soils) allows renewable energy development on peatland, carbon-rich soils, and priority peatland habitat. This is reflected in the last sentence of paragraph 1.1 (and the wording of Policy ED10 itself) which makes clear that proposals for wind energy development are to be assessed against Policy ED9 rather than ED10. I consider this approach to be compatible with NPF4 Policy 5. The comment about the map in the draft Peatland and Energy Policy Statement is not seeking any change to the proposed plan. No modifications to paragraph 1.1 are required in response to this representation.

30. The council has indicated that it is content for proposed plan paragraph 1.1 (page 79) to be amended to remove all references to Scottish Planning Policy and instead refer to NPF4 Policy 5. However, as there are no representations on this issue, I consider that the suggested modification would be outwith the scope of this

examination. It would be for the council to decide on appropriate consequential modifications following receipt of the examination report.

31. St Boswells Parish Community Council (1032) requests that Policy ED10 and its supporting text also apply to land of lesser agricultural quality that is locally important. NPF4 (page 42) requires local development plans to protect locally, regionally, nationally, and internationally valued soils, including land of lesser quality that is culturally or locally important for primary use. NPF4 Policy 5 b) also indicates that prime agricultural land and land of lesser quality that is culturally or locally important for primary use should be identified by the local development plan. On that basis the council now agrees.

32. Proposed plan Figure ED10a shows the location of prime agricultural land. Whilst the council would support a modification to the wording of proposed plan Policy ED10 to include reference to “land of lesser quality that is culturally or locally important for primary use”, it is not currently able to identify this land on a map. It hopes that the Scottish Government will provide guidance on how to identify such land for the purposes of interpreting NPF4 Policy 5.

33. The NPF4 glossary (page 164) provides the following examples of the term “primary use” - food production, flood management, water catchment management and carbon storage. It would be for the local development plan to identify locations within the Scottish Borders that are locally or culturally important for such uses. No evidence has been submitted which would allow me to do this through the examination. However, the council could address this matter through Supplementary Planning Guidance to assist the interpretation of Policy ED10.

34. In the interests of consistency with NPF4 Policy 5, I consider that the wording of proposed plan Policy ED10 should be amended to also apply to “land of lesser quality that is culturally or locally important for primary use”. A sentence should also be added to supporting paragraph 1.3 on proposed plan page 79 to indicate that further information on what constitutes “land of lesser quality that is culturally or locally important for primary use” in the context of the Scottish Borders will be provided in Supplementary Planning Guidance. Modifications to this effect are recommended below.

35. St Boswells Parish Community Council (1032) asks what is meant by the term “deepest peat” in proposed plan paragraph 1.3 (page 79). The council’s response above explains that this would be assessed on a relative basis in the context of a specific site. I understand this to mean that development should avoid the areas of deepest peat within a site. Proposals for development on peatland also need to be assessed against NPF4 Policy 5. This requires a detailed site-specific assessment of the impact of the proposal on peatland which would assist in identifying the areas of deepest peat within a site. I do not consider that a cross-reference to the Land Use Strategy for Scotland would assist the interpretation of Policy ED10. I conclude that the wording of paragraph 1.3 (page 79) is compatible with NPF4 Policy 5, and no modification is required.

36. The additional clause in Policy ED10 requested by the Scottish Government (847) would apply to the extraction of minerals on prime agricultural land (and now also land of lesser quality that is culturally or locally important for primary use) and carbon rich soil reserves. NPF4 Policy 5 b) supports the extraction of minerals on prime agricultural land and land of lesser quality that is culturally or locally important for primary use,

where there is secure provision for restoration and the layout and design of the proposal minimises the amount of protected land that is required. NPF4 Policy 5 does not provide support for the extraction of minerals on carbon rich soils.

37. The council would agree to a modification based on the wording in national policy. Rather than inserting a clause which would apply to both agricultural land and carbon rich soil reserves, I recommend that a separate penultimate paragraph be added to Policy ED10. In line with NPF4 Policy 5, this would state that proposals for mineral extraction on prime agricultural land or land of lesser quality that is culturally or locally important for primary use will be permitted where there is secure provision for restoration and the layout and design of the proposal minimises the amount of protected land that is required. A modification is recommended below.

38. Messrs Mitchell and Burn's representation (982) in relation to the allocation of a site at Birgham for housing and the reasons why it has not been included in the proposed plan are addressed in Issue 020: Birgham. The contributors also request an amendment to the wording of Policy ED10 to acknowledge that large parts of the Scottish Borders are classified as prime agricultural land, specifically in the southeast area, and to allow for small scale development, development adjacent to development boundaries, and development supported by an agricultural land classification assessment.

39. Proposed plan Figure ED10a (page 80) shows the extent and distribution of the main areas of prime agricultural land in the Scottish Borders. I do not consider there would be any benefit in providing a geographical reference to the location of prime agricultural land in the policy itself.

40. The protection of prime agricultural land (and also land of lesser quality that is culturally or locally important for primary use) is consistent with the section of NPF4 on soils (pages 42 - 43). Proposed plan paragraph 1.1 (page 79) indicates that in allocating sites for development, the council has aimed to avoid such land. However, Policy ED10 would support the loss of prime agricultural land for sites allocated for development in the plan. Policy PMD4: Development Adjoining Development Boundaries explains that the purpose of development boundaries is to indicate the extent to which towns and villages should be allowed to expand during the plan period. It would therefore not be appropriate to support "development adjacent to development boundaries", regardless of the quality of the agricultural land.

41. The Land Capability for Agriculture Maps are prepared nationally. It is not the role of the local development plan or the development management process to amend the agricultural classification of a site. Criterion c) of Policy ED10 already allows for small scale development where related to a rural business, and criterion b) would support proposals which meet an established need, and no other site is available. I find no justification to add to or amend the exceptional criteria included in Policy ED10, as requested in representation (982). No modification is required.

42. SEPA (1043) had requested that Policy ED10 be modified to include reference to its Development Plan Guidance Notes (Soils) as part of the policy. However, it has since indicated that it agrees with the council this guidance may become obsolete during the plan period. It now recommends that Policy ED10 is aligned with NPF4 Policy 5 on soils. SEPA has not identified any specific changes to proposed plan Policy ED10 which it considers necessary to bring it in line with NPF4 Policy 5. I have

considered the issues raised in representations within the context of NPF4 and, where necessary, recommended modifications to align with Policy 5 and its supporting text. Further changes that do not relate to issues raised in representations would be outwith the scope of this examination.

Reporter's recommendations:

Modify the local development plan by:

1. replacing "South of Scotland Economic Partnership (SOSEP)" with "South of Scotland Enterprise Agency" in paragraph 1.4 on proposed plan page 52.
2. adding "Policy IS8: Flooding" to the list of key policies on proposed plan page 56 to which Policy ED1: Protection of Business and Industrial Land should be cross-referenced.
3. replacing the first paragraph (before the list of considerations) in the out of town centre development section of Policy ED3: Town Centres and Shopping Development on proposed plan page 61 with:

"Retail proposals in out of centre locations will be assessed in accordance with NPF4 Policy 28. The Council will have regard to the following considerations, where relevant, in assessing applications for out of centre development other than retail proposals:"

4. replacing the first sentence of the fourth paragraph of Policy ED4: Core Activity Areas in Town Centres on proposed plan page 63 with:

"Community and cultural facilities could be supported in certain circumstances, where it can be demonstrated that the proposal would make a positive contribution to the vitality and viability of the town centre."

5. replacing paragraph 1.4 on proposed plan page 65 with:

"South of Scotland Enterprise (SOSE) will continue this place-based approach to drive the local economy of the Scottish Borders and the South of Scotland with the aim of enhancing the area to be more attractive to businesses, investors, visitors and residents."

6. replacing criterion a) in the second part of Policy ED7: Business, Tourism and Leisure Development in the Countryside on proposed plan page 69 with:

"a) the development must respect the environment and the amenity and character of the surrounding area."

7. adding "Policy IS8 Flooding" to the list of key policies on proposed plan page 70 to which Policy ED7: Business, Tourism and Leisure Development in the Countryside should be cross-referenced.

8. adding "Policy PMD2 Quality Standards" to the list of key policies on proposed plan page 73 to which Policy ED8: Caravan and Camping Sites should be cross-referenced.

9. adding the following new second sentence to paragraph 1.3 on proposed plan

page 79:

“Further information on what constitutes “land of lesser quality that is culturally or locally important for primary use” in the context of the Scottish Borders will be provided in Supplementary Planning Guidance.”

10. replacing the first paragraph of Policy ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils on proposed plan page 81 with:

“Development, except proposals for renewable energy development, which results in the permanent loss of prime agricultural land, land of lesser quality that is culturally or locally important for primary use, or significant carbon rich soil reserves, particularly peat, will not be permitted, unless:”

11. inserting the following new penultimate paragraph into Policy ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils on proposed plan page 81:

“Proposals for mineral extraction on prime agricultural land or land of lesser quality that is culturally or locally important for primary use will be permitted where there is secure provision for restoration and the layout and design of the proposal minimises the amount of protected land that is required.”

Issue 11	Economic Development Policies: Policy ED9: Renewable Energy Development	
Development plan reference:	Volume 1 Policies – Economic Development Policies: Policy ED9: Renewable Energy Development (pages 74-78)	Reporter: Alison Kirkwood
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Torwoodlee & Buckholm Estates Co Ltd (005) (2 of 2) Northumberland National Park Authority (027) Wind 2 Ltd (597) Fred Olsen Renewables Ltd (598) Scottish Renewables (612) Renewable Energy Systems (802) Coriolis Energy (811) SSE Renewables (817) Muirhall Energy Ltd (828) Belltown Power (836) NatureScot (983) Scottish Environmental Protection Agency (1043) (1 of 2)</p>		
Provision of the development plan to which the issue relates:	Economic Development Policy ED9	
Planning authority’s summary of the representation(s):		
<p><u>Torwoodlee & Buckholm Estates Co. Ltd (005) (2 of 2)</u></p> <ul style="list-style-type: none"> Contributor considers that locally-produced electricity used locally, should be encouraged and not batted away simply because the means of production might be seen. Contributor considers that renewable energy at all scales, from domestic micro to farm-scale MW, needs to be given a far higher profile, and should take precedence over minor considerations; particularly where proposals for solar PV and storage at field scale need to be close to settlements, as well as the grid. Contributor advises that these types of development will often be visible, but considers that the local use [of the energy generated] will make that view [their visibility; or this aspect of these proposals] more acceptable, even desirable. <p><u>Northumberland National Park Authority (027)</u></p> <ul style="list-style-type: none"> Contributor wishes to ensure that Policy ED9 should still allow for consideration of the impacts of proposed large wind farm schemes from sensitive receptors within the Northumberland National Park. <p><u>Wind 2 Ltd (597); Fred Olsen Renewables Ltd (598); and Muirhall Energy Ltd (828)</u></p>		

- The representations on behalf of these three contributors were prepared by the same agent, and, barring only some minor and largely insubstantial differences, are essentially the same text. Accordingly, it has been considered appropriate to group these three together for the purposes of this summary.
- Contributors note that Policy ED9 is set out in the same terms as the equivalent policy in the existing LDP, and they advise that it does not reflect the current policy position emerging at the national level in response to the new legislative provisions, and it should therefore be updated to address this.
- Contributors consider that the supporting text to Policy ED9, should be amended to acknowledge and give prominence to the climate emergency and net zero targets, including the role that the Scottish Borders must play in delivering these targets.
- Contributors advise that Paragraph 1.4 (page 74) of the introductory preamble text, refers to targets that have largely been superseded, and should be amended.
- Contributors seek the deletion at Paragraph 1.6 (page 75) of the advice that wind turbine applications are “*contentious*”. This is because they consider that this is not unique to wind turbine applications, and accordingly, it is therefore not necessary or helpful to single out wind turbine applications in these terms.
- Contributors seek deletion of advice at Paragraph 1.6 (page 75) that applications for turbines over 200m must be “*carefully scrutinised*” as well as assessing impacts from required lighting. They advise that no other type of land use development in the PLDP is referenced in this way, and consider it is evidence of a biased approach, which should be avoided. They express the hope that the Council would carefully scrutinise all planning applications and consider each case on its respective merits, including those for wind turbines.
- Contributors advise that continued reliance on the existing SG on Renewable Energy in the Proposed LDP, without this being subject to amendment and consultation, is not acceptable and reference to it within the Plan – including Policy ED9 – should therefore be removed. With regard to consultation, they advise that the SG was prepared, consulted upon and approved by Scottish Ministers on the basis that it was to support policies in the existing LDP, and cannot be rolled forward into the new LDP, since the Development Planning (Scotland) Regulations 2008 require SGs to be prepared to supplement already approved plans. (Without consultation on its inclusion, they advise, the 2018 SG cannot, by definition, meet these legal requirements for the purposes of the new LDP). They further advise that the assessment work is already over 4 years old, and the Onshore Wind Policy Statement (2017) makes it clear that there have been significant developments in turbine technology since the Ironside Farrar report was first prepared in 2013 and updated in 2016. The dated Landscape Capacity Study is, they conclude, of very limited, if any assistance, in the development of planning policy or determination of individual planning applications in today’s context. They recommend that references to the SG and supporting material, should now be deleted from the Plan in general, and from Policy ED9 in particular. It is added that there are new legislative provisions coming into force as a result of the new Planning Act, which would [in any case] see the cessation of the statutory basis of Supplementary Guidance.
- Contributors note that the section of draft Policy ED9 entitled ‘Consideration of Wind Energy Proposals’, lists various matters that will be considered in the assessment of individual applications. However, while they accept that these are potentially relevant factors, they consider that the policy should also recognise the benefits of renewable energy, and the contribution it can make to meeting net zero targets (at both a national and local level), and helping [to] address the Climate Emergency.

- Contributors anticipate that the policy may need to be updated once any proposed changes to the Spatial Planning policy approach to the siting of onshore wind developments is introduced by way of the draft and final NPF4.

Scottish Renewables (612)

- Contributor notes that Policy ED9 is in the same terms as the equivalent policy in the existing LDP, and advises that it does not reflect the current policy position and therefore should be updated.
- Contributor would like to see the supporting text to Policy ED9 amended to acknowledge, and give prominence to, the climate emergency and net zero targets, including the role that the Scottish Borders must play in delivering these targets.
- Contributor recommends that Paragraphs 1.1 and 1.4 are updated to record the fact that the Council has declared a Climate Emergency, and that renewable energy and gas replacement are identified as opportunities in the Scottish Borders to help address the Climate Emergency.
- Contributor advises that Paragraph 1.4 refers to targets that have largely been superseded, and recommends that these targets are updated to include reference to The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 which sets a legally-binding 'net-zero' target of all greenhouse gases by 2045 with interim targets for reductions of at least 56% by 2020, 75% by 2030, 90% by 2040.
- Contributor notes that as part of its declaration of a Climate Emergency, the Council has committed to targets at least as ambitious as the legally binding targets set by Scottish Government. Contributor recommends that where the Council sets itself more ambitious targets, this should be reflected in its planning decisions. Paragraph 1.4 should be amended to ensure Proposed LDP matches the Council's own ambitions.
- Contributor notes reference under Paragraph 1.6 to wind turbine applications being 'contentious'. They advise that developments of various types will prompt differing opinions, and this is not unique to wind turbines. Singling out one form of development in this way, they consider, is neither necessary nor helpful, and advise that the reference should therefore be deleted.
- Contributor seeks deletion from Paragraph 1.6 of reference to application for turbines over 200m being 'carefully scrutinised', and assessing impacts from lighting in relation to these. They consider that since the Council will carefully scrutinise all planning applications and consider each case on its merits, singling out wind turbine developments and [their] potential impacts (which may not be relevant to an application), is unnecessary. They advise that no other type of development in the Proposed LDP is considered in this manner.
- Contributor advises that the paragraph headed 'Supplementary Guidance' in Policy ED9 should be deleted from the policy. They advise that the function of statutory supplementary guidance was to provide further detail to policies within an existing Local Development Plan, and where prepared to accord with s.22 of the 1997 Act, it would be treated as forming part of the development plan (s.24(b) of the 1997 Act). However, Section 9 of the Planning (Scotland) Act 2019 means that s.22 of the 1997 Act will be repealed, such that it will no longer be possible to prepare statutory supplementary guidance. They advise that the statutory SG cannot outlive the development plan on which it is based, and will be superseded when the existing LDP is replaced by the Proposed LDP. It cannot, they advise, simply be rolled forward into a new development plan. They advise that while draft Policy ED9 purports to give the current SG development plan status, by incorporating it into the

policy, this approach – while it may have been considered appropriate where the SG was to form part of the development plan – is no longer available [to the Council] following the repealing of section 22 of the 1997 Act. They add that while it is always open to Planning Authorities to publish non-statutory supplementary guidance, the weight to be given to such supplementary guidance will be considered alongside other material considerations, and as the decision-maker sees fit. As such, they counsel, if the Council wishes its existing SG to be a material consideration, then it can refer to it in the supporting text, as it has done with Supplementary Planning Guidance prepared in December 2013 (see para 1.10 page 75). However, reference to it within the body of draft Policy ED9 is, they advise, not appropriate, and contrary to the 1997 Act (as amended).

- Contributor, and its members, do not support the continued reliance in the supporting text and in Draft Policy ED9 on the Landscape Capacity and Cumulative Impact Study prepared by Ironside Farrar, which is incorporated into the existing SG. This is because in general terms, they do not consider Landscape Capacity Studies (LCS) to be fit for purpose, advocating that they should be replaced by landscape sensitivity studies (LSS), noting that LCS are given very little if any weight, where applications are determined by Reporters. More specifically, they note that the particular LCS referenced here, was first prepared in 2013 and updated in 2016. They consider that it is therefore already dated, and should not be relied upon in an LDP that is intended to set development plan strategy until 2031.
- Notwithstanding that it disagrees with the potentially relevant factors identified, the contributor considers that the section of Draft Policy ED9 headed ‘Consideration of Wind Energy Proposals’, which lists various matters that will be considered in the assessment of applications, should also include reference to the contribution renewable energy can make to meeting net zero targets (at both a national and local level) and [its contribution] towards addressing the Climate Emergency; and reference the benefits of renewable energy as identified by the Council in its report of 25 September 2020.
- Contributor recognises that site restoration and decommissioning are both potentially material considerations within the assessment of wind energy proposals, but advises that the mechanisms used to address these issues are not matters that can properly be included in development plans. They advise that whether a condition and/or planning obligation is needed, is primarily a matter of law; and, as the Supreme Court has confirmed, planning policy cannot make lawful something that is unlawful. The use of planning conditions and/or planning obligations is a matter for individual planning applications, not a matter for the development plan.

Renewable Energy Systems (802)

- Contributor considers that LDP2 should be amended such that the impacts of, and adaptation to, climate change must be taken into account in all planning decisions; and seeks the inclusion of this advice within Paragraph 1.1 of the preamble text.
- Contributor considers that the final two sentences of Paragraph 1.2, should be deleted. They note that the penultimate sentence singles out onshore wind farm proposals as ‘particularly challenging’, in seeking to balance impacts of a development with renewable energy generation. They consider that this statement immediately and unfairly puts this type of development ‘on warning’, and notifies renewable energy developers that they may face difficulties in the planning process, when each application, regardless of the type of development, must be treated on its own merits. The final sentence advises of the need for consideration of alternatives,

which the contributor considers is a matter for the EIA process. They advise that this sentence sets renewable energy developments apart from other forms of development in policy terms, requiring an additional level of locational justification that is not grounded in national planning policy.

- Contributor wishes to see Paragraph 1.4 amended to remove any reference to the now outdated 2020 renewable energy targets; and updated with reference to the 2045 net zero greenhouse gas reduction target, and associated interim targets. They also wish to see acknowledgement of the recently published update to the Climate Change Plan 2018-2032, 'Securing a Green Recovery on a Path to Net Zero', which seeks to ensure that by 2032, there will be 'a substantial increase in renewable energy generation, particularly through new offshore and onshore wind capacity'.
- With regard to the advice of Paragraphs 1.5 and 1.11, the contributor disagrees that Policy ED9, 'remains robust' and provides a sound basis for determining a range of renewable energy applications. Contrary to this, and for reasons summarised below, they find that amendments to Policy ED9 are necessary, to ensure that this policy is fit for purpose for the duration of the lifetime of LDP2.
- Contributor seeks clarification with regard to the date of the Landscape and Cumulative Impact Study as this appears within the text of draft Policy ED9. There, it is attributed to November 2018, but on page 77, the same study is attributed to 2016.
- Contributor seeks the inclusion within Policy ED9 of, and a stand-alone policy for, provisions for the assessment of applications for the repowering or extension of existing wind farm sites. They consider that policy in these terms, should set a clear and unambiguous policy framework for the assessment of such applications, and moreover, reflect the Scottish Government's position at Paragraph 35 of the OWPS, of clear support in principle for repowering at existing sites. They consider, at the same time, that Policy ED9 should be amended to make it clear that the policy applies also to extensions to existing wind farm sites, as required by SPP paragraph 161.
- Contributor notes that other than as one of the assessment criteria for the consideration of wind energy proposals, Policy ED9 makes no specific reference to energy storage. However, they advise, energy storage proposals are increasingly being taken forward as stand-alone developments, and recommend Policy ED9 be widened in scope, to provide a supportive policy framework for assessing stand-alone energy storage schemes.
- Contributor seeks a clarification relative to the penultimate paragraph under the third and final heading, 'Consideration of Other Renewable Energy Developments', and specifically in relation to its reference to technologies 'that require a countryside location'. It is advised that since this is likely to apply to most forms of commercial scale renewable development, including large scale solar and onshore wind as well as the other fuels listed (e.g. bio fuels and biomass), it should be clarified that this paragraph is not to be applied to those other technologies that are already covered by the earlier parts of Policy ED9, specifically on 'Renewable Energy Development' and 'Wind Energy Proposals'. They suggest that any confusion in this respect, might be averted by amending the first line of the penultimate paragraph to the following effect: '*Proposals for renewable energy developments involving bio fuels, short rotation coppice, biomass or small scale hydro-power will be assessed ...*'.

Coriolis Energy (811)

- Contributor advises that Policy ED9 should be updated to reflect the Climate Emergency and that targets set out should be amended to include those which re set out in the Scottish Government's targets as set out Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. In particular, the contributor advises that the supporting text for the policy in Paragraphs 1.1 and 1.4, should be updated to reflect SBC's declaration of Climate Emergency and acknowledge the existing Scottish Government targets in respect of Greenhouse Gas emissions.
- Contributor considers Paragraph 1.5's advice that the policy was developed in the context of the extant Local Development Plan and "*remains robust*"/relevant should be deleted and the Policy updated to reflect the current situation re Renewable Energy development. Contributor provides additional advice on this latter point; as summarised below.
- Contributor seeks deletion of reference to wind turbine developments as "contentious" in Paragraph 1.6 on the basis that it is considered to be inappropriate and singles out wind turbine developments.
- Contributor seeks removal of reference to the extant Supplementary Guidance from the preamble text to policy.
- Contributor considers that it should be made clear that Policy ED9 is the primary policy for the consideration of wind energy development.
- Contributor considers that Policy ED9 should be reworded to be generally supportive of renewable energy developments, subject to detailed environmental consideration.
- Contributor advises that Policy ED9 should consider the potential for positive as well as negative effects, in accordance with Paragraph 169 of Scottish Planning Policy; and should reference the need for renewable energy in ensuring the Scottish Government's and Council's net zero targets are met.
- Contributor advises that within Policy ED9, there is no need to refer to planning conditions and obligations. These should only be considered with respect of individual applications and should not form part of development plan policy.
- Contributor considers that references to the Landscape Capacity Study and the Supplementary Guidance 2018 should be removed from the list of guidance following the policy.
- Taking account of all of the above, contributor proposes that Policy ED9 should be reworded as per their alternative version of the policy, to address all of the following points: (a) removal of heading "*Renewable Energy Development*" from the first line of the policy box text; (b) removal of word "*community*" from the last line of the first paragraph; (c) addition of reference to Paragraph 169 of SPP in second paragraph; (d) deletion of the entire sub-section entitled, 'Supplementary Guidance'; (e) within second bullet of section entitled 'Consideration of Wind Energy Proposals', removal of words "*and taking into account the report on Landscape Capacity and Cumulative Impact (November 2018)*" and their replacement with the following: "*the landscape and visual impact assessment for a proposal (which should demonstrate that it can be satisfactorily accommodated in the landscape)*"; (f) within second bullet of section entitled 'Consideration of Wind Energy Proposals', revise 'Scottish Natural Heritage' to 'Nature Scot'. (Notwithstanding that it raises concerns with respect to other matters within Policy ED9 as noted above, the contributor does not propose specific revisions to address these other stated concerns within its proposed alternative version of Policy ED9. They omit – as they acknowledge they omit – the very last section entitled 'Consideration of Other Renewable Energy Developments').
- Contributor advises that Policy EP7 largely relates to development which would directly impact a Listed Building and is not considered to be applicable to commercial wind farms. They therefore consider that renewable energy should not

be identified as a keep [key] policy for cross reference and request that Policy EP7 should be removed from the list of policies to be cross referenced with Policy ED9.

SSE Renewables (817)

- Contributor considers that Council should significantly update Policy ED9 to encompass the urgent and radical shift of policy required to support emissions reduction targets set by the Scottish Government.
- Contributor considers that Paragraph 1.1 on page 74, should be updated to include reference to the Scottish Government's emissions reductions targets as set out by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. They note that these are significant and legally binding commitments which must be central to planning policy.
- Contributor considers that there should be a statement at Paragraph 1.1 and at, or replacing Paragraph 1.4, which specifically acknowledges how SBC will contribute to achieving the ambitious and challenging national targets through the PLDP.
- Contributor advises that there should be a reference to the Scottish Government and SBC's declaration of a Climate Emergency, including a statement on how SBC will contribute to addressing the Climate Emergency through the Proposed LDP, and acknowledge this as an important material consideration in the determination of renewable energy developments.
- Contributor is disappointed by the level of ambition within PLDP, which they consider fails to respond to the declaration within the NPF4 Position Statement that: "*Climate change will be the overarching priority for our spatial strategy. To achieve a net zero Scotland by 2045 and meet the interim emissions reduction targets of 75% by 2030 and 90% by 2040, an urgent and radical shift in our spatial plan and policies is required*".
- Contributor considers that Paragraph 1.5 fails to acknowledge key developments and policy ambitions that have been announced by the Scottish Government since the current LDP was adopted. They consider that the PLDP does not set the necessary context or policy ambition required to address climate change over the lifetime of the plan.
- Contributor requests removal of the statement at Paragraph 1.6 that planning applications for wind turbines can be contentious and there are very strong and differing opinions on them, and the replacement of this by a general statement confirming the Council will follow national guidance in terms of determining applications and support development in appropriate locations.
- Contributor advises that Paragraph 1.6 should be updated to recognise the need for taller turbines to meet climate change targets.
- Contributor requests revision to Paragraph 1.8, specifically to remove reference to the existing spatial framework for onshore wind, based on existing SPP, since this is likely to be superseded early in the plan period. Instead, they wish to [see] a policy position which considers proposals for onshore wind development on the basis of site specific assessments, to align the emerging policy with the significant changes to national policy on climate change, renewable targets and the green recovery.
- Contributor notes reference at Paragraph 1.8 to the Ironside Farrar Landscape Capacity and Cumulative Impact study published in November 2018, but believes Landscape Capacity Study are no longer a sensible or credible tool for assessment, notwithstanding – they explicitly advise – that their use is in line with the current guidance from NatureScot. However, despite this, they consider that assessment in relation to such guidance is outdated and no longer acceptable in the current

political climate. Instead, they consider, the Council should adopt a policy based upon the merits of individual projects to be more supportive, and allow the scale of development required to meet climate change targets. Accordingly, they consider, reference to Landscape Capacity Studies should be removed from the plan, and replaced with a reference to assessment of landscape sensitivity on a site specific basis, where reference is to consideration of landscape sensitivity for development, and not the capacity of a landscape to accommodate a certain turbine typology.

- With regard to Paragraph 1.10, contributor considers it inappropriate to continue to refer to the Supplementary Planning Guidance (SPG) from December 2013, due to the age of the guidance and the current lack of subsidy making this scale of development no longer feasible. As such, contributor seeks removal of reference to this guidance from the Proposed LDP.
- Contributor does not agree with the statement at Paragraph 1.11 that Policy ED9 and associated SG, forms a sound basis for determining renewable energy applications, and objects to Policy ED9 in its current form. They seek that Policy ED9 should be amended as per specific points they raise.
- Contributor advises with regard to Policy ED9 that since the existing spatial framework for onshore wind based on existing SPP, is likely to be superseded early in the plan period, reference to the existing spatial framework should now be removed in favour of a policy position which considers proposals for onshore wind development on the basis of site specific assessments. This, they advise, will align with emerging policy, and the significant changes to national policy on climate change, renewable targets and the green recovery.
- Contributor seek removal of all reference to the SG on Renewable Energy 2018 and existing SPP policies from the Policy ED9, on the basis that while the Council's SG on Renewable Energy 2018, is based on Paragraph 169 of SPP (2014), the SPP is due to be superseded by NPF4 in 2022. Further, they advise, the Scottish Government has made it clear through the recent publication of the NPF4 Position Statement that updating this spatial framework will be a priority policy change within NPF4. This, they reason, is likely to include a significant revision of Paragraph 169 to take into account the urgent and radical shift in policies required to address the Climate Emergency.
- Contributor seeks the rewriting of Policy ED9 to reflect their position which is that this should not refer to assessment in terms of landscape capacity but refer instead, to the merits of individual projects. This they consider, would be more supportive, and would allow the scale of development required to meet climate change targets.
- With regards to the criteria for the consideration of wind energy proposals under Policy ED9, the contributor considers that reference to the onshore spatial framework should be removed. They advise that this is because updating the current spatial framework for onshore wind is listed as a priority policy change within the NPF4 Position Statement, and the existing spatial framework for onshore wind (based on existing SPP) is therefore likely to be superseded early in the plan period. Reference to the spatial framework should, they consider, be removed in favour of a policy position which considers proposals for onshore wind development on the basis of site specific assessments. This they advise, would align the Proposed LDP policy with the significant changes to policy at national level.
- Contributor considers that reference in Policy ED9 to the Landscape Capacity and Cumulative Assessment, should be removed from the criteria list and replaced with a reference to assessment of landscape sensitivity on a site specific basis. They advise that the Landscape Capacity and Cumulative Impact report was published in November 2018 – prior to declaration of the Climate Emergency and prior to the net-

zero target – and as such, they consider, is now out-of-date in terms of modern turbine scales and the prevailing national policy position. The policy does not, they advise, take into account the significant legislative and regulatory changes which have occurred since 2018, and there is now a demonstrably greater need for further renewable energy developments than there was at the time that the study was published. The continued relevance of the Landscape Capacity and Cumulative Assessment over the Proposed LDP period, is therefore, they find, highly questionable, and reference to it should be removed. They consider that reference to consideration of landscape sensitivity for development, as opposed to capacity of a landscape to accommodate a certain turbine typology, would be a more appropriate policy framework and support the scale of development required to meet climate change targets.

- Contributor considers that Policy ED9 should be expanded to confirm support in principle for repowering/lifetime extensions for existing renewable onshore wind schemes, and that the policies set out in the SG with respect to repowering should be superseded. They advise that this is to reflect the NPF4 Position Statement's confirmation that a key potential policy change going forward, would be: "*strengthening ... support for re-powering and expanding existing wind farms.*" The contributor advises that existing repowering policy as set out in the SG on Renewable Energy 2018, does not set out the required support for the repowering of existing wind farms which will be required to meet net-zero targets, or to ensure that existing capacity is not lost.
- Contributor seeks amendment of Proposed Local Development Plan to reflect national Climate Change policy and the emerging policy position of NPF4. They encourage the Council to see this as an opportunity to lead the way on planning policy which can contribute to net-zero targets, rather than waiting for the formal publication of NPF4. They advise that the Climate Emergency needs action now, and therefore awaiting the publication of further guidance from the Scottish Government is not considered an acceptable policy position for the Council.
- Contributor also strongly recommends that the Council reassess its policy regarding onshore wind. They advise that they are committed to onshore wind as the lowest-cost new-build electricity generation in Scotland, and would welcome a similar commitment from the Council. Creating a positive planning policy position which is supportive of renewable energy development, they advise, will contribute to sustainable economic growth in the Scottish Borders and make a significant contribution to achieving national emissions targets for Scotland.

Belltown Power (836)

- Contributor advises that Policy ED9: Renewable Energy Development, does not reflect the current policy position and should be updated.
- Specifically, contributor advises, there is no reference to the climate emergency declaration or the 50% of energy by 2030 or net zero by 2045 targets, all of which are recommended to be included and furthermore [advice to the effect that] developments which support these goals shall be supported.
- Contributor advises that the Landscape and Capacity study contained within the SG is outdated, and does not reflect the latest guidance or renewable technology. The SG should, they advise, therefore now be removed from this Policy. They consider that it is not appropriate to roll over this guidance from the previous LDP in lieu of an updated version being available.

NatureScot (983)

- Contributor notes the reference to heat networks and the effective use of renewables at Paragraph 1.3 of Policy ED9, and reminds that their MIR response highlighted the opportunities of multi-functional infrastructure networks. They reiterate their offer and interest in being part of a collaborative approach to develop principles for heat networks in the Scottish Borders.

Scottish Environmental Protection Agency (1043) (1 of 2)

- Contributor advises that in order to meet the energy efficiency requirements and targets set by the Scottish Government, renewable energy needs to be generated and used by new developments. New developments need to be designed to incorporate district heating. Where substantial new developments are planned, the opportunity arises for providing a heat network within the site and for this to be required and designed in at the earliest stages. New developments have a role to play in not only establishing and creating these networks, but also in connecting to networks to make use of heat that is being captured. It is critical for emerging LDP policy to support development of decarbonised heat and energy systems to contribute towards meeting the objectives of Scottish Government for net zero emissions of all greenhouse gases by 2045 (75% by 2030). Energy efficiency will be a significant contributor to this, but the design of new developments to incorporate low and zero carbon heat will also be important. The Proposed Local Development Plan identifies planning policy and allocations for sites that will be developed beyond 2024, and it is therefore imperative that the LDP policy accurately reflects the extant and emerging Scottish Government position relating to heat and energy.
- At the MIR stage, the contributor advises that they set out three requirements relating to low carbon energy distribution and district heating networks, which they do not see reflected in the proposed plan. In line with their Development Plan Guidance on Sustainable Resource Use and Energy, they therefore seek the incorporation of specific modifications. These modifications are summarised below.
- Contributor requires that further specific information is included in the text of Policy ED9 which supports the construction of low carbon energy distribution, district heating networks. Alternatively, it suggests a new policy which specifically outlines the Council's support, and information requirements for district heating proposals.
- Contributor requires this insertion to Policy ED9 or new policy, to outline a requirement for substantial new development (they specifically mention new towns, urban extensions, large regeneration areas and large development sites subject to master planning) to connect to an existing or proposed district heating network, or to provide a heat network within the site. They advise an element of judgement is needed with respect to the interpretation of this requirement in policy, taking account of factors such as location, support from the local authority and 'buy in' from developers.
- Contributor further requires text within this policy to require that new developments located adjacent to existing or proposed new heat networks or heat supplies, should be designed to be capable of connecting to that heat supply. They suggest this could include incorporating space to be safeguarded for future pipework/pipe-runs within developments, incorporating grass/green corridors along footpaths or roads, which could be excavated for installing heat network pipes without significant disturbance, and ensuring the new infrastructure does not obstruct the development of planned heat network and district heating systems.

- Contributor notes that the Renewable Energy Supplementary Guidance and background text to the policy do provide some coverage of these matters, but they consider that, in order to anchor the policy commitment for such networks, the Council's support and requirements in relation to District Heating and Heat Networks must be embedded within the relevant policy wording.

Modifications sought by those submitting representations:

Policy ED9 – Policy text (pages 76 to 78)

- Update/revise/replace Policy ED9 to reflect the emerging national planning policy position with respect to addressing the Climate Emergency and recognising the Council's own declaration of a climate emergency, specifically by stating explicitly that: (a) the Council has committed to achieving net zero emissions targets at least as ambitious as the legally binding targets set by Scottish Government; and that (b) renewable energy development that can help meet the Scottish Government's and Council's net zero emissions targets (where the latter are more ambitious), will be supported subject to detailed environmental consideration. (597, 598, 612, 802, 811, 817, 828, 836)
- Reword/rewrite Policy ED9 to accord more closely with Paragraph 169 of Scottish Planning Policy (2014). (811)
- Add text to clarify that Policy ED9 is the primary policy for the consideration of wind energy development. (811)
- Remove heading "*Renewable Energy Development*" from first line of the policy. (811)
- Remove word "*community*" from last line of the first paragraph. (811)
- Add words "*and Paragraph 169 of SPP*", to end of first line within second paragraph of policy. (811)
- Remove or revise first line within second paragraph to remove reference to Scottish Planning Policy (2014) including Table 1: Spatial Frameworks, in anticipation of this being superseded by National Planning Framework 4. (597, 598, 817, 828)
- Replace first line of second paragraph in Policy ED9 with advice that proposals for onshore wind development will be assessed on the basis of site specific assessments; and more generally, delete from Policy ED9, all references to existing SPP in favour of a policy position which considers proposals for onshore wind developments on the basis of site specific assessments. (817)
- Delete from Policy ED9, the entire sub-section entitled, 'Supplementary Guidance'. (597, 598, 612, 811, 817, 828, 836)
- Within sentence denoted by second bullet of section entitled 'Consideration of Wind Energy Proposals', delete reference to "*report on Landscape Capacity and Cumulative Impact (November 2018)*" (597, 598, 612, 811, 817, 82, 836)
- Within sentence denoted by second bullet of section entitled 'Consideration of Wind Energy Proposals', delete phrase "*and taking into account the report on Landscape Capacity and Cumulative Impact (November 2018)*" and replace with: "*the landscape and visual impact assessment for a proposal (which should demonstrate that it can be satisfactorily accommodated in the landscape)*" or similar text which promotes assessment of landscape and visual impacts of onshore wind proposals in terms of landscape sensitivity on a site specific basis. Council is urged to get ahead of, and lead, national policy position on assessment of wind farm proposals, notwithstanding where NPF4 is, in its process at the time of the adoption of the Local Development Plan. (811, 817)

- Within second bullet of section entitled 'Consideration of Wind Energy Proposals', revise 'Scottish Natural Heritage' to 'Nature Scot'. (811)
- Delete reference to site restoration and decommissioning within the bullet-pointed list of considerations to be taken into account within the 'Consideration of Wind Energy Proposals' Section. (612)
- Delete reference to planning conditions and obligations within the bullet-pointed list of considerations to be taken into account within the 'Consideration of Wind Energy Proposals' Section. (811)
- Amend or augment the list of requirements under 'Consideration of Wind Energy Proposals' to include having positive regard to the benefits of renewable energy and the contribution it can make to meeting net zero targets (at both a national and local level) and helping address the Climate Emergency. (597, 598, 612, 811, 828)
- Amend or augment the list of requirements under 'Consideration of Wind Energy Proposals' to require consideration of impacts from large wind farm proposals from sensitive receptors in the Northumberland National Park. (027)
- Add new section and/or new policy to guide assessment of planning applications for extending, repowering or extending lifetimes of existing windfarms in line with SPP, Paragraph 161. (802, 817)
- Add new section and/or new policy to guide assessment of planning applications for energy storage. (802)
- Add clarification at penultimate paragraph under heading 'Consideration of Other Renewable Energy Developments' that this particular section does not apply to the assessment of those proposals that are covered under the previous sections of the policy, specifically wind energy proposals. It is recommended that this might be addressed specifically, through amendment of the first line of the penultimate paragraph to the following effect: '*Proposals for renewable energy developments involving bio fuels, short rotation coppice, biomass or small scale hydro-power will be assessed...*'. (802)
- Amend or augment 'Consideration of Other Renewable Energy Developments' section to the effect that within the consideration of planning applications for solar PV and storage at field scale, little or no regard will be had to these schemes' visibility or visual impacts, where the electricity they generate is used in the local area. (005 – 2 of 2)
- Add new section or new policy to promote and assess low carbon energy distribution, district heating networks, and the effective use of renewables within these whenever such opportunities are possible, but particularly with respect to any significant scale of new development, such as a new town or larger urban extension. (983, 1043 - 1 of 2)
- Remove reference to the Supplementary Guidance on Renewable Energy (2018) and Landscape Capacity Study (2016) from the list of guidance following the policy. (811)
- Ensure consistency in date given to Landscape Capacity Study which is 2016 in the list on page 77 but elsewhere attributed to November 2018. (802)
- Remove Policy EP7 from the list of policies to be cross referenced with Policy ED9 on page 77 (811).

Policy ED9 – Supporting Text (pages 74 to 75)

- Update/revise/replace introductory text of Policy ED9 to reflect the current and emerging national planning policy position with respect to addressing the Climate Emergency, meeting net zero emissions targets and promoting renewable energy

generation as a way to achieve these targets, including in being generally supportive of renewable energy developments subject to detailed environmental consideration, and having positive regard to, and giving considerable weight to, the need for renewable energy developments to help meet the Scottish Government's and Council's net zero targets, and recognising in particular, the Council's role and responsibility in helping to deliver these targets. (597, 598, 612, 811, 817, 828, 836)

- Update/revise/replace introductory text of Policy ED9 at Paragraphs 1.1 to 1.4 inclusive, to record the fact that the Council has declared a Climate Emergency and that renewable energy and gas replacement have been identified as opportunities for the Council to help address the Climate Emergency. (612, 811, 817)
- Revise/Update Paragraph 1.1 to advise that the impacts of, and adaptation to, climate change must be taken into account in all planning decisions. (802, 817).
- Revise/Update Paragraph 1.1 to include reference to Scottish Government's emissions reductions targets as set out by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, noting that these are significant and legally binding commitments which must be central to planning policy. (817)
- Revise/Update Paragraph 1.1 to advise how Council will contribute to achieving ambitious and challenging national targets through the Proposed Local Development Plan. (817)
- Delete last two sentences of Paragraph 1.2. (802)
- Add text at Paragraph 1.3 to support and promote multi-functional heat networks, and the effective use of renewables in this context, whenever such opportunities are possible. (983)
- Remove reference at Paragraph 1.4 to now superseded national targets, and update with the current ones (597, 598, 612, 802, 811, 828), including reference to The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 which sets a legally-binding 'net-zero' target of all greenhouse gases by 2045 with interim targets for reductions of at least 56% by 2020, 75% by 2030, 90% by 2040. (612, 811)
- Insert acknowledgement at Paragraph 1.4 of update to Climate Change Plan 2018-2032, 'Securing a Green Recovery on a Path to Net Zero', referencing its aspiration to ensure that by 2032, there will be 'a substantial increase in renewable energy generation, particularly through new offshore and onshore wind capacity'. (802)
- Revise text at Paragraph 1.4 to advise that as part of its declaration of a Climate Emergency, the Council has committed to targets at least as ambitious as the legally binding targets set by Scottish Government, and where the Council sets itself more ambitious targets, this will be reflected in its planning decisions. (612)
- Revise/Update Paragraph 1.4 to advise how Council will contribute to achieving ambitious and challenging national targets through the Proposed Local Development Plan. (817)
- Delete Paragraph 1.5 or at least justification for retaining Policy ED9 in form in which it was incorporated into 2016 Local Development Plan, including removing specifically, the advice that the policy in this form, "*remains robust*". (802, 811)
- Revise/update Paragraph 1.5 to acknowledge key developments and policy ambitions that have been announced by the Scottish Government since the current LDP was adopted, to set the necessary context and policy ambition required to address climate change over the lifetime of the plan. (817)
- Remove and revise Paragraph 1.6 to remove the mention and suggestion that wind turbine applications are "contentious" and require to be "carefully scrutinised" in any way that is over and above any other type of planning application that might come before the Planning Authority; this includes assessment of impacts from lighting. (597, 598, 612, 802, 811, 817, 828)

- Replacement of, or revision to, Paragraph 1.6 to advise that the Council will follow national guidance in terms of determining applications and support development in appropriate locations. (817)
- Update Paragraph 1.6 to recognise need for taller turbines to meet climate change targets. (817)
- Removal of references at Paragraphs 1.7 to 1.11 inclusive, of Supplementary Guidance on Renewable Energy. (597, 598, 612, 811, 828, 836)
- Removal of references at Paragraphs 1.7, 1.8 and 1.11, to report on Landscape Capacity and Cumulative Impact (November 2018) (597, 598, 612, 811, 817, 828, 836)
- Revise Paragraph 1.8 to remove reference to existing spatial framework for onshore wind, based on existing SPP, replace with a policy that considers onshore wind development on the basis of site specific assessments to align with emerging national policy. (817)
- Delete reference at Paragraph 1.10 to Supplementary Planning Guidance (SPG) from December 2013. (817)
- Delete second last sentence of Paragraph 1.11., including advice that Policy ED9 and SG form “a sound basis” for determining renewable energy planning applications. (802, 817)

Summary of responses (including reasons) by planning authority:

NO CHANGES TO POLICY ED9 – RENEWABLE ENERGY DEVELOPMENT, PAGES 76-78, AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN, WITH THE EXCEPTION OF THE FOLLOWING, WHICH ARE CONSIDERED TO BE NON-SIGNIFICANT CHANGES ACCEPTABLE TO THE COUNCIL:

- DELETE FIRST SUBHEADING ‘RENEWABLE ENERGY DEVELOPMENT’ BELOW MAIN TITLE (POLICY ED9: RENEWABLE ENERGY DEVELOPMENT) ON PAGE 76.
- SUBSTITUTE THE ENTIRE SUBSECTION ENTITLED ‘SUPPLEMENTARY GUIDANCE’ ON PAGE 76 WITH THE FOLLOWING TITLE AND TEXT–
“SUPPLEMENTARY PLANNING GUIDANCE
THE COUNCIL’S SPG [FORMER SG] ON RENEWABLE ENERGY 2018 SETS OUT THE DETAILED POLICY CONSIDERATIONS AGAINST WHICH ALL PROPOSALS FOR WIND ENERGY AND OTHER FORMS OF RENEWABLE ENERGY WILL BE ASSESSED, BASED ON THOSE CONSIDERATIONS SET OUT AT PARAGRAPH 169 OF SCOTTISH PLANNING POLICY 2014 (SPP). THE SPG CONFIRMS THE ONSHORE SPATIAL FRAMEWORK AS REQUIRED BY SPP, IDENTIFYING AREAS WHERE WIND FARMS WILL NOT BE ACCEPTABLE, AREAS OF SIGNIFICANT PROTECTION, AREAS WITH POTENTIAL FOR WIND FARM DEVELOPMENT, AND INDICATES THE MINIMUM SCALE OF ONSHORE WIND DEVELOPMENT THAT THE FRAMEWORK APPLIES TO.”
- SUBSTITUTE THE ENTIRE SECOND BULLET POINT UNDER TITLE ‘CONSIDERATION OF WIND ENERGY PROPOSALS’ ON PAGE 76, WITH THE FOLLOWING TEXT–
“LANDSCAPE AND VISUAL IMPACTS, TO INCLUDE EFFECTS ON WILD LAND, AND TAKING INTO ACCOUNT THE REPORT ON LANDSCAPE CAPACITY AND CUMULATIVE IMPACT (NOVEMBER 2016) AS AN INITIAL REFERENCE POINT, THE LANDSCAPE AND VISUAL IMPACT ASSESSMENT FOR A PROPOSAL (WHICH SHOULD DEMONSTRATE THAT IT CAN BE SATISFACTORILY ACCOMMODATED IN THE LANDSCAPE, AND SHOULD PROPERLY ADDRESS THE ISSUES RAISED IN THE 2016 REPORT), AND OTHER RELEVANT

LANDSCAPE, VISUAL AND CUMULATIVE IMPACT GUIDANCE, FOR EXAMPLE THAT PRODUCED BY NATURESCOT;”.

NO CHANGES TO THE SUPPORTING TEXT FOR POLICY ED9 – RENEWABLE ENERGY DEVELOPMENT, PAGES 74-75, AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN, WITH THE EXCEPTION OF THE FOLLOWING, WHICH ARE CONSIDERED TO BE NON-SIGNIFICANT CHANGES ACCEPTABLE TO THE COUNCIL:

- SUBSTITUTE THE ENTIRE TEXT FOR PARAGRAPH 1.1, PAGE 74, WITH THE FOLLOWING TEXT –
“NATIONAL PLANNING POLICY AND GUIDANCE PROMOTES AND SUPPORTS RENEWABLE ENERGY TO FACILITATE THE TRANSITION TO A LOW CARBON ECONOMY. EMERGING NATIONAL PLANNING POLICY AND GUIDANCE SEEKS TO GO FURTHER: THE ACHIEVEMENT OF NET ZERO GREENHOUSE GAS EMISSIONS BY 2045. THE CLIMATE CHANGE (SCOTLAND) ACT 2009 REQUIRES ALL PUBLIC BODIES TO CONTRIBUTE TO THE ACHIEVEMENT OF NATIONAL EMISSIONS REDUCTION TARGETS AND IMPOSES A DUTY TO DELIVER THE GOVERNMENT’S NATIONAL CLIMATE CHANGE ACTION PROGRAMME. MORE RECENTLY, THE CLIMATE CHANGE (EMISSIONS REDUCTION TARGETS) (SCOTLAND) ACT 2019 HAS SET A LEGALLY-BINDING TARGET FOR SCOTLAND OF NET ZERO EMISSIONS OF GREENHOUSE GASES BY 2045; WITH INTERIM TARGETS TO BE MET ON THE ROAD TO NET ZERO, OF AT LEAST 56% BY 2020; 75% BY 2030; AND 90% BY 2040. THE NEED TO MITIGATE THE CAUSES OF CLIMATE CHANGE AND THE NEED TO ADAPT TO ITS SHORT AND LONG TERM IMPACTS SHOULD BE TAKEN INTO ACCOUNT IN ALL DECISIONS WITHIN THE PLANNING PROCESS. BURNING FOSSIL FUELS IS A MAJOR CONTRIBUTOR TO GREENHOUSE GAS EMISSIONS AND REDUCING THEIR USE AND INCREASING THE PROPORTION OF POWER GENERATED FROM RENEWABLE ENERGY SOURCES IS SUPPORTED BY THE GOVERNMENT AS A VITAL PART OF REDUCING THESE EMISSIONS. THE GENERATION OF RENEWABLE ENERGY ALSO SUPPORTS THE TRANSFORMATIONAL CHANGE TO CREATING A NET ZERO EMISSIONS ECONOMY AND HELPS TO INCREASE SUSTAINABLE ECONOMIC GROWTH.”.
- SUBSTITUTE THE ENTIRE TEXT FOR PARAGRAPH 1.2, PAGE 74, WITH THE FOLLOWING TEXT –
- *“ON 25 SEPTEMBER 2020, SCOTTISH BORDERS COUNCIL DECLARED A CLIMATE EMERGENCY. IN ORDER TO SET OUT A CLEAR PLAN OF ACTION TO REDUCE EMISSIONS OF GREENHOUSE GASES WITHIN OUR REGION, THE COUNCIL APPROVED ITS CLIMATE CHANGE ROUTE MAP (CCRM) ON 17 JUNE 2021. THIS SETS A STRATEGIC DIRECTION FOR THE COUNCIL AND ITS PARTNERS AND COMMUNITIES IN THE REGION, TO MOVE FORWARD TO A NET ZERO EMISSIONS ECONOMY BY 2045 IN LINE WITH THE NATIONAL TARGET SET BY THE SCOTTISH GOVERNMENT. THE CCRM DEFINES A HOLISTIC APPROACH - A WHOLE BORDERS COLLABORATIVE APPROACH – TO THE ACHIEVEMENT OF THE COUNCIL’S NET ZERO EMISSIONS TARGET, WITHIN WHICH THE GENERATION OF RENEWABLE ENERGY IN PLACE OF THE BURNING OF FOSSIL FUELS, WILL PLAY A LEADING AND SIGNIFICANT ROLE. SCOTTISH BORDERS COUNCIL IS PROACTIVE IN SUPPORTING A DIVERSE RANGE OF RENEWABLE ENERGY TYPES. THIS INCLUDES THE DEVELOPMENT OF ONSHORE WIND FARMS AND TURBINES, COMBINED HEAT AND POWER, BIOMASS, ENERGY FROM WASTE FACILITIES AND*

MAXIMISING THE REUSE OF SURPLUS HEAT MICRO SCALE PHOTOVOLTAIC/SOLAR PANELS. IT INCLUDES PROVISION FOR 'MICRO GENERATION', THE PRODUCTION OF HEAT OR ELECTRICITY BY INDIVIDUAL HOUSEHOLDS OR SMALL GROUPS OF HOUSEHOLDS. IN IMPLEMENTING STATUTORY DUTIES TO SUPPORT BOTH RENEWABLE ENERGY AND PROTECT THE LANDSCAPE AND THE ENVIRONMENT, THE COUNCIL SEEKS A BALANCE BETWEEN THESE OBJECTIVES WITHIN THE DECISION MAKING PROCESS. THIS IS A MORE CHALLENGING BALANCE PARTICULARLY WITH REGARDS WIND FARMS PROPOSALS. FACTORS SUCH AS THE SCALE OF THE PROPOSAL AND ITS POTENTIAL IMPACT ON THE SURROUNDING AREA WILL BE TAKEN INTO ACCOUNT. IN ALL CASES, PARTICULAR ATTENTION WILL BE PAID TO THE NEED FOR SENSITIVE SITING AND DESIGN, INCLUDING THE CONSIDERATION OF REASONABLE ALTERNATIVES BY THE DEVELOPER."

- DELETE LAST LINE OF PARAGRAPH 1.4 ON PAGE 74.
- SUBSTITUTE THE ENTIRE TEXT FOR PARAGRAPH 1.7, PAGE 75, WITH THE FOLLOWING TEXT –

“AS RECOMMENDED BY THE DIRECTORATE FOR PLANNING AND ENVIRONMENTAL APPEALS FOLLOWING THE EXAMINATION OF THE LDP 2016, THE COUNCIL WAS REQUIRED TO PRODUCE SUPPLEMENTARY GUIDANCE (SG) ON RENEWABLE ENERGY. THE SG WAS PREPARED AND ULTIMATELY CLEARED BY SCOTTISH MINISTERS IN JULY 2018. THE SG CONFIRMS THE REQUIREMENTS OF NATIONAL PLANNING FRAMEWORK 3, SCOTTISH PLANNING POLICY (SPP), STRATEGIC DEVELOPMENT PLAN 2013, AND LDP 2016, AND MAKES REFERENCE TO OTHER DOCUMENTS FROM A WIDE RANGE OF SOURCES WHICH ARE CONSIDERED RELEVANT GUIDANCE FOR ANY INTERESTED PARTIES TO REFER TO. THE SG HAS BEEN CARRIED FORWARD INTO THE NEW ADOPTED PLAN AS SUPPLEMENTARY PLANNING GUIDANCE.”
- SUBSTITUTE THE ENTIRE TEXT FOR PARAGRAPH 1.8, PAGE 75, WITH THE FOLLOWING TEXT –

“IN TERMS OF WIND ENERGY, THE SPG [FORMER SG] ON RENEWABLE ENERGY, SETS OUT A SPATIAL FRAMEWORK AS REQUIRED BY SPP IDENTIFYING AREAS WHERE WIND FARMS WILL NOT BE ACCEPTABLE, AREAS OF SIGNIFICANT PROTECTION AND AREAS WITH POTENTIAL FOR WIND FARM DEVELOPMENT. THE SPG [FORMER SG] ON RENEWABLE ENERGY INCORPORATES AN UPDATE OF THE IRONSIDE FARRAR LANDSCAPE CAPACITY AND CUMULATIVE IMPACT STUDY OF NOVEMBER 2016. THE STUDY INVESTIGATED THE CAPACITY OF EACH OF THE SCOTTISH BORDERS LANDSCAPE CHARACTER AREAS TO ACCOMMODATE TURBINES TAKING COGNISANCE OF MATTERS SUCH AS LANDFORM, APPROVED TURBINES TO DATE, IMPACT ON KEY RECEPTORS, THE IDENTIFICATION OF OPPORTUNITIES AND CONSTRAINTS AND ANY CUMULATIVE IMPACT ISSUES. THE SPG [FORMER SG] ON RENEWABLE ENERGY ALSO EXPANDS UPON AND GIVES USEFUL GUIDANCE WITH REGARDS TO A NUMBER OF DEVELOPMENT MANAGEMENT CONSIDERATIONS IDENTIFIED WITHIN BOTH POLICY ED9 OF THE LDP AND SPP.”
- SUBSTITUTE THE ENTIRE TEXT FOR PARAGRAPH 1.9, PAGE 75, WITH THE FOLLOWING TEXT –

“ALTHOUGH WIND ENERGY IS THE MAIN COMPONENT PART OF THE SPG [FORMER SG] ON RENEWABLE ENERGY, REFERENCE IS ALSO GIVEN TO A RANGE OF OTHER TYPES OF RENEWABLE ENERGY WHICH ARE CONSIDERED THE MOST COMMON AND EMERGING TYPES WHERE USEFUL GUIDANCE COULD BE GIVEN. THESE OTHER RENEWABLE ENERGY TYPES INCLUDE MICRORENEWABLES INCLUDING PHOTOVOLTAIC PANELS, FIELD SCALE SOLAR VOLTAICS, BIOMASS, ENERGY FROM WASTE, ANAEROBIC DIGESTION, HYDRO AND GROUND SOURCE HEAT PUMPS. FOR EACH OF THESE ENERGY TYPES, REFERENCE IS GIVEN TO USEFUL BACKGROUND INFORMATION AND GOOD PLANNING PRACTICE GUIDANCE.”.

- SUBSTITUTE THE ENTIRE TEXT FOR PARAGRAPH 1.10, PAGE 75, WITH THE FOLLOWING TEXT –

“THE COUNCIL PREPARED SUPPLEMENTARY PLANNING GUIDANCE IN DECEMBER 2013, ENTITLED LANDSCAPE AND VISUAL GUIDANCE FOR SINGLE AND GROUPS OF 2 OR 3 WIND TURBINES IN BERWICKSHIRE. THIS WAS PREPARED IN RESPONSE TO THE HIGH NUMBER OF PLANNING APPLICATIONS BEING SUBMITTED IN BERWICKSHIRE FOR THESE TYPES OF TURBINES AND WAS UPDATED IN JANUARY 2015. IT SETS OUT DETAILED ADVICE ON THE SITING OF DEVELOPMENT, AND WILL BE TAKEN INTO ACCOUNT IN THE CONSIDERATION OF PLANNING APPLICATIONS, ALONG WITH ANY LANDSCAPE AND VISUAL IMPACT ASSESSMENT FOR A PROPOSAL, AND OTHER RELEVANT LANDSCAPE, VISUAL AND CUMULATIVE IMPACT GUIDANCE. THERE HAS BEEN A CONSIDERABLE DROP IN THESE APPLICATION TYPES BUT THIS SPG REMAINS USEFUL TO HELP GUIDE SUCH PROPOSALS, AND SO THERE ARE CONSEQUENTLY NO PLANS TO UPDATE THIS GUIDANCE IN THE NEAR FUTURE.”.

- SUBSTITUTE THE ENTIRE TEXT FOR PARAGRAPH 1.11, PAGE 75, WITH THE FOLLOWING TEXT –

“IT IS ACKNOWLEDGED THAT THE RENEWABLE ENERGY FIELD IS CONSTANTLY EVOLVING, WITH EXISTING TECHNOLOGIES DEVELOPING AND NEW TECHNOLOGIES COMING FORWARD. IT IS CONSIDERED THAT POLICY ED9 AND THE SPG [FORMER SG] ON RENEWABLE ENERGY 2018 FORM A SOUND BASIS FOR DETERMINING A RANGE OF RENEWABLE ENERGY APPLICATIONS. FURTHERMORE THE IRONSIDE FARRAR STUDY 2016 ALSO HELPS GUIDE PROPOSALS FOR WIND ENERGY INCLUDING THOSE FOR REPOWERING.”.

REASONS:

It is noted that:

- Contributor 027 (Northumberland National Park Authority) explicitly advises that they have no objection to the plan in general (CD183; page 7).
- Contributor 802 (Renewable Energy Systems) advises that with regard to Policy ED9 itself, they welcome the clear statement that the Council ‘will support’ further renewable energy proposals, including commercial scale wind farms, and that these ‘will be approved’, where these can be accommodated without unacceptable significant adverse effects (CD183; page 65).
- Contributor 817 (SSE Renewables) welcomes the statement in Policy ED9 that: *“the Council will support proposals for both large scale and community scale renewable*

energy development including commercial wind farms", giving due regard to relevant environmental and community considerations (CD183; page 126).

Climate Emergency – Legal Obligation, National Targets, Council’s Declaration and Response (005 – 2 of 2, 597, 598, 612, 802, 811, 817, 828, 836)

- The above noted contributors seek revisions to the policies, proposals and supporting text of the Plan, in order, firstly, to align with the emerging national strategy, ambitions and targets set by the Scottish Government to help arrest climate change, and achieve net zero emissions in Scotland by 2045; and, secondly, to reflect and respond to the Council’s own Declaration of a Climate Emergency (see Scottish Borders Council, Responding to the Climate Emergency, 25 September 2020; CD029), setting out and developing its coordinated strategy from this point onward, working towards the achievement of net zero emissions in the region by 2045. Beyond the general concerns just summarised, various contributors have also made more specific comments that proceed from it.
- In these representations, the Council observes the same narrative (or at least, a very similar narrative), which contends that the Plan fails - through obsolescence, omission, a lack of understanding and/or a lack of vision - to respond timeously, appropriately and decisively to the Climate Emergency, and that the Plan, or key sections of it, consequently now require(s) to be substantially rewritten in order to address these shortcomings and oversights.
- Recurring contentions are: firstly, that the Plan is being ‘overtaken by events’, and is now, or is shortly to become, obsolete, even before it has been approved, unless the Council now takes decisive and appropriate action, to bring it ‘back on track’ with the emerging national climate change strategy and agenda. Secondly, that in order to ensure that the Plan continues to be relevant and fit for purpose, going forward into the new plan period from the time of its adoption, the Council should now seek to get ahead of the national planning response to the Climate Emergency (even as the latter develops and emerges through the production of, and public consultation on, NPF4) by anticipating and pre-empting its guidance and policies (if not in fact, actually seeking to lead the national agenda and strategy, by example). Thirdly, that the LDP should be the Council’s primary response to the Climate Emergency; and as such, should set out the Council’s own strategy, timetable and goals towards the achievement of net zero emissions over, and within, the period to 2045.
- The Council acknowledges that the Plan needs to be updated to reflect some significant developments which have occurred in response to the Climate Emergency within the period since the Council’s approval of the Plan in September 2020; both within the national planning policy context and further to the Council’s own declaration of a Climate Emergency. The Council wishes to update the plan, making the requisite revisions, to acknowledge and account for these significant developments, including the Council’s own Declaration of a Climate Emergency. However, while this would go some way to addressing the concerns and objections raised by these contributors, there would still be certain outstanding matters raised which are considered below.
- For the avoidance of doubt, the Council is aware that the Climate Emergency, and the national and local authority level responses to it, are a fast moving area in policy terms. As such, the Council recognises the need to keep these matters under review, to ensure that the version of the Plan which ultimately goes to Examination is as up-to-date as possible. Some of the matters raised by contributors at this stage might in due course inform or become central to the national planning policy

framework in so far as they agree or align with Draft NPF4 (CD065); and as such, may therefore only be premature. However, the Council is committed to progressing the Plan appropriately, and does not consider it appropriate to seek to 'get ahead' of due process in the way that contributors are advocating, and consider is justified vis-à-vis the Climate Emergency. The Plan must align with *approved* national planning policy as this *currently* exists; it cannot treat emerging draft policies and guidance as approved, unless or until these have in fact been approved by the Scottish Government. Accordingly, while the Plan must acknowledge the direction of travel of national planning policy and guidance at this time, this has not yet resulted in any new approved national policy or guidance, and the Plan is only appropriately prepared on the basis of, and in response to, the national planning policy framework as this currently exists. It is not reasonable for the Council to proceed on the basis of speculation about what may or may not end up enshrined within the National Planning Framework 4, as this ultimately emerges into the form in which it is eventually approved. Even now that there is a draft NPF4, it still cannot be anticipated what revisions would be made to this, as it is progressed to approval. There is a risk that any speculative inclusion within the Plan at this stage might end up at odds with the version of NPF4 which is ultimately approved.

- The Local Development Plan is concerned with land use and development planning in the Scottish Borders. It would not competently establish or seek to set the direction for any other policy areas that the Council is responsible for, and therefore, would be going beyond its remit, were it to seek to do so. The Proposed Local Development Plan must of course align with the Council's overall corporate strategy, but as with national planning policy, it is not allowed or able to lead or dictate this in the way that contributors advise it should. With regard to the Council's overall response, it should be noted that the Council has now produced its Climate Change Route Map, approved in June 2021 (CD030), which is the basis of its coordinated response across all services, to the Climate Emergency (not just land use planning). As such, while some contributors appear to anticipate that this function should be, or might be fulfilled by the Plan, that is not in fact the case.
- In conclusion, it is accepted that the Proposed Local Development Plan as it was approved for consultation in September 2020, does require to be updated to reflect the national context and Council response to the Climate Emergency. Proposed revisions to the text of Paragraphs 1.1, 1.2 and 1.4, which are capable of doing this relative to Policy ED9, have been identified above. These are agreeable to the Council as non-significant changes.

Scottish Planning Policy [2014] (597, 598, 811, 817, 828)

- Contributors 597, 598, 817 and 828 advise that SPP (2014) is to be superseded by National Planning Framework 4 in due course, and therefore any reference to SPP (2014) should be removed from Policy ED9 and its supporting text (principally Paragraph 1.7) *at this stage*, to avoid reference to what they anticipate, will very soon be an obsolete national planning policy document. While it is the case that the Scottish Government has made known its intention to have SPP (2014) rescinded, and anticipates that its advice and guidance will be superseded by that of the forthcoming NPF4, at this point in time SPP (2014) remains the relevant primary legislation. As such, the Council is still obliged to assess onshore wind proposals relative to SPP (2014). The Council recognises that NPF4 might be approved during the Plan's Examination, and that in such an event, this might well require revisions to be made to the Plan, including to Policy ED9 and Renewable Energy Development. Accordingly, while the Council does not consider itself to be in any position at

present, to substitute references to SPP (2014) for references to NPF4, this might be something that is ultimately required during the Examination, and the Council acknowledges that the Plan would be appropriately revisited at that time. However, making any such substitutions at this stage would be premature, and the Council is not agreeable to speculating on this matter.

- Contributor 811 on the other hand, considers that the policy should be revised to accord more closely with the guidance of Paragraph 169 of Scottish Planning Policy (2014), and/or should explicitly advise that assessment in terms of Scottish Planning Policy (2014) (CD041), would principally include not only reference to Table 1: Spatial Frameworks, but also to Paragraph 169. While it is understood that the contributor considers that an explicitly more positive context for the assessment of wind energy proposals should be developed within Policy ED9, Paragraph 169 anticipates that the considerations it sets out should inform ulterior (local development plan) planning policies and supporting guidance, rather than that it itself should be the immediate basis of the assessment of any specific renewable energy development proposal. Policy ED9 follows on from, and is within the spirit of, Paragraph 169, and it is considered that it reflects appropriately the balance of issues to be considered. The second paragraph of Policy ED9 does in any case, refer to Paragraph 169 directly; and does so noting that this has informed the advice and guidance of the Council's SG (now SPG) on Renewable Energy (CD021) to which those interpreting Policy ED9, are directly referred. Secondly, it must also be noted that Policy ED9 was largely written by the Reporter at the Examination of the current adopted LDP (CD009; please refer to pages 57-59), which was written taking account of SPP (2014) (CD041; please refer to Table 1: Spatial Frameworks on page 39 and Paragraph 169 on pages 40-41). As a higher level national policy which anticipates interpretation at a local level, Paragraph 169 is not logically the end-point of Policy ED9. As such, the Council considers, firstly, that it is allowed to respond to the guidance within Paragraph 169 as it would interpret and apply this guidance within its own area; and secondly, it is required to develop policies based on what is set out in Paragraph 169. It is considered that it is clear that Paragraph 169 should inform; and has informed; Policy ED9, and not supersede or surpass it.
- It is not considered that it would be necessary or helpful to require further assessment under the more general considerations identified under Paragraph 169; and notwithstanding that SPP is liable to be superseded by NPF4 in the near future, it remains current, and it would be premature to treat it as withdrawn. Accordingly, the Council would not seek to make any revision, addition or deletion to the Policy or supporting text to remove reference to SPP, nor would it seek to revisit its interpretation of Paragraph 169.
- Contributors who perceive a need to discard reference to the SPP, have also made recommendations as to what should replace this, or how onshore wind energy proposals should thereafter be assessed. These points are considered below.

Supporting Guidance (597, 598, 612, 811, 817, 828, 836)

- The above contributors seek the deletion of all references both within Policy ED9 and within the supporting text to the SG on Renewable Energy – including the entire subsection within Policy ED9, entitled 'Supplementary Guidance' - on the grounds that the SG (CD021), was approved to support the current, adopted, Local Development Plan 2016. In order to be appropriately maintained, they advise, this would need to be approved anew, specifically in relation to the new Local Development Plan, and since this is understood not to be the case, the Council, they

advise, should now desist from making any reference to the SG in both the Policy text itself for Policy ED9, and the supporting introductory text for the same policy. They advise that, for this reason, continued reliance on, and reference to, the SG in the new plan period would be inappropriate and likely unlawful. Concerns are also raised by the contributors that the assessment work upon which the SG is based, is now over four years old, and they consider this is therefore not now capable of reflecting an up-to-date position.

- The Council acknowledges that it is no longer appropriate to refer to the SG on Renewable Energy (2018) as an SG in the context of the forthcoming Local Development Plan period, including within the policy text and supporting text of Policy ED9. Indeed, the proposed LDP has included on page 208 advice that the SG will now be considered as Supplementary Planning Guidance in the forthcoming development plan period, but it accepts that this should be clarified within the context of the Policy and Introductory texts relating to Policy ED9. Accordingly, it is accepted that revisions are necessary to the text of both, policy and preamble text, to address these specific matters. However, contrary to the view of the contributors (597; 598; 612; and 828), it is not agreed that the Council is unable to refer to this document at all. As such, revisions to Paragraphs 1.8, 1.9, 1.10 and 1.11, which are considered to be non-significant, are noted above, which would confirm the Council's concern to retain the SG as an SPG in relation to the Plan. Within the text of the policy itself, it is acknowledged that it would no longer be appropriate to refer to the SG on Renewable Energy, but instead to the SPG on Renewable Energy. Again, an appropriate revision to this text is identified above, and is considered could be made as a non-significant change to the text of the PLDP.
- The above contributors also seek the deletion of all references both within Policy ED9 and the supporting text to the Ironside Farrar Landscape Capacity and Cumulative Impact Study (2016) (CD022). This is on the grounds that the Study is now more than four years out-of-date, and underpins the SG on Renewable Energy, reference to which they consider should also be deleted (please see previous point above). Contributor 612 (in comments made in relation to Chapter 8) has advised that the Scottish Government Reporter overseeing the most recent wind farm planning inquiries did not place any reliance on the findings of the landscape capacity studies when making his assessment. Their additional concern – considered in more detail below - is that this should now be replaced by a new site specific assessment or landscape sensitivity study. As with the SG - at least where it is included as an appendix to the SG - they advise that in order to be maintained, the Ironside Farrar Landscape Capacity and Cumulative Impact Study, would need to be approved specifically in relation to the new Local Development Plan as a component of the SG.
- In line with the position that it is taking on the SG (already considered above), the Council acknowledges that it is no longer appropriate to refer to the SG on Renewable Energy (2018) as an SG in the context of the forthcoming Local Development Plan period – including any reference to the Landscape Capacity and Cumulative Impact Study as a component or appendix of an SG. However, it is the Council's concern that for as long as the national planning policy context is underpinned by NPF3 (CD063) and SPP (CD041), the Council considers it entirely reasonable and appropriate to maintain the SG on Renewable Energy as Supplementary Planning Guidance, and that this reasonably encompasses also the supporting Ironside Farrar Landscape Capacity and Cumulative Impact Study (2016). As noted above, and in line with the advice of page 208 of the Plan, the SG – and with it the Ironside Farrar Landscape Capacity and Cumulative Impact Study (2016) - will now be considered as Supplementary Planning Guidance in the

forthcoming development plan period. The Ironside Farrar Landscape Capacity and Cumulative Impact Study (2016), is also identified in its own right on page 207, as Supplementary Planning Guidance that is being maintained as SPGs into the next Local Development Plan period. Beyond the advice of pages 207 and 208, the Council accepts that the status of the SG, and with it the Ironside Farrar Study, would be appropriately made explicit within the context of the Policy and Introductory texts relating to Policy ED9, and therefore that revisions to the text of both the policy and preamble, are necessary to address these specific matters. Contrary to the view, or indication, of contributors (597; 598; 612; and 828) though, it is not agreed that the Council is now unable to refer to this document at all. The Council considers that the Landscape Capacity Study remains a very important and relevant material consideration to help inform the determination of planning applications. The Council stands by the study carried out, particularly as it accords with SPP.

- Contributor 612 advises in comments made in relation to Chapter 8 (please see Schedule 4 on Issue 8) that the Inquiry Reporter in their recommendation of 19 July 2018 on the Fallago Wind Farm extension proposals, did not rely on the findings of the Ironside Farrar Landscape Capacity and Cumulative Impact Study (then the 2013 version) within their assessment. This however, is an oversimplification of the position that is set out by the Reporter at Paragraph 4.177, pages 92-93, of the Inquiry Report (CD211). The Reporter's position, including the points summarised at Paragraph 4.177, is informed by, and demonstrates, detailed consideration of a wide range of factors and circumstances within their assessment of the landscape and visual impacts relating to the consideration of these specific wind farm proposals. It is not therefore reasonably reduced to a simple (let alone any general) setting aside of the Landscape Capacity and Cumulative Impact Study (in its original or revised form) by the Reporter in the way that the contributor anticipates it could, or should, be.
- One contributor (802) points out a discrepancy between the date given for the Ironside Farrar Study between text on pages 75 (para 1.8 of intro) and page 76 (policy text) which dates it to '2018', and text on page 75 (para 1.11 of intro) and 77 (list of guidance), which date it to '2016'. The Landscape Capacity study was completed in 2016 and therefore the two instances where it is attributed to 2018 would be appropriately corrected to 2016. The Council is content to make these revisions as a non-significant change to the plan, and these changes to the text are included within proposed revised text noted above.
- Contributor 817 seek the deletion of all references within the supporting text of Policy ED9, to the SPG on Landscape and Visual Guidance on Single and Small Groups of Wind Turbines in Berwickshire (2013; updated 2015) (CD095), on the grounds that the SPG is now out-of-date. The Council considers that this SPG still has relevance within the decision-making process, and it should therefore remain in situ.

Wind Energy Proposals - New or Alternative Approach(es) to Assessment (597, 598, 612, 802, 811, 817, 828)

- Contributors consider that there is a need for the assessment of renewables development proposals to be revised or updated to better reflect the emerging national planning policy context. Key concerns are firstly, that greater weight should be given to a proposal's potential to help meet national and regional net zero targets; and secondly, that there should be a different approach to assessing onshore wind energy proposals; one that is not based on Table 1: Spatial

Frameworks on page 39 of SPP (2014) (CD041), but one which is instead based on site specific assessments.

- Contributors 597, 598, 612, 802, 811 and 828 request that significant weight should now be given to renewables development proposals that can contribute towards the achievement of the legally binding targets set by the Scottish Government; or for that matter, any more ambitious targets set by the Council itself, should the Council seek to get ahead of the national agenda. They recommend that the achievement of these targets, or ability to contribute to their achievement, should be explicitly included within Policy ED9, so that this can be directly factored into any assessment of specific renewable energy proposals.
- Policy ED9 in its proposed form, is already clear in its support for renewable energy proposals in principle. This is a reflection of the Council's continuing recognition of the important contribution that renewable energy development makes, and will make in the plan period, to national and regional renewable energy needs. As such, it is not considered that there is any necessity to further highlight or underscore support in principle for renewable energy proposals within Policy ED9.
- In anticipation –and support of the removal from Policy ED9 of reference to SPP (2014) and to Table 1: Spatial Frameworks in particular, Contributors 612 and 817 seek its replacement with a requirement that onshore wind energy proposals should be the subject of a site specific assessment, focussing on landscape sensitivity. As per the response already noted above, at the time of writing, the SPP remains current and NPF4 is still to be progressed to adoption. Accordingly, and regardless of whether or not a site specific assessment along the lines advocated by the contributors is ultimately promoted by NPF4 in due course, it is not considered appropriate or reasonable for the Planning Authority to set aside SPP at this time, let alone to anticipate or propose any successor alternative basis for assessing onshore wind energy proposals.
- Contributor 811 seeks clarification to policy text of Policy ED9 that Policy ED9 is the primary policy against which wind energy developments would be considered. However, it is not considered that there is any ambiguity on this point, given that Policy ED9 is explicitly identified as the policy for Renewable Energy Development. Accordingly, it is not considered that any additional clarification is required.
- It is not clear from the supporting text why Contributor 811 proposes the removal of the word “*community*” from the last line of the first paragraph in Policy ED9, and given that the word in fact appears in Paragraph 169 of SPP (2014) (CD041), it is anticipated that this omission is more likely to be erroneous than intentional. However, the Council considers that retention of reference to community considerations within Policy ED9 remains valid, and a highly significant aspect within the assessment of the considerations, including benefits, of renewable energy developments. Accordingly, the Council is not agreeable to such a deletion.
- For the reasons noted above, no revision, addition or deletion is considered necessary to address the contributors' concerns.

Update to Climate Change Plan 2018-2032 (802)

- Contributor 802 seeks explicit acknowledgement at Paragraph 1.4 on page 74, of the update to Climate Change Plan 2018-2032, ‘Securing a Green Recovery on a Path to Net Zero’ (CD55), and in particular, its aspiration that by 2032, there should have been ‘*a substantial increase in renewable energy generation, particularly through new offshore and onshore wind capacity*’ (CD55; page 18).

- The Council notes this advice, and acknowledges this national aspiration, but it does not consider that the specific point or quotation, would be usefully reproduced at Paragraph 1.4. The Council considers that in Policy ED9 and the introductory section, there is sufficient acknowledgement of the national need, and ambition, to substantially increase renewable energy generation going forward into the next decade without the addition of this specific quotation, or other reference to it.

Northumberland National Park (027)

- Contributor is concerned to have reassurance that appropriate consideration would be given to impacts upon sensitive receptors within the Northumberland National Park from proposed wind energy developments. It is not particularly clear, as to the form in which they are seeking this reassurance, but their identification of their concern with Proposed Policy ED9, suggests that they might wish to see some explicit inclusion or recognition of this issue within the policy itself.
- While noting the contributor's concerns, it is not considered that there is any need for any explicit reference to the Northumberland National Park, or to any other specific designation for that matter within the text of the policy itself. The proposed policy will operate sufficiently well without this. It is reiterated that the text of Proposed Policy ED9, follows closely that of Policy ED9 of the adopted Local Development Plan, and that the policy is considered to work sufficiently well without any requirement for the introduction of any more explicit recognition, or reference, to specific designations. The contributor would have the opportunity to make any representations should any application be submitted for a windfarm in the vicinity of the National Park.
- No revision, addition or deletion is considered necessary or appropriate to address the contributor's concerns.

Decommissioning and Site Restoration (612, 811)

- Contributors seek deletion from the list of bullets under the 'Consideration of Wind Energy Proposals' of the need for planning conditions and obligations to regulate decommissioning and site restoration. This is on the grounds that while decommissioning and restoration are material considerations within the assessment of a wind energy proposal, the use of planning conditions and/or planning obligations are matters for consideration relative to individual planning applications, and not a matter for development plan policy.
- Notwithstanding the contributors' advice, the aforementioned list follows the advice of SPP, and is intended to flag up considerations that would apply in the event of a planning application being made for a wind energy proposal. Accordingly, while it is reasonable that applicants would not directly determine the need for conditions or planning obligations, these are nonetheless integral to the planning process. It might be added that these bullets are already inclusions within the version of Policy ED9 which is in the adopted Local Development Plan.
- Accordingly, it is not considered that these bullets would, or should, now be deleted from the list.

Repowering and Extending Existing Wind Farms (802, 817)

- Contributors seek a new policy, or a new additional section of Policy ED9, to guide the assessment of planning applications for repowering and extending existing wind farms in line with the guidance of SPP, Paragraph 161 (CD041). It is also advised

that this might include extending the operational life-times of wind farms where these are limited by condition.

- It is considered that Proposed Policy ED9 – supplemented by the advice of the SG on Renewable Energy (with the status of SPG in the forthcoming development plan period) (CD021) - is consistent with the position set out in SPP with respect to repowering and extending existing wind farms. In line with the advice of SPP (as interpreted through the SG), the current use of a site as a wind farm will be a material consideration in any proposals where any existing wind farms concerned are already in suitable sites where environmental and other impacts have been shown to be capable of mitigation; and can help to maintain or enhance installed capacity, underpinning renewable energy generation targets.
- The need to assess cumulative landscape and visual impacts appropriately in order to establish if the scheme meets these criteria, does mean that schemes to extend or repower wind farms, are liable to raise broadly equivalent issues to new proposals – or at least, to require equivalent assessment of their landscape and visual impacts - and therefore the suggestion of contributors that there might be some sort of ‘fast track’ for these proposals, whereby substantially less attention or concern might be given in principle to the cumulative landscape and visual impacts of these proposals, is not reasonable in practice. As such, while recognising as the Council does, the potential for a positive context to such proposals, it is not considered appropriate to set out any attenuated assessment of their impacts. Ultimately, it is for applicants to show that their proposals are in line with the guidance of the SPP and SG rather than for the Council to suppose that they are, on the basis that they relate to extending or repowering an existing wind farm scheme.
- Taking account of the above, the Council does not consider that there is a reason to revise Policy ED9.

Energy Storage (802)

- Contributor seeks a new section of Policy ED9 or a new policy to guide the assessment of planning applications for energy storage.
- Paragraph 167 of SPP (CD041) advises that development plans should identify areas capable of accommodating renewable electricity projects and includes amongst these, energy storage projects of a range of scales.
- Policy ED9 does at present explicitly include “*opportunities for energy storage*” among the points for consideration within the assessment of wind energy proposals, and does advise that assessment under the policy more generally, includes reference to the SG on Renewable Energy 2018 (CD021), which also contains advice with respect to energy storage proposals. It is not considered further text requires to be added to expand on this. Such details will be submitted at the planning application stage and would be dealt with on a case-by-case basis.
- No revision, addition or deletion is considered necessary or appropriate to address the contributors’ concerns.

Other Renewable Energy Developments (005 – 2 of 2, 802)

- Contributor 802 wishes to see clarification under the last section of Policy ED9 - which relates to ‘Other Renewable Energy Developments’ – that this section does not apply to the assessment of those developments covered by the previous sections; specifically, wind energy proposals, which are addressed under the immediately preceding section. It is considered that the policy is already clearly

divided into 'wind energy' and 'other renewable energy' proposals and therefore clarification of this type, is not in fact necessary.

- Contributor 005 (2 of 2) perceives the prevalence of a negative view on the part of the Council when it comes to the consideration of the visual impacts of proposals for solar pv and storage at field scale. They consider that this is restricting to an unreasonable extent, the delivery of this type of renewable energy development. They seek explicit provision within Policy ED9 to the effect that no or little regard should be had to the visual impacts of solar pv and storage at field scale, where these would generate electricity for use in the local area.
- Under Proposed Policy ED9, all renewable energy development proposals benefit from support in principle. However, renewable energy developers are required to consider the impacts of their specific proposals, including the visual impacts. Contrary to the contributor's view, it is not agreed that visual impacts are a "*minor consideration*" which could or should now be appropriately set aside whenever a developer can demonstrate that the energy generated would be used in the local area. However, while the contributor appears to anticipate that the fact that a particular scheme may be visible from the surrounding area, might in itself be grounds for refusal, it is not considered that this is a fair reflection of the position that is actually set out in Policy ED9. This does not advise of any objection in principle in any such terms. Instead, the concern is that renewable energy proposals should be capable of being "*satisfactorily accommodated into their surroundings in accordance with the protection of residential amenity and the historic and natural environment*". This is the exact description which is in Policy ED9, pages 57 to 59 of the adopted Scottish Borders Council Local Development Plan 2016 (CD009). Accordingly, and in so far as the contributor is understood simply to recommend that no or little weight should now be given to visual impacts within the assessment of solar pv development proposals that meet a local need; this is rejected on the grounds that visual impacts can be a significant aspect of these proposals, which it is in the public interest to ask developers to account for, and to seek appropriate mitigation wherever this would allow the proposal to be supported.

District Heating Networks (983, 1043 – 1 of 2)

- Contributors seek a new policy, or a new section to Policy ED9, to assess specifically, proposed low carbon energy distribution District Heating Networks.
- The Council has no difficulty with this in principle, but in terms of developing a policy response, particularly one that is liable to be relevant to the type and scale of development which is most likely to be progressed within this region, the Council does not consider that it is in a position to give any definite answers. The contributors are largely anticipating significant urban developments of a scale that is beyond anything which is considered likely to occur within the Scottish Borders in the plan period, but with improving efficiency and technology for example, there may in time, be opportunities to return to these matters when scale is less of an issue. The Council is content to consider this and revisit its position in response to the national picture which is evolving through the progress of NPF4. The Council would in such an event, look to consult both SEPA and NatureScot when it does revisit this topic.
- The Council does not consider that there is any need to amend the text of Policy ED9, in so far as it relates to other renewable energy developments.

Preamble/Introduction, pages 74-75 (597, 598, 612, 802, 811, 817, 828, 983)

- Contributors have raised concerns regarding various matters relating to the preceding preamble/justification section. These largely mirror their concerns already noted with respect to Policy ED9 itself. Mostly, they would seek to align the preamble with a version of Policy ED9 amended to address their concerns, and these matters have been considered above. However, they include some additional matters, or a stronger emphasis on certain matters which require further consideration beyond that which has already been noted above.
- Again, the Council accepts that there is a need to update national emissions reduction targets, a need to reflect the national strategy for attaining net zero emissions by 2045 (see The Climate Change (Emissions Reduction Targets) (Scotland) Act; CD053), and a need to reference the Council's own declaration of a climate emergency (see Scottish Borders Council, Responding to the Climate Emergency, 25 September 2020; CD029). The Council proposes relevant changes to the text of Paragraphs 1.1, 1.2 and 1.4 as noted above, which it is content could be included as non-significant changes to the Plan.
- Contributor 983 seeks additional text at Paragraph 1.3 to state support for, and promote, multi-functional heat networks, and the effective use of renewables in this context, whenever such opportunities are possible. The Council has no difficulty with this position in principle, but in terms of developing a policy response, it is not in a position to give any definite answers but will be considering its position in response to the national picture which is evolving through the progress of NPF4. The Council would look to consult both SEPA and NatureScot when it does revisit this topic after the production of NPF4. The Council is also committed to the production of a new SPG on Sustainability and Climate Change, in which it will seek to set out more detailed advice and guidance on cutting-edge renewables technologies and climate ready development.
- Contributors 597, 598, 612, 802, 811, 817, 828 take issue with description at Paragraph 1.2 on page 74 of planning decisions relating to wind farms as requiring a "*more challenging*" balance; and at Paragraph 1.6 on page 75, of applications for wind turbines as being "*contentious*" and requiring to be "*carefully scrutinised*". They do so, on the grounds that they consider this to signal a generally negative, even prejudiced, position on the part of the Council towards wind energy developments, in that it appears to be anticipating problems ahead of its consideration of any specific application. The contributors advise that no such line is justified, and each scheme should be capable of being assessed on its own planning merits. Notwithstanding contributors' concerns, it is considered that the descriptions at Paragraphs 1.2 and 1.6 are fair, objective and reasonable in that it is the Council's experience that planning applications for wind turbines can be contentious and that there are very strong and differing opinions about them. Ultimately the policy exists to assess renewable, including wind energy, developments, and a consideration of the public interest in the widest sense, does include an appreciation of the wider context of these proposals. This encompasses not only their benefits, but also their own impacts upon the amenity and environment of the site and surrounding area. It should be pointed out that reference to planning applications for wind turbines being "*contentious*" is also in the supporting text of the adopted Local Development Plan, at page 55 of Volume 1 (CD009). Nothing has substantially changed in the interim, which would require the Council to take any different view. The advice as it is set out, seeks to reflect objectively, the reality of other users of the planning system and the experience of the Council in processing such applications.

- Further to the point noted above with respect to removing any descriptions that anticipate wind farm applications as being ‘contentious’ or ‘more challenging’, Contributor 817 seeks the replacement of these with advice at Paragraph 1.6 to the effect that the Council will follow national guidance in terms of determining applications and support development in appropriate locations. Notwithstanding that this is a related point, and accepting as it has that there is a need to update the text to reflect the current position with the Climate Emergency response from national and local level, it is not otherwise clear why the contributor anticipates that the Council would not follow national guidance in these respects.
- Contributor 817 seeks explicit advice at Paragraph 1.6, page 75, that the Council recognises that taller turbines are required in order to help achieve net zero targets as quickly and efficiently as possible. While opportunities for larger schemes are to be explored where these can reasonably be accommodated, it is not considered that this point is reduced to any ‘in principle’ position.
- Further to their related concerns and criticisms of Policy ED9, and the approach and framework to determining planning applications for renewable energy developments, Contributors 802, 811 and 817 consider that – if the policy is maintained as it is set out in the Proposed Local Development Plan – it would not in their view be appropriately described as “robust” or a “sound basis” for determining renewables planning applications. They therefore call for the deletion of such descriptions where they appear in Paragraphs 1.5 and 1.11 on page 75. The Council considers that Policy ED9 remains fit for purpose, and therefore is still reasonably described as “robust” and “sound”. As such, the Council is not agreeable to amending these descriptions of the policy.
- Contributor 817 seeks a commitment from the Council to the promotion of onshore wind as the lowest-cost new-build electricity generation in Scotland. The Council considers that the Policy and introductory text give clear support to onshore wind where it can be accommodated appropriately.

“Scottish Natural Heritage” (811)

- Within the second bullet of the section entitled ‘Consideration of Wind Energy Proposals’ in the text of Policy ED9, the contributor advises that reference to ‘Scottish Natural Heritage’ should be revised to ‘NatureScot’.
- It is agreed that this would be an appropriate and non substantial revision to the policy text of Policy ED9, and this is included within revised text for the second bullet of the policy text noted above.

Policy EP7 Cross-Reference (811)

- Contributor 811 seeks that Policy EP7 should be removed from the list of policies to be cross referenced with Policy ED9 on the basis that they do not consider it to be applicable to the assessment of proposals for commercial wind farms.
- The Council however, maintains that proposed commercial wind farms do have the potential to impact upon the character, integrity and setting of Listed Buildings, and therefore that the cross-reference is appropriately and helpfully maintained.

Reporter’s conclusions:

1. Policy ED9: Renewable Energy and its supporting text were prepared within the context of National Planning Framework 3 (NPF3), Scottish Planning Policy (2014) and

the approved strategic Development Plan, SESplan 1 (2013). The Supplementary Guidance on Renewable Energy (2018) and report on Landscape Capacity and Cumulative Impact (November 2016) referred to in Policy ED9 were also prepared within this context.

2. A number of representations sought changes to make the proposed plan consistent with Scottish Planning Policy (2014). As Scottish Planning Policy (2014) has now been superseded by National Planning Framework 4 (NPF4), those who submitted representations on this matter were invited to comment on the implications of NPF4 for the points made in their original representations. This also provided the council with the opportunity to update its responses to representations which were prepared prior to the adoption of NPF4.

3. I have firstly addressed those representations which are seeking changes to Policy ED9 on the grounds that it is not consistent with national planning and energy policy. I have then considered representations to the supporting text for Policy ED9 and finally addressed other matters. Given the nature of the matters raised, there is inevitably an element of overlap.

Policy ED9: Renewable Energy Development (597, 598, 612, 802, 811, 817, 828)

4. The provisions of proposed plan Policy ED9 rely heavily on the wording of Scottish Planning Policy (2014) paragraph 169. As Scottish Planning Policy (2014) has now been superseded by NPF4, such an approach is no longer appropriate. Furthermore, the criteria for assessing wind farm proposals set out in proposed plan Policy ED9 are not consistent with the criteria in NPF4 Policy 11: Energy. For example, there is no longer an instruction to prepare a spatial framework for onshore wind turbines and NPF4 Policy 11 indicates that significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.

5. NPF4 Annex A (page 98) states that there is no need for local development plans to replicate policies within NPF4. Whilst it allows authorities to add further detail to NPF4 policies based on the area's individual characteristics, I have insufficient evidence before me to do so through this examination. Furthermore, there would be no opportunity to seek the views of statutory consultees and other relevant parties at this stage in the preparation of the local development plan.

6. In the interest of consistency and to reflect national commitments to address the climate and nature crisis, I recommend that Policy ED9 be amended to indicate that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be assessed in accordance with NPF4 Policy 11. A modification to this effect is set out below.

Supporting Text – Paragraphs 1.1 to 1.11

Paragraphs 1.1 – 1.6 (597, 598, 612, 802, 811, 817, 828, 836)

7. The council has suggested modifications above to paragraphs 1.1, 1.2 and 1.4 mainly to reflect the climate change targets set out in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 and the publication of the council's Climate

Change Route Map in 2021. However, the proposed wording does not fully align with the provisions of NPF4 on renewable energy development.

8. The council has since indicated that NPF4 (in particular, Policy 1 and Policy 11, and the National Spatial Strategy as it relates to Sustainable Places) should be referenced within the supporting text for Policy ED9. Other parties who submitted representations on this matter, also highlight the need for modifications to reflect the provisions of NPF4.

9. Since the publication of the proposed plan, there have been a number of legislative and national policy changes in relation to climate change and renewable energy. In addition, the council has declared a climate emergency and published a Climate Change Route Map. Whilst I agree that there is a need for these updates to be reflected in the Local Development Plan, the national policy background on climate change matters is also set out in Chapter 8 Delivering Sustainability and Climate Change Agenda. There is therefore considerable overlap in the proposed plan between the information provided in Chapter 8 and paragraphs 1.1 to 1.4 on page 74. I have already recommended modifications to Chapter 8 in Issue 008 (Chapter 8 Delivering Sustainability and Climate Change Agenda) which I consider would also address the representations on matters relating to the climate emergency summarised above.

10. To avoid duplication and potential inconsistency, I do not consider it necessary to also include background information on the climate emergency and emission targets in the supporting text for Policy ED9. A cross reference to Chapter 8 in paragraph 1.1 would suffice. However, changes are required to reflect the updated national policy context on renewable energy set out in NPF4.

11. I also consider that the references in paragraph 1.2 to the balance between supporting renewable energy and protecting the landscape should be removed as these are not consistent with the wording of NPF4 Policy 11. The council has suggested a modification to delete the last sentence of paragraph 1.4. On the basis that this relates mainly to targets for the year 2020, I agree that the removal of this sentence would be appropriate.

12. I consider that the adoption of NPF4 has implications for the wording of paragraphs 1.5 and 1.6. As the national policy context in relation to climate change and renewable energy has changed, the wording of Policy ED9, as rolled forward from the Adopted Local Development Plan (2016), can no longer be described as “robust” or up to date. I agree with representations that referring to wind turbines as contentious and highlighting the need for careful scrutiny of applications for 200 metre high turbines is not helpful within the context of addressing climate change and meeting renewable energy targets.

13. I recommend modifications below to the wording of paragraphs 1.1, 1.2 and 1.4 to address these matters and reflect the provisions of NPF4 on renewable energy. Further information can be found in NPF4 Policy 11 (Energy) and Policy 4 (Natural places) in particular, and I do not consider there is any need to replicate this in the local development plan. I also recommend the deletion of paragraphs 1.5 and 1.6 for the same reasons.

Paragraphs 1.7 – 1.11 (597, 598, 612, 802, 811, 817, 828, 836)

14. Paragraph 1.7 explains the background and policy context for the preparation of the council's Supplementary Guidance (SG) on Renewable Energy. This was adopted in July 2018 and currently forms part of the development plan. The table on proposed plan page 208 indicates the council's intention to carry this forward into the new local development plan as Supplementary Planning Guidance (SPG). However, this is not explained in paragraphs 1.7 to 1.11 and it is my understanding that this may require a process separate to the adoption of the local development plan.

15. The SG on Renewable Energy was prepared within the context of NPF3, Scottish Planning Policy (2014) and SESplan 1 (2013). It provides a spatial wind energy framework as required by Scottish Planning Policy (2014) and incorporates the Ironside Farrar Study on Landscape Capacity and Cumulative Impact dated November 2016. I note that the proposed plan incorrectly gives the date of this document as November 2018.

16. Proposed plan paragraph 1.10 refers to SPG entitled "Landscape and Visual Guidance for Single and Groups of 2 or 3 Wind Turbines in Berwickshire" dated December 2013. The council considers that this guidance remains useful and has no plans to update it.

17. Representations seek the removal of the references to the 2018 SG on Renewable Energy, the 2016 Landscape Capacity and Cumulative Impact Study and the 2013 SPG for single and small groups of turbines. This is on the grounds that these are out of date in relation to current government policy and recent developments in turbine technology.

18. The council has suggested some changes to the wording of paragraphs 1.7 to 1.9 to indicate its intention that the former SG would have the status of SPG when this local development plan is adopted. I consider that clarity on the council's intentions would be appropriate. Following the adoption of NPF4, the council notes that there may now need to be a greater tolerance of significant landscape and visual impacts on sites outwith National Parks and National Scenic Areas. Whilst recognising the need to review the 2016 Landscape Capacity and Cumulative Impact Study, the council wishes to maintain reference to this study in Policy ED9 or its supporting text to assist in the assessment of the landscape and visual impacts of wind turbines.

19. I consider that the adoption of NPF4 has implications for the relevance of the 2018 SG on Renewable Energy, the 2016 Landscape Capacity and Cumulative Impact Study and the 2013 SPG for single and small groups of turbines. I find that there are a number of inconsistencies between the provisions of these documents and NPF4 Policy 11. I have already recommended modifications to Policy ED9 which would in effect remove all reference to these documents in the policy itself.

20. However, I consider that existing guidance and studies may still be useful tools in helping to identify landscape characteristics and sensitivities, albeit in a different policy context. Therefore, provided it is made clear that these documents are guidance only and predate the adoption of NPF4, I consider it reasonable to mention them in the supporting text for Policy ED9 and the list of guidance which should also be referred to (proposed plan page 77). The supporting text should also point out that, where there are inconsistencies with NPF4 and the Adopted Local Development Plan, the above documents will be less relevant.

21. I do not consider that paragraph 3.6.6 of Onshore Wind Policy Statement 2022, referred to by parties in further written submissions, would preclude this approach. It would be for the council to decide if and when to update any of these documents to reflect the provisions of NPF4 and NatureScot's guidance on Landscape Sensitivity Assessment. I do not consider it necessary or appropriate to include a modification requiring it to do so. Modifications to paragraphs 1.7 to 1.11 are recommended below.

Update to Climate Change Plan 2018 – 2032 (802)

21. The Climate Change Plan 2018 – 2032 is one of a number of government documents which provide the context for planning policy on renewable energy. Others are likely to emerge during the plan period. There is reference to the Climate Change Plan in proposed plan Chapter 8, the section of the plan which sets out the legislative and policy context for addressing the climate crisis. I agree with the council that there is no need to include specific reference to the Climate Change Plan in the supporting text for Policy ED9. No modification is required.

Northumberland National Park (027)

22. There is no specific reference in NPF4 Policy 11 to assessing the impact of renewable energy development upon sensitive receptors in neighbouring national parks. Criterion e) in NPF4 Policy 11 requires project design and mitigation to demonstrate how a range of impacts are addressed which I consider would cover any potential impacts on Northumberland National Park. Policy ED9 would not be used to assess proposals within this national park and there is no justification for making specific mention of any potential impacts on it. No modification is required.

Decommissioning and Site Restoration (612, 811)

23. NPF4 Policy 11 e) requires project design and mitigation to demonstrate how impacts relating to decommissioning and site restoration are addressed. The wording does not include any specific reference to conditions and planning obligations. I consider that the modification to Policy ED9 recommended below to align it with NPF4 Policy 11 would address the concerns raised on this matter. No further modifications are required.

Repowering and Extending Existing Wind Farms (802, 817)

and

Energy Storage (802)

and

Other Renewable Energy Developments (005, 802)

24. NPF4 Policy 11 supports proposals for all forms of renewable, low-carbon and zero emissions technologies including repowering and extending existing wind farms, energy storage and solar arrays. I consider that the modification to Policy ED9 recommended below to align it with NPF4 Policy 11 would address the concerns raised in the above representations. No further modifications are required.

District Heating Networks (983, 1043)

25. Proposed plan paragraph 1.3 (page 74) states that "The council supports the development of heat networks....and will develop further work on heat mapping". SEPA

had requested modifications to Policy ED9 or the inclusion of a new policy to address requirements relating to low carbon energy distribution and district heating networks. It also sought modifications to Policy PMD2: Quality Standards on this matter, which are addressed in Issue 009 (Placemaking and Design Policies: Policies PMD1 to PMD5). However, following the adoption of NPF4, SEPA now considers that Policy ED9 should meet the requirements of NPF4 Policy 19 (Heating and Cooling).

26. I consider the reference to heat mapping in the supporting text for Policy ED9 Renewable Energy to be an anomaly. Heat mapping is not mentioned in Policy ED9 or NPF4 Policy 11. Given the recommended modification to Policy ED9 to align it with NPF4 Policy 11, I do not consider a reference to heat mapping in this policy would be appropriate.

27. NPF4 Policy 19 sets out policy criteria in relation to heating and cooling. In Issue 009, a modification is recommended to Policy PMD2 to overtly cover heat networks.

28. I consider the recommended modification to Policy PMD2 would address SEPA's updated representation on this matter. The representation from NatureScot on this matter is not seeking any changes to the proposed plan. To avoid confusion, I recommend that the second sentence in paragraph 1.3 on page 74 is deleted. That sentence is proposed to be inserted into the supporting text for Policy PMD2 (see Issue 009). No further modifications to Policy ED9 are required.

"Scottish Natural Heritage" (811)

29. My recommended modification to the wording of Policy ED9 no longer refers to Scottish Natural Heritage/NatureScot. Therefore, no modification in response to the representation on this matter is required.

Policy EP7 Cross-Reference (811)

30. Policy ED9 relates to a range of renewable energy developments, not just commercial wind farms. There may well be circumstances where proposals assessed under Policy ED9 have the potential to impact upon the character, integrity and setting of Listed Buildings. Furthermore, NPF4 Policy 11 includes "historic environment" in the list of impacts to be addressed in all forms of renewable energy development. I consider that Policy EP7 Listed Buildings should be retained in the list of cross-reference policies. No modification is required.

Reporter's recommendations:

Modify the local development plan by:

1. replacing paragraphs 1.1 - 1.2 on proposed plan page 74 with:

"1.1 NPF4 seeks to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage. It encourages local development plans to realise their area's full potential for

electricity and heat from renewable, low carbon and zero emission sources by identifying a range of opportunities for energy development. Information on the legislative and national policy context for addressing the climate crisis is provided in Chapter 8: Delivering Sustainability and Climate Change Agenda.

1.2 In responding to the climate emergency, the council's Climate Change Route Map (2021) defines a holistic approach - a whole Borders collaborative approach – to the achievement of the council's net zero emissions target, within which the generation of renewable energy in place of the burning of fossil fuels, will play a leading and significant role. Scottish Borders Council is proactive in supporting a diverse range of renewable energy types.”

2. deleting the second sentence of paragraph 1.3 on proposed plan page 74.

3. deleting the final sentence of paragraph 1.4 on proposed plan page 74

4. adding the following two new sentences to the end of paragraph 1.4 on proposed plan page 74:

“The context for Policy ED9 is provided in NPF4 including Policy 11. This supports the principle of renewables in tackling the climate emergency and sets out the balance of considerations that should apply. This support would not extend to National Scenic Areas within Scottish Borders.”

5. deleting paragraphs 1.5 and 1.6 on proposed plan page 75.

6. replacing paragraphs 1.7 to 1.11 on proposed plan page 75 with the following two paragraphs:

“Following adoption of this Local Development Plan, the council intends that the Supplementary Guidance on Renewable Energy 2018 will become Supplementary Planning Guidance. As a result, it will no longer have development plan status. This document incorporates the Ironside Farrar “Update of Wind Energy Landscape Capacity and Cumulative Impact Study” (November 2016). In December 2013, the council prepared separate Supplementary Planning Guidance entitled “Landscape and Visual Guidance for Single and Groups of 2 or 3 Wind Turbines in Berwickshire”.

The above guidance may be used to assist in the assessment of renewable energy proposals. However, as the national policy context within which these were prepared has now been superseded, some aspects of the guidance will no longer be applicable. These documents will be of less relevance on matters where there are inconsistencies with NPF4 and the adopted Local Development Plan.”

7. replacing the wording of Policy ED9: Renewable Energy Development on proposed plan page 76 with:

“Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:

- i. wind farms including repowering, extending, expanding and extending the life of existing wind farms;
- ii. enabling works, such as grid transmission and distribution infrastructure;

- iii. energy storage, such as battery storage and pumped storage hydro;
- iv. small scale renewable energy generation technology;
- v. solar arrays;
- vi. proposals associated with negative emissions technologies and carbon capture; and
- vii. proposals including co-location of these technologies.

Development proposals will be assessed in accordance with NPF4 Policy 11 paragraphs b) to f) and other relevant provisions of NPF4.

Waste to energy schemes involving human, farm and domestic waste will be assessed against Policy IS10 Waste Management Facilities.”

Issue 12	Economic Development Policies: Policy ED11: Safeguarding of Mineral Deposits; Policy ED12: Mineral and Coal Extraction	
Development plan reference:	Volume 1 Policies – Economic Development Policies ED11 to ED12 (pages 82-86)	Reporter: Alison Kirkwood
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>The Coal Authority (405) Mineral Products Association (MPA) (723) Renewable Energy Systems (802) Scottish Government (847) Tarmac Trading Limited (849) Breedon Northern Ltd (919) St Boswells Parish Community Council (1032)</p>		
Provision of the development plan to which the issue relates:	Economic Development Policies ED11 to ED12	
Planning authority's summary of the representation(s):		
<p><u>The Coal Authority (405)</u></p> <ul style="list-style-type: none"> Contributor gives general advice that within the Scottish Borders there are coal mining legacy features at shallow depth, including approximately 151 mine entries, recorded and unrecorded shallow coal workings and past surface mining activity. They consider that these mine entries and mining legacy matters should be considered by Planning Authorities to ensure that site allocations and other policies and programmes will not lead to future public safety hazards. It is advised that surface coal resource is also present in the area and the sterilisation of this should be considered when development schemes are proposed. Contributor advises with specific regard to Volume 2 of the PLDP that they provide the LPA with downloadable GIS data in respect of Development Risk and Surface Coal resource plans. This data is refreshed annually, and the LPA is notified accordingly. It is assumed that any site allocations proposed have been assessed against this GIS data. <p><u>Mineral Products Association (MPA) (723)</u></p> <ul style="list-style-type: none"> Contributor notes that Scottish Planning Policy (SPP) confirms the important contribution minerals make to the economy; providing materials for construction, energy supply and other uses, and supporting employment. Contributor advises that the PLDP should therefore safeguard mineral resources and facilitate their responsible use. Contributor considers that the aim of Policy ED11 should be to ensure that minerals are not unnecessarily sterilised through inappropriate development, and their potential protected for future generations. However, they consider that Policy ED11 - while initially direct in its requirement that planning permission will not be granted for development which will sterilise mineral "reserves" - is very light on detail, and 		

would fall short in what it seeks to achieve. They go on to raise specific points that they consider should be addressed, which are summarised below.

- Contributor seeks change in wording of Policy ED11 from "reserves" to "resources". A distinction is made between these terms: "*In land-use planning terms, a mineral resource is a concentration or occurrence of material of intrinsic economic interest in or on the Earth's crust in such form, quality or quantity that there are reasonable prospects for eventual economic extraction. Importantly, a mineral reserve is that part of a mineral resource which can be economically extracted*". It is advised that the industry in the UK itself, sees "reserves" as being that part of the resource for which minerals planning consent has been obtained for its extraction. As such, the concern is that Policy ED11 only safeguards existing mineral extraction operations, and not deposits elsewhere whose extraction is still liable to be economically viable.
- Contributor raises concerns about the wording of sub paragraph a. of Policy ED11, which they say, focusses more on determining that mineral development is not acceptable in an area, when the emphasis should instead be on identifying the measures and actions which a non-mineral developer should pursue if proposing a development on, or adjacent to, a safeguarded mineral resource. In particular, their concern is that non-minerals developers should be asked to provide a Mineral Resource Assessment (MRA).
- Contributor considers that sub paragraph b. of Policy ED11, would benefit from identifying types of development that would be acceptable in an area where minerals are safeguarded, and providing clarification with respect to how prior extraction would operate in practice. Again, they suggest that there is potential to require a Mineral Resource Assessment from the non-minerals developer, to address this.
- Contributor seeks inclusion within Policy ED11 of provision to safeguard minerals infrastructure (including on- and off-site processing plants, ready mix plants, coating plants, transport facilities, etc.). They consider that the agent of change principle should apply to these.
- In relation to Policy ED12, contributor advises that SPP requires that planning should take a positive approach to enabling high quality development and making efficient use of land. SPP includes a presumption in favour of sustainable development, supporting businesses and employment, and promoting responsible extraction of resources.
- In relation to Policy ED12, contributor notes that SPP also requires that plans should support the maintenance of a landbank of permitted reserves for construction aggregates of *at least* 10 years, and at all times, through the identification of areas of search. They further note that SPP allows that as an alternative to this, an LPA may take a criteria-based approach; and that both approaches may also be adopted by an LPA. However, at present, they consider that it is not clear which approach Policy ED12 has followed.
- Contributor considers the wording of Policy ED12, and the preamble text, are contrary to the requirements of SPP in that the principal aim of ED12 should be to set out the policy for the delivery of minerals to meet the demand, over the plan period, ensuring an adequate supply of individual mineral types and maintaining the requisite landbank. They go on to raise specific points that they consider should be addressed within Policy ED12, which are summarised below.
- Contributor considers that Policy ED12 should identify/define mineral working in the area, including setting out a commitment to maintain a landbank of permitted reserves for construction aggregates of at least 10 years;
- Contributor considers Paras a. to c. of Policy ED12 simply repeat, EP1, EP2 and EP3;

- Contributor considers Policy ED12 should state where mineral extraction *will be* permitted (not where it will *not* be permitted);
- Contributor expresses dissatisfaction with how the Areas of Search for Minerals are identified/defined for the purpose of interpreting the Council's Minerals Policy, and advises that Figure ED12a is "*illegible*".
- Regarding Criterion d. of Policy ED12, Contributor objects strongly to imposition of an arbitrary 500m buffer zone relative to settlements, which they consider, circumvents the purpose of an EIA. (They question whether 500m is from Para 242 of SPP, which they point out relates to coal extraction).
- Contributor considers Criterion d. of Policy ED12, is too prescriptive, and undermines the planning application process in being unsustainable and contrary to SPP.

Renewable Energy Systems (802)

- Contributor considers that the final sentence of Policy ED12 – in its statement of a presumption against peat extraction and other development likely to have an adverse effect on peatland and/or carbon rich soils within Class 1 and 2 peatland areas – is inconsistent with Policy ED9, and Table 1 of Scottish Planning Policy (SPP). This, they advise, is because it introduces a blanket presumption against any form of development liable to have an adverse effect on peatland and/or carbon rich soils within Class 1 and 2 peatland areas (which would therefore include onshore wind farms) without taking account of the potential significance of any impacts or circumstances, in which any significant effects might be overcome, as Policy ED9 and SPP allow.
- Contributor considers that the last sentence of Policy ED12 should be amended to make it clear that this policy does not apply to the assessment of wind energy applications, which instead, require to be assessed against Policy ED9. It is suggested that this might be accomplished in the same way that the text of Policy ED10 confirms that that policy is not relevant to the assessment of renewable energy applications.

Scottish Government (847)

- Contributor advises that the Council's Minerals Policy (Policy ED11 and Policy ED12) should take account of SPP Paragraphs 237 and 238, to safeguard all workable mineral resources which are of economic or conservation value, and ensure that these are not sterilised by other development. This is to ensure that the development plan policies align with those outlined in SPP and support appropriate extraction. Protecting minerals from sterilisation and communities from the potential impact of minerals, such as noise and dust, are vital as well as protecting our environment.
- Contributor advises that the wording in Policy ED11 - in particular, in its caveat that 'extraction of the mineral is likely to be environmentally and socially unacceptable' - does not align with SPP para 237, which states, without any caveat, that: "*Local development plans should safeguard all workable mineral resources which are of economic or conservation value and ensure that these are not sterilised by other development*".
- Contributor advises that the Council's Minerals Policy (Policies ED11 and ED12) should take account of SPP paragraph 238, and support the maintenance of a

landbank of permitted reserves for construction aggregates of at least 10 years, at all times in all market areas, through the identification of areas of search.

- Contributor advises that the Council's Minerals Policy (Policy ED 11 and Policy ED12) should take account of SPP Paragraph 237, to set out the factors that specific proposals will need to address within minerals planning applications.

Tarmac Trading Limited (849)

- Contributor notes that Scottish Planning Policy (SPP) adopted in 2014, revised in December 2020, provides the national context for mineral development in Scotland and influences mineral policies within Local Plans. They particularly draw attention to, and quote, the advice of Paragraphs 234, 235, 237 and 238.
- Contributor considers that while Policy ED11 may directly reflect the guidance of Paragraphs 234 and 237 of Scottish Planning Policy with respect to mineral safeguarding, they believe it should be strengthened, principally by encompassing the protection of existing mineral development/facilities/deposits from nearby and potentially conflicting uses.
- Contributor advises that Policy ED11 does not state/identify the mineral deposits which are safeguarded and that there should be a list of known mineral deposits and developments within the policy wording/appendices, to ensure that specific sites are identified and safeguarded by name.
- Contributor considers that known mineral deposits should be safeguarded on the Scottish Borders Policy Map including by way of a buffer zone, which could assist in protecting any potential conflicting uses.
- Contributor is concerned that Policy ED12 is worded negatively with regard to future mineral development. They consider that the starting point should not be one of constraint - where mineral must not be worked other than in accordance with the many criteria that the policy requires minerals proposals to adhere to. Instead, it should provide a proactive, sustainable approach to the use of mineral resources, as is required by Paragraph 234 of the SPP. To this end, they consider that it would be beneficial to add wording to Policy ED12, which states where and how mineral working will be supported to bring the policy more in line with national guidance across Paragraphs 234 through 248 of SPP, which encourages the sustainable use of mineral resources and a steady supply of mineral to meet the needs of construction, energy and other sectors.
- With regard to Policy ED12, the contributor considers that although constraint areas are identified and reflected on Policy Maps, the distinction between these areas and the approach taken to development falling within these distinct areas, is not properly reflected in the Plan.
- Contributor advises that the 'Areas of Search' map is more restrictive than supportive in ensuring an adequate future supply of mineral. They observe that the 'Areas of Search' appear to be identified as small outlying areas beyond environmental/statutory designation. However, they point out, mineral can only be worked where it is found. Therefore, they consider, constricting it to small Areas of Search and imposing restrictive criteria within the wording of the policy (Policy ED12) could limit/direct future extraction to areas where there is only low grade mineral, or fail to maximise/support mineral development within sustainable locations. They advise that this restriction is not pro-active or conducive to the achievement of the SPP goals of ensuring an adequate supply of construction aggregates (paragraph 236), of meeting the needs of the construction, energy and other sectors (paragraph 235) or of facilitating 'responsible use' of mineral.

- Contributor considers that a more responsible, and ultimately more sustainable, method of planning for future mineral works would be to focus Area of Search to other sustainable criteria, such as main road corridors, reducing haulage relating emissions as the mineral resource is closer to its market/strategic highway network and not focus solely on environmental designation. They wish to see Areas of Search focused on known mineral reserves and the strategic highway network.
- Contributor advises that Area of Search mapping appears contradictory with regards to designations of 'Areas of Moderate Constraint' and 'Areas of Significant Constraint', in so far as there are currently operational quarries within these constraint areas (e.g. Craighouse Quarry, 3.2km south of Earlston; which is situated within an Area of Significant Constraint). They consider that it should be made clear within policy wording, what constitutes an Area of Search, Area of Moderate Constraint or Area of Significant Constraint' and what tests are applicable to development falling within these areas.
- Contributor considers that there should be wording within Policy ED12 in relation to extensions to existing quarries, both within areas of constraint and areas of search. It should be detailed what is expected of applicants with regards to extensions of existing operations where the principle for mineral development has already been established.

Breedon Northern Ltd (919)

- Contributor understands that the Mineral Products Association (723) has made representations with regards to Policy ED11 and supports these representations.
- Contributor considers Policy ED12, as currently drafted, to be contrary to SPP, for the reasons it sets out in their representation, and which are summarised below.
- Contributor advises that if Policy ED12 is retained in its present form, it will lead to the unnecessary sterilisation of aggregate resources, and may severely prejudice the Council's ability to secure an adequate and steady supply of minerals in accordance with the aims of the plan and the requirements of Scottish Planning Policy (Paragraph 238).
- Contributor considers that the wording of Policy ED12, and the preamble text, is negative – and negatively worded - towards mineral development and fails to identify the beneficial effects of mineral development.
- In terms of benefits and a positive context for minerals development, the contributor advises that all forms of built development within Scotland rely on the provision of cement, concrete, asphalt and aggregates. The Minerals Industry is therefore an essential element of the national and local economy and provides vital support to, most notably, the construction and building industry. Additionally, they advise, restored mineral working provide excellent opportunities for biodiversity enhancement, recreation and a range of other uses. They consider that Policy ED12 and its supporting text, should recognise the importance of the minerals industry in its support to the national and local economy, and in the beneficial social, environmental and economic impacts that it can bring, in order to ensure that a balance is achieved within the determination of minerals planning applications.
- Contributor advises that the Policy ED12 appears to gather together other environmental protection policy from elsewhere in the plan (Policies EP1 to 17) and contains little policy specifically related to minerals development.
- In relation to Policy ED12, and in terms of outlining what might constitute appropriate criteria within a more positive approach to siting minerals developments, the contributor observes that minerals can only be worked where they are found.

Construction aggregates are relatively low value bulk products which are produced in large volumes. It is essential that minerals are produced close to market areas in order to minimise environmental impact and cost associated with their transportation.

- Contributor observes that planning authorities have a responsibility to maintain at least a 10 year landbank of permitted reserves at all times in all market areas, and this should be set out, first and foremost, within Policy ED12, in line with SPP, Paragraph 238.
- Contributor considers that the use of "*may affect*" in the wording of criteria a., b., and c. of Policy ED12, is ambiguous and not consistent with SPP. Specifically, they advise, Paragraph 207 of SPP, relates to Natura 2000 sites and refers to proposals likely to have a "*significant effect*" on these sites, or to have impact on the "*integrity of the site*"; while Paragraph 212 of SPP, relating to National Designations, refers to "*significant adverse effects on the qualities for which the area has been designated*". Policies EP1 and EP2 of the proposed LDP adopt similar terminology as that contained within SPP. They request that the wording of Policy ED12 is amended to reflect these policy tests and ensure that the plan deals with these designations consistently for all forms of development.
- Contributor advises with respect to Policy ED12, and with specific regard to criterion (d) that they object to aggregate mineral development being treated under Policy ED12 in the same way as coal extraction, chiefly in applying a 500m buffer area within the assessment of the impacts of aggregate minerals development proposals. They point out that while the SPP does require the application of a 500m buffer area to the assessment of coal extraction proposals, it does not do so relative to aggregate minerals development. For mineral development other than coal extraction, SPP advises only that an 'adequate buffer zone' should be provided, which takes account of specific circumstances of individual proposals', in accordance with paragraph 242 of SPP. Setting a 500m buffer for all mineral development does not therefore take into account specific circumstances of individual proposals including size, duration, location, method of working, topography, the characteristics of the various environmental effects likely to arise and the mitigation that can be provided. They advise that the policy as drafted, is therefore contrary to SPP, para 242. Further, the Contributor considers that Policy ED12 devalues the EIA process, in that the latter might be trusted to identify and assess the impacts of aggregate minerals developments, without reference to a 500m buffer, the use of which is not advocated, or justified, by SPP relative to aggregate minerals developments. Buffer zones for sand and gravel and hard rock extraction, the contributor advises, should be considered on a case by case basis in accordance with Paragraph 242 of SPP, and the Council should not impose a buffer zone limit for aggregates. EIA is an important tool, they observe, in assessing the potential environmental impact of a specific minerals development and determining an adequate buffer which should be applied relative to that minerals development, within the assessment of impacts upon settlements and individual residential properties. They conclude that by applying an arbitrary 500m buffer around settlements, as proposed within Policy ED12, the policy devalues the EIA process and potentially sterilises large quantities of mineral which could otherwise be worked in accordance with all other policy and guidance. They consider that operations are more reasonably regulated through planning condition with stringent limits imposed in accordance with the requirements of Scottish Government Guidance; contained, for example, in Planning Advice Note 50 *Controlling the Environmental Effects of Surface Mineral Workings*; and compliance with these limits is demonstrated through monitoring.

St Boswells Parish Community Council (1032)

- Contributor seeks the introduction of a presumption against coal extraction in any part of the Scottish Borders, to reflect the national and regional need to decarbonise and address the climate emergency.

Modifications sought by those submitting representations:Policy ED11 (p. 82) and Policy Maps (pp. 181–187)

- Replace Policy with the following, or with other text to the following effect: “*The Council will safeguard all workable mineral resources which are of economic or conservation value and ensure that these are not sterilised by other development*” (critically removing recognition of, and allowance for, exceptional circumstances that if applicable, would permit departure from the policy – as are currently allowed under criteria a. and b. of Proposed Policy ED11). (847)
- Remove reference to “mineral reserves” and replace with reference to “mineral resources” in first sentence of Policy. (723, 919)
- Revise wording of Criterion a. of the Policy, to put emphasis on identifying the measures and actions which a non-mineral developer must take when they propose a development on, or adjacent to, a safeguarded mineral resource, including provision of a Mineral Resource Assessment (MRA). (723, 919)
- Revise wording of Criterion b. of the Policy, to identify types of development that would be acceptable in an area where minerals are safeguarded. (723, 919)
- Provide clarification in wording of Criterion b. of the Policy with regard to how the issue of prior extraction would be assessed and dealt with in practice, including potential to require a Mineral Resource Assessment (MRA) from the non-developer. (723, 919)
- Add wording and provisions to Policy to extend safeguarding from mineral deposits to encompass also, minerals infrastructure (including both on- and off-site processing plants)/existing mineral development/facilities/deposits from nearby and potentially conflicting uses. (723, 849, 919)
- Include direct and specific reference(s) within the policy to the mineral deposits which are safeguarded, including by means of a list of known mineral deposits and developments, or reference to appendices, to ensure that specific sites are identified and safeguarded by name under this policy. (849)
- Identify and describe all mineral deposits to be safeguarded under Policy ED11 on the Scottish Borders Policy Map, including also the description of a buffer zone in relation to each, to assist in protecting any potential conflicting uses. (849)
- Add text to Policy to align with SPP in supporting the maintenance of a landbank of permitted reserves for construction aggregates of at least 10 years, at all times and in all market areas, through the identification of areas of search, and/or put in place a criteria-based approach, which is recognised as an appropriate alternative by SPP. (723, 847, 919)

Policy ED12 (pp. 83 - 86), including Figure ED12a (p. 84), and Policy Maps (pp. 181 – 187)

- Revise Figure ED12a – Areas of Search for Minerals, to make it legible. (723; 919)

- Focus Areas of Search for Minerals to other sustainable criteria, such as known mineral reserves and access to strategic road network, and not focus solely on environmental designations. (849)
- Revise wording of Policy to identify positively the circumstances in which mineral extraction *will be* permitted (not where it will *not* be permitted); and provide a proactive, sustainable approach to the use of mineral resources in line with SPP, including a statement of where and how mineral working will be supported. (723; 849; 919)
- Revise wording of Policy ED12 and the preamble text, from negative approach, to one that is supportive of, and identifies the beneficial effects of, mineral development. (919)
- Revise wording of Policy ED12 to comply with that of Para 237 of SPP, specifically with regard to setting out the factors that any specific proposals being assessed under that policy, will need to address. (847)
- Revise wording of Policy to include directly, a commitment to maintain a landbank of permitted reserves for construction aggregates of at least 10 years at all times and in all market areas, through the identification of areas of search, and/or to put in place an appropriate alternative criteria-based approach in line with SPP, para 238. (723; 847; 919)
- Identify and define the Areas of Search for Minerals as an integral part of Policy ED12. (723; 919)
- Set out within the wording of Policy ED12 what constitutes an Area of Search, Area of Moderate Constraint or Area of Significant Constraint' and what tests are applicable to development proposals falling within these areas. (849)
- Delete Criteria a., b. and c. of Policy ED12. (723; 919)
- Revise wording of Criteria a., b. and c. of Policy ED12 to remove "*may affect*" and replace with a form of words that is consistent with the terminology and descriptions of SPP, and policy tests of Policies EP1 and EP2, specifically with regard to the scale and type of impacts requiring assessment, so that the plan deals with natural heritage designations consistently for all forms of development. (919)
- Revise Criterion d. of Policy ED12, to be less prescriptive, and bring into line with the requirements of SPP. (723; 919)
- Delete reference within Criterion d. of Policy ED12 to the need to take account of a 500m buffer zone relative to settlements when considering amenity, residential amenity and landscape character. Alternative text should state that buffer zones for sand and gravel and hard rock extraction will be considered on a case by case basis, in accordance with Paragraph 242 of SPP, without any default imposition of a buffer zone limit for aggregates. (723, 919)
- Revise wording of last sentence of Policy ED12 to make it clear that this policy does not apply to the assessment of wind energy applications, which instead, require to be assessed against Policy ED9. (802)
- Add text to Policy ED12 specifically to regulate the assessment of proposed extensions to existing quarries both within areas of constraint and areas of search, detailing what is expected of applicants where the principle for mineral development has already been established by existing operations. (849)
- Add text to include a presumption against coal extraction in any part of the Scottish Borders. (1032)

Summary of responses (including reasons) by planning authority:

NO MODIFICATIONS

REASONS:

It is noted that:

- Contributor 405 (The Coal Authority) supports the inclusion of Policy ED11: Safeguarding of Mineral Deposits and Policy ED12: Mineral and Coal Extraction (CD183, page 38).
- Contributor 983 (NatureScot) welcomes and supports the policy amendment to Policy ED12, for a presumption against peat extraction and other developments likely to have an adverse effect on peatland and carbon rich soils (CD183, page 451).
- Contributor 1043 (SEPA) supports retention of Policy ED11 – Safeguarding of Mineral Deposits and the retention of Policy ED12 – Mineral and Coal Extraction, and welcomes the reference to a presumption against peat extraction and other development likely to have an adverse effect on peatland and/or carbon rich soils within class 1 and 2 peatland areas (CD183, page 514).

Minerals Planning Policy Context (723, 847, 849, 919)

- Contributors advise that the planning policy context for minerals development within the Plan should be reset to recognise and respond to minerals' economic significance to the local, regional and national economy, and support minerals development through robust minerals policies which provide a positive framework for the assessment of minerals development proposals (i.e. through the maintenance of a landbank, and identification of Areas of Search). This is, they advise, instead of maintaining a negative approach, which they consider risks displacing minerals development to marginal areas away from the best mineral resources, and away from opportunities to achieve the most economical and efficient extraction of the minerals resources which the economy needs.
- The Council recognises the importance of minerals to the national, regional and local economy, and considers that it has set in place a minerals planning policy context that balances the practicalities of identifying viable opportunities for minerals extraction, with the protection of the natural environment, landscape and heritage assets, and the amenity of surrounding homes and settlements. Fundamentally, the Council considers that minerals developers are best placed to identify the most viable workable mineral resources in the area. As such, and without taking a commercial perspective, it does not seek to promote any particular site or area for minerals development. However, there is a responsibility to protect the environment, landscape and amenity of the surrounding area, and therefore consideration of impacts upon these assets is required under policy. In so doing, the Council seeks to take a realistic and practical view within its assessment of minerals development proposals, and considers that Policies ED11 and ED12 achieve the necessary balance between on the one hand, the safeguarding of viable mineral resources and the promotion of viable minerals development in the most appropriate locations; with, on the other, the appropriate protection for the environment, landscape and amenity of the site and surrounding area. As such, the Council does not accept that its minerals policy is obstructing or preventing efficient minerals development. Furthermore, both policies still reflect very closely the versions contained within the Adopted Scottish Borders Council Local Development Plan 2016 (CD009; please refer to pages 62 to 66). These were supported by the Reporter at the time of the

Examination of the latter. It is not considered that there is any necessity for them to be rewritten.

Minerals Safeguarding - Paragraph 237, Scottish Planning Policy (847)

- Taking account of the concern to reflect the advice of Paragraph 237 of SPP (CD041) in the wording of Policy ED11, the Scottish Government's advice is tantamount to a request that the text of Policy ED11 should be revised to the following, or at least along the following lines: *"The council will not grant planning permission for development which will sterilise any workable mineral resources which are of economic or conservation value"*.
- In addition to recommending that the wording be changed to reflect Paragraph 237, they further advise in terms of alignment with the SPP (CD041), that the policy should not include, or allow for, any exceptional circumstances as proposed Policy ED11 currently does. Therefore, and in addition to the revision of the first line, they also seek the deletion of the word *"unless"* and the deletion of both criteria a. and b. The latter allow non-minerals development where minerals extraction is likely to be environmentally and socially unacceptable, or where a non-minerals developer can demonstrate an overriding need for their development whenever prior extraction cannot reasonably be undertaken.
- The Council is content that the wording and terminology of proposed Policy ED11 - which is the same as Policy ED11 on page 62 of the adopted Scottish Borders Local Development Plan 2016 (CD009) – contributes appropriately to the Council's Minerals Policy framework.
- The Council does not consider the exceptions recognised by Policy ED11, to be unreasonable. On the contrary, these appear realistic, and allow some flexibility in the event of the prevalence of exceptional circumstances that might otherwise prevent non-minerals developments that can deliver significant benefits.

Minerals Safeguarding - "Mineral Reserves" to "Mineral Resources" (723, 919)

- Contributor 723 (supported by Contributor 919) advises that as far as they are concerned, the term "reserves" is the wrong word to use within the wording of Policy ED11, in that the minerals industry understands "reserves" to be a specific and limited part of the overall mineral "resources" which are currently of economic interest to the industry. Specifically, "reserves" are only those deposits for which minerals planning consent has been obtained for their extraction. This, they indicate, means, or risks, that safeguarding does not extend over all minerals which are of economic interest.
- The contributor's clarification on this technical point is noted; and it is acknowledged to be in line with the terminology used by SPP, which avoids use of the term 'reserves', in favour of: *"workable mineral resources which are of economic or conservation value"*.
- The word "reserves" is used in the version of Policy ED11 in the Adopted Local Development Plan. The Oxford English Dictionary definition of "reserve" does not define this in any terms that rely on, or require, minerals planning consent. Instead, a "reserve" is simply *'a supply of something available for use if required'* (CD162; please refer to page 616). The context of use of the term in Policy ED11, makes it clear that no finer definition than this is intended. The preamble, it is considered, also confirms that interpretation of the policy, relies on an everyday, common sense understanding of the term "reserves". Accordingly, while it is acknowledged that the

contributors' concerns are liable to be seen to support a closer alignment of the wording of Policy ED11 with SPP, Paragraph 237, the Council is not persuaded that the use of the term "reserves" – rather than "resources" - has made, or now makes, the policy liable to circumlocution in the terms that the contributors anticipate.

Minerals Safeguarding - Criteria a. and b. in Policy ED11 (723, 919)

- The contributors' concerns to introduce practical improvements to the Council's approach to the operation of minerals safeguarding are noted.
- However, it is considered that provision of a Mineral Resource Assessment would in any case, be an implicit and logical step whenever there was a need for a non-minerals developer to demonstrate that economically significant mineral deposits would not be sterilised contrary to the provisions of Policy ED11.
- When considering whether or not there is any overriding need for a specific development proposal, the Council considers that regard is more appropriately had to the specific need for the specific development proposed, rather than regard having to be had to the general type of development proposed. Accordingly, the Council would not seek to define, or qualify, the type(s) of development it would anticipate that there would be liable to be an overriding need for.
- For the reasons set out above, the Council would not seek to revise Policy ED11 to include these proposed revisions.

Minerals Safeguarding - Minerals Development, Infrastructure and Facilities (723, 849, 919)

- The contributors wish to see the safeguarding provisions extended more widely over minerals development, infrastructure and facilities. However, the advice of Paragraph 237 of SPP (CD041) with respect to safeguarding, refers to "*workable mineral resources*", which, within the context in which it is used, suggests that it is taken to refer to mineral deposits only, and not to any related infrastructure or associated facilities in the way that the contributors would seek.
- On a further, and practical point, generic terms such as 'infrastructure' and 'facilities' do run the risk of creating a 'grey area' with respect to whether or not certain developments are included or not, within any safeguarding; for example, road networks that are not exclusively used by minerals developers, or the premises of non-mineral contractors which service minerals developers, or industries which process or use minerals. In short, not only are contributors seeking protection over and above anything that can be substantiated by SPP, there are also liable to be practical difficulties in establishing the extent to which safeguarding might apply, or be applied, in specific circumstances.
- Accordingly, the Council would not wish to see the safeguarding provisions extended beyond reserves of economically significant mineral deposits.

Minerals Safeguarding - Identify Safeguarded Mineral Resources in Policy ED11 and on Scottish Borders Policy Map (849)

- The contributor wishes to see specific minerals and specific areas of mineral resources identified for safeguarding under Policy ED11 and described on the Policy Map; including protection within buffer zones to prevent sterilisation by non-minerals development. In essence, they seek the positive identification of areas of mineral resources for safeguarding for current and future minerals development.

- It is considered that Policy ED11 provides appropriate protection to mineral resources from unsympathetic development without the need for specific sites, or buffer zones, to be identified on the Scottish Borders Policy Map. Each non-minerals proposal is assessed on its own planning merits, and where the potential for conflict with minerals extraction is apparent, those proposing non-minerals developments are required to demonstrate what the impacts upon the minerals resource and minerals operation concerned would be, and establish whether or not these would be liable to be unacceptable.

Minerals Landbank - Maintenance of Landbank and Identification of Areas of Search (723, 847, 919)

- Contributors consider that the Council's Minerals Policy should align with SPP in supporting in policy, the maintenance of a landbank of permitted reserves for construction aggregates of at least 10 years, at all times and in all market areas, through the identification of areas of search, and/or that it should put in place a criteria-based approach, which is also recognised by SPP as an appropriate alternative methodology.
- The Council's Minerals Policy is informed by Figure ED12a describing 'Areas of Search for Minerals'. To the contributors' point, it is acknowledged that this does not have any direct status within the policy text of either Policy ED11 or Policy ED12. However, firstly, the Council considers that minerals developers are best placed to advise with regard to the mineral deposits that are of interest and value to them rather than the Council seeking to identify these directly, if positively; and secondly, that it is realistic that while areas of search may help provide some positive, if higher level, guidance to places where the principle of minerals development is liable to be acceptable and therefore supported, it does still necessarily come down to an assessment of the specific impacts of the specific proposal under consideration on the environment, landscape and amenity of the site and surrounding area. As such, it is reasonable to allow that these specific assessments might still identify sufficient capacity for a proposal that is out with an area of search, to operate acceptably. Conversely, it also needs to be allowed that a location within an area of search, might not per se, be assumed to mitigate the impacts of an actual specific proposal, particularly where its impacts would be significant. Furthermore, Policy ED12 is still substantially in the form in which it is included on pages 63-66 of the Adopted Scottish Borders Council Local Development Plan 2016 (CD009); which is to say, the form in which it was approved at the time of the Examination of the latter.
- As such, it is considered that the policy provides, and still provides, an appropriate framework to assess any minerals development proposal.

Minerals Landbank - Presentation of Figure ED12a – Areas of Search for Minerals (723; 919)

- The contributor advises that Figure ED12a is unclear ('illegible').
- Figure ED12a as it appears on page 84, is featured to make developers aware that this resource exists, and that it is a material consideration and a useful starting point within the assessment of any minerals development proposal. The detailed information and component parts within the Figure can be made available to developers who request it.

Minerals Landbank - Positive Attributes to Identify and Define Areas of Search (849)

- Contributors consider that the identified Areas of Search for Minerals, should be focussed away from constraints to other positive, sustainable criteria; such as where there are known mineral reserves, and where there is good access to the strategic road network; rather than framed in reference to environmental designations, an approach which, they consider, does not reflect the realities and practicalities of minerals development.
- The Council already has Figure ED12a describing 'Areas of Search for Minerals'. This identifies the entire region in terms of 'Areas of significant constraint', 'Areas of moderate constraint' and 'Areas of Search'. While SPP allows that 'Areas of Search' might be promoted by minerals developers or landowners, it also allows that these might be used by planning authorities to guide development to particular areas. In practical terms, where the minerals industry is expected within minerals planning applications to identify and promote sites of interest to it on the basis of what will be positive attributes in the industry's terms, the 'Areas of Search' defined and set out by the Council, are land that falls out with areas where there are, or are liable to be, existing environmental constraints.
- Ultimately, applicants are encouraged to focus their search away from areas where there are perceived to be constraints towards areas that are liable to offer greater capacity to accommodate extraction. It is not considered unreasonable that 'Areas of Search' should be defined in this way. Policy ED12 in any event, requires that developers should in all cases, demonstrate that their specific proposals would have no unacceptable impacts upon the specific site and surrounding area, regardless of whether or not it coincides with an 'Area of Search'. This still allows that it might be demonstrated within the presentation and assessment of a specific proposal that, notwithstanding its identification within an area of constraint, it might in fact not have any unacceptable impacts upon the site or surrounding area when the details are considered fully and appropriately. Or alternatively, regardless of it falling within an Area of Search, its specific impacts in the type or scale of what is proposed relative to the site and its surroundings, would not be acceptable. In short, 'Areas of Search' are considered to be a useful tool when they are defined consistently; essentially responding to constraint. Conversely, efforts to mix positive and negative attributes, would be liable to run the risk of diluting the effectiveness of any classification. Moreover, the addition of further, albeit positive, qualifications to the identification of 'Areas of Search', might in fact reduce the amount of land that can be included within an 'Area of Search'.
- Ultimately, the Council is not the minerals industry and is not expected to ascribe or determine the value of particular mineral deposits or assess the viability of extraction, in any terms that are simply more practically undertaken by those within the industry itself. Accordingly, and in anticipation and appreciation of these limitations, it is considered that the current definition of 'Areas of Search' is fit for purpose, and clearer for the public – as well as for the industry – to follow.

Minerals Landbank - Definition within Policy ED12 - Area of Search, Area of Moderate Constraint and Area of Significant Constraint' (849)

- Contributor seeks advice – principally through incorporation into Policy ED12 – of definitions of what constitutes an 'Area of Search'; an 'Area of Moderate Constraint'; and an 'Area of Significant Constraint'.

- When planning authorities were initially requested by Scottish Government to prepare Areas of Search maps for wind farms, corresponding advice was prepared within part of PAN 45 (Annex 2), confirming the constraints to be incorporated into the categories of “Area of Significant Constraint” and “Areas of Moderate Constraint”. Once these had been mapped, the remaining land was identified as “Areas of Search”. This fed into the Council’s SPG on Wind Energy 2011. Whilst PAN 45 (Annex 2) has now been revoked, it was considered the constraints identified remained of material value and use and formed the basis for Fig12a.

Assessment of Minerals Proposals - Paragraph 237 of Scottish Planning Policy (SPP) (847)

- The Scottish Government seeks the revision to the wording of Policy ED12 to comply with that of Paragraph 237 of SPP (CD041), specifically with regard to setting out the factors that any specific proposals being assessed under that policy, will need to address.
- The purpose of the PLDP is to establish the framework for planning decision-making at the local level and not necessarily to repeat word for word, what SPP says. The LDP should take SPP forward, and develop it to a local level, which obviously should not be at odds with SPP. It is considered that this is what Policy ED12 does, and again, it must be remembered that the policy has previously been gauged against SPP at the Examination of the adopted 2016 Plan, worded accordingly, and signed off by Scottish Ministers.

Assessment of Minerals Proposals - Support in Principle and Positive Attributes within Assessment of Minerals Proposals (723, 849, 919)

- Contributors seek revisions to the wording of Policy ED12 to identify positively the circumstances in which mineral extraction *will be* permitted (not where it will *not* be permitted). Within this, they seek provision of a proactive, sustainable approach to the use of mineral resources, in line with SPP, including a statement of where and how mineral working will be supported (CD041; please refer to pages 52 to 54). This is essentially a related point to that which has been made above by the same contributors, with respect to the definition of Areas of Search; the two are essentially two parts of the same approach, promoting a positive framing of minerals development.
- It is accepted that the contributors’ advice and recommendations align to some extent with the point already noted above with regard to the Scottish Government’s advice that minerals policy should follow Paragraph 237 of SPP more closely. However, again, the purpose of the LDP is not simply to reproduce SPP, and it does require to develop SPP to a local level. As already noted, it is considered realistic and practical for the Council to frame policy in terms of constraint, while being sympathetic to the requirements and needs of the minerals industry and wider economy. It is reasonable that minerals developers can demonstrate that their specific proposals are acceptable in the context of an area of constraint, and also that these are acceptable regardless of the coincidence of the subject site with an area of search. It is considered that this approach is in line with the advice and guidance of the SPP. Ultimately the development management process will determine the support or otherwise, of a planning application taking on board all material considerations. It is considered the policy wording and criteria tests are appropriate.

Assessment of Minerals Proposals - Criteria a., b. and c. of Policy ED12 (723, 919)

- Although one contributor seeks the deletion of criteria a., b., and c.; and the other their amendment, both take issue with the inclusion of criteria a., b. and c. in their current form. However, one does this on the basis that they consider that these duplicate requirements that are considered under Policies EP1 and EP2, and consequently, are therefore unnecessary; whereas the other, considers that they would need to be revised, to be brought into line with the wording of Policy EP1 and Policy EP2.
- Paragraph 237 of SPP requires that natural heritage designations are taken into consideration within minerals planning decisions. Accordingly, it is not considered that any requirement to do so, should be deleted from Policy ED12. The concern that the wording should be amended to reflect the policy tests of Policies EP1 and EP2, is noted, but it is considered that the potentially intrusive nature of minerals developments is such that a more rigorous test of these proposals is required. In their conception, international and national designations were promoted and awarded to provide protection from development liable to have significant adverse impacts, and quarrying by definition, is amongst the type of development which in its character, is liable to have significant adverse impacts.

Assessment of Minerals Proposals - Criterion d. of Policy ED12 (723, 919)

- The contributors seek a less proscriptive version of criterion d., specifically requiring that reference to the need to take account of a 500m buffer zone relative to settlements when considering amenity, residential amenity and landscape character, should be deleted, and alternative text added to the effect that buffer zones for sand and gravel and hard rock extraction will be considered on a case by case basis, in accordance with Paragraph 242 of SPP (CD041). The latter still recognises the need for a buffer zone relative to minerals developments, but allows that this might be defined relative to the specific proposal, site and their circumstances.
- It is acknowledged that the contributors' proposed approach, which refers to Paragraph 242 of SPP (CD041), is consistent with the concern to more accurately reflect the criteria set out in Paragraph 237; and that SPP does not specifically advocate the application of a 500m buffer zone relative to minerals developments (only coal extraction). However, in the Council's experience a 500m buffer zone is a practical baseline for the assessment of impacts upon residential amenity, while the policy still allows that the minerals developer can demonstrate through the EIA process that there would be no unacceptable impacts where a 500m buffer is not achieved, or cannot be achieved. The Council does not consider that minerals developers are disadvantaged by it, and that it is a helpful baseline from which assessment of amenity impacts can be assessed, particularly in instances where the site is beyond 500m from a local settlement or any sensitive properties in the surrounding area.
- Moreover, this provision is included in the version of Policy ED12 which is in the adopted Scottish Borders Council Local Development Plan 2016, and as such, was considered an appropriate inclusion within the policy at the time of the Reporter's Examination of the adopted LDP, when regard also had to be had to SPP (2014) including Paragraphs 237 and 242 (CD041).
- At the time of the Examination of the Scottish Borders Council Local Development Plan 2016, the Reporter advised on page 239 of the Report to Scottish Borders Council on the then Proposed Scottish Borders Local Development Plan, that:

“[g]iven the terms of the criterion, I am satisfied that the planning authority is not treating the 500m separation figure as a firm requirement because some provision is made to vary it. I therefore believe that it is reasonable to retain the figure in the policy, particularly in light of the reference to it in Scottish Planning Policy for surface coal extraction. However, I consider that the criterion should be changed to make clear that the specific circumstances of an individual proposal could justify a variation” (CD040). The aforementioned change was addressed within the version of the LDP that was thereafter progressed to adoption.

- Taking account of all of the above, the Council does not consider that there is a need to modify criterion d of Policy ED12 to remove reference to assessment relative to a local settlement within 500m of the site of the minerals or coal extraction proposal.

Assessment of Minerals Proposals - Extensions to Existing Minerals Extraction Operations (849)

- The contributor seeks additional provisions within Policy ED12 to cover specifically, the assessment of proposed extensions to existing quarries both within areas of constraint and areas of search, detailing what is expected of applicants where the principle for mineral development has already been established by existing operations.
- While it would be a material consideration within the assessment of a proposal to extend an existing minerals extraction site that the site is already operational, it still needs to be considered that a proposal to extend a quarry may be liable to generate equivalent or greater impacts as/than a new extraction proposal, depending on circumstances and scale. Account should therefore always be taken of the potential for any escalation or exaggeration of existing impacts due to increasing scale and extent of works, which simply cannot be fully known, or assumed to be acceptable simply because the proposal relates to an existing operation. As such, it is considered that extensions are considered in the same terms as new proposals precisely because they introduce the potential for new and/or more significant cumulative impacts. It is with the operators of both proposed new and extended quarries to account fully and appropriately for the impacts of their proposals in equivalent terms.

Coal Extraction (405, 1032)

- The Coal Authority (Contributor 405) advises with regard to information it holds, and provides to LPAs, to inform the preparation of statutory development plans. It seeks reassurance that its information, guidance and advice have been taken into consideration. It is confirmed that all information provided by contributors has been taken fully into consideration within the preparation of the Proposed Local Development Plan, and used wherever appropriate as part of the LDP preparation.
- While the concern of Contributor 1032 to respond robustly and decisively to the Climate Emergency is appreciated, the introduction of a presumption against coal extraction in the region would go beyond anything that has been set down within national policy at this point, although it is acknowledged this position may change. Accordingly, it is not considered that any such presumption would legitimately be adopted by this Local Planning Authority. It is considered that the tests set out within Policy ED12 are in any case, sufficiently robust as to ensure that any specific coal extraction proposal might be considered appropriately and on its own planning

merits, and that no greater level of restriction would be applied to the regulation of coal extraction proposals than that which has been set out within the prevailing national planning policy context.

Peat Extraction (802, 983, 1043)

- Contributors 983 and 1043 state their support for the new sentence at the end of Policy ED12, which relates to impacts upon peat and carbon rich soils.
- Contributor 802 points out an inconsistency between Policy ED12 and Policy ED10, with regard to the inclusion within the latter but not within the former, of advice to the effect that the subject policy does not apply to the assessment of wind energy applications; which should instead be assessed against Policy ED9. Critically though, Policy ED12 – in common with Policy ED9 - relates *directly* to a type of development (specifically, ‘Mineral and Coal Extraction’) whereas Policy ED10 relates to the natural attributes of land that might be developed (specifically, Prime Quality Agricultural Land and Carbon Rich Soils’). As such, it is considered implicit that Renewable Energy Development would be assessed primarily against Policy ED9 *and not Policy ED12*; whereas in situations where sites are, or include, land that is Prime Quality Agricultural Land and/or has Carbon Rich Soils, any proposal – renewable energy or minerals extraction included – would need to be assessed against Policy ED10. Accordingly, the caveat is included within Policy ED10, but is not included within Policy ED12. Further, the specific wording included within Policy ED12 reflects precisely the wording proposed and required by NatureScot (983) who remain supportive of its inclusion.

Reporter’s conclusions:

1. A number of representations sought changes to make the proposed plan consistent with Scottish Planning Policy (2014). As Scottish Planning Policy (2014) has now been superseded by National Planning Framework 4 (NPF4), those who submitted representations on this matter were invited to comment on the implications of NPF4.

Policy ED11 Safeguarding of Mineral Deposits (723, 847, 849, 919)

2. There are no representations seeking changes to the wording of paragraph 1.1 on page 82 of the proposed plan. It would be for the council to decide whether any consequential modifications would be justified now that Scottish Planning Policy (2014) has been superseded by NPF4.

3. Representations have raised concern regarding the use of the word “reserves” rather than “resources” in Policy ED11: Safeguarding of Mineral Deposits. This is on the grounds that the minerals industry uses the term “reserves” to mean mineral deposits that have planning permission. Despite the term “resources” being used in Scottish Planning Policy (2014), the council was not persuaded that a modification is necessary.

4. NPF4 Policy 33: Minerals does not use either word. Instead, it refers to “mineral deposits of economic value”. To avoid confusion and in the interests of consistency, I recommend that the first sentence of Policy ED11 is modified to read: “The council will not grant planning permission for development that would sterilise mineral deposits of economic value unless:”

5. Policy ED11 in the proposed plan includes two exception clauses. Representation (847) considered that the inclusion of such clauses was not consistent with Scottish Planning Policy (2014) paragraph 237 and that these should be removed. On the basis that NPF4 Policy 33 includes similar clauses, there is no reason for me to recommend the removal of these. Whilst the wording of the exception clauses in Policy ED11 is not identical to NPF4 Policy 33, I do not consider these clauses to represent a conflict with national policy. No modification to clauses a) or b) is necessary in response to representation (847).

6. Representations (723) and (919) seek further detail on how Policy ED11 will be implemented, for example in relation to the provision of a minerals resource assessment by non-mineral developers and identifying the types of development that would be acceptable in areas with mineral deposits. Whilst I can understand why the matters raised are of concern to mineral operators, I do not consider it necessary for these details to be addressed within the local development plan itself. The council has indicated on page 82 of the proposed plan that it intends to prepare supplementary planning guidance on minerals. Such guidance would provide the opportunity to address matters relating to the implementation of Policy ED11. No modifications are required.

7. There is no requirement in national planning policy to extend safeguarding provisions to cover infrastructure and facilities, as well as mineral deposits. I agree with the council that such an approach would not be justified. No modification is necessary.

8. Representation (849) wishes to see safeguarded mineral deposits listed in the text and identified on the policy map. The council does not consider this to be necessary to allow non-minerals proposals to be assessed against the criteria in Policy ED11.

9. NPF4 (page 92) states that local development plans should take steps to ensure that important workable mineral resources are not sterilised by other types of development. I consider that policy ED11 is consistent with NPF4 in this regard.

10. In the absence of any locational details, I am unclear how a non-minerals developer or the council would be aware that a proposal may conflict with safeguarded mineral deposits. However, there is no requirement in national policy for the council to provide this information in the plan itself. The preparation of supplementary planning guidance on minerals would provide the opportunity for the council to consider this matter further in consultation with minerals developers. No modification is required.

Policy ED12: Mineral and Coal Extraction (405, 723, 802, 847, 849, 919, 1032)

Landbank/Areas of Search (723, 847, 919)

11. Representations are concerned that the proposed plan does not commit to maintaining a landbank of permitted reserves for construction aggregates of at least 10 years at all times and in all market areas.

12. Scottish Planning Policy (2014) paragraph 238 stated that plans should support the maintenance of a 10-year land bank either through the identification of areas of search or a criteria-based approach. Representations are unclear what approach proposed plan Policy ED12 has followed.

13. NPF4 (page 92) also states that local development plans should support a landbank of construction aggregates of at least 10 years at all times in relevant market areas. It does not specify how this should be done.

14. Proposed plan Figure ED12a identifies areas of search for minerals. However, representation (849) is concerned that the information provided relates to areas of constraint rather than positive attributes such as where there are known mineral reserves or accessibility to the strategic road network. The council considers that minerals developers are better placed to advise on mineral deposits that are of interest and value to them. It also considers it reasonable to direct mineral development to land outwith areas of environmental constraints.

15. The council has explained that the constraint areas shown on Figure ED12a are based on mapping undertaken to inform the council's Supplementary Planning Guidance on Wind Energy 2011. The parts of the Scottish Borders outwith the two constraint areas also form the "areas of search" for minerals development.

16. There does not appear to be any correlation between the areas of search identified on Figure ED12a and the need to support a minimum 10-year land bank for construction aggregates. I have not been provided with any information on what the relevant market areas for construction aggregates are, whether there is currently a landbank of construction aggregates of at least 10 years in relevant market areas or whether additional sites would be necessary during the plan period to support the required land bank.

17. The council states that the areas of search shown in the proposed plan provide an indication of where minerals development may be acceptable in terms of environmental constraints. However, it provides no information on whether these areas coincide with the location of mineral deposits or permitted reserves. Furthermore, it is not clear if or how the proposed plan meets the requirement to support a 10-year land bank for construction aggregates.

18. I agree with representations (723) and (919) that the information provided on Figure ED12a is insufficiently clear. There is no reference to Figure ED12a in Policy ED12 and the council's response above indicates that the areas of search were identified for the purpose of wind farms rather than minerals. Furthermore, there is no requirement to identify areas of search in NPF4. On this basis, I recommend that Figure ED12a and the reference to it in paragraph 1.1 on page 83 are removed from the plan. Modifications to this effect are recommended below.

19. I find that the proposed plan is not consistent with national planning policy in terms of demonstrating that it supports a landbank of construction aggregates of at least 10-years at all times in the relevant market areas. However, this is not a matter that I can fully address through this examination. I recommend that the first sentence of paragraph 1.1 on page 83 of the proposed plan be modified to refer to the expectations of NPF4 in relation to minerals development, including the need to support a landbank of construction aggregates. I also recommend the insertion of a new sentence into paragraph 1.1 which indicates that further information on this matter will be provided in the supplementary planning guidance on minerals. It would be for the council to decide whether the supplementary planning guidance should identify areas of search to help maintain the required landbank of construction aggregates. Modifications to this effect are recommended below.

Coal Extraction (405, 1032)

20. Proposed plan Policy ED12 allows for the extraction of coal subject to the criteria listed, and paragraph 1.1 on page 83 identifies broad areas of search for coal. Representation (1032) considers that there must be a presumption against coal extraction.

21. The Coal Authority (405) did not initially seek any changes to Policy ED12. However, in response to my further information request, it has indicated that it would have no objections to any changes which are proposed in order to take account of NPF4.

22. The council's response states that its approach to coal extraction was consistent with national planning policy at that time. However, it acknowledges that following the adoption of NPF4, Policy ED12 should no longer refer to coal extraction.

23. NPF4 Policy 33: Minerals states that development proposals that seek to explore, develop, and produce fossil fuels (excluding unconventional oil and gas) will not be supported other than in exceptional circumstances. Furthermore, such exceptions would need to demonstrate that the proposal is consistent with national policy on energy and targets for reducing greenhouse gas emissions.

24. NPF4 introduces a presumption against fossil fuel extraction, which represents a fundamental change in national policy on this matter. I consider that Policy ED12 should be modified to reflect this change.

25. I recommend that the title of Policy ED12 on page 83 and 85 is amended to read "Mineral Extraction". Furthermore, the penultimate sentence in proposed plan paragraph 1.1 (page 83) which refers to areas of search for coal should be removed. Recommended modifications to this effect are set out below.

Wording of Policy ED12 (723, 802, 847, 849, 919)

26. Representations consider that Policy ED12 should be reworded to provide a more proactive approach to minerals development and identify where proposals will be permitted. Specific wording changes are also requested to align with national policy.

27. NPF4 Policy 33 section d) uses the words "will only be supported" rather than the "will not be permitted" used in Policy ED12 in the proposed plan. Whilst not going as far as representation (919) wishes, in terms of proactively indicating where mineral development will be permitted, I consider this form of words provides an appropriate basis for the assessment of mineral proposals. NPF4 Policy 33 groups together relevant environmental considerations into one section rather than listing each designation separately. Given that these designations are covered by other specific local development plan policies (see list for cross-reference purposes on page 82) which can be used in the assessment of development proposals, I consider it unnecessary for each designation to be mentioned individually in Policy ED12.

28. I consider that the use of the phrase "may affect" in Policy ED12 sections a) to c) is overly restrictive and not consistent with NPF4 Policy 33 or proposed plan Policies EP1: International Conservation Sites and Protected Species, and EP2: National Nature

Conservation Sites and Protected Species. In these policies, the test is whether the development would have a significant adverse impact.

29. Representations (723 and 919) consider that the reference to a 500-metre buffer zone around local settlements for construction aggregates, in proposed plan Policy ED12 d), is not consistent with national planning policy.

30. Paragraph 244 in Scottish Planning Policy (2014) referred to a 500-metre buffer zone in relation to coal extraction only. NPF4 Policy 33 d) requires proposals to “provide an adequate buffer zone between sites and settlements taking account of the specific circumstances of individual proposals, including size, duration, location, method of working, topography, and the characteristics of the various environmental effects likely to arise”. It also requires proposals to demonstrate “that there are no significant adverse impacts (including cumulative impact) on any nearby homes, local communities and known sensitive receptors and designations” and “acceptable levels (including cumulative impact) of noise, dust, vibration and potential pollution of land, air and water”.

31. I consider the potential impacts of minerals development on existing communities and residential amenity would be more fully addressed through the criteria included in NPF4 Policy 33, rather than an arbitrary 500 metres buffer zone. It would also address the points made in representations (723) and (919) that potential adverse impacts of individual proposals would need to be addressed through the Environmental Impact Assessment process.

32. In order to address the above matters and in the interests of clarity and consistency with national policy, I recommend that Policy ED12 (except for the last paragraph) is replaced with wording which indicates that proposals for the extraction of minerals will be assessed in accordance with NPF4 Policy 33 paragraph d).

33 I note that proposed plan paragraph 1.1 on page 82 recognises the important contributions that minerals make. In addition, the recommended replacement text for paragraph 1.1 on page 83 provides further context for Policy ED12. I do not consider that any other changes are needed in response to the representations seeking a more positive approach to minerals development.

34. As I am recommending that Figure ED12a Areas of Search for Minerals is deleted, there is no need to include definitions of what constitutes the areas of significant constraint, moderate constraint, and search on this map.

35. Representation (802) seeks reassurance that the last paragraph of Policy ED12 does not apply to renewable energy proposals. The council has explained that Policy ED12 would only apply to proposals for mineral extraction. It is Policy ED10 which relates to the protection of carbon rich soils, and this indicates that proposals for renewable energy would be permitted where these accord with Policy ED9.

36. I find that the wording of the last paragraph of Policy ED12 could be read as implying a presumption against renewable energy proposals (as a type of “other development”) in areas of peatland. This would be inconsistent with NPF4 Policy 5 Soils and proposed plan Policy ED10, both of which would support renewable energy proposals in areas of peatland/carbon rich soils. To avoid any confusion, I recommend

that the words “and other development” are removed from the last paragraph of Policy ED12.

Assessment of extensions to existing minerals operations (849)

37. I consider that my recommended modifications to Policy ED12 already provide relevant criteria for assessing proposals for extensions to existing minerals operations. There is no requirement within the section on minerals in NPF4 to treat extensions any differently from new proposals. No further modifications to Policy ED12 are required.

Reporter’s recommendations:

Modify the local development plan by:

1. replacing the first sentence of Policy ED11: Safeguarding of Mineral Deposits on proposed plan page 82 with:

“The council will not grant planning permission for development that will sterilise mineral deposits of economic value unless:”

2. deleting the words “and coal” from the title on proposed plan page 83 and policy heading on proposed plan page 85 to read:

“Policy ED12 Mineral Extraction”

3. replacing paragraph 1.1 on proposed plan page 83 with the following:

“1.1 In addition to safeguarding important workable mineral resources and taking steps to ensure these are not sterilised by other types of development, NPF4 states that the local development plan should support a landbank of construction aggregates of at least 10 years at all times in the relevant market areas. It should also promote sustainable resource management and ensure that communities and the environment are protected from the impacts of mineral extraction. Consequently, a balance must be struck between these needs. The aim of Policy ED12 is to ensure that mineral working is carried out with minimal adverse impact on the environment and with appropriate restoration measures following extraction. Further information in relation to supporting a landbank of construction aggregates, of at least 10 years at all times in relevant market areas, will be provided in future supplementary planning guidance on minerals. The policy criteria relate to land both within and outwith the Scottish Borders.”

4. deleting Figure ED12a Areas of Search for Minerals on proposed plan page 84 and reference to it in paragraph 1.1 proposed plan page 83.

5. replacing the wording of Policy ED12 on proposed plan page 85 with:

“Proposals for the extraction of minerals will be assessed in accordance with NPF4 Policy 33 paragraph d) and other relevant provisions of NPF4.

There will be a presumption against peat extraction likely to have an adverse effect on peatland and/or carbon rich soils within class 1 and 2 peatland areas.”

Issue 13	Housing Development Policies: Policy HD1: Affordable Housing Delivery; Policy HD2: Housing in the Countryside; Policy HD3: Protection of Residential Amenity; Policy HD4: Further Housing Land Safeguarding; Policy HD5: Care and Nursing Homes; Policy HD6: Housing for Particular Needs	
Development plan reference:	Volume 1 Policies – Housing Development Policies HD1 to HD6 (pages 87-101)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
Peebles & District Community Council (122) Anton Whittingham (155) Ian Gibson (502) Tom Douglas (515) NHS Borders (589) Scottish Renewables (612) Marion Livingston (749) Coriolis Energy (811)	Wemyss & March Estate (829) Scottish Land & Estates (833) Scottish Government (847) Asda Stores Limited (886) Lilliesleaf, Ashkirk and Midlem CC (899) Homes for Scotland (1014) St Boswells Parish Community Council (1032) Tom Miers (1037)	
Provision of the development plan to which the issue relates:	Housing Development Policies HD1 to HD6	
Planning authority's summary of the representation(s):		
<p>Policy HD1: Affordable Housing Delivery</p> <p><u>Tom Douglas (515)</u></p> <ul style="list-style-type: none"> The contributor raises concerns regarding the appetite to build social housing next to private housing. <p><u>Homes for Scotland (1014)</u></p> <ul style="list-style-type: none"> Welcomes the Council's openness to accepting commuted payments towards affordable housing rather than always requiring on-site provision. Note the absence of a threshold within this policy. To stimulate housing delivery by smaller-scale home builders the contributor recommends that the wording of this policy be revised to allow development of up to a given number of units (the threshold should be based on viability) to proceed without contributing to affordable housing. The policy refers to supplementary guidance. Guidance should not be used to seek contributions over and above 25% as this would increase the cost of development and impact on development viability. As such, affordable housing contribution levels should be clearly set in the development plan, and subject to all the checks and balances of the LDP preparation process. The contributor asks that the policy be reworded to explicitly state that contribution of up to but not exceeding 25% may be 		

sought (excepting for smaller sites which, as above, the contributor asks the Council to exempt from this policy).

Policy HD2 Housing in the Countryside

Anton Whittingham (155)

- There needs to be explicit reference in the policy to the need for the council to be satisfied that any new development, in addition to the criteria already indicated in HD2, is also judged against the level of existing utility infrastructure, and the impact that a new development will have on the existing infrastructure, and how that will be addressed as part of any planning proposal. For example, the degree to which existing electricity, water, broadband, parking, road access for vehicles, and path/pavement access for pedestrians, sewage management in an area would be impacted on as part of a development proposal. There may be existing dwellings that have invested in sustainable energy production, such as solar cells, which could be negatively impacted by a future development proposal.

Marion Livingston (749)

- Whilst the contributor is supportive of SBC's policy on this, they believe that housing density and the need for specific types of housing in different rural areas (maybe starter homes in some, or sheltered housing in others) needs to be more clearly defined. As well as ensuring that the right kind of housing is built in the right place, this would avoid wasting commercial developers (and the Planning Department's) time.

Wemyss & March Estate (829)

- Supports the Council in seeking to protect the countryside from inappropriate poorly designed and located development. However there is a need for good development across a range of locations across the Borders including those in the countryside.
- Promotes a variation to the preferred policy that allows development in the countryside on the proviso that it can be justified by good design and acceptable impact on the surrounding area (visual/infrastructure etc).
- There are numerous redundant or semi-redundant former cottages and farm buildings in the countryside that could be brought back into beneficial use (not exclusively but more often than not, residential). However, the cost of refurbishment/redevelopment coupled with limited financial returns means land and property owners cannot justify the outlay. Appropriate new-build in addition to the existing property would help bridge this funding gap (and we acknowledge that there is some support for this in the Proposed LDP – Section E of HD2). However, many of these buildings are constrained by access difficulties or lack of modern services. In such cases relocating a house to a more accessible site could offer the council a realistic opportunity to deliver much needed rural housing whilst in principle simply replacing an existing building with a better located and more sustainably constructed alternative. There is continued pressure to deliver a wide range of house types and tenures and this proposed approach would help provide a wider variety of types and tenure options (market-rent, mid-market rent, key worker, rural affordable etc).

- More flexibility is needed for development in the countryside to assist with diversification opportunities for rural business and to promote sustainable development. Limited small scale development profits, rental revenues or receipts from land and plot sales are invariably ploughed back into the Borders economy through further investment (especially through long term stakeholders such as WME), spending on local goods and services and employment,...or simply providing much needed income for a local business enabling it to remain viable.
- Modern living promotes less travel, working flexibly and from home whilst landowners (large and small) are needing to diversify (even without the as yet still unknown impacts of Brexit and the Coronavirus pandemic) to ensure a variable existence in the Countryside. The impacts of Coronavirus can already be seen with increasing demand for flexible accommodation in more rural areas, enabling working from home and the establishment of new or relocated businesses.
- There is clearly potential for well-designed innovative development in the countryside (of a variety of uses, not just residential) and future investment in appropriate development should be encouraged in promoting good practice and also in supporting the rural and wide Scottish Borders economy.

Scottish Land & Estates (833)

- The contributor states that in this section, under (F) Economic Requirement, they consider it is important to allow development of housing to accommodate retiring farmers to facilitate succession of viable farm businesses.
- The contributor considers 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.
- The contributor considers 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.
- Given the Scottish Government recognise the need to address this specific topic, we are aware 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.

Lilliesleaf, Ashkirk and Midlem CC (899)

- Considers that the density of new housing in countryside groups should respect the density of the existing group.

Homes for Scotland (1014)

- The contributor supports the Council's aim of promoting appropriate rural housing development. This policy could be broadened to ensure it helps stimulate confidence and activity amongst the Scottish Borders' smaller scale home building businesses. This could be achieved by adding a section on Smaller Scale Home Building. This would help achieve the overall strategy and objectives of the plan and reduce the reliance on meeting housing need and demand through the many long-standing smaller scale allocations which it is hard to be confident will be delivered.
- The contributor proposes a change to Policy HD2, to add additional policy wording to expressly support development by smaller-scale home builders in the Scottish Borders.

St Boswells Parish Community Council (1032)

- The contributor states that there should be a clear call to prevent the sterilisation of agricultural land.

Tom Miers (1037)

- The contributor states that the Housing in the countryside policy sometimes works well, but its basic flaw is that it seeks to achieve its objective (preventing haphazard development in open areas) by setting geographic limits or else restrictions based on whether or not there was a building in situ previously. The alternative is a rather loose economic justification for new building which is often used to get round these other stipulations.
- The problem with this approach is it does not allow for attractive new buildings to be built in the Borders except within or on the edge of settlements. In other words, we are in the absurd situation where many of the most attractive buildings in the Borders – from cottages to castles – would not be allowed under current planning rules. This restricts innovation, investment and the potential for aesthetic improvement of our environment, and encourages low quality buildings that fit geographic or economic criteria instead. The council should work more imaginatively to allow new buildings in the countryside that are judged on the quality of their design and setting. More generally, if developments are higher quality, they meet less public resistance, allowing more (and therefore less expensive) development overall.

Policy HD3: Protection of Residential AmenityIain Gibson (502)

- Policy should include an obligation upon the Council both to undertake a survey of resident opinions, within a generous area reach of any proposed development, and to provide a point by point response to each concern.

Scottish Renewables (612)

- The following policy text is regarded as being too strict preventing any development no matter how minor the adverse impact may be: "Development that is judged to

have an adverse impact on the amenity of existing or proposed residential areas will not be permitted” and reference is made to visual impacts.

- If this wording is to be retained, it should be include a materiality threshold. In addition, adverse impacts on residential amenity may be one of many factors relevant to an individual planning application and should not be regarded as determinative in every case as the wording of the policies implies.
- If wording is to be retained it should be changed to “Development that is assessed as likely to have to have a materially adverse impact on the amenity of existing or proposed residential areas will not be supported.”
- The contributor believes the reference to renewable energy development in Policy ED3 paragraph 1.1 is unnecessary and should be deleted, given that the matters relevant to renewable energy development in this policy are already referenced in Policy ED9.

Coriolis Energy (811)

- Reference to renewable energy in paragraph 1.1 of the supporting text should be removed. Any application relating to renewable energy which has the potential to result in adverse impacts on residential amenity should be dealt with in the context of Policy ED9.

Asda Stores Limited (886)

- Would like the Council to acknowledge the Chief Planners letter ‘Agent of change: Chief Planner February 2018’ (CD062) within Policy HD3 to make sure any proposed housing is designed to ensure appropriate mitigation against any impact from existing business.
- Acknowledges the Agent of Change was instigated by the live music industry but believes it also applies equally to all land uses. States that planning decisions are made in line with development plans, that SPP promotes decision making in line with sustainable pattern of development and PAN 1/2011 Planning and Noise provides advice on the role of planning to prevent and limit the adverse effects of noise, and it is believed the Scottish Government intend to incorporate Agent of Change into NPF4 and SPP.
- Stores and distribution centres in the UK have been affected by development on adjacent land. Stores operate around the clock to meet customer’s needs and housing development can cause issues. Whilst increased custom is welcome full consideration of the implications of noise, particularly in terms of service yard activity. The Council should ensure the Local Plan reflects this guidance and is consistent with national planning.

Policy HD4: Further Housing Land Safeguarding

Homes for Scotland (1014)

- The contributor considers this policy to be inflexible in that it does not provide for a steady stream of new housing land. For longer term land to be activated, land allocated for the shorter term must first be delivered. This is a risk in the Scottish Borders because of the difficulty the Council has in predicting whether and when its site allocations will attract the interest and investment of a developer. The Council should consider giving itself more flexibility to release longer term land if it finds, in

the first few years of the plan, the completion levels it has anticipated in its Housing Land Audits are not being achieved. Equally it should not bind its own ability to release further housing land (including greenfield sites) if the circumstances of SESplan 1 Policy 7 apply.

Policy HD5: Care and Nursing Homes

Peebles & District Community Council (122)

- The Contributor objects to the title of Policy HD5 and states that it should be retitled to “Care, Nursing and Retirement Homes”.

NHS Borders (589)

- The Contributor welcomes the guidance on ensuring these homes are fit for purpose and part of the community. However they feel the guidance should go further and ensure that they are part of a wider care pathway that allows a more graduated approach to accessing levels of residential care and allows individuals to remain in their homes for as long as possible. It is also important to recognise the high level of demand that care and nursing homes can place on health services, particularly primary care services. This should be incorporated into any assessment of care home development.

Policy HD6: Housing for Particular Needs

NHS Borders (589)

- Contributor makes comments in respect of 2.13 (Housing for Disabled People and People with Learning Disabilities) within the Chapter 2. States that the lack of any clear assessment of the housing need for these groups is of some concern, especially as it means that an indicative level of appropriate housing is therefore not included in the Plan. It would be reassuring to have a clear confirmation that this need will be assessed and appropriate supplementary guidance issued.

Scottish Government (847)

- The plan should state what the findings of the HNDA were in relation to Gypsy/Travellers and Travelling Showpeople and state what the role of the LDP will be in meeting this need if any was identified. The reason being, to meet the requirement of paragraph 133 of SPP that states local development plans should identify suitable sites for these communities if there is a need.
- Policy HD6 Housing for Particular Needs would benefit from clarifying in the plan what need, if any, was identified as part of the HNDA and what the LDP intends to do to support the delivery of specialist housing, if a need was identified. The reason being, to meet the requirements of paragraph 132 of SPP which states, *‘as part of the HNDA, local authorities are required to consider the need for specialist provision that covers accessible and adapted housing, wheelchair housing and supported accommodation, including care homes and sheltered housing. This supports independent living for elderly people and those with a disability. Where a need is identified, planning authorities should prepare policies to support the delivery of appropriate housing and consider allocating specific sites’*.

St Boswells Parish Community Council (1032)

- The contributor states that this policy seems far too vague.
- In response to Paragraph (4.8) within Chapter 4, the Contributor states that, presumably there will be a requirement for special-needs housing, although it seems at present the Council does not know the extent of this requirement. Finding this out should be a priority.
- It would seem helpful if there were paragraphs on the following: homelessness and sub-tolerable housing.

Modifications sought by those submitting representations:**Policy HD1: Affordable Housing Delivery**

- No specific modifications sought by contributor. (515)
- Include a threshold (based on viability) below which housing developments will not be asked to contribute to the provision of affordable housing. (1014)
- Reword the policy to be clear that contributions in excess of 25% will not be sought. (1014)
- Remove reference to the potential use of supplementary guidance to seek higher contribution levels. (1014)

Policy HD2 Housing in the Countryside

- Requests the inclusion of reference in the policy, to the need for the Council to be satisfied that any new development, in addition to the criteria already indicated in Policy HD2, is also judged against the level of existing utility infrastructure, and the impact that a new development will have on the existing infrastructure, and how that will be addressed as part of any planning proposal. (155)
- Seeks clearer definition of housing density and the need for specific types of housing in different rural areas. (749)
- Amendment to Policy HD2 to allow the relocation of a house to a more accessible site. (829)
- Amendment to Policy HD2 to allow development in the countryside on the proviso that it can be justified by good design and acceptable impact on the surrounding area (visual/infrastructure etc). (829, 1037)
- Amendment to include an additional criteria within Part F) Economic Requirement of Policy HD2, to read, '*(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*'. (833)
- Amendment to Policy HD2, to add additional policy wording to expressly support development by smaller-scale home builders in the Scottish Borders. (1014)

Policy HD3: Protection of Residential Amenity

- Policy change to include an obligation for the Council to undertake a survey of residential opinions, within a generous area of any proposed development, and provide a point by point response to each concern. (502)
- Change to include emphasis of Agent of Change principle within Policy HD3 Protection of Residential Amenity. (886)

- Amend policy wording: “Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted” to “Development that is assessed as likely to have to have a materially adverse impact on the amenity of existing or proposed residential areas will not be supported.’ The reference to renewable energy development should be deleted. (612)
- Removal of reference to renewable energy from paragraph 1.1 “This policy also applies to applications for renewable energy developments.” (612, 811)

Policy HD4: Further Housing Land Safeguarding

- Consider additional wording to give the Council flexibility to release longer term land early if anticipated delivery from allocated sites is not achieved. (1014)
- Fully reflect the flexibility of Policy 6 (Housing Land Flexibility) and Policy 7 (Maintaining a Five Year Housing Land Supply) of SESplan 1. (1014)

Policy HD5: Care and Nursing Homes

- Seeks the retitle of the Policy HD5 to “Care, Nursing and Retirement Homes”. (122)
- Seeks the policy guidance to go further and ensure that care and nursing homes are part of a wider care pathway that allows a more graduated approach to accessing levels of residential care and allows individuals to remain in their homes for as long as possible. In addition, the high level of demand that care and nursing homes have on health services, particularly primary care services should be recognised and be incorporated into any assessment of care home development. (589)

Policy HD6: Housing for Particular Needs

- Confirmation that the need for housing for disabled people and people with learning disabilities will be assessed and appropriate supplementary guidance issued. (589)
- Include within the Proposed Plan, the findings of the HNDA in relation to Gypsy/Travellers and Travelling Showpeople and state what the role of the LDP will be in meeting this need if any was identified. (847)
- Update Policy HD6 to clarify what need, if any, was identified as part of the HNDA and what the LDP intends to do to support the delivery of specialist housing, if a need was identified. (847)
- The Contributor does not raise specific modifications, however raises a number of concerns. (1032)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO POLICY HD1, HD2, HD3, HD4, HD5 OR HD6 AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

Policy HD1: Affordable Housing Delivery (515, 1014)

It is noted that Contributor 843 (M & J Ballantyne) supports Policy HD1 (CD183, page 312).

Location of affordable housing (515)

- The comments from the contributor are noted, regarding the location of affordable housing next to market housing. Scottish Planning Policy (SPP) (CD041, paragraphs 115 & 129) states that plans should address the supply of land for all housing and that where a contribution is required, this should generally be for a specified proportion of the serviced land within a development site to be made available for affordable housing. The aim of Policy HD1 is to ensure that new housing development provides an appropriate range and choice of 'affordable' units as well as mainstream market housing. The provision of affordable housing is a material consideration in the planning system and the Development Plan is recognised as an appropriate vehicle through which it may be facilitated by Planning Authorities.
- Policy HD1 requires the provision of a proportion of land for affordable housing, currently set at 25%, both on allocated and windfall sites. The final scale of such affordable housing will be assessed against:
 - a) Local housing needs
 - b) The location and size of the site, and
 - c) The availability of other such housing in the locality.
- Developers may be required to make contributions through:
 - a) The provision of a proportion of the site for affordable housing in the form of land or built units, or
 - b) The provision of additional land elsewhere to accommodate the required number of affordable housing units, or
 - c) The provision of commuted payments.
- It should be noted that it is important not to differentiate between market and affordable homes within developments. It is important that developments are designed in such a way that market and affordable housing are incorporated together, to ensure that there is provision for a range and choice for the wider community. Therefore, it is considered that the wording of Policy HD1 is in line with national policy.

Threshold (1014)

- It has been suggested that a threshold is introduced to allow the development of up to a given number of units to proceed without contributing to the provision of affordable housing. Furthermore, that the threshold should be based on viability. It is considered possible that such a reduction might stimulate the mainstream house building to some extent, however such a measure would also be likely to reduce the potential number of affordable houses being provided. Appendix 2 sets out the housing land requirement for the Scottish Borders for the Plan Period, which is broken down into affordable and market units. It should be noted that this was informed by the Housing Needs and Demand Assessment 2 (HNDA) (CD004). In accordance with Scottish Planning Policy (SPP) (CD041), the level of contribution for affordable housing is set at 25% within the policy. However, Policy HD1 also includes 3 criteria a) to c), in respect of the scale of affordable housing development, which provides flexibility for proposals to be assessed against. It is considered that this approach involves a degree of flexibility relating to need, location and the size of the site and the availability of other such housing sites in the locality. Therefore, it is considered that the policy allows a degree of flexibility for applications to be assessed against and there is not a need to include a threshold based on the viability. In conclusion the Council does not agree to modify the Proposed LDP in response to this representation.

25% Contribution (1014)

- The contributor suggests a modification, to reword the policy to be clear that contributions in excess of 25% will not be sought. It should be noted that Policy HD1 states that, '*The Council will require the provision of a proportion of land for affordable housing, currently set at 25%, both on allocated and windfall sites*'. This is in line with Scottish Planning Policy (SPP) (CD041, paragraph 129), which states that '*The level of affordable housing required as a contribution within a market site should generally be no more than 25% of the total number of houses*'. It is considered that the current wording of Policy HD1, is in line with SPP (CD041), in respect of specifying the affordable housing threshold. Therefore, in conclusion the Council does not agree to modify the Proposed LDP in response to this representation.

Supplementary Planning Guidance (1014)

- The contributor suggests the removal of the reference to the potential use of supplementary guidance to seek higher contribution levels. It is considered that the affordable housing contribution level is clearly set out within Policy HD1, stating that '*The Council will require the provision of a proportion of land for affordable housing, currently set at 25%, both on allocated and windfall sites*'. The policy does not seek contributions over and above 25%. It is acknowledged that Policy HD1 makes reference to Supplementary Guidance, stating '*The Supplementary Planning Guidance on Affordable Housing expands upon the above policy*'. However it should be noted that the Supplementary Planning Guidance (SPG) on Affordable Housing (CD085), does not seek higher contribution levels. Rather, the SPG sets out more detailed guidance than the policy, including thresholds for on-site provision and commuted sum contributions. Therefore, in conclusion the Council does not agree to modify the Proposed LDP in response to this representation.

Policy HD2 Housing in the Countryside (155, 749, 829, 833, 899, 1014, 1032, 1037)

It is noted that Contributor 1043 (Scottish Environment Protection Agency) (CD183, page 514) and Contributor 983 (NatureScot) (CD183, page 452) support Policy HD2: Housing in the Countryside.

Reference within Policy HD2 to utility infrastructure (155)

- The comments from the contributor are noted in relation to utility infrastructure provision. It should be noted that Policy HD2 assesses the principle of housing in the countryside. However, any planning application would need to be assessed against all the other relevant policies contained within the LDP, including those covering utilities. Policy HD2 outlines key policies to which this policy should be cross referenced with, along with any approved Supplementary Planning Guidance.
- Furthermore, it is encouraged that land owners and developers engage in early discussions regarding utility infrastructure to identify any potential constraints at an early stage.
- As a result, the Council does not agree to modify the Proposed LDP in response to this representation.

Housing density and need for specific types of housing (749)

- The comments are noted. The Council aims to encourage a sustainable pattern of development focused on defined settlements in accordance with the need to support existing services and facilities and to promote sustainable travel patterns. The defined settlements within the Proposed LDP contain allocations, including housing sites which have indicative site capacities. These allocations ensure that the Council provides a range and choice of housing sites throughout the Scottish Borders to meet the housing land requirement.
- In respect of Policy HD2, the policy aims to encourage high quality sustainable housing development in appropriate locations within the countryside as a means of sustaining the rural economy and communities. The policy sets out criteria against which proposals for new housing in the countryside will be assessed. In doing this the policy will protect the environment from inappropriate and sporadic new housing development whilst still being able to support rural communities.
- It should be noted that Policy HD2 is specifically focused on the principle of housing in the countryside, outwith the defined development boundaries contained within the LDP. This includes; additions to existing building groups/dispersed building groups, conversion of buildings to a house, restoration of houses, replacement houses and single houses with an economic justification.
- The LDP does not specify the type of housing for each allocation. There are policies which facilitate this contained within the Plan. This includes Policy HD1: Affordable Housing Delivery, which aims to ensure that new housing development provides an appropriate ranges and choice of 'affordable' units as well as mainstream market housing. Furthermore Policy HD6: Housing for Particular Needs, aims to ensure the provision of housing for particular needs throughout the Scottish Borders.
- Each housing proposal must also be assessed against all the other relevant policies contained within the LDP, including those covering placemaking and design.
- As a result, the Council does not agree to modify the Proposed LDP in response to this representation.

Amendment to Policy HD2 (Good design and acceptable impact on surrounding area/approach to Policy HD2) (829, 1037)

- Contributor (1037) states that the Council should allow new buildings in the countryside that are judged on the quality of their design and setting. Therefore, if developments are higher quality, they meet less public resistance, allowing more development overall. Furthermore, the contributors propose an amendment to Policy HD2, to allow development in the countryside on the proviso that it can be justified by good design and acceptable impact on the surrounding area.
- The Council aims to encourage a sustainable pattern of development focused on defined settlements in accordance with the need to support existing services and facilities and to promote sustainable travel patterns. An exception to this general approach is Policy HD2, which aims to encourage high quality sustainable housing development in appropriate locations within the countryside as a means of sustaining the rural economy and communities. It should be noted that high quality design is a requirement for all rural development proposals. This is relevant whether they are; an addition to existing building groups, conversions, restorations, replacement housing or isolated housing with a location essential for business needs.

- It is not considered that the approach set out by the contributors would be sustainable, as ultimately it would result in sporadic development not associated with any existing development, scattered throughout the Scottish Borders which the Council would also have to provide services to. The Scottish Borders has a highly attractive landscape and allowing unplanned piecemeal development, regardless of what is considered to be good design, will diminish this. Over the years there have been many refusals for planning applications in the countryside due to proposals either not being part of, or there being no existence of a building group. Many landowners do not submit applications in the rural countryside as they are aware proposals would not comply with the current policy. If the policy was amended as proposed, over time there would likely be a major influx of such proposals and the rural countryside and its attractiveness due to its rural nature, could significantly change. It should be noted that an addition to Policy HD2 as part of the Proposed Local Development Plan, is the following paragraph within the policy itself '*As well as the above general principles, high quality design in all developments is critical, along with the requirement for suitable vehicular access. This will be guided by Supplementary Planning Guidance (SPG) on New Housing in the Borders Countryside and on Placemaking and Design*'. Therefore, it is acknowledged that high quality design remains an important issue for all rural housing proposals to address.
- For the reasons above, the Council does not agree to modify the Proposed LDP in response to the representations.

Amendment to Policy HD2 (Allow relocation of a house) (829)

- The contributor requests that there should be provision to allow for relocating a house to a more accessible site, rather than within the same site. However, it is considered that this would undermine the overall approach and principles of Policy HD2, set out within the criteria. In respect of appropriate conversions, restorations and replacement houses within the countryside, the policy supports these as a means of retaining a building whose character contributes to its rural setting, and for acknowledging an existing residential presence in such locations. However, Policy HD2 restricts isolated new housing in the countryside unless it can satisfactorily substantiated by an economic justification under criteria (f) of the policy.
- It is considered that the proposals set out by the contributor would essentially allow new isolated housing within a countryside location, which undermines the current policy. Furthermore, this has the potential to result in a vast and sporadic number of new houses being built throughout the Borders countryside, in no sustainable manner. Therefore, the Council does not agree to modify the Proposed LDP in response to this representation.

Additional criteria within part f) Economic Requirement (833)

- Comments are noted in respect of the request for an additional criteria under part (f) economic requirement, in respect of retiring farmers and succession.
- The contributor requests an additional requirement, to allow a house for a retiring farmer, for succession farm management. In such instances, the retiring farmer may continue in some form to contribute to the family business, either by retaining a financial interest, advising on a local agri-environmental condition or by involvement in some form of business diversification.

- It is acknowledged that Scottish Planning Policy (SPP) (CD041, paragraph 83) states that; ‘in remote rural areas, where new development can often help to sustain fragile communities, plans and decision-making should generally
 - *Encourage sustainable development that will provide employment;*
 - *Support and sustain fragile and dispersed communities through provision for appropriate development, especially housing and community-owned energy;*
 - *Include provision for small-scale housing and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact;*
 - *Where appropriate, allow the construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies;*
 - *Not impose occupancy restrictions on housing’.*
- Comments are noted in respect of the Aberdeenshire LDP, however they are not directly relevant to the Scottish Borders Council Proposed LDP. Each planning authority may have its own housing in the countryside policy which is prepared taking account of a range of issues relevant to their respective regions.
- One of the aims of Policy HD2, is to protect the environment from inappropriate and sporadic new housing development whilst still being able to support rural communities. The policy restricts isolated new housing in the countryside unless it can be satisfactorily substantiated by an economic justification under part (f) of the policy. For such housing proposals with a location essential for business needs, an accompanying business case/justification will be required, which demonstrates the economic requirement for a house at that location.
- Criteria (a) and (b) of Part (f) of the policy, allow a single house with a location essential for business needs if; the housing development is a direct operational requirement of an agricultural enterprise or it is for the use of a person last employed in an agricultural enterprise. Any such proposals would also be required to meet criteria (c to e) within the policy.
- It is therefore considered that the provisions set out within criteria (a) and (b) allow for single houses within rural areas for agricultural enterprises, both for an employed farmer and retired farmer, where all other criteria are also met. It is considered that the current criteria within part (f) meet the requirements set out within SPP, outlined above. Therefore, the Council does not agree to modify the Proposed LDP in response to this representation.

Amendment to policy wording (small scale house builders) (1014)

- The comments are noted. However, it is not considered that including a reference to small scale house builders would alter the principles of the policy. Housing allocations and the opportunities for development in the countryside are not written for specific end users nor targets within the development industry. It is also considered many opportunities for small scale extensions of rural building groups may be of more interest and benefit to small scale house builders. Therefore the Council do not agree to modify the Proposed LDP in response to this representation.

Density of new housing in the countryside (899)

- Although not a direct modification, the comments are noted in respect of the density of new housing in the countryside. It should be noted that Policy HD2 Part (a) allows

housing of up to a total of two additional dwellings or a 30% increase of the existing building group, whichever is the greater, subject to meeting the list of criteria. Part (b) allows housing in dispersed building groups of up to two additional dwellings, again subject to meeting the list of criteria. The policy aims to protect the environment from inappropriate and sporadic new housing development whilst still being able to support rural communities. All proposals must demonstrate high quality design that is responsive to its landscape context.

- In both instances above, detailed evidence on the relationship of the proposed new housing to the building group or dispersed building group should accompany any planning application. It should be noted that in the context of building groups, it may be the case that some building groups are considered to be completed and are therefore unable to accommodate additional development. It is therefore considered that the criteria includes a cap on the number of additional houses that can be added to a building group/dispersed building group within the Plan period.
- Furthermore, any proposals must also be assessed against all other relevant policies contained within the Local Development Plan. This includes Policy PMD2 which includes placemaking and design criteria, including the scale, massing, height and density of any proposal.
- Therefore, it is considered that density is taken into consideration within Policy HD2 and other policies contained within the LDP.

Prevent sterilisation of agricultural land (1032)

- Although not a direct modification, the comments are noted. It should be noted that Policy HD2 does not allocate any sites within the countryside for housing. Rather, any proposals put forward for housing within the countryside, would be assessed against the criteria contained within Policy HD2. It is acknowledged that due to the likes of Brexit there will be changes to rural agricultural practices. The LDP acknowledges this and seeks to support diversification measures where possible, although it must be stated that the planning process is not the sole mechanism for addressing and solving these issues.

Policy HD3: Protection of Residential Amenity (886)

Obligation to undertake a resident opinion survey (502)

- The development management process requires neighbour notification of properties within 20m of a development. This process allows any parties the opportunity to submit a comment or objection to a planning application. No change required.

Amendment to Policy HD3 (materiality threshold) (612)

- The first paragraph in Policy HD3 states that: "Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted". This text already exists within the adopted LDP 2016 (CD009, page 73) and it is not considered it has caused any issues nor dubiety in practice. Consequently it is not considered there are any reasonable grounds to amend the sentence. No change required.

Deletion of reference to renewable energy in paragraph 1.1 (612, 811)

- It is considered that text which states “This policy also applies to applications for renewable energy developments” is appropriate and justified within the preamble to HD3. It is acknowledged that Policy ED9 Renewable Energy Development is the primary policy for considering applications for renewable energy but it is not the sole policy to be considered. There are a range of other relevant LDP policies which need to be addressed.
- Policy ED9 lists a range of considerations to be addressed including “impacts on communities and individual dwellings (including visual impact, residential amenity, noise and shadow flicker).” Policy HD3 gives further criteria tests to address this and it therefore must be referred to and it must be noted that after Policy ED9 the part which states “Key policies to which this policy should be cross referenced” makes a clear reference to policy HD3. Similarly Policy ED3 makes a cross reference to Policy ED9 to be considered when necessary. No changes required.

Agent of Change Principle (886)

- The nature of the Policy HD3 is residential amenity although applicable in a number of contexts as per para 1.1 of Policy HD3.
- The letter titled ‘Agent of change: Chief Planner February 2018’ does predominately relate to live music venues as opposed to supermarkets and adjoining uses.
- NPF4 Position Statement (CD064, pages 28 & 35) makes reference to Agent of Change in two places in the context of protecting cultural assets from inappropriate development and regeneration of town centres, which wouldn’t be of particular relevance in the context of the objection. Although at this stage NPF4 has not yet been finalised.
- Its felt that Policy HD3 Protection of Residential Amenity is robust and while does not explicitly mention Agent of Change it does what the objector wishes: “Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted.”
- The development management process largely deals with the contributor’s concerns. Planning applications for residential housing near an established business are dealt with on a case by case basis. Proximity of development to existing businesses or development would be considered. Where there are concerns around noise a consultation with Environmental Health would be required. There might be a requirement for a developer to provide a noise impact assessment. The onus is on the developer to show how they will mitigate any adverse impacts before a decision can be made. Any neighbouring businesses, or anyone for that matter, can submit an objection to a planning application within the consultation period.

Policy HD4: Further Housing Land Safeguarding (1014)

It is noted that Contributor 1043 (Scottish Environment Protection Agency) supports the retention and minor amendments to this policy (CD183, page 514).

Flexibility to release longer term land (1014)

- The contributor requests additional wording to give the Council flexibility to release longer term land early, if anticipated delivery from allocated sites is not achieved. It is the intention of Policy HD4 to assist the Council to maintain the five year effective housing land supply at all times, while safeguarding particularly sensitive areas from development. The housing land audit process is used to monitor the need for any

additional land release annually. Where a shortfall is identified within the Local Development Plan area, new development will be directed to the longer term safeguarded areas identified in relation to settlements. Policy HD4 states that any proposals coming forward for housing development within these longer term expansion areas in advance of the identification of a shortfall in the effective housing land supply, will be treated as premature.

- Scottish Planning Policy (SPP) (CD041, paragraph 123) states that 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 5 years.
- Appendix 2 contained within the Proposed Plan sets out the housing land requirement (7,288 units) for the Scottish Borders up to 2030/31, which was based on the Housing Needs and Demand Assessment 2 (HNDA) (CD004). It also sets out the contributions (10,592 units) by Scottish Borders Council to meet this housing land requirement. It is the purpose of the Local Development Plan to ensure that sufficient land is allocated to meet the housing land requirement, up to year 10 from the predicted year of adoption. In doing so, this will ensure that there is a minimum of 5 years effective housing land supply at all times. Appendix 2 demonstrates that the Proposed Local Development Plan (LDP) has a sufficient housing land supply, which meets the housing land requirement and includes additional units which provide flexibility and choice throughout the Scottish Borders. Furthermore, there is the potential for further flexibility through the allocation of redevelopment and mixed use sites, which do not have an indicative site capacity. Additional sites are identified within the Proposed LDP for potential longer term housing and mixed use development. An additional longer term mixed use site at Cardrona is also being taken forward as part of the Proposed LDP.
- The contributor argues that the Council should consider giving itself more flexibility to release longer term land if it finds, in the first few years of the plan, the completion levels it has anticipated in its Housing Land Audits are not being achieved. However, it should be noted that an estimate of the timescale for delivery of housing projects within the Scottish Borders is difficult to predict, even more so since the pandemic began. Therefore, the programming of sites contained within the housing land audit, can only be a reasonable expression of what could be developed within the time periods and there is a significant degree of uncertainty beyond 2 to 3 years. It is considered that there are sufficient sites allocated within the Proposed LDP to provide a range and choice of locations throughout the Scottish Borders within the Plan Period. In the event that there is a shortfall in the effective housing land supply, identified within the housing land audit, the release of longer term sites could be considered as a possibility. It is considered that this is the most appropriate mechanism to release potential longer term sites identified within the Proposed LDP, given there is a healthy housing land supply within the Proposed LDP. The sites included within the Proposed LDP have undergone a rigorous site assessment and consultation process, to ensure that the sites are suitable for development. Furthermore, there are a number of sites contained within Appendix 2 for removal, which will not be carried forward within the Proposed LDP. This is further to a review of existing allocations undertaking as part of the Proposed LDP process.
- Therefore, the Council does not agree to modify the Proposed LDP in response to this representation.

Policy 6 & 7 in SESPlan 1 (1014)

- The contributor states that the Council must fully reflect the flexibility of Policy 6 (Housing Land Flexibility) and Policy 7 (Maintaining a Five Year Housing Land Supply) of SESPlan 1 (CD001). Policy 6: Housing Land Flexibility, contained within SESPlan 1 (CD001) states that *'Each Planning Authority in the SESPlan area shall maintain a five years effective housing land supply at all times. The scale of this supply shall derive from the housing requirements for each Local Development Plan area identified through the supplementary guidance provide for by Policy 5. For this purpose planning authorities may grant planning permission for the earlier development of sites which are allocated or phased for a later period in the Local Development Plan'*. Policy 7: Maintaining a Five Year Housing Land Supply contained within SESPlan 1 (CD001), states that *'Sites for greenfield housing development proposals either within or outwith the identified Strategic Development Areas may be allocated in Local Development Plans or granted planning permission to maintain a five years effective housing land supply'*, subject to satisfying the three criteria contained within the policy.
- Policy HD4 provides the appropriate mechanism for the release of potential longer term sites within the Plan Period, only when there is an identified shortfall in the five year effective housing land supply as part of the housing land audit. It is considered that the wording of Policy HD4, is in accordance with the SESPlan policies outlined above. It should be noted that the wording of Policy HD4 contained within the Proposed LDP, is largely the same as the adopted LDP 2016 (CD009), which took cognisance of the policies contained within SESPlan 1 (CD001). Furthermore, Policy HD4 was subject to Examination as part of the adopted LDP 2016 and the Reporters conclusions to Policy HD4 (CD040, pages 278 - 286) made no modifications to this wording. The policy is similarly worded to the existing Policy HD4 in the adopted LDP 2016 (CD009). This policy works well in practice and it is not considered there are any reasons nor changes in circumstances to amend it as proposed by the contributor. The wording remains appropriate and acceptable.
- In conclusion, the Council does not agree to modify the Proposed LDP in response to this representation.

Policy HD5: Care and Nursing Homes (122, 589)

It is noted that Contributor 1043 (Scottish Environment Protection Agency) supports the retention of Policy HD5: Care and Nursing Homes (CD183, page 514).

Policy Title (122)

- In respect to the title change as proposed by Contributor 122, it is not considered that such a change would be appropriate as retirement homes could include a housing development that is restricted to occupiers of a certain age. Whereas, Policy HD5 relates to developments that offer specialist provision. However, it is noted within the introductory text that *"This policy will also apply where housing with care is being proposed"*; such as sheltered housing.

Policy Guidance (589)

- It is noted that Contributor 589 welcomes that Policy HD5 seeks to ensure that care and nursing homes are fit for purpose and are part of the community. The high level

of demand that care and nursing homes have on health services is also acknowledged. However it is not considered necessary that further guidance is required in respect to *“a wider care pathway that allows a more graduated approach to accessing levels of residential care and allows individuals to remain in their homes for as long as possible”*, as this is not necessarily a direct planning consideration. It is accepted that whilst the Planning Authority are not obliged to consult with NHS as part of the planning application process, the NHS are welcome to contribute to that process. Certainly the NHS are consulted via the development plan process and the Council remain keen to work with the NHS to discuss potential issues as the LDP preparation progresses. It is noted that ‘The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013’ (CD048) already sets out the requirements for the consultation on applications. The Regulations (CD048, section 25, 2, a) state that the planning authority *“must give not less than 14 days’ notice to such authority, person or body that such application is to be taken into consideration”*.

- It is considered that HD5: Care and Nursing Homes as set out in the Proposed Local Development Plan is appropriate, in line with national policy and therefore does not require any changes as proposed by the Contributors.

Policy HD6: Housing for Particular Needs (589, 847, 1032)

Gypsy/Travellers and Travelling Showpeople (847)

- The contributor states that the findings of the Housing Needs and Demand Assessment should be included within the Plan in relation to Gypsy/Travellers and Travelling Showpeople and state what the role of the Local Development Plan (LDP) will be in meeting this need, if any was identified.
- Scottish Planning Policy (SPP) (CD041, paragraph 133), states that *‘HNDA’s will also evidence need for sites for Gypsy/Travellers and Travelling Showpeople. Development plans and local housing strategies should address any need identified, taking into account their mobile lifestyles. In city regions, the strategic development plan should have a role in addressing cross-boundary considerations. If there is a need, local development plans should identify suitable sites for these communities’*.
- The Housing Needs and Demand Assessment 2 (HNDA) (CD004, pages 106 - 114), contains the section relating to Gypsies and Travellers. The summary states that, *‘The SESplan Core HMP consider that there is a lack of up to date information and data relating to Gypsy Travellers and their accommodation needs nationally and to address this gap, it is acknowledged that detailed research into the accommodation needs and demands of Gypsy Travellers across the SESplan area would be useful. The regular collation of housing related data on a consistent basis is critical to inform such research and enable an informed and evidence based approach to strategic planning for Gypsy Travellers across the SESplan area’*. It was acknowledged that there is a requirement to improve existing sites for Gypsies and Travellers and for member authorities of SESplan to work together to plan for residential, short stay and transit site provision to meet the needs of Gypsy and Traveller households moving between areas. In respect of Travelling showpeople, the HNDA states, *‘It is recognised that the number of potential sites available has reduced as a result of land being allocated for other purposes and in some locations available sites are disconnected from the local population marking them less suitable. However applications for site accommodation and fair provision are dealt with on an individual basis and there is no accommodation needs identified which cannot be addressed*

via existing arrangements for temporary accommodation'. It should also be noted that work is currently underway on HNDA 3, which will include an up to date section on Gypsy/Travellers and Travelling Showpeople.

- It is considered that the Proposed LDP has taken into consideration SPP (CD041) and the conclusions from the HNDA2 (CD004) within the new Policy HD6, which now focuses on housing for particular needs. It is considered that through Policy HD6, the Council will support proposals for particular needs housing, where there is an identified local housing need set out within the HNDA, Local Housing Strategy (LHS) (CD165) or any other studies undertaken by the Council or its community partners. The work undertaken by colleagues within the Housing Strategy team also continues to support the provision for specialist housing provision throughout the Scottish Borders, including Gypsy/Travellers and Travelling Showpeople. In conclusion the Council does not agree to modify the Proposed LDP in response to this representation, as it is not currently in a position to provide definitive text.

Particular Needs Housing (847)

- The contributor states that Policy HD6 should be updated to clarify what need, if any, was identified as part of the HNDA and what the LDP intends to do to support the delivery of specialist housing, if a need was identified.
- Scottish Planning Policy (SPP) (CD041) requires Local Authorities to identify a generous supply of land for each housing market area, to meet the housing land requirement across all tenures, maintaining a five year effective housing land supply at all times. SPP (CD041, paragraph 132), states that *'As part of the HNDA, local authorities are required to consider the need for specialist provision that covers accessible and adapted housing, wheelchair housing and supported accommodation, including care homes and sheltered housing...where there is a need identified, planning authorities should prepare policies to support the delivery of appropriate housing and consider allocating specific sites'*.
- The housing land requirement is outlined within Appendix 2 of the Proposed Plan and was informed by the Housing Needs and Demand Assessment 2 (HNDA) (CD004), which was considered to be 'robust and credible' by the Scottish Government in March 2015. It should be noted that the housing land supply targets are split between market and affordable units. The HNDA considered the need for specialist housing provision and there are various Council documents which continue to support and facilitate the delivery of housing for particular needs throughout the Scottish Borders. The Local Housing Strategy (LHS) (CD165), sets out the vision and priorities for the future of housing and all housing related services across the Scottish Borders, considering all tenures and types of accommodation. The Strategic Housing Investment Plan (SHIP) (CD164), sets out the key strategic housing investment priorities for affordable housing over a five year period. Furthermore, the Council has produced a number of strategies, which are underpinned by the LHS priorities, these include the Integrated Strategic Plan for Older People's Housing Care and Support (CD166) and the Housing Needs and Aspirations of Young People Study (CD167). The Council continue to support proposals for particular needs housing, which may be identified within the HNDA, LHS or any other studies undertaken by the Council or its community partners. Decision making will be guided by the local housing needs, which are set out within the HNDA and underpinned within the LHS priorities.
- Furthermore, Policy HD6 is a new policy included within the Proposed LDP, which aims to ensure the provision of housing for particular. It is considered that Policy

HD6 supports the delivery of specialist housing provision throughout the Scottish Borders, in line with SPP. In conclusion the Council does not agree to modify the Proposed LDP in response to this representation.

Policy being too vague (1032)

- The contributor states that Policy HD6 is too vague. However, it is considered that the policy wording is in accordance with SPP and aims to ensure the provision of housing for particular needs throughout the Scottish Borders. Policy HD6 states that *'The Council will support proposals for particular housing needs housing (including affordable housing) and accommodation, where there is an identified local housing need set out within the Housing Need and Demand Assessment, Local Housing Strategy or any other studies undertaken by the Council or its community partners'*. As outlined above, there are a number of other documents which the Council produces which continue to support and facilitate the delivery of housing for particular needs throughout the Scottish Borders. In conclusion the Council does not agree to modify the Proposed LDP in response to this representation.

Requirement for special-needs housing (589, 1032)

- Although not a proposed modification, contributor (589) raised concerns regarding the need for housing for disabled people and people with learning disabilities.
- It is considered that Policy HD6 provides the policy to facilitate and support proposals for specialist need housing. The HNDA provides evidence for need, along with on-going work being undertaken by colleagues within the Housing Strategy team and on-going work on HNDA3. Although the policy does not specify figures on specific need, it is considered that the policy continues to support proposals for particular needs housing, where there is an identified local housing need set out within either HNDA, LHS or any other studies undertaken by the Council or its community partners. In conclusion the Council does not agree to modify the Proposed LDP in response to representations.

Paragraphs on homelessness and sub-tolerable housing (1032)

- The comments from the contributor are noted. However, Policy HD6 focuses on new housing for particular needs. The Local Housing Strategy (LHS) (CD165) is produced by colleagues within the Housing Strategy team and focuses on topics including; existing housing stock, housing investment, homelessness, fuel poverty and support services. It is considered that these issues are dealt with through the LHS process. In conclusion the Council does not agree to modify the Proposed LDP in response to this representation.

Reporter's conclusions:

Policy HD1: Affordable Housing Delivery (515, 1014)

Location of affordable housing (515)

1. Representation (515) appears to oppose affordable housing close to market housing. Tenure is not a factor that would make a site unacceptable for development. Policy HD1 seeks to ensure that an appropriate range of affordable homes is provided

alongside private homes. That continues to reflect national planning policy on affordable housing. No modifications are required.

2. Representation (515) also raises concerns about adjacent land uses that appear to be process industries (including waste and minerals). However, it is unclear if the concern is that these uses are too close to existing housing, would be adjacent to affordable housing, private housing, both or something else. Irrespective, it does not appear to seek a specific modification to Policy HD1. No modifications are required.

Threshold, 25% Contribution and Supplementary Planning Guidance (1014)

3. I issued a further information request to Homes for Scotland (1014) and the council with regard to how, if at all, the adoption of NPF4 impacted on their original representations/responses with regard to proposed plan Policy HD1 (above). This is because these matters previously relied on aspects of Scottish Planning Policy (2014) that has now been superseded by NPF4 and may have changed.

4. Adopted Local Development Plan (2016) Policy HD1: Affordable and Special Needs and proposed plan Policy HD1 share identical content except that the latter adds text describing the intention to adopt supplementary guidance and the need to secure delivery of affordable housing via legal agreements. I found it difficult to navigate proposed plan Policy HD1 because it contains two sets of bullets a) to c). The Adopted Local Development Plan (2016) sets out the same points as a) to f). If the council is so minded, this could be resolved without altering policy meaning along with any consequential referencing modifications.

5. Proposed plan Policy HD1 and NPF4 Policy 16 e) both seek contributions to the provision of affordable homes based on a share of the total number of homes for a given site. Proposed plan Policy HD1 seeks 25% whereas NPF4 Policy 16 e) seeks at least 25% and allows for contributions to be a higher or lower proportion in justified circumstances. This does not suggest a conflict between the two.

6. The first set of three bullet points a) to c) in proposed plan Policy HD1 already make clear that the final scale for the affordable housing contribution will be judged against local housing needs, the location and size of the site and the availability of other such housing in the locality. That offers some evidence-linked connection to locality-based factors. The second point c) also covers commuted payments. It reflects NPF4 Policy 16 e), albeit that proposed plan Policy HD1 does not specifically mention viability as a consideration.

7. NPF4 Policy 16 e) ii allows a lower than 25% contribution where justified by, for example, evidence of impact on viability, where proposals are small scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes. This may not offer the scope that Homes for Scotland appears to argue for but does form part of the development plan and so I would not be minded to repeat it. Otherwise, proposed plan Policy HD1 does not specifically set out locations or circumstances where such considerations of viability would apply. Even so, I am content that the evidence-based linkages referenced in the paragraph above are sufficient.

8. Proposed plan Policy IS2: Developer Contributions (see Issue 016: Infrastructure and Standards Policies: Policies IS2 to IS17 & Policy Maps) indicates circumstances in

which viability of developer contributions will be considered. Therefore, when read together I am content that, as presently written the proposed plan, in conjunction with NPF4 provides sufficient scope on the matter of viability. I am also content that the present position would avoid the risk providing a bypass for affordable housing contributions in a manner that would conflict with what both NPF4 and the proposed plan intend. No modifications are required.

9. Proposed plan Policy HD1 states that supplementary planning guidance will be prepared. That provides an appropriate hook on which to formulate supplementary guidance, which I understand will contain matters such as which schools would need developer contributions, amongst other related matters. It is not the role of this examination to scrutinise the contents or process of preparing supplementary planning guidance.

10. The fact that the council wishes to prepare non-statutory supplementary planning guidance does not appear to conflict with the statement in the Chief Planner's letter of January 2023, which states that, by March 2025, Scotland will move away from statutory supplementary guidance which would form part of the development plan. No modifications are required.

11. The council's response to my further information request also advises that supporting text on proposed plan page 88 is now out of date where it refers to Scottish Planning Policy (2014). I agree that this is correct as Scottish Planning Policy (2014) has now been superseded by NPF4. The council refers me specifically to paragraph 1.2 and 1.3 on proposed plan page 88 but I note that that same point is also valid for the first sentence of paragraph 1.7, which is also on that page. The council recommends updating these paragraphs but provides no alternative text. Deleting supporting paragraphs 1.2 and 1.3 would resolve this matter. For supporting paragraph 1.7, I recommend deleting the words "in accordance with SPP" in the interests of consistency. Modifications are set out below.

Policy HD2 Housing in the Countryside (155, 749, 829, 833, 899, 1014, 1032, 1037)

Reference within Policy HD2 to utility infrastructure (155)

12. The absence of utility infrastructure would not restrict development. Impacts from connecting new development to utilities would be considered at planning application stage against policies in the plan when adopted. No modifications are required.

Housing density and need for specific types of housing (749) and Density of new housing in the countryside (899)

13. Policy HD2 only allows high quality housing development in the countryside under the circumstances listed in criteria, including those for the specific instances under parts (A) to (F). No element of what is sought suggests there to be a need to restrict or to define the type, size or density of housing development that would be appropriate in those circumstances. Doing so would presuppose all circumstances, whereas the current policy text offers greatest scope for design solutions to be considered at planning application stage against this and other policies.

14. For clarity, the policy takes a nuanced approach that has the potential to conclude that no development is acceptable in some instances or that some is acceptable in

others. Elements of policy including those set out under part (A) could limit development and building group density in that particular instance. Therefore, although the respective criteria for each part of the policy could be argued to have impacts for development density or the types of housing proposed, those two factors would be the consequence of appropriate design rather than the driver of it. No modifications are required.

Amendment to Policy HD2 (Good design and acceptable impact on surrounding area/approach to Policy HD2) (829, 1037)

15. Wemyss & March Estates (829) is correct that there is potential for well-designed, innovative development in the countryside. I see nothing in the proposed plan that disputes that. By my reading, Policy HD2 and other policies in the proposed plan set out the circumstances in which housing development (including in the countryside) would or would not be acceptable. However, this may mean that development that the representations would support may not always be acceptable under the proposed plan.

16. The spatial strategy (proposed plan Chapter 4) concentrates development in strategic development areas. That is to ensure that the majority of the population is not structurally reliant on car travel to access work, goods, services, and facilities. It also seeks to avoid sporadic development across the countryside. I am content that the proposed plan policy framework, including Policy HD2, has identified the appropriate circumstances in which housing in the countryside would be acceptable.

17. It is still unclear how the short-term effects of the Covid 19 pandemic on working and travel patterns will alter over the medium to longer-term. No further evidence presented here convinces me differently. Therefore, I cannot conclude that Covid 19 pandemic-related travel habits make homes in the countryside the dominant basis for delivering a sustainable way of living for the population of the Scottish Borders. On balance, I do not agree that this would lead to a legitimate need for more homes in the countryside justified solely on design and their impacts on their surroundings.

18. Broader objectives in relation to climate change and accessibility to services must also be considered. I do not agree that these and other wider objectives would be achieved by giving greater flexibility than is already offered by proposed plan Policy HD2 and other relevant proposed plan policies. What is sought in the name of flexibility is, by my reading, a mechanism to deliver what the spatial strategy seeks to avoid. No modifications are required.

Amendment to Policy HD2 (Allow relocation of a house) (829)

19. The modifications sought effectively ask for the ability to relocate the previously developed/brownfield credentials of redundant/semi-redundant farm cottages to a different site and to also build additional housing in order to make that endeavour viable. However, the only thing that justifies the redevelopment of such redundant/semi-redundant farm cottages in planning policy terms is the fact that it was once a cottage.

20. The outcome of doing what the representation seeks would be no different to building homes in the countryside without any of the justifications set out in Policy HD2. That is what the spatial strategy in proposed plan Chapter 4 and the wider policy framework (including HD2) seek to avoid.

21. The representation makes arguments in relation to various tenures, rural affordability and key workers. However, Policy HD2 part (F) covers business/operational justifications for housing in the countryside. There is also some flexibility in the other sections of Policy HD2. That is provided the link to a business or operational need can be satisfactorily demonstrated. Although Scottish Borders is a rural area, no compelling evidence convinces me that key workers in this area automatically require a home in the countryside.

22. Policy HD2, as written, in combination with other proposed plan policies (including our recommended modifications) represents sufficient means to balance the location, design and layout implications of housing in the countryside within the wider context of the proposed plan's spatial strategy. No modifications are necessary.

Additional criteria within part (F) Economic Requirement (833)

23. The council directs me to Policy HD2 part (F) criteria a) and b). Those allow a single house with a location essential for business needs if: the housing development is a direct operational requirement of an agricultural enterprise, or it is for the use of a person last employed in an agricultural enterprise. The latter part of that criterion suggests that it could include retired farmers, other agricultural workers and those in forestry and horticulture. This persuades me that the proposed plan does not conflict with national planning policy.

24. I have not been provided with a copy of Aberdeenshire Local Development Plan (2016) Policy R2. It is not always simple to transfer policies from one development plan to another without analysis of how that policy would work in conjunction with others in the destination plan. No such analysis has been submitted. Irrespective, on the basis of the paragraph above, Policy HD2 Part (F) already does as the representation seeks. No modifications are required.

Amendment to policy wording (small scale house builders) (1014)

25. Proposed plan Policy HD2 does not state that it applies to any particular type, size or tenure of home or developer. I am therefore satisfied that it applies to all and any housing development whether by small scale or volume house builders. I see no advantage in adding reference to "small scale house builders" but I can see a risk of confusion from doing so. No modifications are necessary.

Prevent sterilisation of agricultural land (1032)

26. The representation does not specifically seek any modifications and the matters acknowledged by the council appear to be covered by other parts of the proposed plan. Therefore, I cannot recommend any modifications, and none appear necessary.

Policy HD3: Protection of Residential Amenity (502, 612, 811, 886)

Obligation to undertake a resident opinion survey (502)

27. What the representation seeks already happens through the process of consultation on a planning application (or site allocations in the proposed plan). Those within the statutory distance from a site would be automatically consulted and any person/party wishing to comment may do so. No modifications are required.

Amendment to Policy HD3 (materiality threshold) (612) and
Deletion of reference to renewable energy in paragraph 1.1 (612, 811)

28. The same policy content is already set out in the Adopted Local Development Plan (2016) and so this would not be a planning change. The supporting text explains that the policy applies to all types of development and the second sentence of the policy makes clear that development will be assessed against the listed criteria. Therefore, the policy already says what the representation seeks, in that it bases the referenced amenity judgement on an assessment of the development in question.

29. No compelling evidence justifies why renewable energy should be exempt from amenity considerations, since it has the potential to affect such matters. Criterion a) considers the principle of the development and criterion b) the details of the development. Although these criteria are written to consider a variety of different development types, I see nothing that makes it overly 'strict' as the representation implies.

30. I recognise that amenity is a consideration in proposed plan Policy ED9: Renewable Energy Development. However, consideration of similar and related matters by this proposed plan policy does not represent a failure or a double burden for those matters. No modifications are required. Policy ED9 is considered separately in Issue 011: Economic Development Policies: Policy ED9: Renewable Energy Development.

Agent of Change Principle (886)

31. The Chief Planner's letter of February 2018 describes how the agent of change principle would be embedded in what was, at that time, the planning bill. That matter is now covered by section 41A of the Town and Country Planning (Scotland) Act 1997. The council is correct that the matters of concern to the representation would be considered as a normal part of determining planning applications. No modifications are required.

Policy HD4: Further Housing Land Safeguarding (1014)

Flexibility to release longer term land and Policy 6 & 7 in SESPlan 1 (1014)

32. Part of Homes for Scotland's response to my further information request for Issue 006: Chapter 6 Planning for Housing and Appendix 2: Meeting the Housing Land Requirement relates to Policy HD4. That is not a matter for Issue 006. Although I sought further information for this issue (Issue 013) it was only with regard to Policy HD1. Therefore, Homes for Scotland responded on matters for which I had not sought further information. The council did have the opportunity to see Homes for Scotland's response but did not specifically respond.

33. As of 13 February 2023, strategic development plans and their supplementary guidance ceased to be part of the development plan. As such, local development plans are no longer obliged to be consistent with them. Therefore, SESplan 1 (2013), including policies 6 and 7, no longer have effect. NPF4 is now part of the statutory development plan. Matters relating to sufficiency of housing land supply are covered separately in Issue 006. There, I find that there is more than sufficient housing land allocated in the

proposed plan to accommodate the recommended local housing land requirement (LHLR) over the plan period.

34. Both Policy HD4 and its supporting paragraph 1.1 reference the role of “shortfalls” and “effective land supply”. Both terms no longer form part of national planning policy. I have no basis to recommend their removal of either term since no party has raised representations on those matters. I am content that Policy HD4 is not an exceptional release policy and is instead seeking to prevent premature development of long-term sites. However, it directs what was until recently termed “shortfall” towards those areas.

35. I find it reasonable for proposed plan Policy HD4 to restrict the release of long-term sites for several reasons. Homes for Scotland’s proposed modification to enable earlier release of them would likely pose practical risks. The respective site requirements show that additional work is still needed to resolve matters such as access, flood risk management, site capacity and infrastructure requirements on several sites. Issue 006 concludes that there is already more than sufficient housing land to meet the LHLR during the plan period without the need for additional sites to be allocated. The longer-term sites are additional to the land supply identified by the proposed plan. Therefore, the conclusions in Issue 006 also imply that the likelihood of the circumstances identified by Policy HD4 arising would be low.

36. Therefore, the council is correct that development of these sites now would be premature. Even if that was incorrect, the paragraph above suggests it would be some time before these sites were ready to deliver housing and mixed uses. Individual consideration of some of these sites is made in Issues 018 to 074, where such matters are raised in representations. No modifications are required.

Policy HD5: Care and Nursing Homes (122, 589)

Policy Title (122)

37. Care and nursing homes are forms of supported accommodation which do not always include retired people. The council is correct that the term “retirement homes” can also be far broader than care and nursing homes. For instance, some retirement homes are marketed at people of retirement age without any need for care/nursing support. Therefore, the proposed title change would place market housing into the realms of this policy, which is not its purpose. No modifications are required.

Policy Guidance (589)

38. The points made by NHS Borders appear to be from the position of delivering health and social care. However, the council is correct that those matters are not directly for the proposed plan. The proposed plan would need to respond to the land use consequences with a policy that sets out how, for instance, care and nursing homes could expand and/or new ones could be built. Proposed plan Policy HD5 already does so and is supplemented by other relevant policies. No modifications are required.

Policy HD6: Housing for Particular Needs (589, 847, 1032)

Gypsy/Travellers and Travelling Showpeople and Particular Needs Housing (847) and Policy being too vague (1032) and Requirement for special-needs housing (589, 1032)

39. Policy HD6 covers an matters where the planning system has some overlap with the local housing strategy (LHS) and other policy areas. In these instances, it can often be the LHS where those matters are dealt with, rather than the local development plan.

40. Many matters relating to particular housing need can be found in the LHS. The council outlines the Strategic Housing Investment Plan (SHIP) as key to delivering many of those priorities. Those are funding programmes and stock management regimes that are covered by the LHS rather than the proposed plan. The role of the local development plan is to identify land for housing and the judgement about suitability of that land will infrequently be defined by tenure. However, there may be instances where housing is proposed to meet the needs of a particular group. The aim of national policy continues to be for those needs to be met and proposed plan Policy HD6 facilitates that.

41. Since the council is likely to be reliant on emerging and future studies on particular needs, Policy HD6 bases its support for such proposals on the need defined by housing need and demand assessments, the LHS and other studies. That seems appropriate and offers decision makers an opportunity to consider up-to-date evidence that may not have been available when the proposed plan was submitted, or which may have changed since.

42. Otherwise, appropriate policies are in place to judge the acceptability of housing development and its implications. Specific policies also cover affordable housing (Policy HD1) and care and nursing homes (Policy HD5). Both are examples of housing that could also cover a wide range of special needs. No modifications are required.

43. On Gypsy/Travellers and Travelling Showpeople, both the SESplan Housing Need and Demand Assessment (2015) (HNDA2) and the Scottish Borders Local Housing Strategy (LHS) (2017-22) acknowledge the lack of up-to-date information on matters relating to these groups. The LHS states that there is no defined need for additional pitches. It also states that the Showmen's Guild of Great Britain and Ireland, the governing body for all funfairs and fairground rides operated by members in Scotland, was contacted during the preparation of the HNDA (I assume HNDA2) but did not raise any issues.

44. HNDA3 is referenced by the council and was submitted at my request. It provides a more up-to-date analysis of the number of Gypsy/Travellers and pitches in the Scottish Borders. It suggests that 7 of the 10 pitches on a public site are occupied, with other pitches forming part of a commercial caravan site in public ownership. It also suggests that there is a current waiting list of three pitches. That also appears to correspond with the number of empty unoccupied pitches. HNDA3 states there to be two sites for Travelling Showpeople. No further evidence suggests there to be any shortfall of pitches/sites.

45. NPF4 page 62 expects local development plans to allocate land to ensure provision of accommodation for Gypsy/Travellers and Travelling Showpeople where need is identified. On the evidence before me, no additional need has been identified. The council acknowledges (above) the need to improve existing sites. However, that is not the same as allocating new land. Therefore, there is no evidence-based modification that I can recommend to the proposed plan. In the circumstances, the most pragmatic solution would be a policy that allows decision makers to account for the need identified by analysis of evidence that post-dates the preparation of the proposed plan. Policy HD6 already does that. No modifications are necessary.

Paragraphs on homelessness and sub-tolerable housing (1032)

46. Homelessness and sub-tolerable housing are typically covered by the LHS rather than the local development plan. To the extent that development may be part of the solution, the local development plan has a role in planning for good quality development and directing it to the most appropriate locations or to determine whether improvement/redevelopment is acceptable. The proposed plan already contains a policy framework capable of determining such matters. No modifications are sought, and none are necessary.

Reporter's recommendations:

Modify the local development plan by:

1. deleting supporting paragraphs 1.2 and 1.3 on proposed plan page 88.
2. deleting the words "...in accordance with SPP..." from supporting paragraph 1.7 on proposed plan page 88.

<p>Issue 14</p>	<p>Environmental Promotion and Protection Policies: Introductory Text; Policy EP1: International Nature Conservation Sites and Protected Species; Policy EP2: National Nature Conservation Sites and Protected Species; Policy EP3: Local Biodiversity and Geodiversity; Policy EP4: National Scenic Areas; Policy EP5: Special Landscape Areas; Policy EP6: Countryside Around Towns</p>			
<p>Development plan reference:</p>	<p>Volume 1 Policies – Environmental Promotion and Protection Introductory Text and Policies EP1 to EP6 (pages 103-118)</p>	<p>Reporter: Malcolm Mahony</p>		
<p>Body or person(s) submitting a representation raising the issue (including reference number):</p>				
<table border="1"> <tr> <td data-bbox="153 752 798 1193"> <p>Violet M Baillie (507) Scottish Renewables (612) WH Sharp & Son (671) Mineral Products Association MPA (723) Lamancha, Newlands and Kirkurd Community Council (772) Renewable Energy Systems (802) Coriolis Energy (811) M & J Ballantyne (843) Scottish Government (847)</p> </td> <td data-bbox="798 752 1441 1193"> <p>Nicholas Watson (851) Jim Pratt (878) (1 of 5, 2 of 5, 3 of 5, 4 of 5 & 5 of 5) Breedon Northern Ltd (919) M Cripps (927) NatureScot (983) Homes for Scotland (1014) St Boswells Parish Community Council (1032) Tom Miers (1037)</p> </td> </tr> </table>			<p>Violet M Baillie (507) Scottish Renewables (612) WH Sharp & Son (671) Mineral Products Association MPA (723) Lamancha, Newlands and Kirkurd Community Council (772) Renewable Energy Systems (802) Coriolis Energy (811) M & J Ballantyne (843) Scottish Government (847)</p>	<p>Nicholas Watson (851) Jim Pratt (878) (1 of 5, 2 of 5, 3 of 5, 4 of 5 & 5 of 5) Breedon Northern Ltd (919) M Cripps (927) NatureScot (983) Homes for Scotland (1014) St Boswells Parish Community Council (1032) Tom Miers (1037)</p>
<p>Violet M Baillie (507) Scottish Renewables (612) WH Sharp & Son (671) Mineral Products Association MPA (723) Lamancha, Newlands and Kirkurd Community Council (772) Renewable Energy Systems (802) Coriolis Energy (811) M & J Ballantyne (843) Scottish Government (847)</p>	<p>Nicholas Watson (851) Jim Pratt (878) (1 of 5, 2 of 5, 3 of 5, 4 of 5 & 5 of 5) Breedon Northern Ltd (919) M Cripps (927) NatureScot (983) Homes for Scotland (1014) St Boswells Parish Community Council (1032) Tom Miers (1037)</p>			
<p>Provision of the development plan to which the issue relates:</p>	<p>Environmental Promotion and Protection Introductory Text and Policies EP1 to EP6</p>			
<p>Planning authority’s summary of the representation(s):</p>				
<p>Introductory Text to Environmental Promotion and Protection</p> <p><u>St Boswells Parish Community Council (1032)</u></p> <ul style="list-style-type: none"> • In respect to the first paragraph the Contributor states that comments like ensuring the right development occurs in the right place (at the right time) are just additional wishful thinking waffle which should have no place in a modern planning document. • In respect to the second paragraph the Contributor states that designations on their own are not enough: conservation management plans or another are essential to provide a framework to achieve the objectives of designation. • In relation to the third paragraph the Contributor considers that battlefields should also be included. In addition there should be a regular review of the list of listed buildings. This should be done as a minimum on the same cycle as local plan preparation. This paragraph should also refer to the need for conservation area management plans, scheduled monuments, and archaeological sites. Furthermore any <i>candidate</i> designations such as the proposed National Park should also be mentioned. 				

Policy EP1: International Nature Conservation Sites and Protected SpeciesMineral Products Association MPA (723)

- The contributor appreciates that this policy seeks to provide the tools for the Local Planning Authority to determine planning applications, however, feels the policy as worded goes beyond the requirements of SPP. SPP indicates that where a protected species is present on site or may be affected by a proposed development, there is a mechanism to manage any impacts. This is reflected within the protected species licensing legislation. Moreover, there is a range of accepted and widely used measures which can be deployed to mitigate potential adverse impacts upon protected species e.g badger sett relocation, provision of bat boxes etc.
- Policy EP1 would appear to present a barrier to any form of development which is sited where there is the likely presence of protected species. It would appear that the policy requires all three tests in subparagraphs a), b) and c) to be met if there is a presence of protected species. In particular, test b) would appear to exclude all forms of development where there is the likely presence of Protected Species.
- The contributor feels that this policy should be reviewed and reworded to accord with SPP and reflect the ability to licence the potential effects of development on protected species through Nature Scot's licencing regimes.

Renewable Energy Systems (802)

- The contributor considers that the second part of the policy dealing with European Protected Species (EPS) is unnecessarily restrictive. The policy should be amended to recognise that even where an EPS is detected on site, it may be possible for a development to proceed with mitigation in place, including through adherence to a possible license from NatureScot. It is appropriate that LDP2 should seek to protect EPS from significant impacts associated with a development proposal but, as currently worded, the policy puts a series of restrictions in place, where there is even the prospect of an EPS being present, without first having this presence confirmed through site surveys. It therefore goes beyond the precautionary principle. Even where an EPS is present on site, this does not necessarily mean that it will be adversely affected by a proposal. Potential effects can potentially be avoided by siting, design or other mitigation or through the implementation of best practice construction techniques or other mitigation. There is also the possibility that a license from NatureScot could be obtained to undertake work that may affect an EPS.

Breedon Northern Ltd (919)

- The contributor has no objection to the first part of Policy EP1, which relates to designated sites. They do however have concerns relating to the section relating to Protected Species.
- The policy as worded, sets significant barriers to any form of development which is sited where there is the likely presence of protected species. The policy, as worded, requires all three tests (a) and b) and c) to be met if protected species are likely to be present. Test b) is particularly onerous and would limit the implementation of virtually all forms of development where there is the likely presence of Protected Species.

- It is considered that Policy EP1 is contrary with SPP para 214. Policy EP1 should recognise the mitigation measures which can be implemented, often under license, in order to enable development to be undertaken in an area where protected species are present without causing an unacceptable impact on these species. We therefore consider that Policy EP1 should be amended to reflect these circumstances.

NatureScot (983)

- The contributor states that as the UK has now left the EU, references to Natura 2000 sites or the Habitats or Birds Directive should be amended. This change is required as our network of designated sites will no longer form part of the official 'Natura 2000' site network. They will, however, continue to contribute to the Europe- and UK-wide network of designated sites and will continue to fulfil the objectives of the EU Habitats and Wild Birds Directives through the domestic legislation of the Habitats Regulations. On that basis, we recommend that Policy EP1, and any other related part of the plan, should be updated to refer to 'European sites' and the 'Habitats Regulations'.

St Boswells Parish Community Council (1032)

- The contributor states that some references should be made to the impacts or not of Brexit upon international designations.

Policy EP2: National Nature Conservation Sites and Protected Species

Scottish Renewables (612)

- Policy EP2 states that development proposals that have a significant indirect effect on a SSSI or NNR will not be permitted. It is unclear what is meant by 'indirect effects', but this could potentially include landscape or visual effects. Given that SSSI's and NNR's are not landscape designations, this would not be appropriate. They argue that the reference to indirect effects should be deleted.
- Policy EP2 also says that development will not be permitted unless it (a) 'will not adversely affect the integrity of the site, and' (b) 'offers substantial benefits of national importance'. If development will not adversely affect the integrity of a SSSI or NNR it is not clear why it must also be required to deliver benefits of national importance. Scottish Renewables would recommend that these two criteria should be presented on an 'and/or' basis and not as both bring needed.

Renewable Energy Systems (802)

- The contributor considers that part (a) of Policy EP2 requires amending to bring it in line with SPP. Part (a) is an exception criteria, which may permit development in some circumstances where it has been established that the development in question is likely to have an adverse effect upon the nature conservation interest in question. The purpose of part (a) is to consider whether these impacts would be so significant as to warrant refusal of permission and it should therefore be amended to refer to '*the objectives of the designation*' and the '*overall integrity*' of the site, consistent with SPP paragraph 12.

Scottish Government (847)

- Makes a formal objection and proposes a change to page 107, amending the text to include the word 'environmental': - b) the development offers substantial benefits of national importance, including those of a social, environmental or economic nature, that clearly outweigh the national nature conservation value of the site.
- The policy sets out the criteria where development may be permitted on nationally important sites. SPP paragraph 212 sets out that development proposal for sites of national significance should only be permitted in certain circumstances, including where significant effects are clearly outweighed by social, environmental or economic benefits of national importance. This policy is missing circumstances where significant adverse effects are clearly outweighed by environmental benefits of national importance, which should also be considered.
- The narrative of policy EP2 sets out that its aim is to protect nationally important nature conservation sites and protected species. The plan refers to its biodiversity supplementary guidance stating 'That the Council will ensure nationally important species are given full consideration in the assessment of development proposals which may affect them', which is helpful.
- However, it is not clear from the principle policy in EP2, that the policy as worded extends to development considerations for nationally protected species themselves beyond their habitats, this is unlike policies EP1 for internationally important sites and species and policy EP3 for locally important sites and species, which set out development considerations for species based on different levels of statutory protection.
- SPP sets out that the presence of a legally protected species is an important consideration in decisions on planning applications. If there is evidence to suggest that a protected species is on site, or may be affected by proposed development, steps must be taken to establish their protection. The level of protection afforded by legislation must be factored into the planning and design of development and any impact must be fully considered prior to determination on the application.

Policy EP3: Local Biodiversity and GeodiversityScottish Renewables (612)

- In the second part of this policy, reference should be to '*Development that would (materially) adversely affect the interest of a local geodiversity site will only be permitted where....*'.

WH Sharp & Son (671)

- Policy EP3 seeks to encourage developers to consider biodiversity at the outset for a proposal. With this policy in place the LBS Technical Note would appear to provide limited additional value as the identification of a total of 188 sites across large swathes of the Scottish Borders is not focused or measured. Furthermore, it could be interpreted that with the identification of so many sites, any land that is not covered with a LBS designation may be regarded as having a lower biodiversity value/designation which is clearly not the intended case.
- The Proposed Plan Proposals Maps does not show any of the LBS designations and as such they could easily be missed researching land use designations/proposals for specific areas of land. This would appear to be contrary

to Section 8 of the Town & Country Planning (Development Planning) (Scotland) Regulations.

M Cripps (927)

- The Biodiversity Technical Note states: *‘Any development that could impact on local biodiversity through impacts on habitats and species should: a) aim to avoid fragmentation or isolation of habitats; and b) be sited and designed to minimise adverse impacts on the biodiversity of the site, including its environmental quality, ecological status and viability; and c) compensate to ensure no net loss of biodiversity through use of biodiversity offsets and ensure net gain as appropriate; and d) aim to enhance the biodiversity value of the site, through use of an ecosystems approach, with the aim of creation or restoration of habitats and wildlife corridors and provision for their long-term management and maintenance’*
- In reading the LDP and looking at several of the development zones proposed I can’t see evidence of the above. A lot of the Borders landscape is fields which are monocultures. They allow wildlife movement, but don’t provide much habitat value unless they are grazed at a very low intensity. The much greater areas of value are the small patches of scrub and woodland, and often the developments proposed are adjacent to these areas, or on top of them – if you develop in these areas you will remove these small areas of valued habitat. This could be compensated for by equivalent areas being created along with clearly protected areas of a substantial size that can be managed for high biodiversity, but I don’t see any of these in the plan. It would be great to see the above mentioned ‘creation or restoration of habitats and wildlife corridors and provision for their long-term management and maintenance’.

NatureScot (983)

- We support Policy EP3 and suggest that any further work on net gain or positive effects for biodiversity may benefit from reference to our recently published ambition paper.
- We have identified some minor errors in the Technical Note 5, which supports this policy. We support the high quality work carried out in the Technical Notes and have set out clarifications in supporting information. These are set out below;
- Edrington Cliff: Other Designations - This site is not part of the Whiteadder Water SSSI. It is part of the River Tweed SSSI (ecological) and River Tweed Special Area of Conservation (SAC) (ecological). References/Links - It may be useful to include a link to documents on the NatureScot website.
- Ettrickbridge Gorge: Other Designations - This site is within the Kirkhope Linns SSSI (ecological), River Tweed SSSI (ecological) and the River Tweed SAC (ecological). References/Links - It may be useful to include a link to documents on the NatureScot website.
- Habbie’s Howe: GeoScientific Merit Rarity – This ought to be national rather than regional because of its SSSI status. Habbie’s Howe is designated for its nationally important geomorphology as the Newhall Glen section of the Carlops Meltwater Channels SSSI, an outstanding assemblage of sub-glacial meltwater channels and landforms. References/links – It would be useful to include a link to documents on the NatureScot website.

- JedWater River Cliff: Other Designations – Jed Water if part of the River Tweed SAC. References/links – It may be useful to include a link to documents on the NatureScot website.
- Kippit Hill: References/links – It would be useful to include a link to documents on the NatureScot website.
- Preston Bridge, Duns: Other designations – The area immediately downstream of Preston Bridge is designated as part of the Whiteadder Water SSSI, of national importance for its palaeobotany. The river and its banks are also part of the River Tweed SSSI/SAC. References/links – It may be useful to include a link to documents on the NatureScot website.
- Raeshaw Wood Quarry: Other designations – As well as Moorfoot Hills SSSI, Moorfoot Hills SAC is relevant. References/links – It would be useful to include a link to documents on the NatureScot website.

Policy EP4: National Scenic Areas

Scottish Renewables (612)

- The first sentence of this policy should be amended to help ensure the policy is directed towards protecting the qualities of the NSA.

Renewable Energy Systems (802)

- The contributor considers that Policy EP4 should be amended by removing '*and its surrounds*' from parts (a) and (b) of the policy. The state that this form of wording is inconsistent with the protection given to National Scenic Areas in paragraph 212 of SPP, which refers to the importance of considering impacts upon the '*objectives of the designation and the overall integrity of the area*'. This protection does not extend to '*its surrounds*', which is an undefined geographical area.
- In addition, paragraph 196 of SPP advises that Development Plans should not establish buffer zones around areas designated for their natural heritage importance. As worded, Policy EP4 does just that and any reference to '*its surrounds*' should be deleted from a final version of the policy.

Coriolis Energy (811)

- The policy should clearly link to the special qualities of National Scenic Areas and the first sentence of this policy should be amended to reflect this.

Scottish Government (847)

- Makes a formal objection and proposes a change to page 112, amending the text to include the word 'environmental': - b) 'any significant adverse effects on the qualities, for which the site or its surrounds have been designated are clearly outweighed by social, environmental or economic benefits of national importance'.
- These policies set out the criteria where development may be permitted on nationally important sites.
- SPP paragraph 212 sets out that development proposals for sites of national significance should only be permitted in certain circumstances, including where significant effects are clearly outweighed by social, environmental or economic benefits of national importance.

- This policy is missing circumstances where significant adverse effects are clearly outweighed by environmental benefits of national importance, which should also be considered.

St Boswells Parish Community Council (1032)

- Designation of itself is of little practical value to the special landscape qualities of the national scenic areas. What is required is a conservation management plan for each of them. Without such a management plan they will be vulnerable, especially given the weasel words of the policy in paragraph b.
- Wish to support the production of a Management Plan for the Eildon/Leaderfoot National Scenic Area.

Policy EP5: Special Landscape Areas

Scottish Renewables (612)

- The contributor is disappointed that whilst the supporting text refers to support for development that complies with countryside policies, there is no recognition of development that is being brought forward to tackle climate change.
- In assessing proposals for development that may significantly adversely affect Special Landscape Areas, the Council will seek to safeguard landscape quality and will have regard to the landscape impact of the proposed development, including the visual impact. Proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social, environmental (including climate change) or economic benefits of national or local importance.

Lamancha, Newlands and Kirkurd Community Council (772)

- There is now an opportunity to consider designating the land to the west of the Cloich Hills, known locally as the Lyne Catchment, as a Special Landscape Area (SLA).
- The Community Council strongly believes the value of our landscape has never been more important. Midlothian Council has extended the Pentland Hills SLA south-eastwards as far as Leadburn and they have also created the Gladhouse Reservoir and Moorfoot Scarp SLA's to the east of Leadburn. We believe it would be appropriate and beneficial to our area if the LDP was to consider the land adjacent to the A701 corridor and also award it the protection of an SLA.

Coriolis Energy (811)

- Special Landscape Areas are local designations and as such are not afforded the same level of protection as nationally designated landscapes. It is submitted that the policy should be reworded as follows: *'In assessing proposals for development that may significantly adversely affect Special Landscape Areas, the Council will seek to safeguard landscape qualities identified in the Statement of Importance. Proposals that have an unacceptable significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social, environmental (including climate change) or economic benefits of national or local importance'*.

Jim Pratt (878)

- In 2013, a group of residents local to the West Linton area submitted a proposal for land on the west side of the Cloich Hills (the Lyne Catchment) to be classed a Special Landscape Area (SLA) on the grounds of its similarity to adjacent areas with landscape designations. We recognise this as being a key landscape element in the route to Edinburgh from the south, visible from the Pentland SLA etc. Our proposal was turned down. I believe the time has come to revisit our original proposal, for two reasons.
- First, I believe the value of landscape per se to wellbeing of citizens has increased significantly during the covid 19 pandemic, so that changes in working practices will provide those newly working from home greater opportunities to exercise and explore outdoors.
- Second, because of the change in the patters of landscape designations by the neighbouring Midlothian Authority. In particular, the easterly extension of the Pentland Hills SLA as far as Leadburn, and the creation of the Gladhouse etc SLA to the east of that, leaves a salient in between, along the line of and to the east of the A701 which has no designation. This then becomes peculiarly vulnerable to development.
- I am not suggesting that you confine your review to the areas we described as the Lyne Catchment in our 2013 paper, although the arguments we made then about the landscape, and its assessment by LUC are, we believe, as relevant now as they were then. Instead, we would ask you to take a holistic view of the A701 corridor and give it the protection it clearly deserves. In doing so, you would also preserve that very special landscape which we defined as the Lyne Catchment.

Policy EP6: Countryside Around TownsViolet M Baillie (507)

- Strongly object and ask that the whole of Netherbarns, including Netherbarns Farmhouse, its steading and grounds, be designated as being outside the Galashiels Settlement Boundary, and afforded the protection of being included in the Countryside Around Towns Policy.

Scottish Renewables (612)

- Policy EP6 (a) should be amended to include reference to renewable energy development. This is consistent with Policy EP9, and the fact renewable energy developments may require a rural location.

Renewable Energy Systems (802)

- The contributor notes that this policy does not specifically identify renewable energy development as potentially acceptable uses in the defined Countryside Around Towns. Consider that renewable energy uses are potentially acceptable uses in these areas and Policy EP6 should either be amended to include renewable energy uses in part (a) or the policy should be amended to explain that it does not apply to renewable energy proposals, which will be assessed primarily against Policy ED9.

M & J Ballantyne (843)

- Policy EP6 effectively acts as a greenbelt around the principal settlements in the Scottish Borders SDA. Its purpose are stated to be to avoid coalescence and to protect the setting and amenity of settlements and to avoid piecemeal development which could compromise environmental and amenity objectives. These aims are laudable and worthy.
- The CAT policy is not greenbelt. It does not stem from SPP nor the approved SDP. The aims of CAT are equally captured by other policies in the LDP in relation to biodiversity, historic environment and residential amenity.
- Policy EP6 does not afford an exemption to meet a shortfall in the 5 year housing land supply. Indeed, the policy explicitly precludes application of Policy PMD4 through criteria c). The wording implies that the CAT policy takes precedence over the maintenance of an effective housing land supply.
- The CAT policy applies to all land surrounding some of the key settlements in the Central SDA, including Galashiels and Melrose. These settlements and their neighbours at Tweedbank and Newtown St Boswells are the type of settlement where new housing should be delivered being larger centres with existing amenities and infrastructure including the Waverley Railway Line.
- It is therefore prudent that the CAT policy does not preclude the delivery of new homes in these locations in the event of a shortfall in the five year effective housing land supply.
- Criteria e) sets out another exemption. While the case could be made that maintenance of an effective supply of land for housing is a strategic need the wording at present is not suitable specific so as to give this issue the prominence it requires. The latter part of the criteria introduces a sequential test element which is in appropriate in this context. Policy 7 of SESplan does not include a sequential test component to be applied in such circumstances and requires simply that consideration be given to local character and context, that greenbelt objectives are not undermined and that supporting infrastructure necessary to accommodate the development can be funded by the developer.
- Contributor requests an additional criteria to be added to Policy EP6 to read 'There is a shortfall with regard to the provision of an effective five year housing land supply and the proposals accord with other relevant policies in the development plan'.

Nicholas Watson (851)

- Contributor states that the Netherbarns site (AGALA029) is included in Policy EP6. Not only does this policy clearly identify Netherbarns and the Designed Landscape as worthy of especial protection (section 7.2), it also specifically identifies the Netherbarns site.
- Underlying the policy is a detailed study of the area around Galashiels through to Newtown St Boswells. The Netherbarns site is the only part of the final designated area which did not fall within the original study area. In other words, at some point a decision was made to include this particular site within the policy area.
- While new housing is proposed for part of the Netherbarns site, the Proposed Plan goes significantly further and the Galashiels Settlement Boundary is amended to take in the entire site and it removes the whole of the site from the Countryside Around Towns Policy area. The contributor cannot see any reason for this.

- By contrast, if the site were to remain outwith the Galashiels Settlement Boundary, and within the Countryside Around Towns Policy area, then the rural character of some modest development there could be underlined. The resulting resolution of the settlement edge, the reduction of the impact of nearby development on Abbotsford and the Designed Landscape, and the long-term protection and enhancement of the setting of Abbotsford would all accord with the aims of the CAT policy. The policy could also justify financial support from the Council for tree planting/landscaping and access.

Homes for Scotland (1014)

- The contributor states that, as noted in our comments on Policy PMD4, Policy EP6 has a very limiting effect on the potential opportunities that Policy PMD4 opens up for small housing developments adjacent to existing settlement boundaries – effectively giving precedence of all the countryside to which policy applies greater material weight than any shortfall in the effective housing land supply. It affords the countryside around settlements in the borders a green-belt like level of protection of development and explicitly prevents the positive use of Policy PMD4 to create housing development opportunities next to existing settlements. This is disadvantageous to the smaller-scale home builders that are so essential to housing delivery in the Scottish Borders, and to those with housing need and demand in the Scottish Borders. It reduces the Council's own discretion to give greater weight to addressing any shortfall, where they wish to do so.
- The policy will prevent the positive application of Policy PMD4. Criterion c) of Policy EP6 states, 'in the case of new build housing it must be located within the confines of an existing building group as opposed to extending outwith it and it must be shown that the high quality environment will be maintained. The definition of a building group is stated within Policy HD2 Housing in the Countryside'. This creates a problematic conflict with Policy PMD4.
- The contributor proposes a change to Policy EP6 to remove the conflict with Policy PMD4, ensuring PMD4 can be given precedence over EP6 and fulfil its potential to address housing delivery challenges in the Scottish Borders by supporting new homes outwith but adjacent to settlement boundaries. Criterion c) should be deleted to remove the de facto precedence of EP6 over PMD4.

St Boswells Parish Community Council (1032)

- The contributor states that in respect of paragraph 1.2, consideration should be given to the production of management plans for the areas of countryside around towns. It is too easy for these to fall prey to deliberate or accidental dereliction especially when the possibility of long-term development value is in the air. Countryside around both towns and villages is important to residents, and it is simply not credible that it should be restricted to the central Borders as shown in figure EP6A.

Tom Miers (1037)

- The contributor objects to the removal from the Countryside Around Towns (EP6) of the Netherbarns site. The policy in both previous and proposed form, states 'The aim of this policy is to ensure that the identified Countryside Around Towns (CAT) area and the high quality living environment it provides is protected and enhanced.

The policy aims to prevent piecemeal development that detracts from the area's outstanding biodiversity, landscape, historical and recreational context'. If that was correct in respect of the Netherbarns site in the last LDP, why does it not apply not? As well as Netherbarns being removed from the LDP, EP6 should be restored to its previous extent.

Modifications sought by those submitting representations:

Introductory Text to Environmental Promotion and Protection

- Seeks the removal of the comment "ensuring the right development occurs in the right place" from the first paragraph. (1032)
- Seeks the inclusion of reference to battlefields within the third paragraph, and for a regular review of the list of listed buildings, as a minimum on the same cycle as local plan preparation. The third paragraph should also refer to the need for conservation area management plans, scheduled monuments, and archaeological sites and that any *candidate* designations such as the proposed National Park should also be mentioned. (1032)

Policy EP1: International Nature Conservation Sites and Protected Species

- Review and reword Policy EP1 to accord with SPP and reflect the ability to license the potential effects of development on protected species through NatureScot's licensing regimes. (723)
- Update Policy EP1, to distinguish between European Protected Species (EPS) and international nature conservation sites. Include a stand-alone policy dealing solely with EPS, to read '*Where a development proposal is likely to have a significant adverse effect upon a European Protected Species, permission will not be granted unless in consultation with NatureScot it can be confirmed that the development proposal will not be detrimental to the maintenance of the favourable conservation status of the species and that there is no satisfactory alternative to the development proposal. In considering such development proposals, the Council will consider whether the development proposal is likely to require a license from NatureScot*'. (802)
- Amend Policy EP1, to recognise the mitigation measures which can be implemented, often under license, in order to enable development to be undertaken in an area where protected species are present without causing an unacceptable impact on these species. (919)
- Update Policy EP1, and any other related part of the plan, to refer to, 'European sites' and the 'Habitats Regulations'. (983)
- References should be made to the impacts or not of Brexit upon international designations. (1032)

Policy EP2: National Nature Conservation Sites and Protected Species

- Remove the reference to 'indirect effects' within Policy EP2. (612)
- Criteria (a) and (b) should be presented on an 'and/or' basis and not as both being needed. (612)
- Amend the wording of criteria (a) to refer to '*the objectives of the designation*' and the '*overall integrity*' of the site. (802)

- Inclusion of the word 'environmental' in criteria b) within Policy EP2 to read 'the development offers substantial benefits of national importance, including those of a social, environmental or economic nature, that clearly outweigh the national nature conservation value of the site'. (847)
- Update Policy EP2 to ensure that the policy extends to development considerations for nationally protected species themselves beyond their habitats. (847)

Policy EP3: Local Biodiversity and Geodiversity

- Amend Policy EP3 to include the word 'materially', to read 'Development that would (materially) adversely affect the interest of a local geodiversity site will only be permitted where...'. (612)
- Update the Proposed Plan Policy Maps to show the Local Biodiversity Site Designations. (671)
- Update the Technical Note 5: Local Geodiversity Sites with minor errors. (983)

Policy EP4: National Scenic Areas

- Amend the first sentence of the policy to read, 'Development that may adversely affect the special qualities of a National Scenic Area (NSA) will only be permitted where...'. (612)
- Amend the wording of criteria (a) and (b) to remove 'and its surrounds'. (802)
- Amend the first sentence of the policy to read, 'Development that may adversely affect National Scenic Areas (NSAs) will only be permitted where...'. (811)
- Inclusion of the word 'environmental' in criteria b) within Policy EP4. (847)
- Production of a conservation management plan for each of the National Scenic Areas. (1032)

Policy EP5: Special Landscape Areas

- Seek a designation for the land to the west of Cloich Hills, as a Special Landscape Area (SLA). (772, 878)
- Update the wording of the Policy EP5 to read: '*In assessing proposals for development that may significantly adversely affect Special Landscape Areas, the Council will seek to safeguard landscape qualities identified in the Statement of Importance. Proposals that have an unacceptable significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social, environmental (including climate change) or economic benefits of national or local importance*'. (811)
- It is understood that the contributor is seeking an update to the wording of Policy EP5 to read: '*In assessing proposals for development that may significantly adversely affect Special Landscape Areas, the Council will seek to safeguard landscape quality and will have regard to the landscape impact of the proposed development, including the visual impact. Proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social, environmental (including climate change) or economic benefits of national or local importance*'. (612)

Policy EP6: Countryside Around Towns

- Include the proposed housing site at Netherbarns (AGALA029) within the Countryside Around Towns policy area. (507, 851, 1037)
- Amendment to criteria (a) to include reference to renewable energy development. (612)
- Either amend the wording of Policy EP6 to include renewable energy uses in part (a) or amend the wording of Policy EP6 to explain that it does not apply to renewable energy proposals, which will be assessed primarily against Policy ED9. (802)
- Inclusion of an additional criteria (f) within Policy EP6 to read, '*There is a shortfall with regard to the provision of an effective five year housing land supply and the proposals accord with other relevant policies in the development plan*'. (843)
- Delete criterion (c) to remove the de facto precedence of EP6 over PMD4. (1014)
- Production of management plans for the areas of countryside around towns. This should not be restricted to the Central Borders as shown in figure EP6a. (1032)
- Restore Policy EP6 to its previous extent. (1037)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE INTRODUCTORY TEXT TO ENVIRONMENTAL PROMOTION AND PROTECTION SECTION, POLICY EP5 OR POLICY EP6 AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

UPDATE POLICY EP1, AND ANY OTHER RELATED PARTS OF THE PLAN, TO REPLACE REFERENCES TO "NATURA SITES" WITH "EUROPEAN SITES" AND REPLACE REFERENCES TO "HABITATS OR BIRDS DIRECTIVE" WITH "HABITAT REGULATIONS". THESE ARE CONSIDERED TO BE NON-SIGNIFICANT CHANGES BY THE COUNCIL.

AMEND THE WORDING OF CRITERIA B) OF POLICY EP2 TO READ "THE DEVELOPMENT OFFERS SUBSTANTIAL BENEFITS OF NATIONAL IMPORTANCE, INCLUDING OF A SOCIAL, ENVIRONMENTAL OR ECONOMIC NATURE, THAT CLEARLY OUTWEIGH THE NATIONAL NATURE CONSERVATION VALUE OF THE SITE". THIS IS CONSIDERED TO BE A NON-SIGNIFICANT CHANGE BY THE COUNCIL.

AMEND THE FIRST PARAGRAPH OF POLICY EP2 TO READ "DEVELOPMENT PROPOSALS WHICH ARE LIKELY.....OR NATIONALLY IMPORTANT HABITATS OR SPECIES WILL NOT BE PERMITTED UNLESS:" THIS IS CONSIDERED TO BE A NON-SIGNIFICANT CHANGE BY THE COUNCIL.

AMEND THE WORDING OF POLICY EP2 TO READ "AND/OR" BETWEEN CRITERIA A) AND B). THIS IS CONSIDERED TO BE A NON-SIGNIFICANT CHANGE BY THE COUNCIL.

UPDATE THE POLICY MAPS TO INCLUDE THE LOCAL BIODIVERSITY SITES AND LOCAL GEODIVERSITY SITES. THIS IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL.

AMEND THE WORDING OF CRITERIA B) OF POLICY EP4 TO READ "ANY SIGNIFICANT ADVERSE EFFECTS ON THE QUALITIES, FOR WHICH THE SITE OR ITS SURROUNDS HAVE BEEN DESIGNATED ARE CLEARLY OUTWEIGHED BY SOCIAL, ENVIRONMENTAL OR ECONOMIC BENEFITS OF NATIONAL

IMPORTANCE". THIS IS CONSIDERED TO BE A NON-SIGNIFICANT CHANGE BY THE COUNCIL.

REASONS:

Introductory Text to Environmental Promotion and Protection (1032)

- It is noted that the Contributor (1032) takes issue with the introductory text set out on page 103 of the Proposed Plan. However, the text is only intended as an introduction, as a means of “setting the scene” for the Environmental Promotion and Protection policies that follow. In respect to the Contributor’s objection that seeks the removal of the following wording “*ensuring the right development occurs in the right place*” from the first paragraph; it is considered that this text assists in setting out the goals of the policies that follow.
- In addition, it is noted that similar wording is included within Scottish Planning Policy 2014 (CD041) in paragraph 15 that reads: “... *By locating the right development in the right place, planning can provide opportunities for people to make sustainable choices and improve their quality of life*”. Then again, in the section on Policy Principles on page 9, “... *The aim is to achieve the right development in the right place; it is not to allow development at any cost*”. It is therefore considered reference to this well-known and regularly quoted SPP text is fully justified and not “wishful thinking waffle”.
- The Council notes the comments by the Contributor (1032) that designations on their own are not enough and that Conservation Management Plans or such are also required. However, it should be noted that Conservation Management Plans or such are not required to be a part of the Local Development Plan. In addition, it should also be noted that some of the Plans as suggested by the Contributor would not be in the remit of the Council to undertake, although in any event the Council has neither the manpower nor finances to implement this highly considerable piece of work. Appropriate bodies such landowners or those that control the various assets may be best placed to do this.
- In respect to the Contributors comments regarding the third paragraph, again as noted above, the text on page 103 is only an introduction to the Environmental Promotion and Protection policies that follow. The Scottish Borders is rich in environmental assets be them natural or manmade. It should be noted that the Council do not have the responsibility to regularly review Listed Buildings that responsibility lies with Historic Environment Scotland. Therefore, the request from the Contributor to review the list of Listed Buildings on the same cycle as the local plan preparation is not something that the Council are able to commit to.
- In addition, it is noted that the Scottish Government has not agreed on the designation of a new National Park within the Scottish Borders. The LDP is not the document to make such a designation and any final decision on this will be some time away. There is therefore no justification at all to make reference to a potential National Park within this passage of text. There is a separate Schedule 4 relating to the designation of a National Park (please refer to Issue 76). The paragraphs in question are simple high level introductory background information which does not go into specific detail which the respondent requests.
- The Council does not feel it is necessary to make reference to Battlefields which are referred to in Policy EP8: Historic Environment Assets and Scheduled Monuments.
- It is therefore contended that no change is required to the text on page 103 of the Proposed Plan.

Policy EP1: International Nature Conservation Sites and Protected Species (723, 802, 919, 983, 1032)

It is noted that Contributor 048 (Scottish Forestry) supports Policy EP1: International Nature Conservation Sites and Protected Species (CD183, page 18).

Policy EP1 (proposed amendments) (723, 802, 919)

- Contributors (723 & 919) propose amendments to the wording of Policy EP1, to reflect the ability to license the potential effects of development on protected species through NatureScot's licensing regimes and to recognise the mitigation measures which can be implemented. Contributor (802) proposes a stand-alone policy dealing solely with European Protected Species (EPS).
- Policy EP1 aims to give designated or proposed European sites (formerly Natura sites), Ramsar sites and sites where there is the likely presence of European Protected Species (EPS) protection from potentially adverse development. Scottish Planning Policy (SPP) (CD041, paragraph 214), states that '*The presence (or potential presence) of a legally protected species is an important consideration in decisions on planning applications. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish their presence*'. It is considered that the wording of Policy EP1 is consistent with SPP (CD041). Furthermore, Policy EP1 takes cognisance of The Conservation (Natural Habitats, &c.) Regulations 1994 (CD051).
- The criteria set out within Policy EP1 allows for mitigation to be taken into consideration, in line with the three key tests set out by NatureScot, in respect of European protected species (CD168). It should be noted that NatureScot provided a response to Policy EP1 (Contributor 983) and did not raise any concerns regarding the criteria contained within the policy. Therefore, the Council does not agree to modify the Proposed LDP in response to this representation.

Reference to 'European sites' and 'Habitats Regulations' (983)

- The comments are noted and all references to the following will be updated throughout the Plan;
 - 'Natura Sites' will be updated to refer to 'European Sites'
 - 'Habitats Directive' will be updated to refer to 'Habitats Regulations'
 - 'Birds Directive' will be updated to refer to 'Habitats Regulations'
- These are considered to be non-significant changes by the Council, to be in line with the current wording following the UK leaving the EU.

Impact of Brexit upon international designations (1032)

- It should be noted that there are currently no changes to the protection of international designations as a result of EU Exit. Furthermore, contributor (983) proposed modifications to the above references, which are considered to be non-significant changes by the Council.

Policy EP2: National Nature Conservation Sites and Protected Species (612, 802, 847)

It is noted that Contributor 048 (Scottish Forestry) supports Policy EP2: National Nature Conservation Sites and Protected Species (CD183, page 18).

Reference to 'indirect effects' (612)

- The contributor requests that the reference to 'indirect effects' is removed from Policy EP2. Scottish Planning Policy (SPP) (CD041, paragraph 203), states that 'Direct and indirect effects on statutorily protected sites will be an important consideration'. It is considered that the wording of Policy EP2 is consistent with SPP and contains the reference to 'indirect effects'. Therefore, the Council does not agree to modify the Proposed LDP in response to this representation.

Amendments to wording of Policy EP2 (612, 802)

- Contributor (612) requests an amendment, for criteria (a) and (b) to be presented on an 'and/or' basis and not as both being needed. Contributor (802) requests that the wording of criteria (a) is amended to refer to '*the objectives of the designation*' and the '*overall integrity*' of the site.
- It should be noted that the wording of Policy EP2 is currently contained within the adopted Local Development Plan (LDP) (CD009) and is being carried over with no change to the Proposed LDP. Furthermore, NatureScot responded to the consultation on the Proposed LDP and raised no concerns with the policy wording.
- It is acknowledged that Scottish Planning Policy (SPP) (CD041, paragraph 212), states that '*Development that affects a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve should only be permitted where:*
 - *The objectives of designation and the overall integrity of the area will not be compromised; or*
 - *Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance*'.
- It is noted that SPP (CD041) sets out the two criteria on an 'or' basis. Therefore, this is considered to be an acceptable change to the text which is considered to be a non-significant change. It is considered that with the inclusion of the word 'or', the policy will be in line with SPP. However, the Council does not agree to modify the Proposed LDP in response to representation (802).

Inclusion of word 'environmental within criteria (b) (847)

- Comments are noted in relation to the inclusion of the word 'environmental' within criteria b) of Policy EP2.
- Taking into account the above wording contained within Scottish Planning Policy (SPP) (CD041, paragraph 212), the addition of the word 'environmental' within criteria (b) is considered to be acceptable and in line with national policy. It is recommended that criteria (b) and any other references within the context of Policy EP2 within the Proposed LDP are updated to reflect the amended wording. This is considered to be a non-significant change to the Council, as it puts the policy wording in line with SPP (CD041).

Amendment to Policy EP2 to ensure is extends to species (847)

- Comments are noted in relation to ensuring that Policy EP2 extends to include species. It is acknowledged that Scottish Planning Policy (SPP) (CD041, paragraph 214), states that *'The presence (or potential presence) of a legally protected species is an important consideration in decision on planning applications. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish their presence'*.
- Furthermore, it is acknowledged that one of the purposes of Policy EP2 is to protect nationally important protected species, this includes both species and their habitats.
- Taking into account the above, it is considered acceptable to update the policy to ensure that it extends to species and not just their habitats. It is therefore recommended that the wording in Policy EP2 is updated to read *'Development proposals which are likely to have a significant adverse effect, either directly or indirectly, on a Site of Special Scientific Interest (SSSI), National Nature Reserve (NNR) or nationally important habitats or species will not be permitted unless..'*. This is considered to be a non-significant change to the Council, in response to the representation.

Policy EP3: Local Biodiversity and Geodiversity (612, 671, 983, 927)

N.B. Schedule 4 No.75 deals specifically with the proposed Local Biodiversity Sites and any proposed modifications.

It is noted that Contributor 048 (Scottish Forestry) supports Policy EP3: Local Biodiversity and Geodiversity (CD183, page 18).

Amend wording of Policy EP3 (612)

- Comments are noted. One of the aims of Policy EP3 is to safeguard the identified Local Geodiversity Sites (LGS) which contain geological and/or geomorphological features of interest. LGS have value for one or more of the following reasons; scientific, historical, educational and/or aesthetic value. Furthermore, each of the sites identified are considered to be of regional importance for the Scottish Borders. It is considered that the wording of Policy EP3, in respect of the LGS is acceptable and the criteria should be met, where development would adversely affect the interest of a LGS. Therefore, the Council does not agree to modify the Proposed LDP in response to this representation.

Update the Proposed Plan Policy Maps (671)

- Comments are noted. It is acknowledged that the Town & Country Planning (Development Planning) (Scotland) Regulations 2008 (CD052, Section 8), states that *'A local development plan is to contain a map or maps, (to be known as "the Proposals Maps"), describing the policies and proposals set out in the local development plan, so far as practicable to illustrate such policies or proposals spatially' and 'The Proposals Maps is to be sufficiently so as to enable the location of proposals for the development and use of land to be identified'*. The Council agree with the contributor that updating the Policy Maps to include the Local Biodiversity Sites (LBS) and Local Geodiversity Sites (LGS) would be in line with the Development Planning Regulations outlined above and would be considered a non-significant change to the Council.

Update Technical Note 5: Local Geodiversity Sites (983)

- The contributor has identified a number of minor errors contained within Appendix 3 of Technical Note 5: Local Geodiversity Sites and proposes that these are updated and amended. The comments are noted. The Council consider that it is acceptable to update the Technical Note to reflect these minor errors. Furthermore, these will also be taken on board with the production of any future Supplementary Planning Guidance in respect of Local Geodiversity Sites. It is not considered this changes the principle for designating the Local Geodiversity Sites within the Proposed LDP.

General concerns (671, 927)

- Contributor (671) questions the value of the identification of the Local Biodiversity Sites (LBS) across the Scottish Borders, not being focused or measured. Furthermore, states that it could be interpreted that with the identification of so many sites, any land that is not covered with a LBS designation, may be regarded as having a lower biodiversity value/designation which is clearly not the intended case.
- The LBS identified within the Proposed Local Development Plan (LDP) are non-statutory designations. Scottish Planning Policy (SPP) (CD041, paragraph 197), states that '*Planning Authorities are encouraged to limit non-statutory local designations to areas designated for their local landscape or nature conservation value*'. One of the purposes of Policy EP3 is to safeguard and enhance local biodiversity. The policy also contributes to the Council's statutory duty to further the conservation of biodiversity in the Scottish Borders, under Part 1 of the Nature Conservation (Scotland) Act 2004. The approach seeks to encourage developers to consider biodiversity at the outset of a proposal. The Scottish Borders countryside and some urban areas play an important role in the conservation of widely dispersed species with national protection. However some areas, designated as LBS and detailed in the SPG for Biodiversity, are more critical to the conservation of species and are therefore subject to protection under this policy. It is acknowledged that there are a large number of LBS, however the Scottish Borders covers a vast rural area. Technical Note: Local Biodiversity Sites (CD037) contains the methodology used to identify the LBS. Development on sites, not covered by a LBS designation, will still need to ensure they satisfy all the relevant policies contained within the Proposed LDP.
- The comments made by contributor (927) are noted. Policy EP3 deals with the protection of designations and not specific areas for habitat creation. There is no current mechanism for the Council to designate areas for habitat creation and Policy EP3 aims to safeguard and enhance local biodiversity. It is also noted that Policy EP12: Green Networks, contained within the Proposed LDP, aims to promote and support developments that enhance Green Networks, which can enhance the biodiversity, quality of life and sense of place of an area.

Policy EP4: National Scenic Areas (612, 802, 811, 847, 1032)

It is noted that Contributor 048 (Scottish Forestry) supports Policy EP4: National Scenic Areas (CD183, page 18).

Amendments to Policy EP4 (612, 802, 811 & 847)

- All four contributors seek amendments to the wording of Policy EP4.

- Contributor (847) seeks an amendment to include the word 'environmental' within criteria (b), to be in line with Scottish Planning Policy (SPP). Scottish Planning Policy (SPP) (CD041, paragraph 212), states that '*Development that affects a National Park, National Scenic Area, Site of Scientific Interest or a National Nature Reserve should only be permitted where:*
 - *The objectives of designation and the overall integrity of the area will not be compromised; or*
 - *Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.*
- Taking into account the above wording contained within SPP, the addition of the word 'environmental' within criteria (b) is considered to be acceptable and in line with national policy. It is recommended that criteria (b) and any other references within the context of Policy EP4 within the Proposed LDP are updated to reflect the amended wording. This is considered to be a non-significant change to the Council, as it ensures that the policy wording in line with SPP (CD041).
- Contributors (612 & 811) seek amendments to the first sentence of Policy EP4, to include the words "adversely" and "the special qualities of a". However, it is considered that the wording of the first sentence within Policy EP4, is in line with SPP (CD041, paragraph 212), as outlined above. It is not considered that such amendments would be in line with the wording contained within SPP (CD041). Therefore, the Council does not agree to modify the Proposed LDP in response to these representations.
- Contributor (802) seeks the exclusion of the wording 'and its surrounds' from criteria (a) and (b) of Policy EP4. It is considered that development surrounding NSA's could impact upon the objectives of the designation and the overall integrity of the site itself. Therefore, the Council considers the inclusion of the wording 'and its surrounds' important to ensuring that any proposed development, sited outwith the designation itself, does not impact upon the integrity or objectives of the NSA. Therefore, the Council does not agree to modify the Proposed LDP in response to this representation.

Production of Conservation Management Plans (1032)

- The contributor states that there is a requirement for a conservation management plan for each National Scenic Area and without such a management plan they will be vulnerable. Policy EP4 aims to protect and enhance the scenic qualities of the National Scenic Areas (NSA's) within the Scottish Borders by influencing the nature of development both within and outwith the sites where the development affects the setting and context of the NSA within the wider landscape. It should also be noted that where development proposals may potentially impact upon an NSA, developers will be required to carry out detailed assessments involving the identification of the scenic qualities of the NSA, the contribution the application site currently makes to the NSA and the way in which the proposed development will maintain or enhance the qualities of the NSA. In particular, the scale, siting and design of any development proposed should be appropriate to its location, with a high standard of associated landscaping.
- Conservation Management Plans (CMP's) are not a requirement set out within national policy for NSA's. It is considered that Policy EP4 is in line with SPP (CD041), as outlined above. CMP's are produced to provide an informal basis for the future management of areas. It would not be considered appropriate for the Council

to produce CMP's for the control of large areas of privately owned land as well as the fact the Council has neither the manpower nor finance to engage in such major work. It is not considered there are any obvious issues with the current policy in practice which would merit the need for CMPs. It is therefore not considered that it would be appropriate nor justified to include this as a requirement within Policy EP4 for each NSA within the Scottish Borders. As such, the Council does not agree to modify the Proposed LDP in response to this representation.

Policy EP5: Special Landscape Areas (612, 772, 811, 878)

It is noted that Contributor 048 (Scottish Forestry) supports Policy EP5: Special Landscape Areas (CD183, page 18).

Seek a SLA designation (land to the west of Cloich Hills – Lyne Catchment) (772, 878)

- As background context, Scottish Planning Policy (SPP) (CD041, paragraph 197), states that *'Planning Authorities are encouraged to limit non-statutory local designations to areas designated for their local landscape or nature conservation value. The purpose of areas of local landscape value should be to: safeguard and enhance the character and quality of a landscape which is important or particularly valued locally or regionally; or promote understanding and awareness of the distinctive character and special qualities of local landscapes; or safeguard and promote important local settings for outdoor recreation and tourism'*.
- Policy EP5 aims to ensure that local areas of identified landscape quality, known as Special Landscape Areas (SLA) are afforded adequate protection against inappropriate development and that potential maintenance and enhancement of the SLA is provided for. It is noted that local landscape designations are a valued approach to protecting and guiding change in areas of particular landscape importance in Scotland.
- The local landscape designations in the Scottish Borders were recently reviewed as part of the previous Local Development Plan process. It should be noted that decision making will be guided by the Supplementary Planning Guidance (SPG) on Local Landscape Designations (CD089). For each of the nine SLA's identified within the Scottish Borders, the SPG provides a statement of importance and management recommendations. These measures are designed to help improve the conservation and management of the SLA's, and they should be referenced in any development proposal.
- Comments are noted regarding the proposal for an additional SLA. However, it should be noted that the Special Landscape Areas were not subject to review as part of the Proposed LDP, given their recent review and designation as part of the adopted LDP. There have been no changes proposed to any of the SLA designations as part of the Proposed LDP, to those contained within the adopted LDP.
- The area proposed for consideration, referred to as 'Lyne Catchment', was also submitted for consideration as part of the previous LDP process and formed part of the Schedule 4 (Issue 054) at the LDP Examination (CD040, pages 280 - 284). The Reporter stated that *'I have noted the case put forward for the designation of the proposed 'Lyne Catchment SLA' and taken the opportunity to spend some time within the area. There is no doubt that the location is attractive and I can understand the affinity with the area of those concerned with the preparation of the submission. However, when considered in the context of the wider area of the Scottish Borders, I*

do not believe that the landscape quality is of a level that justifies ‘special landscape’ designation. In reaching this conclusion I have noted the methodology adopted in assessing the local landscape designations within the Scottish Borders. For comparative purposes it is necessary to employ a scoring system although, at the end of the day, landscape character assessment must also involve a degree of subjective judgement. Indeed, the Council accepts this is the case. It is very significant that Scottish Natural Heritage and Historic Scotland have not questioned the methodology. I accept that the Lyne Catchment has cultural value, provides a variety of habitat, and contributes to the tourist economy. However, these attributes do not lead me set aside my opinion that the landscape quality of the area merits designation’.

- It is not considered there are any material changes in circumstances nor policy which can justify the area of land in question to now be designated. Therefore, taking the above into consideration, the Council does not agree to modify the Proposed LDP in response to this representation.

Re-wording of Policy EP5 (612, 811)

- The comments are noted in respect of the proposed changes to Policy EP5 from both contributors. However, there have been no changes proposed to the policy wording as part of the Proposed LDP, to those contained within the adopted LDP. As outlined above, Policy EP5 was subject to Examination as part of the previous LDP and formed part of the Issue (054) (CD040, pages 280 - 284). It should be noted that the Reporter made no modifications to Policy EP5 as part of the Examination. Furthermore, the SLA’s have not been subject to any review as part of the Proposed LDP.
- SLA’s are designated for their landscape value and the addition of the word “*unacceptable*” to the policy to read “*..unacceptable significant adverse impact ..*” would dilute the weight to be given to protecting these designated areas.
- Any proposed development within an SLA would require consideration against a number of policies contained within the Proposed LDP, such as Policy PMD1, PMD2 and ED9. Therefore, it is considered that climate change benefits as part of any proposal would be given appropriate weighting within the decision making process.
- Therefore, it is not considered that there has been any material change, which would warrant an update to the existing policy wording. Therefore, the Council does not agree to modify the Proposed LDP in response to this representation.

Policy EP6: Countryside Around Towns (507, 612, 802, 843, 851, 1014, 1032, 1037)

Inclusion of Netherbarns site (AGALA029) within the CAT policy area (507, 851, 1037)

- Comments are noted from the contributors. It should be noted that the inclusion of the housing allocation at Netherbarns, Galashiels (AGALA029) has been dealt with as part of a separate Issue No.35. This Schedule 4 only deals specifically with Policy EP6 itself.
- Galashiels is one of the major towns within the heart of the Scottish Borders and it has a key role to play in being a catalyst for economic development for the benefit of the town as well as the wider catchment of the region. Housing is a major component part in helping economic development due to the many benefits it offers. It is vital a settlement the size of Galashiels does not stagnate and continues to have a healthy and effective housing land supply. There is also a requirement to identify

housing land within Galashiels as part of the Railway Blueprint, which seeks to capitalise upon economic opportunities within the Borders Railway corridor.

- Policy EP6 aims to ensure that the identified Countryside Around Towns (CAT) area and the high quality living environment it provides is protected and enhanced. The Supplementary Planning Guidance: Countryside Around Towns, 2011 (CD086) was produced in 2011 following identification of a core area in the Central Borders where it was shown the landscape was particularly under pressure from the risk of settlement coalescence and where protection of relevant settlement character and identity was required as a result. The policy aims to prevent piecemeal development that detracts from the area's outstanding biodiversity, landscape, historical and recreational context. The policy will also help to prevent the coalescence of individual towns and villages within the area, thereby retaining their individual identity.
- It is inevitable that the LDP process in seeking to find new sites for allocations, must extend outwith settlement boundaries within the CAT policy area. This is in order to meet the housing land requirement and provide housing land within the Central Borders area, which has a longstanding proven market interest. However, such sites will be identified as part of the Local Development Plan process and subject to a rigorous site assessment, including internal and external consultation. In such instances, a judgement must be made on the need to identify strategic housing land versus the retention of the CAT area. It is not considered that suitable allocations undermine the principles of Policy EP6, which is to prevent piecemeal development and coalescence. Rather, such sites are planned, fully assessed and will include relevant site requirements and mitigation. Policy EP6 will still prevent piecemeal development throughout the Plan period.
- In respect of the site (AGALA029), it has been removed from the CAT policy designation area within the Proposed Local Development Plan (LDP), as it is now proposed for housing. Issue No.35 deals with the principle of the allocation (AGALA029). Given that the site is being recommended for housing, it is not considered appropriate to retain the CAT policy designation for the site. Therefore, the Council does not agree to modify the Proposed LDP in response to this representation.

Amendment to criteria (a) or re-wording of the policy (612, 802)

- The contributor (612) requests an amendment to criteria (a) to include reference to renewable energy developments. The contributor (802) requests either an amendment to criteria (a) to include reference to renewable energy developments, or that Policy EP6 should be amended to explain that it does not apply to renewable energy proposals, which will be assessed against Policy ED9.
- It should be noted that any proposed development for renewable energy must be assessed against the criteria contained within Policy ED9: Renewable Energy Development in the first instance. It is re-iterated that Policy EP6 does not restrict all development within the CAT policy area, rather the policy aims to prevent piecemeal development and coalescence of towns and villages within the area. Policy EP6, criteria (a) states that; *'Within the area defined as Countryside Around Towns, proposals will only be considered for approval if they meet the following consideration: there is an essential requirement for a rural location and the use is appropriate to a countryside setting e.g agricultural, horticultural, forestry, countryside recreation, nature conservation, landscape renewal, community facilities'*. It is considered that Policy ED9 and criteria (a) within Policy EP6, provide

sufficient criteria to assess any proposal for renewable energy developments, located within the CAT policy area. It should be noted that each application would be assessed on a case by case basis, on their own merits. It is considered that the existing wording of Policy EP6 is acceptable. Therefore, the Council does not agree to modify the Proposed LDP in response to these representations.

Deletion of criteria (c) (1014)

- The contributor requests the deletion of criteria (c) to remove the de facto precedence of Policy EP6 over PMD4. It should be noted that the contributors' comments in respect of the proposed amendments to Policy PMD4 are dealt with as part of Issue No.9 and this Schedule responds to the proposed changes specifically to Policy EP6.
- Policy PMD4 sets out criteria, for which any development adjoining development boundaries is assessed against. This includes criteria for affordable housing developments and where there is a shortfall identified through the housing land audit, with regard to the provision of an effective five year housing land supply. The contributor states that Policy EP6 prevents the positive application of Policy PMD4 and creates a problematic conflict. Furthermore, that Policy EP6 has a limiting effect on the potential opportunities that Policy PMD4 opens up for small housing developments adjacent to existing settlement boundaries. The contributor states that Policy EP6 prevents the positive use of Policy PMD4 to create housing development opportunities next to existing settlements.
- As stated above, the aim of Policy EP6 is to prevent piecemeal development and prevent the coalescence of individual towns and villages within the area. Policy EP6 outlines a set of criteria a) to e), for all development proposals within the CAT policy area to be assessed against. Criteria c) assesses new build housing within the CAT policy area and states, *'in the case of new build housing it must be located within the confines of an existing building group as opposed to extending outwith it and it must be shown that the high quality environment will be maintained. The definition of a building group is stated within Policy HD2 Housing in the Countryside'*. When a proposal is assessed under the CAT policy and Policy HD2, it is the CAT policy that will carry greater weight. This will be the case except for where a proposal is put forward to build within the confines of an existing building group as opposed to extending outwith it, where it can be shown the high quality environment will be maintained. In this situation, the proposal could be permissible under the CAT policy but will still have to meet the requirements of Policy HD2.
- The contributor seeks to remove criteria c) from Policy EP6, which would result in no criteria to assess new build housing within the CAT policy area against. It is considered that removing criteria c) would undermine the aims and principle of Policy EP6. There would be no criteria to assess both new build single houses and housing developments against, within the CAT policy area. Therefore, this deletion would ultimately undermine the designation of the CAT policy area and the purpose for its designation in the first place.
- It is considered that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit (2019) (CD071) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore, there is the potential flexibility through the allocations of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. The Proposed LDP also identifies a number of potential longer term housing sites which

could be considered for development in the event of a shortfall in the effective housing land supply.

- Taking into consideration the above, the Council does not agree to modify the Proposed LDP in response to this representation.

Inclusion of additional criteria f) (843)

- The contributor seeks an amendment to include an additional criteria f) within the policy, to read: *'There is a shortfall with regard to the provision of an effective five year housing land supply and the proposals accord with other relevant policies in the development plan'*.
- The aim of policy EP6 is to ensure that the identified CAT area and the high quality living environment it provides is protected and enhanced. Furthermore, Policy EP6 aims to prevent the piecemeal development that detracts from the areas outstanding biodiversity, landscape, historical and recreational context. The policy also helps to prevent the coalescence of individual towns and villages within the area, thereby retaining their individual identity. It is considered that the addition of the proposed criteria f) would dilute the objectives of the entire CAT area.
- It should be noted that Policy EP6 does not prevent development within the CAT area and the Council do release land within the CAT area as part of the LDP process, however any such sites are subject to a rigorous site assessment and consultation process.
- Policy PMD4 and HD4 address the matter of a housing land shortfall, should it arise, and contain the relevant criteria for proposals to be assessed against. It is considered the further criteria test proposed by the applicants could result in a number of proposals throughout the CAT area which would need to be dealt with on a case by case basis via the Development Management process. This would not be considered the most appropriate way for considering proposals within this sensitive area.
- It is considered existing policy and the LDP site allocation process remain the most appropriate means to address proposals within the CAT area. Therefore, the Council does not agree to modify the Proposed LDP in response to this representation.

Restore Policy EP6 to previous extent (1037)

- The contributor requests that Policy EP6 is restored to its previous extent. In respect of the policy wording, there are no changes being taken forward in the Proposed LDP, from the adopted LDP. Therefore, it is considered that in respect of the policy wording, there has been no material change in circumstances to warrant any policy amendments. It is acknowledged that the CAT policy area has been updated to reflect and take into account any proposals being taken forward within this area, as part of the Proposed LDP. As outlined above, it is not considered appropriate to include these allocations any longer within the CAT designation. Therefore, the Council does not agree to modify the Proposed LDP in response to this representation.

Production of management plans (1032)

- Comments are noted in respect of the production of management plans. It should be noted that the aim of Policy EP6 is to ensure that the identified CAT area and the high quality living environment it provides is protected and enhanced. Conservation

Management Plans (CMP's) are not a requirement set out within national policy for designations identified within the Proposed LDP. CMP's are produced to provide an informal basis for the future management of areas. It would not be considered appropriate for the Council to produce CMP's for the control of large areas of countryside around settlements, including areas of privately owned land. Furthermore, the Council has neither the manpower nor finance to engage in such a major piece of work. It is not considered that there are any obvious issues with the current policy in practice which would merit the need for CMP's. It is therefore not considered that it would be appropriate nor justified to include this reference within Policy EP6.

- The CAT policy area is restricted to an area identified within the Central Borders, as this was the area under development pressure and at risk of settlement coalescence. Protection of settlement character and identity was therefore required through Policy EP6. In respect of countryside surrounding other defined settlements within the Scottish Borders, it is considered that the policies contained within the Proposed LDP provide sufficient criteria for new development to be assessed against, whether it is adjoining a Development Boundary or located within a countryside location. Therefore, the Council does not agree to modify the Proposed LDP in response to this representation.

Reporter's conclusions:

Introductory text to Environmental Promotion and Protection chapter (1032)

1. The reference in the introductory text to ensuring that the right development occurs in the right place derives from Scottish Planning Policy (2014), which has now been superseded. Its successor document, National Planning Framework 4 (NPF4) (Sustainable Places on page 7) states that "Meeting our climate ambition will require a rapid transformation across all sectors of our economy and society. This means ensuring the right development happens in the right place". There is therefore no reason to amend the text in the proposed plan.

2. The contributor's request for nature conservation management plans is dealt with below under Policies EP4 and EP6. The request for a regular review of listed buildings is dealt with under Policy EP7 in Issue 015: Environmental and Protection Policies EP7 to EP17. Whilst the contributor wishes to see reference within the introductory paragraphs to battlefields, scheduled monuments, archaeological sites and candidate designations (such as for the proposed National Park), the degree of detail in this introduction falls within the council's discretion. Other than for candidate designations, the above matters are covered in the relevant environmental policies. There is no requirement for candidate designations to be mentioned in a local development plan. No modifications are therefore required.

Policy EP1: International Nature Conservation Sites and Protected Species (723, 802, 919, 983, 1032)

Proposed amendments to Policy EP1 (723, 802, 919)

3. In relation to this matter, the council and contributors were asked for their comments on the implications of the adoption of NPF4 on the issues they had raised in representations, and I have taken their responses into account.

4. The second section of Policy EP1 sets three tests to be met by development proposals on sites where a European Protected Species is likely to be present. As worded, all three tests must be met and they are to be applied where there is "the likely presence of a European Protected Species", rather than the confirmed presence of such a species. The second test sets a very high bar, including a requirement that "development is needed ... for ... imperative reasons of overriding public interest". These tests differ markedly from the requirements of NPF4, Policy 4(f), where the policy on development proposals likely to have an adverse effect on species protected by legislation is set out. This refers to meeting the relevant statutory tests, establishing the presence of any protected species on a site, factoring legislative protection into the planning and design of development and full consideration of potential impacts before determining any application. As no justification has been provided for more stringent tests, I recommend rewording the relevant part of Policy EP1 to align with NPF4. Modifications to that effect are set out below.

5. There are various ways in which policy areas can be grouped in a plan document and, whilst there would be some advantages in terms of presentation to having a separate policy for European Protected Species, the plan as it stands is sufficiently clear not to require a recommendation for amendment in that respect.

Reference to 'European sites' and 'Habitats Regulations' (983)

6. As the United Kingdom has now left the European Union, the updated terminology as sought by NatureScot should be used in this policy. A modification to this effect is recommended.

Impact of Brexit upon international designations (1032)

7. There are no repercussions on international designations arising from Brexit beyond the updated terminology referred to above and therefore no modification is required.

Policy EP2: National Nature Conservation Sites and Protected Species (612, 802, 847)

Reference to 'indirect effects' (612)

8. It is not unusual for indirect effects of a development proposal on a Site of Special Scientific Interest (SSSI) or a National Nature Reserve (NNR) to be taken into account in planning applications and therefore appropriate for the policy to refer to this. Indirect effects which are not related to the nature conservation interest of a site or species, such as purely landscape or visual effects, would not be relevant to the council's assessment under Policy EP2, so I am satisfied that no ambiguity would result.

Amendments to wording of Policy EP2 (612, 802)

9. To be consistent with the text in paragraph 1.3 of Policy EP2 and with the approach in Policy EP1 and EP3, the first sentence of Policy EP2 requires reference to the effect of development proposals on nationally protected species and not just on the habitats supporting those species.

10. The two criteria of effect on site integrity and nationally important benefits need to be presented as alternatives. It would be inappropriate to require development which

would not affect the integrity of the site to provide nationally important benefits. The nature of any benefits offered should include environmental ones, both for completeness and for consistency with other environmental policies in the proposed plan.

11. As pointed out by the Scottish Government, the policy should draw attention to steps which must be taken in respect of any legally protected species which might be affected by proposed development.

12. In relation to the above points, I recommend appropriate modifications to revise the wording of Policy EP2, as set out below.

Policy EP3: Local Biodiversity and Geodiversity (612, 671, 983, 927)

Local Biodiversity Sites

13. Policy EP3 is criticised for not being focussed or measured in that it identifies 188 Local Biodiversity Sites (LBS) across large swathes of the council area, and because this implies that any land not covered by a local biodiversity designation is of lower value. Neither of those criticisms appears to me to be justified. The identification, detailed mapping and key information on the value of the sites attests to a considerable degree of focus and precise measurement of value. Moreover, to state that any land outwith the LBS designations (and outwith higher level designations) is of lower value is likely to be accurate (as far as current records allow) and not a criticism. That is not to say that such land is of no value. For example, many linear features, such as hedgerows, may not be designated but may be important to wildlife by providing links between designated areas or other areas supporting wildlife.

14. The contributor points out that the LBS designations are not shown on the proposed plan's Proposal Maps and argues that they could therefore be missed when researching land use designations or proposals for specific areas of land.

15. In the proposed plan, maps labelled as Policy Maps are found on pages 181-187. The council confirms that these are the Proposals Maps referred to in the representation. The council's response to the representation indicates that it would update the Policy Maps to include the LBS and Local Geodiversity Sites (LGS) designations.

16. The council has confirmed that LBS and LGS are identified as non-statutory designations. Scottish Natural Heritage (now NatureScot) guidance on establishing and managing local nature conservation sites indicates that it is not intended that LBS are seen as another layer of "designation", with complex procedural requirements, as they have no legal status and therefore no powers or duties associated with them. As such they are distinct from the international and national designations which are the subject of Policies EP1 and EP2 and which are delineated on the Policy Maps.

17. Technical Note 4: Local Biodiversity Sites, which provides details on the 188 sites, states that a number of proposed/provisional sites had not been subject to site assessment in time to be taken forward as part of the proposed local development plan; rather they could be taken forward as part of future Supplementary Planning Guidance throughout the period of the local development plan. As the full list of LBS would evolve

during the plan period, to include the LBS and LGS designations on the Policy Maps would be potentially incomplete and misleading.

18. For the above reasons, and in view of my conclusions on Issue 075: Local Biodiversity Sites, my recommendation is not to include those designations on the Policy Maps, but instead to annotate the legends on those maps to alert users to the fact that appendices to Technical Note 4: Local Biodiversity Sites should be consulted for the location and boundaries of LBS designations, and that appendices to Technical Note 5: Local Geodiversity Sites should be consulted for the location and boundaries of LGS designations. Modifications to that effect are set out below.

19. The representation from Balgonie Estates Ltd (825) listed under Issue 075: Local Biodiversity Sites includes a concern that the policy could be excessively restrictive on developments which they might wish to propose on land designated as an LBS as it would receive potentially unwarranted weight in the development management process, if formally adopted. As discussed above and mentioned in the proposed plan, the designations and the associated Technical Note would be non-statutory and therefore would attract the appropriate weight for that status.

20. With regard to the representation promoting the addition of a policy to create or restore habitats and wildlife corridors, the council is not required to do so, and I have no basis to recommend this. No modifications are required.

Local Geodiversity Sites

21. In the last section of Policy EP3 dealing with local geodiversity sites, I am not persuaded that the contributor's suggested addition of the word "materially" to the phrase "adverse effect" would add clarity to the test of a development's impact on an LGS. The degree of effect would be assessed in relation to whether the objectives and integrity of the designation would be compromised. That would be a sufficient test.

22. The minor errors which NatureScot has identified in Technical Note 5 fall outwith the remit of this examination, which is confined to the proposed local development plan itself. However, the council is at liberty to amend the technical note to address NatureScot's points. No modifications are required.

Policy EP4: National Scenic Areas (612, 802, 811, 847, 1032)

Amendments to Policy EP4 (612, 802, 811 & 847)

23. When the policy and supporting text are read as a whole, it is evident that Policy EP4 is directed towards protecting and enhancing the scenic qualities of the National Scenic Areas (NSAs). Further reference is made at paragraph 1.4 to the Scottish Natural Heritage (now NatureScot) report which specifies the special qualities to be found in each NSA, including those located in the Scottish Borders. There is, therefore, no need to amend the wording of the first line of the policy as suggested.

24. For each designated NSA, it is the scenic qualities within its boundary which are judged to have national importance and not its "surrounds". The latter term is imprecise, and the policy wording implies that it shares equivalent status and protection as the NSA itself. It should therefore be deleted from the policy.

25. As the council concedes, environmental benefits should be added to part (b) of its policy. This is required both for completeness and for consistency with other environmental policies in the proposed plan. I therefore recommend the appropriate modifications.

Production of Conservation Management Plans (1032)

26. As the council points out, there is no requirement for it to prepare conservation management plans for each of the National Scenic Areas and, as such, I agree that the proposed plan is sufficient without such management plans. No modifications are required.

Policy EP5: Special Landscape Areas (612, 772, 811, 878)

Addition of a Special Landscape Area designation for land to the west of the Cloich Hills, also known as the Lyne Catchment (772, 878)

27. The council has designated nine Special Landscape Areas (SLAs) within its area. Those designations were reviewed as part of the process leading to adoption of the Adopted Local Development Plan (2016). The area known locally as the Lyne Catchment was considered for SLA status at the 2015 examination into that plan, but not recommended for inclusion.

28. A contributor, who seeks SLA status for the Lyne Catchment, has drawn attention to two factors arising since that examination took place. He points to the restrictions experienced as a result of Covid 19 as increasing the value of landscape and outdoor exercise to people's wellbeing, including in view of increased homeworking. He also argues that landscape protection designations by the neighbouring Midlothian Council have left the Lyne Catchment particularly vulnerable to development pressures as it is located between those designations.

29. As the first argument could apply across the whole of the council area, to apply it to just this locality could give rise to inconsistencies. Moreover, I recognise that the council has only relatively recently carried out an authority-wide review of its SLAs, which has not added the Lyne Catchment. As for the Lyne Catchment's vulnerability to development pressures, I am aware that the proposed plan has a suite of policies to protect countryside areas from inappropriate development. Moreover, I have not been provided with specific evidence that there is likely to be increased development pressure in this area. For these reasons, I have no basis to recommend SLA designation for the Lyne Catchment. No modifications are required.

Re-wording of Policy EP5 (612, 811)

30. Although the wording of Policy EP5 has not changed from that contained in the equivalent policy in the Adopted Local Development Plan (2016), the examination into the LDP (2016) was not required to address the question of whether environmental benefits should be recognised along with social and economic benefits in the policy test. To leave out environmental benefits would be to omit an obvious potential factor and would be inconsistent with my recommendation on Policy EP4: National Scenic Areas.

31. Whilst climate change mitigation is a possible environmental benefit, I have no basis on which to recommend that it should be mentioned as a specific example in this

policy. In so saying, I note that Chapter 8: Delivering Sustainability and Climate Change Agenda of the proposed plan addresses matters relating to climate change mitigation.

32. One of the contributors suggests an alternative wording which specifies that the landscape qualities to be safeguarded would be those identified in the council's Statement of Importance for the relevant Special Landscape Areas. This would add clarity and bring the approach to assessment into closer alignment with that for National Scenic Areas (Policy EP4), where the objectives of, and qualities giving rise to, designation are specified. The alternative wording also omits the phrase "and will have particular regard to the landscape impact of the proposed development, including the visual impact." Visual impact assessments consider changes to views and visual amenity and are considered as related but very different considerations to landscape impact assessments. Whilst visual impacts may be included in assessments for development management purposes, it is not appropriate to refer to this separate process in the SLA policy, whose focus is landscape matters. I therefore recommend the relevant modifications, as set out below.

33. The proposed policy is to resist proposals having a significant adverse impact on the landscape of SLAs other than where such impacts are clearly outweighed by specified national or local benefits. The suggestion to prefix "significant adverse impact" with the word "unacceptable" is unnecessary as the policy already measures unacceptability by weighing adverse effects against beneficial effects. No modifications are required.

Policy EP6: Countryside Around Towns (507, 612, 802, 843, 851, 1014, 1032, 1037)

Inclusion of Netherbarns site (AGALA029) within the Countryside Around Towns policy area (507, 851, 1037). Inclusion of Netherbarns Farmhouse, steading and grounds within the Countryside Around Towns policy area (507, 851, 879)

34. Representations relating to the housing allocation at Netherbarns (AGALA029), and land at Netherbarns Farmhouse and steading, including whether the Countryside Around Town policy area should extend over these areas, are dealt with under Issue 035: AGALA029 Netherbarns.

Amendment to criterion (a) or re-wording of the policy (612, 802)

35. Both contributors are concerned that, in setting out types of development which would be considered for approval within Countryside Around Towns areas, Policy EP6 does not identify renewable energy development within criterion (a), which lists examples of development proposals having an essential requirement for a rural location and whose use is appropriate to a countryside location. One of the contributors suggests, in the alternative, that the policy should be amended to explain that it does not apply to renewable energy proposals, which will be assessed against Policy ED9: Renewable Energy Development.

36. In the case of a renewable energy proposal within the Countryside Around Towns policy area, the council states that it would apply Policy ED9: Renewable Energy Development in the first instance and that application of Policy EP6: Countryside Around Towns would not restrict all development within that area, rather that it is intended to prevent piecemeal development and coalescence of settlements.

37. With regard to the contributors' suggestion to add renewable energy development to the examples listed in criterion (a), that would require such development to be "appropriate to a countryside setting" and would not be consistent with Policy 11 of NPF4 (which does not include any equivalent restriction) or with proposed Policy ED9: Renewable Energy Development, as modified under our recommendations.

38. However, the alternative suggestion by one of the contributors to exclude renewable energy proposals from consideration under Policy EP6 would be in line with NPF4 and Policy ED9 of the proposed plan, as modified. I recommend this amendment. Modifications to that effect are set out below.

Deletion of criterion (c) (1014). Inclusion of additional criterion (f) (843)

39. Criterion (c) seeks to prevent new build housing within the Countryside Around Towns area from extending beyond the confines of an existing building group. This is justified as serving the policy aims of preventing piecemeal development in a corridor of settlements subject to high development pressure, and as protecting a high-quality living environment and important resources of biodiversity, landscape, historical and recreational value. Application of the policy is confined to the Countryside Around Towns area, leaving other parts of the council area unaffected.

40. The criterion is criticised as potentially preventing implementation of the provision in Policy PMD4: Development Adjoining Development Boundaries for exceptional approval of housing land in the event of a shortfall in the effective five-year housing land supply. However, since application of Policy EP6 is limited to the Countryside Around Towns area, this leaves other parts of the council area unaffected. The Policy PMD4 exception would therefore continue to apply in less sensitive parts of the council area, and its scope would be sufficient. There is no longer a requirement to demonstrate a five-year effective land supply in national planning policy and so matters relating to it are now irrelevant. Issue 006: Chapter 6: Planning for Housing and Appendix 2 Meeting the Housing Land Requirement concludes that there is more than sufficient land allocated in the proposed plan to accommodate the recommended local housing land requirement (LHLR). Consequently, there is no justification for adding a criterion to Policy EP6 with respect to such a shortfall. No modifications are required.

Production of management plans (1032)

41. As the production of management plans for Countryside Around Towns is not a requirement and the council has given reasons for its decision not to do so, I have no basis for recommending any amendment. No modifications are required.

Countryside Around Towns designations should be made around other towns and villages throughout the Scottish Borders (1032)

42. The contributor argues that because countryside around towns and villages is important to residents, the protection afforded by this policy should not be restricted to the central Borders. However, as the council points out, the policy has been developed to address a particular problem of development pressure together with the risk of settlement coalescence being experienced around the Galashiels-Melrose-St Boswells corridor, which could adversely affect settlement identity and character in this locality. Other parts of the council area, which do not experience these problems to the same

degree are nevertheless protected by other policies in the proposed plan. No modification is therefore required.

Reporter's recommendations:

Modify the local development plan by:

1. replacing the third paragraph of Policy EP1 on proposed plan page 105 with the following text:

“Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.”

2. replacing references throughout Policy EP1 on proposed plan pages 104-106, to “Natura Sites” with “European Sites”, to “Habitats Directive” with “Habitats Regulations”, and to “Birds Directive” with “Habitats Regulations.

3. replacing the text of Policy EP2 on proposed plan page 107 with the following:

“Development proposals which are likely to have a significant adverse effect, either directly or indirectly, on a Site of Special Scientific Interest (SSSI), a National Nature Reserve (NNR), or nationally protected habitats or species will not be permitted unless:

- (a) the objectives of the designation and the overall integrity of the site will not be compromised, or
- (b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

If there is evidence to suggest that a legally protected species is on site or may be affected by proposed development, steps must be taken to establish its presence. The level of protection afforded by legislation must be factored into the planning and design of the development. Any impacts will be fully considered in determination of the application.

The developer will be required to detail mitigation, either on-site or off-site, of any damage that may be caused by development permissible under the exception criteria.”

4. replacing the text of Policy EP4 on proposed plan page 112 with the following:

“Development that may affect National Scenic Areas (NSAs) will only be permitted where:

- (a) the objectives of the designation and the overall integrity of the NSA will not be compromised; or
- (b) any significant adverse effects on the qualities for which the NSA has been designated are clearly outweighed by social, environmental or economic benefits of national importance.”

5. replacing the wording of Policy EP5: Special Landscape Areas on proposed plan page 114 as follows:

“In assessing proposals for development that may affect Special Landscape Areas, the council will seek to safeguard landscape quality, as identified in its Statement of Importance for the relevant Special Landscape Areas. Proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social, environmental or economic benefits of national or local importance.”

6. replacing the first sentence of Policy EP6: Countryside Around Towns on proposed plan page 118 with the following text:

“Within the areas defined as Countryside around Towns, proposals (except for renewable energy development) will only be considered for approval if they meet the following considerations:”

and adding the following paragraph after criteria a) to e):

“Proposals for renewable energy development, including proposals for wind energy development, will be permitted if they accord with the objectives and requirements of Policy ED9 on renewable energy development.”

7. adding an annotation to the legends on the Policy Maps on proposed plan pages 182 to 187 as follows:

“See appendices to Technical Note 4: Local Biodiversity Sites, for the location and boundaries of Local Biodiversity Site designations. See appendices to Technical Note 5: Local Geodiversity Sites, for the locations and boundaries of Local Geodiversity Site designations.”

<p>Issue 15</p>	<p>Environmental Promotion and Protection Policies: Policy EP7: Listed Buildings; Policy EP8: Historic Environment Assets and Scheduled Monuments; Policy EP9: Conservation Areas; Policy EP10: Gardens and Designed Landscapes; Policy EP11: Protection of Greenspace; Policy EP12: Green Networks; Policy EP13: Trees, Woodlands and Hedgerows; Policy EP14: Coastline; Policy EP16: Air Quality; Policy EP17: Food Growing and Community Growing Spaces</p>	
<p>Development plan reference:</p>	<p>Volume 1 Policies – Environmental Promotion and Protection Policies EP7 to EP17 (pages 119-146)</p>	<p>Reporter: Malcolm Mahony</p>
<p>Body or person(s) submitting a representation raising the issue (including reference number):</p>		
<p>Pete Ritchie (053) Peebles & District Community Council (122) The Architectural Heritage Society of Scotland (413) David and Maureen Anderson (435) B Dominic Ashmole (494) NHS Borders (589) Scottish Renewable (612) Mineral Products Association (723) J Leeming (755) Lamancha, Newlands and Kirkurd Community Council (772)</p>		<p>Renewable Energy Systems (802) Coriolis Energy (811) M & J Ballantyne (843) Scottish Government (847) Lilliesleaf, Ashkirk, and Midlem Community Council (899) Breedon Northern Ltd (919) NatureScot (983) Woodland Trust Scotland (991) St Boswells Parish Community Council (1032)</p>
<p>Provision of the development plan to which the issue relates:</p>	<p>Environmental Promotion and Protection Policies EP7 to EP17</p>	
<p>Planning authority’s summary of the representation(s):</p>		
<p>Policy EP7: Listed Buildings</p> <p><u>Peebles & District Community Council (122)</u></p> <ul style="list-style-type: none"> The Contributor objects to Policy EP7 in that it fails to state that development may be acceptable if it can be clearly shown to be the only means of retaining a listed building and securing its long term future. <p><u>The Architectural Heritage Society of Scotland (413)</u></p> <ul style="list-style-type: none"> The Contributor objects to the Policy EP7 in that it omits to list specific heritage and amenity societies to be consulted. The Contributor states that a list of those should 		

be referred to in the LDP and made publicly available elsewhere in the interests of transparency. That list should indicate which heritage bodies and amenity societies (local and national) will be consulted for each category of listing, or for relevant conservation area cases. The Contributor notes that HES consultation is presently required in law in many cases and states that the decision on which bodies and societies to consult should be made in a timely and transparent manner.

- Also in relation to Policy EP7 and paragraph 1.5, the Contributor states that given the number of planning applications which omit design statements despite existing guidance, they suggest emphasising their need here as well as in the policy itself.
- Within Policy EP7, the Enabling Development paragraph should be moved lower, between the New Development and Demolition paragraphs, to reflect its status as a clause of less typical relevance than the criteria a) to d), which apply to all alterations and extensions. Additionally, conditions should be attached to such developments to ensure that repairs and renovation to the listed building are carried out in parallel or ahead of other enabling work, to avoid enabling development taking place without the promised work to the listed building occurring.
- The paragraph on enabling development as written implies that positive economic, environmental and social benefits could be used to justify enabling development even where it is not the only means of retaining a listed building. An additional sentence would help at the end, such as: “*These benefits alone would not justify enabling development where other means of retaining the Listed Building are possible.*”

Scottish Renewable (612)

- The Contributor objects to Policy EP7 in that the policy currently says that development that adversely affects the setting of a listed building ‘will not be permitted’. However, adverse impacts on a listed building may be one of several factors to be considered in the planning balance of a proposal. It should not be considered determinative and supersede all other considerations. Scottish Renewables suggests this part of the policy is amended to read: ‘New development that [impacts on the integrity] of the setting of a Listed Building will not be [supported by this policy].’

Mineral Products Association (723)

- The Contributor states that while they are supportive of the approach of the policy, they consider that it would benefit from references to local vernacular and the use of local materials for both repair to existing buildings and to ensure new buildings enhance the character of the area and settings. This policy ethos should also be reflected in the Minerals Policy to support the use of local building and dimension stone. Both policies would benefit from identifying the criteria against which new developments are deemed to “adversely” affect a particular building, location and/or setting. As currently worded, Policy EP7 states “New development that adversely affects the setting of a Listed Building will not be permitted”. However, other policies such as Policy EP15 Development Affecting the Water Environment, set a test of “*significant*” adverse effect. The Contributor states that they would seek parity and consistency of approach across policies.

M & J Ballantyne (843)

- The Contributor objects to Policy EP7 in that they state that the Policy sets out positively worded criteria in relation to alterations and extensions to Listed Buildings. It does not include negative wording or prohibitions in relation to adverse impact from such work, thereby recognising that in certain instances, where adverse impact occurs this could be mitigated or offset by other benefits. In relation to the setting of Listed Buildings, the policy simply states: “*New development that adversely affects the setting of a Listed Building will not be permitted.*”
The Contributor considers that the current wording is considerably more prohibitive than the wording in relation to physical works to a Listed Building. It does not offer opportunity for planning balance to be applied, nor for positive impact to offset adverse impact. For example, a minor adverse impact arising from a development proposal would result in the refusal of planning permission, even if a major positive impact would also be achieved.

Renewable Energy Systems (802), Breedon Northern Ltd (919)

- The Contributor state that in relation to the impact on setting of a Listed Building, they suggest the wording be amended to allow for instances where development leads to minor (but acceptable) impact on the setting of a listed building. There can be circumstances where a major development could lead to a minor impact on the setting of a listed building, but this impact could be outweighed by the wider beneficial impacts of the development (such as economic, environmental or social benefits). As currently drafted, any impact on the setting of a listed building, no matter how minor, could be deemed a departure from the LDP. It is suggested that the wording of the Policy is amended to allow a degree of balancing to be undertaken by the planning authority when assessing impacts, both adverse and beneficial, of a development proposal.

St Boswells Parish Community Council (1032)

- The policy should note the need to promote regular review of lists of historic buildings, ideally on the same cycle as local development plan preparation, in order that development planners have the best information for effective conservation planning.

Policy EP8: Historic Environment Assets and Scheduled Monuments

Peebles & District Community Council (122)

- Title of Policy EP8 should be amended from: ‘Historic Environment Assets and Scheduled Monuments’, to: ‘Archaeology and Scheduled Monuments’.

Scottish Renewables (612)

- Contributor notes that Policy EP8 refers to adverse impacts on the setting of scheduled monuments or other nationally important assets. However, to ensure that the policy accords with national policy [SPP], they consider that this policy test should only be engaged by ‘impacts on the integrity of the setting’, and not simply any impact on setting.

Renewable Energy Systems (802)

- Contributor advises that Policy EP8, criterion (a) requires amendment to bring it in line with SPP, paragraph 145, because it does not make any reference to ‘the integrity’ of the setting of a Scheduled Monument.
- They point out that as currently worded, Policy EP8 states that unless in specific circumstances, development proposals that, inter alia, adversely affect the setting of a Scheduled Monument, will not be permitted. However, they advise that ‘Setting’ and ‘integrity of setting’ are two separate matters. They advise that it would be possible that a development could have an adverse effect upon the setting of a Scheduled Monument, but that this impact would not affect the ‘integrity of its setting’. In such a scenario, they point out, there would be no conflict with SPP, but there would be a conflict with Policy EP8(a).
- Contributor considers that the final sentence of Policy EP8 is unnecessary and should be deleted. They advise that the requirement for a mitigation strategy in each and every case where an historic environment asset, or its appropriate setting, is affected, is both unnecessary and not feasible. There will be cases, including potential renewable energy projects, where ultimately a proposal may affect the setting of an historic environment asset even after mitigation (even if this is a minor or negligible impact). They advise that such impacts may not be capable of further mitigation, and it would not therefore be possible for developers to comply with this Policy requirement. In such cases, they conclude, it is for the Development Management process to weigh up the overall significance of such effects to arrive at a conclusion about the acceptability of these impacts in the wider planning balance.
- They point out that the final sentence also only refers to ‘setting’ and not ‘integrity of setting’ so that there is also an inconsistency when dealing with Scheduled Monuments.

Coriolis Energy (811)

- Contributor notes that Policy EP8 refers to adverse impacts on the setting of scheduled monuments or other nationally important assets.
- However, they advise, to ensure the policy accords with national policy [SPP] this policy should clearly reference ‘impacts on the integrity of the setting’. Part A of the policy, they consider, should be reworded as follows: *“Development proposals which would adversely affect a Scheduled Monument or the integrity of its setting, or other nationally important assets will not be permitted unless:*
 - a) the development offers substantial benefits, including those of a social (including climate change) or economic nature, that clearly outweigh the national value of the site, and*
 - b) there are no reasonable alternative means of meeting the development need either through mitigation, design or location”.*

Scottish Government (847)

- Contributor makes a formal objection to Policy EP8 on grounds that the (B) Battlefields Section should be removed and made into a standalone policy similar to Policy EP10 Gardens and Designed Landscapes. This, they state, is to align with Paragraph 149 of Scottish Planning Policy (SPP) which advises that planning authorities should seek to protect conserve and, where appropriate, enhance the

key landscape characteristics and special qualities of sites on the Inventory of Historic Battlefields. (The Inventory of Historic Battlefields has the same status as the Inventory of Gardens and Designed Landscapes, they are not solely an archaeological resource).

- Contributor makes a formal objection to the following sentence NOT being included in Policy EP8: “*Any works directly affecting a designated Scheduled Monument requires Scheduled Monument Consent (SMC) which is obtained from Historic Environment Scotland. Advice on the SMC process and requirements should be sought at an early stage from the Heritage Directorate, Historic Environment Scotland.*” (They do not say where precisely they considers that this advice should go).

St Boswells Parish Community Council (1032)

- Contributor advises that there is confusion in the title of Policy EP8 since listed buildings are also historic environment assets, and suggests that it might more helpfully refer to “archaeological assets and scheduled monuments”.
- Contributor considers Figure EP8A “*particularly useless*”; at the very least, they consider, labels should be attached to the battlefield sites.

Policy EP9: Conservation Areas

The Architectural Heritage Society of Scotland (413)

- The Contributor states that the final paragraph could echo some of the alterations made to Design Statements as in EP7, perhaps “*Design Statements are required for all applications for alterations, extensions, or for demolition and replacement, and should explain and illustrate the design principles and design concepts of the proposals.*”

Mineral Products Association (723)

- The Contributor states that while they are supportive of the approach of the policy, they consider that it would benefit from references to local vernacular and the use of local materials for both repair to existing buildings and to ensure new buildings enhance the character of the area and settings. This policy ethos should also be reflected in the Minerals Policy to support the use of local building and dimension stone. Both policies would benefit from identifying the criteria against which new developments are deemed to “adversely” affect a particular building, location and/or setting. As currently worded, Policy EP7 states “New development that adversely affects the setting of a Listed Building will not be permitted”. However, other policies such as Policy EP15 Development Affecting the Water Environment, set a test of “*significant*” adverse effect. The Contributor states that they would seek parity and consistency of approach across policies.

St Boswells Parish Community Council (1032)

- In respect to paragraph 1.5 of the introductory text to Policy EP9 the Contributor states that it would be helpful to mention the date when conservation areas were reviewed, and indeed to identify the location of the additional three conservation

areas. It would also be helpful to explain which is the *technical background note* addressing boundaries of conservation areas.

- Conservation area statements are all very well but the reality is that only conservation area conservation management plans will give public confidence in successful conservation of the special qualities into the future. It is suggested that a programme of such conservation area conservation management plans should be actioned as soon as possible.
- The Contributor also states that it seems unfortunate that there has been a lowering of standards of conservation in Newcastleton.

Policy EP10: Gardens and Designed Landscapes

NatureScot (983)

- The Contributor supports Policy EP10 subject to a minor change to include reference to Annex 3 of the Peter McGowan Consultants study. As Annex 3 provides guidance on management and restoration of Gardens and Designed Landscapes, the Contributor considers that this would be particularly useful in a policy context.
- The Contributor also suggests that, subject to advice from Historic Environment Scotland as lead on Gardens and Designed Landscapes, a clearer definition of setting could be useful to developers. This would help to establish what type of development and where development could be affected by these policy requirements.

St Boswells Parish Community Council (1032)

- The Contributor objects in that they state that there is an urgent need to produce conservation management plans for all Inventory sites especially prior to any development which may affect their character. It is hoped that the non-Inventory sites have also been assessed against the range of criteria provided by those establishing the Inventory.

Policy EP11: Protection of Greenspace

J Leeming (755)

- The Contributor states that the loss of any greenspace around a settlement is to be regretted and resisted (EP11). Greenspace has been shown to have a positive effect on people's mental wellbeing, yet almost all of the proposed development sites would replace greenspace.

St Boswells Parish Community Council (1032)

- The Contributor states that policies on protection of green space should stress the importance of seeking sustainable development, in other words retaining green space wherever possible and encouraging any new development to enhance its special qualities. It may be that management plans are necessary for significant and complex green spaces with multiple functions.

Policy EP12: Green Networks

Lilliesleaf, Ashkirk, and Midlem Community Council (899)

- The Contributor states that there should be an awareness of the conflict between users of rights of way. For example horses can make paths unusable (or very unpleasant to use) for walkers.

St Boswells Parish Community Council (1032)

- The Contributor states that green networks (Figure EP12A) should also be expanded to take into account the Southern Upland Way and the Pennine Way.

Policy EP13: Trees, Woodlands and HedgerowsDavid and Maureen Anderson (435)

- Appreciate the opportunity to comment on the Councils very detailed proposed Local Development Plan. They feel strongly, developers should not be permitted to destroy woodland areas, wildlife corridors and in the process ignore areas of natural beauty, purely for the purpose of profit. Therefore, included in the new LDP, should be a restriction on building in areas of historic interest, areas of natural beauty, or areas of woodland. Under no circumstances should developers be allowed to cut down any specimen trees, trees older than 100 years, or any proposed development which would disturb protected species. Developers have no interest in preserving nature, no interest in local history and no interest in providing a better environment for future generations. Surely SBC's Local Development Plan, must guarantee all proposed developments protect our precious woodland, not destroy it. They urge the Council to ensure, by way of legislation within the Proposed LDP, that this is upheld.

Lamancha, Newlands and Kirkurd Community Council (772)

- Request that the LDP acknowledge the value of the small pockets of woodland within our Borders Towns and their benefits to both people and wildlife.

Woodland Trust Scotland (991)

- The policy on trees, woods and hedgerows is good, and they hope that the provisions of this are reflected in the site allocations. The Trust would not support any site allocations that would have a detrimental impact on ancient woodland. Where developments are proposed close to areas of ancient woodland, the Trust recommends that a buffer is included between the woodland and the proposed development depending on the type and size of the development.
- Woodland Trust Scotland broadly welcomes this policy. In particular they welcome the specific mention that the woodland resource includes, '*the maintenance and management of trees, ancient woodlands and pastures, and hedgerows*'. This wording could be included within the policy text rather than in the introductory clauses.
- The introductory clauses in this section can include the following wording in relation to buffer zones so that it is clear for planning officers and developers what is meant and why, '*Creation of new areas of woodland or buffer zones around the woodland resource, and particularly ancient woodland, will help to reduce and ameliorate the impact of damaging edge effects, serving to improve their resilience. The size of the*

buffer is dependent on the intensity of land use in the intervening matrix between ancient woods. For example, a buffer zone of at least 50 metres of semi-natural vegetation would be required to protect the woodland from the change in land use on the site.'

- Very importantly this policy refers to minimising 'adverse impacts on the biodiversity value of the woodland resource'. The contributor welcomes the inclusion of this and hopes the wording will remain the same in the final version of the LDP2. It is important that as well as avoiding direct impacts to the woodland resource (direct loss of trees and woodlands), indirect impacts from development that is in proximity to woodlands and trees (such as noise and light pollution, fragmentation of habitat adjacent to the woodland, chemical pollution, the introduction of invasive non-native species) are also avoided or minimised as much as possible. The contributor recommends that to strengthen the provision on minimising adverse impacts wording on the provision of buffer zones between the woodland resource and the development is introduced and specified in planning conditions as may be the case. The wording can be added at the end of clause a) in the policy as follows: '*a) aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability [through the provision of adequate buffer zones]*'.

Policy EP14: Coastline

Scottish Government (847)

- The contributor states that the proposed policy should reflect the National Marine Plan. Reference is made to both the National Marine Plan and responsibility between Marine Planning Partnerships and Local Authorities. However, as it stands, this policy doesn't reflect the statutory responsibilities of the National Marine Plan.

NatureScot (983)

- The contributor has reviewed the policy in relation to the potential to affect coastal or marine assets as set out in the National Marine Plan. They note that supporting information in paragraph 1.5 refers to coherence with the National Marine Plan. To strengthen this and align LDP2 with other LDPs the contributor recommends an additional caveat within the policy, as follows:

e) The proposal aligns with requirements of the policies of the National Marine Plan and the Regional Marine Plan, when prepared.

- In the case of policy caveat a) which refers to Burnmouth, Eyemouth and St Abbs, the contributor is content in most cases that due to the nature and location of relevant proposals there would be no issue arising from development. For MEYEM001, there are several issues due to location such as coastal flooding however; there is an approved Planning Brief for this site, which requires further checks to be made. Policy caveats b), c) and d) appear standard and the contributor has no comments on those parts.

St Boswells Parish Community Council (1032)

- The contributor is surprised that the impacts of climate change are not discussed in this policy as well as any landfalls from marine windfarms. The contributor also states there may be visual impacts of marine windfarms which should also be taken into account.

Policy EP16: Air Quality

B Dominic Ashmole (494)

- The contributor states that the claim in paragraph 1.1 that “The Scottish Borders has no areas where air quality is an issue” is not evidenced, and seems to be a slight overstatement. For example, localised pollution around intensive poultry operations certainly exists, and the generally harmful practice of muir burning can cause issues on a seasonal basis.
- The contributor also states that paragraph 1.2 refers to “gases such as CO₂ which have been linked to climate change”. This almost sceptical wording should be changed to “are known to cause harmful climate change”. Policy EP16 makes no mention of greenhouse gas emissions, despite the pre-amble paragraphs indicating this is in scope. The phrase “or lead to unsustainable levels of GHG emissions” should be inserted into the policy wording.

NHS Borders (589)

- The contributor welcomes the emphasis on ‘minimising impact’ of development on air quality, but would welcome more detail on the level of acceptability of developments that do impact on air quality. The contributor states this can have significant health impacts and we would expect public health involvement in assessing these and influencing decisions.

Policy EP17: Food Growing and Community Growing Spaces

Pete Ritchie (053)

- The Contributor believes reference to food-growing strategy is reactive and the Council should be actively supporting the creation of market gardens in and around towns.

Modifications sought by those submitting representations:

Policy EP7: Listed Buildings

- Seeks the inclusion of a paragraph within Policy EP7 to state that development may be acceptable if it can be clearly shown to be the only means of retaining a listed building and securing its long term future. (122)
- Seeks the inclusion within the Plan of a list of heritage bodies and amenity societies, and that indicate what category of listing, or relevant conservation area cases they will be consulted on as part of the planning application process. (413)
- Seeks that paragraph 1.5 of Policy EP7 emphasises the need for design statements in the submission of planning applications for listed buildings. (413)
- Seeks that the paragraph on enabling development be moved lower between the New Development and Demolition paragraphs. (413)

- Seeks the inclusion of the following additional wording within the enabling development paragraph - "*These benefits alone would not justify enabling development where other means of retaining the Listed Building are possible.*" (413)
- Seeks the amendment of the sentence in the second last paragraph to read: "*New development that impacts on the integrity of the setting of a Listed Building will not be supported by this policy.*" (612)
- Seeks inclusion of a reference to local vernacular and the use of local materials for both repair to existing buildings and to ensure new buildings enhance the character of the area and settings. (723)
- Seeks inclusion of criteria against which new developments are deemed to "adversely" affect a particular building, location and/or setting, in addition the Contributor seeks parity and consistency of approach with other policies such as EP15. (723)
- Seeks the following wording within Policy EP7 to be deleted: "*All applications for Listed Building Consent or applications affecting the setting of Listed Buildings are required to be supported by Design Statements. New development that adversely affects the setting of a Listed Building will not be permitted.*"; and to be replaced with: "*All applications for Listed Building Consent or applications that may affect the setting of a Listed Building are required to be supported by a Design Statement that demonstrates that the proposals would not have a negative effect on the listed building or its setting that could not be satisfactorily mitigated. New development that would have an unacceptable or unjustified negative affect on a Listed Building or the setting of a Listed Building will not be permitted.*" (843)
- Seeks an amendment to the policy that allows for instances where development that leads to minor, but acceptable impact on the setting of a listed building. (802, 919)
- Seeks regular review if the list of listed buildings, ideally on the same cycle at the plan preparation. (1032)

Policy EP8: Historic Environment Assets and Scheduled Monuments

Policy EP8 (page 124)

- Replace "*Historic Environmental Assets*" in title and text of Policy EP8 with "*Archaeology*" (122) or "*Archaeological Assets*" (1032).
- All mentions of: "*setting*" relative to Scheduled Monuments within the text of Policy EP8, to be replaced with: "*integrity of setting*". (612; 802; 811)
- Reword Part A of the policy as follows (revisions highlighted in bold text):
"NATIONAL ARCHAEOLOGICAL SITES
*Development proposals which **would adversely affect a Scheduled Monument or the integrity of its setting**, or other nationally important assets will not be permitted unless:*
 - a) the development offers substantial benefits, including those of a **social (including climate change)** or economic nature, that clearly outweigh the national value of the site, and*
 - b) there are no reasonable alternative means of meeting the development need **either through mitigation, design or location.**"* (811)
- The "(B) Battlefields" section to be removed and made into a standalone policy similar to Policy EP10 Gardens and Designed Landscapes. (847)
- Delete final sentence of text of Policy EP8. (802)
- Insert the following into text of Policy EP8: "*Any works directly affecting a designated Scheduled Monument requires Scheduled Monument Consent (SMC) which is*

obtained from Historic Environment Scotland. Advice on the SMC process and requirements should be sought at an early stage from the Heritage Directorate, Historic Environment Scotland.” (847)

Figure EP8A (page 123)

- ‘Labels’ (annotations) to be added to the map to identify the battlefield sites. (1032)

Policy EP9: Conservation Areas

- Seeks the rewording of the last paragraph of Policy EP9 to read: *“Design Statements are required for all applications for alterations, extensions, or for demolition and replacement, and should explain and illustrate the design principles and design concepts of the proposals.”* (413)
- Seeks inclusion of a reference to local vernacular and the use of local materials for both repair to existing buildings and to ensure new buildings enhance the character of the area and settings. (723)
- Seeks inclusion of criteria against which new developments are deemed to “adversely” affect a particular building, location and/or setting, in addition the Contributor seeks parity and consistency of approach with other policies such as EP15. (723)
- Seeks inclusion within paragraph 1.5 the date of the recent Conservation Area Review, the inclusion of the three new Conservation Areas designated, and an explanation as to which technical note is referred to. (1032)
- Seeks a programme for Conservation Management Plans to be undertaken. (1032)

Policy EP10: Gardens and Designed Landscapes

- Seeks inclusion of reference to Annex 3 of the Peter McGowan Consultants study and inclusion of a clearer definition of setting. (983)
- Seek the production of Conservation Management Plans for all Gardens and Designed Landscapes included within the Inventory. (1032)

Policy EP11: Protection of Greenspace

- Seeks retention of greenspace around settlements. (755)
- Seeks reference to the importance of sustainable development, and potential for the need for management plans for significant and complex greenspaces with multiple functions. (1032)

Policy EP12: Green Networks

- Seeks awareness within the Policy EP12 of the conflict between users of rights of way. (899)
- Seek inclusion of the Southern Upland Way and the Pennine Way within Figure EP12A. (1032)

Policy EP13: Trees, Woodlands and Hedgerows

- Include a restriction on building in areas of historic interest, areas of natural beauty or areas of woodland. Under no circumstances should developers be allowed to cut

down any specimen trees, trees older than 100 years, or any proposed development which would disturb protected species. Guarantee all proposed developments protect our precious woodland and not destroy it. (435)

- Requests that the LDP acknowledge the value of the small pockets of woodland within our Borders Towns and their benefits to both people and wildlife. (772)
- Include the wording *'the maintenance and management of trees, ancient woodlands and pastures, and hedgerows'* within Policy EP13, in respect of the woodland resource. (991)
- Amend criteria (a) to read: *'aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability [through the provision of adequate buffer zones]'*. (991)
- Inclusion of additional wording within the introductory paragraphs, to include: *'Creation of new areas of woodland or buffer zones around the woodland resource, and particularly ancient woodland, will help to reduce and ameliorate the impact of damaging edge effects, serving to improve their resilience. The size of the buffer is dependent on the intensity of land use in the intervening matrix between ancient woods. For example, a buffer zone of at least 50 metres of semi-natural vegetation would be required to protect the woodland from the change in land use on the site'*. (991)

Policy EP14: Coastline

- The following text should be included in the list within the text box on page 140: "e) *the proposal is appropriate under the National Marine Plan policies*". (847)
- Add additional criterion which states: *e) the proposal aligns with requirements of the policies of the National Marine Plan and the Regional Marine Plan, when prepared*. (983)
- Add references to the impact of climate change, landfalls from marine windfarms and the visual impacts of marine windfarms within the policy. (1032)

Policy EP16: Air Quality

- The contributor states the wording of paragraph 1.2 should be changed from "*gases such as CO₂ which have been linked to climate change*" to "*are known to cause harmful climate change*". (494)
- The contributor states that Policy EP16 makes no mention of greenhouse gas emissions, despite the pre-ambule paragraphs indicating this is in scope. The phrase "*or lead to unsustainable levels of GHG emissions*" should be inserted into the policy wording. (494)
- The contributor would like more detail on the level of acceptability of developments that do impact on air quality. (589)

Policy EP17: Food Growing and Community Growing Spaces

- Incorporate support for market gardens. (053)

Summary of responses (including reasons) by planning authority:

IN RESPECT TO POLICY EP8: INSERT THE FOLLOWING SENTENCE AS 'PARAGRAPH 1.10' ON PAGE 122: "ANY WORKS DIRECTLY AFFECTING A DESIGNATED SCHEDULED MONUMENT REQUIRES SCHEDULED MONUMENT

CONSENT (SMC) WHICH IS OBTAINED FROM HISTORIC ENVIRONMENT SCOTLAND. ADVICE ON THE SMC PROCESS AND REQUIREMENTS SHOULD BE SOUGHT AT AN EARLY STAGE FROM THE HERITAGE DIRECTORATE, HISTORIC ENVIRONMENT SCOTLAND.” THIS IS CONSIDERED TO BE A NON-SIGNIFICANT CHANGE THAT IS ACCEPTABLE TO THE COUNCIL.

IN RESPECT TO POLICY EP14: THE ADDITION OF CRITERION (E) IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL HOWEVER THIS IS LEFT TO THE DISCRETION OF THE REPORTER.

IN RESPECT TO POLICY EP16: THE MINOR WORDING AMENDMENT TO PARAGRAPH 1.2 OF POLICY EP16 IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL.

NO CHANGES TO POLICIES EP7, EP9, EP10, EP11, EP12, EP13 OR EP17 AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

Policy EP7: Listed Buildings (122, 413, 612, 723, 802, 843, 919, 1032)

Acceptability of Development (122)

- It is noted that Policy EP7: Listed Buildings states: *“The Council will support development proposals that conserve, protect, and enhance the character, integrity and setting of Listed Buildings”*; in addition the Policy also states: *“Enabling development may be acceptable where it is clearly shown to be the only means of retaining a Listed Building and securing its long term future. Any development should be the minimum necessary to achieve these aims. The applicant will be required to demonstrate that the economic, environmental and social benefits of the proposed development would justify the enabling development”*. It should be noted, that enabling development could take the form of new building(s) or of an extension to a Listed Building. In either case, the emphasis is to ensure the retention of the Listed Building. It is therefore considered that Policy EP7 does state that development may be acceptable if it can be clearly shown to be the only means of retaining a Listed Building.

Inclusion of Consultee List, Design Statement Wording, Enabling Development (413)

- It is noted that ‘The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013’ (CD048, Regulation 25) already sets out the requirements for the consultation on applications. Furthermore, the Regulations (CD048) also state that the planning authority *“must give not less than 14 days’ notice to such authority, person or body that such application is to be taken into consideration”*. In respect to Listed Buildings, it is also noted that Regulation 12 of ‘The Planning (Listed Building Consent and Conservation Area Consent Procedure) (Scotland) Regulations 2015’ (CD049) requires the Planning Authority not to determine an application until the period specified for consultation has ended. This is 14 days for Historic Environment Scotland and 21 days for representations. Whilst the Planning Authority are not obliged to consult with heritage and amenity societies, heritage and amenity societies are welcome to contribute to the process.

- It is considered that Policy EP7 more than adequately emphasises the need for design statements as they are specifically referenced in paragraph 1.5 of the introductory text to the policy and then again their requirement is set out within the Policy. Furthermore, ‘The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013’ (CD048) sets out the minimum requirements for an application. In respect to Listed Buildings, it is also noted that Regulations 4 and 5 of ‘The Planning (Listed Building Consent and Conservation Area Consent Procedure) (Scotland) Regulations 2015’ (CD049) set out the detailed requirements for making applications for Listed Building Consent and Conservation Area Consent.
- As noted above, enabling development could take the form of new building(s) or of an extension to a Listed Building. Whilst the Contributor notes that the criteria a) to d), of Policy EP7 apply to all alterations and extensions; it should also be noted that this criteria also applies to “...*new developments within their curtilage*” (i.e. the curtilage of a Listed Building). It is therefore considered that as there is the potential for enabling development to take place with the curtilage of a Listed Building, the criteria a) to d) should also apply to any potential enabling development as well as to works on the Listed Building. It is therefore not considered necessary for the paragraph on enabling development be moved lower between the New Development and Demolition paragraphs.
- In respect to Conditions that should be attached to such developments, this is a matter that is dealt with on a case by case basis through the Development Management process.
- It is noted that Contributor 413 seeks an additional sentence at the end of the paragraph on enabling development within Policy EP7. However, the relevant paragraph states: “*Enabling development may be acceptable where it is clearly shown to be the only means of retaining a Listed Building and securing its long term future. Any development should be the minimum necessary to achieve these aims. The applicant will be required to demonstrate that the economic, environmental and social benefits of the proposed development would justify the enabling development*”. It is therefore not considered necessary to amend the paragraph as proposed as the Policy already stipulates that enabling development may be acceptable where it is clearly shown to be the only means of retaining a listed building.

Setting (612, 723, 802, 843, 919)

- Scottish Planning Policy 2014 (CD041), paragraph 141 on Listed Buildings states: “*Listed buildings should be protected from demolition or other work that would adversely affect it or its setting.*” It is therefore considered that it is not necessary to amend the Policy EP7 as suggested. In addition it should be noted that the ‘Managing Change in the Historic Environment – Setting’ (CD042) sets out the principles that apply to developments affecting the setting of historic assets or places which includes listed buildings. That document states within the ‘Key Issues’ section that if proposed development is likely to impact on a setting then the applicant should prepare an “objective written statement” to inform the decision making process. Point 5 of the Key Issues states that in light of the assessment carried out “*finalised development proposals should seek to avoid or mitigate detrimental impacts on the setting of historic assets*”. It should be noted that the Council acknowledges that not all new development proposals that alter a Listed Building or affect its setting will have a negative impact. In that respect the Council states in the

first line of policy EP7 as contained in the Proposed Local Development Plan “*The Council will support development proposals that conserve, protect, and enhance the character, integrity and setting of Listed Buildings*”.

- In addition, paragraph 1.5 of the introductory text to Policy EP7 states: “*Design Statements are a tool by which the design principles and design concepts of proposals may be illustrated and allow for the proper assessment of proposals. Brief statements are useful even for minor developments. The Design Statement should demonstrate an understanding of the significance of the asset*”.
- It is considered that the Policy and introductory text is worded in a way which seeks the correct balance between all factors relevant to the decision making process for Listed Buildings and development within their setting. The Policy is therefore not considered to be positively, or indeed negatively, worded.
- It is therefore not considered appropriate to amend the Policy EP7 as suggested by the Contributors.

Vernacular and Local Materials (723)

- The respondent seeks the inclusion of a reference to local vernacular and the use of local materials for both repair to existing buildings and to ensure new buildings enhance the character of the area. It is noted that paragraph 141 of Scottish Planning Policy (CD041) states: “*The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting.*” However, it is not considered this can solely be achieved in every scenario via the use only of local materials. Consequently although the Council would promote and support the use of local materials, this may not be appropriate in every case and therefore it is not considered that specific reference should be incorporated as proposed by the respondent.

Review of Listed Buildings (1032)

- As noted above within the section on the Introductory Text to the Environmental Policies, the Council do not have the responsibility to regularly review Listed Buildings that responsibility lies with Historic Environment Scotland. Therefore, the request from the Contributor to review the list of Listed Buildings on the same cycle as the local plan preparation is not something that the Council are able to commit to.
- It is considered that Policy EP7: Listed Buildings as set out in the Proposed Local Development Plan is appropriate, in line with national policy and therefore does not require any changes as proposed by the Contributors.

Policy EP8: Historic Environment Assets and Scheduled Monuments (122, 612, 802, 811, 847, 1032)

“Archaeology” (122, 1032)

- Both Peebles & District Community Council (122) and St Boswells Parish Community Council (1032) consider that the removal of “Archaeology” from the title of Policy EP8; or at least of any reference to “Archaeological Assets”; is liable to be confusing and should therefore be reinstated in the interests of clarity and precision.
- The policy – which encompasses battlefields – is intended to refer much more widely to the historic environment than archaeology, including having regard to setting as a

valuable aspect or component of the public's experience and understanding of the historic environment.

- No modification or revision is considered necessary.

"Integrity of Setting" (612, 802, 811)

- Contributors seek the modification of the term "*setting*" to "*integrity of setting*" in Policy EP8 when it is featured in relation to Scheduled Monuments. They consider that this is necessary to bring the policy into line with SPP Paragraph 145, principally in ensuring that the Council does, and is able to, differentiate between impacts upon the setting of a Scheduled Monument and impacts upon the integrity of the setting of a Scheduled Monument.
- It is acknowledged that Paragraph 145 of the SPP (CD041) does make this distinction, but it is respectfully observed that impacts upon setting and upon integrity of setting are liable to be indistinguishable in practice, in so far as there would always be liable to be something of a subjective judgement required as to how and in what circumstances, a development that has impacted the setting of a scheduled monument has then not also impacted the integrity of that setting.
- However, other than the practical concern noted above, the Planning Authority would not oppose the incorporation of such a revision were the Reporter to seek it.

National Archaeological Sites (811)

- Coriolis Energy (811) seeks revisions to Section A of Policy EP8, which it considers are required to make the policy accord with Paragraph 145 of Scottish Planning Policy [SPP] (CD041).
- However, this section of the policy in fact reproduces the wording of Policy EP8 of the adopted Scottish Borders Council Local Development Plan 2016 (CD009, page 96), and has therefore already been reviewed and supported by the Reporter on the occasion of the Examination relating to the adopted plan. Moreover, it is not considered that the proposed revisions add anything to the policy. The one possible exception is the contributors' concern that it should now make reference to climate change as a substantial benefit of a social nature, but this is not itself anything that is set out within Paragraph 145 of SPP. As such, the addition of this qualification would not in fact be in accordance with Paragraph 145, and it is not accepted that it should be included as something that was previously missed or overlooked.
- It is appreciated that NPF4 is liable to see a reframing of how climate change concerns are weighed up within the planning system, including in relation to renewable energy proposals, and that this and other policies may in time need to be revised to agree with the framing of NPF4. However, in the short-term, it is considered that the policy should not be moved beyond what is the current position of approved national policy and guidance at this time.
- No modification or revision is considered necessary.

Mitigation Strategy (802)

- Renewable Energy Systems (802) seeks the deletion of the final sentence of Policy EP8 which requires a mitigation strategy in the event that a proposal would affect an historic environment asset or its appropriate setting. This is because they consider that the requirement for a mitigation strategy in each and every case where an historic environment asset, or its appropriate setting, is affected, would be

unnecessary and not feasible; particularly, they advise, if or where it is apparent that impacts may not be capable of further mitigation. In such cases, the contributor considers that the Council (rather than the applicant) should weigh up the overall significance of such effects, to arrive at its conclusion about the acceptability of these impacts in the wider planning balance. It also notes that this final part of the Policy also only refers to 'setting' and not 'integrity of setting'.

- Ultimately where proposed developments are liable to have an adverse effect on an historic environment asset or its setting, applicants are reasonably asked to assess these impacts (considering therein, the historic environment asset, its character, its value and setting, and consider what mitigation is possible, and to identify an appropriate mitigation strategy). Critically, this is to inform the planning decision and allow the Council to take all relevant considerations into account within its decision-making process. The decision is of course with the planning authority to make, but the applicant is reasonably required to account for all the impacts of their proposal, including upon the historic environment.
- Contrary to the contributor's view, the Council considers that applicants have a vital role to play in identifying what mitigation is, or may be, possible; or indeed not possible; and the reasons for this. They are reasonably required to provide advice and guidance on these matters, and it is anticipated that other applicants and contributors would take a dim view were the Council to reach a view on its own, without having properly established with an applicant what might be possible, and why certain measures would not be feasible or practical.
- The point with regard to 'integrity of setting' has been considered above.
- For the reasons set out above, it is not considered that the final sentence should be deleted or modified to address Renewable Energy Systems' stated concerns.

Battlefields (847)

- The Scottish Government (847) formally objects to the Battlefields section ('B') not being a standalone policy phrased along the same or similar lines to Policy EP10 Gardens and Designed Landscapes
- Again, the Council would point out that – notwithstanding the change in title – it is seeking to retain the policy in the form in which it is included on page 96 of the Adopted Scottish Borders Council Local Development Plan 2016 (CD009); which is the form in which the policy was supported by the Reporter at the time of the Examination.
- The Council is not against making this change, but has found the policy to work well in practice, and would be concerned to avoid any unnecessary disruption to the Plan, particularly if this were to require policies to be renumbered or reordered, as well as a potentially quite considerable amount of concomitant modifications and revisions to the text, and index and so on, to accommodate this.

Scheduled Monument Consent (847)

- The Scottish Government (847) formally objects to the following sentence not being included in Policy EP8: *"Any works directly affecting a designated Scheduled Monument requires Scheduled Monument Consent (SMC) which is obtained from Historic Environment Scotland. Advice on the SMC process and requirements should be sought at an early stage from the Heritage Directorate, Historic Environment Scotland."*

- Notwithstanding that it does not consider that such advice and guidance should be appropriately included within the text of Policy EP8 itself, the Council is agreeable to this insertion at the very end of the policy introductory text on page 122 of the Plan, should the Reporter consider this to be appropriate.

Figure EP8A (1032)

- St Boswells Parish Community Council (1032) consider Figure EP8A to be “*useless*”; advising that it should at least employ labels (annotations) to identify the battlefields.
- The map has been included to indicate the extent of Scheduled Monuments and Battlefields, and is not intended to identify specific or individual monuments or battlefields. However, the map can be viewed electronically, and information about the exact location and form of such designations is available, or can be made available to applicants; and can also be accessed via the online resources provided by Historic Environment Scotland.

Policy EP9: Conservation Areas (413, 723, 1032)

- Whilst reference to Design Statements is included in paragraph 1.8 of the introductory text to Policy EP9, it should be noted that the last paragraph of Policy EP9 states: “*Design Statements will be required for all applications for alterations, extensions, or for demolition and replacement which should explain and illustrate the design principles and design concepts of the proposals.*” It is therefore considered that Policy EP9 already adequately emphasises what should be included with a Design Statement. (413)
- The respondent (723) seeks the inclusion of a reference to local vernacular and the use of local materials for both repair to existing buildings and to ensure new buildings enhance the character of the area. It is noted that paragraph 143 of Scottish Planning Policy (CD041) states: “*Proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area.*” However, it is not considered this can solely be achieved in every scenario via the use only of local materials. Consequently although the Council would promote and support the use of local materials, this may not be appropriate in every case and therefore it is not considered that specific reference should be incorporated as proposed by the respondent. (723)
- In addition it should be noted that the ‘Managing Change in the Historic Environment – Setting’ (CD042) sets out the principles that apply to developments affecting the setting of historic assets or places. That document states within the ‘Key Issues’ section that if proposed development is likely to impact on a setting then the applicant should prepare an “objective written statement” to inform the decision making process. Point 5 of the Key Issues states that in light of the assessment carried out “*finalised development proposals should seek to avoid or mitigate detrimental impacts on the setting of historic assets*”. It should be noted that the Council acknowledges that not all new development proposals within a conservation area will have a negative impact. In that respect the Council states in the first line of policy EP9 as contained in the Proposed Local Development Plan “*The Council will support development proposals within or adjacent to a Conservation Area which are located and designed to preserve or enhance the special architectural or historic character and appearance of the Conservation Area*”. (723)

- In addition, paragraph 1.8 of the introductory text to Policy EP9 states: “*Design Statements are a tool by which the design principles and design concepts of proposals may be illustrated and allow for the proper assessment of proposals. Brief statements are useful even for minor developments.*” (723)
- Paragraphs 77 to 81 and Table 1 of Circular 6/2013 Development Planning (CD059) sets out the requirements in respect to the ‘Form and Content’ of the Proposed Plan. It is noted that the Proposed Plan is not required to contain such information as suggested by Contributor 1032. However, it should be noted that the Proposed Plan on page 127 notes that a Supplementary Planning Guidance on the Historic Environment will be produced. That document is intended to include the Conservation Area Appraisal and Management Plans for the 43 designated Conservation Areas in the Scottish Borders. Work has now commenced on that document and the appraisals will be produced in a series of tranches based on priority. The designation of the Conservation Areas took place in 2010. The Technical Note (CD035) referred to in the introductory text to Policy EP9 is the Conservation Areas Technical Note produced to inform the Local Development Plan 2016 and is available on request. (1032)
- It is considered that Policy EP9 Conservation Areas as set out in the Proposed Local Development Plan is appropriate, in line with national policy and therefore does not require any changes as proposed by the Contributors.

Policy EP10: Gardens and Designed Landscapes (983, 1032)

- It should be noted that it is considered that the contributor has referred to Annex 3 of the Borders Designed Landscape Survey (i.e. the Peter McGowan study) in error as it is Annex 4 (CD083 Guidance on Management and Restoration) that provides the policy context, and also provides guidance on management and restoration of these sites. (983)
- The ‘Managing Change in the Historic Environment – Setting’ (CD042) sets out the principles that apply to developments affecting the setting of historic assets or places which includes Inventory historic gardens and designed landscapes as well as undesignated sites. That document provides further information on what setting is and what factors contribute to setting. In addition, it should be noted that the ‘Managing Change in the Historic Environment guidance note series’ is cross-referenced under the key policies that Policy EP10 should be cross-referenced with. (983)
- The Council notes the comments by the Contributor 1032 in relation to the production of Conservation Management Plans. However, it should be noted that Conservation Management Plans are not required to be a part of the Local Development Plan. In addition, it should also be noted that these Plans would not be in the remit of the Council to undertake. It would not be considered appropriate for the Council to produce Conservation Management Plans for the control of large areas of privately owned land as well as the fact the Council has neither the manpower nor finance to engage in such major work. It is not considered there are any obvious issues with the current policy in practice which would merit the need for Conservation Management Plans. (1032)
- It is considered that Policy EP10 Gardens and Designed Landscapes as set out in the Proposed Local Development Plan is appropriate, in line with national policy and therefore does not require any changes as proposed by the Contributors.

Policy EP11: Protection of Greenspace (755, 1032)

- The aim of the policy is to give protection to a wide range of defined types of greenspace (also known as open space) within settlements and to prevent their piecemeal loss to development. The policy also aims to protect and safeguard the most important spaces within settlements. The greenspaces covered by this policy are based on the typology contained in the Scottish Government's Planning Advice Note (PAN) 65 CD060, Table 1). (755, 1032)
- The Local Development Plan (LDP) identifies Key Greenspaces within Development Boundaries. The spaces identified within the Plan are those spaces which are considered to be of greatest value to the community and are therefore worthy of protection. It is intended that within Key Greenspaces only proposals that will enhance the space will be supported by the Council. (755, 1032)
- Whilst the Local Development Plan identifies Key Greenspaces within settlements, the policy acknowledges that there are other greenspaces also within settlements. This policy also extends protection to those other greenspaces. The policy also aims to ensure that where development is proposed, the loss is justified and that compensatory provisions are made. (755, 1032)
- It should also be noted that Policy PMD2: Quality Standards is also cross referenced with this Policy. Furthermore, it is noted within the introductory text of Policy PMD1: Sustainability that all policies contained within the Plan should be read against it and that includes Policy EP11: Greenspace. (1032)
- It should be noted that the Council are required to allocate sufficient land within the Central, Eastern and Western Strategic Development Areas. Scottish Planning Policy 2014 (CD041, paragraph 119) requires the Local Development Plan (LDP) to allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption. They should provide for a minimum of 5 years effective land supply at all times. Failure to meet this requirement would result in a failure to provide a plan-led system. (755)
- Scottish Planning Policy (SPP) 2014 (CD041, paragraph 40) requires that: "... *spatial strategies within development plans to promote a sustainable pattern of development appropriate to the area. To do this decisions should be guided by the following policy principles:*
 - *optimising the use of existing resource capacities, particularly by co-ordinating housing and business development with infrastructure investment including transport, education facilities, water and drainage, energy, heat networks and digital infrastructure;*
 - *using land within or adjacent to settlements for a mix of uses. This will also support the creation of more compact, higher density, accessible and more vibrant cores;*
 - *considering the re-use or re-development of brownfield land before new development takes place on greenfield sites;*
 - *considering whether the permanent, temporary or advanced greening of all or some of a site could make a valuable contribution to green and open space networks, particularly where it is unlikely to be developed for some time, or is unsuitable for development due to its location or viability issues; and*
 - *locating development where investment in growth or improvement would have most benefit for the amenity of local people and the vitality of the local economy".* (755, 1032)
- In the consideration of any site for inclusion in the LDP, a full site assessment is carried out and the views of various internal and external consultees (such as Roads

Planning, Education, Economic Development, Landscape, Scottish Water, SEPA, and NHS) are incorporated into that assessment. In doing this rigorous site assessment process, the best sites possible are identified. The site assessment also considers many issues in relation to transport and water/sewage infrastructure, as well as other environmental issues such as archaeology, biodiversity, flood risk and landscape. (755)

- There is invariably a challenging conflict between allocating required land for housing, protecting open space and addressing climate change. It is considered the relevant policy criteria to test such conflicts as referred to above, adequately address the balance to be considered.
- The Council notes the comments by the Contributor 1032 in relation to the production of Management Plans for significant and complex green spaces with multiple functions. However, it should be noted that Management Plans are not required to be a part of the Local Development Plan and would result in an additional financial burden on the Council at a time when it is under considerable pressure to manage and reduce budgets. Available manpower and competing work priorities must also be considered. It is considered there are more pressing work areas to be addressed (1032)
- It is therefore considered that Policy EP11: Greenspace as set out in the Proposed Local Development Plan is appropriate, in line with national policy and therefore does not require any changes as proposed by the Contributors.

Policy EP12: Green Networks (899, 1032)

It is noted that Contributor 1043 Scottish Environment Protection Agency supports the retention of Policy EP12 Green Networks (refer to CD183, page 515).

Awareness of Conflict Between Users (899)

- It is accepted that there is the potential for conflicts between users that result in muddy paths. However, it should be noted that the Land Reform (Scotland) Act 2003 (CD046) (which came into force in 2005) gives everyone rights of access over land and inland water throughout Scotland, subject to specific exclusions as set out in the Act and as long as they behave responsibly.
- The Scottish Outdoor Access Code (CD066) suggests that appropriate activities include cycling, horse riding and wild camping. Horse riders are entitled to use paths, provided they act responsibly. Where there is a conflict between different kinds of users of a path, it is recommended to contact the Council's Access Officer to see if there may be a way of managing access to avoid conflict, e.g. encouraging horse riders to use an alternative route.
- It is therefore not considered necessary for Policy EP12 to highlight the potential for conflict between users of rights of way.

Figure EP12A (1032)

- The Green Networks Technical Note (CD034) produced to inform the Local Development Plan (2016) provides the background into the identification of the green networks in the Scottish Borders as set out in the Proposed Plan.
- As is evident from the Technical Note (CD034), the Scottish Borders is made up of many local green networks. The Strategic Green Network is made up of various components that attract and encourage participation from the greatest number of

people. Furthermore, it is focused on an area that will assist the greatest in supporting sustainable economic growth, tourism, recreation, the creation of an environment that promotes a healthier-living lifestyle, and the protection and enhancement of biodiversity, as well as have the potential to improve water quality, promote flood protection and reduce pollution.

- The Strategic Green Network also benefits from many paths including cycling town trails at Galashiels, Innerleithen, Melrose, Peebles and Selkirk as well as other cycling routes.
- It is as a result of the above, that Figure EP12a includes sections of a number of long distance footpaths, and these are: Southern Upland Way, Borders Abbeys Way and the John Buchan Way.
- In respect to the Pennine Way, whilst it is accepted that that trail does commence within the Scottish Borders, it is at its southern edges within the settlement of Yetholm. This is well outwith the area identified as the Strategic Green Network.
- In expanding Figure 12a to include the majority of the Scottish Borders as suggested by the Contributor 1032, would result in degrading the clarity and detail of the key elements to be found within the Strategic Green Network.
- It is therefore contended that no change is required to the illustrative Figure EP12a of the Proposed Local Development Plan.

Policy EP13: Tree, Woodlands and Hedgerows (435, 772, 991)

It is noted that Contributor 048 (Scottish Forestry) supports Policy EP13: Trees, Woodlands and Hedgerows (CD183, page 18).

Restriction on building in certain areas (435)

- The contributor requests a restriction on building in areas of historic interest, areas of natural beauty or areas of woodland.
- Policy EP13 aims to give protection to the woodland resource and in turn, to the character and amenity of settlements and the countryside, maintain habitats and provide an important recreational asset. The policy seeks to protect and enhance the whole resource, not only individual trees that might be protected by a Tree Preservation Order; safeguarded by a condition on a planning permission; or located within a Conservation Area. The woodland resource refers to the maintenance and management of trees, ancient woodlands and pastures, and hedgerows. Any development that may impact on the woodland resource must meet the criteria contained within Policy EP13 a) to c). Furthermore, Policy EP13 states that *“The Council will refuse development that would cause the loss or serious damage to the woodland resource unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical or shelter value”*.
- It should be noted that there are a range of policies contained within the Proposed Local Development Plan (LDP) that aim to protect and enhance areas of historic interest and natural beauty including: Policy EP4: National Scenic Areas, Policy EP5: Special Landscape Areas, Policy EP7: Listed Buildings, Policy EP8: Historic Environment Assets and Scheduled Monuments, Policy EP9: Conservation Areas and Policy EP10: Gardens and Designed Landscapes. Any proposals must be assessed against these policies, where applicable, and meet the relevant criteria contained within the policies. Development cannot be restricted altogether within these designations, however the purpose of the criteria within the policies is to ensure that development does not adversely affect, for example the historic interest

or designated area, and for mitigation to be provided, where appropriate. It is considered that the suite of policies contained within the Proposed LDP adequately aims to protect areas of historic interest, areas of natural beauty and areas of woodland.

- It is considered that the policies outlined above are sufficient. Therefore the Council does not agree to modify the Proposed LDP in response to this representation.

Small pockets of woodland (772)

- Policy EP13 provides protection for small pockets of woodland within the towns, as these are included in the woodland resource. The aim of the policy includes maintaining habitats and providing an important recreational asset. Furthermore, Policy EP12: Green Networks consists of a network of greenspaces and green corridors through, within and around settlements, linking open spaces within settlements to the wider countryside. The aim of Policy EP12 is to promote and support developments that enhance Green Networks and protect existing Green Networks and avoid where possible their fragmentation. It is considered that the small pockets of woodland within the Borders towns is acknowledged within the policies contained within the Proposed LDP. Therefore the Council does not agree to modify the Proposed LDP in response to this representation.

Amendment to policy wording (991)

- Scottish Planning Policy (SPP) (2014) (CD041, paragraphs 216 & 217), states that *'Ancient semi-natural woodland is an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development'* and *'Where appropriate, planning authorities should seek opportunities to create new woodland and plant native trees in association with development. If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified and implemented, preferably linked to a wider green network'*.
- The comments from the contributor are noted, in support of the policy. The contributor states that where developments are close to areas of ancient woodland, they recommend that a buffer is included between the woodland and the proposed development, depending on the type and size of the development. The contributor states that the introductory clauses should be updated with the following sentence, *'Creation of new areas of woodland or buffer zones around the woodland resource, and particularly ancient woodland, will help to reduce and ameliorate the impact of damaging edge effects, serving to improve their resilience. The size of the buffer is dependent on the intensity of land use in the intervening matrix between ancient woods. For example, a buffer zone of at least 50 metres of semi-natural vegetation would be required to protect the woodland from the change in land use on the site'*. Furthermore, that criteria a) should be amended to read, *'aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability [through the provision of adequate buffer zones]'*.
- It should be noted that Policy EP13 encourages developers to take account of the existing woodland resource at the outset of their development schemes, and provides for the protection of the resource during construction. Decision making will be informed by the Scottish Borders Woodland Strategy & Technical Note (CD093),

expert advice from external agencies, the existing condition of the woodland resource and British Standard 5837: Trees in Relation to Construction. Furthermore, there is Supplementary Planning Guidance (SPG) on Trees and Development (2008) (CD094), which outlines the Council's requirements when considering applications which could affect trees. The Landscape Officer/Tree Officer would be consulted as part of a planning application within close proximity to an area of ancient woodland and their comments would be taken on board as part of that process. It should be noted that buffer zones are not the only form of mitigation, there are other forms of mitigation which could also be implemented. Therefore, it is considered appropriate to assess each planning application on their own merits and apply the most appropriate mitigation for each development. Overall, it is considered that Policy EP13 sets out clear guidance where a development may impact on the woodland resource and consider that this is adequate basis for development management. Therefore the Council does not agree to modify the Proposed LDP in response to this representation.

- The contributor requests the inclusion of the wording '*the maintenance and management of trees, ancient woodlands and pastures, and hedgerows*' within Policy EP13, in respect of the woodland resource. It is considered that the policy sufficiently specifies that it covers the 'woodland resource', with the introductory text setting out what is included within the woodland resource. Therefore, the Council does not agree to modify the Proposed LDP in response to this representation.

Policy EP14: Coastline (847, 983, 1032)

National and Regional Marine Plan (847 and 983)

- Comments noted. It is acknowledged that the amendments proposed by the contributors accord with the requirements of SPP Paragraph 87, to integrate with the National Marine Plan and Regional Marine Plans.
- Paragraph 1.5 of the supporting text makes reference to coherence with the National Marine Plan. It is agreed an additional criteria could be added to the policy to ensure it reflects the statutory responsibilities of the National Marine Plan. The proposed wording for this criteria is as follows:
 - e) *the proposal is appropriate under the National Marine Plan policies*
- However as the Regional Marine Plan for Forth and Tay is yet to be produced it seems premature to include reference to it within the policy criteria.

Climate Change (1032)

- Comments noted. However it is not considered necessary to amend the policy text to make reference to climate change as the aim of the policy is to ensure the Scottish Borders coastline is afforded adequate protection from inappropriate development. It is considered this policy along with the others cross referenced below it are adequate to address the issues raised by the contributor.
- The issue of climate change is addressed throughout the Proposed Plan, for example, within policies PMD1 Sustainability, PMD2 Sustainability and EP16 Air Quality. Chapter 8 of Volume 1 of the Proposed Plan is also dedicated to 'Delivering Sustainability and Climate Change Agenda' which details how Scottish Borders Council is committed to addressing climate change.

- Policy ED9 Renewable Energy Development is the main policy which sets out detailed criteria testing for the consideration of windfarms. This policy would address the issues raised by the respondent.
- It should also be noted that the Council intends to produce detailed Supplementary Planning Guidance on 'Sustainability and Climate Change' as stated within Appendix 3 of the Proposed Local Development Plan. This will give further corporate Council advice on addressing climate change including consideration of a route map.

Policy EP16: Air Quality (494, 589)

It is noted that the Scottish Environment Protection Agency (1043) support the inclusion of Policy EP16 – Air Quality (CD183, page 508)

Introductory Text - Paragraph 1.1 (494)

- Comments noted. The council has a statutory duty to annually report on air quality which involves reviewing local air quality to identify all relevant locations where the air quality objectives are being or are likely to be exceeded. The air quality standards and objectives are set out in Air Quality Standards (Scotland) Regulations 2010 and subsequent amendments.
- Air quality is monitored in two locations in the Scottish Borders. There is an automatic monitoring site in Peebles that samples nitrogen dioxide (NO₂) and Ozone. This is part of the Automatic Urban and Rural Network (AURN) of sites paid for by the UK government. The Peebles site is selected as being representative of a "Suburban" location, rather than due to any air quality concerns.
- The Council also sample NO₂ at four locations on the High Street, Galashiels with diffusion tubes. This site was selected due to road traffic and the potential "road canyon" effect of the surrounding buildings. However, we have had no exceedances of the NO₂ standard to warrant any further action taken. NO₂ sampling by diffusion tube used to be undertaken across other Borders towns. However, due to continuous low levels being recorded this sampling has been reduced to the four High Street locations in Galashiels. As stated within paragraph 1.1, there are currently no known air quality issues in the Borders.

Introductory Text - Paragraph 1.2 (494)

- Comments noted. In relation to paragraph 1.2 the Council agree that this paragraph can be amended as suggested by the contributor and this change is considered as a non-significant change to the Proposed Plan. The last sentence of paragraph 1.2 should be amended to read:
 - *It applies to visible pollutants and to invisible gases such as CO₂ which are known to cause harmful climate change.*
- It is not considered necessary to make specific reference to greenhouse gas emissions within the policy text. The policy in its current form provides protection from the impact of any pollutants not solely greenhouse gases.

Level of acceptability of developments (589)

- Support noted. Regarding the level of acceptability of developments that do impact air quality, as part of the planning application process the Environmental Health Team will be consulted where appropriate in order to advise on any potential impacts

on air quality. Where necessary, this may involve an Air Quality Assessment to help assist with the determination of a planning application. This case-by-case approach is considered a more appropriate method of assessing the acceptability of developments rather than specific criteria within Policy EP16. The NHS can discuss this matter directly with Environmental Health should they wish to do so.

Policy EP17: Food Growing and Community Growing Spaces

Inclusion of market gardens to Policy EP17 (053)

- The council has a duty to produce a Food Growing Strategy under the Community Empowerment (Scotland) Act 2015 and this has been produced (CD024).
- A ‘market garden’ is defined by HMRC for Income and Tax and Corporation Tax purposes as “*the occupation of land as a nursery or garden for the purpose of growing produce for sale.*” – please see <https://www.gov.uk/hmrc-internal-manuals/business-income-manual/bim62601>
- Policy EP17 intends to support individuals and community groups to meet their own needs and increase social benefits in communities. It was not the intention of this particular policy to promote profit seeking business such as market gardens.
- Market garden proposals would be tested under other existing policies depending upon the nature and location of the particular proposal. For example, Policy ED7 - Business, Tourism and Leisure Development in The Countryside, Policy PMD5 – Infill Development or Policy ED5 – Regeneration may be appropriate policies to address such proposals.

Reporter’s conclusions:

Policy EP7: Listed Buildings (122, 413, 612, 723, 802, 843, 919, 1032)

1. In relation to Policy EP7, the council and contributors were asked for their comments on the implications of the adoption of NPF4 on the issues they had raised in representations, and I have taken their responses into account.

Acceptability of Development (122)

2. The contributor suggests that Policy EP7 should state that a proposed development may be acceptable if it can be clearly shown to be the only means of retaining a listed building and securing its long-term future. However, there are generally many possible ways to retain a listed building for the long term, which may amount to differences in concept or in more subtle design matters, but may nevertheless be important to conserving, protecting or enhancing the building. To suggest that there might be only one means of achieving this goal would therefore be unhelpful, as well as unnecessary, given the scope of the proposed policy. No modifications are required.

Inclusion of Consultee List, Design Statement Wording, Enabling Development (413)

3. The council, in its response to representations, refers to the regulations setting out those bodies which it is required to consult on listed building applications. Consultation with other organisations such as heritage and amenity societies is discretionary so the council is entitled to its stated position that heritage and amenity societies are welcome to contribute to the process. As to listing the bodies which are required to be consulted

for each category of listing or for conservation cases, that level of detail would not be appropriate given that Scottish Ministers expect development plans to be succinct. No modifications are required.

4. Policy EP7 requires all listed building applications and applications affecting the setting of listed buildings to be supported by design statements. However, paragraph 1.5 of Policy EP7 can be read as encouraging rather than requiring the use of such statements. To avoid misunderstanding, paragraph 1.5 should be modified to reflect the policy.

5. A contributor wishes the order of paragraphs in the policy to be amended to reflect that proposals for enabling development are less typical than those for alterations and extensions. However, the council has explained its reasons for the present order of paragraphs, and I have no basis for recommending that it be changed. No modifications are required.

6. As the council states, the conditions attached to enabling developments will be case-specific and therefore should be addressed as part of the regular development management process.

7. The justification for circumstances where the council may accept enabling development is clearly set out within the policy and I see no reason to add to it as suggested. No modifications are required.

Setting; Design Statements (612, 723, 802, 843, 919)

8. Contributors have challenged the terms of fourth and fifth paragraphs in Policy EP7. The fifth paragraph states that “New development that adversely affects the setting of a listed building will not be permitted.” That formulation is unduly restrictive, particularly in that it does not admit the possibility of weighing such an effect against other matters or allow any consideration of the degree of effect. By contrast, National Planning Framework 4 (NPF4) in Policy 7(a) allows for development proposals with a potentially significant impact on historic assets or places to be accompanied by an assessment including a case for managing the impacts of change, and in Policy 7(c) states that “Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.”

9. I therefore consider that the above-mentioned fifth paragraph should be revised to reflect NPF4. In view of Policy 7(a), it would also be appropriate to revise the fourth paragraph in Policy EP7 to widen the scope and purpose of design statements (in the form of “assessments”). I am therefore, recommending revised wording to align the relevant part of Policy EP7 with NPF4.

10. A contributor contrasts the wording of the fifth paragraph in Policy EP7 with a similar test in Policy EP15: Development Affecting the Water Environment. In the latter, the adverse effect has to be “significant”. The contributor argues there should be consistency between the two. In view of my conclusion in the foregoing paragraph, the comparison would no longer apply.

11. A contributor wants the policy to identify a list of criteria against which new developments could adversely affect a listed building, its location or its setting. But that would be of limited use as such effects depend heavily on individual and local

circumstances. Nor is there any requirement for the council to set criteria. No modifications are required.

Vernacular and Local Materials (723)

12. The variety of circumstances arising in development proposals for work on listed buildings and on buildings affecting their setting is too wide for a specific reference to local vernacular and local materials to be justified in this policy. Those options would be more appropriately discussed in associated guidance rather than policy. No modifications are required.

Review of Listed Buildings (1032)

13. As the council points out, the responsibility for any review of lists of historic buildings lies with Historic Environment Scotland and is not a matter for this plan. No modifications are required.

Policy EP8: Historic Environment Assets and Scheduled Monuments (122, 612, 802, 811, 847, 1032)

14. In relation to Policy EP8, the council and contributors were asked for their comments on the implications of the adoption of NPF4 on the issues they had raised in representations, and I have taken their responses into account.

Archaeological assets (122, 1032)

15. Contributors wish to see a reference to archaeological assets in the title of Policy EP8. I am not persuaded that this is necessary as such assets are already encompassed within the expression "historic environment assets" in the title. No modifications are required.

National Archaeological Sites (612, 802, 811)

16. The contributors seek changes to the introductory statement and to both sections (a) and (b) of Part A of Policy EP8 in order to bring it into closer alignment with the relevant policy in NPF4 (namely 7(h)), and to provide more clarity and definition to the tests. I agree that the proposed policy is unsatisfactory in those respects, but the suggested rewording would represent only a partial remedy. The most appropriate amendment would therefore be to substitute the relevant section in NPF4. Modifications to that effect are set out below.

17. One contributor requests that section (a) in Part A of Policy EP8, be changed to include tackling climate change as an example of social benefit which may be weighed against the adverse effect of development on a scheduled monument. I am not persuaded that this is necessary given that both the proposed plan and NPF4 include policies relating to climate change which could be relevant to the assessment of benefits. No modifications are required.

Mitigation Strategy (802)

18. The contributor objects to the requirement in Policy EP8 for a mitigation strategy for any development proposal which would adversely affect a historic environment asset

or its setting, on the grounds that this may not be necessary or feasible in every case. In response, the council states that, as part of its decision-making process, it wishes to be informed by the developer what mitigation is possible or not possible and why. I consider that this is a useful clarification of the council's position and would address the contributor's concerns. I therefore recommend that the relevant part of the policy be amended accordingly. The phrase "integrity of setting" is used in Policy 7(h) of NPF4 and should therefore be included, consistent with my finding at paragraph 16 above. Modifications to that effect are set out below.

Battlefields (847)

19. The contributor wishes policy on historic battlefields to form the subject of a standalone policy in the plan in order to align with paragraph 149 of Scottish Planning Policy (2014) and because historic battlefields are not solely an archaeological resource. The representation states that, in that latter respect, they are similar to nationally important gardens and designed landscapes, which are the subject of the separate Policy EP10 within the proposed plan. Moreover, the Inventory of Historic Battlefields and the Inventory of Gardens and Designed Landscapes have the same status.

20. In a similar manner to the now superseded Scottish Planning Policy (2014), NPF4 devotes separate sub-sections within Policy 7 to gardens and designed landscapes and to historic battlefields.

21. Although the council argues that its approach to grouping these topics is the same as in the Adopted Scottish Borders Local Development Plan (2016), which was subject to examination, the examination report does not include consideration of that particular policy. Consequently, the inclusion of battlefields within the archaeology policy cannot be considered to have been supported by the reporters.

22. That said, there are various ways in which policy areas can be grouped in a plan document, and indeed in national policy documents. But whilst there would be some advantages in terms of consistency to having a separate policy for battlefields, the plan as it stands is sufficiently clear not to require a recommendation for amendment in that respect. No modification is required.

Scheduled Monument Consent (847)

23. As the council suggests, additional guidance on the need for Scheduled Monument Consent would come most appropriately in the supporting text of the policy. I therefore recommend the addition of text to paragraph 1.10. Modifications to that effect are set out below.

Figure EP8A (1032)

24. Figure EP8a, the map indicating the location of scheduled monuments and historic battlefields throughout the council area, provides a broad indication of the spread of such features, indicating their significance and potentially prompting the need for developers to make more detailed inquiries. I see no need to recommend its removal. However, I recommend that advice on the availability of further information about the scheduled monument designations should be added to the map. Modifications to that effect are set out below.

Policy EP9: Conservation Areas (413, 723, 1032)

25. I agree with the council that the sentence on design statements in the policy sufficiently describes what is required and does not need to be changed.

26. With reference to local vernacular style and use of local materials, I consider that the variety of circumstances arising in development proposals is too wide for a specific reference to be justified in this policy.

27. Local development plans are intended to be concise, with detailed material contained in supporting documents. As such, the requested details about conservation areas will be found in Supplementary Planning Guidance on the Historic Environment, which is in preparation by the council, and in the existing Technical Note on conservation areas.

28. The preparation and actioning of conservation area management plans fall outwith the remit of this examination. No modification is required.

Policy EP10: Gardens and Designed Landscapes (983, 1032)

29. I accept the council's view that the reference to the Borders Designed Landscape Study in the policy is sufficient as it stands. Any party wishing to find further details will be able to source the study.

30. As to a clearer definition of setting, this is primarily the responsibility of Historic Environment Scotland, which has included issues around this subject in its publication "Managing Change in the Historic Environment – Setting". This document is referenced within the proposed plan and I am satisfied that the plan is adequate in this respect.

31. The preparation and actioning of conservation management plans for gardens and designed landscapes fall outwith the remit of this examination. No modifications are required.

Policy EP11: Protection of Greenspace (755, 1032)

32. The local development plan has to balance competing demands for land in and around settlements, one of which is greenspace, including for its positive effect on people's mental well-being. In general terms, I am satisfied that the proposed plan has given attention to the protection of the various types of greenspace within its suite of policies, including those on broader matters such as quality standards and sustainability.

33. The proposed plan includes requirements for masterplans on sites allocated for significant and complex developments, including those which incorporate greenspace. As such, no modifications are required.

Policy EP12: Green Networks (899, 1032)Awareness of Conflict Between Users (899)

34. Awareness of the potential for conflict between different types of users accessing rights of way is a management matter which does not fall within the remit of this examination. No modifications are required.

Figure EP12A (1032)

35. Figure EP12A is a map outlining the Strategic Green Network linking the Central Borders Strategic Development Area to the Western Borders Strategic Development Area. It is a key part of the network where many features intersect and are linked. Other areas of green network are found elsewhere in the Borders, including the Southern Upland Way and the small section of the Pennine Way lying within the Borders, however, there is no requirement for the plan to include maps of those other areas. No modifications are required.

Policy EP13: Trees, Woodlands and Hedgerows (435, 772, 991)Restriction on building in certain areas (435)

36. The local development plan has to balance competing demands for land, including for the retention, protection and enhancement of trees, woodlands and hedgerows. In general terms, I am satisfied that the proposed plan has given attention to the protection of these assets through Policy EP13 as well as through other policies, as listed on proposed plan page 138 under the heading Key Policies to which this Policy should be Cross-Referenced. No modifications are required.

Small pockets of woodland (772)

37. The council confirms that Policy EP13 is intended to protect small pockets of woodland within towns and that this is further supported by Policy EP12: Green Networks, which aims, among other things, to form corridors between small woodlands and to the wider countryside. No modifications are required.

Amendment to policy wording (991)

38. The contributor wishes to see a requirement for adequate buffer zones around ancient woodlands. The council acknowledges buffer zones as an important form of mitigation but considers that a range of mitigation measures needs to be available depending on the particular circumstances of the proposal. It outlines the strategy and technical standards it applies and the consultations it undertakes in assessing a proposal. The council has a considered approach to such proposals, and I have no basis for recommending the change requested. No modifications are required.

Policy EP14: Coastline (847, 983, 1032)National and Regional Marine Plan (847 and 983)

39. The council accepts, and I agree, that Policy EP14: Coastline should include reference to alignment with the National Marine Plan.

40. Although the Regional Marine Plan has not yet been prepared, it would still be appropriate to include reference to it under Policy EP14 as its preparation and adoption are likely to be completed during the life of the local development plan.

41. For these reasons, I am recommending appropriate modifications to Policy EP14, which are set out below.

Climate change, landfalls from marine windfarms and visual impact of marine windfarms (1032)

42. As the council points out, policies relating to climate change which might affect coastal development proposals are cross-referenced on page 139 of the proposed plan. The contributor does not refer to any particular aspect of the coastline policy where climate change matters need to be addressed specifically. Development proposals relating to marine windfarms are covered mainly in Policy ED9: Renewable Energy Development, which the council intends to supplement with guidance on sustainability and climate change. Consequently, I see no basis for recommending any amendments to Policy EP14 in this regard. No modifications are required.

Policy EP16: Air Quality (494, 589)Introductory Text – paragraphs 1.1 and 1.2 (494)

43. In response to my request for further information regarding a criticism from the contributor, the council has qualified its statement in paragraph 1.1 about air quality in the Scottish Borders with reference to national air quality objectives, and I propose to recommend that its wording replaces that in the introductory text. Modifications to that effect are set out below.

44. With reference to the claim that intensive poultry farms and muirburn can cause localised and seasonal air quality issues, the council refers to consultation during the development management process to address situations where a “bad neighbour” activity and a “sensitive receptor”, such as housing, might come into conflict, for example by requiring appropriate mitigation. It also refers to the enforcement duties of Scottish Environment Protection Agency (SEPA) and the council’s environmental health team to address issues of localised pollution, including from agriculture, as well as to the Muirburn Code which is intended to control that activity. Text should be added to paragraph 1.1 to clarify these points. Modifications to that effect are set out below.

45. Paragraph 1.2 of Policy EP16 includes a potential ambiguity, which the council agrees could be amended. I agree that its suggested rewording would remove that ambiguity and recommend accordingly. Modifications to that effect are set out below.

46. A contributor wishes to see greenhouse gas emissions included in the policy wording. I consider that the policy as it stands can be read as referring only to localised impacts of emissions, whereas paragraph 1.2 specifies that the policy applies, among other things, to invisible gases such as carbon dioxide (CO₂) which have been linked to climate change. I therefore recommend an amendment to include reference to greenhouse gases in the first sentence of the policy. Modifications to that effect are set out below.

Level of acceptability of developments (589)

47. Assessment of the extent to which developments may impact on air quality is a detailed matter. It would not be appropriate to attempt to summarise assessment criteria or processes in a local development plan policy. This is a matter for the council’s environmental health team in consultation with interested bodies on a case-by-case basis. I note that the contributor (NHS Borders) is invited to discuss this matter directly with the environmental health team should it wish. No modifications are required.

Policy EP17: Food Growing and Community Growing SpacesInclusion of market gardens in Policy EP17 (053)

48. The council explains that Policy EP17 is aimed at non-commercial sites for growing of vegetables, fruit, herbs or flowers, and that the provision of market gardens would be separately assessed under other policies of the plan, as commercial operations. I agree that it would not be appropriate to include reference to market gardens in this policy. However, the representation exposes a lack of clarity in the title and the first sentence of the policy. In response to my request for further information, the council has suggested modifications to address these points and I recommend these below.

Reporter's recommendations:

Modify the local development plan by:

1. adding the following sentence to the start of paragraph 1.5 of Policy EP7: Listed Buildings, on proposed plan page 119:

“Design Statements are required for all applications for listed building consents and for all applications affecting the setting of listed buildings.”

2. replacing the fourth and fifth paragraphs in Policy EP7: Listed Buildings, on proposed plan page 120, with the following text:

“Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects, and provide a sound basis for managing the impacts of change. Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.”

“Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.”

3. adding the following sentences as paragraph 1.10 in the introductory text to Policy EP8: Historic Assets and Scheduled Monuments, on proposed plan page 122:

“1.10 Any works directly affecting a designated Scheduled Monument require Scheduled Monument Consent (SMC), which is obtained from Historic Environment Scotland. Advice on the SMC process and requirements should be sought at an early stage from the Heritage Directorate, Historic Environment Scotland.”

4. adding the following text to Figure EP8a of Policy EP8, on proposed plan page 123, together with any appropriate links:

“This map can be viewed electronically, and information about the exact location and form of such designations is available, or can be made available, to applicants, and can also be accessed via the online resources provided by Historic Environment Scotland.”

5. replacing the text following the title “[A], National Archaeological Sites” of Policy EP8: Historic Environment Assets and Scheduled Monuments, on proposed plan page 124, with the following text:

“Development proposals affecting scheduled monuments will only be supported where:
 (a) direct impacts on the scheduled monument are avoided;
 (b) significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or
 (c) exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.”

6. replacing the last sentence of Policy EP8: Historic Environment Assets and Scheduled Monuments, on proposed plan page 124, with the following sentence:

“Any proposal that will adversely affect a historic environment asset or the integrity of its setting must include a reasoned account of what mitigation is or is not possible, together with a mitigation strategy where appropriate.”

7. adding a fifth criterion to Policy EP14: Coastline, on proposed plan page 140, as follows:

“(e) the proposal is appropriate under the National Marine Plan and under the Regional Marine Plan, when prepared.”

8. replacing the third sentence in paragraph 1.1 of Policy EP16: Air Quality, on proposed plan page 143, with the following text:

“The council has not identified any locations where national air quality objectives are unlikely to be met and therefore has not declared any Air Quality Management Areas. Other aspects of air quality are controlled by bodies including SEPA and the council’s environmental health team and by an expectation that landowners/land managers will comply with the Muirburn Code.”

9. replacing the second sentence of paragraph 1.2 in Policy EP16: Air Quality, on proposed plan page 143, with the following sentence:

“It applies to visible pollutants and to invisible gases such as CO₂ which are known to cause harmful climate change.”

10. replacing the first sentence of Policy EP16: Air Quality, on proposed plan page 144, with the following sentence:

“Development proposals that individually or cumulatively could adversely affect the quality of air in a locality to a level that could potentially harm human health and wellbeing, or the integrity of the natural environment, or lead to unacceptable levels of greenhouse gas emissions, must be accompanied by provisions that the council is satisfied will minimise such impacts to an acceptable degree.”

11. replacing the title of EP17 on proposed plan page 145 to read “Non-Commercial Food Growing and Community Growing Spaces”

12. replacing the first two paragraphs of Policy EP17 on proposed plan page 146 to read:

“The Council will support development that safeguards and enhances the quality of an existing non-commercial food growing area. Development that results in the loss of any non-commercial food growing area, where no satisfactory alternative location has been identified, will not be supported.”

“The Council will support development for new or extended non-commercial food growing areas that meet community needs, provided the following requirements are met: ...”

<p>Issue 16</p>	<p>Infrastructure and Standards Policies: Policy IS2: Developer Contributions; Policy IS4: Transport Development And Infrastructure; Policy IS7: Parking Provision And Standards; Policy IS8: Flooding; Policy IS9: Waste Water treatment Standards And Sustainable Urban Drainage; Policy IS10: Waste Management Facilities; Policy IS13: Contaminated And Unstable Land; Policy IS14: Crematorium Provision; Policy IS17: Education Safeguarding; Policy Maps</p>	
<p>Development plan reference:</p>	<p>Volume 1 Policies – Infrastructure and Standards Policies IS2 to IS17 and Policy Maps (pages 150-187)</p>	<p>Reporter: Nick Smith</p>
<p>Body or person(s) submitting a representation raising the issue (including reference number):</p>		
<p>Peebles & District Community Council (122) Iain Gibson (502) Tom Douglas (515) NHS Borders (589) Scottish Government (847) Kelso Community Council (978) Network Rail (984) Homes for Scotland (1014) St Boswells Parish Community Council (1032) Scottish Water (1036) Scottish Environment Protection Agency 1 of 2 (Volume 1) (1043)</p>		
<p>Provision of the development plan to which the issue relates:</p>	<p>Infrastructure and Standards Policies IS2 to IS17 and Policy Maps</p>	
<p>Planning authority’s summary of the representation(s):</p>		
<p>Policy IS2: Developer Contributions</p> <p><u>Peebles & District Community Council (122)</u></p> <ul style="list-style-type: none"> • Addition of flood prevention schemes to the list of infrastructure that may require contributions. <p><u>Iain Gibson (502)</u></p> <ul style="list-style-type: none"> • Developers should be liable for compensation to existing residents where damage to property or loss of amenity is involved. Contributor proposes a change, to add a sub-clause j) to provide for this. <p><u>NHS Borders (589)</u></p>		

- Notes the expectation of developer contributions at certain sizes of development. However, the list of expected areas of developer contribution does not include any mention of provision of health care service arrangements. The contributor considers this should be identified as a developer obligation.

Network Rail (984)

- Policy IS2 section c) should include '*and transport infrastructure providers*', following '*subsidy to public transport operators*', to reflect the need for contributions to be directed towards infrastructure.
- As a public-sector organisation and provider of key infrastructure, it is requested that the emerging LDP recognises that Network Rail should be excluded from any developer contribution requirement. Profits, including those from commercial developments are re-invested in the railway. Improvements to rail transport contribute to the public good and railway developments should not be expected to support other public projects. Infrastructure projects and station developments and improvements support regeneration, increase the attractiveness of settlements and benefit communities.

Homes for Scotland (1014)

- This policy does not appear linked to any threshold level below which developer contributions will not be sought and/or will be applied less fully. Our 2019 report on smaller-scale home building suggests that policies should adopt the following viability-aware and flexible approach. The thresholds in this model policy may require to be adjusted downward in light of viability levels in the Scottish Borders.
 - Waive any requirements for developer contributions on sites of up to 12 homes.
 - Take a graded approach to seeking developer contributions from sites of 13-25 homes, with provision made for a proportionate capped fee.
- The Council should also remove the suggestion in the Proposed Plan to '*the Supplementary Planning Guidance on Development Contributions will be reviewed periodically to reflect the ongoing needs and priorities of the Council and will expand upon the development contributions sought*'. It is not appropriate to use guidance to introduce new policy requirements over and above those set out in the LDP, particularly where these will directly impact upon the cost and viability of development. Development contributions should be set out clearly in the LDP itself, and subjected to the full checks and balances of the plan preparation process.
- Include a Scottish Borders- appropriate threshold below which no developer contributions will be sought, and provide for a graded approach for developer contributions for sites above that threshold.
- Remove reference to the use of supplementary guidance to introduce additional and/or higher developer contribution requirements.

Scottish Water (1036)

- The contributor makes reference to (page 151, criteria a), stating it would be helpful to get clarification on section a) of the plan policy. As it currently stands, the developer is required to fund any upgrades required to the foul network. Scottish Water will then provide a cost contribution to the developer for any upgrades to the local infrastructure or Part 2&3 of the network.

- Financial contributions are defined within legislation, in accordance with the Water Industry (Scotland) Act 2002. Scottish Water is required to meet the costs of providing strategic capacity required for new developments (Part 4 infrastructure). Customers are required to meet the costs of providing additional local capacity (Part 2 and 3 infrastructure), subject to a reasonable cost contribution from Scottish Water. Scottish Water will not seek developer contributions towards the treatment of foul wastewater from residential developments.
- Scottish Water has a Surface Water Policy which states that they will not normally accept any surface water into our combined sewer system. Request clarification on how the Council intends on this policy being used?

Policy IS4: Transport Development and Infrastructure

Iain Gibson (502)

- The Contributor states there is no mention made of the obligation to improve the state of current roads in disrepair within Policy IS4 – Transport Development and Infrastructure (page 156) and that this obligation should be added.

Tom Douglas (515)

- The A7 has lost its trunk status and a structural upgrade was promised to make up for the very poor replacement for a double track freight and passenger carrying railway to Carlisle or Berwick from Edinburgh. The A7 is reduced to 20 mph and runs through the middle of towns – is this progress? The Contributor does not believe it is. The A68 is not much better. Vehicles on new roads will be electric and climate friendly eventually. The Central Borders will never competitively thrive holistically until we get quality transport connections, North South and East West to connect us with the rest of the UK. Everything produced, built or manufactured here has to be brought in or taken out by road. Our transport links to the Central Borders are a national disgrace. It is the negligence and the incompetence of the SBC planners and the rest of our authoritarian elite who should impress on Government to improve the situation and give us the chance to compete with the rest of the country.

Scottish Government (847)

- The Contributor objects to Policy IS4 – Transport Development and Infrastructure contained in pages 156-157 of Volume 1 of the Proposed LDP and propose the following change:
 - Further clarity and detail, including the status, is required for the schemes included in points a – e and the improvements cited for the trunk roads of the A68, A7, A701 and A702. Policy IS4 states that the Council supports schemes to provide new and improved transport infrastructure including improvements to key road routes which includes the trunk road of the A68, A7, A701 and A702. It also details the dualling of the A1 trunk road. It is detailed within the Plan on page 156 paragraph 1.4, that Transport Scotland has no plans to dual the A1 or deliver a Selkirk bypass. However, it is considered that the plan could provide further clarity with Policy IS4 detailing the commitment of schemes in the list, and specifically describing which projects are aspirational. Furthermore, there is no detail

provided on any of the improvements to the trunk roads of the A68, A7, A701 or A702. SPP details in paragraph 30; “Development plans should set out a spatial strategy which is both sustainable and deliverable, providing confidence to stakeholders that the outcomes can be achieved.” Additionally, paragraph 275 states; “Development plans should identify any required new transport infrastructure or public transport services, including cycle and pedestrian routes, trunk road and rail infrastructure. The deliverability of this infrastructure, and by whom it will be delivered, should be key considerations in identifying the preferred and alternative land use strategies.” It is considered that by declaring improvements to key routes without any detail is not meaningful or helpful to the reader. There are no schemes to provide details on what will be delivered when and by whom. It is not clear if the improvements are aspirational or required for another purpose.

- The plan policies should make reference to supporting patterns of development which reduce the need to travel and in locations which allow walkable access to local amenities. This could be in Policy IS4 or PMD4. SPP paragraph 275 states that the planning system should support patterns of development which reduce the need to travel. At present it is felt that there is a focus on transport improvements rather than locating developments in a way which reduces the need to travel.

Kelso Community Council (978)

- In respect of the sentence “These options will be considered by the Council including the reinstatement of the former railway line from St Boswells to Berwickshire via Kelso” within paragraph 2.15 on page 14 of the of Proposed LDP, the Contributor does not feel this gives sufficient weight to the need to have the railway reinstated. The Contributor considers that some direct reference of this should be added to paragraph 1.4 on page 156 of the Proposed LDP. A suggestion would be, in the longer term the Council wish to consider the potential reinstatement of the former railway lines such as that from St Boswells to Berwickshire and Berwick-Upon-Tweed via Kelso.
- Kelso is a vibrant town but unlike almost all other Borders towns it is not on a trunk road and the roads are poor. This alone would argue strongly for the early reinstatement of the railway. In addition, railway travel has been increasing and is projected to continue to do so as decarbonisation initiatives move forward. Having the line in operation again would considerably reduce the use of other means of transport, both for tourists and, particularly, for mass attendance events, such as those held at Kelso Race Course, Floors Castle and the Borders Events Centre. These improvements to connectivity are essential in achieving the objectives of the Borderlands Growth Deal.
- Having connectivity to the East Coast Main Line as well as West Coast Line, would be hugely beneficial for the whole of the Borders so both lines should be considered at the same time. It is our view that the reinstatement of the line is an urgent priority with the aim of this being done within the time frame of the LDP.

Policy IS7: Parking Provision and Standards

St Boswells Parish Community Council (1032)

- Contributor notes in respect of Policy IS7 - Parking Provision and Standards that electrical charge points require to be located in positions closely associated with parking, so this must be taken into account in the preparation of a location plan for public electrical charge points. The UK government has already announced a date beyond which only electric new vehicles can be sold. Additional public parking is unlikely to be a sustainable answer to problems of parking difficulties in town centres, so it is suggested that some modification of Policy IS7 – Parking Provision and Standards is essential.

Policy IS8: Flooding

Iain Gibson (502)

- The Contributor is of the view that the first sentence of paragraph 1.1 on page 161 of Volume 1 relating to Policy IS8 – Flooding should be reworded to read ‘This policy is intended to discourage development from taking place in areas which are, or may become, subject to flood risk or where such development could have a consequential flood impact elsewhere.’ Development needs also to be discouraged where it may have a consequential flooding impact elsewhere in the water table.

Scottish Environment Protection Agency (1043)

- Require modifications to Policy IS8. At the MIR stage the Contributor noted two requirements and two recommendations relating to Policy IS8 which have not been incorporated into the Plan. The Contributor requests the following modifications to the Plan:
 - I. The wording under Policy IS8 a) be modified from “essential civil infrastructure” to “civil infrastructure” and the development described such as hospitals, fire stations, schools and care homes, be separated from the development described as ground-based electrical and telecommunications equipment which is “essential infrastructure.”
 - II. Policy IS8 identifies that a precautionary approach should be taken to proposed allocations in areas protected by a formal flood protection scheme. The categories of development allocation would generally be acceptable when protected by an existing or planned formal flood protection scheme within a built up area as outlined in the Contributor’s Development Plan Flood Risk Guidance. It is recommended that any allocated site protected by a formal scheme is built to a water resilient design and has adequate evacuation procedures in place that are appropriate to the level of risk and use.
 - III. The Contributor reiterates their recommendation from the Proposed Plan 2014 (CD185) and the MIR 2019 (CD186) that paragraph one is amended to clarify what is meant by significant flood risk (it is noted that the second paragraph highlights the 0.5% probability, but the Contributor considers that this should be explained in the first paragraph). In accordance with the risk framework in Scottish Planning Policy this should include flooding up to and including a 1 in 200 year flood event.
 - IV. The Contributor recommends that the role of sustainable flood risk management should be recognised in the context of sustainable placemaking and blue/green infrastructure as part of the policy text. This includes the policy framework for sustainable placemaking and blue/green infrastructure and the identification of existing and creation of new blue/green infrastructure in the spatial strategy.

Policy IS9: Waste Water Treatment Standards and Sustainable Urban DrainageScottish Water (1036)

- The Contributor would welcome a change to the wording of the following section:
 - b) Negotiating developer contributions with Scottish Water to upgrade the existing sewerage network and/or increasing capacity at the waste water treatment works, or failing that:*
- As mentioned previously, Scottish Water is funded to provide capacity at our treatment works where required, therefore, they would not expect any negotiations of developer contributions towards increasing capacity for residential developments and the domestic element of Non-Residential developments such as toilets and kitchen facilities.
- Where there has been an assessment on the impact of any future development on their network, the developer is expected to contribute towards reinforcing the Parts 2 & 3 of the network with a Cost Contribution from Scottish Water. Therefore, the contributor requests the council to remove wording associated with negotiating contributions towards increasing the capacity at their treatment works.

Policy IS10: Waste Management FacilitiesScottish Government (847)

- The Contributor objects to Policy IS10 – Waste Management Facilities contained in pages 165-168 of Volume 1 of the Proposed LDP and propose the following change:
 - Additional wording to be included in policy IS10, box on page 167 to include additional suggested wording of “for example, ensuring that the allocation of land does not compromise waste handling operations”. For greater alignment with para 184 of SPP which states that plans should safeguard existing waste management installations and ensure that the allocation of land on adjacent sites does not compromise waste handling operations, which may operate 24 hours a day and partly outside buildings.

Policy IS13: Contaminated and Unstable LandSt Boswells Parish Community Council (1032)

- The Contributor states that maps and tables indicating the extent and location of contaminated, unstable, and derelict land should be provided in order that the extent of the problems can be understood, and appropriate policies set in place which identify objectives to be achieved by the end of the plan period, seeking say diminution of such problem areas by 50%.

Policy IS14: Crematorium ProvisionSt Boswells Parish Community Council (1032)

- The Contributor objects to Policy IS14 stating that it ought to be underpinned by some understanding of pressures on existing crematoria. Unless requirements cannot be satisfied by existing crematoria or met in other ways there seems little point in promoting the idea of further provision.

Policy IS17: Education SafeguardingSt Boswells Parish Community Council (1032)

- The Contributor objects to Policy IS17 in that they state that this principle should also be applied to rural primary schools, and in particular, given their strategic importance to maintaining rural communities, it is suggested that a policy be introduced whereby school closures can only happen after agreement through the local development plan mechanism, rather than in response to relatively short-term financial considerations.

Policy MapsScottish Government (847)

- Transport Scotland - via the Scottish Government's representation - objects to the Policy Maps contained in pages 182–187 of Volume 1 of the Proposed LDP and propose the following change:
 - It is premature to include a preferred or single route/option for a potential extension of the rail line. The extension of Borders Rail from Tweedbank to Carlisle is one of a number of rail options being considered within the second Strategic Transport Projects Review. Should the review recommend the line be extended, further detailed work would be required to determine the preferred route. This should be reflected in the Plan. Policy IS4: 'Transport Development and Infrastructure' details the Council supports schemes to provide new and improved transport infrastructure including an extension to the Borders railway from Tweedbank through Hawick to Carlisle. Planned routes and locations to be safeguarded are shown on the Proposals Map. The Policy Map on pages 182 - 187 detail railway safeguarding and show a route from Tweedbank, via Hawick then heading southwards. Transport Scotland is progressing with the second Strategic Transport Projects Review, which will inform transport investment for the next 20 years. The work is progressing with preliminary options to be taken forward for appraisal at the Pre-Appraisal stage commencing early 2020. This work includes options to enhance and extend rail services in the Borders, however it would be premature to comment on any specific option at this time. It is noted that there are a number of possible options for a potential extension of the rail line between Tweedbank and Carlisle and at this point it is premature and misleading to include a preferred or single route/option.

Modifications sought by those submitting representations:**Policy IS2: Developer Contributions**

- Addition of flood prevention schemes to the list of infrastructure that may require contributions. (122)
- Inclusion of additional criteria (j), which states that developers should be liable for compensation to existing residents where damage to property or loss of amenity is involved. (502)
- Inclusion of health care service arrangements within the list of expected areas where a developer obligation is required. (589)

- Policy IS2 section c) should include '*and transport infrastructure providers*', following '*subsidy to public transport operators*', to reflect the need for contributions to be directed towards infrastructure. (984)
- Exclude Network Rail from any developer contribution requirement within the emerging LDP. (984)
- Include a Scottish Borders appropriate threshold below which no developer contributions will be sought, and provide for a graded approach for developer contributions for sites above that threshold. (1014)
- Remove reference to the use of supplementary guidance to introduce additional and/or higher developer contribution requirements. (1014)

Policy IS4: Transport Development And Infrastructure

- Contributor requests that Policy IS4 – Transport Development and Infrastructure should include an obligation to improve the state of current roads in disrepair. (502)
- Contributor requests that consideration is given to transport links to the Central Borders which are considered by the Contributor to be a national disgrace. (515)
- Contributor requests that further clarity and detail is provided for the schemes included within Policy IS4 – Transport Development and Infrastructure contained in pages 156-157 of Volume 1 of the Plan and that the Plan policies should make reference to supporting patterns of development which reduce the need to travel and in locations which allow walkable access to local amenities. (847)
- Contributor suggests that direct reference should be made to the potential reinstatement of the former railway line from St Boswells to Berwickshire via Kelso within paragraph 1.4 on page 156 of the Plan. (978)

Policy IS7: Parking Provision and Standards

- Contributor is of the view that a location plan should be included within the Plan showing public electrical charge points and requests that Policy IS7 – Parking Provision and Standards is modified to recognise that additional public parking is unlikely to be a sustainable answer to problems of parking difficulties in town centres. (1032)

Policy IS8: Flooding

- The Contributor requests that the first sentence of paragraph 1.1 on page 161 of Volume 1 relating to Policy IS8 – Flooding be reworded to read 'This policy is intended to discourage development from taking place in areas which are, or may become, subject to flood risk or where such development could have a consequential flood impact elsewhere.' (502)

Contributor 1043 requests the following modifications to the Plan:

- Wording under Policy IS8 – Flooding be modified from "essential civil infrastructure" to "civil infrastructure" and the development described such as hospitals, fire stations, schools and care homes, be separated from the development described as ground-based electrical and telecommunications equipment which is "essential infrastructure.";

- It is recommended that any allocated site protected by a formal scheme is built to a water resilient design and has adequate evacuation procedures in place that are appropriate to the level of risk and use.
- Paragraph one be amended to clarify what is meant by significant flood risk (it is noted that the second paragraph highlights the 0.5% probability, but the Contributor considers that this should be explained in the first paragraph). In accordance with the risk framework in Scottish Planning Policy this should include flooding up to and including a 1 in 200 year flood event.
- The role of sustainable flood risk management should be recognised in the context of sustainable placemaking and blue/green infrastructure as part of the policy text. This includes the policy framework for sustainable placemaking and blue/ green infrastructure and the identification of existing and creation of new blue/green infrastructure in the spatial strategy. (1043)

Policy IS9: Waste Water treatment Standards and Sustainable Urban Drainage

- The Contributor seeks the rewording of criterion (b) of the 'Waste Water Treatment Standards' to remove wording associated with negotiating contributions towards increasing the capacity at our treatment works. (1036)

Policy IS10: Waste Management Facilities

- Contributor requests that additional wording be included within Policy IS10 - Waste Management Facilities contained in pages 165-168 of Volume 1 of the Proposed LDP to read "for example, ensuring that the allocation of land does not compromise waste handling operations". (847)

Policy IS13: Contaminated And Unstable Land

- The Contributor seeks the inclusion of maps and tables indicating the extent and location of contaminated, unstable, and derelict land. (1032)

Policy IS14: Crematorium Provision

- Seeks for Policy IS14 to be linked to Crematoria demand. (1032)

Policy IS17: Education Safeguarding

- Seeks for Policy IS17 to be applied to rural primary schools. (1032)

Policy Maps

- Contributor requests that the route of the Railway Safeguarding as shown within the Policy Maps contained in pages 182–187 of Volume 1 of the Proposed LDP is removed (847)

Summary of responses (including reasons) by planning authority:

IN RESPECT TO POLICY IS2: THE AMENDED WORDING TO CRITERIA (C) BELOW IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL.

IN RESPECT TO POLICY IS8: REPLACEMENT TEXT SUGGESTED BY CONTRIBUTOR NO. 502 WHEREBY THE FIRST SENTENCE OF PARAGRAPH 1.1 ON PAGE 161 OF VOLUME 1 RELATING TO POLICY IS8 – FLOODING BE REWORDED TO READ ‘THIS POLICY IS INTENDED TO DISCOURAGE DEVELOPMENT FROM TAKING PLACE IN AREAS WHICH ARE, OR MAY BECOME, SUBJECT TO FLOOD RISK OR WHERE SUCH DEVELOPMENT COULD HAVE A CONSEQUENTIAL FLOOD IMPACT ELSEWHERE.’

IN RESPECT TO POLICY IS10: REPLACEMENT TEXT SUGGESTED BY CONTRIBUTOR 847 WHEREBY THE FOLLOWING IS INSERTED AT THE END OF THE FIRST PARAGRAPH WITHIN THE POLICY ON PAGE 167 OF THE PLAN: ‘FOR EXAMPLE, ENSURING THAT THE ALLOCATION OF LAND DOES NOT COMPROMISE WASTE HANDING OPERATIONS’

IN RESPECT TO POLICY IS9: THE AMENDMENT TO CRITERION (B) AS SET OUT BELOW IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL.

NO CHANGE TO POLICIES IS4, IS7, IS13, IS14 OR IS17 AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

Policy IS2: Developer Contributions

It is noted that Contributor 1043 1 of 2 (Scottish Environment Protection Agency) supports Policy IS2: Developer Contributions (refer to CD183, page 515).

Flood Prevention Schemes (122)

- It should be noted that criteria (h) contained within Policy IS2 of the Proposed Local Development Plan (LDP) states, ‘*Flood protection schemes, where the site would benefit from its implementation*’. This was included as part of the Proposed LDP as an additional criteria. The criteria will allow developer contributions to be sought for developments which benefit from the implementation of a flood protection scheme.
- Circular 3/2012 Planning Obligations (CD058) sets out the guidance and tests for seeking developer contributions. Circular 3/2012 states that ‘*Planning obligations or other legal agreements should not be used to require payments to resolve issues that could equally be resolved in another way*’. Therefore, developer contributions for flood protection schemes could only be sought for development that benefits from its construction and meets the tests set out within Circular 3/2012.
- It should be noted that contributor (1043) (Scottish Environment Protection Agency) (CD183, page 515) also support the wording of Policy IS2.
- Therefore, it is considered that the existing wording of criteria (h) contained within the Proposed LDP addresses the comments made by the contributor, in respect of flood protection schemes.

Addition of criteria j) within Policy IS2 (502)

- The contributor requests an additional criteria (j) stating that developers should be liable for compensation to existing residents where damage to property or loss of amenity is involved.
- As part of the development management process, proposed development must be assessed against Policy HD3: Protection of Residential Amenity. The aim of this policy is to protect the amenity of both existing established residential areas and proposed new housing developments. This policy applies to all forms of development and is also applicable in rural situations. The policy sets out criteria for proposed development to be assessed against. Furthermore, all proposed development must be assessed against PMD1 and PMD2, which take into consideration place making and design criteria. Therefore, it is considered that any adverse amenity impacts will be assessed as part of the development management process, identifying mitigation where appropriate.
- Furthermore, the purpose of developer contributions is to ensure that the burden of additional infrastructure and/or services that are related to the development is absorbed by the landowner and developer as opposed to the Council or other service providers, in line with Circular 3/2012 Planning Obligations (CD058). In terms of flood risk it is considered that comments received from the Council's Flood section and SEPA in respect of any planning application will ensure there is no adverse impacts of properties outwith the application site
- Therefore, it is not considered that the points raised are matters to be addressed through the wording of Policy IS2. In conclusion the Council does not agree to modify the Proposed LDP in response to this representation.

Health care services (inclusion within Policy IS2) (589)

- The contributor requests that health care service arrangements are also identified as a developer obligation within the policy.
- The criteria set out in Policy IS2 within the Proposed LDP contain a reference to where developer contributions could be sought. In such instances, it should be noted that the Council can control the spend and delivery of these services/infrastructure.
- It should be noted that all developer contributions must be reasonable and consideration must be given to the overall viability of sites. If such contributions are excessive, these must be weighed up against one another.
- The NHS are a third party and the Council have no control over how money is spent, where and what on, in respect of health care provision. The Council will continue to engage and consult with NHS in respect of potential new sites going forward in order to ascertain their views on such proposals and for them to ascertain any potential impacts on health care provision. Ultimately, it would be the duty of NHS to consider any implications and consequent measures to address these.
- In conclusion, the Council does not agree to modify the Proposed LDP in response to this representation.

Addition of wording to criteria c) (984)

- The contributor requests that criteria c) is updated to include '*and transport infrastructure providers*', following the existing wording '*subsidy to public transport operators*', to reflect the need for contributions to be directed towards infrastructure.
- It is considered that the proposed wording is an acceptable addition to criteria c) and would allow the Council to seek contributions not only for public transport operators

but towards transport infrastructure providers. The additional wording is considered to be a non-significant change by the Council to Policy IS2.

Exclusion of Network Rail from developer contribution requirements (984)

- The contributor requests that Network Rail are excluded from any developer contribution requirements from the emerging LDP.
- It should be noted that the purpose of Policy IS2 is not to set out who will and will not be eligible to make a developer contributions. Rather, the purpose of Policy IS2 is to ensure, as far as practicable, that the burden of additional infrastructure and/or services that are related to the development is absorbed by the landowner and developer as opposed to the Council or other service providers.
- Therefore, it is not considered appropriate to set out exclusions within Policy IS2 for specific applicants.
- All proposed development will be assessed at the development management stages against all relevant policies and guidance at that time, including the requirement to pay any relevant developer contributions.
- In conclusion, the Council does not agree to modify the Proposed LDP in response to this representation.

Threshold for seeking developer contributions (1014)

- The comments are noted in respect of the inclusion of a threshold within Policy IS2 for seeking developer contributions. The contributor states that the policy does not appear linked to any threshold level below which developer contributions will not be sought and/or will be applied less fully. The contributor requests the removal of the requirement for developer contributions on sites up to 12 homes and taking a graded approach to seeking developer contributions from sites of 13 to 25 homes, with provision of a capped fee.
- Policy IS2 states that '*where a site is otherwise acceptable in terms of planning policy, but cannot proceed due to deficiencies in infrastructure and services or to environment impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or partial contribution towards the cost of addressing such deficiencies*'. The aim of the policy is to ensure, as far as practicable, that the burden of additional infrastructure and/or services that are related to the development is absorbed by the landowner and developer as opposed to the Council or other service providers.
- It should be noted that there are already policy exemptions set out within the Development Contributions (2022) Supplementary Planning Guidance (CD087, Section 3.4). The SPG states that '*some types of development may, in terms of relevant policy, be exempt from contribution requirement*'. The SPG sets out an exemption for affordable housing proposals from making development contributions, with the exception of play areas. Such affordable housing developments within the Scottish Borders contribute to a large proportion of the overall development. There are also exemptions from making education contributions for the following; residential units with only one bedroom and pensioner bungalows or developments prohibitively restricting non-occupation by school age children. Furthermore, single housing proposals are exempt from affordable housing developer contributions.
- The Scottish Borders is a large rural area and by nature has a large number of smaller allocations within the Proposed LDP. The Council acknowledges the comments from the contributor in respect of a threshold for developer contributions.

However, it is considered that given the large number of small scale developments within the Scottish Borders, the proposed changes would result in the loss of a significant amount of development contributions towards infrastructure requirements, including the Borders Railway, education and affordable housing.

- Therefore, taking into consideration the above, the Council does not consider that the introduction of a threshold for seeking developer contributions would be appropriate for the Scottish Borders, especially given the rural nature and large number of small sites. It is considered that the current wording of Policy IS2 and the SPG together allow for exemptions which are considered appropriate for the nature and context of the Scottish Borders.
- In conclusion, the Council does not agree to modify the Proposed LDP in response to this representation.

Reference to Supplementary Guidance (1014)

- The contributor requests the removal of reference to the use of supplementary guidance to introduce additional and/or higher developer contribution requirements.
- Policy IS2 states that '*Supplementary Planning Guidance on Developer Contributions will be reviewed periodically to reflect the ongoing needs and priorities of the Council and will expand upon the development contributions sought*'. The contributor raises concerns that it is not appropriate to use guidance to introduce new policy requirements over and above those set out in the LDP and that development contributions should be set out clearly in the LDP itself, and subjected to the full checks and balances of the plan preparation process.
- The most up to date Supplementary Planning Guidance on Development Contributions was produced in 2011 and the developer contribution indexation rates are updated annually. The last annual update was undertaken in April 2022 (CD087).
- Policy IS2 sets out a list of the development contributions that may be sought, within the criteria a) to h). The policy states that '*Supplementary Planning Guidance on Developer Contributions will be reviewed periodically to reflect the ongoing needs and priorities of the Council and will expand upon the development contributions sought. The appropriateness of the development contributions to proposals will be considered through the planning application process*'.
- It should be noted that the SPG does not introduce new criteria, rather expands upon the criteria set out within Policy IS2 and provides additional guidance for applicants and developers. The SPG sets out the development contributions currently sought for and the amounts. The annual update, includes the annual indexation to the BCIS and RPI rates. Furthermore, the annual update also provides an opportunity for the list of schools seeking an education contribution to be updated, to reflect the need for any additional schools to be sought or removing those no longer needing to be sought for. This is in accordance with the criteria set out within Policy IS2.
- Therefore, taking the above into consideration, the Council does not agree to modify the Proposed LDP in response to this representation.

Scottish Water comments (1036)

- The contributor does not raise any specific objections or modifications to Policy IS2, however raised a number of points regarding the treatment of surface water and foul

waste water, in respect of development contributions. These points are clarified below.

- Criteria (a) of Policy IS2 within the Proposed LDP states that contributions may be required for the, '*treatment of surface water or foul water in accordance with the Plan's policies on preferred methods (including Sustainable Urban Drainage System maintenance)*'.
- The comments from the contributor are noted in respect of funding upgrades required to the foul network. Furthermore, it is acknowledged that Scottish Water will not seek developer contributions towards the treatment of foul wastewater from residential developments.
- It is noted that discussions between developers/applicants and Scottish Water should be undertaken at an early stage, to ascertain any connection issues.
- Policy IS2 sets out criteria for developer contributions towards surface and foul waste water which may be required. This could include instances where the proposed development cannot connect to the mains sewer. Criteria (a) allows scope to seek developer contributions for such proposals.
- It is acknowledged that in order to seek developer contributions for either the treatment of surface or foul waste water, these must meet the tests set out in Circular 3/2012 (CD058, pages 5-8).
- It is considered that the wording of criteria (a) within Policy IS2 provides the opportunity to seek developer contributions towards surface or foul waste water treatment, where they meet the tests set out within Circular 3/2012 (CD058, pages 5-8). Therefore, it is considered that the wording of criteria (a) is sufficient and no modification is required.

Policy IS4: Transport Development And Infrastructure

Iain Gibson (502)

- Whilst the Local Development Plan can support schemes to provide new and improved transport infrastructure, it is not an avenue to dictate the condition and upkeep of current roads. This is a matter for the wider Council and is dictated primarily by budgets. It is not therefore considered appropriate to add this obligation to Policy IS4 – Transport and Development.

Tom Douglas (515)

- The A7 in part, between the boundary with Dumfries and Galloway at Mossypaul to the A6091 at Kingsknowe Roundabout on the edge of Galashiels, and A68 are both classed as trunk roads. The trunk road network in Scotland is overseen by Transport Scotland who should be contacted regarding ongoing maintenance work. Bear Scotland are responsible for carrying out maintenance, on behalf of Transport Scotland, on the A7 and A68. Ongoing maintenance is not a matter for the Local Development Plan. The Plan is clear, however, that the spatial strategy is underpinned by a transportation network which requires improvements to roads and railways in order to support and enable future development as well as improve connectivity across the Borders and in particular between the identified key growth areas. It is understood the Scottish Government does not have any current plans to undertake investment in the A7 and A68.

Scottish Government (847)

The Council responds to the matters raised by Transport Scotland (via the Scottish Government's representation (847)), as set out within the 'Planning authority's summary of the representation(s)' above, respectively as follows:

- The Regional Transport Strategy (RTS) for the South East of Scotland (CD007) is prepared by SEStran, which the Scottish Borders is a member of. The Strategy lays out the strategic vision for transport development in the south east of Scotland up to 2028.
- The RTS highlights that in the case of the A68 and A7 there are currently significant additional delays on the approaches into Edinburgh. Possible improvement schemes include bus priority schemes as well as improved pedestrian and cycle access to Scottish Borders stations and cross-boundary active travel measures along these routes (CD007, page 87). The RTS also recognises there are increasing junction delays along the A701 and especially at the A701/A702 junctions as well as significant additional delay on the A702. The RTS therefore notes possible improvement schemes on the A701 corridor along with improvements to key routes including the A701 and A702 (CD007, page 87). The RTS recognises the Borders east-west links that are significant either to provide access to the strategic road network, or that have economic importance which include the A72, A698 and A6105 (CD007, page 48 para 5.6.4). The RTS also confirms SEStran's strong support for further improvements to the A1 both north and south of the border as a key external links for both personal and freight traffic and to improve safety (CD007, page 48 para 5.6.3). The RTS notes the dualling and improvement of the A1 as a possible improvement scheme which is identified in the SDP Action Programme (CD007, page 86).
- The Council, through Policy IS4 – Transport Development and Infrastructure of the Plan, is setting out its support for the continued improvements to the routes listed within a) to e) as they are recognised as essential to support and enable future development as well as improve connectivity across the Borders, in particular between the key growth areas within the spatial strategy. The Council is well aware that ensuring the delivery of sites is fundamental to the process as being set up within the 2019 Act and the Council's next Local Development Plan under this legislation will address this in more detail as required. The Council would highlight, however, that the upgrading of trunk roads is the responsibility of Transport Scotland and the Council has no information on timescales for any implementation works. The Council would wish to point out that the A701 is incorrectly identified within the Contributor's response as a Trunk Road.
- Policy IS4 – Transport Development and Infrastructure is consistent with the RTS (CD007) which the Council has played a key part in producing.
- It is accepted that the Selkirk bypass as identified within point b) of Policy IS4 – Transport Development and Infrastructure is aspirational, this fact is noted within the preamble to the Policy, stating that 'Transport Scotland currently has no proposals to deliver an A7 bypass for Selkirk, as indicated in the Selkirk settlement map, or to upgrade the A1 to full dual carriageway status'. Aspirational or otherwise, the list of new and improved transport infrastructure presented within Policy IS4 – Transport Development and Infrastructure have the support of the Council. It is considered that the requirements of SPP, as set out by the Contributor, are being met and it is not therefore considered that any amendments are required to Policy IS4 – Transport Development and Infrastructure as it stands within the Proposed LDP.

- The Council would highlight the contents of Appendix 1 – Settlement Appraisal Methodology on pages 189-192 of the Proposed LDP which sets out the methodology for assessing sites being carried forward for inclusion within the LDP. As stated on page 191 in respect of ‘Accessibility and Sustainability’, issues relating to access to services, public transport and employment were analysed as part of the site assessment process. If a site was deemed poor in terms of access to services it was likely to be assessed as unacceptable in terms of accessibility and sustainability. It is therefore contended that the sites taken forward for allocation through this Plan have been considered as patterns of development which reduce the need to travel, in locations which allow walkable access to local amenities in line with SPP (CD041) paragraph 275 in the context of the Scottish Borders which is a predominantly rural area. Notwithstanding this and as stated within Policy PMD1, sustainability principles underpin all the Plan’s policies. Policy PMD1 – Sustainability (page 40) includes the encouragement of walking, cycling and public transport in preference to the private car. The Council would refute the claim that the Proposed Plan is focused upon transport improvements as opposed to sustainability principles which are engrained throughout the Plan.

Kelso Community Council (978)

The Council would respond to the matters raised by the Contributor, as set out within the ‘Planning authority’s summary of the representation(s)’ above, respectively as follows:

- Paragraph 2.15 (page 14) of the Proposed Local Development Plan refers to the Borders Transport Corridors Study which is a Transport Scotland funded pre-appraisal report featuring twenty one potential transport options for the Scottish Borders. These options will be considered by the Council including the potential reinstatement of the former railway line from St Boswells to Berwickshire via Kelso. It is therefore clear that these options will be considered in the future. It is therefore considered premature to include text within Policy IS4, as suggested, as the matter require to be considered once the outcomes of the Study are available.
- It is highlighted that the Main Aims which are set out to deliver the Vision, within para 4.8 of the Proposed Local Development Plan, include the encouragement of better connectivity by transport. Policy IS4 - Transport Development and Infrastructure of the Proposed Local Development Plan highlights that ‘The spatial strategy is underpinned by a transport network which requires improvements to roads and railways in order to support and enable future development as well as improve connectivity across the Borders and in particular between the identifies key growth areas’ (para 1.3, page 156). The Policy notes that the Council supports schemes to provide new and improved infrastructure including improvements to key road routes.

Policy IS7: Parking Provision And Standards (1032)

- The Council is eager to stipulate the need for electric vehicle charging points within future developments and will, as confirmed in Appendix 3 (page 211) of the Proposed Local Development Plan, be producing Supplementary Planning Guidance (SPG) through the period of the LDP to establish requirements for sustainable transport. In light of this, it is not considered that any modifications are required to Policy IS7 – Parking Provision and Standards of the Plan as stipulations relating to sustainable transport will be set out within the forthcoming SPG.

Policy IS8: Flooding (502, 1043)Iain Gibson (502)

- The additional text suggested by Contributor 502 is considered to be a non-significant change which is acceptable to the Council. It is nevertheless highlighted that the first paragraph of Policy IS8 – Flooding (page 162) of the Proposed LDP states that *'Development will not be permitted if it would be at significant risk of flooding from any source or would materially increase the probability of flooding elsewhere'*.

Scottish Environment Protection Agency (1043)

- It is noted that the Contributor welcomes the framework provided by this policy, and are pleased to note that the policy is strengthened by the inclusion of an overarching statement that promotes the avoidance of flood risk. This precautionary approach is supported by SPP (CD041, para 255, page 57) and the Flood Risk Management (Scotland) Act 2009. The Contributor had previously requested in their response to the 2014 Proposed Plan consultation that the Policy IS8 be modified to state clearly that development on the functional flood plain should be avoided and acknowledge that the policy does state that development should be located away from them. The Contributor is also pleased to note that the policy includes a statement about avoidance of flood risk as a first principle. These notes of support are included within the Representations of Support Table (CD183, page 519).
- The Contributor does, however, request modifications to Policy IS8 – Flooding. The Council would respond to each of the points raised by the Contributor respectively as follows:
 - I. This matter was raised and considered at the MIR stage. The policy states 'generally' which is considered to be in line with the Contributor's guidance. The Council is content that Policy IS8 – Flooding within the current Scottish Borders Local Development Plan 2016 and the Proposed Plan works and will continue to work in practice. The Contributor will continue to be consulted during the process of planning applications and will determine each application on a case by case basis.
 - II. It is considered that this is a matter which would be dealt with through the planning application process on a case by case basis. As stated above, the Contributor will continue to be consulted through this process. Policy IS8 – Flooding specifically refers to the fact that *'The information used to assess the acceptability of development will include: a) information and advice from consultation with the Council's Flood Risk and Coastal Management Team and the Scottish Environment Protection Agency'*. It is not therefore felt necessary to amend the policy as suggested.
 - III. It is not the role of the LDP to get into great and specific detail on all matters, notably those which will be addressed by other parties, such as in this case, SEPA and the Council's Flood teams at the planning application stage. Consequently the Council does not agree to the proposed amendment.
 - IV. As stated within paragraph 1.6 (page 161) of the preamble to Policy IS8 – Flooding, *'The Council has a desire to move towards more sustainable solutions within the implementation of flood protection schemes. The Council co-ordinate with key stakeholders to ensure the most sustainable mitigation methods are taken forward and contribute to research and demonstration'*

projects that seek to establish the effectiveness of natural flood management measures'. The Council does not consider that the comments made justify a change to the policy.

Policy IS9: Waste Water treatment Standards And Sustainable Urban Drainage (1036)

It is noted that the Scottish Environment Protection Agency (1043) 1 of 2 support the retention of Policy IS9 – Waste Water Treatment Standards and Sustainable Urban Drainage and its minor amendments (CD183, page 508).

- Comments noted, it is acknowledged that the contributor provides capacity at treatment works where required and would not expect any negotiations of developer contributions towards increasing capacity for residential developments and the domestic element of Non-Residential developments. Therefore the reference to negotiating contributions towards increasing the capacity at treatment works should be removed from the policy wording and criterion (b) should be reworded as follows:

b) Negotiating developer contributions with Scottish Water to upgrade the existing sewerage network or failing that:

- As a result the Council considers this to be a non-significant change to the Proposed Local Development Plan. (1036)

Policy IS10: Waste Management Facilities (847)

- The suggested text is noted although it has not been made clear where it is considered that this text should be placed within the policy. The Council would not be opposed to including the suggested text within Policy IS10 – Waste Management Facilities and would suggest that it is inserted at the end of the first paragraph within the policy on page 167 of the Plan. The Council would not allocate land if it was considered that it would compromise waste handling operations. The additional text suggested by Contributor 847 is therefore considered to be a non-significant change which is acceptable to the Council.

Policy IS13: Contaminated And Unstable Land (1032)

It is noted that The Coal Authority (405) supports the inclusion of Policy IS13: Contaminated and Unstable Land and the introductory text to the policy (CD183, page 36).

- Comments noted. Unfortunately the Council does not hold site specific data of all contaminated, unstable, and derelict land throughout the Scottish Borders. As stated within the policy there are various types of land contamination, this information is held by the Council's Contaminated Land Officer who is consulted in relation to the Local Development Plan and relevant planning applications where necessary. Before any development occurs, a full assessment of the site would be required and any remedial work carried out and thereby allowing the site to be brought back into use.
- It is not felt that there is a need to include tables or maps showing the extent and location of contaminated, unstable, and derelict land. The Council provide an annual return to the Scottish Government detailing vacant and derelict land in the Scottish

Borders but due to geographic scale of the region, this is not exhaustive. The location and extent of contaminated, unstable, and derelict land is constantly changing and the Council do not have the resources to monitor and map this throughout the Borders. It is not felt it would bring any additional weight to the policy and therefore it is not considered necessary to amend the policy wording.

- As a result of the discussion above no amendment to the Local Development Plan from that proposed is considered necessary.

Policy IS14: Crematorium Provision (1032)

- It is disputed that Policy IS14 promotes further crematoria within the Scottish Borders. The purpose of the policy is to set out criteria to assist in the planning application process in determining the suitability of proposed sites that may come forward. Currently there are two crematoria located within the Scottish Borders. Both of these are run privately. As businesses they provide a valuable service to the community they serve. It is therefore not considered appropriate to set out restrictions or criteria to meet in the assessment of demand, as at this time it is not considered necessary.
- It is therefore considered that IS14: Crematorium Provision as set out in the Proposed Local Development Plan is appropriate, in line with national policy and therefore does not require any changes as proposed by the Contributor.

Policy IS17: Education Safeguarding (1032)

- It should be noted that the closure of any school is done so in line with the Schools (Consultation) (Scotland) Act 2010 (CD047). That Act sets out a consultation procedure that a Local Authority must follow for certain proposals affecting schools in their area. In addition the Act makes special arrangement in regard to rural schools, establishing in effect a presumption against closure of rural schools. The result of this is that the Local Authority must have special regard to a number of factors before formulating a proposal to close a rural school and then consulting on and reaching a decision as to whether to implement a rural school closure proposal.
- Within the Scottish Borders, where a school roll becomes unsustainable (and in the past that has included where there are no current or prospective pupils), an options appraisal of all potential alternatives to a closure is undertaken. The Education Department are then required to demonstrate this before any formal proposal can be presented. At the point where a formal proposal is presented, the Education Department would first seek Council approval to make a proposal and if this was agreed, the process outlined in the Act begins with the preparation of a proposal document which must focus on the educational benefits statement. The consultation process must run for a statutory 30 school days and a public meeting hosted midway. Education Scotland then visit to undertake an independent report before the Council makes a formal submission to the Scottish Government.
- It is therefore considered that as the matter raised by Contributor 1032 is already overseen by legislation i.e. The Schools (Consultation) (Scotland) Act 2010 (CD047), it is not considered necessary that the Local Development Plan should introduce additional controls. In practice issues regarding the closure of a school can be raised at any time within the lifespan of the LDP. It would be inappropriate and undesirable that a decision regarding a possible closure could not be taken until it was addressed within the next LDP. As stated above the LDP is not the best placed vehicle to address this matter.

- It is considered that IS17: Education Safeguarding as set out in the Proposed Local Development Plan is appropriate, in line with national policy and therefore does not require any changes as proposed by the Contributors.

Policy Maps (847)

- The Council does not agree that reference to the preferred or single route for the proposed extension to the Borders Railway is premature or that it should be removed from the Policy Map Volume 1 (pages 182 – 187) of the Proposed Local Development Plan.
- It is critically important to identify the route from Tweedbank to Carlisle via Hawick to ensure that the route is properly safeguarded and protected and that control is secured over development that could prejudice the feasibility and delivery of the line. Without this protection, it would be more difficult to resist development which could in turn prevent or complicate the re-instatement of the line from a practical point of view and in terms of financial viability.
- The Council staunchly supports the extension of the Borders Railway from Tweedbank to Carlisle via Hawick. This support is set out within the Regional Transport Strategy for the South East of Scotland (CD007, para 5.3.10, page 46). The Strategy lays out the strategic vision for transport development in the south east of Scotland up to 2028. The extension of the Border Railway from Tweedbank to Carlisle is also a critical component of the South of Scotland Economic Strategy (CD187, page 36) and our Regional Spatial Strategy (CD188, page 15).
- The indicative line identified in the Policy Map helps underpin the spatial strategy and policy imperative of the Proposed Local Development Plan, not just in terms of how important it is to the sustainable growth of the Scottish Borders, but in terms of promoting development in Hawick and Newcastleton and ensuring it is taken account of when considering the planning of the redevelopment of Newtown St Boswells.
- In the period following the submission by Transport Scotland (via the Scottish Government's representation (847)) on the Proposed LDP, the Council and partners have continued to have positive discussions with the Scottish Government, and other relevant bodies, to progress a feasibility study to understand more fully the benefits and options for extending the railway to Hawick and Carlisle.
- The Strategic Transport Projects Review (CD189, pages 17 and 40), published on 20th January 2022, acknowledges that the extension of the Borders Railway through the Borderlands Inclusive Growth Deal (CD209, page 15) includes up to £10m of funding, £5m from the Scottish Government and £5m from the UK Government, to develop a shared understanding of the benefits and challenges of options to extend the Edinburgh – Tweedbank Borders Railway to Carlisle. This will include the undertaking of feasibility work to further develop the business case for the reinstatement of the railway. It is noted that the Scottish Government will continue to work with Borderlands Partners on this commitment. It is important that the Plan should set out clear support for the Borders railway extension and potential new stations. The Council would like to see specific mention of improvement work for the existing Borders Railway (Phase 1) i.e. more dynamic loops, more carriages and electrification.
- The Council very strongly objects to the removal of the references to the railway extension from Tweedbank to Carlisle via Hawick within the Plan as requested by the Contributor.

Reporter's conclusions:

1. During the examination of the proposed plan, National Planning Framework 4 (NPF4) was laid before the Scottish Parliament (8 November 2022), approved by the Scottish Parliament (10 January 2023), and adopted by Scottish Ministers (13 February 2023).

2. I issued a further information request in January 2023 asking Homes for Scotland (1014), Scottish Environment Protection Agency (SEPA) (1043), Scottish Government (847) and the council what weight should be attributed to NPF4. I also asked them what changes, if any, they would have made to their previous representations (above). For the council I asked what changes, if any, it would have made to its response to representations (above). I then invited parties to comment on each other's responses if they wished. I only invited these parties to respond because the matters upon which they made representations were partly related to national or strategic development plan policy.

3. All four responded. They agree that, upon adoption, NPF4 became part of the statutory development plan and that strategic development plans and their supplementary guidance ceased to be. It also replaced Scottish Planning Policy (2014) and NPF3 (2014).

4. Homes for Scotland reiterated its previous points in relation to planning obligations and viability, and supplementary planning guidance in light of NPF4. The council is content with its original response (above). I consider those matters under Policy IS2: Developer Contributions (below).

5. SEPA did not initially make any comment but subsequently proposed changes to its previous representation and recommended modifications. Since the council had not had an opportunity to comment on these, I invited it to do so. The council had proposed the addition of supporting text in light of NPF4 Policy 20: Blue Green Infrastructure. None of the four above parties opposed this. I consider these matters under Policy IS8: Flooding (below).

6. No other matters were raised at further information request stage.

Policy IS2: Developer ContributionsFlood Prevention Schemes (122)

7. The council is correct that Policy IS2 criterion h) already includes flood protection schemes where the site would benefit from it, in the list of contributions that may be required. Therefore, it would not be necessary to add it. I also note that SEPA is content with this policy as written. The council is otherwise correct that developer contributions for flood protection schemes could only be sought for development that benefits from its construction and meets the tests set out within Circular 3/2012. No modifications are required.

Addition of criterion j) within Policy IS2 (502)

8. The location, design and layout of all development would be considered as part of any planning application. This includes assessment against proposed plan policies HD3: Protection of Residential Amenity, and PMD1 and PMD2 covering design and place making. Those and other relevant policies would contribute to determining whether the impact of proposed development would require mitigation to make it acceptable in terms of amenity, design, or another impact.

9. The role of developer contributions is to ensure that the burden of additional infrastructure and/or services that are related to the respective development is absorbed by the landowner(s) and developer(s), as opposed to the Council or other service providers, in line with Circular 3/2012 Planning Obligations. It is not a mechanism for awarding compensation to parties that oppose development or whose property is damaged because of construction/operation of development. The latter is an issue for other bodies, and not for the planning system. No modifications are required.

Health care services (inclusion within Policy IS2) (589)

10. NHS Borders (589) does not explain why “health care services” should be added to the list in Policy IS2. Nor does it state whether this would be for the direct provision of “health care services”, for new/improved infrastructure from which those services would be delivered, both or something else. The council is correct that it is not the provider of health care services and that it would have no influence on how that money is spent. Circular 3/2012 sets out the tests against which contributions towards planning obligations are to be judged. No compelling evidence currently supports modifying the proposed plan as NHS Borders seeks. No modifications are required.

Addition of wording to criterion c) (984)

11. The council is content to modify criterion c) to include the words “and transport infrastructure providers”, after the existing wording “subsidy to public transport operators”. That would clarify that transport infrastructure providers and service operators are not always the same body and that both are included. Modifications are set out below.

Exclusion of Network Rail from developer contribution requirements (984)

12. The purpose of Policy IS2 is not to set out who would or would not be eligible to make developer contributions. Instead, it identifies the additional infrastructure and/or services for which developer contributions will be sought. Therefore, the policy does not infer that Network Rail would be expected to make developer contributions. However, I also see no justification for exempting development promoted by Network Rail from making provision to secure infrastructure or services made necessary by that development. Network Rail’s status as a publicly owned company has no bearing on the effect that such development may have on the need for infrastructure or services. No modifications are required.

Threshold for seeking developer contributions and Reference to Supplementary Guidance (1014)

13. Proposed plan Policy IS2 criterion h) does not specifically provide the flexibility sought by Homes for Scotland to exempt development of 12 homes or fewer, or to stagger contributions for sites with capacity for 13 to 25 homes.

14. Sites up to 25 homes across the Scottish Borders represent a significant share of allocated land. This poses a significant risk that the individual and/or collective impacts on infrastructure, services and amenity brought about by that development would not be met at all or in full. Given the broader aims of the proposed plan, such an outcome would seem contradictory.

15. More recently, NPF4 Policy 16: Quality Homes, offers the potential to consider viability and some flexibility with reference to affordable housing contributions. That matter is covered separately in Issue 013: Policies HD1 to HD6. NPF4 does not state that this matter applies beyond affordable housing. The conclusions in Issues 013 do not suggest a policy conflict with proposed plan Policy IS2 or with NPF4.

16. However, the first paragraph of Policy IS2 states that full or partial contributions could be made. The first paragraph beneath criterion h) also covers viability considerations. On balance, this offers a mechanism to consider the concerns raised by Homes for Scotland versus the risk from them. Overall, proposed plan Policy IS2 provides sufficient flexibility to consider viability and other circumstances whilst prioritising the resolution of infrastructure and service deficiencies or environmental impacts resulting from development proposals. No modifications are required.

17. Policy IS2 states the matters upon which developer contributions would be sought. The final paragraph then states that supplementary planning guidance would be used to expand upon the developer contributions sought. The council states that the existing supplementary planning guidance is updated annually to include indexation to the BCIS and RPI rates, and to update the list of schools seeking an education contribution and remove those no longer needing contributions. The council's comments on further information request responses states that details of that nature change regularly and are therefore not provided within the proposed plan. I agree that the local development plan is not updated on an annual cycle and so would not expect changeable and detailed matters of that kind to be included in Policy IS2.

18. The council is also correct that NPF4 Policy 16 refers to local policy and guidance being the basis for contributions sought. Furthermore, I am content that supplementary planning guidance can continue to be prepared. Were this supplementary planning guidance to be adopted as part of the development plan then that would need to occur prior to the end of March 2025, according to the chief planner's letter of February 2023. This does not suggest a conflict.

19. Beyond the matters in the paragraph above, my role is to examine the local development plan. It is not to comment on the contents of supplementary planning guidance, which has its own processes. Otherwise, reference to supplementary planning guidance in the final paragraph of proposed plan Policy IS2 does not appear to be inaccurate. No modifications are required.

Scottish Water comments (1036)

20. I agree with the council that Scottish Water's comments are not an objection but seek clarity on Policy IS2 criterion a) about the treatment of surface or foul wastewater. The council points out that this criterion is designed to cover all matters, including where connection to a mains sewer is not possible. The council is also correct that, in order to seek contributions under criterion a) (and others), what is sought must meet the tests of Circular 3/2012. On that basis, I am content that criterion a) remains sufficient as written and provides the appropriate range and flexibility to apply to various circumstances. No modifications are required.

Policy IS4: Transport Development and InfrastructureIain Gibson (502)

21. Proposed plan Policy IS4 is where the council sets out its transport proposals for the plan period and beyond. This includes proposals for new or upgraded infrastructure. Resolving disrepair is a matter of road maintenance for the roads authority (Transport Scotland for trunk roads and the council for other public roads). Road maintenance is not a local development plan matter. No modifications are required.

Tom Douglas (515)

22. Proposed plan Policy IS4 appears to prioritise improvements to the infrastructure covered by the representation. For instance, bullet a) seeks an extension of the Borders Railway from Tweedbank to Carlisle via Hawick. Bullet b) seeks improvements to the A7 and A68 as well as other roads. Bullet d) seeks a new rail station at Reston on the east coast mainline. I saw that the station at Reston is now complete. New or improved railway or trunk road infrastructure is the responsibility of Network Rail and/or Transport Scotland rather than the council.

23. Proposed plan Policy IS4 supporting paragraph 1.2 outlines the council's intention to produce supplementary planning guidance to cover matters including electric vehicle charging infrastructure. I am content that the second bullet a) of proposed Policy IS4, referencing "promote sustainable travel" in relation to "transport infrastructure", provides sufficient hook on which to provide supplementary planning guidance that covers electric vehicle charging infrastructure. The representation does not set out any specific infrastructure improvements that it wishes to see added to Policy IS4. Therefore, there are none that I can consider. No modifications are required.

Scottish Government (847)

24. Based on proposed plan Chapter 4, the council's spatial strategy concentrates most new development in three strategic development areas. Those areas cover the largest concentrations of population, infrastructure, and services, often in multiple settlements. Policy IS4 supporting paragraph 1.1 makes clear that the council seeks to achieve more sustainable transport. Supporting paragraph 1.2 states the council's intention to prepare supplementary planning guidance to cover matters including electric vehicle charging. These matters were also sufficiently clear to me, having read this policy in conjunction with Chapters 2 and 4 of the proposed plan. The development plan must be read as a whole. In my view, this reflects what Scottish Planning Policy (2014)

paragraph 275 sought of the planning system. These would have been the expectations when the proposed plan was prepared.

25. Policy IS4 identifies new transport infrastructure proposals (aspired and committed), as was required by the first sentence in Scottish Planning Policy (2014) paragraph 275. Although the proposed plan does not state some of the details sought by the Scottish Government's representation, it is not necessarily required to. The specific nature of those improvements or new infrastructure are set out in the supporting text (supporting paragraphs 1.3 to 1.5) and in the proposed Action Programme. The policy and the proposed action programme summarise some detailed matters that are also covered in the SEStran Regional Transport Strategy, which has been submitted. I would not expect the proposed plan to repeat the regional transport strategy.

26. The Action Programme is where matters of timescale, phasing, and who is responsible are set out, as was acknowledged by Scottish Planning Policy (2014) paragraph 275. The two-year updating cycle for action programmes (and now for delivery programmes) enables them to more regularly monitor and reflect the ongoing status of projects than the development plan cycle. Proposed plan Policy IS4 supporting paragraph 1.4 and the proposed Action Programme each make clear which schemes are aspirational. By my reading, these matters are sufficiently clear to a user of the proposed plan.

27. Overall, the proposed plan is sufficiently detailed in the policy and supporting text on the matters that Scottish Planning Policy (2014) sought. Although Scottish Planning Policy (2014) has now been replaced by NPF4, the requirements in relation to identifying transport infrastructure do not appear to cause a conflict. No modifications are required.

Kelso Community Council (978)

28. No party disputes the list of visitor attractions/attractors identified by Kelso Community Council and I saw some of those on my site visit. The supporting text for proposed plan Policy IS4 (including paragraph 1.4) describes and elaborates on matters covered by the policy. The additional text sought by the community council for inclusion in Policy IS4 paragraph 1.4 may accurately describe its ultimate hope but does not refer to any matters covered by Policy IS4. Adding those could therefore confuse the reader. However, what the community council seeks is already described in proposed plan Chapter 2 paragraph 2.15. That matter is covered separately in Issue 002: Chapter 2: The Changing Context and Meeting the Challenges for the Scottish Borders. No modifications are required to proposed plan Policy IS4 supporting paragraph 1.4.

Policy IS7: Parking Provision and Standards (1032)

29. Proposed plan Policy IS7 supporting paragraph 1.1 refers to proposed plan Appendix 3. There, the council references its intention to prepare supplementary planning guidance covering sustainable transport, which covers parking and matters referenced in Policy IS7. I am content that both provide a sufficient hook upon which to base such supplementary planning guidance, along with Policy IS4 (as referenced above). It is not my role to examine the contents of supplementary planning guidance, which has its own processes. The standards in proposed plan Appendix 3 are examined separately in Issue 017: Appendix 3 Planning Guidance and Standards. No modifications are required to Policy IS7 or the supporting text.

Policy IS8: Flooding (502 and 1043)

30. The council disputes SEPA's revised contention that proposed plan Policy IS8: Flooding could be deleted and replaced with NPF4 Policy 22: Flood Risk and Water Management, and also disputes the modifications to Policy IS8 that SEPA proposes as an alternative. The council favours local specificity which it argues Policy IS8 to reflect, whereas SEPA foresees a risk of inconsistency. Given that the proposed plan was prepared in the national and strategic planning policy environment that predated NPF4, it is self-evident that it has not taken NPF4 into account. This examination offers an opportunity to reconcile any identified inconsistencies with NPF4, as outlined in the chief planner's letter of February 2023.

31. The council argues that proposed plan Policy IS8 reflects what is described in relation to local development plans on NPF4 page 74. Like NPF4 Policy 22, Policy IS8 promotes avoidance of flood risk as the first principle. On that matter, there is no inconsistency. However, both proposed plan Policy IS8, and the existing Policy IS8: Flooding in the Adopted Local Development Plan (2016), were prepared when Scottish Planning Policy (2014) was extant. That has now been replaced by NPF4.

32. NPF4 Policy 22 a) sets out an approach which defines the circumstances in which development proposals at risk of flooding or in a flood risk area will be acceptable. NPF4 Policy 22 b) to e) also describe factors that will make development acceptable. By my reading, NPF4 is broader and stronger than what is outlined in the first and second paragraphs of Policy IS8, the latter of which focuses on 1 in 200-year flood risk events only and refers to the term "essential civil infrastructure". SEPA's original representation contests the use of this term (above).

33. The term "essential civil infrastructure" was not used in Scottish Planning Policy (2014) and is not used in NPF4. Scottish Planning Policy (2014) used the term "essential infrastructure". So too does NPF4, albeit with a modified definition that now includes ground-based electrical and telecommunications equipment. The term "civil infrastructure" was also used in Scottish Planning Policy (2014) but is not used in NPF4. By any reading, the term "essential civil infrastructure" is unhelpful and confusing when read against national planning policy. Using this and what it describes detracts from the approach set out in NPF4 Policy 22. Therefore, even if I recommended modifying the terminology, this part of Policy IS8 still has the potential to complicate decision making and to diverge from the NPF4 approach, contrary to the council's suggestion.

34. On balance, it would be clearer to users of the plan to delete the first three paragraphs of Policy IS8 and to rely on NPF4 Policy 22 in their place. This would also align the proposed plan with a policy framework and evidence base that post-dates Scottish Planning Policy (2014). To that end, the supporting text and Policy IS8 would need to explain that Policy IS8 works in conjunction with NPF4 Policy 22. Modifications to that effect are set out below.

35. The second half of Policy IS8 states that developers will be required to provide (including, if necessary, at planning permission in principle stage) a competent flood risk assessment and a report of flood risk mitigation measures that are proposed. It then lists four sources of information (a to d) which will assist in assessing the acceptability of development. Taken together, this part of Policy IS8 outlines assessments and evidence that would inform considerations of development acceptability. In my view, these parts of

Policy IS8 would be compatible with both the first part of Policy IS8 (as written) and also with NPF4 Policy 22.

36. I also note that the second half of Policy IS8 provides a catch-all to support site requirements where a flood risk assessment is sought and, crucially, circumstances where one may be needed but is not presently specified in site requirements. Although I consider my above recommended modifications would be similarly supportive, I find no reason to remove or replace the second half of Policy IS8. I therefore recommend its retention. However, I accept SEPA's point that it would be better to refer to "SEPA's current guidance" rather than any specific title. That would allow the policy to remain current in the event of changes to SEPA guidance.

37. I now consider whether my above recommended modifications to the policy statement would result in the need for consequential modifications to supporting paragraphs 1.1 to 1.6 on proposed plan page 161. I do so alongside other comments made on the supporting text by SEPA and Iain Gibson (502).

38. Even with my proposed modifications (above), supporting text paragraph 1.1 remains accurate. Iain Gibson (502) is correct that this supporting paragraph does not state that development which increases the probability of flooding would not be supported. However, I am content that this matter is sufficiently clear. It is not the role of supporting text to repeat policy content. Therefore, no modification is required.

39. Supporting paragraph 1.2 refers to the contents of Scottish Planning Policy (2014), which has now been replaced by NPF4. SEPA recommends replacement text describing NPF4 Policy 22, which the council does not oppose. I recommend replacing the current paragraph 1.2 with that text. The council also proposes wording in relation to blue green infrastructure which I acknowledge to be presently omitted from the supporting text. Reference to that is made in NPF4 Policy 22, and no specific location is sought for that proposed text, but I consider supporting paragraph 1.2 to be a reasonable place for it. In my view this would also be an appropriate place to add references to using NPF4 Policy 22 in conjunction with my above recommended revision to Policy IS8. Modifications are set out below.

40. Supporting paragraph 1.3 refers to SEPA's Technical Flood Risk Guidance for Stakeholders (Version 10). However, I agree with SEPA that it would be advisable to replace this with the term "SEPA's current guidance" to retain the currency of the plan in the face of potential for SEPA guidance to change. Modifications are set out below.

41. Supporting paragraphs 1.4, 1.5 and 1.6 describe contextual matters. No evidence suggests that these would conflict with my recommended modifications to the proposed plan. However, I agree with SEPA that it is prudent to remove the implication in supporting paragraph 1.5 that the 2016-22 cycle is the current one, since it is now 2023. However, I favour stating that this was the "most recent cycle". I am otherwise content that the remaining wording would be appropriate in that context. Modifications are set out below.

Policy IS9: Wastewater Treatment Standards and Sustainable Urban Drainage (1036)

42. The council agrees with Scottish Water's proposed modification to Policy IS9 part b) relating to 'negotiating developer contributions with Scottish Water...'. This

proposed modification is appropriate on the grounds of accuracy about what would be negotiated with Scottish Water in such circumstances. Modifications are set out below.

Policy IS10: Waste Management Facilities (847)

43. Having reviewed matters, I agree with the council that the Scottish Government's proposed modification would provide clearer alignment with what was previously required by Scottish Planning Policy (2014), paragraph 184. The Scottish Government's response to my further information request commented only on the status of NPF4 and neither withdrew nor elaborated on this matter. Despite NPF4 containing different wording, this does not suggest that the proposed modification would present a policy conflict.

44. In the absence of clarity from the Scottish Government's response, the council suggests placing the modification text at the end of the first paragraph, sentence two. However, I consider that it would improve readability to locate it in brackets within the second sentence. Modifications are set out below.

Policy IS13: Contaminated and Unstable Land (1032)

45. The council states that it does not hold the data which the representation asks to be mapped. Irrespective, this does not alter what the policy asks for, which is that land which is contaminated or is suspected of being contaminated is subject of the proper consultation and mitigation measures. That is a reasonable aim of policy, and it would be incumbent on the developer to satisfactorily resolve those matters to acceptable levels as part of a planning application.

46. It is unclear from where the representation's proposed target of 50% arises. With no evidence-based appraisal of why that is an appropriate target, I cannot comment on it either way. With the absence of data on this issue, it would also be impossible to monitor the effectiveness of such a target. It is more helpful to have an approach which focuses on ensuring that where land is contaminated (or suspected of being contaminated) there is an expectation on the developer to satisfactorily resolve that matter before development occurs. On my reading, that is what proposed plan Policy IS13 does already. No modifications are required.

Policy IS14: Crematorium Provision (1032)

47. As presently written, proposed plan Policy IS14 does not specifically propose new crematoria facilities. Instead, it recognises some of the issues that would be important in considering any that come forward in the future. These appear to me to be practical, for example the recognition of hospitality for funeral wakes. I would also expect developments of this kind to comply with other relevant policies of the development plan.

48. No evidence is provided and so I am not able to confirm or dispute whether there is presently sufficient crematorium capacity. Similarly, no compelling evidence justifies why present crematorium capacity should be a determining factor in whether the principle of development and the location, design and layout of a new facility is acceptable. No modifications are required.

Policy IS17: Education Safeguarding (1032)

49. School closures, for whatever reason, are a matter for the council as the education authority and not a local development plan matter. The purpose of this policy is to safeguard education land (including schools) from alternative land uses. No parties dispute that it is sufficient for that purpose. No modifications are required.

Policy Maps (847)

50. The council is a vigorous supporter of extending the Borders Railway from Tweedbank to Carlisle. Transport Scotland is correct that the exact route of any Borders Railway extension would be determined by a formal process involving technical considerations and public engagement. That would be a separate process and it is not for this examination to determine whether that proposal should occur, what route it would take and how it would be designed. Those decisions are for Scottish Ministers through a separate process. However, the Borderlands Growth Deal commits funding for feasibility work to explore the potential of such an extension and this work is referenced in NPF4.

51. The proposed plan policy maps include a “railway safeguarding” designation shown as a red spotted line along much of the former railway track bed from Tweedbank to the Anglo/Scottish border. By my understanding, that safeguarding is a mechanism to prevent development along that track bed. In my view, there is little to differentiate this action of safeguarding a former railway track bed for an aspired reuse as a railway and doing the same for an aspired to foot/cycle route for example.

52. Scottish Planning Policy (2014) paragraph 277, which was extant at the time the proposed plan was prepared and submitted, supported the safeguarding of disused railway lines where there was a reasonable prospect of reuse for various transport uses. Based on the two paragraphs above, the reuse of this disused railway line appears to be a reasonable prospect. Safeguarding it would not, therefore, have contradicted Scottish Planning Policy (2014). More recently, NPF4 does not mention the safeguarding of disused railway lines but nor does it prevent it.

53. Safeguarding corridors is reasonable to promote growth in a manner that does not compromise future objectives or risk financial and/or practical impediments to them. My reading is that the council’s railway safeguarding is designed on that basis.

54. It is also my understanding that the recent opening of the Borders Railway and the Borderlands Inclusive Growth Deal have brought sufficient exposure for businesses, the public, and the authorities alike to have a shared understanding of the logic for the council’s safeguarding exercise. No other parties have objected. Therefore, this appears to be a matter of Transport Scotland making publicly clear that no route has yet been selected for any Borders Railway extension, and that no formal commitment has been made to such a project besides the above-referenced feasibility work. I find that to be self-evident from the proposed plan.

55. On balance, it is sufficiently clear that the proposed plan contains a railway track bed safeguarding proposal, rather than a formal route option or preferred route option. That technical distinction is clear in the proposed plan. No compelling evidence convinces me that protecting former railway track beds in the proposed plan is unreasonable. No modifications are required.

Reporter's recommendations:

Modify the local development plan by:

1. adding to Policy IS2: Developer Contributions criterion c) on proposed plan page 151 the words "...and transport infrastructure providers", after the existing wording "subsidy to public transport operators".

2. replacing the supporting paragraphs 1.2 and 1.3 on proposed plan page 161 with the following:

"1.2 NPF4 sets out Scotland's long-term plan to manage flood risk. Specifically, the intent of NPF4 Policy 22: Flood Risk and Water Management is "To strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding". Policy IS8 should be read to operate in conjunction with NPF4 Policy 22: Flood Risk and Water Management. The Council has a desire to move towards more sustainable solutions within the implementation of flood protection schemes. The Council will co-ordinate with key stakeholders to ensure the most sustainable mitigation methods are taken forward and contribute to research and demonstration projects that seek to establish the effectiveness of natural flood management and blue green infrastructure measures.

1.3 The technical requirements of a Flood Risk Assessment (FRA) can range from the provision of detailed topographical information to demonstrate the relative level of the development site in relation to the river, sea, canal or other hazard, to technically detailed hydrological and one- or two-dimensional hydraulic modelling to investigate the risk to the development or its impact elsewhere. SEPA's current guidance should be referred to for further information."

3. replacing the first sentence of supporting paragraph 1.5 on proposed plan page 161 with the following:

"The implementation of flood protection schemes runs within flood risk management's six-year cycles, the most recent cycle having been 2016-2022."

4. replacing the contents of Policy IS8: Flooding on proposed plan, page 162, with the following text:

"a) Development proposals will be considered using National Planning Framework 4 Policy 22: Flood Risk and Water Management.

b) Developers will be required to provide, including if necessary at planning permission in principle stage:

i. a competent flood risk assessment, including all sources of flooding, and taking account of climate change, using the most up to date guidance; and

ii. a report of the measures that are proposed to mitigate the flood risk.

c) The information used to assess the acceptability of development will include:

i. information and advice from consultation with the Council's Flood Risk and Coastal Management Team and the Scottish Environment Protection Agency;

- ii. flood risk maps provided by the Scottish Environment Protection Agency and/or developed by Scottish Borders Council which indicate the extent of the flood plain;
- iii. historical records and flood studies/assessments held by the Council and other agencies;
- iv. Scottish Environment Protection Agency's current guidance."

5. replacing criterion b) of the first paragraph in Policy IS9: Waste Water Treatment Standards and Sustainable Urban Drainage on proposed plan page 164 to read:

"b) negotiating developer contributions with Scottish Water to upgrade the existing sewerage network and/or increasing capacity at the waste water treatment works, other than for residential developments or for the domestic element of non-residential developments, or failing that:"

6. replacing the second sentence in the first paragraph of Policy IS10: Waste Management Facilities on proposed plan page 166 with:

"Proposals that would prejudice the operation of these waste facilities (for example, ensuring that the allocation of land does not compromise waste handling operations) will not normally be supported."

Issue 17	Appendix 3 Planning Guidance and Standards	
Development plan reference:	Volume 1 Policies – Appendix 3: Planning Guidance and Standards (pages 203-211)	Reporter: Philip Barton
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Derek Scott Planning (114) The Architectural Heritage Society of Scotland (413) J Leeming (755) St Boswells Parish Community Council (1032)</p>		
Provision of the development plan to which the issue relates:	Appendix 3: Planning Guidance and Standards	
Planning authority's summary of the representation(s):		
<p>Standards - Parking Provision & Electric Vehicle Charging Points</p> <p><u>Derek Scott Planning (114)</u></p> <ul style="list-style-type: none"> • In respect of the Transportation Standards set out within Appendix 3 – Planning Guidance and Standards on pages 210-211, the Contributor notes that the Council is generally supporting the SESTRAN parking standards, except for housing, which they consider to be problematic for the following reasons: • The SESTRAN document is not a parking standard in itself, it is intended that it is used by local authorities as a framework for developing specific local parking standards. • The wording within the Plan fails to define what is meant by the term 'Housing' or 'General Housing' meaning that in practice and in the absence of more detailed guidance, the parking requirements as outlined are applied to all housing developments, notwithstanding the fact that a development comprising, for example, sheltered housing in a town centre location is likely to have a need for a significantly lesser number of car parking spaces than a development comprising 4-5 bedroom houses in a suburban location. • The SESTRAN Parking Standards Document predates both Scottish Planning Policy (SPP) and the National Roads Development Guide (NRDG). The NRDG applies throughout the country and is a guide for Councils on how to meet the requirements of Designing Streets. Scottish Borders Council is a member of the Steering Group that prepared this Guide and significantly no variations relating to it have been advanced by the Council. Whilst the wording in the plan as proposed states that 'Parking provision levels may be exceeded or reduced dependant on: the location, the availability of public car parking in the vicinity, non-car accessibility levels, physical constraints, and impacts on the wider road network,' it is respectfully suggested that the section of the Plan referred to (i.e. that dealing with parking provision) should be amended to include appropriate reference to the parking standards in the NRDG to ensure that a more appropriate framework exists for assessing the parking requirements associated with different types of development. In that context it is 		

important to remember that parking policy as set out in both Scottish Planning Policy and the National Roads Development Guide are not parking requirements but the maximum number of spaces allowed.

J Leeming (755)

- The Contributor raised the matter of electric vehicle charging points for being part of forthcoming Dingleton Road changes to a Road Construction Consent application (20/00149/RCC), the suggestion was rejected. In light of the requirements within this Proposed LDP on page 211 of Appendix 3 (Planning Guidance and Standards), the Contributor hopes that the decision will be revisited.

Supplementary Planning Guidance on Shop Fronts and Shop Signage, and Supplementary Planning Guidance on Replacement Windows and Doors

The Architectural Heritage Society of Scotland (413)

- The Contributor notes that with the expectation that in some Borders towns such as Hawick, changes in retail habits will realistically mean a reduction in core shopping areas. As this may result in the conversion of existing shopfronts to alternative uses, including residential, it would be helpful if the existing Supplementary Planning Guidance on Shop Fronts and Shop Signage was updated to include specific guidance on what is appropriate for office, residential, or other conversions of existing retail premises. Some such conversions are particularly poor, and a coherent set of guidance would prove useful in conversations with prospective developers and consideration of subsequent planning applications.
- The Contributor states that the Scottish Borders is one of only two Councils to still advocate the use of uPVC windows in category C listed buildings. Other councils have updated their guidance since Borders guidance was published in October 2015, and have opted to retain or consolidate their existing policies against the use of uPVC in listed buildings and visible (or often all) elevations of traditional buildings in conservation areas. Historic Environment Scotland policy and guidance is specifically referenced in the proposed LDP policies, and notes that uPVC will rarely be acceptable in historic buildings. The reasons behind this are given both in Scottish Borders' own guidance, and elsewhere, but the practice of the policies as set out in Borders guidance are that uPVC in C-listed and conservation area properties is routinely permitted. The Contributor raises issues in relation to the use of uPVC and to its re-use and sets out the benefits of using timber. They summarise by stating that given that uPVC is now understood to be overall harmful to the environment, as well as inferior in design quality, it is time to revise the supporting planning guidance to better reflect LDP policy PMD1, HES guidance, and national best practice.

Amendment to all existing Supplementary Planning Guidance

St Boswells Parish Community Council (1032)

- The contributor considers there is a case for re-visiting as a matter of urgency all supplementary planning guidance in the context of the climate crisis. However, in the case of any new supplementary planning guidance, the climate emergency should be added at the top of the list of criteria.

Modifications sought by those submitting representations:

Standards - Parking Provision & Electric Vehicle Charging Points

Derek Scott Planning (114)

- Contributor considers in respect of the Transportation Standards set out within Appendix 3 – Planning Guidance and Standards on pages 210-211 that the wording should define what is meant by ‘housing’ and the Plan should be amended to include appropriate reference to the parking standards in the NRDG. (114)

J Leeming (755)

- Contributor requests that a decision relating to a Road Construction Consent application in respect of electric vehicle charging points is revisited. (755)

Supplementary Planning Guidance on Shop Fronts and Shop Signage, and Supplementary Planning Guidance on Replacement Windows and Doors

The Architectural Heritage Society of Scotland (413)

- Seeks that the Supplementary Planning Guidance on Shop Fronts and Shop Signage is updated to include specific guidance on what is appropriate for office, residential, or other conversions of existing retail premises. (413)
- Seeks that the Supplementary Planning Guidance on Replacement Windows and Doors is updated to better reflect LDP policy PMD1, HES guidance, and national best practice and disallow the use of uPVC within Listed Buildings. (413)

Amendment to all existing Supplementary Planning Guidance

St Boswells Parish Community Council (1032)

- The contributor would like a review of the existing SPGs and for them to be updated in the context of the climate crisis. They also state that in the case of any new supplementary planning guidance being produced, the climate emergency should be added at the top of the list of criteria.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO APPENDIX 3 AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

Standards - Parking Provision & Electric Vehicle Charging Points

Derek Scott Planning (114)

- The Parking Provision section (pages 210-211) of Appendix 3 – Planning Guidance and Standards states that the Council generally supports the SEStran Parking Standards (CD190), other than for housing. It is agreed that this document is a

framework for developing specific local parking standards taking into account local factors and local development considerations. It is therefore acceptable for the Council to use the document as a standard where it is considered appropriate. The Council opts to use its own parking standards for new housing and redevelopment schemes. A table is provided which gives guidance on the provision of parking which the Council currently expects to be provided for all new housing development or redevelopment schemes. It is considered that the Proposed LDP is clear in its expectations around parking standards for housing development without the need to provide a definition of housing per se. These expectations are clearly set out, both within Policy IS7 – Parking Provision and Standards (page 160) of the Proposed LDP and Appendix 3 (pages 210-211). Sheltered Housing falls within Use Class 8 (Residential Institutions) of The Town and Country Planning (Use Classes) (Scotland) Order 1997, in which case the SEStran Parking Standards relating to sheltered housing would be applied to such development proposals depending upon their level of accessibility.

- In terms of the National Roads Development Guide (NRDG) (CD191), it is confirmed in the Transportation Standards section (Appendix 3, pages 210-211) that the NRDG acts as a technical support for 'Designing Streets' (CD056). The guide includes maximum parking standards. The Council refers specifically to the SEStran Parking Standards in the Parking Provision section as it is particularly relevant in the Scottish Borders partnership area and takes into account location and level of non-car accessibility.

J Leeming (755)

- The matters raised by Contributor 755 in respect of a Road Construction Consent application are not matters which can be considered through the Local Development Plan process. The decision made at that time cannot be reviewed in retrospect. The Council is eager to stipulate the need for electric vehicle charging points within future developments and will, as confirmed in Appendix 3 (page 211) of the Proposed Local Development Plan, be producing Supplementary Planning Guidance through the period of the LDP to establish requirements for sustainable transport.

Supplementary Planning Guidance on Shop Fronts and Shop Signage, and Supplementary Planning Guidance on Replacement Windows and Doors

The Architectural Heritage Society of Scotland (413)

- Appendix 3 Planning Guidance and Standards contained within Volume 1 of the Proposed Local Development Plan sets out the Council's proposals for preparing Supplementary Planning Guidance (SPG) and Planning Briefs within the Local Development Plan (LDP) period. It also makes reference to existing SPGs, Supplementary Guidance and Planning Briefs.
- Furthermore, Appendix 3 of the Proposed Plan also notes: "Due a reduction in staff resources and competing workloads, regrettably some of the proposed SPGs and Planning Briefs to be carried out as stated within the adopted LDP 2016 have not been possible. Consequently the proposals detailed within this section of the Proposed LDP are considered priorities which can be realistically achieved".
- The Proposed Plan also notes that the updating of existing guidance and the formulation of new SPG will be prioritised using the following criteria:
 - Requirement to assist development control decision-making

- Adequacy of existing policy framework
 - Date of existing guidance
 - Resources required – specialist staff and other Departmental priorities
 - Speed of preparation
 - Political pressure
 - Government guidance
- Whilst the Council agrees that Supplementary Planning Guidance should take due account of national guidance laid down by Scottish Government / Historic Environment Scotland, it is also important that in the production of any SPG, local context is also included. It should be noted that the Council are not aware that there are any issues in practice in relation to the current adopted SPG's in question and the Development Management Section have not raised the need for such updates.
 - The SPG on Shop Fronts and Shop Signs was adopted by the Council in 2011, and SPG on Replacement Windows and Doors was adopted in 2015. Both documents were subject to a period of public consultation for 12 weeks. In addition, it is noted that the Architectural Heritage Society of Scotland were consulted on both occasions but did not respond.
 - It is therefore contended that the list of proposed/updated SPG's set out within Appendix 3 of Volume 1 of the Proposed Plan is appropriate, and is not required to be amended. However, it should be noted that should the need arise for an update to an existing SPG, or for the formulation of new SPG this could be undertaken as need or priority arises. Officers will discuss this matter further in due course and AHSS would be consulted on any such SPGs and their comments will be welcomed.

Amendment to all existing Supplementary Planning Guidance

St Boswells Parish Community Council (1032)

- Comments noted. Appendix 3 (page 204) details the Supplementary Planning Guidance (SPGs) the Council intends to produce or update within the Local Development Plan period. It should be noted that included on this list is proposed Supplementary Planning Guidance entitled 'Sustainability and Climate Change', and it is agreed with the respondent that this should be a priority.
- Whenever any SPG is updated by the Council it incorporates the most to up to date position in relation to legislation or guidance on the relevant topic, where appropriate reference will be made to sustainability and climate change. The subject of planning is an ever evolving subject and at any given point in time new guidance, legislation, etc. can be published which the planning system must address. However, it is impossible for SBC to continually update its various SPGs etc. each time such new information is provided, most notably for a fast moving subject such as climate change. It is always acknowledged SPGs are a snapshot in time and will be a material consideration to any planning application along with any other relevant publications.
- Consequently it is not considered necessary to revisit and update the existing Supplementary Planning Guidance which has been approved by the Council at this moment in time.

Reporter's conclusions:

1. National Planning Framework 4 (NPF4) was adopted as part of the statutory development plan by Scottish Ministers in February 2023. I issued a further information

request inviting the above parties to comment on the weight to be given to NPF4 and any implications it had for their original representations and for the response to them in the case of the council. I consider those responses as part of my conclusions below. Where parties did not comment I assume their original position to remain.

2. No parties dispute that NPF4 replaces NPF3 and Scottish Planning Policy (2014) or that strategic development plans and their supplementary guidance have ceased to be part of the statutory development plan.

Standards - Parking Provision (114 and 755)

3. Annex B of Scottish Planning Policy (2014) set out national maximum parking standards for new development and minimum parking standards for accessible parking. However, this advice was superseded on 13 February 2023 by National Planning Framework 4 (NPF4), which is now a part of the statutory development plan. NPF4 contains no maximum or minimum parking standards. Instead, NPF4 Policy 13: Sustainable transport has a focus upon “minimising space dedicated to car parking” and supporting “proposals which are ambitious in terms of low/no car parking”, as long as “they do not create barriers to access by disabled people” (NPF4 Policy 13e)).

4. The Society of Chief Officers of Transportation in Scotland National Roads Development Guide (SCOTS Guide) was most recently updated in August 2015. The purpose of the SCOTS Guide is to support the guidance contained within Designing Streets (22 March 2010), as Scotland’s first policy statement for street design.

5. The South East of Scotland Transport Partnership published SEStran Parking Standards: SEStran Regional Parking Standards Framework (SEStran Framework) on 17 May 2009. The aim of the SEStran framework is “to provide cross regional consistency and reduce unfair competition between different local authority areas”.

6. The SCOTS Guide constitutes the most recent advice. There is no difference between the standards formerly set out in Scottish Planning Policy (2014) and those in the SEStran Framework, even though the latter predates the former by about five years. There is no benefit, therefore, in further referencing the standards set out in Scottish Planning Policy (2014). The table below compares the standards from the remaining two documents.

Use	Threshold	SCOTS	SEStran
Non-residential (maxima)			
Retail (food)	1,000 sqm	up to 65	1:14 sqm
Retail (non-food)	1,000 sqm	up to 30	1:20 sqm
Business (Class 4)	2,500 sqm	1:30 sqm	1:30 sqm
Cinema (Class 11a)	1,000 sqm	1:10 seats	1:5 seats
Conference hall	1,000 sqm		1:5 seats
Stadia	1,500 seats		1:15 seats
Leisure	1,000 sqm		1:22 sqm
Further and Higher Education	2,500 sqm	1:2 staff + 1:15 students	1:2 staff + 1:15 students
Residential (maxima (SCOTS)/minima (SEStran))			
Dwellinghouse	1-bed	1 (+0.25 visitor)	2/1
Dwellinghouse	2-bed	2 (+0.25 visitor)	2/1

Dwellinghouse	3-bed	2 (+0.25 visitor)	3/1
Dwellinghouse	4-bed	3 (+0.25 visitor)	3/1
Dwellinghouse	≥5-bed	3 (+0.25 visitor)	3/1
Sheltered		1 per dwelling	1.5 + 1 per warden/1 + 1 per warden
Care Home		1:1 staff + 1 per 3 beds	1:1 staff + 1:3 beds/1:5 beds
Hotel		1:2.5 beds	1:1 staff + 1:1 bed
Hostel		1:4 staff + council discretion for residents	1:1 staff + 1:1 bed
Accessible Parking Spaces (minima)			
Retail, Recreation or Leisure	≤200 spaces	3 or 6% (whichever the greater)	3 or 6% (whichever the greater)
	>200 spaces	4 or 4% (whichever the greater)	4 or 4% (whichever the greater)
Employment	≤200 spaces	1:disabled employee + 2 or 5% (whichever greater)	1:disabled employee + 2 or 5% (whichever greater)
	>200 spaces	6 + 2%	6 + 2%
Education		1 or 5% of total capacity	

7. The SCOTS Guide constitutes the most recent advice in respect to residential parking standards and recognises, on page 167, that “dwellings are predominantly travel origins as opposed to destinations. Previously parking standards have attempted to reduce car use by restricting parking spaces at origin and destinations. It is now recognised that providing a reduced number of parking spaces at a travel origin does not discourage people from owning a car. Therefore, parking standards for origins should be used as a minimum standard. For travel destinations the standard will continue to be a maximum.” This is a significant change from previous approaches to determining parking standards for residential uses.

8. The SEStran Framework contains both maximum and minimum residential parking standards.

9. The Schedule to The Town and Country Planning (Use Classes) (Scotland) Order 1997 (the Order) defines residential uses for the purposes of development management and plan-making. These are Class 7 – hotels and hostels; Class 8 – residential institutions, and Class 9 – Houses. Where there is doubt about which use class an existing or proposed residential use should fall within, it is open to a potential developer to apply for a certificate of lawfulness to resolve the matter.

10. Given the predominantly rural character of Scottish Borders, private vehicle ownership is a necessity for most households. I consider it reasonable, therefore, for the council to adopt minimum parking standards for residential uses. I agree with Derek Scott that it would have been preferable for the council to have specified in the table on page 210 of the proposed plan the use class(es) to which these standards are intended to apply. Nevertheless, the penultimate paragraph on the same page makes it clear that the council would be open to negotiation about parking provision on a case-by-case basis. During the course of such discussions, the standards set out in the SEStran

Framework, and the SCOTS Guide would be material considerations. Moreover, the approach taken in NPF4 to car parking would also need to be weighed in the balance because it is now a part of the adopted development plan.

11. In addition, the final paragraph on page 210 indicates that parking standards may be subject to review and change over the plan period. No modification is necessary.

Standards - Electric Vehicle Charging Points (114 and 755)

12. NPF4 Policy 13a)i. supports proposals “for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy”.

13. As far as the proposed plan is concerned, paragraph 8.3 on page 34 states: “the Council is promoting the installation and use of electric vehicle charging points”. Paragraph 1.7 on page 42 (Policy PMD2: Quality Standards) states that the council has set up “a Sustainable Development Committee which will...develop ideas for promoting low carbon design...for example...on-site electric vehicle charging points”. Paragraph 1.4 on page 143 (Policy EP16 – Air Quality) expresses the intention that “future communities, workplaces, recreation and retail facilities...should have access to...electric vehicle charging”. Paragraph 1.1 on page 156 (Policy IS4 – Transport Development and Infrastructure) states that “the Council will support and promote the development of a network of electric vehicle charging stations by requiring provision to be considered as an integral part of any new development or redevelopment proposals”. All of these references, and the statement at the bottom of page 211 are broadly consistent with NPF4.

14. Although it would have been helpful to include more detail about the precise requirements for electric vehicle charging points within the plan itself, I am satisfied that this policy statement is sufficient to comply with the expectations of NPF4 and would provide an adequate hook upon which to hang the council’s proposed supplementary guidance. Moreover, the representation does not seek a specific modification.

15. I have no remit to revisit historical permissions or consents. No modification is necessary.

Supplementary Guidance (413 and 1032)

16. It is not within my remit to examine the content of any existing or proposed supplementary guidance documents. Where such documents are to be adopted as statutory supplementary guidance, they will be subject to public consultation, during which time the concerns expressed within the representations may be raised. No modification is necessary.

Reporter’s recommendations:

No modifications.

Issue 18	Ancrum	
Development plan reference:	Ancrum Settlement Profile and Map (AANCR002 – Dick’s Croft II) (pages 237-238)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
Roxburghe Estates (813 1 of 5)		
Provision of the development plan to which the issue relates:	Housing Site AANCR002 – Dick’s Croft II	
Planning authority’s summary of the representation(s):		
<ul style="list-style-type: none"> • Objects to the non-inclusion of the site for 50 dwellinghouses within the Local Development Plan. • The site is deliverable and there is demand for housing in Ancrum. • Due to the unconstrained nature of the site, it is an attractive prospect to the developer. • There has been interest from the Eildon Housing Association for the provision of at least 12 affordable units on the site. • Ancrum is a desirable place to live however there are currently no allocated sites within the adopted or proposed Local Development Plan. Due to its strategic location, there is a strong demand to live in Ancrum. • The site is located within a sustainable location, within walking distance to the local shop, pub and primary school. • The site is next to current built form with easy access to utilities and existing infrastructure. • The site represents a logical extension to the existing settlement boundary. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • The contributor requests the site AANCR002 (Dick’s Croft II) is allocated within the Local Development Plan for residential development. 		
Summary of responses (including reasons) by planning authority:		
<p>NO MODIFICATION TO THE ANCRUM SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS:</p> <ul style="list-style-type: none"> • Ancrum is located outwith any Strategic Development Area set out by the SESPlan Strategic Development Plan (SDP) 2013 (CD001, refer to pages 7 to 20). Appendix 2 contained within the Proposed Plan outlines that the housing land requirement figures are taken from the SESPlan Proposed SDP (2016) (CD005, refer to pages 44 to 50) and SESplan Housing Background Paper 2016 (CD006, refer to pages 4 		

to 6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit 2019 (CD071, refer to the Introduction, pages 14 to 16) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Issue 6. It is also acknowledged that housing land requirements will be set out at a national level through the forthcoming National Planning Framework.

- The site was identified as an 'alternative' housing site within the Main Issues Report (CD008, page 55), it was considered to be 'alternative' and not 'preferred' due to the issue of cumulative impact upon the character of the village given the relatively recent development to the east at West Myrescroft. There were not considered to be any insurmountable reasons or constraints to prevent the site from being included, other than the matter of cumulative impact within a relatively short period of time.
- In deciding which of the many MIR sites were ultimately included within the Proposed LDP consideration was given to a range of factors. These included, for example, the housing land requirement as set out above, any developer interest in the site, provision of local facilities / service and comparison with other submitted sites. Ultimately it was considered that there were more appropriate sites considered within the MIR to contribute towards the housing land requirement and the site was not included. At this point in time the village should be given time to adapt to the relatively recent large scale development of Myrescroft and it is not considered that there is any requirement for additional housing sites in Ancrum as more appropriate sites are available within the Housing Market Area and wider Scottish Borders. However, it is acknowledged there are no insurmountable issues to be addressed which would prevent the site being brought forward into a future LDP.
- Any decision to allocate the site would require to be subject to the following site requirements:
 - Surface water mitigation measures to be considered during the design stage
 - Archaeology evaluation/mitigation may be required
 - Vehicular access is acceptable from all existing roads adjacent to the site and a strong street frontage onto these roads is recommended
 - Pedestrian linkage to the footpath along the north western edge of the new Myrescroft development should also be incorporated into any proposal. Connectivity for cyclists must also be considered
 - Existing roads bounding the site will need to be widened to cater for two way flows along with footways as appropriate. Street lighting and speed limits will have to be extended accordingly
 - Water Impact Assessment required
 - A Transport Assessment required
 - The site boundaries require extensive structural landscape planting to create a suitable definition to the edge of the village
 - Protect existing trees and boundary features. Existing hedgerows to be supplemented by new planting, where required
 - Assessment of ecology impacts and provision of mitigation, as appropriate
 - The design and layout of the site should take account of the adjacent Conservation Area and Special Landscape Area

- Contact Scottish Water in respect of foul drainage capacity and water network capacity.

Reporter's conclusions:

1. The representation is correct that there are currently no sites allocated for housing in Ancrum. However, that does not mean that promoted site AANCR002 should be automatically allocated.

2. According to the council, Ancrum is not within any of the strategic development areas. However, my reading of the map in proposed plan Chapter 4 suggests it to be located in the middle of the Central Strategic Development Area, albeit not one of the largest settlements. Either way, it does have some local services, but these are such that future inhabitants of site AANCR002 would likely need to travel elsewhere to access jobs, services and facilities other than primary education, the local shop and a pub.

3. Promoted site AANCR002 does not appear to have any specific site constraints relating to vehicular access. I also have no reason to doubt that a housing association has noted interest in providing some affordable homes on this promoted site, if development occurs. It is also located in an area which reflects the proposed plan settlement profile's preference for future expansion. However, that is not the same as an allocation.

4. Representation (813) Appendix 2 appears to wish me to conclude that there is a shortage of housing land in the relevant housing submarket area that justifies allocation of promoted site AANCR002. However, Issue 006 (Chapter 6 Planning for Housing and Appendix 2: Meeting the Housing Land Requirement) already concludes that analysis of (local) housing land requirement at submarket geographic level is irrelevant and does not allow me to conclude there to be a shortage of housing land in one part of Scottish Borders versus another.

5. Irrespective of the merits or otherwise of promoted site AANCR002, Issue 006 concludes that there is no need to allocate any additional land for housing besides what is already set out in the proposed plan. No modifications are required.

Reporter's recommendations:

No modifications.

Issue 19	Ashkirk	
Development plan reference:	Ashkirk Settlement Profile and Map (EA200 - Cransfield) (pages 239-240)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Nicholas Lambert (422) Dr Michael Kenward & Dr Pirkko Korkia-Kenward (678 1 of 2) Lilliesleaf, Ashkirk and Community Council (899) Ashkirk Community (1035)</p>		
Provision of the development plan to which the issue relates:	Housing Allocation EA200 – Cransfield	
Planning authority's summary of the representation(s):		
<p><u>Nicholas Lambert (422)</u></p> <ul style="list-style-type: none"> The contributor requests that the site EA200 (Cransfield) is no longer identified for housing development. Site has recently been marketed but has been withdrawn for sale. There is no demand for additional housing and there are undeveloped plots in the village, some of which have been vacant for many years (3, 8 and 10 Cransfield Drive and land at The Glebe). Development would impact upon views from the contributor's property and would overlook the contributor's property leading to a loss of privacy and would have an adverse visual impact in contravention of Local Development Plan Policy HD3 – Protection of Residential Amenity. Future housing development should be concentrated north of Selkirk, closer to the railway terminal. <p><u>Dr Michael Kenward & Dr Pirkko Korkia-Kenward (678 1 of 2)</u></p> <ul style="list-style-type: none"> Object to housing allocation EA200 (Cransfield). Twelve dwellinghouses do not represent an infill development but a substantial and transformative development in a quiet village of approximately 50 households. The site size is a substantial proportion of the existing village. The Ale Water being part of the River Tweed Special Area of Conservation and wildlife site of international importance, such substantial development with the additional traffic, pollution and noise is inconsistent with this. No evidence is presented for a need for additional affordable housing in Ashkirk. The population figures given in the plan are nearly 20 years out of date. Affordable housing development is largely aimed at families however there are no facilities in the immediate area including schools, surgeries, and shops etc. Transport would be required to Selkirk and Hawick at least and public transport is inadequate. Households would require car ownership and probably two cars per household in many cases. This is contrary to modern aims and the necessity to 		

reduce greenhouse gases and is incompatible with the reality of those who, in principle, require affordable housing.

Parts of the site floods after rain and heavy snowfall.

Development would have implications for the local road infrastructure. The road from Ashkirk towards Etrick is not sufficiently robust even for existing traffic. The junction opposite the Smiddy is very tight with extremely poor visibility and is already a source of congestion. The site could be classified as a potential death trap for children, who would be expected to be cycling, exploring and generally making use of life outdoors in this wonderful setting.

Lilliesleaf, Ashkirk and Community Council (899)

- The Community Council wish to see the centre of the village to focus on the hall. The site (EA200) should not be piecemeal development. A masterplan exercise should be undertaken for the development of the site. There should be a village green near the village hall.

Gordon Hunter (907)

- The contributor considers that the site capacity of 12 units is low for a site of 2ha and suggests that it is increased potentially up to 18 units however it is acknowledged that this is an indicative figure.

Ashkirk Community (1035)

The contributor has conducted a survey of a number of Ashkirk residents which concluded the following:

- The narrative proposed for Ashkirk may need to be adjusted to reflect the consensus that the centre of the village is around the hall/garage therefore it might be said that The Woll Estate and the church form important satellites. This has to be balanced against a majority supporting the description of the character of the village.
- Individuals commented that development at EA200 (Cransfield) must not be piecemeal, that is should be developed as a whole and that planning requirements should be adhered to.
- There is desire in the community for a village green/allotments.
- As any future development would be centred around Cransfield Drive, which borders the village hall, it would be logical to create amenity space in this area.

Modifications sought by those submitting representations:

- Seek the removal of housing allocation EA200 (Cransfield) from the Proposed Local Development Plan. (422, 678 1 of 2)
- Seek an increase in the indicative capacity of site EA200 (Cransfield) from 12 to 18 dwellinghouses. (907)
- Seek modifications to the Settlement Profile for Ashkirk including:

The desire for the village hall to become the centre of the settlement (899, 1035);
and

The provision of a village green/allotments. (899, 1035)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.

REASONS:

- Ashkirk is located outwith any Strategic Development Area set out by the SESPlan Strategic Development Plan (SDP) 2013 (CD001, refer to pages 7 to 20). Appendix 2 contained within the Proposed Plan outlines that the housing land requirement figures are taken from the SESPlan Proposed SDP (2016) (CD005, refer to pages 44 to 50) and SESPlan Housing Background Paper 2016 (CD006, refer to pages 4 to 6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit 2019 (CD071, refer to the Introduction, pages 14 to 16) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Issue 6. It is also acknowledged that housing land requirements will be set out at a national level through the forthcoming National Planning Framework.
- It should be noted that site EA200 (Cransfield) is currently allocated within the adopted Local Development Plan 2016 (CD009, pages 197-198). The site was first formerly allocated within the Local Plan 2008 (CD011, pages 190-192).
- The site received an objection as part of the Local Development Plan 2016 (CD009) and therefore formed part of the Examination Report (CD040 – Issue No. 085, pages 396-397) with the Reporter concluding that the retention of the site was justified in respect of the wider housing land requirements. The Reporter suggested no modifications to the allocation of the site noting that whilst in the context of Ashkirk the site represents a significant expansion, the housing land position justified the retention of the allocation. The Reporter noted that careful design would be necessary and that a sensitive approach would be required to ensure that any impact on existing properties could be confined to acceptable levels and that the development management process would enable relevant controls to be applied.
- Taking into consideration the history outlined above, the principle of housing on the site (EA200) has been established through two previous Local Plans. This is the only housing allocation within Ashkirk and it is considered that it provides choice within the wider Central Housing Market Area. The site is a relatively recent allocation and has been on the market in recent years and has been the subject of two planning applications (ref. 08/00955/OUT and 10/01695/PPP) both having ultimately been withdrawn. The landowner (Contributor 907) is active in seeking the delivery of this site which is confirmed in their supporting letter (CD183, page 442). The issues raised by the landowner (Contributor 907) in respect of the site capacity would be determined through the process of a planning application, the figure of 12 units being an indicative figure at this stage. It is considered that the site is of an appropriate scale for the settlement within the Local Development Plan period.
- It is not considered that the development would have a detrimental impact upon the River Tweed Special Area of Conservation provided it is developed in an appropriate manner in compliance with Scottish Environment Protection Agency (SEPA) guidelines. These matters would be considered through the development

management process. The Council's Roads Officers and Transport Scotland have raised no objections in relation to the capacity of the existing road network to accommodate the development. The site requirements note that the site should be served from the minor road to the south of the site (with visibility improvements) and the need for a pedestrian link to be provided from the site to the village. Ashkirk is located immediately adjacent to the A7 trunk road and is therefore well served by the local bus service.

- There is a relatively small area within the central/southern part of the site at risk of surface water flooding (SEPA Flood Hazard, 1 in 10 year). This has not, however, been raised as a matter of concern by SEPA. Any surface water matters would require to be considered during the process of any planning application(s) in consultation with the Council's Flood and Coastal Management Team and SEPA. The Council would not be opposed to a further site requirement being added requiring that surface water drainage is considered and addressed through the planning application process, including runoff within the site and run off from the adjacent land and site boundaries.
- Affordable housing provision within the site will be established through the planning application process, in line with Policy HD1: Affordable Housing Delivery of the Local Development Plan 2016 (CD009) and the Council's Supplementary Planning Guidance on Affordable Housing (CD085).
- The Council has not stated the intention to produce a Planning Brief for this site, having undertaken a review of all sites within the Scottish Borders and set out priority sites within Appendix 3 (Planning Guidance and Standards) of the Proposed Plan. It is considered that the form of the development of this site can be appropriately assessed and established through the planning application process.
- The Community Council's comments in respect of the village hall being the centre of the village and the desire for a village green are not matters which can be dealt with through this process. The location of the village hall at the eastern extremity of the village unfortunately make it difficult for it to physically represent the central focus of the settlement. There are ways, however, that the village hall can be the central focus in a community sense. These desires could be pursued through the forthcoming Local Place Plan for the settlement including the investigation of the possibility of allotments. The Community Council do not wish site EA200 (Cransfield) to be developed in a piecemeal fashion. This is not a matter for the Local Development Plan.
- The issues raised by Contributor 422 in relation to visual impact and privacy/overlooking would be assessed during the process of any future planning application(s) for the site against Policy HD3 – Protection of Residential Amenity of the Local Development Plan. It should be noted that the right to a view is not a material planning consideration. The Council is satisfied that the site could be developed in such a way that would ensure the residential amenity of neighbouring properties is not compromised. It should be noted that the site requirement attached to the allocation within the Proposed Plan seeks to ensure that the existing hedge along the road frontage is retained where possible and that the landscape is enhanced through the planting of small trees. These measures will help ensure that the development of the site will not have an adverse visual impact upon the area.
- As a result of the discussion above it is considered that there should be no change to the settlement profile of Ashkirk in the Local Development Plan from that proposed.

Reporter's conclusions:

1. Gordon Hunter submitted supporting representations but also seeks a change to the proposed plan. Despite omitting him from the list of representations above, the council otherwise considers the changes he seeks to proposed plan site EA200 (above). I am therefore content that no party has been prejudiced.
2. Neither the community council nor the Ashkirk Community make clear what they mean by avoiding site EA200 being developed in a 'piecemeal way'. I take it to mean that they would like the site to be developed in one go rather than as individual plots. How the site is developed could be influenced, to some extent, by the design of the proposal. Even then, the pace at which individual properties are built may depend on the demand for them.
3. Empty plots on The Glebe and Cranfield Drive could be symptomatic of little or no demand for housing in Ashkirk, as some representations argue. However, this could just as easily result from site specific factors relating to ownership and finance, the economy or other explanations. No further details are submitted in representations.
4. Need and demand for housing is determined by a housing need and demand assessment (HNDA) such as that which informed the proposed plan. A more recent HNDA has informed NPF4. Neither establishes need and demand for individual settlements or localities such as Ashkirk, only for Scottish Borders as a whole. The role of the proposed plan is to allocate land to accommodate housing. The total amount of land (Local Housing Land Requirement) and evidence of the associated need and demand are covered separately in Issue 006 (Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement). The evidence there does not allow me to conclude that there is no need or demand in Ashkirk.
5. Site EA200 is already allocated for housing in the adopted Scottish Borders Local Development Plan (2016). Therefore, its continued allocation in the proposed plan does not represent a planning change. The report of examination (2015) indicates that site EA200 was allocated because there was a shortage of housing land. The comparatively lower recommended local housing land requirement in Issue 006 does not, alone, justify deallocation of site EA200.
6. Representations seeking removal of the site do so, predominantly, on grounds of scale, village form or impact upon amenity, infrastructure, natural heritage and/or flood risk.
7. According to the council (above), Ashkirk is not within one of the strategic development areas defined by the proposed plan. However, the map in proposed plan Chapter 4 suggests that Ashkirk is within the Central Strategic Development Area. The examination report (2015) also suggests that it was within the Central Strategic Development Area at that time.
8. Either way, Ashkirk has a limited range of services but is served by dedicated bus shelters and stopping laybys on the adjacent A7. This provides some prospect that future occupants of the site would be in a position to access work and other services/facilities via passenger transport instead of or as well as the car.

9. In the context of the village, an indicative capacity of 12 homes would represent a relatively large extension based on the Ashkirk Map (proposed plan page 240). However, that does not necessarily make it inappropriate. The site owner seeks 18 homes, but the council is correct that the exact number and mix of type, size and tenure, as well as their design and layout would be matters for planning application stage.

10. The Ashkirk Settlement Profile contains a list of site requirements for site EA200. This includes structural landscaping and hedge retention. The council is correct that detailed matters such as impacts of any development on amenity matters, such as privacy, would be a consequence of design. There is also no automatic right to a view.

11. The council, as roads authority, has not objected on grounds of access, road suitability or capacity. I also note site requirements in the proposed plan for visibility improvements to the local minor road and pedestrian links to the village.

12. The submitted Habitats Regulations Appraisal does not suggest that continuation of this allocation would adversely affect the qualifying interests of the nearby River Tweed Special Area of Conservation. NatureScot does not object or advise differently.

13. Despite some acknowledged on-site surface flooding issues, Scottish Environment Protection Agency (SEPA) does not seek removal of the site. Nor does it seek modifications to the site requirements (see Issue 074: Response to submission by SEPA).

14. Representations seeking the exclusion of affordable housing make narrow assumptions about the needs or employment of affordable housing occupants. It is plausible that such housing may allow people already from the area to have their own home (rented or forms of affordable ownership).

15. The existing village hall (and the restaurant and garage) is not in the geographic centre of the village and would not become so as a result of site EA200 being developed. Key greenspace is protected at the church yard (GSASHK001) in the west of the village. No specific sites for allotments or a village green have been identified in representations. Therefore, the council was not in a position to comment on whether such proposals would be acceptable or not. I also have no basis upon which to recommend the protection/allocation of any particular site for those purposes.

16. On the evidence before me, the matters raised could either be resolved through a planning application or do not otherwise justify removal of the site from the proposed plan. No modifications are required.

Reporter's recommendations:

No modifications.

Issue 20	Birgham	
Development plan reference:	Birgham Settlement Profile and Map (ABIRG005 – Land South East of Treaty Park) (pages 244-245)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
Messrs Mitchell and Burn (982)		
Provision of the development plan to which the issue relates:	Housing Site ABIRG005 – Land South East of Treaty Park	
Planning authority’s summary of the representation(s):		
<ul style="list-style-type: none"> • The contributor seeks an amendment to the development boundary and allocation of the site identified for residential development. • The site is free from or could be made free from significant constraints with appropriate mitigation. 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. • The contributor notes that the site has previously been submitted for consideration through various stages of the Plan preparation. They understand that the main issue preventing the site from allocation was the ability to secure a safe vehicular access. 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 20mph. 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. • The Council have identified that the site lies within an area of Prime Quality Agricultural land. 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 contributor states that 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. 		

Modifications sought by those submitting representations:

- Allocation of site (ABIRG005) for housing and an amendment to the existing Development Boundary to reflect this. (982)
- Allocation of this site as a longer-term site, if it is considered that sufficient land has been allocated to meet the identified housing needs of the Plan during the Plan period. (982)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE BIRGHAM SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

Allocation of housing site (ABIRG005)

- The site was submitted at the 'Pre MIR' stage of the Proposed Local Development Plan (LDP) process and was not taken forward for inclusion. The proposed site formed part of a larger site (ABIRG001) which was considered as part of the Scottish Borders Finalised Local Plan Amendment 2009 (CD012) and also included the area to the north. The site assessment for (ABIRG001) sets out the assessment and conclusions (CD118, page 367 - 370). The site was rejected by the Reporter as part of the Local Plan Amendment Examination 2010 and the reasons are set out within the Report of Examination (CD039, refer to Issue 018, pages 52-54). The Reporter concluded 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 proposed site formed part of a larger site (ABIRG004) which was considered as part of the Local Development Plan 2016 (CD009) and differed only slightly to (ABIRG001). The site assessment for (ABIRG004) sets out the assessment and conclusions (CD118, page 329 - 331). The site was not included within the Local Development Plan 2016 and was not included within any Schedule 4's as part of the examination process.
- The contributor has objected to the non-inclusion of the site (ABIRG005) within the Proposed LDP and seeks the inclusion of the site for housing and an amendment to the existing Development Boundary to reflect this.
- The site in question lies to the north east of the Birgham Development Boundary. Birgham itself is a linear village which runs from the north east to the south west. The proposed access is from the A698 along the south eastern boundary of the site. There are no housing allocations proposed within Birgham as part of the Proposed LDP. However, it is noted that there has been recent housing development within Birgham to the east of the village.
- The site (ABIRG005) was submitted and considered at the 'Pre MIR' stage of the Proposed LDP process and a site assessment and consultation was undertaken (CD118, page 3 - 5). The overall site assessment conclusion was 'unacceptable'. There were a number of constraints identified on the site which included the following: flood risk investigations would be required; site is located on prime quality agricultural land and potential archaeology evaluation. Furthermore, the Roads Planning Officer raised concerns and were unable to support the proposal, due to the absence of a suitable vehicular access from the A698. The Roads Planning Officer expanded and advised that the two locations proposed, would fail to provide

appropriate junction visibility requirements due to a combination of factors such as geometry of the road and the position of adjacent buildings. They were unable to see how residential development can be accessed safely. 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 and the owners control. The Roads Planning Service advised that, if the issue can be resolved then they 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. Taking this into consideration, the site was not included within the Main Issues Report (MIR) 2018 (CD008) as a preferred or alternative housing option.

- As part of the recent submission, the contributor has provided additional information in respect of the access into the proposed site. It should be noted that the site boundary itself has not been amended. The contributor states that since the previous site 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 20mph. Furthermore, they state that 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. It should be noted that additional comments from the Roads Planning Service were sought and provided in light of this information (CD154). The Roads Planning Service have advised that, the current speed limit has been reduced to 20mph on a trial basis and there is no guarantee that this reduction in speed limit will remain after the trial period and as such the previous comments regarding access for this site are still applicable.
- Taking on board the recent comments from the Roads Planning Service, it is considered that the conclusion contained within the site assessment (CD118, refer to page 5) remains valid.
- Furthermore in response to the comments raised regarding the housing land supply, Birgham is located outwith any Strategic Development Area set out by the SESplan Strategic Development Plan (SDP) 2013 (CD001, refer to pages 7 to 20). Appendix 2 contained within the Proposed Plan outlines that the housing land requirement figures are taken from the SESplan Proposed SDP 2016 (CD005, refer to pages 44 to 50) and SESplan Housing Background Paper 2016 (CD006, refer to pages 4 to 6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit (HLA) 2019 (CD071, refer to the Introduction, pages 14 to 16) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Issue 6. It is also acknowledged that housing land requirements will be set out at a national level through the forthcoming National Planning Framework.

Prime quality agricultural land

- The comments from the contributor are noted in respect of the prime quality agricultural land. It is acknowledged that many allocations within the Scottish

Borders are located within areas of prime quality agricultural land and it is not a sole reason for not allocating sites for future development. It is one factor which requires to be balanced in the assessment of the site and each site should be assessed on their own merits.

Allocation of the site for longer-term housing

- It is noted that the contributor requests that the site is identified for longer term housing, if it is considered that there is sufficient land allocated to meet the identified housing needs of the Plan. As outlined above, there is an outstanding objection to the development of this site from the Roads Planning Service. Therefore, it is not considered that the site would be suitable for longer term housing, given the current constraint.
- Therefore, taking into consideration the above, it is not recommended that this site is included within the Proposed LDP and the Council does not agree to modify the Proposed LDP in response to this representation.

Reporter's conclusions:

1. There are no sites allocated for housing in Birgham in the proposed plan. This does not mean that the promoted site should automatically be allocated. The council has acknowledged that speed limits on the adjacent A698 have been temporarily lowered to 20 mph as part of a trial. However, this does not appear to alleviate the roads authority's concerns about site access and visibility in relation to the promoted site.
2. Irrespective of the merits or otherwise of this promoted site, Issue 006 (Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement) concludes that there is no need to allocate any more land for housing besides what is already set out in the proposed plan. There is also no justifiable need for further long-term sites.
3. If I did as the representation wishes, I would be asking the council to ignore the above findings, and to plan for long term growth in a settlement that is not within any of the strategic development areas, and which has little in the way of services and facilities. That would almost certainly require travel to access jobs, services and facilities outwith the village. That would seem contrary to the proposed plan's vision and objectives in Chapter 4. No modifications are needed.

Reporter's recommendations:

No modifications.

Issue 21	Broughton	
Development plan reference:	Broughton Settlement Profile and Map (TB200 – Dreva Road, TB10B – Springwell Brae, and ABROU006 – Land South of Kirkbank) (pages 252-254)	Reporter: Philip Barton
Body or person(s) submitting a representation raising the issue (including reference number):		
Shirley Gallacher (015) Laurie and Symington (725) Anne Maria Rennie (1041)		
Provision of the development plan to which the issue relates:	Housing Allocations TB200 – Dreva Road, TB10B – Springwell Brae, and Housing Site ABROU006 – Land South of Kirkbank	
Planning authority's summary of the representation(s):		
<p><u>Shirley Gallacher (015)</u></p> <ul style="list-style-type: none"> The Contributor states that they object profusely to the allocation of site TB200 – Dreva Road as its development would ruin their outlook and that they consider that the road is unacceptable to any more traffic. <p><u>Laurie and Symington (725)</u></p> <ul style="list-style-type: none"> The Contributor states that they seek the allocation of site ABROU006 for residential development. <p><u>Anne Maria Rennie (1041)</u></p> <ul style="list-style-type: none"> The Contributor objects to the allocation of site TB10B stating that access into the site is narrow, and is directly outside their home, with the increase in volume of cars there will be a build-up of fumes. The surface of the road leading to the site is loose, with huge craters that will require resurfacing before work begins. The Contributor has also concerns in relation to parking, the road up the hill to the site is narrow and local traffic struggles, site traffic may prove difficult, and extra traffic after the houses are built will result in long term problems. The Contributor states that the whole development will cause excessive disturbances and pollution that they trust will be resolved before work commences. The Contributor also considers that the proposed development will cause light pollution, although they know that this can be prevented with sensitive lighting. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> Seeks the removal of site TB200 from the Proposed Plan. (015) Seeks the allocation of site ABROU006 for Housing within the Proposed Plan. (725) Seeks the resolution of a number of issues in advance of the development of site TB10B. (1041) 		

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE BROUGHTON SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

Housing Allocations TB200 (015), TB10B (1041)

- It should be noted that the Council are required to allocate sufficient land within the Central, Eastern and Western Strategic Development Areas. Scottish Planning Policy 2014 (CD041, paragraph 119) requires the Local Development Plan (LDP) to allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption. They should provide for a minimum of 5 years effective land supply at all times. Failure to meet this requirement would result in a failure to provide a plan-led system.
- In the consideration of any site for inclusion in the LDP, a full site assessment is carried out and the views of various internal and external consultees (such as Roads Planning, Education, Economic Development, Landscape, Scottish Water, SEPA, and NHS) are incorporated into that assessment. In doing this rigorous site assessment process, the best sites possible are identified. The site assessment also considers many issues in relation to transport and water/sewage infrastructure, as well as other environmental issues such as archaeology, biodiversity, flood risk and landscape.

TB200 (015)

- This site was first formally allocated within the Scottish Borders Local Plan 2008 (CD011, Volume 2, PDF pages 54 to 56) following the recommendation of the Local Plan Inquiry Reporter (Scottish Borders Local Plan Inquiry Report 2007) (refer to CD038, pages 8-1 to 8-3 with Reporters Recommendations on page 8-7 (site reference TB5). The site had been subject to public consultation prior to its inclusion in that Plan.
- The site was then carried forward into the Scottish Borders Consolidated Local Plan 2011 (CD010, Volume 2, PDF pages 64 to 66) for 10 units, and then carried forward again into the Scottish Borders Local Development Plan 2016 (CD009, Volume 2, PDF pages 29 to 32) following the recommendation of the Local Development Plan Examination Reporter (Scottish Borders Local Development Plan Examination Report 2015) (CD040, pages 425 to 428).
- The Scottish Borders Housing Land Audit 2019 (CD071) states that the site contributes 5 units to the effective housing land supply with development programmed for years 24 and 25.
- In relation to the comments regarding roads, it should be noted that the Proposed Plan contains a number of site requirements for site TB200 Dreva Road that includes: "*Vehicular access will be via the Dreva Road, upgrades will be required*". This is therefore an issue that would be dealt with through any future planning application. It should also be noted that the Roads Planning section of the Council support the allocation of this site.
- In addition, it should be noted that any application on the site would be required to meet the provisions of Local Development Plan Policy HD3: Protection of

Residential Amenity (page 79). That policy states that "*Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted*".

- It is therefore contended that site TB200 should continue to be allocated within the Plan.

ABROU006 (725)

- It is noted that site ABROU006 is a new site that has only come forward during the Representation Period of the Proposed Plan, and has not been considered at any other time throughout the Local Development Plan Process. Furthermore it should be noted that the Council undertook a call for sites (Expressions of Interest) from 26 June 2017 through to 7 August 2017 as encouraged by Circular 6/2013 Development Planning (CD059, paragraph 64).
- Following an assessment (CD118, pages 207 to 210) of the site, the site was assessed as 'Unacceptable'. Site specific reasons for the non-inclusion of site ABROU006 are: there are already two allocated housing sites within Broughton and an extant planning consent from the 1970's. The site has limited access to public transport, services and employment. The Roads Planning Officer has advised that they cannot support the proposal, for the following reasons, "*The only viable means of access would be a new junction onto the A701 or the upgrading of the existing access to Kirkbank Farm. Both these access points would be divorced from the main settlement of Broughton without the appropriate infrastructure to support this level of development.*

The access road serving the church is not of a standard to support additional traffic movements due to the narrow nature and limited scope for upgrading. Thus resulting in a development site unable to connect with its surroundings and integrate with the existing settlement.

The allocation of this site would expand the settlement boundary in linear nature along the A701, stretching it beyond the existing speed limit boundary for the settlement. An objective of any principal road is to effectively contain the speed restrictions for settlements and allow the safe and expeditious movement of longer distance traffic".

In addition, the Archaeology Officer stated that "*The site is surrounding much of the Medieval church (a Scheduled Monument) and churchyard of Broughton Old Parish Church. The churchyard could have extended beyond current limits, so there is a moderate to high potential as this site of the village as shown by early mapping of the area.*

Development would need to consider the setting of the Scheduled Monument as per Managing Change in the Historic Environment: Setting guidance. At the very least evaluation work would be required. Design of the development may help lessen any archaeological requirements".

- It is considered that the new sites brought forward through the Proposed Plan allow for a generous distribution of housing land as required by Scottish Planning Policy (SPP) 2014 (CD041, paragraph 110).
- Broughton is located outwith any Strategic Development Area set out by the SESplan Strategic Development Plan (SDP) (CD001, refer to pages 7 to 20). Appendix 2 contained within the Proposed Plan outlines that the Housing Land Requirement figures are taken from the Proposed SESPlan SDP (CD005, refer to pages 44 to 50) and Housing Background Paper (2016) (CD006, refer to pages 4 to 6) and demonstrates that the Proposed LDP meets the provisions in providing

sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit (HLA) (2019) (CD071, refer to the Introduction, pages 14 to 16) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Issue 6. It is also acknowledged that housing land requirements will be set out at a national level through the forthcoming National Planning Framework.

- As a result it is not considered that there is any requirement for additional housing sites in Broughton as more appropriate sites are available within the Housing Market Area and wider Scottish Borders.
- It is therefore contended that site ABROU006 is not appropriate and should not be allocated within the Local Development Plan.

TB10B (1041)

- This site was first formally allocated within the Scottish Borders Local Plan 2008 (CD011). It should be noted that the site was not subject to representations and therefore its allocation was not considered by the Local Plan Inquiry Reporter (Scottish Borders Local Plan Inquiry Report (CD038, pages 8-1 to 8-7 deals with representations in relation to Broughton).
- In respect to comments regarding roads, it should be noted that the Council's Roads Planning Section and Network Manager have been involved in the production of the Proposed Local Development Plan and support the allocations included within the Proposed Local Development Plan. It is noted that the site requirements for site TB10B includes: "*Vehicular access to be achieved from Springwell Brae. Upgrades along the Dreva Road will also be required*". Furthermore issues in relation to parking and lighting can be discussed at planning application stage. The Contributor would be able to comment on any planning application that is put forward.
- In respect to issues in relation to potholes, whilst this is not a Local Development Plan matter, details of how to report a pothole can be found at the following webpage on the Council's website:
https://www.scotborders.gov.uk/info/20031/roads_and_pavements/616/report_a_pot_hole_or_road_problem.
- In respect to comments regarding pollution and fumes, the Council considers that communities throughout the Scottish Borders should have access to sustainable transport options and provision for electric vehicle charging. It is important that any new development and associated road traffic does not have significant adverse impact on air quality either through the exacerbation of existing air quality problems or the introduction of new sources of pollution where they would impact on sensitive receptors. Where possible, the Council has sought to minimise any potential impacts by allocating sites near to local services, although due to the geographic nature of the Scottish Borders, it is acknowledged there will always be considerable reliance on car usage. New development will also support the change to a low carbon economy by ensuring it does not have a detrimental effect on air quality by encouraging renewable energy options and low emission technologies within the design. The Council acknowledges that when considered in isolation, a single development is unlikely to have a significant impact on local air quality and may not trigger the need for an Air Quality Assessment.

- It is therefore contended that site TB10B should continue to be allocated within the Plan.

Reporter's conclusions:

TB200 (015)

1. This allocation has been carried forward from the existing local development plan (2016) and, according to the council, was first formally allocated within the Scottish Borders Local Plan (2008). So, information about the potential residential development of this site has been in the public domain since before 2008.
2. There is no legal right to a private view and the need for Dreva Road to be upgraded in order to service the site is recognised by the council as a constraint on page 253 of the proposed plan (as, indeed, it is on page 215 of the existing plan). Moreover, the council's roads planning section does not object to this allocation, which is a strong indication that this constraint could be overcome at planning application stage.
3. Resolution of any dispute relating to a burden attached to a lease would be a legal matter, to be remedied through the courts. Consequently, the potential for a civil dispute to arise as a result of this allocation being developed would not constitute sufficient grounds to delete it from the proposed plan.
4. Issues such as the height and overall size of dwellings to be built on the allocation are matters more appropriately considered at planning application stage, at which time the representor would have an opportunity to comment. No modification is required.

ABROU006 (725)

5. The principal site constraints identified by the council are securing adequate vehicular access from and to the A701 and the potential effects of development upon a scheduled monument and its setting. Furthermore, ABROU006 is located outside both the settlement boundary and any strategic development area.
6. Irrespective of the merits or otherwise of this promoted site, Issue 006 (Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement) concludes that there is no need to allocate any more housing land besides what is already set out in the proposed plan. No modifications are required.

TB10B (1041)

7. Many parts of Scottish Borders are more likely to be structurally reliant upon car travel due to the dispersed nature of population and services. However, this does not mean that existing and future residents should be forced to endure unacceptable levels of air pollution from traffic fumes. All proposals would need to accord with the development plan as a whole. This would include proposed Policy EP16: Air Quality. Paragraph 1.1 on page 143 of the proposed plan states "Scottish Borders has no areas where air quality is an issue, and the Council is keen to maintain this standard".
8. Moreover, the text of proposed Policy EP16 states "where it is considered appropriate the Council may request that an Air Quality Assessment is undertaken to

assist determination of an application”. Also, paragraph 1.1 on page 156 of the proposed plan states “the Council will support and promote the development of a network of electric vehicle charging stations by requiring provision to be considered as an integral part of any new development”. The proposed plan therefore addresses the need to preserve and improve air quality generally.

9. The need for Dreva Road to be upgraded to service the site is recognised by the council as a constraint on page 253 of the proposed plan. Support for this allocation by the council’s roads planning section strongly indicates that this constraint could be overcome at planning application stage.

10. Parking would be a management issue for the council and the imposition of any necessary parking restrictions would not require the support of a development plan policy.

11. If access for construction traffic were to be an issue, a condition could be attached to any planning permission, requiring a site management plan to be agreed prior to development commencing and adhered to throughout the course of development.

12. As the representation points out, any issues of light pollution could be addressed by condition. Moreover, all proposals would need to accord with the development plan as a whole and criterion h) of proposed Policy PMD1: Sustainability indicates that developers would be expected to minimise light pollution. No modification is necessary.

Reporter’s recommendations:

No modifications.

Issue 22	Cardrona	
Development plan reference:	Cardrona Settlement Profile and Map (SCARD002 – Land at Nether Horsburgh and ACARD003 – West of Cardrona) (pages 257-259)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Peebles Rugby Club (070) Luke Gaskell (073) Peebles & District Community Council (122) Ian Lindley (591) Peebles Civic Society (769) Anthony Newton (798) Renwick Country Properties (807) Elaine Wright (938) NatureScot (983) Catriona Johnstone (994) Liam Jack (1003)</p>		
Provision of the development plan to which the issue relates:	Longer Term Mixed Use Site SCARD002 – Land at Nether Horsburgh and Housing Site ACARD003 – West of Cardrona	
Planning authority's summary of the representation(s):		
<p><u>Peebles Rugby Club (070)</u></p> <ul style="list-style-type: none"> The Contributor notes that site SCARD002 is currently used for the annual Peebles Agricultural Show, previously that show was held at Hay Lodge Park in Peebles. Since the Agricultural Show moved to Nether Horsburgh, it has been able to expand and has developed into a very successful annual event. The Haylodge Park is now currently used by the Peebles Rugby Club for training and the Club estimates that over £180,000 was spent on new drainage, replacement surfaces and the surrounding area. The Contributor states that site SCARD002 should be protected as agricultural land and should not be identified as suitable for development. <p><u>Luke Gaskell (073)</u></p> <ul style="list-style-type: none"> The Contributor states that they do not approve of the further expansion of this dormitory settlement and object to the provisional inclusion of the haugh fields of Nether Horsburgh on some of the best agricultural land in the area. This proposal will be very damaging to this very beautiful part of the Tweed Valley where tourism is of considerable importance, and the settlement has very few facilities. Allocating more housing land around Peebles would be difficult but it would be much better option than expanding Cardrona. <p><u>Peebles & District Community Council (122)</u></p>		

- The Contributor objects to the identification of site SCARD002 within the Proposed Plan. The site was identified by independent consultants - LUC. The Contributor states that the site should not have been included without full assessment of all aspects of the likely locational specific economic/tourism, community and amenity effects of the scheme. Development at this location would not be in line with Policy PMD2 Quality Standards. In identifying the site the consultants omitted to identify that the site is the agricultural showground and has been for more than 10 years, the Proposed Plan also omits this information. Previously the show was held at Haylodge Park but it was deemed to be no longer suitable and was moved. The agricultural show is a linchpin of rural life, one of the highlights of the Peeblesshire year, and is central to the success and wellbeing of the farming industry, not only in Peebles but in the whole of the Scottish Borders. There is also a significant spin off for tourism during the show. No suitable alternative site exists. This was raised in the responses to MIR2, but this point was not answered. It is not practicable for the show to revert to Haylodge Park, its original venue, due to traffic constraints, parking, cattle on the rugby pitches and the inadequate size of the park's flat areas. Furthermore it may be considered that the site would only be an expansion of the existing community of Cardrona. However, the village of Cardrona is mainly hidden from view and has little impact upon the Special Landscape area (SLA). Not so for the proposed development which would be visible from all directions and consequently have a disproportionate impact on the scenic area which currently has beautiful views in all directions. The policy EP5 makes a requirement that this type of area should be preserved and protected. Peebles Community Council strongly suggest that the existing site could be enhanced by developing it in a similar way to that of Springwood Park in Kelso including a hardened area for parking and an indoor venue.

Ian Lindley (591)

- The Contributor objects to the identification of site SCARD002 within the Proposed Plan stating that whilst Cardrona enjoys some level of containment, site SCARD002 clearly intrudes into the open countryside at a key and extensive focal point of the valley and has no natural containment. Any future screen planting would also be alien within the landscape. The Contributor suggests that an alternative area for development could be located at the western and southern edge of the B7062.

Peebles Civic Society (769)

- The Contributor states that they object to the site SCARD002 as it is totally inappropriate development. The site currently accommodates the annual Agricultural Show and there is no suitable alternative site for the event. The proposed development would have an alarming impact on the Tweed Valley Special Landscape Area and any development would be very prominent in the landscape and would contravene Policy EP5. The development would be separated from Cardrona Village by the Tweed, a golf course and the A72 essentially creating a new village. The Contributor notes that Council's Landscape response and states that they argue that the inclusion of this site is premature without a comprehensive feasibility study to prove that it is "workable". The Council appears to ignored all community concerns and interests in this instance.

Anthony Newton (798)

- The Contributor states that site SCARD002 is a terrible idea and flies in the face of statements elsewhere about Placemaking, Sustainable Development and actually caring about the Tweed Valley Special Landscape Area. Development at this location would be very prominent and not hidden, as Cardrona village currently is and contravenes Policy EP5. The rerouting of the A72 would add to the impact of the development. This would not lead to an expansion of a coherent settlement, as the Nether Horsburgh is separated from Cardrona by the A72, the River Tweed and a golf course. The Plan fails to state that the site is currently the successful home of the annual Peebles Agricultural show and is important not only socially but economically, and there is no other suitable site. There has also been no a comprehensive feasibility study to prove that site SCARD002 is “workable”.

Renwick Country Properties (807)

- The Contributor seeks the allocation of site ACARD003 (NB, it is noted that the Contributor refers to site ACARD001 in error) for housing. A Landscape, Visual and Capacity Appraisal has been included in the submission. The submission includes recommendations and mitigation measures which would positively enhance the site in terms of its landscape character and value, and help to manage the impact of housing on the visual amenity of the site. An indicative Masterplan is also included in the submission. The Contributor states that the site has the capacity to accommodate 30-40 new housing units. The development of the proposed site would be incorporated within the existing character of Cardrona and would therefore create an extended settlement boundary that is natural and appropriate.
- Whilst the Contributor states that it is positive that Cardrona has been identified as suitable for expansion, they object to the inclusion of site SCARD002 within the Plan (mention is also made to two sites that were also included within the Main Issues Report at Eshiels MESH1001 and MESH1002). They state that the allocation of land to the north of Cardrona (SCARD002), has not fully proven to be in line within the associated SEA criteria nor be deliverable in the short to medium term. The Contributor considers that site SCARD002 would have a far more significant impact on the landscape and with no real relationship with the existing settlement than their proposed site ACARD003.

Elaine Wright (938)

- The Contributor states that site SCARD002 is used for the Agricultural Show. They also state that they cannot find any mention in the Development Plan regarding this showground. The Peebles Agricultural Show exists and should continue to. The Contributor questions what is the planning for the Agricultural Show.

NatureScot (983)

- The Contributor states that they understand that site SCARD002 is allocated as a potential longer-term safeguard and that it will be subject to review. Nevertheless, they state that they reiterate their previous advice on this site, which emphasised the likely difficulty of mitigating both landscape and visual impacts of development in this location. As a potential longer-term safeguard, there is time available in which to undertake further work to explore potential impacts, opportunities and requirements to either avoid or deliver these. The Contributor states that they support the recommendation of the Council’s Landscape Officer that a masterplanning exercise

should be carried out with a view to demonstrating how this site could be delivered sustainably and with mitigated impact on the Special Landscape Area.

Catriona Johnstone (994)

- The Contributor objects to the proposed development on site SCARD002 as they don't believe any development at this location is in keeping with the beautiful landscape that currently surrounds the site. The site is an area of outstanding natural beauty and as the drive up to Glentress is frequented by a large number of tourists who are attracted by the views. Development at this location would detract from the appealing landscape.

Liam Jack (1003)

- The Contributor objects to any development at the land at Nether Horsburgh SCARD002 as its development would substantially detract from the beauty of the countryside. The area is within a green belt and is currently active agricultural land and already serving a useful purpose to the SBC and the local economy. The site has been declared not for sale and compulsory purchases as an option are messy and unethical. Changing the land use on this side of the road will of course make it easier to further develop the surrounding fields. The Contributor questions if flooding issues, ecology impacts and historical and ancient monument interests have been taken into account.

Modifications sought by those submitting representations:

- Seeks removal of the site SCARD002 from the Plan. (070, 073, 591, 769, 798, 807, 938, 994, 1003)
- Seeks removal of site SCARD002 and enhancement of the area by the development of a hardened area for parking and an indoor venue. (122)
- Seeks allocation of site ACARD003 (807)
- In relation to SCARD002 Contributor 983 seeks that further work to explore potential impacts, opportunities and requirements to either avoid or deliver these is undertaken. (983)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE CARDRONA SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

Longer Term Mixed Use Site SCARD002 – Land at Nether Horsburgh

Peebles Rugby Club (070), Luke Gaskell (073), Peebles & District Community Council (122), Ian Lindley (591), Peebles Civic Society (769), Anthony Newton (798), Renwick Country Properties (807), Elaine Wright (938), NatureScot (983), Catriona Johnstone (994), Liam Jack (1003)

- The Council has a duty to review its plans periodically and ensure a continuous housing land supply throughout the Scottish Borders. The identification of sites

within the Local Development Plan to meet future requirements is supported by Scottish Planning Policy (SPP) 2014 (CD041, paragraph 50). The SPP states in paragraph 50 that “*In developing the spatial strategy, planning authorities should identify the most sustainable locations for longer-term development ...*” and in paragraph 122: “*Local development plans should allocate appropriate sites to support the creation of sustainable mixed communities and successful places and help the continued delivery of new housing*”. In addition, the Council must consider site allocation options in places where there is developer and market interest, hence the need to consider appropriate sites in and around Cardrona.

- It should be noted that the Council commissioned the ‘Western Rural Growth Area: Development Options Study’ (CD082). The purpose of the Development Options Study was to identify and assess options for housing and employment land in the Western Rural Growth Area/Strategic Development Area. Whilst the western area has a considerable amount of undeveloped allocated housing land, it should be noted that much of this is within Innerleithen and Walkerburn which have more limited housing market interest. Historically Peebles has a vibrant market for housing development and the development industry will continue to seek further land in this area to meet demand. However, due to a number of physical and infrastructure constraints further housing site options are limited. Consequently consultants were appointed to prepare a study to identify both potential short (within the time frame of the Local Development Plan (LDP)) and long term (beyond the LDP time frame) housing options as well as to identify sites for business/industrial use and their findings have influenced the sites included within the Proposed Plan.
- In relation to the Development Options Study, it is noted that that the study was carried out by consultants to identify site options within the vicinity of Peebles. The study findings informed the potential site options set out in the Main Issues Report and then the new sites included within the Proposed Plan. Site SCARD002 was identified within the study.
- Site SCARD002 was identified within the Scottish Borders Main Issues Report (CD008, page 39) for Longer Term Mixed Use within the Tweeddale Locality. The site assessment for site SCARD002 (CD118, pages 214 to 217) concluded that the site is acceptable and following public consultation it was then subsequently taken forward into the Proposed Local Development Plan. It should be noted that longer term sites are not formal allocations within the Plan, rather areas identified for potential development in the future.
- It is noted that site SCARD002 is identified as a “*Potential Longer Term Mixed Use (subject to review)*” within the Proposed Plan. The sites are subject to review as part of the next Local Development Plan review which provides the opportunity to reassess the situation alongside other proposals and other potential opportunities within the Housing Market Area prior to being released for development.
- The site benefits from a number of site requirements and includes: “*A masterplan to be prepared*”. It is considered that the site requirements set out in the settlement profile deal with the issues to be addressed which were identified through the site assessment process. It is contended that this site is appropriate for Longer Term Mixed Use and all concerns have been satisfactorily addressed.
- Whilst Cardrona currently has limited services and facilities within the settlement, it is in easy access to other settlements most notably Innerleithen and Peebles. Most services and facilities are therefore within a 5 or 10 minute drive away. In addition, it is noted that it is intended that site SCARD002 would come forward for mixed use development, thereby allowing the opportunity for additional services and facilities to be accommodated.

- In the consideration of any site for inclusion in the LDP, a full site assessment is carried out and the views of various internal and external consultees (such as Roads Planning, Education, Economic Development, Landscape, Scottish Water, SEPA, and NHS) are incorporated into that assessment. In doing this rigorous site assessment process, the best sites possible are identified. The site assessment also considers many issues in relation to transport and water/sewage infrastructure, as well as other environmental issues such as archaeology, biodiversity, flood risk and landscape.
- In respect to comments regarding potential impact on this high quality landscape of the Tweed Valley and the location of the site within the Special Landscape Area, it is accepted that the site is located within an attractive landscape. However, it should be noted that the Development Options Study (CD082, paragraph 5.17) states that *“This site comprises a large, flat area north of the A72 and to the north of Cardrona. A single row of houses at Horsburgh Ford faces the site, with approved plans for more development at this location, close to the Macdonald Hotel. It is overlooked from a long, straight section of the A72, but is not especially prominent in the wider landscape. Although close to Cardrona, development here would not be strongly linked to that settlement due to the A72 passing through. This site was included on the basis that it could be taken forward as a wider masterplan for the area, with potential for major infrastructure changes to tie development into the existing settlement and create a new ‘village’ structure in this location”*.
- Furthermore, it is noted that the Council’s Landscape Section stated: *“If a Masterplanning exercise can demonstrate that this site on the north side of the A72 can successfully be connected to the Cardrona settlement to the south of the A72 and the Tweed, and that a scheme of mitigation planting would avoid diminishing the quality of this part of the Tweed valley SLA, this site has potential as a mixed use development. The re-alignment of A72 might help to create a development more unified with the existing settlement to the south”* (refer to 118, page 215).
- It is noted that a number of Contributors highlight that the site is separate from the Cardrona village. However, throughout the Scottish Borders there are a number of historic settlements that have separate and distinct parts, yet are considered as a single settlement. Examples include, Eddleston, Foulden, Romannobridge, Skirling, Smailhom, Stow, Traquair, Yarrowford, and Yetholm. It must also be noted that the close by settlements of Peebles, Innerleithen and Walkerburn have successfully been developed on either side of the A72. It is therefore considered that in the case of Cardrona and site SCARD002, even with the separation as a result of the River Tweed and the A72, through proper and careful masterplanning there is still the potential to create an appropriate expansion to the settlement.
- It is also noted that a number of the Contributors have made reference to policies PMD2 Quality Standards (page 41) and Policy EP5 Special Landscape Areas (page 114) and consider that the development of site SCARD002 would contravene those policies. However Policy PMD2: Quality Standards seeks that all new development will be designed to fit with the Scottish Borders townscapes and to integrate with its landscape surroundings. It should be noted that the policy acknowledges that in some locations, the local environment will be more sensitive to change than in others. In respect of ‘Placemaking and Design’, bullet point ‘K’ states that in relation to the new development: *“it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form”*. In respect to Policy EP5: Special Landscape Areas, that policy aims to ensure that local areas of identified landscape quality, known as Special Landscape Areas (SLA) are afforded adequate protection against inappropriate development and that

potential maintenance and enhancement of the SLA is provided for. However, it is also noted within the policy introduction that as a local designation, the protection is less stringent than needs to be the case for National Scenic Areas. Development that complies with other countryside policies and is in line with the Council's commitment to high quality design and siting may be able to be satisfactorily accommodated in the landscape. It is contended that the masterplan exercise and the planning application process via Development Management will ensure relevant LDP policy tests are fully complied with.

- The Council notes the comments from Contributor 983 that there is time available in which to undertake further work to explore potential impacts, opportunities and requirements to either avoid or deliver these, and that a masterplanning exercise should be carried out with a view to demonstrating how this site could be delivered sustainably and with mitigated impact on the Special Landscape Area.
- In respect to comments regarding impact on tourism, it is noted that VisitScotland were consulted on the Proposed Plan and did not object to the identification of site SCARD002 within the Proposed Plan.
- In respect to comments regarding the use of the site for the Agricultural Show, the Scottish Forestry who own the land, are a statutory consultee in the Development Plan process and will continue to be involved. It is also noted that the Council did not receive any objection from the Scottish Forestry to the inclusion of site SCARD002 within the Main Issues Report or to the Proposed Plan. In addition, Scottish Forestry are aware of the inclusion of proposed site SCARD002 within the Proposed Plan.
- With regards to the Peebles Agricultural Show, it has been located on site SCARD002 for under 10 years and was previously held in Peebles. It should be noted that the event takes place at this location with the agreement of the landowner. It is therefore feasible that it may be located elsewhere in the future. It is noted that Contributor 122 suggests that the site could be developed in a similar way to Springwood Park in Kelso (Borders Events Centre) however, this is something that could only be done in agreement with the landowner. Many land owners will consider potential opportunities for alternative uses on their land. However, it should not be the case that any such land owner who has leased out their land to other uses should be penalised for such actions and that they must continue to allow current uses to take place. Any land owner can decide how they wish their land to be used and it is not the duty of the Council nor other users to dictate this.
- It should be noted that whilst the site is currently in agricultural use, the land is not identified as Prime Quality Agricultural Land. The identification of some greenfield / agricultural land is inevitable. In addition, the land is not located within any greenbelt designation.
- It is noted that Contributor 807 states that there is an alternative site - site ACARD003 as submitted for housing site. The reasons for opposing this site are stated below.
- Of all the sites considered as part of the Development Options Study it is contended that site SCARD002 is appropriate and the best option for its purpose and should be identified as a Longer Term Mixed Use site within the Local Development Plan.

Housing Site ACARD003 – West of Cardrona

Renwick Country Properties (807)

- It is noted that site ACARD003 was submitted for consideration during the Main Issues Report Consultation. Furthermore it should be noted that the Council

undertook a Call for Sites (Expressions of Interest) from 26 June 2017 through to 7 August 2017 as encouraged by Circular 6/2013 Development Planning (CD059) (paragraph 64).

- Paragraph 64 of Circular 6/2013: Development Planning (CD059) states that: *“Many authorities run a “Call for Sites” prior to preparing the Main Issues Report. This is not a requirement of the legislation, but it can be a useful part of the process. This stage allows landowners and prospective developers to put forward for consideration by the planning authority the sites for which they have an aspiration for development. It is important in meeting the requirements for strategic environmental assessment that full information on sites and alternative options is submitted early and not held back until the later stages of plan preparation or even the Examination. Promoters of sites would be advised to respond positively at this point, and to provide the necessary evidence to justify their site’s inclusion as a preferred option at the Main Issues Report stage. Engaging at this early stage is likely to ensure that the planning authority is able to properly assess the merits of the proposal, with it being more likely to be subject to public engagement and strategic environmental assessment at the Main Issues Report stage and to neighbour notification at the Proposed Plan stage (should the planning authority propose that the site be allocated in the plan). Even if a site is not included in the Proposed Plan, evidence of it being subject to community engagement will be useful if the issue is considered at a subsequent Examination, helping ensure that the reporter is furnished with the necessary information to reach a conclusion, and if appropriate to recommend a modification to the plan.”*
- In respect to site ACARD003, after assessment (CD118, pages 211 to 213), the inclusion of this site within the Plan is seen as Unacceptable. This site is unacceptable as it is constrained in terms of archaeology and landscape. Cardrona has already seen substantial residential development in recent years. An enlarged site at this location was previously considered by the Local Plan Reporter who considered the objections into the Finalised Local Plan 2005 and who stated that development should not extend south of the B road. The Reporter also commented that *“The new building frontage would be obvious to those passing through on this road, as it would form what would be essentially ribbon development ... far from improving the character of the road, I consider that this would be very unwelcome and out of character on what is essentially a very scenic rural road, not a housing access.”* It is also noted that at this time, Cardrona already benefits from an undeveloped mixed use allocation, site MCARD006 for 25 units.
- The Proposed Local Development Plan already allows for a generous supply of housing land as required by Scottish Planning Policy 2014 (CD041, paragraph 110).
- Cardrona is located within the Western Strategic Development Area set out by the SESplan Strategic Development Plan (SDP) (CD001, pages 7 to 20). Appendix 2 contained within the Proposed Plan outlines that the Housing Land Requirement figures are taken from the Proposed SESPlan SDP (CD005, refer to pages 44 to 50) and Housing Background Paper (2016) (CD006, refer to pages 4 to 6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit (HLA) (2019) (CD071, refer to the Introduction, pages 14 to 16) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Issue 6. It is also acknowledged that housing land

requirements will be set out at a national level through the forthcoming National Planning Framework.

- As a result it is not considered that there is any requirement for additional housing sites in Cardrona as more appropriate sites are available within the Housing Market Area and wider Scottish Borders.
- It is contended that site ACARD003 is not appropriate and should not be allocated within the Local Development Plan.

Reporter's conclusions:

Longer-Term Mixed-Use Site SCARD002 – Land at Nether Horsburgh

1. Site SCARD002 is one of several that the proposed plan identifies as longer-term sites for mixed-use or housing. These sites are not formally allocated in the proposed plan and are not expected to deliver development during the plan period. Identifying sites of this kind was consistent with national planning policy at the time the proposed plan was submitted and continues to be so now.
2. SCARD002 was identified as a longer-term site following a development options study (CD082) commissioned by the council. I understand that study to have originated from the council's finding that the northern Housing Market Area, and the Western Strategic Development Area in particular (where SCARD002 is located) have a shortage of employment land. I also understand that development sites in general can often be constrained in this area due to factors such as terrain and flood risk.
3. Many representations are concerned that allocating this site would threaten the future of the annual Peebles Agricultural Show (the Show), which uses this site. On my site inspection I saw no sign of formal showground facilities. In my view, this is an agricultural field which is used for a short space of time each year to accommodate the Show. The present site owner, Scottish Forestry has not objected to site SCARD002. The long-term identification of SCARD002 would not remove the Show from the site in the short or even the medium term. It is plausible that the Show could itself move in future or be asked to by the landowner, irrespective of whether site SCARD002 proceeds.
4. I recognise the preference in some representations that brownfield land should be used instead. However, I also accept the council's point that this is an extensive rural area and there is some inevitability that greenfield sites will be needed. Despite some suggestions to the contrary, the council confirms that the site is not prime agricultural land.
5. Various parties are concerned about the impact that development of the site would have on the landscape. For clarity, this area is not an Area of Outstanding Natural Beauty (AONB), that is a landscape designation that does not apply in Scotland. The site, however, forms part of the River Tweed Special Landscape Area (SLA), which is a local development plan designation.
6. Scottish Natural Heritage (now NatureScot) predicts there to be a high potential for adverse landscape impacts as a result of this site being developed. However, it also agrees with the council's landscape officer, that "If a Masterplanning exercise can demonstrate that this site on the north side of the A72 can successfully be connected to

the Cardrona settlement to the south of the A72 and the Tweed, and that a scheme of mitigation planting would avoid diminishing the quality of this part of the Tweed valley SLA, this site has potential as a mixed use development. The re-alignment of A72 might help to create a development more unified with the existing settlement to the south.” The council’s roads officer also acknowledges the potential to realign the A72 and to incorporate it into more of a “high street” rather than “bypassing Cardrona”.

7. I agree that site SCARD002 is presently detached from Cardrona. However, the intervening space is likely to change with the development of site MCARD006, which is allocated for mixed-uses, including 25 homes and business uses. This is anticipated to densify the land around the existing row of houses along the south side of the A72 and the hotel, which would contribute to diminishing the present detachment.

8. The matters raised in representations do not justify automatic deletion of the site from the proposed plan. I accept that there are numerous matters identified in the site assessment that need to be overcome. However, the masterplanning exercise referenced by NatureScot and the council’s landscape officer may offer some opportunity to explore whether and how the above detachment and landscape impact matters could best be resolved. However, I do not have those answers before me and so I am not persuaded either way. This is presently a long-term site, and it would be for a future local development plan review to decide whether or not to allocate the site. That is not a matter for this examination. The site requirements on proposed plan page 258 otherwise require the various matters to be resolved at planning application stage where any design and layout would be considered against the relevant policies. No modifications are required.

Housing Site ACARD003 – West of Cardrona

9. Promoted site ACARD003 is located on greenfield land outside of the settlement boundary along the western side of the B7062. This land also forms part of the River Tweed SLA. Some parts of the site would be fully or partly screened from view by existing vegetation and trees on the eastern and northern side of the B7062. However, the site is on higher ground than the adjacent village, which could limit the effects of present screening. Such matters would be affected by the design and layout of development.

10. It is unlikely that this promoted site would have any physical impact upon the scheduled standing stone at the northern end of the proposal on the opposite side of the B7062. However, it is less clear whether it would lead to significant adverse impacts on the integrity of the setting of that scheduled monument. That would depend on the nature of both proposed development and how that affects the understanding, appreciation and experience of the scheduled monument and its setting.

11. Renwick Country Properties (807), the site promoter, believes that the impacts of this site could be satisfactorily mitigated. Irrespective of the merits or otherwise of this promoted site, Issue 006: Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement concludes that there is no need to allocate any additional land for housing besides what is already contained in the proposed plan. No modifications are required.

Reporter's recommendations:

No modifications.

Issue 23	Cockburnspath	
Development plan reference:	Cockburnspath Settlement Profile and Map (ACOPA008 – Land to North of Dunglass Park) (pages 272-274)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
Dunglass Estate (808)		
Provision of the development plan to which the issue relates:	Housing Site ACOPA008 – Land to North of Dunglass Park	
Planning authority’s summary of the representation(s):		
<ul style="list-style-type: none"> • Requests the inclusion of the land to the north of (BCO4B) as a housing allocation, in the final Local Development Plan 2. • The land can either be included alongside the two existing allocations or it can be substituted to replace the existing allocation (BC10B). • Considers 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. • It is now approaching 15 years since the consent was issued for (BCO10B). The contributor is not aware of any further update in terms of development of the site. It is approaching 16 years since consent was issued at the (BCO4B) site and they remain unaware of any houses being built. The contributor understands 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. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • Inclusion of land to the north of (BCO4B) as a housing allocation, to either be included alongside the two existing allocations or substituted to replace the existing allocation (BC10B). (808) 		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE COCKBURNSPATH SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS:</p> <p><u>Allocation of housing site (ACOPA008) (808)</u></p> <ul style="list-style-type: none"> • It should be noted that the southern part of the proposed site (ACOPA008) was previously considered as part of a larger site (BC05) through the Local Plan 2008 process (CD011). The site (BC05) was subject to examination and the Reporter 		

stated within the Local Plan Inquiry Report 2007 (CD038, refer to site BC05, Chapter 11 Berwickshire HMA, page 11-11) that there was '*merit in considering at least the northern part of (BC05), (immediately to the north of the allocated (BCO4B) site), as a possible direction for limited longer term expansion of Cockburnspath beyond the Local Plan period*'. Furthermore, the Reporter stated that the site '*could be regarded as a natural extension to the village and a consolidation of the village in the context of new housing development that has already been permitted immediately to the north of Pathhead House. Its limited scale would probably mean that it could be accessed satisfactorily via (BCO4B)*'. The Reporter acknowledged that the area was identified within the adopted and proposed LDP's as the preferred area for future expansion within Cockburnspath.

- The proposed site (ACOPA008) was submitted at the Main Issues Report 2018 (CD008) stage of the Proposed Local Development Plan process. Further to the submission, a consultation and site assessment (CD118, refer to pages 7 - 10) were undertaken for the site, which did not raise any insurmountable reasons why the site could not be developed in the future. However, the site assessment concludes that although the adopted Local Development Plan (LDP) 2016 (CD009) states that the preferred area for future expansion lies to the north of Cockburnspath, it is noted that there are two existing allocated sites within the adopted LDP, which are not yet completed (BCO4B & BCO10B). (BCO4B) lies directly to the south of the proposed site. Given that the site (BCO4B) has only partially been developed and no building works are currently on site, it is considered that the allocation of any additional land to the north of (BCO4B), at this moment in time, would be premature. Any additional release of land to the north should wait until such time that (BCO4B) is complete or near complete, in order to avoid a development to the north which is effectively separated from the rest of the settlement.
- The contributor states that if the council considers three housing allocations too many in Cockburnspath, the proposed site (ACOPA008), could substitute the existing allocation (BCO10B). This was also previously included as part of the MIR submission. The site assessment concluded that this still does not address the issue raised above, that (BCO4B) should be complete or near complete before the proposed site (ACOPA008) is allocated for development.
- The contributor also questions whether the existing allocations (BCO4B & BCO10B) are effective or deliverable, given the length of time since any previous consent was issued. However, it should be noted that since the recession overall completion rates for the whole of the Scottish Borders have been low. The Housing Land Audit 2019 (CD071, refer to the Introduction, page 18) recorded 345 completions, of which 67 units were in the Berwickshire Housing Market Area (HMA). The existing allocations (BCO10B & BCO4B) allow a range and choice of housing sites within the wider Berwickshire HMA. It is considered that there is sufficient housing land within Cockburnspath for the Proposed Local Development Plan period, which includes 84 units in the established housing land supply (2019 HLA). Furthermore, there are 2,120 units in the established housing land supply within the wider Berwickshire HMA (2019 HLA).
- In conclusion, taking the above into consideration, the Council does not agree to modify the Proposed Local Development Plan in response to this representation.
- It is accepted that his site may be an appropriate extension in the future, although at this point in time it is acknowledge that it is not required although could be brought forward if the reporter considers necessary.

Reporter's conclusions:Allocation of housing site ACOPA008 – Land North of Dunglass Park (808)

1. Site ACOPA008, Land North of Dunglass Park, lies to the north of Cockburnspath. It comprises agricultural land with an indicative capacity of 28 housing units and is being promoted by Dunglass Estate either in addition to the two housing allocations in the proposed plan or in place of one of those allocations, namely site BCO10B, Burnwood, at the opposite end of the village.

2. The two allocations in Cockburnspath, BCO10B and BCO4B, have been rolled forward from the 2008 local plan and the Adopted Local Development Plan (2016), during which time they have remained undeveloped. They have a combined indicative capacity of 85 units. One of these (Dunglass Park, BCO4B), which stands adjacent to the promoted site was granted permission for 45 units over 15 years ago. An access road was laid out, but this is now overgrown, and development has ceased. At the southern end of the village, the Burnwood site (BCO10B) was granted permission for 28 dwellings in 2006, but development has not progressed.

3. Although the respective landowners of the two allocated sites in the village made no representations to the Main Issues Report, I am not persuaded that this necessarily indicates a lack of effectiveness or deliverability rather than reflecting a wider issue in the Scottish Borders arising from a downturn in the housing market since the post-2008 financial crisis, subsequent recession and the impact of the Covid Pandemic and its restrictions. Moreover, Cockburnspath is a relatively small settlement outwith any of the Strategic Development Areas and consequently development interest may vary over time. I note that both sites are listed in the 2019, 2020 and 2021 Housing Land Audits for a total of 76 established units and 24 effective units.

4. It is clearly preferable that those sites progress prior to consideration of any allocation at the promoted site as they are closer to the village centre and development there would be better integrated into the settlement. By contrast, development of the promoted site prior to completion of Dunglass Park would create new housing separated from the rest of Cockburnspath.

5. I have been given insufficient evidence why the promoted site would be likely to proceed where the existing allocations have not. Dunglass Estate claims that the potential for its site to combine with Dunglass Park would create a scale of development more likely to attract the interest of a volume housebuilder. However, it has produced no evidence that the adjacent landowner is interested in creating a combined site or that any volume housebuilder is interested in that site. Nor have the alleged risks to the school roll and the continuance of existing facilities in the village been substantiated.

6. It is clear from its representation that the estate is actively seeking to stimulate affordable housing and self-build plots elsewhere in the village, although lack of progress here may be another sign of the difficulty in achieving developer interest. The estate's ideas for establishing a local hub are at too early a stage to carry any weight.

7. Irrespective of the merits or otherwise of this promoted site, Issue 006 (Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement) concludes that there is no need to allocate any more housing land besides what is

already set out in the proposed plan. There is also no justifiable need for further long-term sites.

8. I therefore have no grounds for recommending inclusion of the promoted site either in addition to the two allocated sites or in place of site BCO10B, Burnwood. No modifications are required.

Reporter's recommendations:

No modifications.

Issue 24	Coldingham	
Development plan reference:	Coldingham Settlement Profile and Map (ACOLH009 – Land North of Lawfield, ACOLH010 – Coldingham Law and ACOLH011 – Land East of Law Cottage) (pages 275-277)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
Mr & Mrs Drummond (667)		
Provision of the development plan to which the issue relates:	Housing Sites ACOLH009 – Land North of Lawfield, ACOLH010 – Coldingham Law and ACOLH011 – Land East of Law Cottage	
Planning authority’s summary of the representation(s):		
<ul style="list-style-type: none"> • The contributor has reviewed the development boundary proposed for the village and would like three fields identified as 65485, 65853 and 65732 within their attached plan to be considered for inclusion for development. • This land lies adjacent to the current development boundary and in particular site (BCL12B) ‘The Firs’. • The subject land is currently agricultural land and has direct access to the public road. The fields are good topography and are of a size which would allow for unrestricted development. Development of these fields could comprise low density housing affording space for garden grounds and amenity space including community garden and playing grounds which would be of significant benefit to the village. There is very little new housing stock in the area to meet the needs of local families and as the town is a popular tourist destination much of the existing housing stock is owned by people out with the area for use as a holiday or second home. • Smaller sites such as those currently proposed are less economically viable for developers and cannot offer a range of house types or a substantial area of garden ground/amenity space to meet the needs of the locality. • Request that these areas of land (or parts of these areas of land) are considered within the proposed local plan in order to ensure a steading supply of a range of house types for this area during the course of the next 10 years. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • Inclusion of (ACOLH009) to be allocated for housing. (667) • Inclusion of (ACOLH010) to be allocated for housing. (667) • Inclusion of (ACOLH011) to be allocated for housing. (667) 		

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE COLDINGHAM SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

Allocation of housing site (ACOLH009) (667)

- The site was submitted at the 'Proposed Plan' stage of the Proposed Local Development Plan (LDP) process. The contributor has requested that the site is allocated for housing, as part of the Proposed LDP. The site is located to the east of Coldingham, adjacent to the Development Boundary, on the north side of the A1107. There are existing residential properties along the southern boundary. The site is currently used for agriculture, however there are notable features within the site including; covered reservoir, pond, trees within northern areas, HER record (quarry) and rock outcrop, which will limit any developable area.
- Further to the submission, a site assessment and consultation was undertaken (CD118, refer to pages 11 - 14) and the overall assessment conclusion was 'unacceptable'.
- The site lies within the 'Berwickshire Coast' Special Landscape Area (SLA). There are large areas potentially unsuitable for development within the site. As part of the consultation, the Landscape Officer did not recommend this site for development, taking into account; the sloping ground, rock outcrop, pond, scrubby/wooded area and retention of a buffer zone between development and the existing trees/woodland belts.
- The Roads Planning Service also raised concerns regarding the provision of a suitable access, as part of the consultation and are unable to support the site being allocated for development. The proposed access is from the east, which is currently utilised as the access to 'Law House'.
- Further to the comments above, there were a number of other constraints identified on the site which included; reservoir and pond within the site; flooding issues; Drainage Impact Assessment would be required; Micro Drainage model would be required; prime quality agricultural land; potential impact upon the Category C listed building 'Law House'; protection of boundary features; potential mitigation for protected species; potential archaeological mitigation; Water Impact Assessment would be required; potential contamination on the site and amenity concerns.
- Overall, taking the above into consideration, the proposed housing site (ACOLH009) is not considered to be acceptable for inclusion within the Proposed LDP for the reasons outlined above. Therefore, the Council does not agree to modify the Proposed LDP in response to this representation.

Allocation of housing site (ACOLH010) (667)

- The site was submitted at the 'Proposed Plan' stage of the Proposed Local Development Plan (LDP) process. The contributor has requested that the site is allocated for housing, as part of the Proposed LDP. The site is currently used as agricultural land, adjacent to the Development Boundary, on the north side of the A1107. The site is bound by fields to the north and east, housing to the south and the Development Boundary to the west, while an access track runs along part of the eastern boundary. The site lies adjacent to the Coldingham Conservation Area.

There is a Category B listed building, 'Former Parish Manse', located to the west of the site.

- Further to the submission, a site assessment and consultation was undertaken (CD118, refer to pages 15 - 18) and the overall assessment conclusion was 'unacceptable'.
- The site lies within the 'Berwickshire Coast' Special Landscape Area (SLA) and there is the potential that the site may be prominent in views approaching from the east and A1107 looking north. There is the potential for encroachment on the SLA, which may be an issue and visibility from the coastal path should be assessed.
- The Roads Planning Service also raised concerns regarding the provision of a suitable access as part of the consultation and are unable to support the site being allocated for development. They advised that there is no obvious access to this site other than by Lawfield, which would appear to require third party land to extend the existing development to provide two vehicular access points into the site, as well as pedestrian connectivity.
- Further to the comments above, there were a number of other constraints identified on the site which included; boundary drainage would be required; Micro Drainage model would be required; prime quality agricultural land; protection of boundary features; mitigation for protected species, mammals, breeding birds and safeguard watercourse; potential impact upon the setting of the Conservation Area; potential impact upon the setting of the Category B listed building (Former manse); potential for archaeological evaluation works; Development Brief and detailed Landscape Strategy required; buffer zones required; potential amenity concerns; Transport Assessment required and Water Impact Assessment required.
- Overall, taking the above into consideration, the proposed housing site (ACOLH010) is not considered to be acceptable for inclusion within the Proposed LDP for the reasons outlined above. Therefore, the Council does not agree to modify the Proposed LDP in response to this representation.

Allocation of housing site (ACOLH011) (667)

- The site was submitted at the 'Proposed Plan' stage of the Proposed Local Development Plan (LDP) process. The contributor has requested that the site is allocated for housing, as part of the Proposed LDP. The site is currently used as agricultural land and lies on the south side of the A1107. The Category C listed building and HER record for 'Coldingham Law House Lodge' lies to the north of the site, on the opposite side of the road. The A1107 lies to the north, while fields bound the site to the east and a road lies along the southern and western boundaries of the site.
- Further to the submission, a site assessment and consultation was undertaken (CD118, refer to pages 19 - 22) and the overall assessment conclusion was 'unacceptable'.
- The site lies to the south of Coldingham and there are concerns that this would contribute to ribbon development along the A1107 and that the site does not relate well to the rest of the settlement. Furthermore, the Landscape Officer does not support the development of this site, as it would extend the village to the south and east, out with the 'logical' curtilage of Coldingham.
- The Roads Planning Service raised concerns regarding the site and are unable to support the allocation of the site for development. However, they advised that they would not be opposed in principle to a strip of development adjacent to the minor public road between 'The Firs' and the left hand bend in the road travelling south.

- Further to the above, there were a number of other constraints identified on the site which included; boundary drainage would be required; Micro Drainage would be required; prime quality agricultural land; protection of boundary features and mitigation for protected mammals; potential to impact upon the setting of the listed building/HER record for 'Coldingham Law House Lodge' and mitigation may be required; retention of the existing boundary features and incorporation within the development; Transport Assessment would be required and Water Impact Assessment would be required.
- Overall, taking the above into consideration, the proposed housing site (ACOLH011) is not considered to be acceptable for inclusion within the Proposed LDP for the reasons outlined above. Therefore, the Council does not agree to modify the Proposed LDP in response to this representation.

General housing matters in Coldingham (667)

- The contributor has requested the inclusion of three sites (ACOLH009, ACOLH010 & ACOLH011) to be allocated for housing as part of the Proposed LDP. There are two housing allocations (BCL2B and BCL12B) within Coldingham, which are being carried forward from the adopted Local Development Plan 2016 (CD009), with no changes proposed. The Proposed LDP states that the preferred area for future expansion is the area to the west of Coldingham, on the north side of School Road. It is considered that there is sufficient housing land supply within Coldingham for the Proposed Plan period and there are 49 units contained within the established housing land supply within Coldingham, as part of the Housing Land Audit 2019 (CD071, refer to Appendix 1 – Main Report (with maps), pages 15 to 16).
- Coldingham is located within the Eastern Strategic Development Area set out by the SESplan Strategic Development Plan (SDP) 2013 (CD001, refer to pages 7 to 20). Appendix 2 contained within the Proposed Plan outlines that the housing land requirement figures are taken from the SESplan Proposed SDP 2016 (CD005, refer to pages 44 to 50) and SESplan Housing Background Paper 2016 (CD006, refer to pages 4 to 6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit 2019 (CD071, refer to the Introduction, page 14 to 16) demonstrates that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Issue 6. It is also acknowledged that housing land requirements will be set out at a national level through the forthcoming National Planning Framework.

Reporter's conclusions:

1. Three agricultural fields at the eastern end of Coldingham are being promoted by the contributor as sites for housing land (ACOLH009, ACOLH010 and ACOLH011) in order to ensure a steady supply of land for a range of housing over the next 10 years. They are maintained to be of suitable size and topography for low density housing with garden grounds, plus amenity space, community gardens and playing grounds for the village. The existing allocated sites are said to be too small to interest developers. There is claimed to be little new stock to meet the needs of local families, especially as much existing housing is used for holiday and second homes.

Allocation of housing site (ACOLH009) (667) – Land north of Lawfield

2. Site ACOLH009 lies within the Berwickshire Coast Special Landscape Area. The site is 1.9 hectares in extent and includes sloping ground, a rocky outcrop, a covered reservoir, formerly quarried land, a pond, and a scrubby/wooded area, with significant areas being potentially unsuitable for development. Two road access points would be required, and the council's roads planning service has assessed the options as unsuitable for reasons which have not been countered. Pedestrian access to the village centre is poor. Other constraints include visibility in the landscape, including potential adverse impact on the Special Landscape Area, potential flooding, loss of prime quality agricultural land, the proximity of farm buildings, and potential impact on the Category C listed Law House.

Allocation of housing site (ACOLH010) (667) – Coldingham Law

3. Site ACOLH010 is a 6 hectare L-shaped field which rises from St Andrew's Burn to the top of Coldingham Law. It is a large site for this relatively small village. Development here could have an adverse impact on the Special Landscape Area within which it lies. It would also impact the rural setting of the adjoining Coldingham Conservation Area and its heritage assets. As the council's roads planning officer points out, there are no obvious vehicle access points to the site. The steep gradients within the site would make it difficult to achieve an acceptable form of development. Constraints include loss of prime agricultural land, potential flooding, and proximity of farm buildings.

Allocation of housing site (ACOLH011) (667) – Land east of Law Cottage

4. Site ACOLH011 is a 6 hectare field on the far side of the A1107 from the village centre, somewhat remote from the rest of the settlement and poorly related to it. It would intrude into open countryside and is a large site for this relatively small village. The roads planning service has concerns regarding road access to the site and it has poor pedestrian linkage to the village centre. Constraints include loss of prime agricultural land and potential impact on the Category C listed Coldingham Law House Lodge.

General housing matters in Coldingham (667)

5. The Proposed Local Development Plan (2020) includes two housing allocations being carried forward unchanged from the Adopted Local Development Plan. Contrary to the contributor's claim that these sites are too small to interest developers, in December 2022, the council received a planning application for the erection of 20 dwellinghouses on land which includes part of allocated site BCL2B. This site lies to the west of the village, and I note that the council's preferred area for the future expansion of Coldingham is to the west of the village as development in other directions would adversely impact its character and setting. For these reasons and those set out above in relation to each of the promoted sites, I see no reason to recommend any modification to the proposed plan.

6. Irrespective of the merits or otherwise of this promoted site, Issue 006 (Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement) concludes that there is no need to allocate any more housing land besides what is already set out in the proposed plan. There is also no justifiable need for further long-term sites. No modifications are required.

Reporter's recommendations:

No modifications.

Issue 25	Coldstream	
Development plan reference:	Coldstream Settlement Profile and Map (ACOLD011 – Hillview North 1 (Phase 1), ACOLD014 – Hillview North (Phase 2) and Coldstream Development Boundary Amendment (SBCOL001)) (pages 278-282)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
McGregor Farms (346) Andrew Douglas Home (706)		
Provision of the development plan to which the issue relates:	Housing Allocations ACOLD011 – Hillview North 1 (Phase 1), ACOLD014 – Hillview North (Phase 2) and Coldstream Development Boundary Amendment (SBCOL001)	
Planning authority's summary of the representation(s):		
<p>Housing Allocation ACOLD011 – Hillview North 1 (Phase 1) & Housing Allocation ACOLD014 – Hillview North (Phase 2)</p> <p><u>McGregor Farms (346)</u></p> <ul style="list-style-type: none"> • Objects to the inclusion of housing sites (ACOLD011 & ACOLD014). • The two housing sites are not effective, desirable or deliverable for housing. • The sites do not meet relevant planning policies, including the tests for effective housing land as stated in PAN 2/1010. It is considered that consideration of these respective policies and tests provides a robust planning analysis of why housing is not appropriate at these two locations. As a result, the sites are not in line with the requirements of Scottish Planning Policy. The contributor expands upon this in detail within the submission. • The sites are contrary to Policies PMD1, PMD2 and ED10 contained within the Local Development Plan. • Scottish Borders Council has put forward recommendations to ensure delivery of landscape mitigation and enhancement of the development sites. However, the contributor thinks that development would result in large isolated housing development in very close proximity to an industrial site and major agricultural operation. Their opinion is that these sites represent a poor choice when there are other better sites elsewhere in Berwickshire. • The contributor is also significantly concerned by the adverse health and safety implications of housing being located adjacent to their substantial farming operations. There are prospective conflicts in relation to noise, air quality, traffic movements and pedestrian safety. The latter of which has proven to be a significant problem during the COVID pandemic. • Scottish Borders Council or the Reporter should take the opportunity to revisit the spatial strategy for this area of the Borders to ensure that allocations which are better in line with the regional policy aspirations are allocated prior to adoption of LDP2. They are of the strong opinion that the PLDP cannot be taken seriously in its 		

aims to support action in the climate emergency and to deliver better placemaking if illogical, isolated housing allocations are then proposed.

- Within their submission, the contributor outlines concerns regarding the proposed allocations including the following constraints; ownership, physical, infrastructure, funding and marketing and land-use conflict with farming operations. The contributor expands upon these within the submission itself.

Coldstream Development Boundary Amendment (SBCOL001)

Andrew Douglas Home (706)

- Object to non-inclusion of land at Ladies Field, Coldstream within the settlement boundary.
- Incorporate the suggested settlement boundary or another appropriate settlement boundary change, as long as the 2ha area identified is included within the final settlement boundary with the potential for development to be considered or the contributor requests that the Reporter undertakes the same steps if Scottish Borders Council object to our proposals.
- The contributor considers there is now a material change to the previously taken position in relation to the settlement boundary of Coldstream and its western extent. They consider that The Lees planting is not a defensible boundary to the settlement given the considerable level of development that 'breaches' it and the material change to the 'gateway' approach to Coldstream as introduced by the new Caravan park and cemetery site.
- During and after the preparation and subsequent publication of the PLDP there have been three material changes which we consider significantly bolster the case that the land should be within the settlement boundary. These changes are:
 - Part of the wider Ladies Field land has been consented for a cemetery to serve Coldstream's future needs.
 - A caravan park has been consented to the west of the site and west of the existing settlement boundary.
 - The NPF4 Position Statement has stated that the Scottish Government supports the concept of 20 minute neighbourhoods and Ladies Field has strong credentials to provide this level of accessibility while supporting future development needs in Coldstream.
- The reduced area of land of Ladies Field continues to be an excellent site for development and, as outlined, this case has been strengthened by the emerging content of the National Planning Framework 4, including the Place Principle, 20 minute neighbourhood and resilient communities.
- The Ladies Field site brings a windfall opportunity to Coldstream which allows for a range of appropriate development to be considered which is in line with emerging national policy, can help delivery community aspirations as outlined in the Community Action Plan and which will be accessible by sustainable means to the key services and facilities of the settlement.

Modifications sought by those submitting representations:

- Removal of housing allocation (ACOLD011) from the Proposed LDP. (346)
- Removal of housing allocation (ACOLD014) from the Proposed LDP. (346)
- Inclusion of an amended development boundary to include the Ladies Field site (SBCOL001). (706)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE COLDSTREAM SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

It is noted that Contributor 800 (Sir Ilay Campbell) supports the housing allocations ACOLD011 – Hillview North 1 (Phase 1) & ACOLD014 Hillview North (Phase 2) (CD183, pages 57-58).

It is noted that Contributor 983 (NatureScot) supports the housing allocation ACOLD014 – Hillview North (Phase 2) (CD183, refer to page 453).

Removal of housing allocation (ACOLD011) (346)

- It should be noted that the site is currently allocated within the adopted Local Development Plan (LDP) 2016 (CD009). The site was first formally allocated as part of the Housing Supplementary Guidance (SG) 2017 (CD020). There are no changes proposed to this site, as part of the Proposed Local Development Plan. Therefore, it is considered that a housing use on this site has been established given the current allocation and there have been no material changes to the site. There is no extant planning consent on this site, however it should be noted that there are no constraints which prevent this site from being developed. The site is programmed from Year 5 onwards, as part of the Housing Land Audit (HLA) 2019 (CD071).
- The Local Development Plan Examination 2015 (CD040, refer to Issue 080, pages 370 to 390) concluded that there was a shortfall in housing land within the Scottish Borders and that the LDP did not identify sufficient land to meet the requirement contained within the SESplan Supplementary Guidance (SSG) on Housing Land (CD002). The Reporter recommended that the Council, within 12 months of adoption of the LDP, prepare and submit to Scottish Minister's Supplementary Guidance in order to identify additional sites to provide for a further 916 units. The Reporter advised the Council to look at the identified longer term sites in the first instance.
- As part of the Housing SG process, a site assessment was undertaken, including internal and external consultation on the site (ACOLD011) (CD118, refer to pages 343 - 348). The overall site assessment conclusion was 'acceptable'. The site formed part of the potential longer term housing site (SCOLD001), identified in the previous Local Plans, including the adopted LDP 2016 (CD009). Further to the site assessment, it was concluded that the site would be acceptable for housing and had the potential to make a significant contribution towards the housing shortfall, subject to addressing and mitigating a number of constraints, where necessary. A number of site requirements were subsequently attached to the allocation setting these out.
- It was concluded that the site would integrate well into the settlement with appropriate landscaping and protection should be given to the existing boundary features, where possible. It should be noted that the entire longer term site (SCOLD001), which included (ACOLD011) and (ACOLD014), was considered at the Housing SG stage under the site code (ACOLD009) (CD118, refer to pages 338 - 342). However, it was considered that the Phase 1 development (ACOLD011) was

a sufficient contribution towards the housing shortfall as part of the Housing SG, which retained the northern part of the site for future potential housing. The site (ACOLD011) was allocated as part of the Housing SG, with an indicative site capacity for 100 units.

- It is also noted that Contributor (800) supports the housing allocation (ACOLD011) (CD183, pages 57-58). The contributor acts on behalf for the Trustees of the Sir Ilay Campbell Settlement, who are the owners of the land in the vicinity of Coldstream. The contributor states that the Trustees have an interest in the land allocated at Hillview North and support the allocation (ACOLD011) within the Proposed LDP. They also note that planning permission was granted (19/01317/FUL) for the construction of a vehicular access from Hill View to allocation (ACOLD011) and this has been designed to serve both Phase 1 and 2.
- The Officer's Report for planning application (19/01317/FUL) (CD134) concluded that the proposal for the new access complies with the relevant policies contained within the adopted LDP and the application was granted planning consent. The development would provide an access road from Hillview to the south, through the existing safeguarded business and industrial site (zEL28) and into the housing allocation (ACOLD011).
- Taking into consideration the above and the fact that planning consent has been granted for an access road into the allocation (ACOLD011), it is considered that the principle of housing on the site remains acceptable. Therefore, the Council does not agree to modify the Proposed LDP in response to this representation, in respect of the allocation (ACOLD011).

Removal of housing allocation (ACOLD014) (346)

- The site (ACOLD014) is included for housing within the Proposed Local Development Plan (LDP) and has been subject to consultation and a full site assessment (CD118, refer to pages 27 - 30). The site was submitted at the pre Main Issues Report (MIR) stage of the Proposed LDP process for consideration and was included within the MIR 2018 (CD008) as an alternative option for housing. Following the site assessment (CD118, refer to pages 27 - 30), it was considered that there are no insurmountable constraints to the development of this site.
- This site is currently identified as potential longer term housing land within the adopted LDP 2016 (CD009). Furthermore, the site immediately to the south (ACOLD011) was allocated for housing within the Housing SG 2017 (CD020) for 100 units, as outlined above.
- The site assessment concludes that the site would integrate well into the settlement, respect the existing settlement pattern and have good connectivity with the adjacent allocations. The site would represent a natural extension to the existing settlement pattern of Coldstream. Furthermore, the site is well contained and development of the site will have little adverse impact upon the wider landscape.
- The site to the south was recently allocated as part of the Housing SG 2017 (CD020) and so it is considered that there are advantages to developing this site and the existing allocation (ACOLD011) together. This would allow the development of the two sites to be considered together in respect of the layout and connectivity, preventing an overall uncoordinated piecemeal development. A number of site requirements are attached to the allocation to reflect this.
- It is also noted that Contributor (800) supports the housing allocation (ACOLD014) (CD183, pages 57-58). The contributor acts on behalf for the Trustees of the Sir Ilay Campbell Settlement, who are the owners of the land in the vicinity of Coldstream.

The contributor states that the Trustees have an interest in the land allocated at Hillview North. The Trustees support the allocation of site (ACOLD014), in addition to (ACOLD011). They also note that planning permission was granted (19/01317/FUL) for the construction of a vehicular access from Hill View to allocation (ACOLD011) and this has been designed to serve both Phase 1 and 2. This is detailed above in respect of (ACOLD011), however is also relevant to this site.

- Taking into considered the above, the Council does not agree to modify the Proposed LDP in response to this representation, in respect of the allocation (ACOLD014).

General concerns with sites (ACOLD011 & ACOLD014) (346)

- Contributor (346) has raised a number of concerns regarding the allocation of the sites (ACOLD011 & ACOLD014). Comments are made in relation to the sites not being effective or deliverable. As stated above the site (ACOLD011) is programmed within the HLA 2019 (CD071, refer to Appendix 1 - Main Report (with maps) page 18) from Year 5 onwards. There are no constraints preventing the site from coming forward and as outlined above, planning consent has been granted for an access into the site (ACOLD011) from Hillview to the south. Therefore, it is considered that this demonstrates recent interest in developing the site and providing the initial access. Furthermore, it is noted that contributor (800), who is the land owner for both sites, supports the inclusion of these sites within the Proposed LDP, demonstrating an active land owner. It should also be noted that the programming of the annual HLA is undertaken in accordance with PAN 2/2010 (CD067).
- Comments are made that the sites are contrary to Policies; PMD1, PMD2 and ED10, as contained within the adopted LDP 2016 (CD009). The sites have been subject to full site assessments and consultation, which are outlined above. The conclusions state that both sites are suitable for housing development and any constraints/required mitigation are set out within the site requirements.
- In response to concerns raised that the development would result in large isolated housing developments, the conclusions outlined above are again re-iterated. The sites are considered to be acceptable and would integrate well into the settlement with appropriate landscaping. They have been subject to a full site assessment and consultation process.
- Concerns were raised regarding the adverse health and safety implications of housing being located adjacent to the farming operations. As part of the site assessment, consultations were undertaken with internal and external consultees and no concerns were raised regarding health and safety. The advice of consultees was taken on board and where required, site requirements were included as part of the allocation outlining any requirements/mitigation. It is commonplace throughout parts of the Scottish Borders that the largely rural nature of the land results in houses and farms being located in proximity to one another. It is not considered there are any insurmountable issues in such uses operating to the detriment of one another. It should be noted the site requirements confirm the need for a landscaped area between the houses and the access road to the working farm to the north.
- In response to comments regarding the spatial strategy, it is considered that both sites have been subject to appropriate site assessments and consultation. The site requirements take on board and incorporate these responses where required. The final layout and development will need to take into consideration all policies within

the Proposed LDP and the respective site requirements, including references to the climate change and place making agendas.

- Concerns are raised regarding the proposed allocations including the following constraints; ownership, physical, infrastructure, funding and marketing and land-use conflict with farming operations. In response, it is considered that these concerns have been addressed in the paragraphs above.
- Taking into considered the above, the Council does not agree to modify the Proposed LDP in response to this representation.

Amendment to Development Boundary (SBCOL001) (706)

- The proposal for a Development Boundary amendment was submitted at the 'Proposed Plan' consultation stage of the Proposed LDP process. The area of land is situated to the south west of Coldstream. A site assessment and consultation has subsequently been undertaken for the area (CD118, refer to pages 23 - 26). This area has previously been considered on a number of occasions for a housing allocation, which also included a larger area to the south.
- This area formed part of the site (ACOLD002) which was previously considered for a housing allocation, as part of the Local Plan Amendment 2009 (CD012) and then again as part of the adopted LDP 2016 (CD009). The site (ACOLD002) was subject to assessment as part of the Local Plan Amendment (CD118, refer to pages 371 - 374). The site (ACOLD002) was subject to Examination as part of the Local Plan Amendment and was rejected by the Reporter at the Examination. The Reporter stated within the Local Plan Amendment Report of Examination 2010 (CD039, refer to pages 65 to 67), that the Landscape Capacity Study for Coldstream (CD072) has identified some significant constraints, arising from its elevated location and detachment from the town. Furthermore, the tree belt that forms part of the wider Lees policies does provide a substantial and distinctive edge to Coldstream at its south-west corner, on the southern side of the A697. This provides a much stronger barrier to the settlement than does the woodland belt that runs along the north side of the Hillview industrial estate, this is the area located to the south of (ACOLD011). The Reporter accepted the Council's view that the housing sites to the north of the town are more natural sites for the longer term expansion of Coldstream. This site (ACOLD002) was again submitted at the 'Pre MIR' stage of the adopted LDP process and subject to a site assessment (CD118, refer to pages 332 - 334). The site was excluded once again for the reasons outlined above.
- This area formed part of the site (ACOLD008) which was considered as part of the Housing SG 2017 (CD020) process. A site assessment (CD118, refer to pages 335 - 337) was undertaken and the site was not included for the same reasons outlined above.
- The proposal currently being considered is no longer for a housing allocation, rather a Development Boundary amendment for a smaller area than previously considered. The site assessment conclusion for the proposal was considered 'unacceptable' (CD118, refer to pages 25 - 26). The conclusion makes reference to the previous reasons for refusal, as outlined above. Furthermore, states that there is a strong woodland belt on the western edge of Coldstream, which forms a very pronounced finish to the town and natural boundary. Development of this site has the potential to impact upon the setting of the woodland policies and pasture. The site is also constrained within the Landscape Capacity Study in terms of the elevated location of the open field, its detachment from the settlement and the role, which the rising ground and substantial woodlands play in creating a sense of

containment for the settlement edge. Therefore, it is not considered that the site relates well to the existing Coldstream Development Boundary or an existing allocated site. The adopted LDP 2016 (CD009) states that this tree belt contributes to providing a settlement edge on the southern side of Kelso Road and the preferred area for the future expansion of Coldstream remains to the north.

- The Landscape Officer advises that it would be preferable to avoid extending development into this area, which lies within the perimeter woodland of Coldstream, forming a gateway to the town, particularly given the designated gardens and designed landscapes to either side and anticipated access issues. Furthermore, that the site risks compromising (The Lees) Designated Landscape, potentially eroding the high quality landscape and amenity. Therefore the Landscape Officer was unable to support this proposal.
- It is not considered that this proposed boundary amendment follows any natural features and in fact cuts across an open field. Furthermore, it is considered that the tree belt to the east of the site forms a natural boundary to Coldstream. It is not considered that this proposal would be a logical extension to Coldstream and would remain detached from the settlement itself.
- It is acknowledged that there has been a recent planning application (19/01562/FUL) approved for the change of use to form a cemetery to the immediate east of the proposed site (SBCOL001) (CD119, refer to Coldstream Map, page 8). Furthermore, planning consent was granted (19/01454/FUL) for the change of use from agricultural land to form a holiday caravan and camping park, to the west of the site (SBCOL001) (CD119, refer to Coldstream Map, page 8). However, that proposal was assessed against Policy ED7, which allows specific appropriate employment generating development in the countryside. The nature of both of these proposals allow for countryside locations. It should be noted that there remains an undeveloped field between the site of the approved caravans and the Development Boundary for Coldstream, including the tree belt. Notwithstanding these consents, it is considered that the concerns raised above remain valid.
- Furthermore, it is not considered appropriate to expand a Development Boundary, particularly one which does not follow natural site boundaries, merely in order to provide infill opportunities within a settlement. A site of the proposed size should preferably be addressed via the normal route of addressing as to whether or not the site is appropriate as a formal allocation.
- Overall, taking the above into consideration, the proposed Development Boundary amendment (SBCOL001) is not considered to be an acceptable addition to the existing Coldstream Development Boundary, for inclusion within the Proposed LDP for the reasons outlined above. Therefore, the Council does not agree to modify the Proposed LDP in response to this representation.

Reporter's conclusions:

Removal of housing allocation (ACOLD011), Hillview North 1 (Phase 1) (346)

1. Site ACOLD011 is a 6.1 hectare, gently sloping parcel of agricultural land on the northern edge of Coldstream, having an indicative site capacity of 100 dwellings. It lies adjacent to existing housing, a safeguarded business and industrial site and a site indicated for longer term housing.

2. Coldstream Mains Farm stands on higher ground to the north of the allocation. A representation on behalf of the farm is concerned that the development of a housing

estate nearby could give rise to conflicts over noise, air quality, traffic movements, and pedestrian safety. The proposed site is stated to have ownership, physical, infrastructure, funding and marketing constraints. It is said to be contrary to proposed plan Policies PMD1: Sustainability, PMD2: Quality Standards and ED10: Protection of Prime Agricultural Land and Carbon Rich Soils as well as responding poorly to the climate emergency, to national policy on 20 minute neighbourhoods and to the desire for better placemaking. It is stated that the allocation should be removed on the grounds that the site is not effective, desirable or deliverable, and that there are better site options.

3. In relation to those arguments, I note that the site was allocated in Supplementary Guidance: Housing (2017) associated with the Adopted Local Development Plan (2016) and has been rolled forward unchanged. It is listed in the 2019, 2020 and 2021 Housing Land Audits as being programmed for construction during the plan period. Planning permission has been granted for vehicular access to serve the allocated site, as well as a proposed second phase of development. This together with the landowner's representation supporting inclusion of the site in the proposed plan, indicate recent interest in developing the site. The council's consultations and site assessment indicate its development to be acceptable, subject to mitigation of constraints. These mitigation measures are the subject of a number of site requirements attached to the allocation. A development proposal would also need to be assessed against plan policies regarding placemaking and climate change, amongst others.

4. As the council points out, it is commonplace throughout the Borders for houses and farms to be located in proximity to one another. In this case, the site lies some 300 metres from the farm complex. A landscaped area would be required between the housing and the access road serving Coldstream Mains Farm. Internal and external consultations carried out as part of the council's site assessment did not elicit concerns regarding health and safety, subject to mitigation and other requirements which have been incorporated into the allocation.

5. The landform and vegetation on and around the site would contain its visual impact on the wider landscape. The site is located within walking/cycling distance of services in Coldstream centre, from where public transport is available to larger settlements at Kelso and Berwick-upon-Tweed. The proposed requirements include open space and play provision and path/cycle linkages into the existing network. These are intended to serve the wider settlement and to facilitate integration of the new development. The proposed road access routes have been assessed as feasible and there is no evidence that infrastructure could not be provided or would be too costly. Whilst the proposed plan seeks to avoid allocation of development on prime agricultural land, this cannot always be achieved, and Policy ED10 acknowledges this.

6. Since this examination is concerned with whether the proposed sites are acceptable, claims that "there are more straightforward development options in Coldstream and Berwickshire" fall outside our remit. The site known as Ladies Field is discussed below.

7. There is therefore no basis for removal of this allocation. No modifications are required.

Removal of housing allocation (ACOLD014) – Hillview North (Phase 2) (346)

8. Allocation ACOLD014 comprises a 6.5 hectare northerly extension to site ACOLD011 on similar terrain. It has an indicative capacity of 100 dwellings. The vehicular access referred to above has been designed to serve both sites.

9. The representation, as summarised at paragraph 2 above, covers Hillview North phases 1 and 2.

10. In the council's Supplementary Guidance on Housing (2017) site ACOLD014 was identified for potential longer term housing land. It has been subject to a full site assessment by the council which concluded that its development would be acceptable, subject to mitigation of constraints; these have been specified in site requirements for the allocation. Its development is proposed to be co-ordinated with site ACOLD011. I agree with the council that the site has an active owner and that the access permission shows interest in development.

11. At its closest, the site would be about 150 metres from the farm complex. The site requirements include open space as a buffer between the farm and housing. Internal and external consultations carried out as part of the council's site assessment did not elicit concerns regarding health and safety, subject to mitigation and other requirements which have been incorporated into the allocation.

12. I consider that the site forms part of a compact group of allocations extending to the north of the settlement and which have been identified as having potential for development for some years. Landform and vegetation would contain its visual impact on the wider landscape. The site is located within walking/cycling distance of services in Coldstream centre. The proposed requirements include open space and path/cycle linkages into the existing network. These are intended to serve the wider settlement and to facilitate integration of the new development. My conclusions above regarding road access, infrastructure, prime agricultural land and alternative sites apply to this site also.

13. I have no basis for removal of this allocation. No modifications are required.

General concerns with sites (ACOLD011 & ACOLD014) (346)

14. These matters have been covered in the above two sections. No modifications are required.

Amendment to Development Boundary (SBCOL001) (706)

15. The contributor argues that land at Ladies Field should be included within the settlement boundary. This is a 2.1 hectare site to the rear of houses and woodland fronting Kelso Road (A698) and separated from the existing settlement boundary by The Lees woodland and a recently developed cemetery. It is currently used as a paddock. The site lies within The Lees Designed Landscape (local designation) and near the Hirsell Garden and Designed Landscape.

16. The representation maintains that The Lees woodland planting is not a defensible boundary to the settlement, especially given that a health centre and dental surgery, and more recently a cemetery and caravan park now breach that boundary and change the gateway approach to the town from the west. It is contended that residential

development at Ladies Field would enjoy the level of accessibility to local facilities supported in the National Planning Framework 4 Position Statement (which is now continued in the adopted version of National Planning Framework 4) including by the place principle, the concept of 20-minute neighbourhoods and resilient communities. It is argued that a range of appropriate development could be provided, that this would be screened from the A698, and that it could support future development needs in Coldstream and meet aspirations in the Community Action Plan.

17. The site being promoted is some 4 hectares smaller than previous promotions for housing development in this location. Although the representation has residential development in mind, it refers to flexibility allowing for a range of appropriate development to be considered, including the option for windfall development on the surrounding land.

18. As the council states, this area has been considered for development in local plans and local development plans since 2009, but on each occasion has been rejected, including at examination, in favour of the council's longstanding preference for expansion to the north of the town. The Proposed Local Development Plan (2020) includes five housing allocations and a potential longer-term housing site within Coldstream. All except one small allocation lie on the northern side of the town. Given that these form a compact expansion in that direction, I am not persuaded that also extending the development boundary to form a linear spur to the southwest of the town would be appropriate.

19. The proposed boundary amendment would not follow natural features as it cuts over elevated ground and across the middle of a field. This would not be a defensible boundary and could lead to pressure for further development on surrounding land.

20. The council has referred to a landscape capacity study for Coldstream, which in relation to Ladies Field identified some significant constraints arising from its elevated location and detachment from the town. I consider that this still has relevance. Indeed, it remains the case that development on the Ladies Field site could potentially erode the high-quality landscape in this locality.

21. Whilst the new caravan park and, to a lesser extent, the cemetery have some visual impact on the approach to Coldstream, it is likely that their appearance will be softened over time as landscape planting matures. It is not unusual to find such uses outwith settlement boundaries, and this is not necessarily a justification for inclusion within the development boundary. I am therefore satisfied that the mature woodland belt at The Lees still represents a strong and attractive natural boundary to the town.

22. The potential advantages of the site, including in terms of accessibility, are not sufficient to override the defects I have identified.

23. Irrespective of the merits or otherwise of this promoted site, Issue 006: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement concludes there is no need to allocate any more housing land besides what is already set out in the proposed plan. No modifications are required.

Reporter's recommendations:

No modifications.

Issue 26	Darnick			
Development plan reference:	Darnick Settlement Profile and Map (ADARN005 – Land South of Darnlee, GSDARN001 – Darnick Community Woodland, and MDARN002 – Darnick Vale 2) (pages 287-289)	Reporter: Alison Kirkwood		
Body or person(s) submitting a representation raising the issue (including reference number):				
<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Anne Thomson (024) Helen Millar (031) David Slater (054) Brian Barry (093) David Potts (224) Anne Jessamy Pears (290 3 of 4, 4 of 4) Hester Potts (366) Andrew Panter (421) Robin Sloan (476) Susan Taylor (483 2 of 2) Wendy Grant (547) William Murray (583) Fiona, Alexander & Cynthia Kennedy (600) E & J Butchart (626) Mary and Gordon Bain (638) Darnick Village Development Trust (730)</p> </td> <td style="width: 50%; vertical-align: top;"> <p>J Leeming (755) Harriet and Alexander Inglis (785) Rural Renaissance (803) Melrose Community Council (876) Save Scott's Countryside (879) Agnes Waldie (884) D Thomson (888) Angela Stormont (916) Ian Tomlinson (941) Jeremy Weston (942) Walter Young (951) Jennifer Fairbairn (962) Paul Cathrow (985) Roselyn Anderson (988) Roger Changleng (1008) Susie Turpie (1010)</p> </td> </tr> </table>			<p>Anne Thomson (024) Helen Millar (031) David Slater (054) Brian Barry (093) David Potts (224) Anne Jessamy Pears (290 3 of 4, 4 of 4) Hester Potts (366) Andrew Panter (421) Robin Sloan (476) Susan Taylor (483 2 of 2) Wendy Grant (547) William Murray (583) Fiona, Alexander & Cynthia Kennedy (600) E & J Butchart (626) Mary and Gordon Bain (638) Darnick Village Development Trust (730)</p>	<p>J Leeming (755) Harriet and Alexander Inglis (785) Rural Renaissance (803) Melrose Community Council (876) Save Scott's Countryside (879) Agnes Waldie (884) D Thomson (888) Angela Stormont (916) Ian Tomlinson (941) Jeremy Weston (942) Walter Young (951) Jennifer Fairbairn (962) Paul Cathrow (985) Roselyn Anderson (988) Roger Changleng (1008) Susie Turpie (1010)</p>
<p>Anne Thomson (024) Helen Millar (031) David Slater (054) Brian Barry (093) David Potts (224) Anne Jessamy Pears (290 3 of 4, 4 of 4) Hester Potts (366) Andrew Panter (421) Robin Sloan (476) Susan Taylor (483 2 of 2) Wendy Grant (547) William Murray (583) Fiona, Alexander & Cynthia Kennedy (600) E & J Butchart (626) Mary and Gordon Bain (638) Darnick Village Development Trust (730)</p>	<p>J Leeming (755) Harriet and Alexander Inglis (785) Rural Renaissance (803) Melrose Community Council (876) Save Scott's Countryside (879) Agnes Waldie (884) D Thomson (888) Angela Stormont (916) Ian Tomlinson (941) Jeremy Weston (942) Walter Young (951) Jennifer Fairbairn (962) Paul Cathrow (985) Roselyn Anderson (988) Roger Changleng (1008) Susie Turpie (1010)</p>			
Provision of the development plan to which the issue relates:	Housing Allocation ADARN005 – Land South of Darnlee, Key Greenspace GSDARN001 – Darnick Community Woodland and Mixed Use Site MDARN002 – Darnick Vale 2			
Planning authority's summary of the representation(s):				
<p><u>Anne Thomson (024)</u></p> <ul style="list-style-type: none"> • Objects to the allocation of site ADARN005 (Land South of Darnlee). • Darnick is a historic village with a Conservation Area and despite this designation, recent developments have failed to take this into consideration. • Hopes that if the development does receive approval that it would be constructed of “mellow stone facades”. • Questions why the woodland strip along the roadside has been included within the site however, notes that a requirement for a tree survey has been included within the list of site requirements and asks who would undertake the survey. • Notes that the site requirements state that there may be an extra access from Broomilees Road, this would result in the loss of mature oak trees which is totally unacceptable. The Roads Department has previously assessed the road as being able to take four extra houses however, double that number was built. The Contributor now questions how this same road can now accommodate this site. 				

- The Contributor states that very few residents received a neighbour notification letter. As the whole village would be impacted by this proposed development, everyone should have received one.

Helen Millar (031)

- Objects to the allocation of site ADARN005 (Land South of Darnlee).
- Development will result in increased congestion.
- Access into the site from the Broomilees Road by heavy plant and other vehicles will result in making the road dangerous and hazardous for the existing residents, whilst access through Darnlee will result in increased disruption and congestion.
- Development will result in the loss of an attractive landscape as well as the loss of trees which will impact on the environment.
- Development would place additional strain on the capacity of Melrose Primary School.
- Site not suitable for development due to potential flood risk as the site has often been flooded in the winter and in very wet weather.

David Slater (054)

- Objects to the allocation of site ADARN005 (Land South of Darnlee).
- Did not received a statutory notice to inform them of the development despite living opposite the site.
- This exercise should be stopped until such a time that public meetings can take place (Covid restrictions).
- Concerned with the proposed development being within a Conservation Area.
- Darnick has experienced extensive housing developments in recent years.
- Traffic volumes have increased to the extent that they are now dangerous.

Brian Barry (093)

- Objects to any development on land to the west of Darnlee (as stated within the Proposed LDP, page 287).
- Objects to the allocation of site ADARN005 (Land south of Darnlee).
- Questions why the Local Authority allows large scale development in rural areas and questions if the intention is to make Galashiels/Selkirk/Melrose a city thereby ruining a great place to live?

David Potts (224)

- Raises concerns relating to allocation of site ADARN005 (Land South of Darnlee).
- Allocation would constitute infill development. There are at least two similar additional sites within the village where an existing dwelling has extensive grounds that could use this allocation as a precedent for further erosion of green space/building development within the core of the village.
- Darnlee is an important visual gateway into the village and the grounds are currently home to many fine, mature trees. The loss of trees has an adverse impact on carbon dioxide take up.
- There has been recent executive style development within the village. In order to preserve a balanced community any development at this location should be

reserved as affordable homes to ensure that young people have local housing opportunities.

- The site requirements specified within the Proposed LDP state that ‘The setting of the listed building ‘Darnlee’ and the character of the Darnick Conservation Area must be safeguarded’. The contributor has little confidence in this statement due to the current state of an existing property within the village centre which has had half its harling removed.
- States that the land to the west of Darnlee, referred to within the ‘Preferred Areas for Future Expansion’ section on page 287 of the Proposed LDP, is a community woodland under the auspices of The Borders Forest Trust and is enjoyed by local residents. This community asset must be protected and preserved. The planting has been undertaken through local volunteer effort and is managed, maintained and improved through resident involvement. It has provided opportunities for young people from the local primary school to experience its contribution to learning as an outdoor class room. Over a number of years it has become increasingly important for residents of Darnick to preserve the identity of the village as a community in its own right. Therefore the anti-coalescence policy of the Local Authority must be preserved when resisting development pressure.

Anne Jessamy Pears (290 3 of 4, 4 of 4)

- In respect of allocation ADARN005 (Land south of Danlee), notes that Darnick has recently become host to two new developments (Gilroy Gardens and Coatburn Green) and the further loss of green space and trees would be involved - an environmental and climate issue.
- There would be loss of wildlife habitat.
- Development would place more pressure on already scarce parking space.
- Darnick is located in a National Scenic Area but questions for how long.
- Concerns relating to the inappropriateness of modern housing in the grounds of a listed building.
- In respect of the designated greenspace within Darnick (GSDARN001, Darnick Community Woodland) considers that development at this location would result in the further loss of greenspace, wildlife habitat and trees which is a climate change issue.
- The Local Authority’s policy on the non-coalescence of small communities would be further threatened. Building outwith the settlement boundary sets a dangerous precedent.
- Any extension of the railway south from Tweedbank would be very close to proposed houses, is this in line with the Local Authority’s aim to ‘protect, and where possible, enhance the built and natural environment, including access to and enjoyment of these resources?’

Hester Potts (366)

- Expresses anxieties about the statement within the Proposed Local Development Plan (‘Preferred Areas for Future Expansion’, page 287) that ‘*There is potential in the longer term to expand the village to the west of Darnlee*’.
- The community woodland has been planted and nurtured over the last 20 years and plays a big part in local people’s physical and mental well-being. This area has grown and developed significantly over recent years and is important in combatting climate change.

Andrew Panter (421)

- Objects to the allocation of site ADARN005 (Land South of Darnlee).
- Site is located almost immediately at the main entrance to Darnick, which presents a positive point of arrival, with a clear and immediate sense of character and settlement identity. This gateway provides the most significant reveal of predominantly traditional stone – houses/walls, the open parkland of Darnlee, mature roadside trees on the southern edge, and the western woodland strip. Development would detract significantly from the approach experience and settlement character. This entrance is an essential introduction to the historical core of the central village.
- Site is located within the Eildon and Leaderfoot National Scenic Area (NSA). The NSA has 14 special qualities including ‘The hub of Border settlement’, which inter alia, states that “Stone is the traditional building material, a mixture of dark Silurian greywackes and ruddy Old Red Sandstone (reflecting the location of the towns astride a geological boundary)”. Darnick still retains its traditional stone character amid a plethora of more modern construction design. Continuation of departure from that traditional element of quality, further erodes that context of the NSA at a local level within the settlement. This in turn contributes to the broader, landscape scale attrition of special qualities which the NSA has been subject to in recent decades. The NSA special qualities also include ‘A richly wooded scene of great variety’- see the section on trees below. In general, developments within settlements may not appear to have negative impacts on the overall character of an NSA, but cumulative impacts over time, gradually degrade the defined special qualities. Policy EP4 National Scenic Areas of the PLDP allows for development effects on NSA where these are “...clearly outweighed by social or economic benefits of national importance.” That importance is accepted for housing land allocation within the Central Strategic Development Area but given the small size of this allocation and the range of significant issues presented, it is highly reasonable in this case for it not to be outweighed by broader social or economic factors. Depending on the interpretation of ‘social’ in that context, it can be argued that there is social benefit locally from having no development.
- Darnlee lies within the Darnick Conservation Area. Rather than retaining character, any development at this location would significantly diminish it.
- Darnick is a relatively small settlement that has already been subject to four similar sized infill developments in the last 20 - 25 years as well as several phases of more extensive development from the 60s onwards. Darnick has made sufficient infill contribution of units to the Housing Land Requirement. The proposed development would constitute over-development.
- Darnick village has no central open space within the settlement boundary in the sense of a village green, but a very small open area across from the village hall does provide some degree of open aspect. Although the Darnlee allocation site is not open to public access or use, and is peripheral in the settlement, the parkland contributes significantly to the sense of place and visual appreciation of this northern approach to the village.
- The three recent developments demonstrate limited attempts at design enhancement with more traditional elements in the village.
- In terms of the Darnlee parkland west woodland fringe and south roadside trees, there are no known species of national or regional rarity, although protected species are currently either present or transient. The grazed grassland, woodland and roadside trees support a range of common plant, mammal, bird, and invertebrate

species. The west woodland edge is contained within the allocation boundary, suggesting the strong likelihood for removal. All individual trees and woodland have significant biodiversity value in general, particularly as green networks, providing continuity with the wider countryside.

- All trees make a significant contribution to biodiversity, visual appeal, and carbon storage. Given the size of the allocation, the proposed, relatively small indicative capacity, and the potential for the creation of a southern access road, it seems likely that a high proportion, of woodland and individual trees would be removed if the site were developed.
- The Inventory of Historic Battlefields maps the Battle of Darnick or Skirmish Hill over a large area covering the whole of Darnick with Darnlee almost at the centre. This indicates uncertainty about precise locations of the engagement. If James V was supposed to have watched events from the top of Darnick Tower, it seems most likely that action took place in the immediate vicinity, including Darnlee. Unless Darnlee has been subject to detailed archaeological assessment in the past, a new survey would be necessary to protect any significant identified historical features.
- There is a suggestion of creating a secondary access from the allocation onto Broomilees Road. It is hard to see how this could be achieved without a) removal of mature roadside trees and b) widening of what is, at that point, a single-track road. Both would contribute hugely to the impact on settlement character. It is suggested that displacement main road parking would be accommodated within the allocated site. The indicative capacity of 10 units would potentially result in on-site parking for an additional 20 vehicles or more. Parking on the main road has recently been gradually extending further towards the village entrance, contributing to congestion, exacerbated by through-traffic accessing the rear of the hospital. Main road parking is therefore likely to increase from visitor/service vehicles to such a development, as well as increasing the current difficulties of access to and egress from Broomilees Road.
- Objects to any development on land to the west of Darnlee (as stated within the Proposed LDP, page 287).
- This area is currently developing woodland habitat of the Darnick Community Woodland which is owned by the Council and subject to two management agreements covering two land areas, concluded between the Council and Borders Forest Trust (BFT). This therefore presents the future potential for the total loss of the woodland with its biodiversity, green space (and green networks), and amenity value. Compensatory planting and biodiversity offset would be required but would likely occur elsewhere. Darnick would lose a valuable natural asset.
- The Community Woodland is the only extensive open amenity area available to residents and visitors. The woodland is highly valued and used daily by walkers, with and without dogs, joggers, wildlife enthusiasts, and those who carry out necessary woodland management. The woodland also includes a developing orchard which supports the aspirations of Council's draft Food Growing Strategy. The loss of even part of this valuable woodland asset would have a considerable effect.
- The area for future expansion raises the question as to the purpose and strength of an existing settlement boundary in its capacity to confine settlement development.
- Further cumulative development only serves to compound the issues for design and settlement identity.
- Require rigorous application of the CAT policy to ensure that this area of Community Woodland is protected to avoid settlement coalescence.

Robin Sloan (476)

- Objects to the allocation of site ADARN005 (Land South of Darnlee).
- Housing would adversely affect the historic setting of Darnlee House built in 1816 which should not be dominated by new housing, even if with a 'high standard of design' as its parkland setting gives Darnick part of its identity and defines the entrance to the village.
- Regardless of the location of the vehicular access, lost on-street parking for other villagers would be a problem as would additional traffic in an already complex series of road junctions.
- The centre of Darnick is already struggling to cope with the expanding population, with narrow streets, many without pavements, making walking often hazardous. Darnick is now big enough as it is, without further expansion.
- Key Greenspace GSDARN001 is only part of the Darnick Community Woodland. The land immediately to the west of Darnlee House is also Community Woodland (called Shunters Wud), and therefore there is no potential for possible housing development in this area as identified in the Proposed Local Plan ('Preferred Areas for Future Expansion', page 287). Both GSDARN001 and the larger area to the north should be identified as Key Greenspace.

Susan Taylor (483 2 of 2)

- In respect of the 'Preferred Areas for Future Expansion' section on page 287 of the Proposed LDP, the Council's own policy in the LPD (EP11: Protection of Green Space) emphasises that greenspaces "will be protected from development where this can be justified". Suggests that this area should be protected as it is regarded by villagers as a much valued woodland green space and is maintained by a number of dedicated villagers.
- Darnick is bordered by busy roads and there are few local green spaces where people can take a short walk safely. The OS Explorer map 338 shows this as an area with paths for walking and, in conjunction with the path going through the already-designated Green Space, it is used as a through route by walking group leaders who are keen to keep their groups safe by avoiding the very narrow pavements on the main road going through Darnick.
- Development at ADARN005 (Land south of Darnlee) would offer an opportunity to examine traffic management generally through Darnick as well as access to the development. Joining the B6394 from both Broomilees Road (sightlines are limited due to parked cars) and Heiton Park (drivers have to move out into the path of oncoming vehicles as cars are parked directly opposite the exit) is tricky for drivers. On-street parking is the only option for many residents. Through traffic has been increasing in Darnick over the last few years and Darnick's main street has become a bottleneck for lorries and other large vehicles and unsafe for pedestrians and cyclists. Some limits to the size of vehicles using this route (exempting buses and farm vehicles from any new regulation) plus pavement widening might help reduce the hazards for pedestrians.

Wendy Grant (547)

- Darnick now has its fair share of housing developments without adding more development.

- Car parking is now worse than ever on Abbotsford Road with overspill from the hospital car park and the train station making driving through the village virtually single file in both directions.
- Darnick is still a village and should be respected as such.
- Shunters Wood was planted some years ago and has grown well and adds to the diversity.
- Darnick has become a rat run with a bigger traffic flow through the narrow main street and some quite large lorries navigating through the tight bend in the village centre.

William Murray (583)

- Objects to development at ADARN005 (Land south of Darnlee).
- Darnlee is a listed building and is an historic entrance to the village.
- Development would require removal of mature trees which goes against the Council's own climate change protocol.
- The village has seen quite a few developments over recent years, taking away green spaces.
- Broomilees Road is very narrow and is already well used for access to recent development at Gilroy Gardens and farm machinery.
- The main road running along the front of Darnlee is already used for car parking causing congestion through the village without any further building taking place. Road safety must be considered.
- Darnick Conservation Area is characterised by a number of buildings fronting directly onto the main road and the loss of open space will be a detriment to the character of the village.
- In respect of the 'Preferred Areas for Future Expansion' section on page 287 of the Proposed LDP, this area has been developed by the community for wildlife and open air space for exercise. Development would result in removal of trees and wildlife space and habitat. This is contrary to climate change protocol and would result in the loss of the last greenspace in the village. This would go against the Council's anti-coalescence policy to keep settlements distinct.

Fiona, Alexander & Cynthia Kennedy (600)

- Objects to development at ADARN005 (Land south of Darnlee).
- Concerns relating to the further development of infill spaces within the village as there have already been recent developments at Gilroy Gardens, Waverley Gardens and Coatburn Green. This old, historic, interesting village should remain as a village with character and not have further modern developments.
- Development would further change the streetscape and increase traffic through the village which can be difficult at the present time on certain areas of Abbotsford Road.
- An access off Broomilees Road would create more difficulties with the narrowness of the road and to the exit onto Abbotsford Road which is already extremely difficult to negotiate especially with the increased traffic flow already due to the development of Gilroy Gardens and the parking at each side at the bottom of the road.
- The loss of trees along the boundary with 'Big Shunters Wood' should not be permitted, these help with climate change and are important to the village as a wildlife habitat.

- The text relating to potential longer term development to the west of Darnlee ('Preferred Areas for Future Expansion', page 287) should be removed.
- This woodland is extremely well used by villagers.
- The proximity of the historic battlefield should also be considered.
- Further development in the village would result in the settlement no longer being a village and would become part of Melrose and Tweedbank.
- Pressure on the infrastructure i.e. medical care, schooling etc. which are already under extreme pressure.

E & J Butchart (626)

- Objects to development at ADARN005 (Land south of Darnlee).
- Objects to the proposed potential longer term development to the west of Darnlee ('Preferred Areas for Future Expansion', page 287).
- Concerns relating to road safety. Darnick is an old historic village which was established long before motor cars were invented. The narrow road through the village regularly experiences traffic congestion and parking for local residents is problematic as most properties at this location do not have garages and/or parking. This section of road is often therefore used for parking as the only suitable location locally. Parking issues and obstruction caused by this limited parking availability is bad enough, further development would only aggravate the situation further. The busy junction at Abbotsford Road would become more hazardous.
- Concerns relating to the green belt. The Community Woodland to the west of Darnlee is a haven for wildlife and also a space for community activities. Any reduction of this lovely space would be a travesty.
- Broomilees Road is used by walkers accessing Abbotsford or Cauldshiels Loch. An increased presence of vehicles on this road would be dangerous.
- Further development in Darnick would be detrimental to the area.

Mary and Gordon Bain (638)

- Objects to development at ADARN005 (Land south of Darnlee).
- Objects to the proposed potential longer term development to the west of Darnlee ('Preferred Areas for Future Expansion', page 287).
- Darnick has expanded greatly over recent years.
- Building at Darnlee, which is a listed building, takes away from the beautiful, historical entrance into the village.
- As stated within the LDP, Darnick Conservation Area is characterised by a number of buildings fronting directly onto the main street and the loss of open space would be to the detriment of the character of the village.
- Grazing land would be lost if development took place.
- Additional housing places a burden on the already high levels of traffic through the village, where there are a number of constricted areas, and adds to parking problems as many of the older properties have no parking provision. To remove road parking would be a nightmare for many residents.
- The traffic through the village has increased considerably with the new developments over the last few years, to increase it more is lunacy.
- The local school and health centre are working at capacity levels now.

- Broomilees Road is already narrow and without a pavement and provides access to the nearby farms. Access to the site will have a negative impact on the safe use of this and neighbouring roads and junctions.
- Object to any development of the community woodland ('Preferred Areas for Future Expansion', page 287). The woodland has been invested in over this time to provide a community space for the enjoyment of all villagers especially during the Pandemic.
- This land also forms a greenspace between Darnick and Tweedbank. Development of this space would undermine the Local Authority's anti-coalescence policy which determines to keep the settlements distinct.
- The site is within the designated battlefield area.

Darnick Village Development Trust (730)

- Objects to development at ADARN005 (Land south of Darnlee).
- Not confident the site requirements can be met, given unnecessary tree felling at Tweedbank and the insensitive/inappropriate use of building materials in recent developments in the village;
- Development in recent years at Waverley Gardens, Gilroy Gardens and Coatburn Green have contributed to loss of green space in the village. Development of this site would exacerbate this and together with tree loss this does not align with the Council's declared climate emergency. Concerns relating to loss of birdlife, other wildlife and wildlife corridors;
- Darnlee forms an important and historic entrance to the village. As a listed building in a parkland setting within the Darnick Conservation Area, the site contributes positively to the streetscape. Grazing land would be lost. The Darnick Conservation Area is characterised by buildings fronting directly onto the main street and the loss of open space would be to the detriment of the character of the village; and
- Additional housing places a burden on the already high levels of traffic through the village, where there are a number of constricted areas. There is already a problem with parking as many of the older properties have no parking provision. Broomilees Road is already narrow and without a pavement and provides access to nearby farms. Access to the site would have a negative impact on safe use of this and neighbouring roads and junctions and existing on-street parking.
- Objects to the proposed potential longer term development to the west of Darnlee ('Preferred Areas for Future Expansion', page 287).
- The community woodland was established in 1998 and has been invested in to provide a community space for the enjoyment of all villagers as well as others including schools. It has been particularly important recreation space during the COVID lockdowns and has attracted funding.
- This land forms a greenspace between Darnick and Tweedbank. Development of this site would undermine the Council's anti-coalescence policy which determines to keep the settlements distinct.
- The site is within the designated battlefield.
- The loss of accessible greenspace and wildlife habitat, increased pressure on traffic volume and parking, overdevelopment of the village and expansion of the village boundary and the negative contribution on the National Scenic Area mean that neither of these sites should not be considered for development and should be designated and protected as a formal greenspace within the village.

J Leeming (755)

- Objects to development at ADARN005 (Land south of Darnlee).
- Darnick has been disproportionately smothered by development with two recent development beside the bypass.
- Proposal would adversely impact the Conservation Area.

Harriet and Alexander Inglis (785)

- Objects to development at ADARN005 (Land south of Darnlee).
- Development of the site would be contrary to Policy HD3 (Protection of Residential Amenity) of the LDP.
- Traffic and parking around the junction of Broomilees Road and Abbotsford Road – the junction is not suitable for large vehicles. The garden wall of the contributor's property has been significantly damaged twice in the last four years due to large, long, vehicles turning right into Broomilees Road from Abbotsford Road. Parked cars around the junction contributed to these incidents.
- Possible realigning of the junction of Broomilees Road and Abbotsford Road – the contributors would be concerned that a realignment would this would be directly opposite a bedroom window of their property and would result in pollution and traffic noise entering their property affecting their health and the amenity of their property.
- Removal of trees – the trees at the bottom of Broomilees Road add to the quality of the contributor's experience of living in Darnick, they provide a home to owls and sound insulation from the traffic of the bypass and absorb traffic pollution.
- Electricity Substation – the contributors would be keen to know where the existing substation would be located and would object to it being closer to their property.
- Street lighting – the contributor's would welcome a reduction in the brightness of the existing street lighting.
- Positioning of upstairs window – the contributor's would prefer that no windows overlook their existing upstairs window overlooking Abbotsford Road.
- Greenspace – the field is longstanding green space providing the village with a sense of open space and providing a green buffer between Darnick and the Melrose bypass.

Rural Renaissance (803)

- Objects to the non-allocation of Darnick Vale 2 (MDARN002) for mixed used development within the Local Development Plan.
- Would ensure sufficient new housing land is available allowing for a phased approach to the release of housing land and provides alternatives should existing allocations and "non-effective sites" slow or fail to deliver.
- Would meet the economic prosperity and environmental quality strategic objectives.
- Locating development which minimises number and length of car journeys by providing new homes adjacent to a transport corridor.
- Delivering a proposal within a 5 year timeframe, or within such timeframe that it helps reduce the pressure on the planning authority to deliver its already allocated sites.
- The provision of choice across the housing market area.
- The design, quality and density of development that can be achieved.
- It will not have a significant adverse effect on any natural or built heritage interests or any national or international environmental designations.

- The proposals can support the existing services in the village.
- The proposals can contribute to the facilitation of improved facilities in the village and in neighbouring villages.
- There are no other significant environmental dis-benefits or risks, for example flooding.

Melrose Community Council (876)

- Objects to development at ADARN005 (Land south of Darnlee).
- Development would have a considerable negative impact on the access to Darnick from the north at Waverley Road.
- The village has had considerable development in recent years and is in danger of being over-developed.
- The roads through Darnick are narrow and already suffer a degree of heavy traffic. Access to Broomilees Road is poor and additional traffic would only exacerbate the existing difficulties with the junction onto Abbotsford Road.
- Considerable repair would be required to provide adequate shielding and the design of the properties would need to reflect the existing village.

Save Scott's Countryside (879)

- Objects to development at ADARN005 (Land south of Darnlee).
- Located within the Darnick Conservation Area and within the Eildon and Leaderfoot National Scenic Area.
- The site requirements (bullet nos. 5, 6 and 7, page 288, Proposed LDP) relating to 'High Standard Design', 'Safeguarding the setting of the listed building known as Darnlee' and the historic battlefield (Inventory Battlefield of Darnick) and the character of the Darnick Conservation Area will not prevent ten houses on this site at this location having the appearance of a suburban, if somewhat upmarket, estate built in the parkland grounds of Darnlee. It will look like a larger version of building a house in your back garden regardless of sense, setting or integration. It is not the way to greet visitors to the village.
- Given the recent expansion of Chiefswood Road, the housing-type balance would be adversely affected by a further large housing estate, especially so visibly at the entrance to the village and within the Conservation Area.
- If the village really does require further housing, then a modest build of up to five houses of mixed type and with much tree planting could be more acceptable at this 0.8ha site.

Agnes Waldie (884)

- Objects to development at ADARN005 (Land south of Darnlee).
- Objects to the proposed potential longer term development to the west of Darnlee ('Preferred Areas for Future Expansion', page 287).
- The village has recently become saturated with new build (Waverly Gardens, Gilroy Gardens and Coatburn Green) and the village has lost a lot of its green space.
- Darnick is located within the Eildon and Leaderfoot Hill National Scenic Area, the purpose of the designation is to identify areas of exceptional scenery and to protect from inappropriate development.
- Proposals do not take into account qualities such as history, archaeology, geology or wildlife.

- Darnlee sits in a Conservation Area.
- The village, which has an old Border settlement layout, has come to know in more recent time's problems with developments in and around the village, many of the original houses within the village were built along a narrow street with no provision for the modern car. There is no space for parking because of this, cars are parked at either end of the village and along Abbotsford Road making the roads through the village single track. Entrance to this development proposal is on to Abbotsford Road which already has a parking problems, an average of nine cars are parked here on any given day. Visibility is presently poor for both pedestrian and vehicles, bordering on unsafe.

D Thomson (888)

- Requested that all other relevant negative views as probable issues and outcomes, are referred to in respect of ADARN005 (Land south of Darnlee).

Angela Stormont (916)

- Objects to development at ADARN005 (Land south of Darnlee).
- Objects to the proposed potential longer term development to the west of Darnlee ('Preferred Areas for Future Expansion', page 287).
- Darnick has had several housing developments in recent years and is now in danger of being overdeveloped, losing its character and increasing issues caused by road traffic. Broomilees Road is narrow and does not have pavements, so increased traffic could affect pedestrian safety. The junction with Abbotsford Road also has issues with parked cars, with increased traffic adding to road safety concerns at this junction.
- Development would require the destruction of established mature trees, a haven for wildlife, and also important in today's climate crisis. The Council should be preserving trees not encouraging destruction.
- Darnlee is a listed building and is located within the conservation area and stands at the entrance to the village. Its status and importance as a historic building is enhanced by its setting in the parkland. To remove half of the parkland would destroy the setting and undermine the cultural significance of the property and the ancestors of the Smith family.
- The Covid pandemic has highlighted the need for people to be able to move around safely for exercise and enjoy green spaces. While Darnlee is private land it still has an aesthetic value as open green space.
- The community woodland has come into its own during the pandemic and has become a vital place for villagers, many elderly, to walk safely. Reference to future development of this land must be removed before this too becomes a target for housing in future plans.

Ian Tomlinson (941)

- Objects to development at ADARN005 (Land south of Darnlee).
- Objects to the proposed potential longer term development to the west of Darnlee ('Preferred Areas for Future Expansion', page 287).
- The site (ADARN005) has been used as grazing land for many years.
- The site has a number of mature oak trees and other species around its border which would be removed if development takes place.

- Brownfield sites should be identified for residential development not grazing land.
- The site for potential longer term development (p287) is a woodland of major importance to the whole village. A millennial oak tree is planted within the woodland. This area should never be developed, volunteers have spent the last 21 years working and managing the woodland to make it a hub for the villagers to enjoy.

Jeremy Weston (942)

- Concerns raised relating to development at ADARN005 (Land south of Darnlee).
- Concerns raised relating to the proposed potential longer term development to the west of Darnlee ('Preferred Areas for Future Expansion', page 287).
- Loss of green space in the village.
- The settlement would move closer towards coalescence with neighbouring villages.
- Threat to Shunter's Wood as a valued community amenity and wildlife habitat.
- Increased traffic in the village which the current road layout and junctions would struggle to accommodate.

Walter Young (951)

- Objects to the proposed potential longer term development to the west of Darnlee ('Preferred Areas for Future Expansion', page 287). It is assumed the Contributor has referred to this as GSDARN001 in error as this area is not proposed for development. The Contributor considers that enough green spaces have been built on already.

Jennifer Fairbairn (962)

- Concerns raised relating to development at ADARN005 (Land south of Darnlee).
- Loss of green space in the village.
- Development of the site would not be in keeping with the village.
- The access to the site is an issue as the road is already busy.
- The loss of old and important trees on the site.
- General increase of the village which has had a lot of building in the last few years.
- The road through the village is very tight in places and more traffic is undesirable.

Paul Cathrow (985)

- In respect of ADARN005 (Land south of Darnlee), the Contributor notes that it will be essential to take this opportunity to widen the eastern end of Broomilees Road. This is already a pinch point and with increased flow of traffic to recent new development at Gilroy Gardens and no footpath it does present a risk to all road users including pedestrians.
- Notes that Darnick Community Woodland is identified as key green space (GSDARN001, Darnick Community Woodland, page 288-289) but this is marked on the plan as only the small strip of woodland running south of Broomilees Road and parallel to the Melrose Bypass. The much larger woodland, also maintained by the Darnick Village Trust, to the north of Broomilees Road and west of Darnlee clearly needs to be identified as key green space and protected as such from future development. This is a critical village green resource and one that must be protected from future development.

Rosalyn Anderson (988)

- Objects to development at ADARN005 (Land south of Darnlee).
- Land borders Broomilees and Abbotsford Road, the main route through the village. Route is used by many NHS staff to access the hospital. Visibility on Abbotsford Road from the south is affected by a sharp bend, narrowing of the road and parked cars, some of which are connected to the hospital parking pressures. Broomilees Road already has traffic pressures from existing houses and the more recent development off this road, Gilroy Gardens.
- There is no footpath on Broomilees Road and it is the only access route for local farms located further west along that road, tractors and other farm vehicles as well as delivery vehicles use it regularly. It is used by many for walking and cycling to access local green spaces and to travel further to Cauldshiels Loch and beyond. The houses on this road do not have their own parking space and so they park of necessity outside their houses. The suggestion that 'displacement parking' within the new site could address this problem is very insensitive to the needs of the residents of Broomilees Road, and assumes that all could manage to walk, whatever the weather to access their vehicles at a greater distance. The suggestion of two access roads for the proposed site needs careful consideration. Humans take the easiest option and the new development could become a run-through from Broomilees Road although that could perhaps offer safer access for everyone onto Abbotsford Road but surely risks more loss of wildlife habitat.
- The unadopted Lye Road, just west of the Key Greenspace in Darnick (GSDARN001, Darnick Community Woodland, pages 288-289) has become a 'rabbit run' for visitors to arrive with vehicles at the woodland. They park facing west and then take the easy route east by using the aforesaid inappropriate route with its deteriorating surface, instead of turning and heading down Broomilees Road. This is a reminder of the existing traffic pressures and an example of human behaviour.
- The site contains significant trees which are host to an abundance of wildlife.
- Preserving the character of Darnlee will be a challenge if ten dwellings are to be fitted into the designated space.
- SEPA's advice should be sought and adhered to.
- The contributor cannot find any reason why this site should be allocated for housing development in a village with minimal public transport, in a position next to a narrowing part of an already busy road through the Conservation Area, especially as the Borders has ample designated areas and has specified the need to look at town centre development and areas close to transport hubs.
- Darnick is under the spotlight for housing due to its proximity to the railway. However, cars are used to get to the railway station unless you live within minutes of the terminus. Housing needs to be closer to transport hubs. There is plenty of scope for development at the Lowood site in Tweedbank (MTWEE002, Lowood, pages 529-530).
- Objects to the proposed potential longer term development to the west of Darnlee ('Preferred Areas for Future Expansion', page 287).
- It is a travesty that this is not designated a Key Greenspace alongside GSDARN001 (Darnick Community Woodland, pages 288-289).
- This established woodland area, known as Shunters' Wood, is bursting with a wide variety of wildlife. This Community Woodland forms part of the Border Forest Trust and the Millennium Forest of Scotland. The Community Woodland closer to Darnlee has been extended to include numerous younger trees planted by villagers

as part of a community project. The established wood is a well-developed woodland with bushes and tree canopies which encourage specific wildlife whilst the newer area near Darnlee is a more open space with views for walkers to The Eildons and surrounding rolling countryside. The proximity of The Waverley Castle Hotel to this site makes it an accessible area for hotel residents. The woodland is also used for many educational purposes with local schools and students as well as for well-being projects and for community service projects for young offenders.

- This is precious space on so many levels and deserves protection by official designation as a Key Greenspace and not as a potential housing development.

Roger Changleng (1008)

- Objects to development at ADARN005 (Land south of Darnlee).
- The site is positioned at village gateway and any development would impact significantly on streetscape.
- Expanding the village boundary to approach Tweedbank as this undermines the anti-coalescence policy that is meant to keep settlements distinct.
- Potential loss of mature trees and effect on local wildlife.
- Any road access would be entirely unsuitable from the Broomilees Road side of proposed site due to narrowness of road and poor sight lines.
- The village has already seen recent development/expansion with Gilroy Gardens and Coatburn Green.
- Objects to the proposed potential longer term development to the west of Darnlee ('Preferred Areas for Future Expansion', page 287).
- Expanding the village boundary to approach Tweedbank as this undermines the anti-coalescence policy that is meant to keep settlements distinct.
- Loss of mature trees and effect on local wildlife.
- Regard as key green space, used daily by community - now more than ever with current Coronavirus pandemic.
- Any road access would be entirely unsuitable from the Broomilees Road side of proposed site due to narrowness of road and poor sight lines.
- The village has already lost green space due to recent development/expansion with Gilroy Gardens and Coatburn Green.

Susie Turpie (1010)

- Objects to development at ADARN005 (Land south of Darnlee).
- Development would alter the character of Darnick, undermining the Darnick Conservation Area and the special quality of the village. The old, traditional heart of the village would be cocooned within modern housing developments on all sides – losing the last, and most beautiful, traditional approach to the village.
- The negative impact on the character and identity of the village resulting from the development is not worth the ten extra houses that would be created.
- Darnick has a special historical importance. One of the most scenic, historic and charismatic features of the village is the open approach from Abbotsford Road, passing Darnlee with stunning, uninterrupted views into the Conservation Area. The open, traditional approach along Abbotsford Road, straight into the old heart of the village is an important part of what makes the village so special and charismatic – part of Darnick's identity and history and key to the beauty of its natural and built environment. This would be utterly destroyed by development on the site. It is hard to overstate the impact this would have on the character of the village. It would be

- enormously detrimental to its charm and traditional identity. It would reduce the attractiveness of the village to tourists and potential house-buyers, as well as significantly impacting on the wellbeing of existing residents.
- The loss of the open area around Darnlee would be a great loss to the village. It is an area of beautiful, tranquil parkland which adds to the character of the village. The ability to leave and return to the village – whether driving, cycling or walking - past this open, beautiful space is an extremely important part of what makes the village so special. The proposed development would change the character of the village. Darnick's current identity as a vibrant, beautiful and historic settlement would be fundamentally compromised.
- The proposed development would add to the considerable pressure of traffic on Abbotsford Road, which is already a serious concern in terms of road safety – particularly at the bend near the junction with Smiths Road, where children's access to the school bus stop is already challenging and potentially dangerous. Furthermore, due to the shortage of parking spaces within Darnick village, many residents (particularly of Smiths Road) currently park on the stretch of Abbotsford Road beside Darnlee because there are no alternatives in the village. A housing development at this location would create a serious conflict with the current use of this stretch of road for essential parking by existing residents, since there is simply no capacity to accommodate parking for all residents within the old heart of the village.
- Objects to the proposed potential longer term development to the west of Darnlee ('Preferred Areas for Future Expansion', page 287).
- Expanding the village to the west of Darnlee would entail developing the area currently occupied by 'Big Shunter's Wud'. The loss of this community woodland would be a huge blow for the village - and entirely at odds with the evidence of the value of such natural community spaces for physical and mental health, and of the importance of woodlands for tackling climate change and supporting biodiversity.
- The community woodland is regularly used by residents of Darnick - young and old.
- It is an important asset to the area, providing a wide range of benefits, from recreation and exercise to outdoor education. For example, pupils at Melrose Primary School recently planted trees in 'Big Shunter's Wud' as an educational activity. The woodland should be designated as a key greenspace, alongside 'Wee Shunter's Wud'.

Modifications sought by those submitting representations:

- Contributors request the removal of reference to the proposed potential longer term development to the west of Darnlee ('Preferred Areas for Future Expansion', page 287) from the Plan (093, 224, 290 (3 of 4), 366, 421, 476, 483 (2 of 2), 547, 583, 600, 626, 638, 730, 884, 916, 941, 942, 951, 985, 988, 1010)
- Contributors request the removal of the housing allocation ADARN005 (Land south of Darnlee) from the Plan (024, 031, 054, 093, 224, 290 (4 of 4), 421, 476, 547, 583, 600, 626, 638, 730, 755, 785, 876, 879, 884, 888, 916, 941, 942, 962, 988, 1008, 1010)
- Contributors request the allocation of Key Greenspace on land to the west of Darnlee House (290 (4 of 4), 476, 483 (2 of 2), 941, 985, 988)
- Contributor requests the site Darnick Vale 2 (MDARN002) is allocated for mixed use development within the Local Development Plan (803).

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE DARNICK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN WITH THE EXCEPTION OF THE FOLLOWING:

- AN AMENDMENT TO THE SETTLEMENT PROFILE ON PAGE 287 OF THE PROPOSED PLAN, AS SET OUT UNDER HEADING 'DARNICK SETTLEMENT PROFILE' BELOW, TO REMOVE THE SENTENCE 'THERE IS POTENTIAL IN THE LONGER TERM TO EXPAND THE VILLAGE TO THE WEST OF DARNLEE';
- LAND TO THE WEST OF DARNLEE HOUSE TO BE INCLUDED WITHIN THE SETTLEMENT BOUNDARY OF DARNICK AND DESIGNATED AS A KEY GREENSPACE, AS SET OUT UNDER HEADING 'PROPOSED DESIGNATION OF KEY GREENSPACE ON LAND TO WEST OF DARNLEE HOUSE' BELOW; AND
- A SUGGESTED NON-MATERIAL CHANGE TO THE FIRST SITE REQUIREMENT SET OUT ON PAGE 288 OF THE PROPOSED PLAN, DETAILED BELOW UNDER HEADING 'LAND SOUTH OF DARNLEE (ADARN005)' TO READ 'DUE TO THE SENSITIVE NATURE OF THE SITE, AN APPROPRIATE PLANNING BRIEF TO BE PREPARED AND CONSULTED UPON AT AN EARLY STAGE TO ENSURE A HIGH QUALITY DEVELOPMENT WHICH INCLUDES THE PRINCIPLES OF 'DESIGNING STREETS'.

REASONS:

Darnick is located outwith any Strategic Development Area set out by the SESPlan Strategic Development Plan (SDP) 2013 (CD001, refer to pages 7 to 20). Appendix 2 contained within the Proposed Plan outlines that the housing land requirement figures are taken from the SESPlan Proposed SDP (2016) (CD005, refer to pages 44 to 50) and SESplan Housing Background Paper 2016 (CD006, refer to pages 4 to 6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit 2019 (CD071, refer to the Introduction, pages 14 to 16) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Issue 6. It is also acknowledged that housing land requirements will be set out at a national level through the forthcoming National Planning Framework.

Darnick Settlement Profile (page 287) (093, 224, 290, 366, 421, 476, 483 (2 of 2), 547, 583, 600, 626, 638, 730, 884, 916, 941, 942, 951, 985, 988, 1010)

- The Settlement Profile for Darnick as set out within the Proposed Plan (page 287) acknowledges that Darnick is a prime location within the central housing market area due to its proximity to the railway station at Tweedbank. It is stated under the heading 'Preferred Areas for Future Expansion' that 'There is potential in the longer term to expand the village to the west of Darnlee'. This area of land, as shown on the site plan detailed in CD119 (page 9), was considered to be a possibility for development, subject to further detailed assessment during a future Local Development Plan review. This statement stemmed from the fact that the proposed

allocation of ADRAN005 (Land South of Darnlee) would potentially in the future enable access to this site.

- However, it has become absolutely apparent through the consultation process of the Proposed Plan that this area of land has significant community value, both in terms of the woodland and the use of the space for recreation, including walking. The Council is therefore of the view that this reference to longer term development, via this sentence, should be removed from the Plan.

Proposed Designation of Key Greenspace on Land to West of Darnlee House (290, 476, 483 (2 of 2), 941, 985, 988)

- A number of Contributors consider that the land currently outwith the settlement boundary to the west of Darnlee House should be designated as a Key Greenspace given its community value, along with the existing Key Greenspace designation GSDARN001 (Darnick Community Woodland) as both areas function as Community Woodland and are maintained by the Darnick Village Trust.
- As noted within the 'Darnick Settlement Profile' above, it is clear that this area of land has significant community value and the Council would be keen to ensure this area is therefore protected for such purposes. The Council would therefore encourage the Reporter to include this area of land, as shown on the site plan detailed in CD119, page 9, within the settlement boundary of Darnick and to be formally allocated as a Key Greenspace designation in accordance with Policy EP11 – Protection of Greenspace of the Plan. It is considered this would constitute a non-significant modification to the Plan.

Land South of Darnlee (ADARN005) (024, 031, 054, 093, 224, 290, 421, 476, 547, 583, 600, 626, 638, 730, 755, 785, 876, 879, 884, 888, 916, 941, 942, 962, 988, 1008, 1010)

- This site was submitted for a housing allocation by the landowner at the Call for Sites (Pre-MIR) stage (CD178). The site was assessed as acceptable and was included within the Main Issues Report (CD118, page 60) as a preferred site. The following is the conclusion of the updated site assessment (CD118, pages 73 - 75): 'The site is considered to represent a suitable infill development within the settlement of Darnick. The existing woodland belt along the western boundary of the site as well as specimen trees along the southern boundary would require to be retained where possible. The developable area of the site would be established by the root protection areas of existing trees. Consideration would require to be given to how best to create separation along the northern boundary of the site to ensure the integrity of the setting of Darnlee is maintained. Existing boundary features (including the existing stone wall and fencing) would require to be retained as much as possible. On-street parking is currently an issue on Abbotsford Road. Main access would be from Abbotsford Road with a potential link into Broomilees Road which in turn may result in localised improvements. This would require to be addressed through any development of this site. Any development would require to be of a high quality in order to safeguard the character and setting of the conservation area, the B listed Darnlee and the Inventory Battlefield. The relationship of development with the parkland and the street would require to be well considered. Due to the sensitivity of the site, it is considered that a Planning Brief would be required. There is undeveloped land to the west of the site which may, in the future, offer an opportunity for future development. Access from the site

in question would therefore require to be considered along with improvements to Broomilees Road as suggested by the Roads Officer.'

- The 'Borders Railway Maximising the Impact: A Blueprint for the Future' (CD069) is a strategy to maximise the potential of the railway line. It was launched by the First Minister in November 2014 and aims to capitalise on the transformational impact of the new line in creating new places to 'live, work, visit, learn, play and grow'. From a planning perspective, the site in question maximises these development opportunities due to its location, being in close proximity to the railway terminus therefore directing development towards the railway in line with the Blueprint. Darnick is located within a prime location within the Central Borders Housing Market Area which has a proven record of housing market developer interest and consumer demand. Furthermore no insurmountable issues were raised which would prevent development of the site. Consequently, subject to addressing the site requirements (page 288) of the Proposed Plan, this site is identified as a housing allocation.

Built Heritage

- The special character of Darnick is recognised by the designated Conservation Area which incorporates the historic core of the settlement which is organic in nature.
- As set out within the site assessment above, it is clear that this is a sensitive site and any development would require to be of high quality. The production of a Planning Brief, as required by bullet no. 1 on page 288 of the Proposed Plan, will allow the exploration of the most appropriate scale, layout, design and materials of the development, amongst other matters, to ensure there is no detrimental impact upon the character and setting of the conservation area and the Category B listed Darnlee. The Council would suggest that it might be fruitful to further expand the requirements of the aforesaid bullet no. 1 to the importance of the planning brief due to the sensitive nature of the site and that it will be prepared and consulted upon at an early stage. The Council would suggest the following rewording of the site requirement as a non-material change to the Plan: 'Due to the sensitive nature of the site, an appropriate planning brief to be prepared and consulted upon at an early stage to ensure a high quality development which includes the principles of 'Designing Streets''.
- A number of Contributors have noted that Darnlee is an important visual gateway into the village which would be significantly impacted by development. Given the listed building would still sit within relatively substantial grounds at the entrance into the village, it is not considered that the character and setting of the property would be detrimentally affected to a major degree.
- A high quality development at this location should enhance the character of the historic village at this location and should not affect the historic core of the village. It has been suggested that brownfield land should be developed before grazing land such as this is developed (941). The LDP continues to support and encourage brownfield development where possible. However, due to on-site constraints with many brownfield sites it is not practical nor possible to identify an effective housing land supply based on brownfield land. Consequently the housing land supply must inevitably consider greenfield options for allocation.

Natural Heritage

- The existing woodland belt along the western boundary of the site as well as specimen trees along the southern boundary would require to be retained where possible. Importantly, the developable area of the site would be established by the root protection areas of existing trees and existing boundary features (including the existing stone wall and fencing) would require to be retained as much as possible. Tree surveys would require to be undertaken by a suitably qualified arborist. These matters are suitably set out within the site requirements set out on page 288 of the Proposed Plan. The contribution these trees make to the character of the area is significant both in visual landscape and ecological terms.
- The impact of development upon local wildlife is understandably of concern to local residents and this is a matter which has been raised by a number of Contributors. The Council's Ecology Officer has been consulted on this matter and has advised that the development would have moderate impact upon biodiversity which would require to be mitigated. It is for this reason that a site requirement has been included within the Proposed Plan (bullet no. 4, page 288) stipulating the need for an assessment of ecology impacts and the provision of mitigation, as appropriate. These matters would be explored further through the process of any future planning application.
- Whilst it is acknowledged that part of the site (eastern) is located within the Eildon and Leaderfoot National Scenic Area (NSA) it must be highlighted that the village of Darnick for the most part along with the town of Melrose as a whole are located within the NSA including allocated development sites. Consequently the NSA designation does not prevent the possibility of any development within it. It is not considered that the development of this site, which is considered to be suitably located within the built-up area of the village, would have a detrimental impact upon the scenic qualities of the NSA. Any future planning applications would require to be assessed against Policy EP4 – National Scenic Areas of the Proposed Plan which aims to protect and enhance the scenic qualities of the NSA.
- A number of Contributors have raised concerns relating to the loss of greenspace within the village. It should be noted that the whilst the site in question functions as a greenspace in the visual sense, it has been utilised as grazing land for many years and therefore the site has not been open to the public for general use. The site has not been safeguarded as a Key Greenspace within the Local Development Plan in the past and this has not been raised as a matter of concern. The Key Greenspaces in the LDP across the region were identified in consultation with respective Community Councils. Given the opportunity this site represents as an appropriate housing site it is not considered that it should now be designated as a Key Greenspace.
- There are no geological sensitivities associated with the site as far as the Council is aware.

Inventory Battlefield of Darnick

- The site is located within the Inventory Battlefield of Darnick (CD205). The Council's Archaeology Officer has confirmed that mitigation is likely and that consideration of the impacts upon the setting of the battlefield will be needed. Historic Environment Scotland raised no objections during the consultation period. The Proposed Local Development Plan therefore stipulates a site requirement stating that 'the qualities and setting of the historic battlefield must be safeguarded, mitigation is likely'.

Climate Change

- It is the duty of the Local Development Plan to allocate sufficient land for housing development in line with the requirements of Scottish Planning Policy (SPP) (Core Document XX). Delivering sustainable development is a key theme throughout the Plan and is intrinsic to all policies. These policies along with other emerging climate change requirements from a range of sources will be material considerations to be assessed at the planning application stage.

Roads/Connectivity

- The Council's Roads Planning Officer has raised no objections to the allocation of this site subject to site requirements being set out, as detailed within the Proposed Plan (page 288). The issues raised by the Contributors in respect of the current difficulties created by on-street parking within the vicinity of the site and the narrow nature of the road through the centre of Darnick are acknowledged. However, it is considered that the development of the site in an appropriate manner could address the current roads difficulties at this location. In respect of sustainable transport, this is considered to be a well-located site given its proximity to Melrose and Galashiels with good opportunities for pedestrian and cycle connectivity. Furthermore, the site is well-served by public transport with a bus service close at hand and the railway station at Tweedbank nearby.
- The Roads Planning Team have stated (CD118, page 74) that access to the site would be achievable off the main road into Darnick on the eastern side of the site. As stated above, it is acknowledged that the difficulties caused by existing on-street parking would require to be addressed. This would be a necessity in order that visibility requirements could be met at the site access. Displacement parking would therefore require to be provided within the site and this is a site requirement stipulated within bullet no. 9 on page 288 of the Proposed Plan. An alternative option would be to explore the possibility of upgrading the existing access which serves Darnlee as a means of serving the site and introducing some lay-by parking in the main road.
- A supplementary vehicular access is also possible off Broomilees Road and this would help with street connectivity. This would entail widening Broomilees Road between the mature trees and may offer scope for a one-way traffic system over the initial narrow length of Broomilees Road. Any adjustments to the road layout at this location would have to ensure the protection and retention of the mature road side trees which are an attractive feature, where possible. All trees at this location are protected by virtue of their location within the Darnick Conservation Area.
- With the provision of the aforesaid works, which would require to be fully considered through a Transport Statement, the development of this site offers the opportunity to improve the existing problematic roads issues.
- The issues of concern relating to the existing Lye Road and it being used as a 'rabbit run' are outwith the remit of the Local Development Plan (988).

Residential Amenity

- Any planning application for the development of the site would be assessed against Policy H3: Protection of Residential Amenity of the Plan. This policy seeks to protect the amenity of both existing established residential areas and proposed new housing developments. Consideration would also be given to the Council's

Householder Developments Supplementary Planning Guidance (SPG) in relation to privacy, sunlight and amenity (CD088). It is considered that the site could be developed in an appropriate manner giving consideration to the aforesaid policy and SPG ensuring that the residential amenity of nearby properties is not compromised. The location of the electricity sub-station and street lighting would be considered during the process of any future planning application taking into account residential amenity.

Education/NHS/Affordable Housing

- The Council's Education Officer has been consulted and has raised no objections in respect of the capacity of the local schools. The NHS have not raised any objections specific to the development of this site (589). In respect of affordable housing, any future planning application would require to be considered against Policy HD1 – Affordable Housing Delivery of the Local Development Plan. Affordable housing requirements will be determined via discussion through the planning application process.

Flood Risk

- Concerns have been raised relating to flood risk at the site. The Scottish Environment Protection Agency and the Council's Flood and Coastal Management Team have advised that the site is outwith both the fluvial and surface water 1 in 200 year flood extents and have therefore raised no objections on flooding grounds.

Neighbour Notification and Public Consultation

- The matter raised by Contributor 057 in respect of neighbour notification is addressed within the Representations of Support (CD183, page XX). The Council is required to notify those neighbours of potential employment, housing or regeneration sites of the Proposed Plan who hold property within a 20 metre radius of the perimeter of these sites. As set out within Appendix 4 – Publicity and Consultation of the Proposed Plan (page 223), the Council was required to amend the process of public consultation as a result of the Covid-19 crisis. The Council is, however, satisfied that a satisfactory process was undertaken to suitably enable representations to be made to the Proposed Plan.

Cumulative Impact and Settlement Coalescence

- A number of Contributors raise concerns relating to the cumulative impact of recent development within the village. There were two sites allocated for housing development within the Scottish Borders Local Development Plan 2016 in Darnick, both having been historical allocations from as far back as at least the Etrick and Lauderdale Local Plan 1995 (CD017). Development is nearing completion at housing site EM9B (Chiefswood Road) and the housing allocation at EM35D (Broomilees Road) has been completed within recent years. Both sites are not therefore carried forward into the Proposed Plan. ADARN005 (Land South of Darnlee) is the only site proposed for development in Darnick within the forthcoming LDP and there are no areas indicated for future expansion. Given the location of Darnick with its proximity to the railway station at Tweedbank and its prime location within the central housing market area, this infill site, which is clearly located within

the built-up area of the village, contained by a strong boundary of mature trees to the west, is considered appropriate for development subject to the site requirements being satisfied.

- The Council would refute the assertion that Galashiels, Melrose and Selkirk will become a city (093). One of the fundamental aims of Policy EP6 - Countryside Around Towns of the Proposed Plan is to prevent settlement coalescence, focused around the Galashiels and Melrose area.

General

- It is highlighted that Contributor (985) has submitted a note of support (CD183, page 459) in respect of the proposed allocation of ADARN005 (Land South of Darnlee) whilst stressing the point that it will be essential to take this opportunity to widen the eastern end of Broomilees Road which currently presents a risk to all road users including pedestrians. This matter is dealt with within the section entitled 'Roads (including parking, access, congestion, link to transport hub)' above. Contributor 483 (2 of 2) acknowledges that the development of ADARN005 (Land South of Darnlee) would offer an opportunity to examine traffic management generally through Darnick as well as access to the development.
- NatureScot (983) have welcomed (CD183, page 453) the site requirements set out on page 288 of the Proposed Plan, following their comments (as Scottish Natural Heritage) made during the Main Issues Report (CD179, page 4) consultation stage.

Conclusion

- In concluding, the Council acknowledges that this is a sensitive site and is clear that a number of site requirements, including the preparation of a Planning Brief, are necessary to ensure a development of high quality at this location. The Council is, however, satisfied that the development of the site in this prime location within the Central Borders Housing Market Area can be undertaken in a sensitive manner without having a detrimental impact upon the character of the area and is mindful of the fact that roads improvements, as a result of the development, could benefit the local area by means of roads improvements.

Darnick Community Woodland (GSDARN001) (290, 476, 985, 988)

- A number of Contributors have noted that Key Greenspace GSDARN001 (Darnick Community Woodland) forms only part of the larger Community Woodland which also should incorporate the larger area of land to the west of Darnlee House and the proposed housing allocation (ADRAN005), known locally as 'Shunters Wud'. This matter is addressed within the section above entitled 'Darnick Settlement Profile'. The Council would wish to clarify that the longer term expansion of the village, referred to under the paragraph entitled 'Preferred Areas for Future Expansion' on page 287 of the Proposed Plan, does not intend to direct development to the area formally designated as Key Greenspace GSDARN001 (Darnick Community Woodland) within the Scottish Borders Local Development Plan 2016 (CD009, pages 257-258) and the Proposed Plan.

Darnick Vale 2 (MDARN002) (803)

- The site was considered as part of the Housing Supplementary Guidance (SG) (CD020) through the process of the Scottish Border Local Development Plan 2016 (CD009). An initial stage 1 RAG assessment was undertaken, however it was concluded that the site should not be taken forward as part of the Housing SG (CD020).
- The Contributor objects to the non-inclusion of the site (MDARN002) within the Proposed Plan and seeks the inclusion of the site for mixed use development, with the proposed development of fifteen dwellinghouses, a cricket pitch, pavilion and park. The Contributor expresses the view that these proposals would provide ‘an overall upgrade to the sports and recreation facilities in the area (803).
- The Council remains of the view that the site would be an unacceptable addition to the settlement of Darnick at this location and the conclusions of the site assessment undertaken through the process of the Housing SG remain pertinent. The site assessment (CD118, pages 76-77) concluded the following:
‘Two submissions were made through the Call For Sites for sites at Darnick Vale, this submission for mixed use development [MDARN002 – Darnick Vale 2], and another [ADARN002 – Darnick Vale] for housing only. The proposed site sits within one of the most sensitive areas of the CAT policy area, where coalescence between Melrose and Darnick is a key concern. Preventing coalescence between settlements is one of the main purposes of the CAT policy. The CAT policy does not preclude all development within the CAT area, but the policy does not allow for development of the scale proposed in this most sensitive location. There are two existing allocations within Darnick and the village is considered not to have capacity for additional large scale development at this time. Housing development on this site would therefore be unacceptable. Flooding concerns and potential heritage and landscape impacts are also noted, but do not form part of the reasoning for excluding the site from further consideration.’
- The Council would highlight that there are examples of sites being put forward for development within the Proposed Plan which are located within the CAT area, where appropriate. However, the Council is of the view that this is a particularly sensitive location, the site is very open and conspicuous and the proposal does not accord with one of the fundamental aims of the CAT policy to prevent settlement coalescence.
- In conclusion, taking the above into consideration, it is not considered that this site is acceptable for mixed use development and should not be included within the Local Development Plan.

Reporter’s conclusions:

1. Figure 3 (Strategic Development Plan Spatial Strategy) on page 21 of the proposed plan suggests that Darnick, which is located to the west of Melrose, lies within the Central Strategic Development Area. I therefore disagree with the council’s comment above on this matter.

Land to the west of Darnlee House/Darnick Community Woodland (093, 224, 290, 366, 421, 476, 483 (2 of 2), 547, 583, 600, 626, 638, 730, 884, 916, 941, 942, 951, 985, 988, 1010)

2. The Darnick settlement map on page 289 of the proposed plan refers to land to the south of Broomilees Road as Darnick Community Woodland and identifies it as a key greenspace. Representations indicate that land to the north of Broomilees Road and to

the west of Darnlee House also forms part of Darnick Community Woodland and consider that this should also be identified as a key greenspace.

3. Representations object to the sentence on page 287 of the proposed plan that “there is potential in the longer term to expand the village to the west of Darnlee”. Concerns relate to the loss of the community woodland and the resultant coalescence with Tweedbank.

4. Following consideration of these representations, the council acknowledges that the woodland to the west of Darnlee House has significant community value. It suggests modifications to include this site within the Darnick development boundary and identify it as a key greenspace. Furthermore, it considers that the reference to the longer-term development potential of this land should be deleted.

5. I agree with representations that the area of community woodland to the west of Darnlee House should be protected, in recognition of its environmental and recreational value, and to prevent the coalescence of Darnick and Tweedbank. I consider that this would be achieved through the changes suggested by the council. Modifications to this effect are set out below.

Land South of Darnlee (ADARN005) (024, 031, 054, 093, 224, 290, 421, 476, 547, 583, 600, 626, 638, 730, 755, 785, 876, 879, 884, 888, 916, 941, 942, 962, 988, 1008, 1010)

6. Allocation ADARN005 is a new housing allocation. The site covers 0.8 hectares and lies to the south of the Category B listed Darnlee House and within the Darnick Conservation Area. In the existing local development plan, it lies within the settlement boundary and is not covered by any designation.

7. The site would contribute around 10 houses to the housing land supply. Although not currently in the hands of a developer, evidence suggests that the landowner is willing to sell the site and it would be expected to be delivered during the plan period.

8. The council considers that the site represents an appropriate infill development opportunity in close proximity to Tweedbank railway station. However, the matters covered in the site requirements on page 288 of the proposed plan and concerns raised in representations suggest that this is a sensitive site.

9. The settlement of Darnick has a compact central core with narrow streets and an array of traditional predominantly residential properties. However, the north-eastern part of the settlement, in which the site is located, is more open in character with wider streets and areas of green space. I agree with representations that the Category B listed Darnlee House and its associated parkland provide a gateway feature to the settlement from the north and contribute to the character and appearance of the conservation area.

10. The site is not identified as a key greenspace, nor did I see any evidence of it being used for recreational purposes. However, representations indicate that it has amenity value and makes a positive contribution to the townscape of Darnick.

11. The council suggests that the first site requirement be amended to read “Due to the sensitive nature of the site, an appropriate planning brief to be prepared and consulted upon at an early stage to ensure a high-quality development which includes

the principles of Designing Streets”. This change would perhaps more fully reflect the sensitivities of the site. However, Policy EP9: Conservation Areas requires development proposals “to preserve or enhance the special architectural or historic character and appearance of the Conservation Area”. Notwithstanding the requirement for a planning brief and “high quality development”, I consider it unlikely that development on the scale proposed would “preserve or enhance” the conservation area.

12. The site requirements address the need to retain boundary features such as woodland, trees, fencing and the low stone wall, all of which contribute to the character of the conservation area. However, there is a potential conflict between this requirement and the statement that “a secondary access off Broomilees Road is an option subject to the suitable road improvement work”. Given the proximity of the row of trees on the southern boundary to Broomilees Road, there is a risk that road improvements and/or the creation of a site access could result in damage to these trees. Furthermore, no evidence has been provided to demonstrate that the requirement to reflect the principles of ‘Designing Streets’ (including creating a strong street frontage) could be achieved, whilst also protecting the trees along the site boundaries.

13. The site is located to the south of the driveway to the Category B Listed Darnlee House. Its allocation for housing would remove part of the parkland which provides the setting for the listed building. The council’s heritage and design officer commented that “the development of all of the proposed site would have an adverse impact on the setting of Darnlee.” Whilst the list of site requirements on page 288 of the proposed plan indicates that the setting of the listed building must be safeguarded, no supporting information has been provided to show that this could be achieved. Given the proximity of the site to the driveway for Darnlee House and the significant area of parkland which would be lost to development, I consider that an allocation for 10 houses would not safeguard the setting of the listed building.

14. Representations have raised concerns regarding a number of other potential impacts. Some of these are referenced in the site requirements for allocation ADARN005 and could be addressed through the preparation of a planning brief and at planning application stage. These include transport requirements, implications for the historic battlefield, impact on ecology and the amenity of neighbouring properties. Others such as education capacity, safeguarding of the railway extension and flooding are not considered to be an issue for this allocation.

15. Issue 006 (Chapter 6: Planning for Housing and Appendix 2 Meeting the Housing Land Requirement) concludes that there is already more than sufficient housing land on sites that could be reasonably expected to be developed for homes during the plan period to accommodate the recommended local housing land requirement (LHLR). The deallocation and removal of this site (10 homes) from the proposed plan, has been factored into the conclusions in Issue 006 and would have no significant impact on them.

16. I conclude that the likely adverse impacts of development on the character and appearance of the conservation area and the setting of the listed building would outweigh any benefits the allocation would bring. I therefore recommend modifications to delete allocation ADARN005.

Darnick Vale 2 (MDARN002) (803)

17. Representation 803 is seeking the allocation of a 3.8 hectare site on the eastern edge of Darnick for 15 houses and the creation of a new cricket pitch, pavilion and park. Part of the site is currently a small sports pitch and the remainder is agricultural land.

18. The council states that the site sits within one of the most sensitive areas of the “countryside around towns” policy area, where coalescence between Melrose and Darnick is a key concern.

19. The allocation of this site would result in an easterly extension of Darnick such that its settlement boundary would align with the western edge of Melrose. Whilst the representation proposes an area of green space on the eastern edge of the site, I do not consider this to be sufficient to prevent the coalescence of Darnick and Melrose. Indeed, the representation states the site is “sufficiently close to form part of the Melrose settlement”.

20. No supporting information has been provided to suggest that there is an overriding need within the community for the proposed cricket facilities. This limits the weight I give to this element of the proposal.

21. I consider that the allocation of site MDARN002 would result in the coalescence of Darnick and Melrose and fail to retain their separate identities. This would be contrary to the aim of Policy EP6: Countryside Around Towns.

22. Irrespective of the merits or otherwise of promoted site MDARN002, Issue 006 concludes that there is no need to allocate any more housing land besides what is already set out in the proposed plan. No modifications are required.

Reporter’s recommendations:

Modify the local development plan by:

1. deleting the second sentence of the “Preferred Areas for Future Expansion” section on proposed plan page 287 (“There is potential in the longer term to expand the village to the west of Darnlee”).

2. adding the following new entry to the “Key Greenspace” table on proposed plan page 288:

“Site Reference: GSDARN002

Site Name: Darnick Community Woodland 2

Site Size: (Council to insert area in hectares)”

3. amending the Darnick settlement map on proposed plan page 289 to show site GSDARN002 as a key greenspace and realign the settlement development boundary to include this site (as shown on the Darnick Map in core document CD119).

4. deleting allocation ADARN005 from the “development and safeguarding proposals” table on page 288 and from the Darnick settlement map on proposed plan page 289.

Issue 27	Dolphinton	
Development plan reference:	Dolphinton Settlement Profile and Map (ADOLP003 – South of Sandy Hill, ADOLP004 – Land to north of Dolphinton) (pages 293-294)	Reporter: Philip Barton
Body or person(s) submitting a representation raising the issue (including reference number):		
John Wilson (683) Ronnie McKain (743)		
Provision of the development plan to which the issue relates:	Housing Allocation ADOLP003 – South of Sandy Hill and Housing Site ADOLP004 – Land to north of Dolphinton	
Planning authority's summary of the representation(s):		
<p><u>John Wilson (683)</u></p> <ul style="list-style-type: none"> The Contributor objects to the non-inclusion of site ADOLP004 within the Proposed Local Development Plan. The site has the capacity for 10 dwellings. The site lies adjacent to the Development Boundary and north of existing and approved dwellings (20/01382/PPP). The site is located 3.5 miles from West Linton and 7.5 miles from Biggar, both of these settlements experience high demand for new housing partly due to the ease of commuting to Edinburgh and Glasgow. The Contributor generally agrees with the site assessment carried out by the Council, however the case for the allocation of site ADOLP004 is considered to be supported by the shortfall in Housing Land Supply set out in Appendix 2. The site is well related to Dolphinton and is located within a sustainable location. The Contributor states that arrangements for services (including electric car charging) are currently being undertaken and this creates an opportunity to service site ADOLP004 simultaneously. The ability to bring forward both sites holistically will result in greater commercial certainty, lower construction costs and future occupants accepting less disruption and construction nuisance. <p><u>Ronnie McKain (743)</u></p> <ul style="list-style-type: none"> The Contributor objects to the allocation of site ADOLP003 stating that they have submitted previous numerous objections. The Contributor states that they cannot identify the proposal as an active proposal. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> Seeks the allocation of site ADOLP004. (683) Seeks removal of the site ADOLP003 from the Plan. (743) 		

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE DOLPHINTON SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

ADOLP004 (683)

- The site submitted by the contributor – ADOLP004 is located at Dolphinton and was submitted as part of the 'Call for Sites' process. Following an assessment (refer to CD118, pages 218 to 221) of the site, the site was assessed as 'Acceptable'.
- It is noted that Dolphinton is a small settlement that benefits from a recent allocation that was made within the Adopted Local Development Plan (LDP) 2016 (CD009, Volume 2, PDF pages 78 to 80) in the form of site housing allocation ADOLP003 with an indicative capacity of five units. It is considered that site ADOLP003 is currently sufficient for the Local Development Plan period. In addition, site ADOLP003 has not yet seen development. Nevertheless, it is acknowledged that site ADOLP004 could be considered again for inclusion in a future LDP and it is acknowledged that the site is a brownfield site and there are benefits in the site coming forward.
- A Development Boundary was first placed around Dolphinton in the Scottish Borders Consolidated Local Plan 2011 (CD010, Volume 2, PDF pages 106 to 107). In advance of the boundary around Dolphinton, the settlement had experienced considerable growth in recent years. The introduction of the boundary was considered as a way to protect the residential amenity and character of the area for the residents from continued development pressure. Prior to that, any new development proposed was assessed against the Development in the Countryside Policies contained within the Local Plan 2008.
- It is considered that the new sites brought forward through the Proposed Plan allow for a generous distribution of housing land as required by Scottish Planning Policy (SPP) 2014 (CD041, paragraph 110).
- Dolphinton is located outwith any Strategic Development Area set out by the SESplan Strategic Development Plan (SDP) (CD001, refer to pages 7 to 20). Appendix 2 contained within the Proposed Plan outlines that the Housing Land Requirement figures are taken from the Proposed SESPlan SDP (CD005, refer to pages 44 to 50) and Housing Background Paper (2016) (CD006, refer to pages 4 to 6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit (HLA) (2019) (CD071, refer to the Introduction, pages 14 to 16) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Issue 6. It is also acknowledged that housing land requirements will be set out at a national level through the forthcoming National Planning Framework.
- As a result it is not considered that there is any requirement for additional housing sites in Dolphinton as more appropriate sites are available within the Housing Market Area and wider Scottish Borders.

- It should be noted that the Settlement Profile for Dolphinton notes within the section on “Preferred Areas for Future Expansion” that “*the area north of the current housing allocation*” is identified for future expansion beyond the period of this Local Development Plan.
- It is therefore contended that site ADOLP004 is not appropriate and should not be allocated within the Local Development Plan.

ADOLP003 (743)

- It is noted that site ADOLP003 which is a brownfield site was allocated for housing development within the Adopted Local Development Plan 2016 (CD009) on the recommendation of the Examination Reporter (CD040, refer to Issue 113, pages 474-478).
- Planning permission in principle ((20/01382/PPP) refer to CD122) has also been granted on the site for five units subject to conditions. Significant weight must therefore be attached to the existence of this consent on the site, which has established the principle of development having been supported.
- Furthermore, Scottish Planning Policy 2014 (CD041, paragraph 40) requires development plans to promote a sustainable pattern of development appropriate to the area by “... *considering the re-use or re-development of brownfield land before new development takes place on greenfield sites ...*”. Therefore the site should remain as a brownfield housing proposal within the Local Development Plan.

Reporter’s conclusions:

ADOLP004 (683)

1. The council has assessed the site as acceptable in principle for residential development, with an indicative capacity of 10 units. Nevertheless, it is located outside the settlement boundary and is not within a strategic development area.
2. Irrespective of the merits or otherwise of this promoted site, Issue 006 (Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement) concludes that there is no need to allocate any more housing land besides what is already set out in the proposed plan. No modifications are required.

ADOLP003 (743)

3. The principle of residential development on this existing allocation has already been established by a grant of planning permission in principle (20/01382/PPP). Furthermore, the site is previously developed land (a vacant former railway station goods yard and siding) within a settlement boundary. Moreover, there appears to be evidence of at least one dwellinghouse having been built on the site prior to the construction of the A702 on its current alignment.
4. During my site visit I saw no obvious signs of development having commenced, although some work may have been done to improve the surface of the proposed access road. Neither do I have any evidence before me to demonstrate that notice of initiation of development has been given, in compliance with Section 27 of the Town and Country Planning (Scotland) Act 1997, nor that any of the conditions attached to 20/01382/PPP have been discharged.

5. Nevertheless, there appears to have been no material change in circumstances since planning permission in principle was granted. Neither do I see any reason to disagree with the assessment made by the Reporter examining the 2016 local development plan of the balance between the environmental impacts of development on the one hand, including remoteness from facilities and services, and on the other hand the small but useful contribution that five dwellings would make to housing land supply and in development making effective use of previously developed land. No modification is required.

Reporter's recommendations:

No modifications.

Issue 28	Earlston	
Development plan reference:	Earlston Settlement Profile and Map (AEARL010 – East Turfford and AEARL011 – Georgefield Site, BEARL002 – Townhead; zEL57 – Mill Road, SEARL006 – Georgefield and East Turfford and MEARL004 – Georgefield and East Turfford) (pages 304-311)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>David and Alexis Pitt (016) Luke Gaskell (073) Jim Cullen (078) Rural Renaissance (3 of 5) (803) Earlston Community Council (937) Sean Stratford (968) Brian and Sarah Hodge (1039)</p>		
Provision of the development plan to which the issue relates:	Housing Allocations AEARL010 – East Turfford and AEARL011 – Georgefield Site, Business and Industrial Allocation BEARL002 – Townhead, Business and Industrial Safeguarding Allocation zEL57 – Mill Road, Longer Term SEARL006 – Georgefield and East Turfford and Mixed Use Site MEARL004 – Georgefield and East Turfford	
Planning authority's summary of the representation(s):		
<p><u>David and Alexis Pitt (016)</u></p> <ul style="list-style-type: none"> • The contributors live directly opposite BEARL002 and state any development would significantly impact their view. They also state that any development would significantly devalue their property and impact their quality of life. • The contributors also raise concerns regarding the noise associated with the development of the site and the daily operation of the eventual business/industrial units on site. Again this would affect both quality of life and value of property. Additionally any major building work and landscaping raises concerns on damage to property due to proximity. • The contributors makes reference to the site requirement for structure planting and how it is shown on the settlement map and that such planting around the full boundary could obstruct their view as it appears such planting would directly face onto the rear of their house. <p><u>Luke Gaskell (073)</u></p> <ul style="list-style-type: none"> • The possible large development at Georgefield (SEARL006) will have a big impact on the town. Is this the best place for housing in the central Borders if better public transport is not available? 		

Jim Cullen (078)

- In relation to the business and industrial safeguarding allocation zEL57, the contributor lives adjacent to the site at a property called 'Nether Willows'. The contributor states the site encroaches upon their garden ground and has submitted a plan showing this as part of their submission.

Rural Renaissance (3 of 5) (803)

- The contributor has submitted a site at Georgefield (MEARL004) part of which is already allocated within the LDP. They state the purpose of their submission is to reiterate their support of the allocation and seek allocation of an additional area outside of the Earlston development boundary. The contributor seeks the extension of the allocation to include a further 27 acres and also seeks a review of the overall development capacity to ensure that the most efficient use is made of the site.
- The contributor provides details of the site phasing with a total site capacity of between 670 and 796 units.
- The contributor provides further details of the site and states that the area has been judged suitable for development and the allocation should remain. Recognition should also be given to the opportunity to bring forward land identified for later phases earlier than currently envisaged due to the need to maintain a five year land supply and address questions raised by sites not coming forward as quickly as anticipated.
- It should be noted the contributor makes further comment and analysis of the housing land supply in the Scottish Borders however this is addressed as part of Unresolved Issue 6.

Earlston Community Council (937)

- The contributor understands BEARL002 was first identified as part of the LDP Amendment in 2008 then taken forward into the Consolidated Local Plan 2011. The contributor asks if sites remain live indefinitely, or given lack of interest, will the Council consider removal since sites are also identified at Mill Road, Station Road and Turfford Park. This site is the only one north of the A6105 and would introduce yet more traffic flow near the busy High School entrance but feeding in from the opposite side.

Sean Stratford (968)

- In relation to BEARL002, the contributor is opposed to this development due to there being a substantial amount of residential property around this site and a secondary school across from it. As well as this, the A6105 is already a busy road and having an industrial area sited here will only increase the amount of traffic, posing a risk to people and children living around it.
- The contributor is also concerned about the noise levels and being an industrial site there is possibility for this noise to carry on out of hours should this plan be approved the Contributor has young children and is concerned for their safety as we border the site and have no idea of what type of industry would be there, pollution levels and noise levels.

Brian and Sarah Hodge (1039)

- In relation to housing allocations AEARL010 and AEARL011, the contributors have concerns regarding development in this area. The contributors state the agricultural nature of this land allows water to soak away gradually. They also state that large scale development of this land would lead to greatly increased run off and susceptibility to flash flooding of the Turfford Burn. They state that the watercourse comes to a pinch point at the bridge on the Georgefield Road and is frequently up to within a few inches of the apex of the bridge. Any increase in run off will lead to flooding of properties in the area of the bridge and to the new development at AEARL002 directly attributable to the development at AEARL010 and AEARL011 and would render the Council liable to private legal action for negligence.
- The contributor has three main concerns regarding the allocation BEARL002. Firstly there are issues with drainage and flooding on the A6105 which has resulted in closure of the road for extended periods. No long term solution has been secured due to difficulties and costs involved. Any industrial development will result in increased run-off and existing drainage infrastructure would need to be upgraded before any development took place.
- Secondly, road safety is an issue due to the heavy usage of the A6105 particularly during school hours. The site is immediately opposite the school, the traffic does not slow down at this point, only decelerates slightly. There is no indication on the plan where the access for the site would be – the only viable accesses would increase the risk of an accident.
- Thirdly, the contributor states it does not make sense to allocate BEARL002 as business and industrial land and AEARL010 as housing. The land at AEARL010 is roughly the same size and is more level and can accommodate business and industrial uses more easily with access from the current track entrance off the A6105. BEARL002 would be a more suitable site for housing as long as the drainage and flooding issues are addressed. The contributor has submitted photographs of flooding on the A6105 from 03/12/15.

Modifications sought by those submitting representations:

- The contributors would like BEARL002 removed from the Proposed Local Development Plan. (016, 937 and 968)
- The contributor would like SEARL006 removed from the Proposed Local Development Plan. (073)
- The contributor seeks an amendment to the site boundary of zEL57. (078)
- The contributor seeks the allocation of MEARL004 within the Local Development Plan. (3 of 5) (803)
- The contributors would like their issues addressed in relation to housing allocations AEARL010 and AEARL011 within the Proposed Local Development Plan. (1039)
- The contributors state BEARL002 would be more suitable as a housing site and AEARL010 reallocated as a business and industrial site. (1039)

Summary of responses (including reasons) by planning authority:

THE AMENDMENT TO THE SITE BOUNDARY OF zEL57 ON THE EARLSTON SETTLEMENT MAP IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL.

NO OTHER CHANGE TO THE EARLSTON SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

Housing Allocations AEARL010 – East Turrford and AEARL011 – Georgefield (1039)

- Both AEARL010 and AEARL011 were formally allocated as housing sites as part of the LDP Amendment in 2008 and were then taken forward into the Consolidated Local Plan 2011. The site assessment process concluded the sites were acceptable for development (CD010, Volume 2, pages 287-288).
- The Scottish Environment and Protection Agency (SEPA) are consulted at each stage throughout the LDP process. The comments received from SEPA have been included within the site requirements for both AEARL010 and AEARL011. These site requirements have been carried forward into each subsequent Plan including the Proposed Local Development Plan. The relevant site requirement relating to flood risk for AEARL010/AEARL011 states:
 - *A flood risk assessment will be required due to possible flooding in the northern/southern part of the site. The food risk area should be landscaped as wetland with tree planting and recreational open space. This should serve as a central focal point between AEARL010 and AEARL011.*
- As part of each Local Development Plan review, SEPA are consulted in relation to proposed new sites. In addition to this SEPA also review existing allocations as new data becomes available. However since the identification of these sites in 2008, SEPA have not raised any unsurmountable concerns in relation to flooding or surface run off. It should also be noted that SEPA will also be consulted again when a planning application is submitted on the site as part of the development management process.
- Therefore it is concluded that there are no flooding constraints associated with these sites which would stop them from being developed and therefore the sites should remain allocated within the Local Development Plan.

Business and Industrial Allocation: BEARL002 – Townhead (016, 937 968 and 1039)

- Comments noted. This site was allocated for business and industrial use as part of the Local Plan Amendment 2008 and has been carried forward into the Proposed Local Development Plan as an existing allocation.
- The site was considered acceptable due to its location within the Central Borders area. The site is in close proximity to the A68 and has good access to services and a potential workforce in the local area. When the site was allocated there was a need for new employment sites in the Central Borders area which was identified as part of a Scottish Borders Business Space Development Study (May 2008) (CD081). At that point, there was very limited business and industrial space available in Earlston. The site (BEARL002) was identified as a potential opportunity for development in the Development and Landscape Capacity Study (CD073, Earlston North West - Opportunities and Constraints Map, page 50). Following this, the site was assessed and was considered acceptable for business and industrial development.

- The site was part of the Local Plan Amendment Examination in 2010 and the Reporter made no modifications in relation to the site. The site has remained in the Local Plan since.
- The structure planting/ landscaping shown on the settlement map is indicative only. However as stated within the site requirements for BEARL002, structure planting will be required to screen the existing residential areas surrounding the allocation. This will protect the residential amenity of the adjacent properties. A management scheme for the planting is also required.
- It is also intended that a planning brief will be produced for the site which will take into account site design, access and landscaping. The contributors will have the opportunity to comment on the planning brief as part of the consultation process and also provide a further response when a planning application is submitted for the site.
- The sites referred to by Contributor 937 at Mill Road, Station Road and Turfford Park are all allocated as business and industrial safeguarded sites. These sites are mostly taken up and are protected for Use Classes 4, 5 and 6. The site at Townhead (BEARL002) is allocated for business and industrial which ensures continued supply of business and industrial land throughout the Central Borders. It should be noted that this site is currently undeveloped and is the only allocation of this type within Earlston.
- In relation to the comments made by Contributor 1039, as previously stated, the site is a long standing allocation within the Plan and has been through the full site assessment process. Site BEARL002 was considered acceptable following the Site Assessment (CD118, page 376) of which no insurmountable development constraints were identified. The site assessment process involves consultation with various stakeholders and other departments within the Council including the Scottish Environment Protection Agency (SEPA) and SEPA have not requested removal of the site. As part of the Local Development Plan Examination in relation to the adopted Local Development Plan 2016 the Reporter's Report (CD040, pages 511-512) stated:
 - *The Scottish Environment Protection Agency flood map does not indicate a risk of either river or surface water flooding. Although the Agency has various concerns about flooding potential that the development of the site may cause, I note from the site requirements that a planning brief in the form of supplementary guidance is to be produced. I believe the planning brief to be an appropriate document for setting out the various drainage considerations. In any event, the provisions of Policy IS8, Flooding, provide a basis for the assessment of any development proposals that may come forward through a planning application.*
- In relation to the road safety concerns raised by the contributor, when the site was identified, the Council's Roads Planning Team were consulted and submitted comments in relation to BEARL002. Their comments are detailed below. Following discussion with the Roads Team it was agreed the access should be taken from the A6105 as stated in the site requirements within the Proposed Plan.
 - *Vehicular connections are available for the easterly half of the site via the unclassified Summerfield housing road and directly from the A6105, with a fair degree of engineering work, just west of the new High School access. A dilemma here is that both access points are desirable in principle to give good*

connectivity and help disperse traffic, but the road known as Summerfield would take a lot of the traffic and it is much steeper than desirable’.

- A Technical Feasibility Study was also undertaken on the site by Ironside Farrar (CD079) which identified any constraints and opportunities that may preclude or confirm the sites suitability for consideration/ development. The study concluded that the site is suitable for development for business and industrial use. The study also includes a notional development layout (CD079, pages 30-31) showing how the site could be developed including site access, proposed woodland screening and SUDS.
- In conclusion it is not felt that any changes are required to BEARL002, the site has been assessed as appropriate for business and industrial use. The proposed Planning Brief will address many of the concerns raised by the contributors and will also provide an opportunity for further consultation.

Business and Industrial Safeguarding Allocation zEL57 – Mill Road (078)

- Comments noted. The site (zEL57) is a long standing business and industrial safeguarding allocation which was included in the Ettrick and Lauderdale Local Plan 1995. Since its allocation, the site has been carried forward into each subsequent Local Plan. The majority of the site has been developed or is in use for business/industrial purposes with a small undeveloped part of the site used for informal agricultural grazing.
- For various reasons, over the lifetime of the Local Development Plan, some changes are required to site boundaries and the Council acknowledge that in certain circumstances there is a need for these to be updated as part of each Local Development Plan review to ensure an accurate representation of what is on the ground. The Council notes the provisions within paragraph 87 of Circular 6/2013 Development Planning (CD059) which states that “The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the Reporter, and leave them to make appropriate recommendations.” In that respect the Council acknowledges that the site boundary for the business and industrial safeguarding site at Mill Road, Earlston (zEL57) could be amended within the Plan as per the updated site plan of zEL57 shown in red within CD119, page 11. The Council would accept the Reporter’s decision on this matter.

Longer Term Mixed Use Allocation SEARL006 – Georgefield East (073)

- Comments noted. Site SEARL006 has been identified as a potential longer term mixed use site which is considered appropriate for housing, employment, community uses and open space (CD118, page 388). It was identified following detailed consultation with a range of parties and consideration was given to matters such as its proximity to the village centre. Consequently no insurmountable issues were identified in considering this site suitable for potential longer term development to be brought forward at the appropriate time. The site was first included within the Local Plan Amendment as a potential longer term site and was taken forward into the adopted Local Development Plan.

Proposed Mixed Use Allocation MEARL004 – Georgefield & East Turrford Extension (3 of 5) (803)

- The site referred to by the contributor is part of a potential longer term mixed use allocation at Georgefield East (SEARL006). This longer term allocation was initially identified in the Finalised Local Plan Amendment 2009 (CD012, page 115) which considered proposals for potential future development including substantive settlement extensions. This was guided by the Development and Landscape Capacity Study (CD073) which identified potential opportunities for longer term development within Earlston. The Development and Landscape Capacity Study concluded that the Georgefield area (site SEARL006) was appropriate for development, stating that it was a possible landscape opportunity for a new/ linked settlement across these large, contained, relatively level fields which are easily accessible to the new school, this is shown on the Earlston South East: Opportunities and Constraints Map (CD073, page 71).
- Although the Proposed Local Development Plan identifies site SEARL006 as appropriate for potential longer term mixed use in principle, more work is required in terms of detailed consultation and discussion and the preparation of a masterplan to ensure a coherent and holistic approach. The Proposed Local Development Plan lists a number of site requirements to be addressed through the masterplan process. Part of the exercise will ensure the site has minimal impact on the views from the surrounding landscape. Appendix 3 (page 206) of the Proposed Local Development states the intention to produce a longer term planning framework for this part of Earlston.
- Earlston is located within the Central Strategic Development Area set out by the SESplan Strategic Development Plan (SDP) (CD001, pages 7-20). Appendix 2 contained within the Proposed Plan outlines that the Housing Land Requirement figures are taken from the Proposed SESplan SDP (CD005, pages 44-50) and Housing Background Paper (2016) (CD006, pages 4-6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders'. The Housing Land Audit (HLA) 2019 (CD071 (Introduction), pages 14-16) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Unresolved Issue 6. It is also acknowledged that housing land requirements will be set out at a national level through the forthcoming National Planning Framework'.
- Within Earlston there is a substantial housing land supply including allocations at the former High School site (AEARL002), East Turfford (AEARL010) and phase one of the Georgefield site (AEARL011). Therefore it is considered there is no need to allocate further housing land within Earlston and the potential longer term allocation at Georgefield, including MEARL004 should not be brought forward until phase one has been progressed. MEARL004 has been through the site assessment process and is considered 'Doubtful' for development in the short term (CD118, page 78). It is not felt that the contributor has provided any justification for bringing forward additional housing land at this location. Appendix 3 (page 206) of the Proposed Plan clearly states the Council's intention to produce a masterplan for this area which will include AEARL010, AEARL011 and SEARL006. Due to the size of the site it is essential that a coherent masterplan is produced in advance of development, this would also provide further opportunity for consultation and engagement.
- This area was also subject to Examination in 2015 as part of the adopted Local Development Plan 2016, under site code SEARL006 where the Reporter concluded '*In effect, although Georgefield East allocation is for mixed use, it can be anticipated*

that residential development would provide an important element within the wider area. Nevertheless, the text of the Earlston settlement profile is clear in stating that the allocated sites must be fully developed before Georgefield East which is “the preferred area for future expansion”. As the council points out, there is a substantial area of allocated housing land in Earlston, bearing in mind the size of the village. I agree that it is entirely appropriate to ensure that these sites are developed prior to confirming any further expansion’. The Reporter went on to say ‘I share the opinion of the council that the level of potential development in Earlston is adequate. Whilst it is reasonable to identify Georgefield East as a preferred area for future expansion, it is appropriate to give priority to the currently allocated sites. Additionally, it is clear that further impact analysis is required for Georgefield East. Accordingly, I endorse the provisions of the proposed plan in respect of site SEARL006, Georgefield East.’ (CD040 pages 528-529).

- It is not felt that this position has changed and therefore the allocation of SEARL006 as a potential longer term mixed use site should remain unchanged.

Reporter’s conclusions:

Housing Allocations: AEARL010 (East Turfford) and AEARL011 (Georgefield) (1039)

1. The contributor argues that development of sites AEARL010 and AEARL011 would disrupt the gradual drainage provided by the existing agricultural land, increasing run-off and causing flash flooding of Turfford Burn. A pinch point at the bridge over the burn on Georgefield Road could result in the flooding of properties near the bridge and of new development at site AEARL002 (surplus land at the former Earlston High School).

2. As the council points out, both sites have been allocated for housing development since 2008, having been subject to the council’s site assessment process. SEPA’s comments, including on flood risk, have been sought for each successive development plan. These comments continue to identify no insurmountable concerns regarding flooding or surface run off, subject to requirements which have been included in the site requirements in the proposed plan, namely for a flood risk assessment, and for landscaping of the flood risk area as wetland with tree planting and recreational space. SEPA’s flood risk comments for sites in Earlston are covered in Issue 074: Responses to SEPA Comments. SEPA does not seek the removal of either of these sites but does seek amendments to their respective site requirements.

3. I therefore see no basis for removing the allocations from the plan. No modifications are required.

Business and Industrial Allocation: BEARL002 (Townhead) (016, 937 968 and 1039)

4. BEARL002 is a 4.6 hectare site on rising ground located on the opposite side of the A6105 road to the new secondary school at Earlston.

5. The allocation has been included in successive development plans since 2008 and has been subject to the council’s full site assessment process. With respect to flood risk, SEPA’s consultation response for site BEARL002 in the proposed plan does not seek removal of the site but does ask for modifications to the site requirements. These comments are considered separately in Issue 074.

6. Matters of road and pedestrian safety, residential amenity, noise and pollution can be appropriately controlled in the preparation of a planning brief for the site, as required in the proposed plan. Those requirements also include the establishment of structure planting to screen existing residential areas adjoining the site.

7. Earlston Community Council argues that, given the lack of interest since the site was first allocated in 2008 and the existence of other sites for business and industry elsewhere, BEARL002 should be removed from the plan. However, sites identified elsewhere within Earlston (Mill Road, Station Road and Turfford Park) are all allocated as business and industry safeguarded sites and are mostly taken up. The Townhead site is the only allocation of its type in Earlston. It is located close to the A68 trunk road, which the council describes as part of the strategic public transport network. It has good access to services and to a potential local workforce. It is therefore well placed to ensure a continuing supply of business/industrial land in the central Borders.

8. A contributor suggests that site AEARL010 has attributes which would make it preferable for the proposed business/industry use, and that site BEARL002 would be better allocated for housing if drainage and flooding issues were resolved. Those suggestions have not been accepted by the council. In relation to this examination, we are tasked with ensuring that the proposed plan is sufficient and appropriate, rather than assessing the relative merits of sites.

9. Loss of view, devaluation of property and the potential for property damage are not matters within the remit of this examination.

10. No modification is required.

Business and Industrial Safeguarding Allocation zEL57 (Mill Road) (078)

11. The contributor's claim that the boundary of allocated site zEL57, as indicated on the settlement plan for Earlston, encroaches on garden ground at the adjacent property of Nether Willows is accepted by the council. Modifications to make an appropriate change to the boundary are set out below.

Longer-Term Mixed-Use site SEARL006 (Georgefield East) (073)

12. The contributor comments that site SEARL006, the preferred area for longer-term expansion of Earlston beyond the period of the proposed plan, would have a big impact on the town. He also questions whether it would be the best location for housing in the central Borders if better public transport is not available.

13. No specific impact has been identified by the contributor but, in general terms, Earlston is located within the Central Strategic Development Area, where strategic growth is expected. The site has been identified in development plans for over 10 years and has undergone a detailed assessment including in relation to its potential impacts. The site requirements include a transport assessment, which would need to look at the sufficiency of public transport. I note that the intention is for this site to be considered once the allocated sites are fully developed, and that the site is said to be "subject to further assessment as part of the next local development plan review". There are therefore no grounds to amend the proposed plan. No modifications are required.

Proposed Mixed Use site MEARL004 (Georgefield & East Turfford Extension) (3 of 5) (803)

14. The representation, on behalf of the owners of land at Georgefield, supports “allocation” of their land for housing in the proposed plan and seeks an extension of site SEARL006 (Georgefield East) by 10.9 hectares to the east. The expanded site is referred to by the council as MEARL004 (Georgefield and East Turfford Extension). The representation states that this should include “reviewing overall development capacity to ensure that the most efficient use is made of the site” and promotes a total capacity of between 670 and 796 units for the expanded site.

15. The land indicated in the representation as MEARL004 encompasses three elements: part of sites AEARL010 and AEARL011, which are allocated for housing; site SEARL006, which is a preferred area for longer term expansion of Earlston beyond the period of the Proposed Local Development Plan and not an allocated site as claimed; and land to the east, which is mostly indicated as structure planting/landscaping on the settlement plan. All of site SEARL006 and the promoted land to the east lie outside the development boundary of Earlston. No site capacity figures are indicated for site SEARL006 in the proposed plan.

16. The proposed plan includes a substantial supply of land for housing within Earlston, sites AEARL002, AEARL010 and AEARL011 having a combined indicative capacity of 220 units. Beyond the plan period, SEARL006 provides an additional 59.9 hectares for potential mixed-use development. As the council explains, the extent of SEARL006 as a site for longer-term mixed-use development was guided by a Development and Landscape Capacity Study, which did not include the area now promoted for extension as constituting a landscape opportunity for long term development. No arguments have been advanced to change that assessment.

17. Therefore, irrespective of the merits or otherwise of the promoted site, Issue 006: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement concludes that there is no need to allocate any more housing land besides what is already set out in the proposed plan. There is also no justifiable need for further long-term sites. No modifications are required.

Reporter’s recommendations:

Modify the local development plan by:

1. amending the boundary of site zEL57 on the settlement plan for Earlston (proposed plan page 310-311) to exclude land within the curtilage of Nether Willows, as indicated in the plan submitted by Jim Cullen, contributor 078.

Issue 29	Ednam	
Development plan reference:	Ednam Settlement Profile and Map (AEDNA002 – West Mill and AEDNA014 – Cliftonhill (vi)) (pages 319-320)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
Archie Stewart (917)		
Provision of the development plan to which the issue relates:	Housing Allocation AEDNA002 – West Mill and Housing Site AEDNA014 – Cliftonhill (vi)	
Planning authority's summary of the representation(s):		
<ul style="list-style-type: none"> • The contributor states that phase two of the Poppleburn Park development (AEDNA002) has been designated for housing since 2000 and is currently in the proposed local plan although the planning permission lapsed in 2017. The contributor states that the lack of development over this length of time should exclude this area from the new Local Plan as this indicates land banking. The land banking of this site has held back the development of Ednam with the only new housing in the last 10 years being 4 houses along Cliftonhill Road. The constant inclusion of this site has skewed the housing figures for this area and stopped the development of sites that have a demand. • The demand for housing in Ednam has been shown by the completion of two houses at Cliftonhill since 2017 and the sale of another plot for development. Planning permission for these plots was achieved on appeal after being refused planning permission as they were outside the village boundary and that there was sufficient land available in the village, i.e. phase two at Poppleburn Park. • The pandemic is also driving a demand for rural housing that the Council, understandably since this plan has been in the process for so long, has failed to be catered for in this local plan so this should now be looking to take advantage of the current demand which is likely to be long term due to the changes in the work cycle. • The contributor understands that a number of new residential properties are being built in Kelso and the land being put forward by our client has already attracted interest by small local developers. • The contributor has submitted an alternative site for consideration as a replacement to those which are proposed and those that have previously been included in the Local Plan, with no development taking place. • <i>Please note the Contributor's site AEDNA011 was included in the Main Issues Report as an alternative option however the site submitted as part of the Proposed Plan consultation had a slightly different boundary and has therefore been re-coded and reassessed under site code AEDNA014.</i> 		

Modifications sought by those submitting representations:

- The contributor seeks the removal of the existing housing allocation AEDNA002 – West Mill and it to be replaced with the proposed housing allocation AEDNA014 – Cliftonhill (vi).

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE EDNAM SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

- It is noted that Judith Fulton (004) supports the Local Development Plan for Ednam as set out in CD183, page 2 and states the area looks as if it has been waiting for new housing for some time, access to the road is safe and the playing field is nearby. It is unclear which site the Contributor is referring to however their support for the Ednam settlement profile is noted.

Allocated Housing Site - West Mill (AEDNA002)

- The site at West Mill was allocated for housing within the Scottish Borders Local Plan 2008 (CD011, Volume 2 - page 264) under site code RE1B with a site capacity of 6 units. As part of the Local Plan Amendment (LPA) process, the indicative capacity of the site was increased to 12 units and the site was re-coded as AEDNA002. The site was included within the Consultative Draft LPA as a site along with a site to the east of the settlement called West of Millburn (AEDNA001).
- Following public consultation, the site at West Mill (AEDNA002) was taken forward into the Finalised Local Plan Amendment as a preferred site. As part of the Local Plan Amendment Examination (CD039 pages 144 - 147) the Reporter was satisfied that the increased site capacity of AEDNA002 would be more suitable than allocating AEDNA001 to meet the housing allowance of the Central Housing Market Area. The Reporter also considered Ednam would benefit from some development in the short term from AEDNA002 which would benefit the existing services within the settlement.
- Following the LPA Examination in 2011, AEDNA002 was allocated for housing within the adopted Consolidated Local Plan 2011 (CD010, page 300) and has consequently been carried forward into the Proposed Local Development Plan. The site has an indicative site capacity of 12 units.

Planning History of the site

- Planning application for 'road and plot layout for residential development' (04/02341/FUL), approved – consent lapsed in September 2013
- Planning application for 'road and plot layout for 10 dwellinghouses' (17/01563/FUL) – withdrawn July 2021
- Planning application for the 'erection of dwellinghouse on Plot 1 of the allocation' (17/01564/FUL) – withdrawn July 2021
- The site has been actively marketed by the landowner and there appears to have been a recent change in ownership. The site remains undeveloped.

- Due to the planning history of the site and recent interest, the allocated site at West Mill is programmed as effective/potentially effective within the finalised Housing Land Audit 2019 (CD071, Appendix 1 page 86). The site is free from constraints and development is able to commence within the next five years.

Proposed Housing Site - Cliftonhill (vi) (AEDNA014)

- The site has been through the site assessment process which concluded that the site was 'acceptable' for development (CD118, page 82). A site at this location (AEDNA011) was included in the Main Issue Report 2018 (CD008, page 58) as an 'alternative' housing site. However a significant number of objections to the site were submitted and it was considered there were more appropriate sites within the Housing Market Area. Consequently it was not taken forward into the Proposed LDP.
- Land within/around this location at Cliftonhill, Ednam has been considered for housing as part of a number of Local Plan Examinations in 2008, 2010 and 2016 and has been assessed under various site codes due to changes to the site boundary and site size as shown on the Ednam settlement map (CD119, page 12).
- As part of the LDP Examination in 2015 relating to the adopted Local Development Plan 2016, (CD040, pages 553-554) the Reporter concluded that 'although the land to the north-east of the war memorial (site reference AEDNA008) (CD119, page 12) has been considered for development as part of the consultative progress, I agree that the site at West Mill should take precedence. In terms of village expansion, I consider that the West Mill site provides the opportunity for more natural growth of the village. The land to the north east of the War Memorial would be a clear intrusion into the countryside, comprising established agricultural land. This land is at a slightly higher level than the existing village to the west and therefore would not be incorporated as naturally as the West Mill site'. The Reporter also 'recognised that the land to the north-east of the War Memorial was considered during the 2007 local plan review when the reporter supported the prospect of longer term development. Whilst additional housing might well provide support for local services and facilities, and taking into account the strategic context, I do not believe that allocation is justified within the current proposed plan. It may be that further consideration could be given to the development of the site in a future review'.
- In terms of longer term development the Proposed Local Development Plan makes reference to where development may take place in the future and in some instances indicated in which direction future development, after further assessment, may be appropriate. In Ednam, areas to the north and east of the existing settlement are considered as generally appropriate for development although further assessment would be required as part of future Local Plan reviews. This is in line with the Reporter's recommendation for Ednam at the Inquiry into the adopted Local Plan 2008 (CD038, Chapter 12, Page 11) to include the east side of the settlement as an area for future expansion. This is included within the Place Making Considerations section of the Settlement Statement for Ednam and it is therefore not seen that any changes to the statement in the Proposed Local Development Plan would be necessary. It should be noted, if the site was considered in future local plan reviews a list of requirements would need to be attached to minimise impact on the landscape, biodiversity and archaeological interests.
- Ednam is located within the outwith any Strategic Development Area set out by the SESplan Strategic Development Plan (SDP) (CD001, pages 7-20). Appendix 2 contained within the Proposed Plan outlines that the housing land requirement

figures are taken from the Proposed SESplan SDP (CD005, pages 44-50) and Housing Background Paper 2016 (CD006, pages 4-6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders'. The Housing Land Audit 2019 (CD071 (Introduction), pages 14-16) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Unresolved Issue 6. It is also acknowledged that housing land requirements will be set out at a national level through the forthcoming National Planning Framework'

- Ednam is a small settlement with one undeveloped housing allocation and it is not considered necessary to identify any additional housing land within the settlement, therefore no changes should be made to the Ednam settlement profile as set out within the Proposed Plan.

Reporter's conclusions:

Allocated Housing Site - West Mill (AEDNA002)

1. On the basis of my site visit and the Ednam Map in the proposed plan, I conclude as a previous reporter did, that site AEDNA002 represents a natural area for growth of the settlement. Some infrastructure is already evident on the site, including a connected access road.

2. The planning history of AEDNA002 coincides with the timeframe for economic consequences of the post 2008 recession and the Covid-19 pandemic. Those are macro-economic rather than site specific factors. The 2019, 2020 and 2021 Housing Land Audits each conclude the site to be effective with anticipated build out between the mid and late 2020s. On balance, the planning history suggests that the site is likely to remain so or, if the audits are wrong, could reasonably be expected to be delivered during the proposed plan period. Therefore, I find no reason to recommend deallocating this site.

Proposed Housing Site - Cliftonhill (vi) (AEDNA014)

3. The representation mentions the role of Covid 19 on housing demand in rural areas. The proposed plan has considered the implications of the Covid pandemic as part of the green recovery. However, the medium to long term socio-economic consequences of the Covid 19 pandemic are not clear at this stage and no evidence supports the representation's broader point about the nature of demand or that Ednam would be the location where that issue is resolved.

4. I saw that tarmac has been laid from the promoted site entrance up the gradient onto the middle part of the site. That corresponds with the proposed access shown on the promoted site layout plan in the representation but would not, on its own, justify the allocation of the site.

5. Irrespective of any merits or otherwise of the promoted site, Issue 006 (Chapter 6 Planning for Housing and Appendix 2 Meeting the Housing Land Requirement) concludes that there is no need to allocate any more housing land besides what is

already contained in the proposed plan. My above conclusions also persuade me that there is no need to allocate this site instead of site AEDNA002. Therefore, no modifications are required.

Reporter's recommendations:

No modifications.

Issue 30	Eildon	
Development plan reference:	Eildon Settlement Profile and Map (AEILD002 – West Eildon) (pages 321-322)	Reporter: Alison Kirkwood
Body or person(s) submitting a representation raising the issue (including reference number):		
J Leeming (755)		
Provision of the development plan to which the issue relates:	Housing Allocation AEILD002 – West Eildon	
Planning authority's summary of the representation(s):		
<ul style="list-style-type: none"> The contributor considers that Eildon has suffered from piecemeal development for many years, losing its rural character plot by plot and requests that this allocation be removed from the Plan (AEILD002). 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> The contributor requests housing allocation AEILD002 (West Eildon) is removed from the Local Development Plan. 		
Summary of responses (including reasons) by planning authority:		
<p>NO MODIFICATION TO THE EILDON SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS:</p> <ul style="list-style-type: none"> Eildon is located outwith any Strategic Development Area set out by the SESPlan Strategic Development Plan (SDP) 2013 (CD001, refer to pages 7 to 20). Appendix 2 contained within the Proposed Plan outlines that the housing land requirement figures are taken from the SESPlan Proposed SDP (2016) (CD005, refer to pages 44 to 50) and SESplan Housing Background Paper 2016 (CD006, refer to pages 4 to 6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit 2019 (CD071, refer to the Introduction, pages 14 to 16) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Issue 6. It is also acknowledged that housing land requirements will be set out at a national level through the forthcoming National Planning Framework. 		

- The site was originally allocated for residential development through the process of the Finalised Local Plan Amendment in 2009. The site was not the subject of objection so did not therefore go through the examination process. The site has remained as a housing allocation through to the current Scottish Borders Local Development Plan 2016 (CD009, pages 295-296).
- The site assessment (CD118, pages 392 - 395) concluded ‘...it is an enclosed area within the existing Development Boundary and is well related to existing buildings. In order to address environmental issues on this proposed allocation consideration should be given to ensuring any development has no detrimental impact on the important landscape, in particular the Eildon Hills to Leaderfoot National Scenic Area, the AGLV, and the ESA. Retention of woodland planting along the south and east to contain/ screen the site will be required. The development should be designed to complement the pattern and design of buildings in the existing settlement and benefit from solar gain. In addition developer contributions are required for secondary school capacity.’ A Mini Planning Brief was approved by Scottish Borders Council in June 2011 which requires, amongst other matters, that the design (scaling, massing, form and materials) and density of the development should take reference from the settlement pattern of the village.
- Prior to the publication of the Main Issues Report 2018 (CD008), the Council contacted a number of landowners following a review of existing housing allocations with a view to establishing the effectiveness of the sites and whether or not they should be retained or removed. The landowner of this site responded to confirm that they have received several enquiries regarding a sale of the site over recent years and that there is therefore developer interest (CD180). The Council’s Housing Land Audit 2019 (CD071, pages 88-89) confirms that this is an effective and unconstrained housing site with completion programmed by 2024. The Council therefore retained the allocation within the Proposed Local Development Plan.
- It should be noted that the settlement profile for Eildon within the Proposed Local Development Plan states that due to the sensitive landscape setting of the village, further sites for future expansion will be resisted (page 321).
- In view of the above, it is contended that site AEILD002 (West Eildon) should remain as a housing allocation within the Local Development Plan.

Reporter’s conclusions:

1. Figure 3 (Strategic Development Plan Spatial Strategy) on page 21 of the proposed plan suggests that Eildon, which is located to the southeast of Melrose, lies within the Central Strategic Development Area. I therefore disagree with the council’s comments above on this matter.
2. Eildon Road forms a clear and well-defined western boundary to the settlement. Allocation AEILD002 lies immediately to the east of Eildon Road and within the development boundary. It is identified as an effective housing site in the council’s housing land audit 2019 (as well as the 2020 and 2021 audits) and contributes towards the overall housing land supply.
3. Representation 755 is concerned that previous piecemeal development in Eildon has eroded its rural character. I saw on my site inspection that Eildon contains a mix of traditional and more modern homes. However, I consider that it retains a rural character overall. I do not consider that the development of five homes on this well contained site would detract from the character and appearance of the settlement. Furthermore, the

council has indicated that a planning brief has been prepared for the site which requires the design and density of development to reflect the existing settlement pattern.

4. I conclude that the matters raised in the representation would not justify the deletion of the allocation.

Reporter's recommendations:

No modifications.

Issue 31	Eshiels	
Development plan reference:	Eshiels Settlement Profile and Map (BESHI001 – Land at Eshiels) (pages 323-325)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Benjamin Chambrier (90) Martin and Beverley Jowett (107) Peebles & District CC (122) Norman McCormick (169) Robin Leith (221) The Andersons, Jones's and Barrows Families (274) Howard and Ann Pugh (328) Eleanor Lee (493) David Hughes and Christine Hughes (559) Martin Jowett (561) Ian Lindley (591) Isobel McCormick (621) Edward Robertson (624) Michael McIntosh Reid (636) Derek Mackintosh (641) Jane Kennedy (642) Janet Dutch (650) Roger and Elizabeth Trueman (674) Linda Peebles (687) Steve Lee (720) Graham Cresswell (732) Maria Cresswell (737) Grace Wallace (746) Colin Clelland (747) Jane Lambley (748) Pearson Donaldson Properties (753) Douglas Wright (757) John Lambley (758) William Macleod (762) Diane M Macleod (764) Sheila J Wright (765) Peebles Civic Society (769)</p>	<p>Morag Dempsey (780) Anthony Newton (798) Tronn Nielssen (805) Donald Wallace (815) Robin Dempsey (822) Eshiels and Glentress Community Group (823) Karen Graham (830) Rajiv Bhatia (834) Sara Dunkley & Ian O'Riordan (854) Kevin Peebles (855) Mr & Mrs Ritchie (867) Marjorie Forsyth & M M Forsyth (871) Helen Swiers (872) Gordon Tasker (873) David McCulloch (874) Claire Lee (887) Joanna Lee (896) Alistair Lee (915) David Waterston (958) Isabel Milne (961) Philippa Waterston (963) Rhoderick Milne (964) Alexander McNeish (970) Anne Lovering (971) Fiona Andrew (973) NatureScot (983) Catriona Johnstone (994) Charlene Forrest (995) Chris Davey (997) Liam Jack (1003) Paul Barrow (1005) Chloe Mackintosh (1031)</p>	
Provision of the development plan to which the issue relates:	Business and Industrial Allocation BESHI001 – Land at Eshiels	
Planning authority's summary of the representation(s):		
<u>Support for the Representation submitted by Eshiels and Glentress Community Group</u>		

- The Contributor states that they support the submission made by the Eshiels and Glentress Community Group in objection to site BESH1001. (221, 805, 822)

Development Options Study

- The Contributor states that there appears to have been no attempt to match recommendations of the Development Options Study Report with Council policies. When Policy PMD2 “Quality Standards – Place Making and Design” is considered, clearly, such a development would breach this policy. Secondly the Report contains inaccuracies such as the statement that there is a sawmill at Eshiels; this was closed circa 20 years ago. Further, there was little or no engagement with the local landowners in Eshiels. The report stated “*The original intention of the study was to contact the relevant landowners to determine their level of interest in bringing shortlisted sites forward for development. ... there was insufficient time to undertake meaningful engagement with landowners.* Therefore, this report should be considered insubstantial. (122)
- The Council delegated the ‘search’ for land to an outside consultant who had little knowledge of the local area. The previous proposal for houses in Eshiels, now withdrawn due to the existence of the Roman camp, clearly demonstrates this point. (815)

Principle of Business and Industrial site at this Location

- The Contributor objects to the allocation of site BESH1001 - Land at Eshiels for Business and Industrial use. (747)
- There are a number of practical and financial reasons why this site is unsuitable, namely a) extensive and disruptive road alterations would be required, b) the site itself is geographically and geologically unsuitable (e.g. half of it is on a slope and the other half is liable to serious flooding), c) major costly infrastructure works would be required for roads, foul and surface water drainage, landscaping, utilities etc. A lot of ground would be needed to lay a new road layout and the planting of mature trees for screening. (107, 221, 328, 493, 559, 561, 624, 641, 642, 650, 674, 720, 732, 737, 757, 758, 762, 764, 765, 822, 854, 867, 871, 872, 873, 874, 887, 896, 915, 961, 964, 970, 971, 973, 995, 997, 1031)
- There is an argument that the earlier development proposals contained in the MIR for housing and business (MESH1001 and 002) were more coherent and had a logic; the two parts related to each other in that houses contain people, and people need somewhere local to work. That does not apply to this proposed business park. The standalone business park seems less logical. (559, 641, 642, 1031)
- The Contributor states that the Council itself has already set the precedent against similar applications for business development in countryside locations in the Tweeddale area. Council officers have conceded that the proposed site at Eshiels is not “ideal”, and the Contributor states that they would argue that allocation of this site has not been justified with any supporting business case, or detailed analysis of potential alternatives, and therefore, had it been brought forward as an application it would undoubtedly be refused. The Contributor provides two example applications where consent was refused: 17/00087/FUL, Erection of Class 6 storage and distribution buildings, associated Class 5 use and erection of ancillary dwellinghouse and associated development and landscaping works, at Land North East Of 3 The Old Creamery Dolphinton Scottish Borders; and 18/01377/FUL, Erection of Class 6 storage and distribution buildings, associated Class 5 use and erection of ancillary

dwellinghouse with associated development and landscaping works, also at Land North East Of 3 The Old Creamery Dolphinton Scottish Borders. The Contributor states that the inability to fully assess capacity within existing employment sites (e.g. Cavalry Park and South Park) and/or locate a site within or adjacent to, the settlement boundary of Peebles, does not provide a basis for allocating an unsuitable greenfield site within the countryside. (834)

Policy PMD1: Sustainability, PMD2: Quality Standards, EP1: International Nature Conservation Sites and Protected Species, EP2: National Nature Conservation Sites and Protected Species, EP5: Special Landscape Areas & EP8: Historic Environment Assets and Scheduled Monuments

- The Contributors consider that the Council has been inconsistent with their policy in relation to site BESH1001. (221, 559, 641, 642, 687, 732, 737, 762, 764, 815, 855, 867, 871, 958, 961, 963, 997, 1031)
- The development of the site would not align with the requirements of sustainability asset out in proposed Policy PMD1: Sustainability. (493, 559, 624, 641, 642, 720, 732, 737, 762, 815, 823, 872, 873, 874, 887, 896, 915, 973, 1031)
- In terms of the Council's proposed Policy PMD2: Quality Standards, it is not considered that development at this location would be based on a clear understanding of the context or the 'sense of place' of the existing settlement of Eshiels. The development of the allocated site would not be of a scale appropriate to the surroundings and would result in a loss of the openness, with a significant detrimental impact upon the local landscape character. (493, 559, 641, 642, 687, 720, 732, 737, 762, 764, 815, 823, 872, 873, 874, 887, 896, 915, 1031)
- The site has a number of mature trees located down the western and northern boundaries of the site. The Council's Ecology Officer concluded that there was a moderate biodiversity impact. Policy EP1: International Nature Conservation Sites and Protected Species and EP2: National Nature Conservation Sites and Protected Species aim to protect Special Areas of Conservation and Sites of Special Scientific Interest and it must be demonstrated that development will not adversely affect the integrity of the site. The Contributor contends that the appropriate assessments have not been undertaken and there are no imperative reasons of overriding public interest including those of a social or economic nature. In that context, the development of the proposed allocation would not adhere to the aims and objectives of Policies EP1 and EP2. (823)
- It is considered that the significant adverse landscape impact through the development of the proposed site would not be outweighed by social or economic benefits of national or local importance, therefore the allocation of site BESH1001 does not adhere to proposed Policy EP5: Special Landscape Areas. (493, 559, 624, 641, 642, 687, 720, 732, 737, 762, 815, 823, 855, 867, 871, 872, 873, 874, 887, 896, 915, 1031)
- It is considered that Policy EP6: Countryside Around Towns should also apply to the corridor from Peebles to Walkerburn as it also needs protection from development. It could be argued that a policy to resist development in the Tweed Valley Special Landscape Area negates the need for a similar policy to apply to Peebles to Walkerburn. This indicates how the Council may not observe its own policies in this regard. This difference in designation highlights an inconsistency in how the Council interprets its own policy. (559, 641, 642, 732, 737, 762, 764, 815, 834, 872, 873, 874, 1031)

- The development of site BESH1001 would not adhere to proposed Policy EP8: Historic Environment Assets and Scheduled Monuments as it would not offer substantial benefits of social or economic nature that would clearly outweigh the national value of the Scheduled Monuments in the vicinity. (823)
- The development of site BESH1001 would be in conflict with Policy EP11: Protection of Greenspace. (493, 559, 624, 641, 642, 720, 732, 737, 762, 764, 815, 855, 867, 871, 872, 873, 874, 887, 896, 915, 1031)
- The allocated site lies within an identified Green Network where proposed Policy EP12: Green Networks states that '*where a proposal comes forward that will result in a negative impact on the natural heritage, greenspace, landscape, recreation or other element of a Green Network, appropriate mitigation will be required*' and, where '*other developments are required that cross a Green Network, such developments must take account of the coherence of the Network. In doing this, measures which allow access across roads for wildlife, or access for outdoor recreation will be required*'. Development and fragmentation of the Green Network will not assist in recreation, the creation of an environment that promotes a healthier living lifestyle, and the protection and enhancement of biodiversity, and the potential to improve the quality of the water environment, promote flood protection, and reduce pollution. (328, 493, 559, 624, 641, 642, 720, 732, 737, 762, 764, 815, 823, 872, 873, 874, 887, 896, 915, 1031)
- Development of site BESH1001 would not meet the aims and objectives of proposed Policies EP15: Development Affecting the Water Environment and IS8 Flooding. (823)
- Policy ED7: Business, Tourism and Leisure Development in the Countryside mentions 'protecting the environment and appropriate to location' for sites in the countryside. This does neither and would adversely impact on both. There is mention made of 'agricultural, horticultural or forestry operations' all of which would be in keeping with the area but not in relation to BESH1001 so presumably the site would be for anything but this? (973)

Site Constraint

- The landowner of the site is unwilling to sell and the Council would therefore require a Compulsory Purchase Order to proceed with this development. (221, 493, 641, 642, 720, 757, 758, 762, 764, 765, 887, 896, 915, 958, 963, 964, 970, 971, 994, 995, 1003, 1031)
- The Contributors state that site BESH1001 is not an effective site. The site is constrained in that it is in private ownership and the landowner has not promoted the site for business and industry through the local development plan process, no developer has been identified to develop the site, and the landowner has stipulated that the land is not for sale. Whilst the Council has noted that they may proceed to purchase the site through a Compulsory Purchase Order (CPO), this process has not commenced and would take some time and would also be subject to any appeal by the landowner. The Contributors state that the site has not been adequately assessed in relation to flood risk; there is no public foul sewer within the vicinity; protection of existing boundary features; landscaping to mitigate impacts on the wider setting; assessment of ecology impacts; assessment of potential impacts on River Tweed Special Protection Area and Site of Scientific Special Interest; impacts on the setting of the Eshiels Roman Camp (Scheduled Monument); new junction onto the A72; Drainage Impact Assessment and Water Impact Assessment; and, potential contamination to be addressed. The allocation text makes no comment

regarding the site's topography which slopes steeply to the north of the site. In that context, the site is not free from constraints which could preclude development of the site, and all should have been assessed in detail before this stage to ensure that the site could be made effective within the LDP period. Potential contamination on the site should have been assessed prior to its allocation. Furthermore the Contributor states that there would be a number of key infrastructure works that would be required to be undertaken in order to successfully market the site/plots to potential occupiers. Public funding would be required for this and the Contributor asks if these significant monies have been committed in order make this site effective in the LDP period? The Contributors also state that the site has been designated within the Proposed LDP for business and industry, assessed as such and deemed as an acceptable land use for the site in planning terms to date by the Council. However, it has not been through an independent assessment at examination by a Scottish Government Reporter and therefore the Community Group would strongly contend that the site is not an appropriate site or location for business and industry. (328, 720, 815, 822, 823, 887, 915, 997)

Noise, Light and Odour Pollution, and Loss of Privacy

- The Contributor states that they do not object to the proposed development but express concern to potential noise from alarms and sirens. They state that alarms have been proven to damage people's mental health. The Contributor asks how they can be assured that noise and alarms will not have a negative impact on their mental health and questions what measures will be taken to make sure this does not happen. (90)
- Currently there is no light pollution at Eshiels. It is considered that noise and light pollution will be considerable. (493, 624, 687, 757, 765, 854, 867, 871, 872, 873, 874, 887, 896, 915, 971, 973)
- There is potential for nuisance and odour issues as well as loss of privacy. (971)

Flood Risk

- The Contributor states that the fields (i.e. site BESH1001) absorb large volumes of water so the loss of this natural barrier would present a threat of flood damage to our property. This would impact on our insurance and property value and that of our surrounding neighbours. (107)
- Development at this location will increase flood risk elsewhere. Surface water run-off from the site will add to flood risk. The site floods badly when there has been heavy rain or snow and spills onto the A72 as the drain cannot take it, so major works would have to be done to fix the problem. Flood risk has not been adequately investigated. (169, 328, 493, 559, 561, 720, 732, 737 746, 748, 762, 764, 780, 798, 822, 823, 854, 872, 873, 874, 887, 896, 915, 961, 964, 970, 973, 994, 995, 997, 1003, 1031)
- The Contributor owns the wooded area to the south of site BESH1001 and they raise the issue of land slippage. The Contributor states that there is a ditch that runs the length between the woods and the fields and is the run-off for the site which incidentally floods to the north of the road. When flooding occurs and in the fields to the south, there is evidence of land slip. The Contributor states that if significant development were to take place on the site further landslip would be inevitable. (636)

Roads

- The Contributors state that they have concerns regarding road safety. The development of site BESH1001 will add to the traffic along the A72. A72 is still a fast road as drivers do not adhere to the speed limit and another junction would add to the probability for more accidents. This road is always busy and it can sometimes take five minutes to exit onto the road. The introduction of a new junction would involve large commercial vehicles entering and leaving which the Contributors believe will inevitably not only cause major accidents, but will make accessing the existing residences difficult and potentially hazardous. (107, 169, 687, 732, 737, 746, 757, 765, 780, 854, 872, 873, 874, 958, 963, 964, 973, 995)
- The high school children are not entitled to bus passes but are expected to walk along an already busy road. The pavement is poorly maintained and only wide enough for one person so lorries and buses are very close when they pass. It would be irresponsible to add to this already heavy traffic from a health and safety point of view. The site does not benefit from public transport infrastructure and improvements would need to be investigated such as cycle and pedestrian routes. (687, 757, 765, 822, 823, 854, 995, 997)

Landscape

- The site is located within the Tweed Valley Special Landscape Area (SLA) and is prominent from the approach to Peebles. The landscape of this area is an important consideration with regard to tourism. The valley provides the setting to several settlements and its development would have an irreversible impact. It is noted that the document '*Local Landscape Designations*' sets out 'forces for change' in an SLA and two key forces are clearly identified: development as pressures at settlement edges including commercial development. The 'management recommendations' include the careful management of land use at settlement edges and consideration of landscape and visual impacts of proposed developments around settlements. The location, adjacent to Peebles is sensitive and this development is not compatible with, nor does it respect the character of the surrounding area. Development at this location will also result in further "ribbon" development. Screen planting will take over 20 years to have any impact, and additional planting will not prevent views being negatively affected. The site will not integrate with the nearby existing Council depot and recycling centre. (107, 122, 493, 561, 621, 650, 674, 687, 720, 732, 737, 746, 748, 757, 762, 764, 765, 780, 798, 822, 823, 854, 867, 871, 872, 873, 874, 887, 896, 915, 958, 961, 963, 964, 970, 971, 973, 994, 995, 997, 1003, 1005, 1031)
- The Contributor objects to the allocation of site BESH1001 - Land at Eshiels for Business and Industrial use. The site is bounded by a thin and aging line of mature trees to the west but remains visually exposed. Even with any boundary planting the site will remain unrelated to any development and is better located south of the A72. (591)
- Site BESH1001 would look alien located on the north side of the A72 and to the landscape setting in the Tweed Valley Special Landscape Area. There is no enclosing landform in this location and the site is very prominent in the landscape setting and especially on the approaches to and from Peebles. The area is exposed and its development will have a material detrimental impact upon the setting of Eshiels and will appear incongruous with the wider landscape. It will also add further development pressure at this location and ribbon development along the A72. It is considered that the proposed site for business and industry in close proximity to the

A72 will have a significant detrimental impact upon the landscape setting, with landscaping taking many years to mature as has been the case and continues to be the case at Cardrona village. (769, 823)

- The area is within a green belt and is currently active agricultural land. (1003)

Impact on Tourism

- Visitors to the Borders generally come from urban areas and are attracted here because of its beautiful rural scenery. There is a danger of Peebles losing its unique selling point due to overdevelopment. The landscape in which site BESH1001 and Glentress are located are major attractions for visitors and tourists alike and the development proposed will not only have a materially detrimental impact upon the Special Landscape Area but consequently a negative impact upon tourism and economy in the local area. The pandemic has demonstrated how essential tourism is to this area. Should this development go ahead it will impact on the whole Tweed Valley area. (107, 122, 274, 328, 493, 561, 621, 650, 674, 687, 720, 748, 798, 822, 823, 854, 961, 964, 970, 994, 995, 997, 1003, 1005)
- This site should not have been included within the new Local Development Plan without a full assessment of all aspects of the likely locational specific economic/tourism, community, and amenity effects of the scheme. (122)
- The Council has set high planning standards for developments within the adjoining Glentress Master Plan. Although proposal BESH1001 is outside the master plan area boundary it is virtually adjacent and will visually impact negatively on views to the south from Glentress Forest removing the sense of remoteness that visitors come to the area to seek. (559, 641, 642, 732, 737, 872, 873, 874, 997, 1031)

Impact on Historic Assets

- The area is historically and archeologically significant and no assessment of the impact of the development on these aspects has yet been undertaken. (328, 621, 687, 720, 746, 757, 822, 887, 896, 915, 958, 963, 970, 971, 973, 994, 995, 997)

Impact on Biodiversity

- The development will impact on the biodiversity in the area. (493, 621, 641, 642, 687, 720, 757, 765, 887, 896, 915, 971, 973, 995, 997, 1031)

Sufficient Business and Industrial Land / Mixed Use Allocated

- There are already two industrial parks in Peebles and the pandemic continues to affect commercial growth, a new site may well be undersubscribed as a result. The need for another Business Park is questioned, as Calvary Park has still got vacant units. It is considered that site BESH1001 is not cost effective and seems a waste of tax payers money, the land is steep in part, there is no road layout, sewage or electricity in the green field proposed. (107, 169, 493, 559, 624, 650, 674, 687, 720, 758, 762, 764, 780, 867, 871, 887, 896, 915, 958, 961, 963, 964, 970, 994, 995, 997, 1003)
- The Council should insist that Mixed Use sites should become mixed use rather than letting developers build 100% houses which then puts further pressure on infrastructure and leaves the Council without business land. (493, 559, 641, 642, 650, 720, 887, 896, 915, 1031)

- The Contributor objects to the allocation of site BESH1001 - Land at Eshiels for Business and Industrial use as the site will compromise the safeguarded site zEL2 – Cavalry Park, Peebles. In the wake of economic uncertainty surrounding Brexit and the aftermath of the current pandemic, confidence within the local business economy is fragile. At Cavalry Park some properties are not fully occupied and therefore require repurposing. It is considered that it may take a further two more local plan durations to fully develop site zEL2 – Cavalry Park. It is therefore considered premature to allocate site BESH1001 and the site should be considered for longer term development. (753, 830)

Employment Land Uptake/Demand

- Is there any evidence that the Council has carried out an employment study for the district? It is particularly pertinent to note that the demand for office space is likely to reduce as a result of the transition of many to home working and employers reducing the overheads arising from providing office accommodation. (559, 720, 732, 737, 762, 764, 815, 887, 896, 915, 1003)
- The Employment Land Audit 2019 states that the take up in established land supply over the last 5 years across the whole of the Scottish Borders Council administrative boundary was around 10.2ha, equivalent to an annual take up rate of around 2ha a year. Within the Northern HMA, the take up in established land supply over the last 5 years in Peebles has been 0.3ha in total. The established business and industrial land supply for the Scottish Borders is 102.2ha, and although there is only 3.8ha in the Northern HMA which accounts for 3.7% of the overall supply, there is a site available at South Parks (zEL204) which is 0.9ha in size. In the context that there has only been 0.3ha uptake in the last 5 years, this could give potentially up to 15 years worth of industrial land supply, plus potential vacancies at both Cavalry Park, and existing premises at South Park. (823)

Alternative Location

- The Contributors state that the old gas works, recycling centre and its associated adjacent land would make a more suitable alternative. It already benefits from having a heavy vehicle access which is concealed from the road and would seem a much more practical option. It is considered that brownfield sites should always be developed first. Furthermore, any development on the south side would not be prominent in the way that a development would be on the north side. (107, 122, 221, 561, 674, 769)
- As Peebles is located in close proximity to the west of the proposed site BESH1001, further allocations for business and industry should be concentrated there where the population is based, where such uses exist, and would promote more sustainable modes of travel to reach them as opposed to heavy reliance on the private car to reach the proposed allocated site. (221, 328, 561, 641, 642, 822, 823)
- There are other potential sites allocated at Peebles that could allow business land to come forward – SPEEB005, RPEEB001, MPEEB007, MPEEB006, zEL2 and zEL204. (493, 559, 641, 642, 650, 674, 720, 762, 764, 887, 896, 915, 973, 994, 995, 1031)
- The Plan already identifies a long term mixed use site – SPEEB005 of approximately 32.3 ha (SPEEB005) on the south side of the river. The Contributor notes that the need for a second bridge over the River Tweed is, according to the Council, only

required for future housing development (page 22 para 4.12) not business park sites. (559)

- An alternative location would be south of the A72, such as between Mill Lane and the limits of the Roman camp where a combination of future building height limits, landscape reinforcement of its northern boundary / or a strong boundary wall would permit its visual containment. (591)
- It would make more sense in terms of planning policy to allocate part of the mixed use land allocation proposed at Nether Horsburgh (SCARD002), or to more efficiently utilise the capacity at Cavalry Park (which is not fully utilised and has scope for expansion) for Business and Employment purposes. (834)

Climate Emergency Agenda/Sustainability

- Site BESH1001 must be against the SBC climate emergency agenda to promote a business park 2 miles outside of a town where walking to the site is not particularly convenient relative to sites within the town. A more sustainable solution would be to develop in Peebles. (493, 559, 561, 624, 650, 720, 732, 737, 757, 762, 764, 765, 798, 815, 867, 871, 872, 873, 874, 887, 896, 915, 973, 994, 995, 997)
- The site should remain in agricultural use as the UK needs to be more self-sufficient in food production. (757, 765)
- There are no existing class 4, 5 and 6 uses located within Eshiels or its immediate locale, therefore the site would not provide for sustainable development. (823)

Conflict of Interest

- The Contributor states that they understand that the Scottish Borders Council intends to acquire site BESH1001, by means of Compulsory Purchase Order if there is not a willing seller, and then develop it for business use. Many Councils have done this in the past to promote economic development but also more recently as budgets became tighter as a result of austerity measures as a means of creating revenue streams. However, if the report that the Council intends to acquire and develop the site is correct this creates a conflict of interest since such a proposal should only come forward after a site has been allocated in an adopted Local Plan and not as part of the consideration of site allocations. This might well be considered to be a breach of proper process. (559)

Lack of Consultation

- The Contributors state that they are dismayed that there was no community consultation on site BESH1001, the site was not included within the Main Issues Report. There is concern that the Council has not followed correct procedures. (107, 493, 559, 561, 624, 641, 642, 674, 720, 762, 764, 769, 805, 867, 871, 887, 896, 915, 973, 995, 1031)

Inclusion of a Site Requirement for a Masterplan/Planning Brief

- The Contributor states that they understand that potential allocations for Eshiels have changed in location and nature since the Main Issues Report. However, their advice at that stage on landscape sensitivities of this area remains relevant to the BESH1001 allocation. While site requirements relevant to our interests include protecting and enhancing boundary features and carrying out further planting and

landscaping to integrate the site with its surroundings are welcome, they consider that a masterplan or a planning brief should be included as a requirement. This is required for the following reasons: poor site connectivity; high visibility which should be addressed through massing, material choice, screening from the A72 and location of vehicular access; and integration with its surroundings including Peebles, Glentress and the Innerleithen-Peebles path through pedestrian and cycle access. The Contributor considers that it would be difficult to adequately address these issues in site requirements but that further information in a masterplan or planning brief would provide sufficient detail. (983)

Modifications sought by those submitting representations:

- Seeks assurance that noise and alarms will not have a negative impact on their mental health and would like to know what measures will be taken to make sure this does not happen? (90)
- Seeks the removal of site BESH1001 from the Proposed Plan. (107, 122, 169, 221, 274, 328, 493, 559, 561, 591, 621, 624, 636, 641, 642, 650, 674, 687, 720, 732, 737, 746, 747, 748, 757, 758, 762, 764, 765, 769, 780, 798, 805, 815, 822, 823, 830, 834, 854, 855, 867, 871, 872, 873, 874, 887, 896, 915, 958, 961, 963, 964, 970, 971, 973, 994, 995, 997, 1003, 1005, 1031)
- Seeks that Business and Industrial Allocation BESH1001 is removed from the Proposed Plan and is identified as a Longer Term Business and Employment Land Site. (753)
- Seeks inclusion of a Masterplan or Planning Brief as a site Requirement. (983)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE ESHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN. HOWEVER THE REPORTER IS REQUESTED TO CONSIDER THE MATTER FURTHER IN RELATION TO SITE BESH1001 TO INCLUDE THE FOLLOWING ADDITIONAL SITE REQUIREMENT: "IT IS INTENDED THAT A PLANNING BRIEF IN THE FORM OF SUPPLEMENTARY PLANNING GUIDANCE WILL BE PRODUCED FOR THIS SITE".

REASONS:

- It is noted that NatureScot (983) has not objected to the principle of the allocation of site BESH1001, but does seek the inclusion of a site requirement for a Masterplan/Planning Brief.
- It is also noted that Contributors 221, 805 and 822 support the submission made by the Eshiels and Glentress Community Group in objection to the allocation of site BESH1001.

Background Information

- Eshiels is located in the Western Strategic Development Area (SDA) as set out in the Strategic Development Plan SESplan (CD001).
- In the consideration of any site for inclusion in the Proposed Plan, a full site assessment is carried out and the views of various internal and external consultees (such as Roads Planning, Economic Development, Landscape, Scottish Water, and NatureScot) are incorporated into that assessment. (Refer to CD118, pages 222 to

225 – for Site Assessment for Site BESH1001). This rigorous site assessment process then allows identification of the best sites possible.

- It is noted that two Mixed Use sites were identified as Preferred Options within the Scottish Borders Main Issues Report (refer to CD008, pages 35-36). In light of the consultation responses received during the Main Issues Report public consultation (refer to CD156), including responses from some landowners stating that they were unwilling to release their land for development; and following further investigation on the site in relation to the need to upgrade the existing Eshiels road, of which it was then established that upgrading of the road was not possible due to the Historic Environment Scotland's restrictions on the Scheduled Monument on site MESH1001, it was decided not to allocate the site within the Proposed Local Development Plan. However, taking into account the immediate need to identify land for employment use, a reduced site at that location for Business and Industrial only – site BESH1001 Land at Eshiels, was taken forward into the Proposed Local Development Plan.
- It should be noted that planning aims to balance competing demands to make sure that land is used and developed in the public's long term interest.

Development Options Study (122, 815)

- It should be noted that the Western Rural Growth Area: Development Options Study (CD082) was undertaken to identify and assess options for housing and business and industrial land in the Western Strategic Development Area (SDA), centred on the central Tweeddale area. This was due to a number of physical and infrastructure constraints within the central Tweeddale area. The study identified a number of potential short and long term housing options as well as sites for business/industrial use. It is noted that site BESH1001 was in one of the areas identified in that study.
- The Development Options Study (CD082) is a background paper which has fed into the review of the Local Development Plan and has not been put out for public consultation. However, as a background paper it was available for inspection. The Development Options Study was carried out in an independent manner by appointed consultants (Land Use Consultants) and the conclusions were considered by planning officials within the Council. It is considered this is a fair and well balanced study which identifies opportunities for potential development within the central Tweeddale area.
- As noted above, Eshiels is located within the Western SDA as set out in the Strategic Development Plan SESplan (CD001, refer to pages 7 to 20). The Spatial Strategy requires Strategic Growth to be directed to the three SDA's within the Scottish Borders. Whilst ideally the focus for development would be within the key towns within a Strategic Development Area, in respect to the Western SDA as noted in paragraph 4.12 of the Proposed Plan: "...*potential flood risk and the need for a second bridge over the River Tweed prior to any new housing land allocations being released on the south side of the River Tweed, limit options at this point in time*". Therefore, it was necessary to look beyond the boundaries of Peebles, as the Development Options Study was unable to identify sufficient new business land in Peebles, Innerleithen and Walkerburn.
- In respect to comments regarding "*little or no engagement with the local landowners in Eshiels*", due to the necessity to bring forward the new Plan in a timely manner, it was paramount that the Council proceeded with the production of the Main Issues Report. Engagement with landowners continued after the completion of the Development Options Study. Furthermore, it is noted that paragraph 65 of Planning Circular 6/2013: Development Planning (CD059) states that: "... *Main Issues*

Reports are key documents in terms of frontloading effective engagement on the plan, ...". In addition, paragraph 71 of CD059 also states: "... Main Issues Reports are the principal opportunity for consulting stakeholders on the content of the plan and involving the wider public. ...".

- It is also disputed that the Council commissioned an outside consultant with little knowledge of the area to undertake the Development Options Study. The Council carried out the necessary procurement and interview process and appointed Land Use Consultants (LUC) to carry out the Development Options Study. LUC were previously appointed by the Council to carry out a review of the Special Landscape Areas within the Scottish Borders in 2012. Consequently it is considered LUC had a thorough and detailed knowledge of the Scottish Borders landscape and were very well placed to carry out the Study. The Council considered LUC Study was produced to a very high and satisfactory standard which was fit for purpose.
- It is also acknowledged that the two sites identified within the Main Issues Report (CD008, pages 35 to 36), MESH1001 and MESH1002 were very complex sites which required considerable additional specialist input particularly in relation to Roads Planning and the Scheduled Monument, which was beyond the scope of the Development Options Study. As such it was paramount that further detailed work was undertaken by the Council and discussed with Historic Environment Scotland to ascertain the potential for taking the sites forward into the Proposed Plan.
- In relation to the comment regarding reference to a sawmill at Eshiels, it should be noted that this is an Ordinance Survey issue and is outwith the control of the Council. Updates on the Ordinance Survey base maps will be undertaken in due course.

Principle of Business and Industrial site at this Location (107, 221, 328, 493, 559, 561, 624, 641, 642, 650, 674, 720, 732, 737, 747, 757, 758, 762, 764, 765, 822, 834, 854, 867, 871, 872, 873, 874, 887, 896, 915, 961, 964, 970, 971, 973, 995, 997, 1031)

- As noted previously, site BESH1001 was identified through an independent study that was carried out by consultants to identify site options within the vicinity of Peebles.
- In addition the site is located within the Western Strategic Development Area.
- It is accepted that in the development of any major site there are significant infrastructure works required such as for roads, foul and surface water drainage, landscaping and utilities. However, in larger sites there is also the benefits of economies of scale.
- Disruption as a result of construction works is temporary and to be expected however, it is not a material planning consideration in the allocation of the land in the Plan.
- The Council accepts that their original preference was for a mixed use development at this location taking in a larger area (refer to Main Issues Report (CD008, page 35)). However, as a result of the public consultation and further investigation in respect of the proposed access route and the consequent potential impact on the Scheduled Monument site BESH1001 was seen to be the most appropriate to be brought forward into the Proposed Plan.
- It is not considered that the Council has already set the precedent against similar applications for business development in countryside locations in the Tweeddale area as suggested by Contributor 834. The examples that the Contributor provides are for the "*Erection of Class 6 storage and distribution buildings, associated Class 5 use and erection of ancillary dwellinghouse and associated development and*

landscaping works” (refer to CD124 and CD124); both applications were for the same proposal at the same location in the vicinity of Dolphinton and involved the relocation of an existing business. It is noted that Dolphinton is not located within the Western Strategic Development Area where it is known that there is a requirement for additional land for Business and Industrial use. One of the issues regarding the planning application site was the question, if it was the most appropriate site for the proposal. The application report (CD124, page 11) notes that a search was undertaken but many of the areas did not identify specific sites and the application report states: “*The supporting case has not demonstrated that the applicant's needs could only be met at this particular site*”. Given that there is a need to identify additional Business and Industrial Land within the Western Strategic Development Area and that the Council commissioned a study to assist in the identification of development land, the Council disputes that any precedent has been set following the decision on the planning applications raised.

- Finding a suitable site for business land in central Tweeddale was very challenging due to a number of site constraints. It is vital the Council allocates sufficient land to meet business needs where there is established demand and it is considered that the Options Study was helpful and thorough in helping identify a suitable site. It is considered the site chosen is the best option with no insurmountable issues in it being developed.

Policy PMD1: Sustainability, PMD2: Quality Standards, EP1: International Nature Conservation Sites and Protected Species, EP2: National Nature Conservation Sites and Protected Species, EP5: Special Landscape Areas & EP8: Historic Environment Assets and Scheduled Monuments (221, 328, 493, 559, 624, 641, 642, 687, 720, 732, 737, 762, 764, 815, 823, 834, 855, 867, 871, 872, 873, 874, 887, 896, 915, 958, 961, 963, 973, 997, 1031)

- The Council does not consider that they have been inconsistent in applying Policy.
- It noted that site BESH1001 is located within the Western Strategic Development Area, and paragraph 4.9 of the Proposed Plan notes that Strategic Development Areas “*should provide the focus for retail, commercial and strategic opportunities*”.
- Furthermore, the Council commissioned the Western Rural Growth Area: Development Options Study (refer to CD082) to identify and assess options for housing and employment land in the Western Strategic Development Area, centred on the central Tweeddale area. In the consideration of any site for inclusion in the Proposed Plan, a full site assessment is carried out and the views of various internal and external consultees are incorporated into that assessment. This rigorous site assessment process then allows identification of the best sites possible. It was not considered any insurmountable issues were identified which would prevent the site being allocated. It should be noted that as places develop, the search for new sites can become more difficult, and this is the case particularly within the Peebles area.
- The Council are aware of the sensitive location of site BESH1001 and the designations within the area. For that reason, the Proposed Plan includes a number of site requirements that would require to be met in taking forward the site, including the implementation of an appropriate landscaping scheme.
- In respect to the policies referred to by the Contributors, it is noted that many of those listed will be taken into consideration in the assessment of any forthcoming planning applications.

Site Constraint (221, 328, 493, 641, 642, 720, 757, 758, 762, 764, 765, 815, 822, 823, 887, 896, 915, 958, 963, 964, 970, 971, 994, 995, 997, 1003, 1031)

- It is noted that there is an immediate need to identify land for employment use. It is accepted that the delivery of the site may require the Council to use its Compulsory Purchase powers, if negotiation with the landowner is not successful. It is envisaged that SOSE (South of Scotland Enterprise) funding may be available to assist in the delivery of the site. Any Compulsory Purchase is unlikely to be commenced until the site is formally allocated within the new Adopted Local Development Plan.
- Once the site is acquired, it is envisaged that the Council would service the site, including undertaking the necessary landscaping works. It is not envisaged that all of the site would be developed, as considerable and appropriate perimeter landscaping in the form of planting will be necessary.
- The Council position is that the site is effective site, as the issues raised by the Contributors are capable of being overcome. The Site Requirements included within the Proposed Plan will enable the many issues raised by the Contributors in their argument that the site is not effective.
- The site does not appear to be at flood risk, however there is a site requirement for a Flood Risk Assessment to be undertaken to address overland flow. The Council's Flood and Coastal Management Team and the Scottish Environment Protection Agency (SEPA) have not objected to the inclusion of site BESH1001 within the Proposed Plan. It is also common practice for flood risk including surface water, to be considered in greater detail at the Planning Application stage.
- The Council's Archaeology Officer and Ecology Officer, as well as Historic Environment Scotland and NatureScot have not objected to the allocation of the site.
- The need for a Drainage Impact Assessment and Water Impact Assessment are often necessary at Planning Application Stage, likewise for potential contamination to be investigated. It should be noted that Scottish Water were consulted and have not objected to the allocation of the site. In addition, whilst access to sewage facilities may currently be an issue, upgrades can overcome that issue.
- It should be noted that deliverability of the potential site was considered, in terms of access and infrastructure constraints as part of the Western Rural Growth Area: Development Options Study (refer to CD082, PDF page 7). Developer interests were contacted at two points in the study: initially to gather an understanding of the types of sites likely to be of interest; and later to consider viability of the potential development sites.

Noise, Light and Odour Pollution, and Loss of Privacy (90, 493, 624, 687, 757, 765, 854, 867, 871, 872, 873, 874, 887, 896, 915, 971, 973)

- In relation to comments regarding noise and air quality/odour, these are detailed issues that would be considered at planning application stage. However, it should be noted that neither SEPA nor Environmental Health have objected to the site on the basis of noise or air quality.
- The site is located within the Strategic Green Network as set out in Local Development Plan policy EP12 Green Networks. The aim of Green Networks are to assist in supporting sustainable economic growth, tourism, recreation, the creation of an environment that promotes a healthier-living lifestyle, and the protection and enhancement of biodiversity, and have the potential to improve water quality, promote flood protection and reduce pollution. The Strategic Green Network is not set up to prevent development in the vicinity. It is therefore not considered that

development at this location would have a negative impact on the health and wellbeing of existing residents.

- In respect to comments regarding amenity/loss of privacy, it should be noted that Policy HD3 Protection of Residential Amenity would be relevant in the consideration of any planning application on the site. Careful consideration will be needed regarding specific business uses and their relationship with residences in terms of any potential noise, nuisance or disturbance issues.
- The Council accepts that the lighting of roads, footpaths, domestic and commercial property should be an integral element of all new development proposals at the outset. Furthermore it is possible to reduce many of the negative effects of lighting through careful design and planning, using lighting only where and when necessary, using an appropriate strength of light and adjusting light fittings to direct the light to where it is required. It is acknowledged that illumination should be appropriate to the surroundings and character of the area as a whole.

Flood Risk (107, 169, 328, 493, 559, 561, 636, 720, 732, 737 746, 748, 762, 764, 780, 798, 822, 823, 854, 872, 873, 874, 887, 896, 915, 961, 964, 970, 973, 994, 995, 997, 1003, 1031)

- The Council's Flood and Coastal Management Team and the Scottish Environment Protection Agency (SEPA) have not objected to the potential allocation of the site.
- The Proposed Plan includes a number of site requirements including: *"Flood Risk Assessment required, to assess the risk from the Linn Burn and any small watercourse which flows through and adjacent to the site. The watercourse which runs through the site should be protected and enhanced as part of any development. The River Tweed may also require consideration. Consideration will need to be given to bridge and culvert structures within and adjacent to the site which may exacerbate flood risk", "A maintenance buffer strip of at least 6 metres must be provided between the watercourse and any built development. Additional water quality buffer strips may also be required", and "It appears that there may be a culverted watercourse at the southern end of the site, therefore a feasibility study will be required to investigate the potential for channel restoration"*. It is therefore anticipated that the assessments and precautions set out in the Proposed Plan as they relate to flood risk will aid to resolve the issues / concerns raised by the Contributors. It should be noted that it is common practice for flood risk including surface water, to be considered in greater detail at the Planning Application stage, and the site requirements noted above will assist in directing that assessment appropriately.
- The Proposed Plan makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8: Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that *"Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding, and taking account of climate change, using the most up to date guidance; and, b) a report of the measures that are proposed to mitigate the flood risk."*
- In respect comments regarding property values and insurance, these points are noted but these are not material planning considerations.

- In respect to the comments received from Contributor 636 regarding land slippage, the Council's Flood and Coastal Management Team have stated: *"With regards to SEPA's Indicative River, Surface Water and Coastal Hazard Map (Scotland), the BESH1001 site is not shown to be at risk from river or surface water flooding. However, it is noted that there is a ditch that runs to the East of the site, which runs from the site towards the A72. Any development would have to consider the existing surface water run-off on site and provide mitigation to ensure that this run-off is not increased and that there is no detrimental impact downstream; this would be a consideration within the planning process if this site was to be formally submitted."*

Roads (107, 169, 687, 732, 737, 746, 757, 765, 780, 822, 823, 854, 872, 873, 874, 958, 963, 964, 973, 995, 997)

- The Council's Roads Planning Section support the allocation of site BESH1001. In addition, and in response to the larger Mixed Use Site that was included within the Scottish Borders Main Issues Report 2018 (CD008, page 35), Transport Scotland did not raise any concerns (refer to CD118, page 228 Site Assessment – MESH1001). Furthermore, Transport Scotland have not objected to the allocation of site BESH1001 within the Proposed Plan.
- In addition, the Proposed Plan includes a number of site requirements including: *"New junction onto the A72 would be required"* and *"Transport Assessment/Statement will be required for any development"*. The Transport Assessment / Statement will assist in determining the extent of adjustments required to the road infrastructure to ensure adequate access means and to address sustainable transport provision. It is noted that additional information on Transport Assessments is included on page 211 of the Proposed Plan. It is therefore anticipated that the adjustments required to the road infrastructure that will be identified within the Transport Assessment will aid to resolve the issues / concerns raised by the Contributors.
- The new junction will be designed in accordance with the Design Manual for Roads and Bridges and will be the subject of a full road safety audit. The introduction of a junction of this nature to serve business and industrial units will likely result in slower traffic speeds on the adjacent stretch of road.
- In terms of connectivity site BESH1001 is located within close proximity to Peebles, and that Eshiels is also located close to the popular and well used Walkerburn to Peebles multi use path.

Landscape (107, 122, 493, 561, 591, 621, 650, 674, 687, 720, 732, 737, 746, 748, 757, 762, 764, 765, 769, 780, 798, 822, 823, 854, 867, 871, 872, 873, 874, 887, 896, 915, 958, 961, 963, 964, 970, 971, 973, 994, 995, 997, 1003, 1005, 1031)

- With regards to comments relating to landscape and that the site is located within the Tweed Valley Special Landscape Area, neither NatureScot nor the Council's Landscape Section have objected to the potential inclusion of the site within the Local Development Plan.
- The Council are aware of the sensitive location of the site, and to the local designations in the vicinity of site BESH1001. For that reason, the Proposed Plan includes the following site requirements: *"Protect and enhance the existing boundary features, where possible. Buffer areas for new and existing landscaping will be required"*, *"Planting, landscaping and shelterbelt required, to provide mitigation from*

the impacts of development from sensitive receptors and to help integrate the site into the wider setting”, and “The long term maintenance of landscaped areas must be addressed”.

- It is acknowledged the site is quite open and prominent. However, it is incorrect to consider that this is some kind of anomaly within this part of the Tweed Valley which has many examples of development, significant in some places, on either side of the main road. When these other developments were initially being built no doubt there would have been concerns as to the prominence of such proposals and impacts they may have on the landscape setting. However, they have been developed successfully and set precedents and it would be short sighted to consider that there should never be any more development in the Tweed Valley basin, particularly for something which there is a well-recognised need for and will be of benefit of the wider community. It is considered the Council in discussion with NatureScot can produce a well-designed and appropriately screened development which will become a well-established and acceptable scheme. Third parties will have the opportunity to comment on a planning brief for the development of the site should they wish as well as at the planning application stage. Again, it is re-iterated that this site is considered the best option of the many which were considered.
- The issue regarding loss of a view is not a material consideration in Planning.
- It is not considered that development at this location would result in ribbon development or coalescence of the settlements within the Tweed Valley.
- Whilst the site is currently in agricultural use for grazing, the land is not designated as green belt. It should also be noted that the identification of some greenfield / agricultural land is inevitable.

Impact on Tourism (107, 122, 274, 328, 493, 559, 561, 621, 641, 642, 650, 674, 687, 720, 732, 737, 748, 798, 822, 823, 854, 872, 873, 874, 961, 964, 970, 994, 995, 997, 1003, 1005, 1031)

- In respect to comments regarding the potential impacts on tourism and on Glentress; it should be noted that VisitScotland and the Scottish Forestry have both been consulted in respect to the Proposed Plan and neither have objected to the potential allocation of site BESH1001.
- It is not anticipated the proposed use on the site will have a negative impact on tourism, the economy of Peebles or the Tweed Valley.
- It is noted that the Proposed Plan includes a number of site requirements including: *“Planting, landscaping and shelterbelt required, to provide mitigation from the impacts of development from sensitive receptors and to help integrate the site into the wider setting”, and “The long term maintenance of landscaped areas must be addressed”.*

Impact on Historic Assets (328, 621, 687, 720, 746, 757, 822, 887, 896, 915, 958, 963, 970, 971, 973, 994, 995, 997)

- The Council’s Archaeology Officer, Heritage and Design Officer and Historic Environment Scotland have been consulted in respect to the allocation of site BESH1001 and none of these consultees have objected to its potential allocation.
- In addition, the Proposed Plan includes a number of site requirements including: *“The setting of Eshiels Roman Camp to be considered in the design and layout of the site”, “Archaeology investigation, cultural heritage statement and appropriate*

mitigation thereafter”, and “Consideration of consistency of materials in the design of the site to assist in ensuring an overall cohesive development”.

Impact on Biodiversity (493, 621, 641, 642, 687, 720, 757, 765, 887, 896, 915, 971, 973, 995, 997, 1031)

- The Council’s Ecology Officer and NatureScot have been consulted in respect to the allocation of site BESH1001 and neither of these consultees have objected to the potential allocation of the site.
- In addition, the Proposed Plan includes a number of site requirements including: *“Protect and enhance the existing boundary features, where possible. Buffer areas for new and existing landscaping will be required”, “Assessment of ecology impacts and provision of mitigation, as appropriate”; and “Mitigation to ensure no significant effect on River Tweed Special Area of Conservation / Sites of Special Scientific Interest”.*

Sufficient Business and Industrial Land / Mixed Use Allocated (107, 169, 493, 559, 624, 641, 642, 650, 674, 687, 720, 753, 758, 762, 764, 780, 830, 867, 871, 887, 896, 915, 958, 961, 963, 964, 970, 994, 995, 997, 1003, 1031)

- The Local Development Plan process is advised by the Council’s Economic Development section as to the requirement for additional land for Business and Industrial use and they have advised that additional land should be allocated through the Proposed Plan, notably in central Tweeddale where land is at a premium.
- Whilst it is noted that the Proposed Plan already allocates land for Business and Industrial Use, Safeguarded Business and Industrial Site zEL2 – Cavalry Park is a Strategic High Amenity site as defined by Policy ED1 Protection of Business and Industrial Land. That policy aims to protect these sites rigorously for Class 4 Use, whereas the site at Eshiels BESH1001 is categorised as a Business and Industrial site, within these sites Use Classes 4, 5 and 6 are permitted.
- Furthermore, it is noted that the Scottish Borders Employment Land Audit (2021) (refer to CD070, paragraph 6.1.3) states that *“there is a shortage of variety of business and industrial land in the Northern HMA”* [Housing Market Area]. In addition that document also acknowledges that *“... the Proposed Plan requires more employment land of suitable type, availability and site servicing to be found in particularly the Northern HMA ...”*. For that reason the Proposed Plan has identified additional High Amenity Business land on site MINNE003 and MPEEB007, as well as Business and Industrial Site BESH1001. The Audit also notes within table 3 that there is no available Local, Strategic or Strategic High Amenity land available within the Northern Housing Market Area.
- It is inevitable that given the recent economic issues in light of the COVID-19 pandemic, there are a number of vacant premises within site zEL2 – Cavalry Park. It is however, reasonable to assume that demand for premises will increase as economic growth returns. For that reason the Council is mindful that there must be sufficient supply of Business and Industrial land to accommodate an up turn in economic growth and to protect future employment opportunities.
- It is accepted that in some parts of the Scottish Borders there is a market failure situation in the provision of land for Business and Industrial Uses and policy ED1: Protection of Business and Industrial Land recognises this financial difficulty. For that reason, the Council invests considerable time and resources in making sites deliverable and available for development. It should be noted that to deliver a site for

Business and Industrial Use to meet demand grant funding is required. It is envisaged that SOSE funding may be available to assist in the delivery of site BESH1001.

- In respect to comments in relation to the use of Mixed Use sites, the Council do seek to ensure a mix of uses on such sites in line with Local Development Plan Policy. However, every such application must be considered taking account of all relevant material considerations.

Employment Land Uptake/Demand (559, 720, 732, 737, 762, 764, 815, 823, 887, 896, 915, 1003)

- The Local Development Plan process is advised by the Council's Economic Development section as to the requirement for additional land for Business and Industrial use. In addition, the Council through the Economic Development section and the Development Management section, receives regular enquiries from businesses to locate within the Western Strategic Development Area. Furthermore, the Council undertakes an Employment Land Audit annually to monitor the take up and availability of business and industrial land across the Borders.
- Scottish Planning Policy 2014 (CD041, paragraph 93) states that: "*The planning system should:*
 - *promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;*
 - *allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; ...*".
- At the Proposed Plan stage of the current Adopted Plan (2016), the Council received representations outlining concern in relation to the shortage of employment land available in the short term (refer to Reporters Report CD040, Issue 261, page 896). In response to those representations the Council stated: "*The Council have sought to allocate additional land at Peebles for Business and Industrial use. However, it should be noted that the Proposed Plan provides the opportunity to bring forward employment land on longer term mixed use site SPEEB005 Peebles East (South of the River) should it be required.*
In addition, it should also be noted that as part of the Scottish Borders Local Plan Amendment Process the Council identified two sites BPEEB001 (South of South Park) and BPEEB003 (South Park II). Those sites were considered by the Local Plan Amendment Examination Reporter and the Reporter recommended that both sites be removed from the Plan". At that time of the Examination into the 2013 Proposed Plan, the Reporter concluded: "*These representations seek the allocation of additional employment land in Peebles. In its response, the council refers to the Scottish Borders Employment Land Audit (2013), which notes a lack of immediately available employment land in the area. It is disappointing, in that context, that the proposed plan fails to allocate additional such land in a settlement as significant as Peebles*".
- The Council accepts that for some time there has been a shortage of Business and Industrial Land within the Peebles area. This shortage is reflected in the limited take up of land as noted by Contributor 823. It is partially for that reason that the Council commissioned the 'Western Rural Growth Area: Development Options Study' (CD082). The purpose of the Development Options Study was to identify and assess

options for housing and employment land in the Western Rural Growth Area/Strategic Development Area.

- Furthermore, whilst it is accepted that there has been a downturn in the economy, the Council is mindful that there must be sufficient supply of Business and Industrial land to accommodate an upturn in economic growth and to protect future employment opportunities.

Alternative Location (107, 122, 221, 328, 493, 559, 561, 591, 641, 642, 650, 674, 720, 762, 764, 769, 822, 823, 834, 887, 896, 915, 973, 994, 995, 1031)

- As noted above, a Development Options Study (refer to CD082) was undertaken to identify and assess options for housing and employment land in the Western Strategic Development Area, centred on the central Tweeddale area. The study identified a number of potential short and long term housing options as well as sites for business/industrial use. Whilst the Main Issues Report (CD008) identified two mixed use sites in the vicinity of Eshiels, following public consultation and further investigation, site BESH1001 was seen to be the most appropriate to be brought forward into the Proposed Plan.
- Whilst, brownfield land is the first consideration when identifying additional sites, as a result of limited land availability as well as many financial and other constraints in developing such sites, there is pressure on greenfield land for development, especially in areas where demand is greatest.
- It is noted that a number of Contributors suggest that the old gas works, recycling centre and its associated adjacent land would make a more suitable alternative. However, the Council's Recycling Centre is currently in productive use. In respect to the neighbouring land, it is noted that the majority of it falls within the flood plain and would not be suitable for any development to take place. In addition, consideration of the setting of the Scheduled Monument would also be an issue.
- The Council's Economic Development Section sought additional Business and Industrial land to be allocated within the Proposed Plan as well as any allocated longer term mixed use, mixed use or redevelopment site. Following the completion of the Development Options Study (CD082), the Eshiels site was found to be the most appropriate to achieve this.
- In respect to site SCARD002, due to the work required in taking that site forward, including the requirement for a Masterplan and consideration of the re-routing the A72, that site has been identified as a potential Longer Term Mixed Use site.
- It is also noted, that the Council did not receive any acceptable alternative locations for Mixed Use/ Business and Industrial sites within the Western Strategic Development Area for inclusion in the Plan as part of the call for sites or through the Main Issues Report public consultation process.

Climate Emergency Agenda/Sustainability (493, 559, 561, 624, 650, 720, 732, 737, 757, 762, 764, 765, 798, 815, 823, 867, 871, 872, 873, 874, 887, 896, 915, 973, 994, 995, 997)

- In respect to comments regarding climate change, it is noted that Scottish Planning Policy 2014 (CD041, paragraphs 24 to 35) sets out the principle policy on Sustainability. The Proposed Plan embraces this principle and is founded on the premise of supporting and encouraging sustainable development.
- It is noted that site BESH1001 is within close proximity to Peebles, which is 2 miles to the west. However, the close proximity to Peebles, including the cycle path along the

former railway line, provides access to a wide range of services and public transport opportunities. As stated above it has not been possible to allocate business land within Peebles and it was therefore inevitable that the search area had to be extended.

- Furthermore the Proposed Plan identifies a site requirement highlighting the need for a Transport Assessment/Statement. This will assist in identifying the transport requirements for site BESH1001 to be delivered.
- It is noted that the Scottish Borders is rural in character and in such areas, there is usually a higher dependence on private cars. Whilst it is not practical to expect every site/development in the Scottish Borders to depend on new or improved public transport, in the case of site BESH1001 it is considered that there is ample opportunity for the site to benefit from public and active travel.
- Whilst the site is currently in agricultural use for grazing, the land is not identified as Prime Quality Agricultural Land. It is noted also that the identification of some greenfield/agricultural land for some type of formal allocation is inevitable.
- In respect to comments that there are no existing class 4, 5 and 6 Uses located within Eshiels or its immediate locale, therefore the site would not provide for sustainable development; it is not considered that this is necessarily the case. It is noted that the settlement profile for Eshiels states: *“Due to the shortage of available business and industrial land within the central Tweeddale area, it has been necessary to identify land for a new Business and Industrial site at Eshiels. Eshiels was identified as the most preferable location following extensive consultation and the consideration of other options. The allocation is located to the north of the A72”*.

Conflict of Interest (559)

- The Council do not agree/accept that there is a ‘Conflict of Interest’. It is a statutory duty of the Council to plan for the future and assist in facilitating economic development. Paragraph 101 of Scottish Planning Policy 2014 (refer to CD041) states: *“Local development plans should allocate a range of sites for business, taking account of current market demand; location, size, quality and infrastructure requirements; whether sites are serviced or serviceable within five years; the potential for a mix of uses; their accessibility to transport networks by walking, cycling and public transport and their integration with and access to existing transport networks. The allocation of such sites should be informed by relevant economic strategies and business land audits in respect of land use classes 4, 5 and 6”*.
- It is accepted that to bring site BESH1001 forward, this may involve the Council undertaking a compulsory purchase order but this course of action is not uncommon for such allocations. Any benefits would be for the wider community in creating suitable business and employment opportunities
- It is noted that policy ED1: Protection of Business and Industrial Land recognises the financial difficulty in bringing forward new business and industrial land in a rural area such as the Scottish Borders where, in the provision of business land, there is a market failure situation in some locations.
- The Council invests considerable time and resources in making these sites deliverable and available for development. It should be noted that to deliver a site for Business and Industrial Use to meet demand grant funding is required. It is envisaged that SOSEP (South of Scotland Economic Partnership) funding will be available to assist in the delivery of the site.

Lack of Consultation (107, 493, 559, 561, 624, 641, 642, 674, 720, 762, 764, 769, 805, 867, 871, 887, 896, 915, 973, 995, 1031)

- As noted above, two Mixed Use sites were identified as Preferred Options within the Scottish Borders Main Issues Report (CD008). In light of the consultation responses received during the Main Issues Report public consultation (CD156), and following further investigation on the site, it was decided not to allocate sites MESH1001 and MESH1002 within the Proposed Local Development Plan. However, taking into account the immediate need to identify land for employment use, a reduced site for Business and Industrial only – site BESH1001 Land at Eshiels, was taken forward into the Proposed Local Development Plan. It should be noted that site BESH1001 is a smaller part of the previously identified MESH1001 site.
- It is noted that paragraph 65 of Planning Circular 6/2013: Development Planning (CD059) states that: “... *Main Issues Reports are key documents in terms of frontloading effective engagement on the plan, ...*”. In addition, paragraph 71 of CD059 also states: “... *Main Issues Reports are the principal opportunity for consulting stakeholders on the content of the plan and involving the wider public. Consultation on the Main Issues Report should come before the planning authority has reached a firm view as to the strategy. It is important at this stage that the authority be genuinely open, and willing to consider new or different ideas, and not resolved simply to defend their preferred proposals. Main Issues Reports have to be engaging documents that encourage the public and other wider stakeholders to read and respond to them. Main Issues Reports may be viewed as progress reports issued in the course of an ongoing process of engagement that will last throughout the period of the plan’s preparation*”. The Council are therefore confident that the proper and correct procedures have been followed in the identification of site BESH1001 within the Proposed Plan.

Inclusion of a Site Requirement for a Masterplan/Planning Brief (983)

- The Council recognises that the landscape sensitivities remain relevant to the BESH1001 allocation, for that reason the Council would be agreeable to include an additional site requirement for a Planning Brief in the form of Supplementary Planning Guidance to be produced.
- Therefore, the Council notes the provisions within paragraph 87 of Circular 6/2013 on Development Planning (CD059) which state that “*The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations.*” In that respect the Council are content for an additional site requirement to be added: “*It is intended that a Planning Brief in the form of Supplementary Planning Guidance will be produced for the site*”.
- The modification for the inclusion of the site requirement would reflect the desire of NatureScot and would provide an early opportunity for the community to assist in influencing the design and layout of the new site. It is considered that this addition would constitute a non-significant change.

Reporter’s conclusions:

(90), (107), (122), (169), (221), (274), (328), (493), (559), (561), (591), (621), (624), (636), (641), (642), (650), (674), (687), (720), (732), (737), (746), (747), (748), (753), (757), (758), (762), (764), (765), (769), (780), (798), (805), (815), (822), (823), (830),

(834), (854), (855), (867), (871), (872), (873), (874), (887), (896), (915), (958), (961), (963), (964), (970), (971), (973), (983), (994), (995), (997), (1003), (1005), (1031),

Below, I use my own headings instead of those of the council (above).

The principle of allocating site BESH1001

1. Having reviewed the Scottish Borders Employment Land Audit (2021) and the findings of the examination of the Adopted Local Development Plan (2016), I am content to accept that there is a shortage of employment land in the northern housing market area and within the Western Strategic Development Area particularly. Although that does not automatically justify allocation of site BESH1001, it does justify considering various site options in the locality and assessing those to determine which, if any, would be the most suitable. By my understanding, that is what the council did in the Development Options Study (CD082) and, subsequently in its site assessment (CD118).
2. Various criticisms are levelled at the options study in representations. I understand that the sawmill issue is likely to have arisen from its presence on the Ordnance Survey map contained in the study itself. What is presented on Ordnance Survey maps is not within the control of the council or its consultant. Although it may have been prudent to explore in more detail whether that map was accurate, this does not fundamentally alter the conclusions of the study or render its findings otherwise inaccurate. For clarity, I note that the map on proposed plan page 325 excludes reference to a sawmill.
3. The council states that it carried out a rigorous appointment process for its consultants and was also satisfied with that firm's understanding of the locality from earlier work on the special landscape area in the locality. Neither this nor the above factors suggest the development options study to be erroneous. The purpose of the development options study was to inform thinking which could then be tested through the planning process and that is what occurred.
4. The site was, at the time of the study, part of a larger mixed-use proposal MESH1001 and MESH1002, both of which were considered at Main Issues Report (MIR) stage. As a result of feedback, the council confirms that the actions required to develop the site would have brought about significant impacts, including to the nearby Eshiels Roman Camp. As a result, the council modified the proposal, which is in the proposed plan as site BESH1001, a component of MIR site MESH1001.
5. On the basis of the paragraph above, I am not persuaded that there has been any failure of consultation as parties had the opportunity to comment at MIR stage. Self-evidently, they have also commented at proposed plan stage and those comments are being considered as part of this examination. It is also clear from CD118 that the council's own staff and relevant public bodies have provided comment that has informed this proposed site allocation and the site requirements stated on proposed plan page 324.
6. I similarly dismiss the notion that there has been a conflict of interest. The council had a duty in Scottish Planning Policy (2014) to plan for business and industry and to provide a variety of sites whilst also recognising the environmental and other impacts of such. Scottish Planning Policy (2014) has now been replaced by National Planning Framework 4 (NPF4). NPF4 makes similar requirements on local development plans. I

would also expect most new employment land in this part of Scottish Borders to be concentrated in the Western Strategic Development Area based on the spatial strategy set out in proposed plan Chapter 4 Figure 3. That is where site BESH1001 is located.

7. Planning application refusals 17/00087/FUL and 18/01377/FUL (CD124 and CD123 respectively) are for the same site in Dolphinton. The impetus for development on BESH1001 is contextually different in strategy terms to those two applications because, unlike BESH1001, they covered land that is not within the Western Strategic Development Area shown in proposed plan Chapter 4 Figure 3. I am therefore unconvinced by the contention that a principle against BESH1001 has been established by those refusals.

8. On balance, it was not, therefore unreasonable for the council, having identified a shortage of employment land, to seek to resolve that issue in this locality via the plan preparation process.

Site constraints at site BESH1001

9. Various representations highlight what they perceive to be problems that would either prevent development of the site as intended or which, in their view, justify its deletion from the proposed plan. These cover a range of matters relating to amenity (including noise, light, odour pollution and lack of privacy), flood risk, drainage/sewerage, impacts on landscape, biodiversity, historic assets, tourism, climate change and sustainability, transport, and road access. Many of those same parties contend that the council has not properly applied the policies in the proposed plan and seek deletion of the site.

10. The site is located within the River Tweed Special Landscape Area, a local development plan landscape designation. However, neither NatureScot nor the council's own landscape experts have objected to this proposal on landscape grounds.

11. The site requirements on proposed plan page 324 already require structural planting and landscaping. This is also shown on the map on proposed plan page 325. These measures are intended to diminish the landscape and visual impact of any proposal. I note that much of the adjacent development (Eshiels to the south and the broad spread of residential and commercial premises to the north and east) are already interspersed with woodland and other vegetation. NatureScot seeks the addition of requirements for a planning brief and the council agrees. Modifications to that effect are set out below.

12. The above paragraph also makes clear that this stretch of the A72, running from the edge of Peebles to the southward bend to the east, is characterised by development both north and south of the A72. This does not suggest to me that site BESH1001, with its proposed planting, would be incapable of being integrated into its surroundings.

13. The above integration and planting would also, in my view, contribute to limiting some of the effects that representations caution of in relation to tourism. This site is located within two miles of Peebles, is adjacent the homes at Eshiels and, as noted above, is close to nearby dispersed groupings of residential and commercial development. Some of that commercial development appears to be tourism related. This does not suggest that this site or immediate locality brings the sense of remoteness argued by the representations and I found as much on my site visit.

14. The same screening would also contribute to limiting some of the amenity concerns in relation to lack of privacy and lighting. Lighting, noise and odour pollution and privacy impacts could also each be considered at planning application stage against relevant policies, including proposed plan Policy HD3: Protection of Residential Amenity.

15. There is predicted to be a moderate impact on biodiversity, although I am content that this could be mitigated given the existing site requirement for an ecology assessment and mitigation. There is also a requirement for mitigation of any effects on the River Tweed Special Area of Conservation and Site of Special Scientific Interest. Neither the council's ecology/biodiversity team nor NatureScot object.

16. The flood risk analysis in CD118 is taken from that of the larger original site of MESH1001. However, these factors, including on-site and adjacent watercourses and the need for flood risk, drainage impact and water impact assessments are already recognised. The need for new sewerage infrastructure could be overcome by the installation of the appropriate infrastructure. Neither Scottish Water, SEPA nor the council's flood risk team object. Site BESH1001 is also not amongst the sites that SEPA asks to be deleted or to have modifications made to its site requirements in Issue 074: Response to SEPA Comments. These matters and concerns about related land slip could all be considered at planning applications stage.

17. I understand that part of the reason for the council opting to retain site BESH1001 was that it was not considered to result in the same risks to the historic environment that was anticipated with MESH1001 and MESH1002. Neither Historic Environment Scotland nor the council's historic assets team raise any objections to site BESH1001. The site requirements on proposed plan page 324 already recognise the need for an archaeological investigation and for the design and layout of development to consider the setting of the nearby Eshiels Roman Camp.

18. Site access would be taken directly from the A72. Although some representations are concerned about the implications of this, neither the council's roads team nor Transport Scotland object. The council's roads team is content that the relevant roads improvements could be made, and this would not compromise the allocation. The site requirements on proposed plan page 324 also include a transport assessment/statement and I am content that this could appropriately consider local matters, including non-car access and safety, as highlighted in the council's response above.

19. Some representations argue that the site's owner is not interested in selling for the envisaged development. However, the council is correct that this need not be a reason for deletion as it could decide to compulsorily purchase the site. It is not the role of this examination to determine if that is an appropriate action, that is for a separate process. However, it does demonstrate that owner opposition is not a reason to delete the site.

20. All of the above site constraints have been recognised already by the site requirements on proposed plan page 324, or recommended modifications to those (below). None of these matters appears to be insurmountable. Therefore, it is reasonable to assume that proposals could be tested at planning application stage against the relevant policies, including but not limited to those referenced in representations above. None of these matters justifies deletion of site BESH1001.

Alternative sites to BESH1001

21. Various representations put forward alternatives, including the council recycling centre on the west side of Eshiels and various other employment and mixed-use sites in the locality. However, the council's recycling centre is presently in use. The council argues the land around it to be at flood risk and no evidence suggests differently. On my site inspection and looking at the map material, it is also unclear whether the intensification of that site or space available could match the scale and scope of site BESH1001.

22. I visited the other sites referenced by the parties. Site zEL2 (Calvary Park) is largely developed. Site RPEEB001 is 0.4 ha and site zEL204 is 0.9 ha, which are each considerably smaller than BESH1001 which is 4.9 ha. Even though sites MPEEB006, MPEEB007 and MINNE003 are still smaller or similarly sized to BESH1001, they are for mixed uses with indicative site capacity for housing. That is also likely to diminish the space available for employment uses.

23. Site SPEEB005 is dismissed as an alternative to BESH1001 by the council on account of requiring a new river crossing. However, both SPEEB005 and SCARD022 are not presently allocated, instead they are longer-term sites which the proposed plan shows require considerable further work. Development is not expected on either of these sites during the ten-year plan period. Therefore, both would be unlikely to be available to meet shorter term needs during the plan period. Sites SCARD002 and SPEEB005 are considered separately in Issue 022: Cardrona and Issue 061: Peebles (Longer Term Development and Business and Industrial Land). On balance, no evidence suggests any of the proposed alternatives to be better than site BESH1001.

24. I agree with representations that the Covid 19 pandemic has altered the work patterns and accommodation needs of some businesses. However, that short term response to pandemic restrictions does not necessarily translate into a new and alternative normal. Not all business needs allow for home working and some businesses operate hybrid models. No evidence allows me to conclude whether these patterns will be retained in the short, medium, or longer term. I cannot therefore dismiss the need for office accommodation in principle.

Overall

25. Overall, having identified a general need for employment land in the locality, the council has considered the implications of various sites, including BESH1001. BESH1001 has been consulted upon and found to have constraints that can be overcome. Therefore, there is no justification for deleting this allocation. No modifications are required aside from the addition of an extra site requirement for a planning brief (below).

Reporter's recommendations:

Modify the local development plan by:

1. adding a new site requirement to proposed plan page 324 for site BESH1001 as follows:

“It is intended that a Planning Brief in the form of Supplementary Planning Guidance will be produced for the site.”

Issue 32	Eyemouth			
Development plan reference:	Eyemouth Settlement Profile and Map (REYEM002 – Former Eyemouth High School and zEL63 - Eyemouth Industrial Estate) (pages 331-337)	Reporter: Malcolm Mahony		
Body or person(s) submitting a representation raising the issue (including reference number):				
<table border="1"> <tr> <td> <p>Eyemouth Community Council (520) Wilma Newman (560) David Windram (580) Dixie & Elizabeth Scott (601) Lisa & Margaret Embleton (602) Lynnett Wood (607) J & D Girrity (611) J & A Windram (613) Jean Bowie (616) Ishbel Dorward (625) Ian Stebbing (659) Jennifer & Tom Nisbet (664) Roderick Henriques (682)</p> </td> <td> <p>J & A Walker (689) Lynda Lockhart (690) Bruce and Fiona Hall (697) John Walker (698) Anne & Neil Sanderson (707) Kirsten Cooper (729) Isle Harvey (733) John Barton (740) Christine and Sandy Mutch (741) Anne Lindsay (745) Grant Anderson (760) Joanne Redden (976)</p> </td> </tr> </table>			<p>Eyemouth Community Council (520) Wilma Newman (560) David Windram (580) Dixie & Elizabeth Scott (601) Lisa & Margaret Embleton (602) Lynnett Wood (607) J & D Girrity (611) J & A Windram (613) Jean Bowie (616) Ishbel Dorward (625) Ian Stebbing (659) Jennifer & Tom Nisbet (664) Roderick Henriques (682)</p>	<p>J & A Walker (689) Lynda Lockhart (690) Bruce and Fiona Hall (697) John Walker (698) Anne & Neil Sanderson (707) Kirsten Cooper (729) Isle Harvey (733) John Barton (740) Christine and Sandy Mutch (741) Anne Lindsay (745) Grant Anderson (760) Joanne Redden (976)</p>
<p>Eyemouth Community Council (520) Wilma Newman (560) David Windram (580) Dixie & Elizabeth Scott (601) Lisa & Margaret Embleton (602) Lynnett Wood (607) J & D Girrity (611) J & A Windram (613) Jean Bowie (616) Ishbel Dorward (625) Ian Stebbing (659) Jennifer & Tom Nisbet (664) Roderick Henriques (682)</p>	<p>J & A Walker (689) Lynda Lockhart (690) Bruce and Fiona Hall (697) John Walker (698) Anne & Neil Sanderson (707) Kirsten Cooper (729) Isle Harvey (733) John Barton (740) Christine and Sandy Mutch (741) Anne Lindsay (745) Grant Anderson (760) Joanne Redden (976)</p>			
Provision of the development plan to which the issue relates:	Redevelopment Allocation REYEM002 – Former Eyemouth High School and Business and Industrial Safeguarding Allocation zEL63 – Eyemouth Industrial Estate			
Planning authority's summary of the representation(s):				
<p>Redevelopment Allocation REYEM002 – Former Eyemouth High School, Eyemouth</p> <p><u>Eyemouth Community Council (520)</u></p> <ul style="list-style-type: none"> Concerns raised that The Council have failed to adhere to the (2015) community empowerment act. The Community Council have raised concerns regarding what they consider to be adverse political criticism within the Berwickshire News in respect of progress regarding the new community campus on the site. Concerns raised that the proposals go against the aim of protecting green space and its loss for housing. The proposed plans fail to show the other areas earmarked for housing development. State that the main focus in 2020 was to develop a destination play park on the site with residents meetings with Councillors and Community Councillors. Concerns raised that The Council has failed to follow protocol and procedure. There was no consulting with appropriate groups such as the community council. No communication with named people under the agreed 2015 Community Empowerment Act, Participation Request. The contributor supports the community of Eyemouth and rejects the adjustment to the Local Plan, that will lead to plans for 90 houses to be built on the former high 				

School playing fields. Furthermore, rejects the addition of this area as housing development completely. Rejects all The Council's proposals apart from the Campus building itself. The contributor is in full support of the people affected by this development. A Primary School and destination play park with playing fields will be the perfect development for Eyemouth and is the only development they will accept.

Wilma Newman (560)

- Objects to the houses being built in the centre of town where there is amply room for development on the outskirts.
- States that there is a need for a new primary school, but do not need extra traffic flow on Coldingham Road that additional housing on this site would bring.
- Eyemouth needs a green space/park in the centre of town not housing.
- The majority of Eyemouth is against this planned development, please listen to the people who live here.

David Windram (580)

- Objects to the proposal. This is based on several concerns primarily the removal of greenspace for generations to come. The contributor believes further consultation and alternative housing sites are required.

Dixie & Elizabeth Scott (601); Lisa & Margaret Embleton (602); Lynnett Wood (607); J & D Girrity (611); J & A Windram (613); Jean Bowie (616); Ishbel Dorward (625); Jennifer and Tom Nisbet (664); Roderick Henriques (682); J and A Walker (689); Bruce and Fiona Hall (697); Ann and Neil Sanderson (707); Kirsten Cooper (729); John Barton (740); Ann Lindsay (745) & Grant Anderson (760)

All of the above contributors' submissions were largely the same wording, which is stated below.

- Object to the proposed continued inclusion of site (REYEM002) as redevelopment within the LDP2.
- The site has been offered for housing development since the transfer of Eyemouth High School to its new site at Gunsgreenhill in 2009.
- There are more suitable areas for housing development already identified on the LDP.
- Proposed Plans to develop a new Eyemouth Community Campus and a housing development there were met with fierce local opposition mainly on the grounds that this green area is hugely valued and much used recreationally by the Eyemouth community.
- There is a need for a central green space in Eyemouth and there are other areas designated for housing.
- This open space has always been a haven for Eyemouth people of all ages and especially during this past year of the global pandemic.
- Eyemouth Primary School children and more especially the children attending the Eyemouth Early Years Centre regularly access the grass and woodland area for outdoor activities and to learn about nature in a safe, open space.
- Green spaces have never been more valuable to society as during this current global pandemic where people require such areas to help improve their mental and

physical health and wellbeing by facilitating leisure and recreational activities, and as such these spaces are an essential part of the local landscape.

- The designated 'green spaces' for Eyemouth shown on SBC's current LDP are mainly river walks, woodland areas, a school rugby pitch and even an old cemetery (GSEYEM003). It is very clear that Eyemouth, unlike all the other Border towns, has no proper public recreational space or public park.
- Development on green space areas ignores the Scottish Government's Planning Advice Note No.65 (2008) which lays out the social, environmental and economical values of such Open Spaces.
- Any development on this site would also be in total contradiction to the Scottish Borders Green Space Strategy which highlights the health and wellbeing benefits of green spaces and opposes any such Development Plans.
- Eyemouth has been allocated approximately £200,000 as part of Scottish Borders Council's £5million playpark and outdoor community spaces programme, to be used for either upgrading existing playparks or the provision of a new destination park. This area would be an ideal site for a new destination park.
- Request that the area (REYEM002) be redesignated as greenspace within the LDP2.

Ian Stebbing (659)

- Object to the area of the old high school, primary school and playing fields being turned into 90 unit housing scheme. The area was used for recreation for a long period of time.
- No objections to a new primary school being built on the area but the housing is not required as there are other areas at Acredale and Golf Course Road which have not been developed.
- Concerns regarding proposals to split the primary school into two sections one at the New High School and the other on the present site.

Lynda Lockhart (690)

- Object to the allocation REYEM002.
- States that a new primary school is much needed, however has concerns regarding the proposal to build 90 houses on the site.
- Eyemouth desperately lacks green space and there is not a public park accessible to all.
- The green space next to the present primary has always been used by the schools and public for exercise and recreation. More than ever this space has been and is currently being utilised by the whole community.
- Scottish Government Planning Advice and Scottish Borders Green Space Strategy highlights the needs and benefits of every community having adequate green spaces. Unlike other towns in the Borders, Eyemouth has no recreational area or public park.
- The designated money by Scottish Borders Council for playpark and outdoor community spaces programme would ideally be used in this area to the enhancement of the town and the whole community.

John Walker (698)

- Object to the continued inclusion of site REYEM002 being designated as 'redevelopment' in the new LDP2.
- The site has been offered as housing since the transfer of the Eyemouth High School to its new site at Gunsgreenhill.
- Eyemouth needs a green space, suitable for being used as a park, and which is relatively central to all of Eyemouth. This space is the last appropriate space in Eyemouth. If houses are built on this site, finally, no central usable park for Eyemouth. There are other areas for building houses.
- Supports the need for Eyemouth to have a good replacement primary school for this site which is both robustly fit for purpose, now and for the future, having space to expand. The siting and orientation of the school and its external facilities should meet the educational needs of the primary school and not be compromised by playing second fiddle to housing, and its access infrastructure.
- In existing draft plans, there is proposed provision for a complex to support the elderly. I support this in principle. The space allocated in the draft plans, in competition with the planned housing on this site, seemed insufficient for buildings, access and parking, with little scope to expand.
- Support the firm community rejection of such plans aired at a well-attended open air meeting in Eyemouth in 2020.
- The Scottish Government Planning advice describes the social, environmental and economic values of such open spaces. Commendably Scottish Borders Council has a Green Space Strategy and this is what is wholly worthy of being designated on this unique site for Eyemouth. Housing would significantly compromise this strategy.
- Allow significant green space to allow a good park to be created.

Christine and Sandy Mutch (741)

- Object to the continued inclusion of (REYEM002) being designated as 'redevelopment' in the new LDP2.
- Contributor agrees additional housing is needed for Eyemouth and understands this site has been allocated for housing development since the transfer of the Eyemouth High School to its current site at Gunsgreenhill. However, it is their opinion that this site is too valuable to the community as a green space to be used for housing, when there are other more suitable areas for housing development already identified in the LDP2.
- Scottish Borders Council plans to develop a new Eyemouth Community Campus on that site were met with great consternation and upset by many residents in 2019. Most were not objecting to a new, much needed primary school, but rather the potential loss of the only suitable site in Eyemouth to develop a public park that would be accessible to all. The contributors' main objections relate to the plans to build up to 90 houses on the site.
- At no stage in the process of public consultation has Scottish Borders Council properly engaged with the local community. The information meetings in 2019 were so badly advertised that many of the immediate neighbours in Coldingham and Victoria Road(s) were not notified, despite sharing boundaries with this site. Some of the residents have still not received the most recent letter from SBC dated 2nd November 2020 re the Proposed Plan.
- In response to the proposed plans relating to REYEM002 in late 2019, a petition was raised and around a thousand signatures were collected from residents from all over Eyemouth, proposed this site to be used, in part, for a decent sized public park.

- The former Eyemouth High School grounds have been used for generations for exercise and recreation and continues to be enjoyed by all age groups. It is in constant use, not only by members of the public, but also Eyemouth Primary School children, especially early years children.
- Eyemouth is the only town in the Scottish Borders without a public park.
- Eyemouth only has 5.9ha on 'green spaces'.
- Eyemouth has a unique opportunity to invest in our town to provide a safe, easily accessible public park which will enhance the health and wellbeing of everyone.
- If planned properly, Eyemouth could have a destination park.
- If SBC build houses on this space, it would be going against Scottish Government's Planning Advice Note 65 (2008) which lays out the social, environmental and economical values of such open spaces. Any such development would also be in total contradiction to the Scottish Borders Green Space Strategy which highlights the health and wellbeing benefits of green spaces and opposes any such Development Plans.
- Please reconsider the LDP2 and consult and work properly with locals.
- Please extend the consultation period for LDP2 and improve SBC's communication with the public to allow all residents to make their views known.

Joanne Redden (976)

- Raised concerns regarding the loss of green space in the town. This area is currently utilised by many different parts of the community from children playing to dog walkers as well as youth clubs.
- The contributor is involved with the Eyemouth Scout Group who currently have approximately 70 to 80 young people from ages 8-16 who benefit from using the green space here for a variety of outdoor activities that would be difficult to do anywhere else in the town.
- Think SBC should develop this site for leisure like Lauderdale Park in Dunbar with play equipment, toilet facilities and café/takeaway.

Business and Industrial Safeguarding Allocation zEL63 – Eyemouth Industrial Estate, Eyemouth

Isle Harvey (733)

- The site backs onto their property, and the properties of their neighbours. Since March 2020 the usage of the site has impacted negatively on how they enjoy their home. Up until spring of last year they experienced no difficulties as a result of the industrial nature of the site, they have lived at their property for 17 years. Prior to spring 2020 they deemed the site's usage to be appropriate to the residential nature of its setting.
- Currently the site is very busy, with heavy goods vehicles arriving from early in the morning to very late at night (the latest time recorded on the diary sheet the contributor recorded was 22:20).
- Industrial machinery is used frequently; what sounds like a band saw, excavators, dump trucks etc. During the summer months they were unable to open their windows or doors because of the noise. There is constant white noise emanating from the building when the large doors are open, which is most of the time at the moment and all the time in summer.

- There are frequent instances of persons shouting and using foul language which can be clearly heard in their home.
- They are frequently overlooked by persons standing on vehicles looking into their home (albeit inadvertently). The fencing between their property and the unit is inadequate and does not provide a barrier to either sound or vision.
- The current usage of the site impacts on the quality of life of those living in the properties neighbouring it and on the value of their properties.

Modifications sought by those submitting representations:

Redevelopment Allocation REYEM002 – Former Eyemouth High School, Eyemouth

- Remove the allocation (REYEM002) from the Proposed LDP. (520, 560, 580, 601, 602, 607, 611, 613, 616, 625, 659, 664, 682, 689, 690, 697, 698, 707, 729, 740, 741, 745, 760 & 976)
- Retain the site (REYEM002) as green space within the Proposed LDP. (733)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE EYEMOUTH SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

Redevelopment Allocation REYEM002 (520, 560, 580, 601, 602, 607, 611, 613, 616, 625, 659, 664, 682, 689, 690, 697, 698, 707, 729, 740, 741, 745, 760 & 976)

- It should be noted that the site is currently allocated within the adopted Local Development Plan 2016 (CD009). The site was first formally allocated within the Consolidated Local Plan 2011 (CD010). Therefore, it is considered that a redevelopment use on this site is well established.
- There is no extant planning consent on the site, however it should be noted that there are no constraints which prevent this site from being developed. The site is programmed from year 3 onwards as part of the Housing Land Audit 2019 (CD071, refer to Appendix 1 – Main Report (with maps), page 26).
- As background context, the Primary School is located within the site, along with the associated playing fields and open space. A Planning Brief was approved for the site (CD098) which sets out the vision for how the site could be developed. The allocation within both the adopted Local Development Plan 2016 (CD009) and the Proposed Local Development Plan (LDP), includes an indicative housing capacity for 90 units within the overall site.
- Comments are noted from the contributors, which include objections to the allocation for various reasons including; removal of the existing greenspace for housing, proposed alternative uses within the site, proposed location of a replacement primary school, location of the proposed housing, impacts upon traffic flow, extra care housing and lack of engagement on the proposals within the site.
- It should be noted that the Proposed LDP is merely continuing to allocate the site as a redevelopment opportunity, which continues to state an indicative site capacity for 90 units within the site. The associated Planning Brief (CD098) sets out the constraints and opportunities for the site and provides the context for how the site could be developed taking on board any constraints and consultee feedback.

- A number of the contributors raise concerns with the removal of the existing greenspace within the site for development, specifically 90 houses. In response, it should be noted that the Proposed LDP does not seek the removal of the land identified as greenspace.
- There are a number of contributors who seek to have a destination play park within the site. The Council is well aware of this and has had recent meetings with relevant parties to discuss how best to take this forward. It has been agreed that the Council, the community and Berwickshire Housing Association will prepare a masterplan which in essence will confirm land to be developed by Berwickshire Housing (much of this development is likely to be located on the site of the primary school, which will likely be re-located within the curtilage of the new Eyemouth High School), an extension to the existing cemetery and a large scale destination play park/open space on the remaining part of the site. It is highly likely the destination play park/open space will be a considerably larger area of open space than is identified within the Proposed LDP. The Council is most confident that the final development of the site will satisfactorily incorporate the requirements and wishes of all relevant parties.
- The location of the proposed housing within the town centre is raised as a concern, stating that there are other locations on the outskirts. Furthermore, it is suggested that alternative locations need to be looked at for housing. This site allocation is longstanding within the Local Plan and has been subject to consultation with a range of relevant parties. The Council confirms that development in this location, on a part brownfield site, is appropriate and should remain in the Proposed LDP.
- The traffic flow along Coldingham Road is raised as a concern. However it should be noted that any planning application submitted for housing would be subject to consultation with the Council's Roads Planning Service. They would provide comments and advice at that point in time.
- In respect of the extra care housing comments, it is likely that part of the housing development will incorporate an element of extra care housing. Specific details of this will be confirmed in due course and would be submitted as part of a planning application submission.
- A number of representations raised concerns regarding the lack of engagement in respect of the development proposals for this site. In response, it should be noted that there has been a variety of engagement in recent years regarding the Proposed LDP. This included; call for sites engagement, pre Main Issues Report (MIR) engagement events (public exhibitions and workshops), MIR consultation events (public events in Eyemouth) and Proposed LDP consultation (included neighbour notification to over 6,000 homes and online engagement). Consequently, it is not considered that there has been a lack of engagement regarding the development of this site.
- Concerns were raised in respect of the proposed plans failing to show the other areas earmarked for housing development. It should be noted that the settlement profile for Eyemouth includes a map, which clearly shows all the existing and proposed allocations within the Proposed LDP (pages 336-337).
- In summary, it is acknowledged that a number of concerns have been raised regarding the redevelopment of this site. However, the allocation merely sets out the principle for the redevelopment of this site, which includes an indicative housing element. It should be noted that the final proposals within the site would be subject to the Development Management process, requiring a planning application, and are not matters to get addressed as part of the Proposed LDP allocation. There will be a masterplan prepared, as outlined above, which the community will have an

opportunity to be involved in. This will ensure all relevant issues are addressed and all parties' requirements are incorporated within the development of the site. The community will also have the opportunity to be involved and engage in the future development of the site as part of the planning application process.

- In conclusion, taking the above into consideration, the Council does not agree to modify the Proposed LDP in response to this representation, in respect of the allocation (REYEM002).

Business and Industrial Safeguarding Allocation zEL63 (733)

- The comments above are noted. Although the contributor does not specifically object to the allocation, they raise a number of concerns.
- The site is currently allocated for Business and Industrial Safeguarding within the adopted Local Development Plan 2016 (CD009) and is categorised as a 'Business and Industrial Site'. The site is being carried forward into the Proposed LDP with no changes to the allocation. It should be noted that this site is an established business and industrial estate within Eyemouth (zEL63) and is safeguarded for such uses, as defined in Policy ED1.
- The aim of Policy ED1 is to maintain a supply of business and industrial land allocations in the Scottish Borders and ensure these are retained for business and industrial uses and not diluted by a proliferation of other uses. There is a presumption in favour of the retention of industrial and business use on both High Amenity Sites and Business and Industrial Sites. Policy ED1 states that development for uses other than Classes 4, 5 and 6 on business and industrial sites in the locations identified within Table 1, Policy ED1, will generally be refused. Uses other than Class 4, 5 and 6 can be considered if they are ancillary/complementary uses to the business and industrial site. Employment generating uses other than Class 4, 5 and 6 can only be considered where no suitable alternative sites are available and the criteria contained within Policy ED1 can be satisfied. In all cases, development must;
 - Respect the character and amenity of the surrounding area, and be landscaped accordingly, and
 - Be compatible with neighbouring business and industrial uses.
- It should be noted that any future proposals for development within the allocation (zEL63) which require planning consent, would be subject to public consultation as part of the planning application process. This provides an opportunity for the public to comment on any future proposals at that time.
- In respect of the comments regarding noise, overlooking, value of properties, quality of life and disturbance, these are out with the remit of the Local Development Plan process, given that the allocation is an established industrial estate with existing uses.
- It should be noted that any breaches to existing planning consents/conditions would be a matter for other departments to follow up following any reports, including the Council's Enforcement Team and Environmental Health.
- In conclusion, the comments above are noted, however this allocation (zEL63) is an established business and industrial allocation, with a variety of existing uses. The concerns raised above are outwith the remit of the LDP process. Therefore, no amendments are proposed to the Proposed LDP in respect of allocation (zEL63).

Reporter's conclusions:

Redevelopment Allocation REYEM002 (Former Eyemouth High School) (520, 560, 580, 601, 602, 607, 611, 613, 616, 625, 659, 664, 682, 689, 690, 697, 698, 707, 729, 740, 741, 745, 760 & 976)

1. Redevelopment allocation REYEM002 is the 7.7 hectare site of the former Eyemouth High School and has an indicative capacity of 90 housing units. Eyemouth Primary School stands within the site along with its associated playing fields and open space, leaving a developable area of around 4 hectares, according to the planning brief. The proposed plan designates that part of the land which lies to the rear of the primary school as open space. A planning brief, approved in 2010, sets out an illustrative vision of how the site could be developed.

2. The representations include strongly expressed concerns regarding: the removal of existing greenspace on the site; the lack of public recreational space or public park in Eyemouth compared with other towns in the Borders; a wish to see the entire site designated as greenspace; proposals for alternative uses within the site, including for a replacement primary school, for extra care housing and for a destination play park; the availability of other, alternative, housing sites outwith the centre including those allocated in the proposed plan; adverse impacts of the proposal on traffic flow along Coldingham Road; and a lack of council engagement with the community on the proposals.

3. The site and its indicative capacity have been rolled forward from the Adopted Local Development Plan, the allocation having first been made in 2011. There are no constraints preventing the site from being developed and in the Housing Land Audit 2019 the site is programmed for development from year 3 onwards. The 2021 Housing Land Audit shows development starting in 2026. The housing element of the allocation therefore forms part of the established housing land supply for the Scottish Borders.

4. The spatial strategy for the Scottish Borders requires strategic growth to be directed to three Strategic Development Areas. Eyemouth is located within the Eastern Strategic Development Area, so it can be expected that development, including housing, will focus here. With the recent completion of Reston rail station on the east coast mainline, Eyemouth is also now well placed to benefit from the growth and regeneration opportunities resulting from improved sustainable connectivity.

5. The council response to representations states that it has had recent meetings with relevant parties and has resolved to prepare a masterplan alongside the community and Berwickshire Housing Association. It is confident that it can satisfactorily incorporate the requirements and wishes of the parties. It expects that the primary school will be relocated within the site of the new high school, leaving land which would accommodate much of the housing association's development (probably including an element of extra care housing), and enabling an extension to the neighbouring cemetery as well as a destination play park/open space on a larger area than is identified for open space in the proposed plan. The subsequent planning application would offer a further opportunity to engage in the process.

6. Based on this response, I agree that there is scope for community ambitions to be realised within the broad framework provided by the allocation.

7. Roads and access matters were considered in the planning brief, with a transport assessment being required at planning application stage. At that point, traffic impacts from the development on the local road network would properly be the subject of advice from the council's roads planning service as part of the development management process.

8. Alternative uses for the site are outwith the remit for this examination, which is only tasked with assessing whether the uses proposed are acceptable. Some of the representations refer to alleged failures by the council to engage with the local community over a number of years. This examination can only deal with consultation related to the proposed local development plan. The question of whether consultation on the proposed plan was sufficient has been the subject of a separate report into conformity with the council's participation statement, which we concluded in September 2022 (available on the DPEA website). This found that the council had conformed with its statement.

9. I am therefore satisfied that the allocation is appropriate and there is no reason to modify the proposed plan.

Business and Industrial Safeguarding Allocation zEL63 (Eyemouth Industrial Estate) (733)

10. The representation expresses concerns regarding the operation of Eyemouth Industrial Estate where it backs onto the contributor's residence rather than regarding the allocation itself. In that respect, I note that the industrial nature of the site had caused no difficulties for 17 years prior to 2020.

11. The contributor complains of noise, working at anti-social hours, anti-social behaviour, overlooking, quality of life and disturbance arising from the current operation of the industrial premises. These are matters which would properly be for the council's planning enforcement team and its environmental health section to deal with, and the contributor could approach them for their advice. This being the case, the matters fall outwith the remit of this examination. Loss of value to property is not a planning matter and therefore also not within my remit.

Reporter's recommendations:

No modifications.

Issue 33	Foulden	
Development plan reference:	Foulden Settlement Profile and Map (pages 338-339)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
J Leeming (755)		
Provision of the development plan to which the issue relates:	Settlement Profile Text	
Planning authority's summary of the representation(s):		
<ul style="list-style-type: none"> The contributor states that the introduction mentions the village's 'stunning setting', and then proposes development which would destroy part of that setting in the medium term by building to the south. The proposal should be removed. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> The contributor states they would like the proposal to be removed from the Proposed Local Development Plan. (755) 		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE FOULDEN SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS:</p> <ul style="list-style-type: none"> Comments are noted in relation to the wording within the Settlement Profile for Foulden. For clarification, there are no allocations in Foulden within the Proposed Local Development Plan. Under the heading 'Preferred Areas for Future Expansion' within the Settlement Profile for Foulden, it states that the preferred area for any long-term development is the area south of Kerrigan Way dependent on providing suitable road access, consideration of the Ancient Woodland Inventory and investigation of flood risk. It should be noted that any allocations in Foulden within future Local Development Plans, would be subject to a site assessment and public consultation, at that point in time. Furthermore, in the meantime, should any development be proposed within Foulden, it would be assessed against the relevant policies contained within the Local Development Plan, as part of a planning application. Therefore, the Council does not agree to modify the Proposed LDP in response to this representation. 		

Reporter's conclusions:

1. The contributor considers that development of the council's preferred area for future expansion of the village to the south of Kerrigan Way would destroy part of what the settlement profile describes as Foulden's "stunning setting."

2. The preferred area comprises gently rolling land in agricultural use which is bounded by modern housing to the north and west, with a strip of woodland along the east side and farm buildings to the south. As such it is quite well screened, including from Foulden Conservation Area which is located some 250 metres to the west. According to the council's conservation area statement, "Foulden lies in an area of gently sloping arable lowland at the lower end of the Tweed Valley where it meets the Northumberland Plain. This setting provides Foulden Conservation Area with its great views." It was evident on my site inspection that wider views around the preferred area would be restricted by the landform, vegetation and existing buildings. I am not therefore persuaded that development in the preferred area for future expansion would destroy the setting of the village.

Reporter's recommendations:

No modifications.

Issue 34	Galashiels	
Development plan reference:	Galashiels Settlement Profile and Map (BGALA006 – Land at Winston Road I; AGALA017 – Coopersknowe Phase 4, AGALA024 – Easter Langlee Expansion Area, AGALA038 – Easter Langlee Mains II, EGL16B – South Crotchetknowe, EGL19B – Mossilee, EGL32B – Ryehaugh, EGL42 – Forest Hill, EGL43 – Balmoral Avenue and EGL200 – North Ryehaugh; zRO6 - Roxburgh Street; SGALA005 and SGALA016 – Hollybush Valley; and GSGALA009 Gala Policies and GSGALA010 – Scott Park) (pages 342-353)	Reporter: Alison Kirkwood
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Torwoodlee & Buckholm Estates Co Ltd (005 2 of 2) Tom E Douglas (017) Denise Patterson (025) William A Lillico (026) Nicholas Hayes (052 1 of 2) Denise Clark (056 1 of 3; 2 of 3; 3 of 3) Michael Gray (062) James Hewit (067 1 of 2, 2 of 2) Scott Barden (074) Sheila Shaw (081) Hazel Dunbar (082) Derek Stewart (084 1 of 3, 3 of 3) Nicola Hume (085) Suzanne (086) Kevin (087) Malcolm Ross (088 1 of 2) Steven Gibson (089) Lorraine Wilson (091) Jane Mele (092) Catherine Armstrong (094) James (095) Jill Gunter (096 1 of 2, 2 of 2) Tracy Borthwick (097) Lee (099) Richard Clark (100) Graeme Hogg (110) Peter Gunter (127) Linda Lee (139) Donal Gowans (145) Alexandra Stewart (159 2 of 2) Sonya MacDonald (165) Naomi Crosbie-Iwasaki (184)</p>	<p>John Allan (509) Laura de Beate (514) Lucy & Dick McTaggart (584) Stuart Gordon (590) Douglas Taylor (593) Lucy Marais (594) Piers Marais (595) Jessie Harrington (603) Samantha Smith (604) Keith Crichton (608) Rosemary Donald (615 1 of 2, 2 of 2) Alison Paterson (623) Malcolm Lindsay (628) Galashiels Community Council (653) John Scott (676 2 of 2) Lynne Mackay (685) Richard Mackay (686) Alice Mackay (695) David Young (708) Tomasz Ryniecki (709) Harriet Hain (710 1 of 2; 2 of 2) Tallulah Kemp (713) Stuart Corrin (715) Dick Clark (718 1 of 2; 2 of 2) Lynn Clark (719) Kimberley Harrison (726) Vanessa Blackmore (727) Graeme Drever (728) Moirra Hogg (735) Jamie Frere-Scott (736 2 of 3, 3 of 3) Jill Forsyth (739) Laura Watson (742) Mathew Whittles (751)</p>	

<p>Gillian Duncan (195) Patrick Copsey (212 1 of 2, 2 of 2) Sean Jones (214) Charlotte R Jones (215) Toni Coyle (225) Shirley MacArthur (252) Steven Hogg (261) Jenny Veitch (269) Tania Philips (270) Janet McDougall (273) Cheryl Scott (288 1 of 2, 2 of 2) Anne Jessamy Pears (290 1 of 4) Shelagh King (295) Danielle Bonner (304) Finlay Howel (319) T Howel (320) Kate Riddell (326) Kate Prasher (334) Natalie Brown (335) Eric Scott Lees (337) Anne M Brown (339) Susan Howel (341) Antonio Mele (342) Rachel Coyle (345) Angela Laidlaw (347) Julia Roberts (349) Katherine Awlson (351) Katherine Miller (414) Veronica Blackwood (417) Audrey Graham (452) Debbie McEwan (469 1 of 2, 2 of 2) Pauline Callaghan (470) Ryan Grant (477) Fiona Watson (487) Richard Lees (489 1 of 2, 2 of 2) Fiona Currie (497) Aude Le Guennec & Gordon Campbell (500) Flora Collingwood-Norris (501)</p>	<p>Lucy Boyd (752) Patricia Mosel (754) Lynda K Hearn (768) James Murray Affleck (771) J Cairns & S Dyer-Lynch (774) Dr P Cramond (783) Mark McNeill (786 1 of 2, 2 of 2) Denny Roberts (791 1 of 3, 2 of 3, 3 of 3) Kathryn Peddie (794) Moira Birney (795) Elizabeth Mitchell (819) Gala Waterways Group (827) Dianne Smith (856) Federick Tanner (892) Fiona Jones (893) Gordon Ainslie (894) Graham Ovens (895) Laura Smith (898) Shelagh Bird (903) Shelley Hunter (904) Ashleigh Maxwell (918) Chris Sharrard (920) M Cripps (927) Tig Innes (931) Catriona Elizabeth McKay (935) Christine Munro (955) Gale Maclaine (974) Lisa Pegg (980) NatureScot (983) Paul McLaughlin (986) Rob Adamson (987) Roselyn Anderson (988) A Hain (993) Chenoa Putter (996) R Duff (1006) R F Pegg (1007) Gregor McGill (1017) Rob Wilson (1029) Alexander Aitchison (1038)</p>
<p>Provision of the development plan to which the issue relates:</p>	<p>Business and Industrial site BGALA006 – Land at Winston Road I; Housing Allocations AGALA017 – Coopersknowe Phase 4, AGALA024 – Easter Langlee Expansion Area, AGALA038 – Easter Langlee Mains II, EGL16B – South Crotchetknowe, EGL19B – Mossilee, EGL32B – Ryehaugh, EGL42 – Forest Hill, EGL43 – Balmoral Avenue and EGL200 – North Ryehaugh; Redevelopment Opportunity zRO6 - Roxburgh Street; Longer Term Mixed Use sites SGALA005 and SGALA016 – Hollybush Valley; and Key Greenspaces GSGALA009 Gala Policies and GSGALA010 – Scott Park</p>

Planning authority's summary of the representation(s):Torwoodlee & Buckholm Estates Co Ltd (005 2 of 2)

- The settlement boundary line could be extended north-west of housing allocation EGL200 (North Ryehaugh) to include the disused road which would then be available for re-use.
- There is also an anomaly in the boundary line alongside the A7 adjacent to the site boundaries for housing allocations EGL200 (North Ryehaugh) and/or EGL32B (Ryehaugh). The line should follow the verge.

Tom E Douglas (017)

The Contributor objects to housing allocation AGALA024 (Easter Langlee Expansion Area) within the Plan for the following reasons:

- The existing wider infrastructure should be upgraded first;
- The need for local jobs;
- Sewage volume;
- Local environmental impact;
- Domestic waste treatment capacity;
- Recycling;
- The contributor considers that the access road (C77) into the site is dangerous due to the landfill site, waste transfer recycling centre, and the two housing sites AGALA024 (Easter Langlee Expansion Area) and AGALA017 (Coopersknowe Phase 4) all being accessed by this one road. The contributor also states that the A68 and the A7 both require dualling.

Denise Patterson (025)

- The Contributor objects to housing allocations AGALA024 (Easter Langlee Expansion Area) and (AGALA017 – Coopersknowe Phase 4) within the Plan due to increased housing numbers at this location of which the majority will be social housing for site AGALA017 (Coopersknowe Phase 4).
- In respect of AGALA024 (Easter Langlee Expansion Area), the Contributor is experience disruption from passing work vehicles, dirt and noise having purchased a property within the development.
- The Contributor raises a number of questions regarding the housing allocations AGALA024 (Easter Langlee Expansion Area) and AGALA017 (Coopersknowe Phase 4) in respect to increased numbers, volume of social housing, where are the people coming from who will live in these properties, the need for greater recreation space, and traffic. The contributor states that their understanding was that there would be more than one road in and out but now instead all of the traffic passes their property; this creates a bottle neck onto the Lauder road and the development of site AGALA017 (Coopersknowe Phase 4).
- The Contributor states that local towns are getting ruined by development with no improvement on roads, hospitals or other public services. People of the Borders wish to live here as they like the rurality of the area not for populations of a city.

William A Lillico (026)

The Contributor objects to housing allocation EGL19B (Mossilee) within the Plan for the following reasons:

- Housing at this location will inevitably generate more vehicular traffic requiring access to the town centre as well as traffic onto the A7 and the A72. Currently access onto Island Street via Mossilee Road, Kirk Brae and Hall Street are inadequate and can result in long tailbacks on Hall Street, with some drivers undertaking a three point turn to drive up to the Gala Park junction and take the town centre route via Scott Street and Church Street (which are already busy). In addition, the effect of the traffic light system at the High Street/Island Street/ Bridge Place junction appears to add to the inability of drivers to enter the traffic flows from Hall Street. These matters require investigation.
- Access to the A7 and A72 from the south side of Galashiels is often difficult due to the issues raised above, and the link routes through Bridge Place and Magdala Terrace for the A7, Windyknowe, Wood Street and for the A72. The link route via Clovenfords to Boland to the A7 is helpful but requires considerable maintenance. In relation to the route through High Buckholmside and Magdala Terrace, HGV traffic and tight parking arrangements in a number of locations can cause difficult situations on the two way flow system through the area. The matters require investigation.

Nicholas Hayes (052 1 of 2)

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park). This proposal would result in the loss of a much enjoyed public amenity. The Contributor states that Galashiels have little in the way of public areas where residents can exercise, dog-walk, socialise, where children can play safely, and can enjoy fresh air. The loss of his space will depreciate the quality of life of local residents. The Contributor states that the Council owes a duty to the Galashiels residents to preserve GSGALA010 (Scott Park) as public amenity for this and future generations.

Denise Clark (056 1 of 3; 2 of 3; 3 of 3)

- The Contributor objects to housing allocation EGL42 (Forest Hill) stating that it is another green area of land lost to housing (056 1 of 3).
- The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). GSGALA009 (Gala Policies) must be saved as a matter of environmental urgency. This is the only truly 'black' area for night wildlife. This must be saved for our future generations of children. The proposals would damage the environment. The proposed access would destroy our natural heritage. People come here for the relative peace and tranquillity of the area and for the historical value. Do not destroy what is a huge asset, the surrounding beautiful and relatively untouched countryside. Development would have an impact upon mental health and would result in noise and light pollution (056 1 of 3; 3 of 3).
- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park). The park was given to the people of Galashiels as a gift to compensate in part for the loss of greenspace given over to housing. The existing school grounds are adequate to update the school. With the projected housing planned within the Plan, the Contributor considers that the

greenspaces are needed. Light pollution would have a detrimental impact upon the area. GSGALA010 is one of the few remaining open spaces in the town that is used by families and for a range of social/sporting events/activities. GSGALA010 (Scott Park) is identified as a Key Greenspace and is protected by policy (056 1 of 3; 2 of 3; 3 of 3).

Michael Gray (062)

- The Contributor objects to housing allocation EGL16B (South Crotchetknowe) within the Plan. Part of the site is within the ownership of the Contributor and they do not wish to have their property considered for housing development. The Contributor has included a site plan within their representation detailing the area of land in question.

James Hewit (067)

- Objects to the non-inclusion of AGALA038 (Easter Langlee Mains II) for housing development within the Plan, or at the least for longer term housing provision. The site has been considered on a number of occasions and the Contributor notes that the reasons for the site being excluded from the Main Issues Report relate to detachment, public safety/amenity, previous consideration, transport and landscape.
- The Contributor notes that the Plan identifies only one new housing site in the Galashiels area at Netherbarns (AGALA029). The Contributor considers this to be low for such a principal regional town which includes the Transport Interchange/Waverley Railway Line and Heriot-Watt University. The market in Galashiels has the potential to take off and there needs to be capacity to accommodate demand. AGALA038 (Easter Langlee Mains II) could accommodate this demand and would likely lead to greater inward investment.
- The Contributor acknowledges that there are issues to overcome prior to development at AGALA038 (Easter Langlee Mains II), however these are not insurmountable, i.e. the presence of a significant electricity and gas transmission plant, traffic capacity of Langshaw Road, potential noise from the waste transfer / aggregate crushing and sorting plant, and the potential smell and gas ingress from the former landfill.
- AGALA038 (Easter Langlee Mains II) is available now, well-contained, low value agricultural land, has no outstanding landscape or recreational value, is close to the settlement boundary with existing access and achievable new access links, and is capable of contributing significantly to meeting the housing land requirements. In addition, the Contributor states that they are keen to maximise the level of low cost and social housing within the site, well above the 25% policy requirement and initial thoughts were for 100% social housing and this still remains an option.
- The Contributor also states that a degree of mixed development could be considered if this were to help further mitigate any issues related to the neighbouring uses to the east of the C77 road, Class 4 Uses and active leisure uses being a possibility.

Scott Barden (074)

- In respect of Key Greenspace GSGALA010 (Scott Park), the Contributor asks that the Council does not regress to a negative, anti-environmental way and does not destroy Scott Park. These greenspaces are desperately needed wildlife, helping

slow down climate change and for people's wellbeing. The Contributor cannot believe that in this environmentally enlightened age, the Council would even think about building on such an important greenspace. The future of our children and the planet rests on decisions such as these.

Sheila Shaw (081)

- In respect of Key Greenspace GSGALA009 (Gala Policies) the Contributor is sad to hear that yet another area of green land is going to be used for housing. The Policies do not need to be ruined.

Hazel Dunbar (082)

- The Contributor wishes for Key Greenspace GSGALA009 (Gala Policies) to be left alone. Development would destroy habitat and the greenspace which the community would never get back.

Derek Stewart (084)

- The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) as they will carve up the Policies (Key Greenspace GSGALA009 - Gala Policies). The Contributor's main concern is the road to service the sites cutting through the Policies. Whilst this would give new development easy access to the centre of town, it would hugely impact the green space of the Policies. The Policies have been a godsend the community during the recent COVID-19 pandemic, an invaluable, calming space during this period of chaos and uncertainty. Our green spaces are invaluable and should be given full protection. Development would set a precedent for further damage. The Contributor objects to all proposed development within the Hollybush Valley as it would ruin it completely. The essential wildlife corridor would be lost, it would isolate Gala Hill and would increase urbanisation to a dangerous level and would kill the town feel of Galashiels. There should be an increase in greenspaces and an enhancement of nature. More trees should be planted to help nature. The proposed sites are on the Southern Upland Way. Any development would result in the loss of the rural character of the area. Greenspaces are essential for both physical and mental health.

Nicola Hume (085)

- The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor objects to the development of a road through the Gala Policies (GSGALA009). These woodlands are a vital resource both as a habitat for wildlife and a green space for local people. Any damage to them or reduction to their size is completely unacceptable in a time when biodiversity is crashing and climate change threatens us all. Woodlands in towns are even more important than more rural ones as they provide space for people to enjoy and learn about nature. This is good for people's physical and mental health. Cutting down some of this woodland goes against several of the Council's own policies and ignores their recent announcement of a climate emergency. Building one road through the woods may seem like a small sacrifice for a development but this type of sacrifice happens in

every Development Plan which is why we have so few semi-native woods left in the Borders. It's not worth the loss.

Suzanne (086)

- The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor objects to the development of a road through the Gala Policies (GSGALA009). Gala policies get used by a large amount of the community for dog walking, family walks and local children's groups exploring. There are limited green spaces like this around Gala and it would be horrible to see the loss of a huge part of it for road access. It is a calming and peaceful space for people to explore.

Kevin (087)

- The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor objects to the development of a road through the Gala Policies (GSGALA009). This area is a very popular for dog walking and children exploring the little natural areas left in Galashiels. It would be very unsafe to allow dogs and children the freedom if cars were going to be up and down. It's such a relaxing and calming area that has been very popular by walkers over the year.

Malcolm Ross (088 1 of 2)

- The Contributor objects to Potential Longer Term Mixed Use site SGALA005 (Hollybush Valley) and its impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor objects to the development of a road through the Gala Policies (GSGALA009). The Policies are a well-used green space in Galashiels and a new road through the area would involve the loss of this greenspace, loss of trees and woodland and would bring traffic into an area which is currently peaceful and contributes significantly to the physical and mental health of the users. Such a development would be in contravention of Policies EP11 (Protection of Green Space) and EP13 (Trees, Woodlands and Hedgerows) of the Local Development Plan.

Steven Gibson (089)

- The Contributor objects to the development of a road through the Gala Policies (GSGALA009) to serve Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley). This area is hugely important to local residents for exercise and dog walking. The Policies have some beautiful plants and trees and is home to lots of wildlife. Any development would be catastrophic to the area.

Lorraine Wilson (091)

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park). It is a key green space that should be protected. It is a significant open, sunny, parkland feature of Galashiels and is quite well used by a variety of people. It provides an amenity important to the health and

wellbeing of all current and future generations. There are other options for building the academy within its current footprint without encroachment into the park. At least one option should be proposed as a viable alternative for public consideration.

Jane Mele (092)

- The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor does not believe that the development warrants the loss of precious woodland which is a significant asset to the town of Gala. This woodland was gifted to the town and has, during the COVID-19 pandemic, provided an essential, safe space for many residents to enjoy. The Contributor would not wish to see the removal of trees to accommodate an access road.

Catherine Armstrong (094)

- The Contributor objects to Potential Longer Term Mixed Use site SGALA005 (Hollybush Valley) and Housing site EGL43 (Balmoral Avenue) due to their impact upon Key Greenspace GSGALA009 (Gala Policies). This is a beautiful ancient woodland used by a large number of the community for various recreational activities. It's a beautiful green space with history and is full of wildlife. These outdoor spaces are vital for mental health and for people to remain connected to their environment.

James (095)

- The Contributor disagrees with any form of development within Key Greenspace GSGALA009 (Gala Policies).

Jill Gunter (096 1 of 2, 2 of 2)

The Contributor objects to Potential Longer Term Mixed Use site SGALA005 (Hollybush Valley) and its impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor objects to the development of a road through the Gala Policies (GSGALA009). The following is a summary of these objections:

- This is the most beautiful peaceful area of woodland with interesting wildlife very near town centre and should be preserved for this purpose - suitable for people of all ages and abilities to enjoy safely.
- The loss of precious greenspace and woodland is not caring for our environment.
- Building houses and access roads in this secluded area would have an even greater risk and impact now as it would have 30 years ago as so many more local people visit daily finding it a sanctuary & safe place to relax, exercise, walk dogs and hence boost mental health.
- To decimate Gala Policies (GSGALA009) by running a road through the woodland as well as providing access from the Balmoral area may prevent local schools using Gala Policies due to risk from cars which would add considerable traffic to the whole of the Balmoral area but especially Balmoral Avenue which is already congested with inadequate parking for social/private owned housing as well as three schools in the vicinity.
- Access road to new high school, community hub, swimming pool and car park is already planned for this same area where there is also extremely likely to be the

addition of a large primary school and nursery provision using same campus and facilities as secondary school - potential of over 1800 children & young people being able to access outdoor learning in Gala Policies if it continues to be a safe environment.

- Potential for huge impact on precious woodland, air quality, wildlife, health & wellbeing - this area should be conserved for local people and visitors to enjoy and certainly not ripped apart by an expensive major roadway which along with school campus access and Hollybush Road may encircle entire parkland and Gala Policies (GSGALA009).

Tracy Borthwick (097)

- The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor objects to the impact the road access through GSGALA009 (Gala Policies) would have upon the greenspace and notes that the local Braw Lads Gathering ride-outs come through these Policies.

Lee (099)

- The Contributor seeks clarification as to why the Council would support development which would impact upon Key Greenspace GSGALA009 (Gala Policies) when there are surely many other options and surrounding areas where building can take place.

Richard Clark (100)

- The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). In respect of SGALA005 (Hollybush Valley), the Contributor notes that this is a very important recreational and historical site that needs to be preserved. The natural heritage of the site would be destroyed in favour of big buildings that will destroy wildlife with light pollution and noise, and by denying the right of clean fresh air. Galashiels is fast becoming a built up area of pollution and noise. Hollybush is steeped in history, and there is no need to build on this or the surrounding area including Gala Policies (GSGALA009). The environment for the planet is at stake here, these are woodlands that have existed for hundreds of years that do well from not being managed. This land is of historical interest, as well as recreational. If this course is followed you are denying our future generations the right to walk in the countryside. There are no other areas left that are quite like these areas for popularity in walking and recreational activities.
- In respects of GSGALA009 (Gala Policies), the Contributor expresses the view that it is one of a very few wildlife, and natural areas of beauty in Galashiels. A road through the Policies would result in significant environmental damage. Gala policies is steeped in history.

Graeme Hogg (110)

- The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). A road through GSGALA009 (Gala Policies) would be detrimental to the area as it is a popular area for walkers and joggers as well as local wildlife.

Peter Gunter (127)

- The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). Development would result in damage to the countryside and wildlife. Existing roads in the area are operating at capacity, the proposals would result in congested roads with inadequate parking for existing properties in Balmoral Avenue/Road and Elm Row/Hollybush Road which is extremely narrow. This minor road is used regularly by farm machinery and livestock transport which cause damage to the road verges and great risk to road users. Two crossroads link the proposed plans - at Elm Row/Church Square and Scott St/Balmoral Brae which already have considerable amount of traffic, Scott St/Scott Cres is a main road into town as well as a bypass to avoid town but more concerning, planned new school campus for majority of primary/high school children from Galashiels and the surrounding areas is proposed within this same location of plan.

Linda Lee (139)

- The Contributor objects to the impact a road access through GSGALA009 (Gala Policies) would have upon trees and greenspace.

Donal Gowans (145)

- The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). Resident's views should not be ignored. The corridor between Galashiels and Clovenfords should be considered rather than taking away public amenity space. Visitors are most likely to visit this area of the town without development. Any decision should be based on the benefit to many not the few who's only aim is profit.

Alexandra Stewart (159)

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park). The greenspace should be retained and the replacement school should be built within the existing school grounds.

Sonya MacDonald (165)

- The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park). These proposals will have an unprecedented effect on wildlife, the local people who use these areas for exercise, nature walks from schools and horses. Gala Policies (GSGALA009) are a haven

Naomi Crosbie-Iwasaki (184)

- The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016) due to impact upon woodland.

Gillian Duncan (195)

- The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). Gala Policies (GSGALA009) are used by many for exercise and enjoying the amazing trees and wildlife. They are a place for local people to escape and relax. This is practically the only green space left in Galashiels and it would be a travesty if it was taken away from local residents and children who use it on a daily basis. The area is the back garden for most families in the Balmoral area, without it their mental health and well-being could be affected.

Patrick Copsey (212)

The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) for the following reasons:

- This is one of the few greenspaces in the town and is much loved and used;
- The natural environment, biodiversity and trees would be destroyed;
- Having greenspace to enjoy has been particularly important during the Covid-19 pandemic; and
- The existing site of the High School should be redeveloped to accommodate the new school.

The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016) for the following reasons:

- This constitutes a new settlement. Development would urbanise what is countryside especially with the proposed new road/widening of existing roads in order to facilitate connection with Galashiels;
- The development would dramatically increase the traffic in the area;
- To put a new road through the Gala Policies (GSGALA009), which should be considered sacrosanct, would be an act of vandalism;
- Development would dramatically lessen the attraction and safety of the Policies for walkers and their children; and
- There is already a lack of jobs in the Borders which is likely to get worse as a result of Covid-19, resulting in residents having to travel to Edinburgh for work with a further pressure on roads (as people are reluctant to travel by train).

Sean Jones (214)

- The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009

(Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016) due to the fact that that Key Greenspace GSGALA009 (Gala Policies) was gifted to the people of Galashiels as a resource of exceptional natural beauty which would be destroyed by these proposals, cutting into an important and rare greenspace. Galashiels has precious little green space as it is, and this development plan would do enormous harm to a vital local resource. Gala Policies (GSGALA009) is of central daily importance to families and to run a road through it would turn it into a dangerous, polluting site where children can no longer play safely. Local authorities should be preserving our natural environment and devising ways to encourage people to spend more time outside for their health, not destroying the access to the rare community green space that we already have. Among many species which would be deprived of a habitat by this plan are the roe deer which are seen regularly.

Charlotte R Jones (215)

The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The following is a summary of the objections raised:

- Gala Policies (GSGALA009) is a place of exceptional beauty and a rare treasure: an open access green space, gifted to the community, suitable for families with young children and people with mobility difficulties, a refuge for a huge diversity of flora/fauna and wildlife;
- Gala Policies (GSGALA009) should be made a designated protected nature reserve and officially recognised as one of the most important places in Galashiels — not diminished by roads, pollution and superfluous housing development;
- The proposal to construct a road through Gala Policies is utterly nonsensical. It would remove the ability for children to play safely in this ancient community setting, destroy natural wildlife habitats, increase pollution, remove trees and severely injure the character of this much-loved and sorely needed local green space, which is more precious now as a result of the experience of the recent lockdowns;
- Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) constitute an almost complete assault on a significant area of precious local open green space;
- The creation of a “new district” in this area of Galashiels by concreting over beautiful and much-loved open green space is a major mistake which would have ramifications for ancient archaeological sites and precious natural heritage; and
- Galashiels does not urgently need more housing. It urgently needs a proper community regeneration and local business prosperity plan to revitalise the town centre and better serve the people who already live here, as well as providing attractions for visitors coming to the town. This must be done by the Council before a single extra house is built on the beautiful yet dwindling green space of Galashiels.

Toni Coyle (225)

- The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009

(Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The Contributor expresses the view that the amenity value of the valley to the town should not be underestimated. This area is the last, easily accessible truly unspoiled artery to beautiful Border countryside. This quiet road is used by thousands of people to walk, run, pram push and cycle. The emotional uplift of emerging from a lovely wooded road into this wide, green rural valley will be lost if urban development takes place which would seriously affect the mental and physical well-being of the town. The Contributor would be happy to put forward alternative ideas for use of this land.

- The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). Gala Policies (GSGALA009) provide the town with an established woodland that's easily accessible and the envy of other Border towns. This mature mixed woodland supports a healthy ecosystem. Its proximity to open country to the south and the wooded Gala Hill helps protect the woodland and support this biodiversity. The proposals would degrade the whole area. Urban development immediately adjacent to the woodland pasture on the south part of the Gala Policies (GSGALA009) would also gradually degrade this area of ancient woodland. The Council should think holistically when planning for this area and consider what will be lost.

Shirley MacArthur (252)

- The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). This is an area of outstanding beauty, it would be a tragedy to develop any part of it. Gala Policies (GSGALA009) should be cherished and protected.

Steven Hogg (261)

- The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016).
- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park).
- In respect of SGALA 005 and SGALA016 (Hollybush Valley), the Contributor is of the view that development would constitute vandalism with the destruction of GSGALA009 (Gala Policies) which were gifted to the people of Galashiels by Hugh Scott. The developments would be a blight on the beautiful landscape and an assault on the wildlife, flora and fauna. They provide education, recreation, relief from mental illness, learning, growing, peace and healing. GSGALA009 (Gala Policies) are the heartbeat and spirit of Galashiels and its folk. They must remain unsoiled, unsullied and untarnished.

Jenny Veitch (269)

- The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). This woodland is important to the local community.

Tania Philips (270)

- The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). This is an area of nature and wildlife, important to the air quality of Galashiels and the mental and physical health of residents.

Janet McDougall (273)

- The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies).

Cheryl Scott (288)

The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The Contributor raises the following matters:

- The damage and destruction not only to a green area but to many animals, insects, butterfly species and bat's will be irreversible;
- The destruction of woodland is unacceptable, new planting does not mitigate the damage to mature woodland;
- Gala Policies (GSGALA009) is an extremely valuable resource, it is used continually by a vast array of people and people organisations, walkers, runners, wildlife groups, scout groups, educational groups. The Scottish government is keen to tackle the obesity crisis in this country, destroying Green space is not the way ahead;
- This area is under continual use, not least of all during the Covid-19 crisis. It's a place to not only exercise for physical health but also a calm place to help mental health, it's a safe outdoor space; and
- To run a road through the policies is not only unnecessary but critically detrimental to the area.

The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) for the following reasons:

- Agrees with the need for an upgrade to the current resources, however the Contributor does not see the need to impact and destroy another resource;
- Scott Park (GSGALA010) is a well-used greenspace; and
- The plan will affect both the elderly homes as well as the park amenity over a long period, the community health and wellbeing needs to be taken into account.

Anne Jessamy Pears (290 1 of 4)

The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) for the following reasons:

- It is understood that, in 2018, the Council identified a suitable location for a new high school for Galashiels - namely the free space to the playing fields behind the current school. It is requested that the Council reconsider adopting this plan, rather than their latest one - which would consume a large proportion of the green space of Scott Park which the citizens of Galashiels are currently free to enjoy. The Council would be saving both trees and green space - both moves in line with the measures it is vital we take in slowing the impact of climate change.

Shelagh King (295)

- The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016).
- The Proposed Plan states ...'new road through the Policies on Balmoral Avenue side;...(site requirement bullet no. 1, page 348, Proposed Plan) would mean felling mature trees which would be detrimental to the environment and climate with less absorption of carbon emissions and less absorption of excess ground water which can result in increased flooding. The development would encourage more traffic, when this should be reduced with the encouragement of walking and cycling. The Gala Policies are an area where people can get away from traffic and enjoy nature freely. Development at this location would spoil the continuous access to the countryside from Galashiels. At a time when the council should be concentrating on reducing carbon emissions and planting more trees, extending built up areas seems wrong.

Danielle Bonner (304)

- The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016) on the basis that this woodland should not be ruined.

Finlay Howel (319)

- The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). There is an existing road only yards from the proposed road through the Gala Policies (GSGALA009), the Contributor questions why it is deemed to build another.
- Gala Policies (GSGALA009) are loved by locals and provide escapism from the outside world. They are used by walkers and runners and for competitions and festivals.

T Howel (320)

- The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016) on the basis that it would be an inappropriate use for valued greenspace.

Kate Riddell (326)

The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The Contributor's concerns relate to:

- Disruption and destruction of Gala Policies which is a well-used greenspace for people living in the area;
- Loss of wildlife
- Excess traffic and noise in what is a safe and quiet area;
- Huge number of extra houses is needless, placing an enormous strain on local schools and other facilities;
- In respect of SGALA005 and SGALA016 (Hollybush Valley), development would destroy a peaceful area of the Borders which is well-used by walkers, cyclists and runners.

Kate Prasher (334)

- The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley). These proposals will not have taken account of the now declared Climate Emergency which must now be considered. Contributor questions if making use of brownfield sites has been considered rather than the destruction of this greenfield site?

Natalie Brown (335)

- The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016) on the basis that it would have an impact upon flora and fauna. Furthermore, this is an area for all to enjoy for mental and physical health and educational purposes.

Eric Scott Lees (337)

- The Contributor objects to development on Key Greenspace GSGALA010 (Scott Park). The Contributor considers there are other places to build including the former Borders College on Melrose Road and the Queens Centre in Galashiels.

Anne M Brown (339)

- The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). This is a great greenspace which has become important, particularly during the Covid-19 pandemic.

Susan Howel (341)

- The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). Galashiels needs to hold onto its green space surrounding the increasingly busy town centre. The Gala Policies (GSGALA009) continue to be very popular and are easily accessed for walking in nature, in peace and quiet.

Antonio Mele (342)

The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The Contributor's concerns relate to:

- GSGALA009 (Gala Policies) is one of the few greenspaces left in Galashiels, these are vital for physical, social and mental well-being; and
- Nearly no one knows about these proposals, they have been pushed through during the Covid-19 pandemic without consulting the public.

Rachel Coyle (345)

The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The Contributor's objections relate to:

- These areas have been a much needed area of breathing space for many during the recent lockdowns;
- Greenspace is known for its benefits to our physical and mental well-being;
- These areas provide an essential area of recreational ground for many people in Galashiels;
- The areas provide important habitats for our dwindling wildlife. Any disruption of the current habitat in this area is likely to have an impact on wildlife by reducing the habitat available to them; and
- The Proposed Plan details the need for flood management measures in Galashiels on page 317. Current research into natural flood management shows that any increase in hard surfacing will reduce interception and storage of water and increase the rate of run off, thus exacerbating flooding. This must be considered as it could potentially have an effect on current flooding problems in the town,

Angela Laidlaw (347)

The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The Contributor's objections relate to:

- The road would have a huge environmental impact and would spoil this beautiful tranquil place;
- The area is used regularly by walkers/runners and is a beloved place to many;
- Greenspaces should not be developed where there is a wide diversity of life; and

- Housing should be developed on brownfield sites within Galashiels and other villages/towns. Other towns in the UK are leading the way with housing developments without parking (roads kept to a minimum) and set up for walking and cycling.

Julia Roberts (349)

The Contributor objects to development on Key Greenspace GSGALA010 (Scott Park) and raises the following matters:

- Development would cause many negative impacts on the local area;
- The requirement for a new school/housing is understood but this is the wrong place;
- As a designated green space that was gifted to the community it is an important resource for all. It is used by people of all ages and is a vital place in maintaining both physical and mental health;
- Any tree removal is irreplaceable; and
- Public consultation should have taken place before options for the new should were considered.

Katherine Awlson (351)

The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The Contributor's objections are as follows:

- Gala Policies (GSGALA009) are popular with walkers and have been a godsend during recent lockdowns. A road would curtail walking and would have implications for child safety;
- A road through Gala Policies (GSGALA009) should not happen – they are a public resource and belong to the people of Galashiels;
- In this time of global warming, trees should be preserved not felled. Tarmac is a retrograde step;
- Nature has been cited as a benefit to mental health and has been particularly important during the Covid-19 pandemic; and
- Gala Policies (GSGALA009) must be preserved.

Katherine Miller (414)

The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The Contributor's objections are as follows:

- This community woodland is used all day, every day, by an extremely large amount of people; and
- With national governments recommending everyone takes regular exercise here we have our local authority basically paying no respect to these various groups, sports organisations, dog walkers, children and individuals who use Gala Policies (GSGALA009) as a safe place. These people do not/will not/cannot travel to take their exercise which is so important to their physical and mental health.

Veronica Blackwood (417)

The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The Contributor raises the following:

- Gala Policies is popular green space used for recreational purposes by many residents of the town and also forms part of several walking trails.
- These proposals could lead to even fewer places for the town's population to access for recreation. This area in general has proved a godsend during the current Covid-19 restrictions as it has been very popular with people trying to exercise in the countryside.
- The Contributor acknowledges the need for good quality affordable houses, especially social housing, but these proposals fall short of providing the right number and type of housing in the correct area. There is a danger that the local people who earn low wages will be priced out of the housing market by the most types of houses proposed and while there will be a requirement to provide a small ratio of affordable housing it is feared this will not meet the actual need social housing in the Galashiels area.
- The proposals will contribute even further to tearing the heart and soul out of the Galashiels community. Effectively Galashiels will become a commuter belt for Edinburgh and lose much of its Border community spirit.

Audrey Graham (452)

- The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016) due to the disruption to nature, wildlife and trees. The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) considering it to be unacceptable to remove a large area of green public space.

Debbie McEwan (469)

The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The Contributor raises the following:

- The proposals ruin the greenspace, filling it full of pollution and adding dangers for local children, wildlife and animals; and
- The traffic on Scott Street is bad enough.

The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) for the following reasons:

- The Contributor considers that the site of the existing school should be utilised and that there is no need to take the beautiful open space away;
- Scott Park (GSGALA010) is well used by walkers, families and local groups with lots of wildlife;
- The Contributor, who seeks information in respect of the ownership of Scott Park (GSGALA010), believes that the land was gifted to the people of Galashiels?
- Traffic is bad enough in the area without construction starting.

- This is the only greenspace in the town which must be retained for the mental and well-being of local residents.

Pauline Callaghan (470)

The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park). The following is a summary of the issues raised:

- These areas are important to local people. The freedom and openness of Scott Park (GSGALA010), which was gifted to the people of Galashiels, and Gala Policies (GSGALA009) have been a godsend during recent lockdowns;
- There are a number of local events at these sites including the Braw lads celebrations, the start of the fancy dress parade (Scott Park), music concert (Scott Park) and the horses ride through Gala Policies;
- Has there been a comprehensive bat survey carried out to ensure no bats are roosting or foraging in Scott Park (GSGALA010) and Gala Policies (GSGALA009)? Has a survey determined the potential for bats on site, and or the presence of bats?
- Trees and greenspaces play an important role in health and well-being as well as combating global warming. Should trees therefore be felled?
- There is the argument that there are other areas for people to walk, however this isn't always possible due to disabilities. Is the Council considering equity for all?
- The wildlife and wild lands of this nation are a vital part of our heritage and Scott Park (GSGALA010) and the Gala Policies (GSGALA009) are very much part of Galashiels heritage.
- These developments would have an impact on insects, wildlife and bird life.
- Has there been a comprehensive study of the increased traffic that will go past Balmoral primary and nursery school? At present only residents, staff and pupils of the school travel this way but surely there will be more traffic and this will cause further issues. Such as congestion at peak times, risk to young pupils and disruption to those living in and around the surrounding area.

Ryan Grant (477)

- The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The Contributor feels this is a step backwards in environmental and wellbeing agendas, green space and wildlife which are essential to the physical and mental health of people.

Fiona Watson (487)

Whilst the Contributor states an objection to housing allocation Balmoral Avenue (EGL43), the comments submitted relate to Gala Policies (GSGALA009). It is therefore assumed that this is an error.

The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through

GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The following is a summary of the issues raised:

- Gala Policies (GSGALA009) are one of the most well used greenspaces in Galashiels and the Contributor strongly objects to a road being constructed through them;
- It is ironic that the Council has introduced a lower speed limit to encourage people to walk, cycle, jog etc. and make it more accessible yet want to remove the greenspace they are supposed to access. Having more traffic around Hollybush and Gala Hill, well used by pedestrians and cyclists, will make it more dangerous.

Richard Lees (489)

The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) for the following reasons:

- Whilst the Contributor is pleased that the Council are seeking to provide a new High School, the Contributor objects to the proposed location;
- The Contributor was not made aware of the Council's proposals by any available literature;
- It is understood the strongest possible reason for building closer to the town is to support the local economy. That isn't a strong enough reason to vindicate building on top of the park;
- Scott Park is well used by kids, dog walkers, the older generation and sometimes even horses. Development would leave little land in Galashiels for people to enjoy the outdoors; and
- To build within the grounds of the existing High School would be the most sensible option.

The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The following is a summary of the issues raised:

- There should be a comprehensive public consultation, so far this has scarcely been made public and is based on incorrect information;
- This relatively flat greenspace is essential to all generations, the surrounding land is too steep.
- This requires to be a considered approach.

Fiona Currie (497)

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park). The Contributor is also opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). These spaces should remain as greenspace, they are critical to physical and mental wellbeing. Inequality and poverty issues must also be considered in that many people are poor and cannot access the countryside.

Aude Le Guennec & Gordon Campbell (500)

The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The following is a summary of the objections raised:

- The road would destroy Gala Policies (GSGALA009), a protected asset. This is a key breathing space in the middle of town, accessible to all;
- During the Covid-19 pandemic, this has proved to be a space of freedom;
- This is the only space in Galashiels where the accessibility allows an inclusive access to a key greenspace which can't be taken away from the community;
- SGALA005 and SGALA016 (Hollybush Valley) is a beautiful landscape, representative of the picturesque hills of the Borders, is visible from the back road to Selkirk which is a fantastic biking and walking road where children enjoy a safe ride;
- This landscape would be destroyed and the valued walk removed from the community; and
- The construction of a new housing development, requires school places, shopping facilities, NHS services, which are not planned in the town planning for the next years. There is a lack of anticipation for the number of families this development would generate.

The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park). The Contributor agrees with the need for the construction of a new school but raises the following objections to the proposed location within GSGALA010 (Scott Park):

- This is one of the few remaining open spaces in the town which provides a safe and natural environment that is used widely by families and a range of social events/sporting activities;
- This is vital for wellbeing, leisure and outdoor education and is busy all year round;
- The proposal to utilise approximately 1 hectare of Scott Park will take out the best section of the wide open space and impact the character of the park, resulting in the loss of precious key greenspace; and
- The Council must respect Policy EP11 – Protection of Greenspace of the Plan and endeavour to deliver a new campus within the existing school grounds.

Flora Collingwood-Norris (501)

The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The following is a summary of the objections raised:

- Gala Policies (GSGALA009) is a well-used piece of woodland, with beautiful old trees, and a vital area for walking, and a road through it would completely ruin it for everyone.
- Gala Policies (GSGALA009) are a meeting place for people, where you can find a sense of community;

- The area is well used by walkers, runners and schools and was especially well used during recent lockdowns; and
- Gala Policies (GSGALA009) keep people and businesses in Galashiels.

John Allan (509)

The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The following is a summary of the objections raised:

- These are old proposals from over 30 years ago; and
- The large houses will not be for local working families.

The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park). The Contributor agrees with the need for the construction of a new school but raises the following objections to the proposed location within GSGALA010 (Scott Park):

- Scott Park (GSGALA010) which is ground that was gifted to the people of Galashiels and surrounding areas for recreational use by the Scott family;
- Galashiels has lost too many parks in the past;
- The site of the existing school should be utilised and extended to the rear as necessary; and
- Scott Park (GSGALA010) could be used for rugby, hockey etc.

Laura de Beate (514)

The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The following is a summary of the objections raised:

- Plans must ensure that areas provide greenspaces for people and habitats for indigenous flora and fauna to thrive are preserved;
- The heritage and history of an area must be considered and conserved for its future identity to form;
- The road through Gala Policies (GSGALA009) encroaches on open countryside and woodland as well as key greenspace areas. These greenspaces must be conserved and managed, not disturbed or destroyed by development; and
- The Hollybush Valley (SGALA005 and SGALA016) contains important woodlands and archaeological features and forms part of the internationally recognised Southern Upland Way and should not be considered suitable for development.

Lucy & Dick McTaggart (584)

The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at

Hollybush (SGALA005 and SGALA016). The following is a summary of the objections raised:

- These plans affect an area used by so many local people to exercise, relax and enjoy the countryside;
- The outstanding beauty of the Borders should be valued;
- Gala Policies (GSGALA009) are accessible to local people for their health and wellbeing as well as wildlife;
- A road through Gala Policies (GSGALA009) would make the area unusable to the aforesaid groups who use it;
- It is absurd that this development is proposed when there are so many empty properties in Galashiels;

Stuart Gordon (590)

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) and requests that the Local Development Plan is not amended to suit preferred option 3. The wording in the Local Development Plan states 'The Council has also agreed to replace the existing high school and plans for this are progressing for a new secondary campus which is expected to be located on the site currently occupied by Galashiels Academy.' This text should be retained.

Douglas Taylor (593)

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) and requests that the Local Development Plan is not amended to suit preferred option 3. The wording in the Local Development Plan states 'The Council has also agreed to replace the existing high school and plans for this are progressing for a new secondary campus which is expected to be located on the site currently occupied by Galashiels Academy.' This text should be retained.

Lucy Marais (594)

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) and requests that the Local Development Plan is not amended to suit preferred option 3.

Piers Marais (595)

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) and requests that the Local Development Plan is not amended to suit preferred option 3.

Jessie Harrington (603)

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) and requests that the Local Development Plan is not amended to suit preferred option 3.

Samantha Smith (604)

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) and requests that viable alternative options are considered including the relocation of the school to Netherdale. This greenspace should be protected not destroyed. A number of significant forward looking benefits would be generated by the Netherdale option, including protecting the green space at Scott Park (GSGALA010) and creating an education hub and links to Borders College and Heriot-Watt University at the Netherdale site. Also walking and cycling links to the town centre, the community at Langlee and to Tweedbank could be strengthened using this option. The consultant's proposal to develop the old school site as a gateway to the countryside could also bring significant tourism as well as health benefits to the town. If the school is located on Scott Park this will also allow housing development by the back door on the old school site, which goes against the terms and spirit of the donation of the park to the community. Galashiels regeneration should be focused on the redeveloped of existing sites not the development of greenspace.

Keith Crichton (608)

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) and requests that the Local Development Plan is not amended to suit preferred option 3. The wording in the Local Development Plan states 'The Council has also agreed to replace the existing high school and plans for this are progressing for a new secondary campus which is expected to be located on the site currently occupied by Galashiels Academy.' This text should be retained.

Rosemary Donald (615)

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) and requests that the Local Development Plan is not amended to suit preferred option 3.

The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The following is a summary of the objections raised:

- Concerned that large areas of Gala Policies (GSGALA009) would be removed as a result of development;
- Contributor seeks assurances that all efforts will be employed to avoid felling trees, which are protected by a Tree Preservation Order;
- There will be an increase in the number of cars in the area which will result in congestion;
- Development must be mindful of the impact upon the countryside and air quality for future generations.

Alison Paterson (623)

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) and requests that the Local Development Plan is not amended to suit preferred option 3. The wording in the Local Development Plan states 'The Council has also agreed to replace the existing high school and plans for this are progressing for a new secondary campus which is expected to be located on the site currently occupied by Galashiels Academy.' This text should be retained. This key greenspace must be properly protected.

Malcolm Lindsay (628)

The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The following is a summary of the objections raised:

- Concerns relating to the conservation and management of the existing well-established mixed woodland in Gala Policies (GSGALA009), parts of which are ancient. The area is also home to plants, birds and invertebrates;
- Gala Policies (GSGALA009) are easily accessible to all, whether for recreational use, educational or for biological recording.
- There are only a few other fragments of such habitat in and close to the town, but nothing on this scale. In present times we need to be increasingly aware of the importance of conserving such habitat. The construction of a new road at this location would lead to the considerable loss of biodiversity;
- The conservation of the Gala Policies (GSGALA009) is a priority concern through any Masterplan for this area.

Galashiels Community Council (653)

- The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed (having received input from the Gala Policies Group) to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016).
- The Community Council raises concerns relating to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park).
- The Community Council note that there are only 10 key greenspaces identified within the Plan in Galashiels and the proposals related to GSGALA009 (Gala Policies) and GSGALA010 (Scott Park) would compromise slightly less than 50% of the total key greenspace area.

John Scott (676 2 of 2)

The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) for the following reasons:

- Results in another park being lost;

- The park was gifted to the people of Galashiels with the intention of providing an open space, of which there were very few in the town;
- There has been successive encroachments upon this public space, such development would be a longer term disaster;
- Should Option 3 for the replacement Galashiels Academy progress, what would remain of the GSGALA010 (Scott Park) would be a travesty and would rip the heart out of Scott Park; and
- The Contributor suggests an alternative area of land to the south east of the existing Galashiels Academy for consideration.

Lynne Mackay (685) & Richard Mackay (686)

- The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The road access would require the removal of trees which would be detrimental to this area and the Galashiels community. Increased traffic at this location, with Galashiels Academy and St Margaret's Primary School, would be accident waiting to happen.
- The Contributor objects to housing allocation EGL43 (Balmoral Avenue) due to concerns relating to the already very busy road (Balmoral Avenue) with school access and residents parking resulting in the road only being single traffic due to inadequate parking restrictions, an increase in traffic here would be unacceptable.

Alice Mackay (695)

The Contributor objects to housing allocation EGL43 (Balmoral Avenue) due to concerns relating to:

- The loss of daylight/sunlight to the Contributor's property;
- Additional traffic along Balmoral Avenue which already has very limited parking, development would take away parking from the proposed entrance;
- Trees would require to be removed to form the road access, many of which are protected; and
- The quiet and tranquil environment for local residents to enjoy on a daily basis would be lost.

David Young (708)

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) and requests that the Local Development Plan is not amended to suit preferred option 3.

Tomasz Ryniecki (709)

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) and requests that the Local Development Plan is not amended to suit preferred option 3.

Harriet Hain (710 1 of 2; 2 of 2)

The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park). The following is a summary of the objections raised:

- GSGALA010 (Scott Park) was entrusted to the Council for the enjoyment of the residents of Galashiels and provides an essential safe green space for families, for nature, play, activities and exercise. This was essential during the recent lockdown, especially for those who do not have a garden;
- Strongly opposes development of new school in GSGALA010 (Scott Park);
- GSGALA010 (Scott Park) is protected by Council policies, this must be respected;
- Delicate ecosystems are essential to helping communities tackle the climate crisis. This space does not only hold environmental benefits but is also essential to education for future generations. (710 (1 of 2))

The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The Contributor objects to housing allocation EGL43 (Balmoral Avenue). The following is a summary of the objections raised:

- Road would be through designated key greenspace, destroying natural habitat;
- Increase in traffic congestion adding to already strained junctions and roads near residential properties and schools;
- Flood risk is not addressed;
- Mixed zone includes retail despite a large number of retail properties in the town being long term vacant, what research has identified this need? This would increase traffic (including heavy goods);
- Increased traffic is at odds with carbon targets and the declaration of climate emergency;
- Development would increase the need for car parking facilities within the town, these needs are not addressed;
- The condition of existing infrastructure highlights the Council's focus on meeting the needs of developers rather than existing residents;
- This area offers physical and mental health benefits as well as educational value to families;
- Given the high volume of properties including affordable housing available for sale within Galashiels adding further property to the market will devalue the property owned by existing residents. (710 2 of 2)

Tallulah Kemp (713)

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) and requests that the Local Development Plan is not amended to suit preferred option 3.

Stuart Corrin (715)

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) and requests that the Local Development Plan is not amended to suit preferred option 3.

Dick Clark (718 1 of 2, 2 of 2)

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) and requests that the Local Development Plan is not amended to suit preferred option 3. The wording in the Local Development Plan states 'The Council has also agreed to replace the existing high school and plans for this are progressing for a new secondary campus which is expected to be located on the site currently occupied by Galashiels Academy.' This text should be retained. This key greenspace must be properly protected. (718 1 of 2)
- The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). This development should be accessed from the existing Hollybush Road. (718 2 of 2)

Lynn Clark (719)

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) and requests that the Local Development Plan is not amended to suit preferred option 3. The wording in the Local Development Plan states 'The Council has also agreed to replace the existing high school and plans for this are progressing for a new secondary campus which is expected to be located on the site currently occupied by Galashiels Academy.' This text should be retained. This key greenspace must be properly protected.

Kimberley Harrison (726)

Whilst the Contributor agrees with the construction of a new school, the Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park). The following is a summary of the objections raised:

- GSGALA010 (Scott Park) is one of our few remaining open spaces in the town, which provides a safe and natural environment that is used widely by families and for a range of social events and sporting activities; and
- GSGALA010 (Scott Park) is identified as a Key Greenspace, Policy EP11 (Protection of Greenspace) of the Plan offers protection to these spaces and this must be respected.

Vanessa Blackmore (727)

- The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). It would be an act of ecological vandalism to allow a road to be built through such a special piece of common ground used by many people for physical and psychological well-being. This is a special area of natural beauty that would certainly attract tourists to the town.

Graeme Drever (728)

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) and requests that the Local Development

Plan is not amended to suit preferred option 3. The wording in the Local Development Plan states 'The Council has also agreed to replace the existing high school and plans for this are progressing for a new secondary campus which is expected to be located on the site currently occupied by Galashiels Academy.' This text should be retained. This key greenspace must be properly protected.

Moira Hogg (735)

- The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). These beautiful natural woods, full of old trees and an abundance of wildlife should be left alone. The people of Galashiels deserve this peaceful location to enjoy.

Jamie Frere-Scott (736)

Whilst the Contributor agrees with the construction of a new school, the Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park). The following is a summary of the objections raised:

- GSGALA010 (Scott Park) is one of the only greenspaces in Galashiels, a town with limited access to areas of open space for residents to enjoy and exercise, particularly during times of adversity, such as Covid-19;
- It is important that towns-people do not have to use motor transport to get to a park, the re-modelling of the park would be detrimental to health;
- Policy EP11 - Protection of Key Greenspace of the Plan is clear in its aim to protect Key Greenspace and this proposal must not be supported even with the justification of a more modern High School.
- The proposed school development would not be ancillary to the principal use of the site as a play area, training ground and sporting meet and would significantly affect the use of the greenspace;
- The remaining ground would be woodland margin, not a green open field. The paths would be dangerous for older-aged walkers during winter/wet weather which is discriminatory; and
- Perhaps the development appraisal should include a consultation with the local landowner (Hollybush) regarding the use of woodlands that are of the Lower Gala Hill wood. The area, once cleared of trees, could provide sufficient space for modern playing fields and this would allow for the building of a new education complex on the current playing fields. Was this considered and was a full site appraisal conducted?

Jill Forsyth (739)

- The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). This is a much valued greenspace and provide an ideal setting for walkers, runners, cyclists and those who wish to enjoy the peace and quiet. The area supports a variety of ecosystems.

Laura Watson (742)

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) and requests that the Local Development Plan is not amended to suit preferred option 3. The wording in the Local Development Plan states 'The Council has also agreed to replace the existing high school and plans for this are progressing for a new secondary campus which is expected to be located on the site currently occupied by Galashiels Academy.' This text should be retained. This key greenspace must be properly protected.

Mathew Whittles (751) & Lucy Boyd (752)

The Contributors object to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) and request that the Local Development Plan is not amended to suit preferred option 3. The Contributors object on the following grounds:

- GSGALA010 (Scott Park) is the only substantial dedicated public recreational greenspace within a half mile radius of Galashiels town centre and is a huge asset for the residents of this area, the wider town, and visitors;
- Urban green spaces are essential to physical health, mental health and general wellbeing. This is more apparent than ever with the current health, financial, and social crisis caused by Covid-19;
- Scott Park provides a large accessible open space with views of the surrounding Gala Policies woodland and the scenic hills beyond. Original proposals served to enhance these assets, replace the old school, and open up the park further. Option 3 would result in all these key benefits being blocked or removed;
- The Contributors suggest that the proposed school is moved back (west) with grass sports pitches moved to the front (east) which would serve to open up the public park area and provide a new pitch for public use which is currently inaccessible at the rear;
- The Local Development Plan is a great opportunity to improve Scott Park, rather than erode or devalue it. The park should not be held to ransom by convenience, developers, finance, or a wider planning agenda;
- The wording in the Local Development Plan states 'The Council has also agreed to replace the existing high school and plans for this are progressing for a new secondary campus which is expected to be located on the site currently occupied by Galashiels Academy.' This text should not be overlooked.

Patricia Mosel (754)

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) as it would result in the loss of much-used greenspace. There is land behind the present Galashiels Academy where the new school could be built.

Lynda K Hearn (768)

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park). Building a school at this location would be contrary to Policy EP11 – Protection of Greenspace of the Local Development Plan. The ground behind the school is marshland and is not suitable for children to play on.

James Murray Affleck (771)

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) and requests that the Local Development Plan is not amended to suit preferred option 3. The wording in the Local Development Plan states 'The Council has also agreed to replace the existing high school and plans for this are progressing for a new secondary campus which is expected to be located on the site currently occupied by Galashiels Academy.' This text should be retained. There is a way to have a new school and retain the park in its entirety, it's not an either/or situation.

J Cairns & S Dyer-Lynch (774)

The Contributors object to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park). The Contributors object on the following grounds:

- The proposed development does not fit with the character or development of the town;
- The ongoing Covid crisis has shown the need for local recreation facilities;
- The proposal to destroy GSGALA010 (Scott Park) is regrettable;
- There is only a small amount of green space available for people living in the main central parts of Galashiels this needs to be preserved.
- Putting a road through GSGALA009 (Gala Policies) would be detrimental to wildlife and the people in the centre of town / Balmoral area / tourists and visitors to Galashiels who use it.
- Development would require expensive infrastructure investment; and
- The Contributors feel that instead of looking to develop this area, the Council should continue to look to develop AGALA029 (Netherbarns) (including the lower area not being developed) as well as on the other side of the A7 in the area around Barr Road and the Southern Upland Way. Equally further development around the back of Balmoral (behind the school towards Mossilee) would allow easier access to town and services like schools and shop. Equally development along the A72 opposite Torwoodlee Mains would make sense. All of these areas already are served by public transport, have good road connections and easy access to services.

Dr P Cramond (783)

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) and requests that the Local Development Plan is not amended to suit preferred option 3. The wording in the Local Development Plan states 'The Council has also agreed to replace the existing high school and plans for this are progressing for a new secondary campus which is expected to be located on the site currently occupied by Galashiels Academy.' This text should be retained.

Mark McNeill (786)

The Contributor seeks answers to a series of questions in respect of Key Greenspace GSGALA010 (Scott Park):

- Why do you think this is a good idea to build over our limited green space in the town centre of Galashiels?
- Why are u wanting to go against your own local development plan?
- If you want people to get out and about walking (like introducing 20mph speed limits) then why build over spaces people actually walk?
- Why is a "pro" for Option 3 for the new Academy to be near the tapestry building? The kids or local community won't ever need to walk between the two. Option 1 for the new Galashiels Academy is far and away better for the school pupils, and local community (it is the Contributor's opinion that there are better sites in Galashiels for the new Academy);

The Contributor seeks answers to a question in respect of the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016):

- Why do you want to build a road through the last forest in Galashiels town centre? One of the only places left that younger kids can walk freely?

The Contributor objects to the development of a road through GSGALA009 (Gala Policies) for the following reasons:

- This is a key public space used by many people including dog walking and exercise for all;
- It is an important part of the local area, its importance has become more apparent during the recent lockdowns due to Covid-19;
- This is a safe space without traffic for children to enjoy, being with nature.

The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is of the view that:

- There is no need for this development;
 - The size of the proposal is unacceptable;
 - The extra traffic would be unbearable on the existing local roads, posing serious disruption in the local community and a significant hazard to local children;
 - Access via Balmoral Avenue and GSGALA009 (Gala Policies) is unsuitable. Balmoral Avenue is busy enough at present with parked cars;
 - Building should not take place in this forest; and
 - The Contributor asks why existing empty properties aren't utilised rather than developing limited greenfield land.
- The Contributor is of the view that this information should have been better portrayed to the general public and that that the Council's website is rubbish for finding planning information that affects the local community. The Council does not serve the local community in the way it should with regards to building schools, housing and services.

Denny Roberts (791)

The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The Contributor objects to housing allocation EGL43 (Balmoral Avenue). The following is a summary of the objections raised:

- Road would be through designated key greenspace, destroying natural habitat;
- Increase in traffic congestion adding to already strained junctions and roads near residential properties and schools;
- Flood risk is not addressed;
- Mixed zone includes retail despite a large number of retail properties in the town being long term vacant, what research has identified this need? This would increase traffic (including heavy goods);
- Increased traffic is at odds with carbon targets and the declaration of climate emergency;
- Development would increase the need for car parking facilities within the town, these needs are not addressed;
- The condition of existing infrastructure highlights the Council's focus on meeting the needs of developers rather than existing residents;
- This area offers physical and mental health benefits as well as educational value to families;
- Given the high volume of properties including affordable housing available for sale within Galashiels adding further property to the market will devalue the property owned by existing residents.

The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) for the following reasons:

- The site is protected greenspace but it appears the Council's intention to develop on it is at odds with this designation;
- GSGALA010 (Scott Park) was entrusted to the Council for the enjoyment of the residents of Galashiels;
- The park provides an essential safe green space for families to explore and develop an understanding of nature. It provides many children, who might not have garden ground, space to play, in addition to sporting activities and exercise;
- The park has been particularly sacred during recent lockdowns due to Covid-19;
- GSGALA010 (Scott Park) is offered protection under its designation as a Key Greenspace and this must be respected.
- The Council would be setting a dangerous precedent where greenspace zoning and restrictions are overlooked for the self-interest of the entrusted; and
- Delicate ecosystems such as this are essential to helping communities tackle the climate crisis we find ourselves in. These spaces do not just hold environmental benefits to the town but are also essential education to future generations around nature and our care for it. This proposal is at odds with the Scottish Government's declaration of a climate crisis.

Kathryn Peddie (794)

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) and requests that the Local Development Plan is not amended to suit preferred option 3.
- The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016).
- Countryside access is a key part of Council activities to improve lives, to improve mental and physical wellbeing. The Contributor raises concerns relating to the recent lockdowns would have had without the safe and accessible spaces available at Scott Park (GSGALA010) and into the Gala Policies (GSGALA009).
- Concerns relating to eco-systems and biodiversity.
- Scott Park (GSGALA009) is used regularly for exercise, discovery, play, exploration, learning, litter picking, nature surveys and sports.

Moira Birney (795)

- The Laird of Galashiels left the Gala Policies (GSGALA009), which includes the Scott Park (GSGALA010), as a gift to the people of Galashiels. The people of Galashiels should vote as to whether or not this site should be built upon.

Elizabeth Mitchell (819)

The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) for the following reasons:

- The Council should realise the importance of greenspace for those who not have a garden, of which there are many in this area;
- There is a vintage oak which should remain although it is assumed it would be felled;
- Scott Park is one of the few remaining open spaces in the town, which provides a safe and natural environment that is used widely by families and for a range of social events/sporting activities; and
- The Council should respect Policy EP11 – Protection of Greenspace.

The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The following is a summary of the points raised:

- The road would lead to the loss of popular recreational space, wildlife and greenspace; and
- This is the sprawl of commuter housing in a town with a loss of community sense due to its increase in size.

Gala Waterways Group (827)

- In respect of housing allocation EGL32B (Ryehaugh), the Contributor requests that development does not damage or otherwise adversely affect the Buckholm Lade on the southern edge of the site.
- In respect of redevelopment site zRO6 (Roxburgh Street), the Contributor requests that any development facilitates the creation of a lade walk / cycle way along the Mill Lade as envisaged in Chapter 7 of the Galashiels Masterplan (2017) and in

accordance with Policy PMD2: Quality Standards (r) of the Plan. Pedestrian access along the lade between the High Street Car Park and Roxburgh Street was previously considered in relation to the construction of New Reiver House (Job Centre), planning application reference no. 04/02452/FUL.

Dianne Smith (856)

The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) for the following reasons:

- This is one of the few remaining open spaces within the town which provides a safe and natural environment that is used widely by families and for a range of social events and sporting activities;
- The school must be accommodated within the existing boundaries of the school; and
- The site is protected as a key greenspace under Policy EP11 of the Plan, this policy must be respected.

Federick Tanner (892)

- The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The construction of such a road would vastly reduce the assessable greenspace in Galashiels.

Fiona Jones (893)

- The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). Trees and the eco-system should be protected. The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park).

Gordon Ainslie (894)

- The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). This would ruin the great woodland space.

Graham Ovens (895)

- The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). Gala Policies (GSGALA009) should be retained as amenity woodland for community use. They constitute a reserve for wildlife, providing a range of woodland and wetland habitats and eco-systems which are irreplaceable. These woodland and wetland habitats have gradually developed and evolved over hundreds, possibly thousands of years. This very gradual increase in biological diversity is the reason that makes the Gala Policies special, of great scientific interest, an attractive location for walkers and wildlife enthusiasts, and biologically irreplaceable.

Laura Smith (898)

The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) for the following reasons:

- Do not understand the need to take over much of the existing park;
- The new school should be developed within the site of the existing school whilst keeping the park almost in its entirety;
- The plans have not been transparent;
- The park is very much used and is an essential green space for people of all ages and abilities; and
- Green spaces are vital for people's wellbeing.

Shelagh Bird (903)

- The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). This has become a hugely import place for so many people and provides a huge range of activities and potential outdoor exploration for all ages, particularly during the pandemic. It is one of the few local places where the community can see nature.

Shelley Hunter (904)

The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The following is a summary of the issues raised:

- This green space is vital to the people of Galashiels and would be substantially changed by putting a road through it due to noise, pollution and traffic;
- The benefits of this green space to individuals of all ages have never been more obvious than throughout the Covid-19 pandemic. It provides a peaceful place for people to walk dogs, walk with family and friends or run; and
- Development would have a detrimental impact upon wildlife, plants and trees.

Ashleigh Maxwell (918)

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) which will result in the loss of greenspace which is already very limited in Galashiels.

Chris Sharrard (920)

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) and is concerned about the lack of consultation, people in the area should be asked for their opinions and thoughts. This area is well used by people and is very much part of Galashiels. The Contributor is not opposed to a new school being built on the site but the new development seems to be large and includes various new sports pitches which could bring extra traffic and disturbance to local residents. The Contributor would like

assurances that the land liberated round the area of the old entrance and school buildings will be turned back over to nature and will not be earmarked for further development.

M Cripps (927)

The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) for the following reasons:

- This area is part of the positive visual landscape as you come in to Gala from this road, development will cause significant damage to this. The view from the Southern Upland Way will also be significantly impacted upon, with this impact being seen a long way from the proposed development;
- There's lots of wildlife habitat in this area and this would be significantly damaged by any development. If it is built on wildlife will be cut off from going on and off Gala Hill. It will also be cut off from going in and out of the Policies. Increasing habitat damage and fragmentation will further damage the prospect of local wildlife species. This is a quiet area with minimal human interference and access to multiple habitats.
- The Contributor raises concerns relating to the proximity of housing allocation AGALA024 (Easter Langlee Expansion Area) as the eastern section of the site is surrounded by the Ellwyn Wood and Meadow biodiversity site (Grid reference NT527358). Development up to or close to this boundary will have a negative impact upon biodiversity. The more houses at this location, the greater the negative impact.

Tig Innes (931)

- The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016) which are too valuable.

Catriona Elizabeth McKay (935)

The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016) for the following reasons:

- Due to its great value to the community, this is a key greenspace as set out within Policy EP11 – Protection of Key Greenspace of the Plan. Only proposals that enhance the space should be supported; and
- In light of the current climate emergency and devastating loss of biodiversity, in no way can driving a road through a woodland, or supporting any development that leads to the destruction of habitat be considered an enhancement of this space.

Christine Munro (955)

- The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). Gala Policies (GSGALA009) are an important greenspace for the town, allowing local families to walk and play in a safe environment, and must be left unspoiled.

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) and requests that the Local Development Plan is not amended to suit preferred option 3.

Gale Maclaine (974)

- In respect of Key Greenspace GSGALA010 (Scott Park), the original plan to build a replacement school behind the existing Academy building appears to be the best in terms of space usage, and allows the long-standing access of the citizens of Galashiels to the park to continue.

Lisa Pegg (980)

- The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). This area of woodland is used every day.

NatureScot (983)

- With respect to business and industrial allocation BGALA006 (Land at Winston Road I), NatureScot suggest it would be useful to add further clarification to site requirement no. 4 (page 346) by adding reference to the HRA Record. Appendix 4 of the HRA Record provides further detail of the Council's own assessment of the site and makes a clear link between interlinked site requirements which act together to prevent adverse effects on the site integrity of the River Tweed SAC.

Paul McLaughlin (986)

- The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). There are many irreplaceable mature trees within Gala Policies (GSGALA009). Gala Policies (GSGALA009) need to be cared for and kept the way they are. Watercourses within the Hollybush Valley (SGALA005 and SGALA016) would make this a very damp area for residential development.

Rob Adamson (987)

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) and requests that the Local Development Plan is not amended to suit preferred option 3. The wording in the Local Development Plan states 'The Council has also agreed to replace the existing high school and plans for this are progressing for a new secondary campus which is expected to be located on the site currently occupied by Galashiels Academy.' This text should be retained.
- The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at

Hollybush (SGALA005 and SGALA016). There is no justification for the vandalism of green space. The Council must preserve GSGALA009 (Gala Policies) as they currently stand for the continued benefit of the local community. Whilst the Council may be keen to expand the housing stock it cannot be at the expense of the local community and nearby residents.

Rosalyn Anderson (988)

- The Contributor objects to housing allocation AGALA017 (Coopersknowe Phase 4). Further development in this area and on Winston Road will add pressure to an already busy road which leads past the large primary school in Langlee. The addition of a roundabout at the junction of Langshaw and Melrose Roads, as opposed to traffic lights, feels more risky but something is already needed at that junction before any further development.

A Hain (993)

The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The Contributor's concerns relate to:

- Removing green spaces from the town contributes negatively to the current climate crisis;
- Destruction of habitats for wild animals and their access to and from the Policies to the surrounding area;
- The Policies currently offer both physical and mental health benefits to local residents, which has been particularly essential during the Covid-19 pandemic;
- The destruction of the Policies and the negative impact to families and visitors of Galashiels are not addressed within the plan;
- The plan indicates employment and commercial uses on the new site despite a large number of vacant retail properties in the town centre. Commercial uses on the site would also increase traffic including heavy goods on residential roads and roads with schools; and
- New residential developments would increase the need for car parking facilities within the town centre for those living in outlying areas to commute and shop. Additional traffic and parking has not been acknowledged.

Chenoa Putter (996)

- The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). Gala Policies (GSGALA009) are for public use alongside the reduction of green space in Scott Park (GSGALA010) is a short-sighted action. The lack of consideration for the general public and future generations is criminal.

R Duff (1006)

The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The Contributor's concerns relate to:

- Removing green spaces from the town contributes negatively to the current climate crisis.
- Destruction of habitats for wild animals and their access to and from the Policies to the surrounding area.
- The Policies currently offer both physical and mental health benefits to local residents, which has been particularly essential during the Covid-19 pandemic.
- The destruction of the Policies and the negative impact to families and visitors of Galashiels are not addressed within the plan.
- The plan indicates employment and commercial uses on the new site despite a large number of vacant retail properties in the town centre. Commercial uses on the site would also increase traffic including heavy goods on residential roads and roads with schools.
- New residential developments would increase the need for car parking facilities within the town centre for those living in outlying areas to commute and shop. Additional traffic and parking has not been acknowledged.

R F Pegg (1007)

The Contributor objects to Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) and their impact upon Key Greenspace GSGALA009 (Gala Policies). The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park). The following is a summary of the objections raised:

- This is an ancient, unique and extremely well-preserved, irreplaceable and much loved area;
- The proposals would pollute the through fairs;
- The area would become a playground for young, lost teenagers to draw graffiti;
- Development would result in the destruction of the woodland, wildlife and countryside; and
- This natural playground should be left untouched.

Gregor McGill (1017)

- The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). This woodland is absolutely sacred to the majority of locals and should not be altered.

Rob Wilson (1029)

- The Contributor objects to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) and requests that the Local Development Plan is not amended to suit preferred option 3. The wording in the Local Development Plan states 'The Council has also agreed to replace the existing high

school and plans for this are progressing for a new secondary campus which is expected to be located on the site currently occupied by Galashiels Academy.’ This text should be retained.

Alexander Aitchison (1038)

- The Contributor is opposed to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016). The wording on page 348 (bullet no. 1) should be removed: “New road through the policies on the Balmoral Avenue side”. This is treasured woodland, and it would simply be against any community position for the foreseeable future that any road could possibly be driven through the policies which are significant woodlands with specimen species, donated to the town of Galashiels, but managed by Scottish Border Council. If such a move were to be attempted then it would simply destroy any positive plans that could be agreed through the proposed Masterplan for this area. The fact that this is simply a reiteration of the current Masterplan is immaterial, things have changed in terms of local sentiment, and this entry is inflammatory.

Modifications sought by those submitting representations:

- Contributor suggests it would be useful to add further clarification to site requirement no. 4 (page 346) by adding reference to the HRA Record for business and industrial allocation on Land at Winston Road I (BGALA006) (983).
- Contributors request the removal of housing allocation AGALA017 (Coopersknowe Phase 4) from the Plan (025, 988).
- Contributor raises road safety concerns relating to AGALA017 (Coopersknowe Phase 4) (017).
- Contributors request the removal of housing allocation AGALA024 (Easter Langlee Expansion Area) from the Plan (017, 025).
- Contributor raises concerns relating to the proximity of housing allocation AGALA024 (Easter Langlee Expansion Area) to Ellwyn Wood and Meadow biodiversity site to the east (927).
- Contributor objects to the non-inclusion of AGALA038 (Easter Langlee Mains II) for housing development within the Plan, or at the least for longer term housing provision (067).
- Contributor requests the removal of part of housing allocation EGL16B (South Crotchetknowe) from the Plan (062).
- Contributor requests the removal of housing allocation EGL19B (Mossilee) from the Plan (026).
- Contributor highlights an anomaly in the boundary line of housing allocation EGL32B (Ryehaugh) which should be rectified (005 2 of 2).
- Contributor requests that the development of housing allocation EGL32B (Ryehaugh) does not adversely affect the Buckholm Lade (827).
- Contributor requests the removal of housing allocation EGL42 (Forest Hill) from the Plan (056 1 of 3)
- Contributors request the removal of housing allocation EGL43 (Balmoral Avenue) from the Plan (094, 685, 686, 695, 710 (2 of 2), 791).
- Contributor highlights an anomaly in the boundary line of housing allocation EGL200 (North Ryehaugh) which should be rectified. The Contributor also considers that the

settlement boundary line could be extended to the north-west to extend housing allocation EGL200 (Ryehaugh) to include a disused road (005 2 of 2).

- Contributors request the removal of the potential longer term mixed use allocations SGALA005 and SGALA016 (Hollybush Valley) from the Plan (056 (1 of 3; 3 of 3); 084, 085, 086, 087, 092, 096 (1 of 2, 2 of 2), 097, 100, 110, 127, 145, 184, 212, 214, 215, 225, 252, 261, 273, 288, 295, 326, 334, 342, 345, 351, 417, 470, 487, 489, 500, 501, 509, 514, 584, 615, 628, 653, 685, 686, 710 (2 of 2), 774, 786, 791, 819, 904, 927, 986, 987, 993, 1006, 1007) (088 1 of 2, 094 – refer to SGALA005 only).
- Contributors request the removal of reference to the development of a road through GSGALA009 (Gala Policies) to serve the potential longer term mixed use sites at Hollybush (SGALA005 and SGALA016) (056 (1 of 3; 3 of 3); 081, 082, 084, 085, 086, 087, 088 1 of 2, 089, 092, 094, 095, 096 (1 of 2, 2 of 2), 097, 099, 100, 110, 127, 139, 145, 165, 184, 195, 212, 214, 215, 225, 252, 261, 269, 270, 273, 288, 295, 304, 319, 320, 326, 335, 339, 341, 342, 345, 347, 351, 414, 417, 452, 469, 470, 477, 487, 489, 497, 500, 501, 509, 514, 584, 615, 628, 653, 685, 686, 710 (2 of 2), (718 2 of 2), 727, 735, 739, 774, 786, 791, 794, 795, 819, 892, 893, 894, 895, 903, 904, 931, 935, 955, 980, 986, 987, 993, 996, 1006, 1007, 1017, 1038).
- Contributors object to the development of Galashiels Academy on Key Greenspace GSGALA010 (Scott Park) (052 (1 of 2), 056 (1 of 3; 2 of 3; 3 of 3), 074, 091, 159, 165, 212, 261, 288, 290 1 of 4, 337, 349, 452, 469, 470, 489, 497, 500, 509, 590, 593, 594, 595, 603, 604, 608, 615, 623, 653, 676 2 of 2, 708, 709, (710 (1 of 2), 713, 715, 718 (1 of 2), 719, 726, 728, 736, 742, 751, 752, 754, 768, 771, 774, 783, 786, 791, 794, 795, 819, 856, 893, 898, 918, 920, 955, 974, 987, 996, 1007, 1029).
- Contributor requests that any development of redevelopment site zRO6 (Roxburgh Street) facilitates the creation of a lade walk / cycle way along the Mill Lade as envisaged in Chapter 7 of the Galashiels Masterplan (2017) (827).

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN WITH THE EXCEPTION OF THE FOLLOWING NON-MATERIAL CHANGES AS SET OUT BELOW (AND DETAILED FURTHER UNDER THE RELEVANT SECTION):

- WINSTON ROAD 1 (BGALA006) - AMEND BULLET POINT NO.4 (PAGE 346) OF THE PLAN TO READ 'MITIGATION MEASURES ARE REQUIRED TO PREVENT ANY IMPACT ON THE RIVER TWEED SPECIAL AREA OF CONSERVATION (SAC) IN LINE WITH THE HABITATS REGULATION APPRAISAL (HRA) WHICH SEEKS TO PREVENT ANY ADVERSE EFFECTS ON THE SITE INTEGRITY OF THE RIVER TWEED SAC'.
- SOUTH CROTCHETKNOWE (EGL16B) – REDUCTION IN SITE AREA AND REMOVAL OF SITE REQUIREMENT REQUIRING A 'PEDESTRIAN LINK TO BE PROVIDED TO GLENFIELD ROAD EAST AS SET OUT ON PAGE 344 (BULLET NO. 5)
- HOLLYBUSH VALLEY (SGALA005 & SGALA016) – REMOVE THE FOLLOWING FROM THE FIRST SITE REQUIREMENT FOR THE SITES, SET OUT ON PAGE 348 OF THE PLAN: 'NEW ROAD THROUGH THE POLICIES ON BALMORAL AVENUE SIDE' TO BE REMOVED AS A NON-SIGNIFICANT CHANGE TO THE PLAN.
- ROXBURGH STREET (ZRO6) - SITE REQUIREMENT TO BE ADDED TO THE SITE REQUIREMENTS SET OUT ON PAGE 349 OF THE PLAN REQUIRING

THAT THE OPTION OF A FOOT/CYCLE PATH ALONG THE MILL LADE IS EXPLORED.

REASONS:

- Galashiels is located outwith any Strategic Development Area set out by the SESPlan Strategic Development Plan (SDP) 2013 (CD001, refer to pages 7 to 20). Appendix 2 contained within the Proposed Plan outlines that the housing land requirement figures are taken from the SESPlan Proposed SDP (2016) (CD005, refer to pages 44 to 50) and SESplan Housing Background Paper 2016 (CD006, refer to pages 4 to 6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit 2019 (CD071, refer to the Introduction, pages 14 to 16) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Issue 6. It is also acknowledged that housing land requirements will be set out at a national level through the forthcoming National Planning Framework.
- It is noted that Contributor 774 (Miss J Cairns & S Dyer-Lynch) support all housing allocations proposed in Galashiels within the Proposed Plan (CD183, page 52).

Land at Winston Road I (BGALA006) (983)

- NatureScot suggest it would be useful to add further clarification to site requirement no. 4 on page 346 of the Plan by adding reference to the HRA Record. Appendix 4 of the HRA Record provides further detail of the Council's own assessment of the site and makes a clear link between interlinked site requirements which act together to prevent adverse effects on the site integrity of the River Tweed SAC.
- The Council does not oppose this suggestion and would therefore be content for the Reporter to amend bullet point no.4 to read 'Mitigation measures are required to prevent any impact on the River Tweed Special Area of Conservation (SAC) in line with the Habitats Regulation Appraisal (HRA) which seeks to prevent any adverse effects on the site integrity of the River Tweed SAC'.
- The Council would be content for this amendment to be made as a non-material change to the Plan.

Coopersknowe Phase 4 (AGALA017) (017, 025, 988)

- The site was originally allocated for housing development within the Finalised Local Plan Amendment 2009 (CD012, pages ix and 141). Due to the fact there were no objections to the proposal, the site was not considered through the Examination process. The site is identified within the Strategic Housing Investment Plan (SHIP) 2022-27 (CD164, page 22).
- At the time of allocation, the site had planning consent for a road and plot layout and the erection of 50 dwellinghouses (Planning Reference No. 06/01838/FUL, approved in January 2008). Since then there have been three further permissions, the first in 2014 for the erection of 42 dwellinghouses and associated infrastructure (Planning Reference No. 12/00709/FUL), the second in 2016 for the erection of 66 dwellinghouses with associated works (Planning Reference No. 16/00869/FUL) and

the third, via an appeal, in 2019 for a residential development comprising of 69 dwelling units with associated works (Planning Reference No. 18/01417/FUL) (CD135). The latter consent, which superseded the earlier approvals, is currently being implemented on site by Eildon Housing Association as an affordable housing development.

- The issues raised by the Contributors' in relation to roads capacity, housing numbers, volume of social housing and the need for recreation space have all been considered in detail through the planning application process and the development has been accepted.
- The principle of residential development at this location has long since been established and has been confirmed through a number of planning approvals dating back to 2008. This is clearly an effective housing allocation and should remain within the Plan.

Easter Langlee Expansion Area (AGALA024) (017, 025, 927)

- The site was originally allocated for housing development within the Scottish Borders Local Development Plan 2008 under site code EGLB14B (Easter Langlee) with a site area of 21.3 hectares and an indicative capacity of 300 units. The Finalised Local Plan Amendment 2009 extended the site to the north west (AGALA024, Easter Langlee Expansion Area), taking the total site area up to 26.5 hectares with an overall indicative capacity of 450 units.
- Through the Examination process (CD039, page 167) of the Finalised Local Plan Amendment 2009, the Reporter accepted '...that the housing density of site AGALA024 and its layout and relationship with adjoining land uses needs careful consideration. Any potential conflict between new land uses and the countryside activities on adjoining land, including woodland management, shooting and access, would need to be mitigated. The preparation of a masterplan in consultation with key stakeholders, including Pavilion Estate would allow these matters to be resolved, including an appropriate capacity for the site. Such a masterplan would be a necessary precursor for the determination of any relevant planning applications. The requirement for a masterplan should therefore be made explicit in the site requirements for AGALA024'.
- A Planning Brief was published in February 2006 for the site, setting out the main opportunities and constraints, creating an outline framework for its future development (CD107).
- The following planning applications have been approved subject to conditions, informatives and legal agreements on or on parts of the site:
 - 18/01603/FUL – Erection of 47 no. dwellinghouses and associated landscaping and infrastructure (amendment to previous consent 12/00803/FUL), Phase 2 Land North and North East of Easter Langlee Farmhouse.
 - 17/00096/FUL – Erection of 26 no dwellings, Phase 2, Land North and North East of Easter Langlee Farmhouse.
 - 16/01413/MOD75 – Modification of planning obligation pursuant to planning permission 11/00832/FUL, Fields 4650 and 4074, Easter Langlee.
 - 15/00776/FUL – Amendment to house type previously approved under 12/00803/FUL on plot 148 (re-numbered as plot 700) and erection of dwellinghouse (plot 701), Phase 2, Land North and North East of Easter Langlee Farmhouse.

- 14/00227/FUL – Erection of 42 dwellinghouses (amendment to previous consent 12/00803/FUL), Phase 2 (Plots 600-643), Land North and North East of Easter Langlee Farmhouse.
 - 14/00226/FUL – Erection of 31 dwellinghouses (amendment to previous consent 12/00803/FUL), Phase 2 (Plots 644-674, Land North and North East of Easter Langlee Farmhouse)
 - 12/00803/FUL – Erection of 396 dwellinghouses and associated works, Phase 2, Land North and North East of Easter Langlee Farmhouse.
 - 12/00194/FUL - Erection of 49 dwellinghouses with associated infrastructure and landscaping, Phase 1, Fields 4650 and 4074, Easter Langlee.
 - 11/00832/FUL – Erection of 118 residential units and associated works, Fields 4650 and 4074, Easter Langlee.
- At the time of the Housing Land Audit 2019, 340 units were complete on site. Development of the site is therefore well underway. The aforesaid consents show that the number of units consented exceed the indicative number of units set out within the Proposed Plan of 450 units. Whilst this is the case, the Roads Planning Team have been consulted throughout the process of each planning application and have taken into account the issues raised by the Contributors' in respect of the impact of the development upon the local road network along with the cumulative impact of it along with nearby land uses and developments. The increased number of housing units, beyond the indicative site capacity indicated within the Plan, have been duly assessed through the process of the aforesaid planning approvals and have clearly been considered as acceptable.
 - The questions posed by Contributor no. 025 relating to the volume of social housing and the level of recreation space are matters which have been assessed and set out both within the Planning Brief (CD107) for the site and the aforementioned planning applications. The Housing Land Audit 2019 confirmed that at that time 141 affordable units were complete within the site. The Council would not be in a position to require information relating to where residents of the development have come from.
 - Contributor no. 025 is concerned that local towns are getting ruined by development with no improvement on roads, hospitals or other public services and that people of the Borders wish to live here as they like the rurality of the area not for populations of a city. The principal of development at this location has long since been accepted, having been formally allocated in 2008. The allocation of the site and the subsequent planning applications have involved detailed consultations with relevant consultees and no objections were raised which would prevent the development of the site. Galashiels is a main strategic town within the Scottish Borders where housing land must continue to be identified and developed to satisfy housing needs and demands. The success of the take-up of housing within this site confirms the attractiveness and desire to live within this development and Galashiels as an entity.
 - Contributor 017 suggests that the A68 and A7 require to be dualled. Whilst the Council supports the improvements of key road routes, including the A68 and A7, as set out within Policy IS4 – Transport Development and Infrastructure of the Plan, the Council does not expect the dualling of both roads to be an option nor a realistic expectation.
 - The Contributor raises concerns relating to the proximity of housing allocation AGALA024 (Easter Langlee Expansion Area) as the eastern section of the site is surrounded by the Ellwyn Wood and Meadow biodiversity site (Grid reference NT527358) (Local Biodiversity Site No. 11: Ellwyn Wood (CD037, Site Ref, page 4).

Development up to or close to this boundary will have a negative impact upon biodiversity. The more houses at this location, the Contributor believes the greater the negative impact. Any potential impact upon biodiversity was considered through the planning application process.

- The principle of residential development at this location has long since been established and has been confirmed through a number of planning approvals dating back to 2011. This is clearly an effective housing allocation and should remain within the Plan.

Easter Langlee Mains II (AGALA038) (067)

- The site was submitted for a housing allocation at the Call for Sites (Pre-MIR) stage and was not taken forward for inclusion within the Proposed Plan having been assessed as unacceptable. The Contributor objects to the non-inclusion of the site (AGALA038) within the Proposed Plan and seeks the inclusion of the site for housing and an amendment to the existing Development Boundary to reflect this.
- The Council remains of the view that the site would be an unacceptable addition to the settlement boundary of Galashiels at this location and the conclusions of the site assessment and consultation undertaken at the Pre-MIR stage remain relevant. The site assessment concluded the following:
 'The site was considered through the process of the Housing SG. An initial stage 1 RAG assessment was undertaken, however this concluded that the site should not be taken forward as part of the Housing SG. The conclusion of the assessment was as follows:
 This site is located outwith the settlement boundary and is separated from nearby housing by a mature shelter belt. The site is constrained by the detachment from Galashiels, compounded by distance from the town centre and the barrier created by the 'lip' of land which separates the area from the Tweed Valley. The site has good access to services and facilities and is served by an acceptable level of public transport including the proposed Borders Railway. The potential impact on biodiversity is minor. The section of the Langshaw road adjacent to the site will require upgrading, in terms of carriageway widening and extending the footway and lighting infrastructure out from the town, and the northern part of the road may require realignment in order to facilitate safe access to it. A major hazard pipeline runs through the site and the Easter Langlee landfill site is located immediately to the east of the site. It is considered that other, more appropriate sites are available within the housing market area to meet the shortfall. This site would not represent a logical extension of the built up area as it would extend the settlement beyond an existing mature shelter belt to the north of Coopersknowe. This would prejudice the character and natural built up edge of the settlement to the detriment of the landscape setting. Furthermore, the proximity of the site to the existing landfill site would be contrary to prevailing national policy leading to unacceptable adverse impacts on the residential amenity of the proposed dwellings as result of noise and odour nuisance from the adjacent landfill site.
- The southern part of this site was considered for housing as part of the Local Development Plan Examination (LDP 2016), the Reporter made the following comments in relation to housing site (AGALA030) (CD040, pages 642- 645):
 "Approaching the site from the north, the land to the west of the road has a pleasant countryside appearance and the crest of the hill provides a distinct entrance to Galashiels. The construction of the houses, as proposed, would have a marked visual impact and severely detract from the local importance of this land within the

landscape setting of the town. Whilst the proposed community allotments would be unlikely to have a significant impact, the construction of even a small number of houses at this location would not be acceptable in either visual or landscape character terms. Irrespective of the location of the site within the landscape, the proximity of the Easter Langlee landfill operation is a practical concern. The distance between the proposed residential development and the landfill site would be less than 100 metres. Noting the guidance in Scottish Planning Policy I agree with the council that this would not be acceptable".

- Since the aforesaid proposals were considered, it is now established that the landfill site will be capped in the near future. Despite this, the Waste Manager of SBC would remain concerned by any proposed housing within close proximity of the landfill site due to potential leakage. The additional overriding issue with any development of this site is that Langshaw Road would require significant upgrading involving land currently outwith the control of the applicant.
- Due to the aforementioned reasons it is not therefore considered appropriate to allocate this site for housing within the Proposed LDP.'
- The Council is of the view that the site could potentially be brought forward through the process of a future Local Development Plan if and when the aforesaid constraints are addressed. Clearly, much further detailed consideration must be given to address any potential landscape issues. The Council would highlight that the settlement profile for Galashiels, specifically the section entitled 'Preferred Areas for Future Expansion' on page 343 of the Plan, states the following: 'The area at Easter Langlee Mains is currently not appropriate for longer term development, but can be reconsidered in future Local Development Plan reviews depending on the development of waste disposal and recycling related facilities in the surrounding area and the requirement to upgrade the Langlee access road'.
- The Contributor's comments in respect of the Plan only identifying one new housing allocation site within Galashiels at Netherbarns (AGALA029) are acknowledged. There are, however, a number of existing allocations within the town which are developable as well as redevelopment opportunities. The Council agrees that Galashiels is a key principal town in providing services, employment and retail to a wide catchment area. It is also noted that the topography of the town together with road capacity constraints pose significant challenges to future growth. The Contributor notes that a degree of mixed development could be incorporated within the site, this does not however overcome the overriding issues relating to the site.
- In conclusion, taking the above into consideration, it is not considered that this site is currently acceptable for development and cannot be supported for inclusion within the Local Development Plan at this time. There should therefore be no modification to the Proposed Plan in this respect.

South Crotchetknowe (EGL16B) (062)

- The site was originally allocated for housing development within the Scottish Borders Local Plan 2008 (CD011). There is no planning application history relating to the site. The Plan states the site has an indicative capacity of 14 units and the Housing Land Audit 2019 confirms that seven units are programmed for completion in 2025 and a further seven in 2026.
- The Plan sets out five site requirements to be addressed through the process of any planning application including the need for a 'vehicular access from the B6374 (Melrose Road) to the north' and a 'pedestrian link to be provided to Glenfield Road East' (page 344).

- Contributor No. 062 objects to the site allocation and more specifically to land within the western part of the site which is within their ownership. A plan showing the land in question has been submitted showing an area of ground which has now been established as garden ground in association with the existing dwellinghouse to the north, known as 'Glenpark'. This accounts for approximately 0.3ha of the 1.4ha site.
- In view of this representation and the clear fact that the owner of this part of the site is not in a position to facilitate residential development, the Council would be content to amend the boundaries of the site to exclude the land in question as a non-significant variation to the Plan and has provided a plan showing the amended boundaries (CD119, page 16). This would reduce the area of the site and would inevitably result in the inability to provide a pedestrian link between the site and Glenfield Road East. The site would, however, remain developable for the most part and pedestrian connections would be available along Melrose Road to the north. The Council is of the view that the reduced site still fits neatly into the built framework of Galashiels and should remain within the Plan. The aforesaid site requirement relating to a pedestrian link to Glenfield Road East would require to be removed, the site area would require to be reduced to 1.1ha and it is suggested that the site capacity should be reduced to 11 units.

Mossilee (EGL19B) (026)

- This site is a longstanding housing allocation within the Plan, having been allocated as early as at least the Ettrick and Lauderdale Local Plan 1995 (CD018), under reference no. HSG6. The site was reduced in scale through the process of the Scottish Borders Local Plan 2008 (CD011, pages 282 and 286/287), whereby the eastern extremity of the site was designated as a Key Greenspace (GSGALA004). The developable area of the site is now significantly reduced as a large part of the eastern side of the site has been developed in accordance with planning approval reference nos. 03/02246/FUL and 04/01678/FUL (CD119, page 16) each for the erection of thirty dwellinghouses, granted in May 2004 and February 2005 respectively.
- The remainder of the allocation to the west is considered to be an effective housing site, identified within the Housing Land Audit 2019 having capacity for a further 60 dwellinghouses, with completion of 30 programmed by 2026 and a further 30 beyond this period.
- The issues raised by Contributor No. 026 are acknowledged and it is agreed that these matters would require to be investigated further through the process of any future planning applications. However, the Roads Planning Team have previously been involved through the allocation of this site and have raised no objections provided there is vehicular and pedestrian linkage with the existing development to the east at Riddle Dumble Park/Meigle View.
- The principle of residential development at this location has long since been established and has been confirmed through the aforesaid planning approvals and subsequent development. This is an effective housing allocation and should remain within the Plan.

Ryehaugh (EGL32B) (005 2 of 2, 827)

- The site is a longstanding housing allocation within the plan, having formed part of a larger housing allocation within the Ettrick and Lauderdale Local Plan 1995 (site reference HSG.6) (CD018). The site was reduced significantly in scale through the

process of the Scottish Borders Local Plan 2008 in order to take account of flooding issues within the western portion of the site.

- Contributor 005 (2 of 2) notes an anomaly in the boundary line alongside the A7 adjacent to the site boundaries of this housing allocation and EGL200 whereby the line should follow the road verge. This is considered to be an inconsequential issue which would not affect the development of the site.
- Contributor 827 has requested that development does not damage or otherwise adversely affect the Buckholm Lade which is on the southern edge of the site. Buckholm Lade is not a protected structure, nevertheless this matter could be given due consideration through the process of any future planning applications(s).

Forest Hill (EGL42) (056 1 of 3)

- The site is a longstanding housing allocation within the Plan, having been allocated originally within the Scottish Borders Local Plan 2008. There is no planning application history relating to the site. The Plan states the site has an indicative capacity of 50 units and the Housing Land Audit 2019 confirms that ten units are expected to be completed by 2024 with a further ten in 2025, ten in 26 and twenty post this period. A Planning Brief was produced for the site in March 2007 which sets out the main opportunities and constraints relating to the site as well as providing a framework for the future development of the site.
- It is in many cases inevitable that green areas of land adjacent to settlement boundaries may be developed. Through the process of the allocation of the site, it was not considered that the development of the site would have a detrimental impact upon the landscape character of the area.
- The principle of residential development at this location has long since been established. This is an effective housing allocation and should remain within the Plan.

Balmoral Avenue (EGL43) (094, 685, 686, 695, 710 (2 of 2), 791)

- The site is a longstanding housing allocation within the Plan, having been allocated originally within the Scottish Borders Local Plan 2008. There is no planning application history relating to the site. The Plan states the site has an indicative capacity of 10 units and the Housing Land Audit 2019 confirms that these 10 units are effective within the period up to 2024. The Plan sets out three site requirements (page 345) noting that a landscape buffer would be required to the north, south and west to minimise visual impact from the open countryside, that access should be taken from Balmoral Avenue to the east and that the existing trees to the east of the site are protected by a Tree Preservation Order and that this must be given due consideration in the provision of the access.
- It is not considered that the development of the site would result in the loss of daylight/sunlight to existing properties. This matter would be fully considered through the process of any future planning application(s) against Policy H3 – Protection of Residential Amenity which seeks to protect the amenity of both existing established residential area and proposed new housing developments. Consideration would also be given to the Council's Householder Developments Supplementary Planning Guidance in relation to sunlight.
- At the time of the original allocation, the Roads Planning Team acknowledged the congested nature of Balmoral Avenue as well as the traffic generated by the existing primary school. With this in mind, it was considered that the road network has the

capacity to accommodate a maximum of ten dwellinghouses at this location, hence the indicative site capacity stating this figure.

- It is accepted that the access into the site from Balmoral Avenue will extend through the extreme north western tip of key greenspace GSGALA009 (Gala Policies). The value of this key greenspace to the community is clear. It is not, however, considered that the formation of an access at this location would compromise the key greenspace to a significant degree. Consideration would be given to any potential impact upon ecology through the process of any planning application(s) in liaison with the Council's Ecology Officer and in accordance with the Environmental Promotion and Protection policies of the Plan.
- As stated above in respect of site requirements, existing trees protected by the Tree Preservation Order would require to be considered when the proposed access arrangements are being finalised. This would be carefully considered through the process of any future planning application(s) in liaison with the Council's Landscape Architect/Tree Officer and in accordance with Policy EP13 – Trees, Woodlands and Hedgerows of the Plan.
- In respect of flood risk, the Scottish Environment Protection Agency (SEPA) (1043) has through the process of the consultation of the Proposed Plan reviewed the surface water 1 in 200 year flood map which shows that there may be flooding issues at this site to be addressed. Subsequently SEPA advise that a Flood Risk Assessment would be required for this site which assesses the risk from Mossilee Burn which flows along the boundary of the site. This matter is considered in more detail within 'Schedule 4 for Unresolved Issue 74' which recommends that a further site requirement is added to those set out on page 345 of the Proposed Plan stating the need for a Flood Risk Assessment to be undertaken.
- Whilst the concerns of the Contributors relating to the quiet local environment, carbon targets and the number of existing empty properties within the town are noted, it is the duty of the Local Development Plan, in line with Scottish Planning Policy (SPP) (CD041), to identify a generous supply of land for housing sites for housing development and the principle of residential development at this location has long since been established. This is an effective housing allocation and should remain within the Plan.

North Ryehaugh (EGL200) (005 2 of 2)

- The site is a longstanding housing allocation within the Plan, having been allocated originally within the Scottish Borders Local Plan 2008.
- Contributor 005 (2 of 2) notes an anomaly in the boundary line alongside the A7 adjacent to the site boundaries of this housing allocation and EGL200 whereby the line should follow the road verge. This is considered to be an inconsequential issue which would not affect the development of the site. The Contributor is also of the view that the settlement boundary line of Galashiels should be extended north-west of the housing allocation to include the disused road which would then be available for reuse. The settlement boundary has been established at this location through the assessment of the site through the process of the aforesaid Scottish Border Local Plan 2008 taking into account site features. Regardless of the location of the disused road either being within or outwith the settlement boundary, it is still feasible that it could form some purpose, as an active travel route for example. This matter would require to be investigated through the process of any future planning application(s). It is no considered necessary to amend the settlement boundary at this stage.

Hollybush Valley (SGALA005 & SGALA016) (056 (1 of 3; 3 of 3), 084, 085, 086, 087, 092, 096 (1 of 2, 2 of 2), 097, 100, 110, 127, 145, 184, 212, 214, 215, 225, 252, 261, 273, 288, 295, 326, 334, 342, 345, 351, 417, 470, 487, 489, 500, 501, 509, 514, 584, 615, 628, 653, 685, 686, 710 (2 of 2), 774, 786, 791, 819, 904, 927, 986, 987, 993, 1006, 1007) (088 1 of 2, 094 - SGALA005 only)

- The Finalised Local Plan Amendment 2009 (CD12, pages ix and 139-140) originally identified these potential longer term mixed use development sites (SGALA005 and SGALA016) subject to a transport appraisal and improvements to vehicular access links. The Plan also set out a number of site requirements including the potential requirement for a bypass with links into Galashiels' existing road network. The Plan stipulated that the Hollybush areas would be subject to further assessment and would require a Masterplan to ensure a coherent and holistic approach to allow their future consideration. The sites are currently identified as potential longer term use in the current adopted LDP 2016.
- The sites are indicative at this stage and merely intend to show the potential future direction of growth for Galashiels. It is highlighted that these sites have not gone through a formal site assessment which would be necessary before they could be formally allocated as mixed use sites within any future Local Development Plan. It should be noted that due to a number of significant constraints including topography, flood risk and traffic congestion, it is particularly difficult to identify land for future growth within Galashiels.
- The issues raised by the Contributors would require to be fully considered and assessed through the process of any future Plan which proposes to consider bringing these sites forward for development. This would include a Masterplan to ensure a coherent and holistic approach which would be subject to public consultation.
- At this point in time it is considered that these indicative proposals should remain in the Plan recognising that they will require to be fully assessed in the future along with any alternative sites adjacent to the settlement boundary of Galashiels. It is considered development of the Hollybush Valley remains the best option for future larger scale expansion of the town,
- Contributor 774 suggests land on the other side of the A7 in the area around Barr Road and the Southern Upland Way would be more appropriate for development as well as around the back of Balmoral (behind the school towards Mossilee) would allow easier access to town and services like schools and shop. Equally development along the A72 opposite Torwoodlee Mains is suggested. The Contributor notes of these areas already being served by public transport, have good road connections and easy access to services. It is difficult to be clear exactly which areas are being suggested but it is considered that parts of these areas are already allocated for housing development. These points can be investigated further as other future site allocations are considered.
- Contributor 417 does not request a modification, however raises a number of concerns regarding housing provision within Galashiels. In response there are a variety of allocations within Galashiels, including housing and redevelopment opportunities identified within the Proposed LDP which are undeveloped. The Proposed LDP also includes an additional housing allocation (AGALA029) at Netherbarns for an additional 45 units. It should be noted that the allocations do not differentiate between affordable and market housing. However, it is considered that the allocations within the Plan provide for a range and choice of sites within Galashiels. Furthermore, there are a number of sites identified within the Strategic

Housing Investment Programme (SHIP) (CD164) for the Galashiels area. This demonstrates a commitment to delivering affordable housing within the town. In conclusion, it is considered that there is sufficient allocations within Galashiels for the plan period. In respect of house prices, this is not a material planning consideration and is not a matter to be dealt with as part of the Proposed LDP.

Gala Policies (GSGALA009) (056 (1 of 3; 3 of 3), 081, 082, 084, 085, 086, 087, 088 1 of 2, 089, 092, 094, 095, 096 (1 of 2, 2 of 2), 097, 099, 100, 110, 127, 139, 145, 165, 184, 195, 212, 214, 215, 225, 252, 261, 269, 270, 273, 288, 295, 304, 319, 320, 326, 335, 339, 341, 342, 345, 347, 351, 414, 417, 452, 469, 470, 477, 487, 489, 497, 500, 501, 509, 514, 584, 615, 628, 653, 685, 686, 710 (2 of 2), (718 2 of 2), 727, 735, 739, 774, 786, 791, 794; 795, 819, 892, 893, 894, 895, 903, 904, 931, 935, 955, 980, 986, 987, 993, 996, 1006, 1007, 1017, 1038)

- The Plan identifies Key Greenspaces within settlements on settlement maps contained within the Settlement Profiles. The aim in the identification of Key Greenspaces in the LDP is to protect and safeguard the most important spaces within settlements. This is in line with Planning Advice Note (PAN) 65: Planning and Open Space (CD060, page 13) which states: "*Development plans should safeguard important open spaces from development in the long term*". Policy EP11 - Protection of Greenspace sets down stringent criteria that any proposal that results in the loss of greenspace must demonstrate.
- Key Greenspace GSGALA009 (Gala Policies) was originally identified as such within the current Scottish Borders Local Development Plan 2016. In respect of Potential Longer Term Mixed Use sites SGALA005 and SGALA016 (Hollybush Valley) the Plan states that (page 348) amongst other site requirements the preferred longer term development area would be '...subject to a transport appraisal and major roads issues to be addressed including: new road through the Policies on Balmoral Avenue side...'
- Establishing appropriate access arrangements to the aforesaid potential longer term development sites is challenging. It is for this reason that a Masterplan will be required, to consider a coherent and holistic approach to the potential development of the site. An access road through GSGALA009 (Gala Policies) was identified as an option to be investigated. This requirement has been within the LDP since 2016. It was appreciated at the time that any route through the policies would be contentious and challenging, as is the case for many new or potential longer term sites within the town as over the years the best sites have been allocated.
- In the case of the Policies it was considered that much of the land is overgrown and unmanaged and that if a route was to be taken through the woodland, most likely on the extreme northern side adjoining Balmoral Avenue, this could only be considered if major improvements were put in place which would include an extended Policies area to the south west with management plans put in place to ensure a much more attractive and user friendly woodland area both for amenity and recreational purposes.
- However, it has become absolutely apparent through the most recent consultation process of the Proposed Plan that this area of land has significant community value, both in terms of the woodland and the use of the space for recreation. The Council is therefore of the view that reference to this through road through the Gala Policies should be removed from the Plan. Alternative access options to Hollybush will be considered via the masterplan process for consideration in a future LDP.

- In conclusion, the Council would be content for the reference made within the first site requirement for the sites, set out on page 348 of the Plan, to a 'new road through the Policies on Balmoral Avenue side' to be removed as a non-significant change to the Plan.

Scott Park (GSGALA010) (052 (1 of 2), 056 (1 of 3; 2 of 3; 3 of 3), 074, 091, 159, 165, 212, 261, 288, 290 1 of 4, 337, 349, 452, 469, 470, 489, 497, 500, 509, 590, 593, 594, 595, 603, 604, 608, 615, 623, 653, 676 2 of 2, 708, 709, (710 (1 of 2), 713, 715, 718 (1 of 2), 719, 726, 728, 736, 742, 751, 752, 754, 768, 771, 774, 783, 786, 791, 794, 795, 819, 856, 893, 898, 918, 920, 955, 974, 987, 996, 1007, 1029)

- The Plan identifies Key Greenspaces within settlements on settlement maps contained within the Settlement Profiles. The aim in the identification of Key Greenspaces in the LDP is to protect and safeguard the most important spaces within settlements. This is in line with Planning Advice Note (PAN) 65: Planning and Open Space (CD060, page 13) which states: "*Development plans should safeguard important open spaces from development in the long term*". Policy EP11 - Protection of Greenspace sets down stringent criteria that any proposal that results in the loss of greenspace must demonstrate.
- Funding to replace the existing Galashiels Academy with a new community campus was approved by the Scottish Government in December 2020 and an informal community consultation began in early 2021. It highlighted that the public consultation process in respect of the proposed replacement school was undertaken by the Council's Project Management Team. Options being considered include the part use of GSGALA010 (Scott Park) which is located immediately adjacent to the existing Galashiels Academy. This process does not relate in any way to the Proposed Local Development Plan which does not propose any change to the existing Greenspace designation at this location. It is for the planning application process to determine whether or not the proposal for the erection of a replacement high school is appropriate and justified at this location. At this point in time it is understood that the Council is considering the options in terms of those set out within the public consultation with a view to submitting a Proposal of Application Notice, followed by a full planning application.
- Contributor 676 (2 of 2) has suggested an alternative area of land for consideration, to the south east of the Existing Academy. This has been referred to the Council's Project Management Team who are dealing with the matter of the replacement school for their consideration and action.
- The views expressed are noted. However, the issues raised are outwith the remit of the Plan and must be considered through the Development Management process taking account of relevant policy considerations including the criteria tests within policy EP11 – Protection of Greenspace.

Roxburgh Street (zRO6) (827)

- The site is identified as a redevelopment opportunity within the Plan and has been allocated as such since at least the Ettrick and Lauderdale Local Plan 1995 which identified the site as a Town Centre Redevelopment Opportunity (Site Code TC2) (CD018). The boundaries of the site have been amended through time although the principal of this site as a redevelopment opportunity remains.
- The Contributor (827) requests that any development facilitates the creation of a lade walk/cycle way along the Mill Lade as envisaged in Chapter 7 of the Galashiels

Masterplan (2017) (CD013, pages 210-225) and in accordance with Policy PMD2: Quality Standards (r) of the Plan. Pedestrian access along the lade between the High Street Car Park and Roxburgh Street was previously considered in relation to the construction of New Reiver House (Job Centre), planning application reference no. 04/02452/FUL.

- The Galashiels Masterplan 2018 (CD013) states the following on page 215: *'The mill lades were once the life energy for the town which powered the great water wheels for textile production. The vision would be to expose, reconnect and enhance the existing lades, creating new routes linking into various pockets of communities throughout Galashiels creating a key resource for leisure, tourism and recreation. The strategy would be to preserve and retain the existing vegetation along these routes and enhance them further with a purpose built foot and cycle path with dedicated lighting, art and sculpture, seating, play spaces and interpretation boards'*.
- This level of detail would be explored during the process of any future planning application(s) related to the site. However it is agreed that this is an aspiration clearly set out within the aforementioned Masterplan and the Council would be content for a further site requirement to be added to the site requirements set out on page 349 of the Plan requiring that the option of a foot/cycle path along the mill lade is explored. This would constitute a non-significant change to the Plan.

Reporter's conclusions:

1. Figure 3 (Strategic Development Plan Spatial Strategy) on page 21 of the proposed plan shows that Galashiels lies within the Central Strategic Development Area. I therefore disagree with the council's comments above on this matter.

Land at Winston Road (BGALA006) (983)

2. NatureScot suggests that the site requirement in relation to potential impact of development on the River Tweed Special Area of Conservation be clarified. The council suggests additional text to address NatureScot's representation. This additional wording would be appropriate to explain the context for requiring mitigation measures to prevent any impact on the River Tweed Special Area of Conservation. A modification to this effect is recommended.

Coopersknowe Phase 4 (AGALA017) (017, 025, 988)

3. This allocation relates to a housing site which is under construction. The council's response provides background information on the planning history of the site. The principle of housing development has already been accepted and no modifications to the proposed plan are required to address matters raised in representations.

Easter Langlee Expansion Area (AGALA024) (017, 025, 927)

4. The council's response above explains that the site was first allocated in the 2008 Local Plan and there have been planning applications submitted from 2011 onwards. The council has also indicated that detailed matters such as those raised in representations have been taken into account in the determination of planning applications on the site. As the site already has planning permission and is under construction, there would be no justification to require additional infrastructure or transport improvements in relation to this allocation. No modifications are necessary.

Easter Langlee Mains II (AGALA038) (067)

5. The representation promotes this 21-hectare site on the western side of the C77 Langshaw Road as a potential area for longer-term housing development. This is to allow for additional assessment and masterplanning to determine the site capacity, taking into account any possible requirement for a buffer zone to the landfill/waste site, and other mitigation measures.

6. The main reasons given by the council for not supporting the site are detachment, public safety and amenity, previous development plan considerations, transport and landscape. Representation (067) provides further information to address these matters and concludes that, whilst the site has a few issues to overcome prior to development, none of these are insurmountable.

7. The site is separated from the northern settlement boundary by existing structure planting which varies in depth from a narrow tree line at Coopersknowe to a more substantial landscaping belt at Hawthorn Road. The ridgeline which runs between the existing housing and the site also contributes to a sense of detachment from the rest of the settlement. However, I agree with the representation that the site layout could include mitigation to help integrate development with neighbouring housing.

8. The representation notes that a previous objection from the Scottish Environment Protection Agency (SEPA) is likely to be resolved when operations cease at the adjacent landfill site. It states that potential noise nuisance from the waste transfer centre and aggregate crushing and sorting facility can be addressed through the construction of a bund in the southeast corner of the site.

9. The council confirms that the landfill site will be capped in the near future. However, it remains concerned about the risk of gas leakage and the impact this could have on housing built close to the landfill site. I have insufficient information before me to reach a conclusion on this matter. However, given the size and nature of promoted site AGALA038, housing development could potentially be positioned away from Langshaw Road to create an appropriate buffer, if required. Subject to the views of SEPA, I do not consider that the presence of the former landfill site would necessarily prevent the site being considered as a potential area for longer-term housing development.

10. I note the conclusions reached by reporters in previous local development plan examinations. However, I am required to come to my own conclusions based on the evidence before me, including the representation and the council's response.

11. The council considers that development at this location would require significant upgrading of Langshaw Road, involving land which is outwith the control of the site owner. I also note that the positioning of Easter Langlee Cottage on the eastern side of Langshaw Road results in a narrow pinch point in the road.

12. The representation suggests that the lack of a roadside footway along a section of Langshaw Road could be mitigated through the availability of alternative pedestrian routes through Coopersknowe. However, such a solution would not prevent pedestrians using Langshaw Road, which would raise safety concerns. In the absence of a transport assessment for the promoted site, I find that this potential constraint remains unresolved.

13. I consider that development at this location would have a visual impact on the approach to the settlement from the north. However, I acknowledge that the site is relatively well contained in the wider landscape and a new strong settlement edge could be created along the northern boundary of the site.

14. The “Preferred Areas for Future Expansion” section of the Galashiels settlement profile in the proposed plan states that “the area at Easter Langlee Mains is currently not appropriate for longer term development but can be reconsidered in future Local Development Plan reviews depending on the development of waste disposal and recycling-related facilities in the surrounding area and the requirement to upgrade the Langlee access road”. The council has confirmed that the site could potentially be brought forward in a future local development plan if and when the aforementioned constraints are addressed.

15. Irrespective of the merits or otherwise of promoted site AGALA038, Issue 006 concludes that there is no need to allocate any more housing land besides what is already set out in the proposed plan. There is also no compelling evidence to support the identification of additional potential longer-term housing sites besides what is already in the proposed plan. No modifications are required.

South Crotchetknowe (EGL16B) (062)

16. The western part of site EGL16B forms part of the garden ground for the property at 22 Melrose Road. The owner of this land does not intend to develop it for housing and has requested that the site boundary is amended accordingly.

17. The council supports the requested change and also proposes consequential modifications in relation to the overall site area, indicative capacity and the requirement to provide a pedestrian link to Glenfield Road East. It points out that pedestrian connections would still be available along Melrose Road to the north.

18. No representations seek the deletion of this long-standing housing allocation. I agree that, if part of the site is not available for housing development, the site boundary should be amended and the site area and capacity adjusted, as suggested by the council. Whilst the creation of a pedestrian link to Glenfield Road East would have been beneficial in providing an off-road route, the footway on the south side of Melrose Road would offer a reasonable alternative. Recommended modifications are set out below.

Mossilee (EGL19B) (026)

19. Allocation EGL19B covers an area of 3.8 hectares with a total capacity of 120 homes. Roughly half of the site has already been developed, with 60 homes still to be built. Representation (026) raises concerns about the traffic impact of this allocation on roads in the town centre and the wider road network.

20. I consider that all of the allocations in Galashiels have the potential to result in additional traffic in the town centre and the wider road network. I agree with the council that detailed matters in relation to vehicular and pedestrian access can be addressed at planning application stage. No evidence has been provided which would justify the removal of allocation EGL19B on traffic impact grounds. The comments regarding the state of the carriageway and the operation of traffic light systems are matters for the

council as roads authority and are beyond the scope of this examination. No modifications are required.

Ryehaugh (EGL32B) (005 and 827) and North Ryehaugh (EGL200) (005)

21. Allocations EGL32B and EGL200 are located on the south and west side of the A7 road, on the main approach to the town from the northwest. These allocations are included in the Adopted Local Development Plan (2016), with the same boundaries as shown in the proposed plan. Representation (005) seeks some minor amendments to the boundary of EGL200 and potentially also EGL32B.

22. I note that the boundary of EGL200 already includes the disused road where it runs along the southern part of the site. I observed on my site inspection that the section of the former road next to the A7 is overgrown and there is no clear boundary between it and the remainder of the site. As such, I consider that the outer edge of the disused road would provide a more logical site boundary than that shown in the proposed plan. Whilst the site requirements for allocation EGL200 make clear that vehicular access from the A7 would not be appropriate, the land occupied by the disused road could be incorporated into the site layout.

23. It would also be logical to rationalise the boundary of allocation EGL200 to extend the site eastwards and northeastwards to the edge of the A7. This approach would be consistent with the existing boundary of allocation EGL32B. I agree that the omission of the narrow strip of land to the south-east of allocation EGL200 from either this site or EGL32B is an anomaly. This could be resolved through a minor adjustment to the boundary of allocation EGL200. No change to the boundary of site EDL32B would be necessary.

24. The council has not provided any reasons why the proposed changes should not be made. Whilst it considers that these matters could be addressed at planning application stage, making the changes through the local development plan would provide certainty to prospective developers. Recommended modifications to the boundaries of allocation EGL200 and consequentially also to the Galashiels settlement boundary are set out below.

25. The comments (827) in relation to the potential impact of development on site EGL32B on the Buckholm Lade are not seeking any specific modifications to the proposed plan. I agree with the council that this is a matter which could be considered at planning application stage, in line with relevant local development plan policies. No modification to allocation EGL32B is required.

Forest Hill (EGL42) (056)

26. Representation (056) is not seeking the deletion of this allocation. Rather, it is a comment that the proposal would result in the loss of a greenfield site, which increases the justification to protect Scott Park and the Gala Policies.

27. The council has explained that this is a longstanding allocation, and its development would be guided by an approved planning brief. The site forms part of the existing housing land supply. I do not consider that any modifications are required in response to this representation.

Balmoral Avenue (EGL43) (094, 685, 686, 695, 710, 791)

28. Site EGL43 Balmoral Avenue is located beyond the southwestern end of Balmoral Avenue and forms part of an agricultural field which sits higher than existing housing on Balmoral Road. The site was first allocated for 10 houses in 2008 and forms part of the existing housing land supply.

29. I note the concerns raised in representations regarding the impact of additional traffic arising from development of this site. Whilst the council's site assessment recognises that Balmoral Avenue is congested, it states that the road network could accommodate 10 additional homes. I agree that a development of 10 homes would not have a notable adverse effect. I also agree with the council that matters relating to the amenity of existing residents, including potential loss of daylight/sunlight could be addressed at planning application stage.

30. The only means of access to the site is through the protected woodland located to the south of Balmoral Avenue and Balmoral Road. This land is part of the Gala Policies key greenspace (GSGALA009) and is covered by a Tree Preservation Order. I consider that the provision of an access road at this location would be contrary to Policy EP11: Protection of Greenspace. Furthermore, Policy EP13: Trees, Woodlands and Hedgerows states that "the council will refuse development that would cause the loss or serious damage to the woodland resource unless the public benefits would clearly outweigh the loss of landscape, ecological, recreational, historical or shelter value". Notwithstanding the wording of these policies, the council considers that the provision of an access road could be accommodated.

31. As already indicated above, Issue 006 concludes that there is more than sufficient land that could reasonably be expected to deliver homes during the plan period to meet the recommended local housing land requirement (LHLR). Since the LHLR would already be more than accommodated by other sites in the plan, I do not consider that the loss of protected woodland in this instance would be justified. Therefore, I recommend deletion of allocation EGL43 from the plan, including from the Galashiels settlement profile on page 345 and the Galashiels settlement map. A consequential change to the development boundary would also be required. Modifications to that effect are set out below.

32. Flood risk matters raised by the Scottish Environment Protection Agency (SEPA) in relation to this site are covered separately in Issue 074: Response to submission made by SEPA. The findings there do not alter my conclusions regarding the allocation of this site in the plan.

Hollybush Valley (SGALA005 and SGALA016) and Gala Policies (GSGALA009)

33. Numerous representations object to the identification of land at Hollybush Valley as potential longer-term mixed-use sites. Representations also object to the site requirement on proposed plan page 348 which refers to the provision of a new road through the Gala Policies on the Balmoral Avenue side to access sites SGALA005 and SGALA016.

34. I firstly consider matters relating to the principle of these longer-term potential sites and then address the proposed access arrangements.

-Hollybush Valley (SGALA005 and SGALA016)

35. As indicated above, Galashiels lies within the Central Borders Strategic Development Area. The spatial strategy set out in proposed plan chapter 4 indicates that strategic development areas are to be the primary locations for growth and investment.

36. The identification of sites SGALA005 and SGALA016 as potential longer-term sites originated in the 2009 local plan amendment. The sites are also identified as longer-term sites in the consolidated local development plan (2011) and the Adopted Local Development Plan (2016). It states that the Hollybush Valley area will be subject to further assessment and review as part of the next local development plan review.

37. The council's site assessment report provides background information in relation to sites SGALA005 and SGALA016, and the site requirements on proposed plan page 348 indicate what further assessment work is necessary. These include the need for a transport appraisal.

38. The information provided in the site assessment report for sites SGALA005 and SGALA016 appears to date from the local plan amendment (2009). Notwithstanding the provisions of the Adopted Local Development Plan, these sites do not appear to have been subject to further detailed assessment as part of the preparation of the proposed plan. This would suggest that the assessments relating to these sites are now around 15 years old.

39. The council does not address the concerns raised in representations in relation to landscape impact, loss of biodiversity, mix of uses and traffic impact. Instead, it states that these are matters which still need to be fully considered. It makes clear that prior to sites SGALA005 and SGALA016 being identified as firm proposals in future plans, they would be fully assessed along with any potential alternative sites in Galashiels. However, at this time, the council still considers that development of the Hollybush Valley remains the best option for future larger scale expansion of the town.

40. The principle of identifying areas that may be suitable for new homes in Galashiels beyond 10 years is consistent with national planning policy.

41. I find that the representations in relation to sites SGALA005 and SGALA016 raise valid planning considerations. Whilst I understand that further assessment work is to be undertaken, care is needed to ensure that the plan does not imply that the principle of development on these sites has already been accepted. The outcome of this further assessment work may lead to a conclusion that these sites are not suitable for development.

42. I have insufficient information before me to fully address the concerns raised regarding the impact of development on sites SGALA005 and SGALA016. I agree with the council that the preparation of a masterplan, including public consultation, would allow detailed consideration of some of the matters raised. However, I consider that minor amendments are necessary to make clear that these sites are not firm proposals at this time and that further up to date assessments would be required. Modifications to this effect are recommended below.

43. Apart from site AGALA029 (Netherbarns) which I consider separately under Issue 035, the other potential locations for future growth suggested in representation (774) are not being promoted by a landowner/developer and insufficient information has been submitted to justify the allocation of these sites. No modification is required.

-Gala Policies (GSGALA009)

44. As I have already noted above, the Gala Policies are identified as a Key Greenspace (GSGALA009). Policy EP11: Protection of Greenspace states that key greenspaces will be protected from development that will result in their loss.

45. The site requirements for SGALA005 and SGALA016 at Hollybush Valley refer to the provision of a new road through the Gala Policies on the Balmoral Avenue side. Representations have raised concerns about potential environmental and amenity impacts.

46. In response to these representations, the council suggests the deletion of the words "new road through the policies on Balmoral Avenue side" from the site requirements on page 321 of the proposed plan.

47. I consider that the provision of a new road through the Gala Policies could be contrary to Policy EP11. A decision on whether the benefits of the road would justify such a proposal could only be made following a transport assessment and an assessment of its impact on Gala Policies. As these assessments have not yet been undertaken, it would be premature for the site requirements to mention the provision of a new road through Gala Policies. I therefore agree to the proposed wording change. A modification to this effect is recommended below.

Scott Park (GSGALA010)

48. Representations object to the use of part of Scott Park for the replacement of Galashiels Academy. However, the council's school replacement project is not a local development plan proposal and therefore this is not a matter for this examination.

49. Scott Park is identified in the proposed plan as a Key Greenspace, with its boundaries shown on the Galashiels settlement map. The only reference I could find to the replacement school is on proposed plan page 343 where it states that plans are progressing for a new secondary campus which is expected to be located on the site of the existing school.

50. The council's response above explains the progress on the replacement school project since the publication of the proposed plan, including the approval of funding by the Scottish Government and a community consultation exercise on site options.

51. As there is no school proposal shown within the boundaries of Scott Park in the proposed plan, no modification is required to address the matters raised in the representations.

Roxburgh Street (zRO6) (827)

52. The proposed plan identifies the Roxburgh Street area as a redevelopment opportunity with a list of site requirements provided on page 349. Representation (827) points out that this list makes no reference to the creation of a footpath/cycleway along the mill lade as envisaged in the Galashiels Masterplan Regeneration Framework. The council suggests that an additional bullet point be added to the site requirements to address this matter.

53. I agree that, in the interests of consistency, the proposed plan should be modified. I have insufficient information before me to confirm that the aspirations of the Galashiels Masterplan in relation to the mill lade can be realised. I therefore consider that the requirement should be to explore the potential for a foot/cycle path along the mill lade, consistent with the Galashiels Masterplan Regeneration Framework. A modification to this effect is recommended.

Proposed Housing - General (417)

54. The representation is concerned that housing allocations in Galashiels do not provide the right number and types of housing in the correct area and that there will be insufficient social housing. The council's response above explains that a number of sites in Galashiels are identified within the council's Strategic Housing Investment Programme. Furthermore, Policy HD1, which is considered separately in Issue 013 (Housing Development Policies) addresses affordable housing delivery. No modification is required.

Reporter's recommendations:

Modify the local development plan by:

1. replacing the fourth bullet point in the site requirements section for allocation BGALA006 Land at Winston Road on proposed plan page 346 with:

"Mitigation measures are required to prevent any impact on the River Tweed Special Area of Conservation (SAC) in line with the Habitats Regulation Appraisal, which seeks to prevent any adverse effects on the site integrity of the River Tweed SAC."

2. amending the site boundary of allocation EGL16B South Crotchetknowe on the Galashiels settlement map to remove the western part of the site (the area shown in blue on proposed plan page 16 of core document CD119).

3. amending the allocation summary for site EGL16B on proposed plan page 344 to change the site size to 1.1 hectares and the indicative site capacity to 11 and delete the fifth bullet point in the list of site requirements.

4. amending the boundary of allocation EGL200 North Ryehaugh on the Galashiels settlement map on proposed plan pages 352 and 353 to:

- incorporate the section of disused road to the north and west of the existing site boundary.
- align with the western and southwestern edge of the A7 public road.

- incorporate the narrow strip of land immediately to the southwest of the A7 which currently falls between allocations EGL200 and EGL32B Ryehaugh.
Consequential changes to the Galashiels settlement boundary would also be required.

5. deleting allocation EGL43 Balmoral Avenue from the proposals table on proposed plan page 345 and the Galashiels settlement map (proposed plan pages 352 and 353) and also amending the Galashiels development boundary on the settlement map to exclude the land shown as EGL43 in the proposed plan.

6. replacing the first sentence of the site requirements section for sites SGALA005 and SGALA016 Hollybush Valley on proposed plan page 348 with:

“The Hollybush areas will be subject to further assessment prior to being considered for inclusion as firm proposals in a future local development plan. If allocated, a Masterplan will be required to ensure a coherent and holistic approach to future development.”

7. deleting the words “new road through the Policies on Balmoral Avenue side;” from the first bullet point of the site requirements section for sites SGALA005 and SGALA016 Hollybush Valley on proposed plan page 348.

8. adding the following bullet point to the list of site requirements for allocation zRO6 Roxburgh Street on proposed plan page 349:

“The potential for a foot/cycle path along the mill lade should be explored, consistent with the Galashiels Masterplan Regeneration Framework.”

Issue 35	AGALA029 – Netherbarns	
Development plan reference:	Galashiels Settlement Profile and Map (AGALA029 – Netherbarns) (pages 342-353)	Reporter: Alison Kirkwood
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Stuart Aitchison (040) Nicholas Hayes (052) 2 of 2 Denise Clark (056) 1 of 3; 3 of 3 Tracy Hetherington (058) Luke Gaskell (073) Philip Munro (076) Lewis Nelson (083) Derek Stewart (084) 2 of 3 Malcolm Ross (088) 2 of 2 Annette Kurth (103) 1 of 2 and 2 of 2 David Kowbel (104) Ryan Smith (105) Fiona Waterson-Law (106) Dandie Dinmont Terrier Club of Canada (108) P J Leary (109) Mary Machum (112) Ian Skinner (113) Eric Adams (115) Andrew Festing (116) Karen Cowan (117) Mr and Mrs Watt (120) Tish Alderson (121) Angus Tulloch (123) Clancy Goodfellow (124) K T Wiedemann Foundation (125) Lorraine Noble-Graham (126) Sophie Tulloch (128) Sharyn Brown (129) Rev Dr Jeff Dailey (130) Professor Jane Bower (132) Earle Ross Haire (134) Alexander Pollock (136) Francis Hamilton (137) Philip Morris (140) David McClay (141) David Reid (142) Ruth Lyle (143) Julia Romanes (146) Leslie Allan (147) Birlinn Ltd (Publishers) (148) Jane Chalmers (149)</p>	<p>Anne Heseltine (432) Caroline McAslan (433) Charles Marshall (434) David Burton (436) David Warburton (437) Dougie McKay (438) Dr Andrew Middleton (439) Dr John H Alexander (440) George Ross (442) Hugh Edwards (443) Iain McRiner (444) James Hope (445) Janet Collyer (446) John Harrison (447) Leonard Mair (449) Lucy Maxwell Scott (450) Nigel Pike (451) Martin Fairley (453) Archie McConnel (454) Paula Franchetti (455) Bruce Deans (456) Debi Ritchie (458) Diane Rowe (459) Fiona Boyle (460) Anne Watson (461) Helen Blackburn (462) Henrietta Hope (463) K Pinto (464) Lynn Allan (465) Michael Cowe (466) Mr and Mrs J A Buchan (467) Nigel Buchanan (471) Peter J Williams (472) Peter Manson (473) R Lewis (474) Robert Nuttall (475) Sean Cramond (478) Sir David Edward (479) Steven Bishop (482) Teresa Kirby (484) The University of Wyoming in Scotland Program (485)</p>	

Camilla Bailey (150)	W T M Cleghorn (491)
Amy Redman (151)	Peter Jones (492)
Nicola Bell (152)	Claudia Bolling (496)
Michelle Kowbel (153)	James Egan (498)
Bendor Grosvenor (154)	James Tate (499)
Lorna Harris (156)	Aude Le Guennec & Gordon Campbell (500)
Alexander Reid (157)	Sarah Hill (503)
Wendy Perry (158)	Sandra Montgomery (504)
Alexandra Stewart (159 1 of 2)	Anthony & Brenda Haines (505)
Philippa Chandler (160)	Colin Comrie (506)
Joseph Clarke (161)	Violet M Baillie (507)
Penny Trichler (162)	Thomas & Flora Kerr (508)
Deirdre Kelty (163)	Margot McMurdo (510)
Sean Turner (164)	Richard Thomas Muxworthy (511)
Bonnie Camden (166)	Shirley Ann Muxworthy (512)
Tania Paterson (167)	Lindsay Stanton (516)
Michael Allan (168)	Jillian Scott (517)
Frank Brown (170)	Lisa Soud (521)
Tracy Christie (171)	Adrian & Ronia Crisp (522)
Donald Whyte (172)	Alan Stewart (523)
Emma Miller (173)	Christine Stewart (524)
Mike Bryan (174)	Dr Marianne Rustad (525)
Ann Harrison (175)	Louise Gardner (527)
Andrew Burnet & Company Ltd (176)	Mike Elliot (528)
Heather Adams (177)	Miki Fairfax (529)
Sheila Robertson (178)	Mr Barker-Main (530)
Judy Gillespie (179)	Neil Munro (531)
Sally Lee (180)	Rosamund de la Hey (532)
Dr P Leak MRCVS FSA Scot (181)	Sarah Ross (533)
Lindy Barbour (182)	Pat Campbell Fraser (534)
Justin Strugnell-Combe FSA Scot (183)	Edward Hocknell (535)
Naomi Crosbie-Iwasaki (184)	Edward Holloway (536)
Gavin Smith (185)	Keith and Hilary Wallace (537)
Jean Blair (186)	Georgina Riley (538)
David Neil Redmayne (187)	Ian Scott (539)
Derek Martin (188)	Katharine A M Noble (540)
Margot Baird (189)	Alice Somann (541)
David Wise (190)	Christine Henderson (542)
Bernard Peel (191)	P D Hunter (543)
Sheila Patterson (192)	Andrew Kerr (544)
Scott Turner (193)	Colin T Sampson (545)
Mike Somerville (194)	Elaine M Tibbetts (546)
Luis and Lisa Marie Calderon (197)	Hazel Woodsell (548)
Lainie and Kenny Lipschutz (199)	Jim Rayner (549)
Sir Charles Fraser (200)	Ian Martin (550)
Heather Grant (201)	Ronnie Glass (551)
A D Stewart (202)	Emma Salvesen (552)
Ian Martine (203)	Richard Rogers (553)
John Wright (204)	R A Brooks (554)
Christine Wright (205)	S Brooks (555)
H Simpson (206)	W W Quarry (556)
Lord Sanderson of Bowden (207)	

James Millar (208)	J Quarry (557)
Moira Ritchie (209)	Amanda Kay (558)
Allison Danzansky (210)	Maureen Campbell (562)
Lorna Peggie (211)	Charlie Kay (563)
Dandie Dinmont Terrier Club of America (213)	Maureen Watson (564)
Barbara McFarlane Wright (216)	Alasdair Munro (566)
Heather Forbes (217)	Audrey Quinn (567)
Chris and Tricia Townsend (226)	David Hamilton (568)
Victoria Brandon (227)	Drina Gillian (569)
Jim Otto (228)	Eleanor Pearson (570)
E Cleghorn (229)	Jim Henderson WS (572)
Simon McIntyre (230)	Kathleen Hudd and Richard Tanner (573)
Heather Tibbetts (231)	William de la Hey (575)
Guenier-Kruse Brigitte (232)	Yvette Jelfs (576)
Katy Jackson (233)	Michael and Margaret Rustad (577)
Scotland and More (234)	Bill Noble (578)
Brigitte Swainson (235)	Linda Rome (579)
Neil McIntosh (236)	Alan and Mimi Paterson (581)
Seven Hogg (237)	John Myles (582)
James G Ferguson (238)	Helen Burford (592)
Ben Cochrane (240)	Katie Masterson (596)
Dr William Zachs (241)	Samantha Smith (604)
Richard Schuster (242)	D M Spawforth (605)
Gillian Beatie-Smith (243)	Julie Ozwell (606)
Richard Maudslay (244)	Alison Martin (609) 1 of 2 and 2 of 2
Ronald Bell (245)	P J Lewis (610)
Paul Currie (246)	Bill and Sarah Donaldson (617)
P J Scott Plummer (247)	Donald Kinnear (618)
Muriel Scotchmere (248)	Michaelle Burns-Greig (619)
Irene J Martine (249)	I S Fairbairn (622)
Ian Greenhouse (250)	Andrew Watson (629)
Dr J Gordon Paterson (251)	E Sutherland (631)
Alistair Lawson (253)	Julia A Townsend (632)
Lesley Gray (254)	R Paxton (633)
Donald Fraser (255)	Catherine Johnson (634)
Barbara Shiel (256)	Christopher Hartley (635)
Alexander Willison (257)	William Purves (637)
Martin Chromy (259)	Save Britain's Heritage (639)
Debi Noel (260)	Katie Stavert (640)
George Shanks (262)	Richard Mawer (643)
Wendy Smith (263)	Sheila van der Merwe (644)
Mary Kenny (264)	Thomas Beattie (646)
Keir Bloomer (265)	Frances R Dorward (647)
Stephen Spencer (266)	Gerard & Carole Driscoll (649)
David Hardie (267)	Sylvia Grundy (651)
Lady Ann Fraser (268)	Evelyn V Mousseau & Violet I Waterer (652)
Eamonn Liddle (271)	Galashiels Community Council (653)
Andrew Marjoribanks (272)	David Coughtrie (656)
Sandra Brody (275)	Caroline Utz (657)
Lucy McLean (276)	Professor Donald MacLaren (660)
Fiona Follis (277)	John Sanders (662)

Carmen Foster (278)	Hugh Lockhart (663) 1 of 2 and 2 of 2
Vivien Henderson (279)	Dr John Frew (666)
Edward Brown (280)	Alan and Kathryn Morton (672)
Craig Martin (281)	Neil C McEwan (673)
Hilary Downie (282)	David McNaughton (675)
Ian Burrell (283)	John Scott (676) 1 of 2 and 2 of 2
Kirsty-Archer-Thompson (284)	William Graeme Henry (677)
Diana Miers (285)	Dr Michael Kenward and Dr Pirkko
Wavell Mayor (286)	Korkia-Kenward (678) 2 of 2
S J Chamberlain (287)	Diane Hanowitz (679)
Jamie Hetherington (289)	Joan M Rezzolla (680)
Anne Jessamy Pears (290 2 of 4)	Nigel Lindsay (681)
Andrea Fairbairn (291)	Jane Roberts and Brian McFarlane (692)
Mark Williamson (292)	Joanna Maxwell Scott (693)
Graham Reaves (293)	Stephen Deans (694)
Sinclair Scotchmere (294)	George Dalgleish (702)
Michael Walker (296)	Andrew and Barbara Lamb (703)
Bruce Hastie (297)	Gijs Wallis de Vries (704)
Reg Murray (299)	Robert and Joanne Fairburn (705)
Dr James Robertson (300)	James Maxwell-Scott QC (711)
Julian Greene (301)	James and Claire McCorquodale (714)
Robert T McNeil (302)	Merlin Lewis (721)
Margaret Casidy (303)	Lindsay Craig (731)
Anette Hagan (305)	Anne Williams Rzyzora (734)
Valerie Travers (306)	Jamie Frere-Scott (736) 1 of 3
Angus Stewart (308)	Professor Alison Lumsden (744)
Chris Fletcher (309)	Marion Livingston (749)
Michael Tibbetts (310)	J Leeming (755)
Lorna Blunt (311)	Kate Hunter (759)
Catherine Fawdry (312)	Alan Hunter (761)
Mary Fawdry (313)	Kenneth Greig (763)
Elizabeth Wallace (314)	Europa Nostra UK (767)
Amy Boyington (315)	Michael & Carole Statham-Fletcher (773)
John Martin Robinson (318)	The Faculty of Advocates Abbotsford
Linda Murray (321)	Collections Trust (781)
Roy Sully (322)	Richard Denholm (782)
Joanne Watt (323)	James Boyle (784)
Nick Joyce (324)	Professor David M Walker (790)
Hugh Salvesen (325)	Scotland's Garden and Landscape
Alan Reid (327)	Heritage (793)
Margaret McVitie (330)	Penny Lamont (796)
Graham Reid (331)	Julia Miller (804)
Michael Staples (332)	The Orde Food Company (814)
Grace McCullouch (333)	Nicholas Watson (851)
Jonathan Gillan (336)	Alison Bacon and Roger Bacon (857)
Pat Usher (338)	Lynne Dougall (858)
Robert Stock (340)	Melanie Houldsworth (859)
Susan Turner (343)	C Earl (860)
Alastair Stavert (352)	Ann B Smith (861)
Davina Jones (353)	Grace Durham (862)
Philip Bailey (354)	Nicola Evans and Liam Rutherford (863)
Marcia Brown (355)	Alison Thurgood (864)

<p> Harry McKerchar (356) Daniel Lamont (357) Jane Furness (358) Jenny Pike (359) Andrew Douglas-Home (360) Amalia Natillo (361) Victoria Rose (362) Dr John E Davis (363) William Roberts (364) Gillian Bonazoli (365) John Trotter (367) Alex C McWhinnie (368) Jeremy J A Howarth (369) Ian Scott (370) George Webster (371) James Oliver (372) Lesley Carr (373) Gary Copland (374) Irene and David Brownlee (375) Hallam Murray (376) Dr Malcolm Morrison (377) Elsie Ross (378) The Abbotsford Trust (379) Dr Albert M Debrunner (380) Elizabeth Ringrose (381) Ruth Mateer (382) Jill Prentice (383) Richard Oates (384 1 of 2, 2 of 2) Marion Oates (385 1 of 2, 2 of 2) Michael Hall (386 1 of 2, 2 of 2) Marion Smith (387) Thomas P Smith (388) I A R Brown (389) John and Virginia Murray (390) AG and MA Armitage (391) Tom Cockburn (392) Marie Claire Dibbern (393) Clive Dibbern (394) Margaret Girrity (395) Mr and Mrs John Hill (396) Francis Russell (397) Jonathan Ruffer (398) Lady Mary Davidson (399) Lesley Dick (400) Derek Robeson (401) Neil Horne (402) Lynda and Kieran O'Brien (403) David Maxwell Scott (404) Averil Ford (406) Dr John R Walker (407) Justin Lewis (408) Dr Margaret Collin (409) </p>	<p> Anne Norman (865) Gina Vivien Ramsay and Veronique B van Broekhoven (866) National Trust for Scotland (868/969) Rachel P Smuts-Muller (869) Althea Dundas (870) C M McNulty (875) Save Scott's Countryside (879) Marilyn Fransiszyn (881) Ali Machum (882) Arabella Lewis (885) Edgerston Trading Ltd (891) Kirsty Baird (897) Margaret Watson (900) William C Cassidy (905) Arbell Lewis (906) J Neil Rutherford (908) Jan Coughtrie (909) Jane Douglas-Home (910) Joan Lyall (911) Philip Church (912) R Smyly (913) A J Herd (914) Angela Stormont (916) Doug Swan (921) G D Bell and M Bell (922) Georgina Laird (923) John Chalkley (926) M Cripps (927) M Rutherford (928) Mirian Hass (929) Nicholas Biddulph (930) Alistair Pattullo (932) Frances Pringle (940) Judith Thompson (943) Kathryn Peden (945) Matthew Maclver (946) Rosemary Greening (949) Alistair D Wilkinson (952) Charles Brooks (953) Christian Clarkson (954) Clare Leeming (956) Colin Clarkson (957) Florian Englberger (959) Historic Environment Scotland (960) Sandra Mackenzie (967) National Trust for Scotland (969) Annette Carruthers (972) James Taylor (975) John Wares (977) NatureScot (983, 1015) Rosalyn Anderson (988) </p>
--	--

<p>Louisa van den Berg (410) Ruth Simpson (411) Mary Carmichael (412) The Architectural Heritage Society of Scotland (413) Moyna Maxwell Scott (415) Shirley Sandison (416) Veronica Blackwood (417) Dr Iain Gordon Brown (418) Edward Watson & David Ashworth (419) Norman Allan (420) Suze Bower (423) Sheila Judson (424) Peter Shepherd (425) Murielle Johnston (426) Alasdair Johnston (427) Alastair M Small (428) Alice Gordon (429) Andrew Cooper (430) Annabel Crawford (431)</p>	<p>Francine Hardwick (999) Kate Hayes (1001) Keith Crosier (1002) Scottish Civic Trust (1009) Tina Bucknall (1011) Marge Cuthbertson (1016) Andrew Watson (1018) Fiona Budden (1020) Matt Longworth (1022) Annie Macpherson (1023) Karen McAuley (1024) Alan Montgomery (1025) Christian Orr-Ewing (1026) Paul Pritchard (1027) Sue Reed (1028) Tom Miers (1037) Alexander Aitchison (1038) Iris Marhencke (1040)</p>
<p>Provision of the development plan to which the issue relates:</p>	<p>Housing Allocation AGALA029 – Netherbarns</p>
<p>Planning authority’s summary of the representation(s):</p>	
<p>The following Contributors object to housing allocation site AGALA029 (Netherbarns) but have listed no specific reasons for their objection:</p> <p>105, 116, 121, 129, 150, 156, 161, 179, 181, 183, 184, 189, 193, 260, 263, 291, 324, 356, 361, 451, 458, 506, 533</p> <p>With regard to those representations that have identified specific reasons for their objections and concerns, these have been summarised by issue rather than by Contributor for ease of reference. Each Contributor hasn’t necessarily commented on every aspect of the theme identified but the Reporter can view the individual representations in full separately.</p> <p>The following issues have been identified by Contributors objecting to housing allocation site AGALA029 (Netherbarns) for the reasons set out below:</p> <p><u>Abbotsford House and Estate – Impacts upon character, setting and views</u></p> <ul style="list-style-type: none"> There will be unacceptable landscape and visual impacts upon the historic and scenic character, setting and ambience of Abbotsford House and Estate, including its restored pathways, as a consequence of the proposed development within the setting of, and views from, Abbotsford. (073; 083; 103 1 of 2 and 2 of 2; 113; 115; 117; 120; 125; 128; 130; 132; 140; 141; 142; 143; 149; 151; 157; 158; 160; 162; 163; 166; 167; 168; 170; 171; 172; 174; 177; 178; 186; 187; 194; 197; 199; 202; 203; 204; 205; 206; 208; 210; 213; 216; 217; 226; 231; 238; 243; 246; 249; 256; 	

264; 265; 262; 266; 267; 268; 271; 272; 276; 278; 279; 280; 281; 282; 283; 284; 285; 286; 289; 290 (2 of 4); 292; 293; 294; 297; 299; 300; 302; 303; 305; 308; 310; 312; 313; 315; 321; 325; 327; 330; 331; 332; 336; 338; 340; 343; 352; 353; 354; 357; 358; 359; 362; 363; 364; 365; 367; 368; 369; 370; 372; 373; 374; 375; 376; 377; 378; 379; 380; 381; 382; 383; 384 (1 of 2, 2 of 2); 385 (1 of 2, 2 of 2); 387; 388; 389; 390; 391; 392; 393; 394; 395; 396; 397; 399; 400; 401; 402; 403; 404; 407; 408; 409; 412; 413; 415; 416; 417; 418; 419; 420; 424; 425; 426; 428; 429; 430; 431; 432; 433; 434; 436; 437; 438; 439; 440; 442; 444; 445; 446; 449; 450; 453; 454; 455; 456; 460; 461; 466; 467; 471; 472; 473; 474; 475; 478; 479; 482; 484; 485; 492; 496; 498; 499; 500; 503; 505; 507; 510; 511; 512; 516; 521; 522; 525; 529; 530; 531; 534; 535; 536; 537; 538; 539; 540; 542; 543; 545; 546; 548; 549; 550; 551; 552; 553; 554; 555; 556; 557; 558; 562; 563; 564; 566; 567; 568; 569; 573; 575; 576; 577; 578; 579; 581; 582; 592; 596; 604; 605; 606; 609 (1 of 2, 2 of 2); 610; 617; 618; 619; 622; 631; 633; 634; 635; 639; 640; 643; 644; 646; 647; 649; 651; 652; 656; 657; 662; 663 (1 of 2, 2 of 2); 666; 672; 675; 676 (1 of 2, 2 of 2); 677; 678; 679; 680; 681; 692; 693; 702; 703; 704; 711; 714; 721; 731; 736 (1 of 3); 744; 755; 759; 761; 763; 767; 773; 781; 784; 793; 796; 804; 814; 851; 857; 860; 862; 863; 865; 868; 869; 870; 875; 879; 891; 900; 905; 906; 908; 909; 910; 911; 912; 914; 921; 922; 923; 926; 927; 929; 930; 932; 943; 946; 949; 952; 953; 959; 967; 972; 969; 977; 999; 1001; 1002; 1009; 1011; 1018; 1020; 1022; 1023; 1024; 1026; 1027; 1028; 1037; 1038; 1040)

- Abbotsford House is a beautiful area with surroundings that have remained to an extent unchanged, in line with the desires of Walter Scott (052 – 2 of 2, 056 1 of 3)
- LDP2 claims that the houses will not be visible from Abbotsford. But can the Council give an undertaking that they will be demolished if it is wrong? (190)
- The Scottish Borders is one of the last unspoilt counties in the UK and needs to be protected not destroyed by housing (268).
- There will be unacceptable light nuisance impacts upon the historic and scenic character, setting and ambience of Abbotsford House and Estate, including its restored pathways, as a consequence of the sight of light pollution from development within the setting of, and views from, Abbotsford. This includes impacts from houses, street lights and vehicles during the darker times of the day (dusk) and year (winter months). (056 3 of 3); 174; 177; 231; 271; 280; 308; 310; 325; 357; 358; 362; 365; 379; 384 (1 of 2, 2 of 2); 385 (1 of 2, 2 of 2); 390; 404; 409; 415; 419; 430; 433; 439; 442; 445; 446; 456; 461; 471; 473; 484; 496; 529; 535; 545; 639; 567; 575; 576; 578; 579; 639; 651; 657; 675; 679; 692; 694; 702; 703; 711; 749; 767; 773; 781; 790; 857; 864; 865; 866; 875; 900; 926; 932; 943; 949; 953; 954; 1009; 1018)
- There will be unacceptable sound nuisance impacts upon the historic character, setting and ambience of Abbotsford House and Estate, including its restored pathways, as a consequence of the proximity of the proposed development within the setting of Abbotsford. This includes impacts from traffic, residents, children and pets. (174; 177; 231; 271; 280; 308; 281; 310; 325; 357; 362; 365; 377; 379; 384 (1 of 2, 2 of 2); 385 (1 of 2, 2 of 2); 390; 409; 419; 433; 439; 442; 445; 446; 456; 473; 484; 485; 496; 529; 535; 545; 567; 575; 576; 578; 579; 605; 639; 651; 657; 675; 679; 692; 702; 703; 711; 767; 773; 781; 857; 864; 865; 866; 875; 900; 926; 932; 943; 949; 953; 954; 1009; 1018)
- There will be unacceptable traffic nuisance impacts upon the historic character, setting and ambience of Abbotsford House and Estate, including its restored pathways, as a consequence of the proximity of development within the setting of Abbotsford. In so far as these impacts are explained, and beyond traffic noise and

light from headlights, these nuisance impacts also encompass 'traffic pollution' (air quality impacts from dust and fumes). (281; 362; 430; 484; 578; 579)

- There will be unacceptable litter impacts upon the historic and scenic character, setting and ambience of Abbotsford House and Estate, including its restored pathways, as a consequence of development within the setting of Abbotsford. (578; 579)
- Development will seriously overshadow Abbotsford House. (885)

Impacts on Character, Setting and Ambience of Surrounding Countryside

- Views from the site towards Abbotsford would be destroyed (141)
- Object on grounds of damage to environment (134, 232) and local disruption to area (175)
- The area directly looks over historic site of Abbotsford House. We are trying to encourage tourists to our area and it would take away the historic view with a concrete jungle. We are losing so much of our rural area (192)
- To build a housing development overlooking the house and grounds would have a devastating effect on the visitor experience at Abbotsford (245)
- The site is highly visible in the wider landscape (203, 249)
- Development would have an adverse effect on the area around Abbotsford on those using the A7 to visit the Eildon and Leaderfoot National Scenic Area, and to walkers along the footpaths in the Designated Scenic Area. (866)
- Specific concerns are raised with respect to views of the site from the Southern Upland Way and other surrounding routes and view-points used and appreciated by walkers, including river walks used by local residents; and views from Eildons and Leaderfoot National Scenic Area. (192; 354; 525; 563; 578; 579; 581; 582; 672; 704; 879; 929; 1011)
- Contributor advises that there would be adverse or unacceptable impacts upon the experience and use of the River Tweed, the national cycle route, the Southern Upland Way, to those who use and enjoy these natural facilities. (863)
- Specific concerns are raised with respect to views of the site from the River Tweed appreciated by fishers. (908; 1011)
- Contributor considers that there would be an unacceptable landscape and visual impact in views from Gala Hill, where the views of Abbotsford would be ruined by any such development. (297)
- Specific concern that noise from the development would have a detrimental impact on fishing, through noise pollution. (908)
- Contributor equates the proposal with massive disruption to the natural places of this area. (863)
- Contributor advises that the site and surroundings are a chance for visitors to enjoy wildlife. (390)
- Contributor advises that there would be impacts on Braw Lad's Day tradition, including in changing the scenery or context within which the press record, and spectators view, the procession. (083; 609 (1 of 2, 2 of 2))
- It would be very undesirable for the Galashiels urban area to extend any further to the south along the Tweed Valley, which is not the natural valley of the town (203, 249)

Development, Design and Layout Considerations

- Notwithstanding the reduction in the indicative capacity, contributors consider that the size and type of development indicated, would result in a scale and density of development (45 units), and a character of development ('large', 'modern' and/or 'suburban'), which would be particularly out-of-keeping with the site and its surroundings, and which, they consider, would heighten its intrusiveness in this largely wooded landscape. (413; 629; 672; 721; 851; 879; 927; 999; 1011; 1037)
- Contributor advises that two-storey buildings would be particularly inappropriate, particularly with regard to year-round mitigation of visual impacts. (749)
- Contributors advise that structures built on the higher parts of the site would be visible from the upper stories of Abbotsford, and from the surrounding designed landscape, where they anticipate they would be visible over the tops of the remaining tree screen. (352; 596; 640; 646; 677; 731)
- Contributor considers that similar development, including colours, to the Ballantyne Scheme on the other side of A7, would be particularly visually intrusive on the site. (581)
- Contributors consider that there would be an unacceptable cumulative impact with existing housing to east, were the site to be developed for housing. (629; 851)
- Contributors do not consider that low density – even with attempts at screen planting - would alleviate the impacts of housing development on the site, on Abbotsford House and its grounds. (679; 868; 967; 969)
- Contributors consider that new access road into the site, would itself contribute to inappropriate landscape and visual impacts in area. (578; 579)
- Type of homes proposed will not provide social housing and will instead be executive homes. (206)
- A masterplan should be developed for the site. (653)
- Will the proposed application add to the provision of housing for essential workers, such as NHS and Police? (773)

Existing Screen, New Planting and Impacts on Abbotsford House and Estate

- Contributors advise that the existing trees within the tree screen, do not screen out adequately views of the site at present. Further, they question the ability to conserve an appropriate screen of trees going forward, due to the fragility of the existing trees within the screen, and advise that there is uncertainty with regard to their long-term management including in relation to the former railway line whose management is not, and cannot, be factored in due to uncertainties with respect to its ownership and management. They observe that the existing trees are in need of maintenance/thinning; and/or will in any case diminish over time, as trees naturally fall or die-off; while new tree planting would take an unacceptably long time to mature. Over all, it is considered, even with new planting which would take years to mature, this would only ever be liable to be an ineffective screen in terms of mitigating adverse landscape, visual and sound impacts, and particularly so during the winter months when the screen would be seasonally reduced, and when light pollution would also be at its most apparent to visitors to Abbotsford, due to reduced daylight at that time of year. (040; 052 2 of 2, 058; 076, 083; 088 2 of 2; 120; 123; 124; 125; 128; 149; 162; 164; 166; 167; 171; 175; 178; 182; 203; 204; 205; 208; 226; 227; 228; 229, 230; 233; 235; 242; 246, 247; 249; 272; 282; 284; 290 (2 of 4); 306; 308; 314; 322; 325; 327; 332; 333; 340; 343; 352; 353; 357; 358; 363; 364; 367; 368; 370; 372; 374; 378; 379; 381; 383; 384 (1 of 2, 2 of 2); 385 (1 of 2, 2 of 2); 390; 391; 392; 393; 394; 395; 398; 400; 401; 402; 403; 404; 406; 409; 412; 413; 415; 416; 418; 419; 420; 423; 424; 425; 428; 434; 438; 439; 440; 442; 444; 446; 447;

450; 453; 456; 461; 471; 472; 473; 482; 484; 485; 492; 496; 499; 500; 503; 507; 510; 511; 512; 517; 522; 525; 527; 530; 531; 535; 538; 540; 544; 545; 549; 550; 551; 552; 553; 554; 555; 556; 557; 558; 566; 568; 569; 572; 577; 578; 579; 596; 604; 605; 610; 618; 619; 633; 634 635; 637; 639; 640; 644; 646; 651; 663 (1 of 2, 2 of 2); 672; 676 (1 of 2, 2 of 2); 677; 678; 679; 681; 692; 693; 694; 702; 711; 721; 731; 736 (1 of 3); 763; 749; 767; 784; 790; 793; 804; 851; 857; 860; 861; 862; 865; 866; 868; 869; 879; 908; 911; 913; 922; 923; 926; 929; 953; 954; 956; 959; 967; 969; 1009; 1018; 1024; 1037)

- The site assessment ignores the fragility of the mature tree screening on which the proposal is dependent. This is based on professional advice received by the Abbotsford Trust (379) with regard to management of the screening woodland in the Trust's ownership. It is highly likely that sight lines to the development will be created as mature trees fall naturally or are felled as part of active woodland management. (174; 177; 231; 379; 433; 445; 567; 576; 675; 703; 773; 781; 900)
- Contributors are concerned to advise that contrary to the Planning Department's understanding, Abbotsford is open to the public all year round, including in winter; and/or, going forward, that there are plans to expand its operating hours and activities into and within the winter months. Therefore, they advise, there is no mitigation in terms of the site not being operational at the time of year when the most adverse landscape and visual impacts, including light nuisance impacts, would be expected to occur, or be most apparent, due to the tree screen and daylight being at their most reduced. Acknowledgement of the potential for more severe landscape and visual impacts in the winter months should in itself, some consider, be taken to demonstrate the fragility of the existing tree screen; while even if Abbotsford were inaccessible to the public in winter, some consider that this should still not justifiably be considered acceptable mitigation per se, on the grounds that mitigation should work all year round to protect the cultural heritage interest appropriately. (088 2 of 2; 174; 177; 229; 231; 248; 251; 265; 308; 310; 325; 327; 357; 374; 379; 391; 392; 393; 394; 395; 400; 401; 402; 403; 404; 413; 415; 418; 420; 423; 426; 433; 439; 442; 444; 445; 446; 450; 453; 456; 471; 473; 507; 511; 512; 522; 530; 535; 540; 545; 550; 551; 552; 553; 554; 555; 556; 557; 564; 567; 576; 578; 579; 582; 618; 633; 634; 639; 644; 651; 662; 663 (1 of 2, 2 of 2); 672; 675; 679; 692; 694; 702; 703; 711; 721; 744; 763; 767; 773; 781; 784; 790; 804; 851; 865; 866; 869; 879; 900; 911; 921; 926; 929; 967; 983; 1009; 1015; 1018; 1037)
- It is incorrect to state that Abbotsford is closed in winter, and misleading to suggest by this statement that visits to Abbotsford in the winter are negligible: Abbotsford is now open annually in December. The Visitor Centre has been open all year round since 2014. Restoration of Scott's paths in 2018 has led to increased visits to Abbotsford's estate all year-round. (174; 177; 231; 379; 433; 445; 567; 576; 675; 703; 773; 781; 900)
- Some contributors explicitly advise that new tree planting to screen the site, would in itself change unacceptably the outlook from Abbotsford House and its grounds, and therefore that any new screen tree planting should not be considered acceptable per se, let alone as acceptable mitigation of the impacts of the development. (363; 404; 415; 424; 461; 531; 609 (1 of 2, 2 of 2); 644; 662; 972)
- Contributor advises that residents of Netherbarns would in the longer-term, likely push for views to be opened up, further undermining any screen that might be established in the long-term. (456)
- The replacement of any trees subsequently felled should be replaced without delay to protect the view from Abbotsford (653).

- Concern that trees protected by Tree Preservation Order(s) will not be protected long term. (076)
- Development will destroy local and historical woodland which is used by the community. (106)
- The proposed tree scape around the development would not be sufficient to block out noise, sight and sound that will emanate from the development not just during the construction phase, but for years to come. (134)
- A wider belt of trees should be provided for screening and sound reduction and evergreens should be included. (191)
- The suggestion that planting trees would shield Abbotsford House is no more than an admission that the development is detrimental to the ambience of the area. (245)
- Screened by trees is no excuse to allow houses to be built (250)
- Although tree planting can provide some concealment the trees in turn will have changed the environment and set a precedent to give the opportunity for further buildings to hide behind trees (254)

Abbotsford House and Estate – Cultural Heritage Considerations

- Unacceptable impacts upon the historic character and setting (ambience) of A Listed Abbotsford House and the public and future generations’ appreciation, experience, enjoyment and understanding of the cultural heritage resource and assets at Abbotsford, their landscape context, and the international, national, regional and local cultural, literary and historical legacies and traditions they evoke and represent, encompassing the iconic and famous views to and from Abbotsford, and the scenic landscape setting of Abbotsford House and Estate.
(052 2 of 2; 056 (1 of 3); 084 2 of 3; 103 1 of 2 and 2 of 2; 104; 109; 112; 113; 117; 123; 124; 130; 141; 143; 147; 148; 153; 154; 157; 159 1 of 2; 160; 162; 163; 173; 176; 180; 182; 188; 197; 199; 201; 202; 208; 210; 211; 213; 217; 228; 233; 235; 236; 237; 241; 242; 243; 244; 250; 254; 255; 259; 262; 266; 267; 271; 272; 275; 276; 278; 280; 283; 284; 285; 286; 289; 292; 293; 296; 297; 299; 300; 301; 302; 303; 305; 306; 308; 309; 310; 311; 312; 313; 314; 315; 318; 322; 323; 325; 331; 336; 340; 352; 353; 357; 359; 362; 363; 364; 365; 369; 370; 372; 373; 374; 375; 376; 377; 379; 380; 382; 384 (1 of 2, 2 of 2); 385 (1 of 2, 2 of 2); 386; 387; 388; 390; 391; 392; 393; 394; 395; 396; 399; 400; 401; 402; 403; 404; 409; 412; ; 413; 415; 418; 419; 420; 423; 424; 425; 428; 429; 430; 431; 434; 436; 437; 439; 440; 442; 443; 446; 449; 450; 454; 455; 456; 459; 460; 463; 464; 467; 472; 473; 474; 475; 484; 485; 491; 496; 498; 500; 503; 504; 505; 507; 508; 510; 511; 512; 516; 517; 521; 522; 523; 524; 525; 527; 528; 529; 530; 531; 532; 535; 538; 539; 540; 541; 542; 543; 544; 545; 546; 548; 549; 550; 551; 552; 553; 554; 555; 556; 557; 558; 564; 566; 568; 569; 570; 572; 573; 575; 577; 578; 579; 581; 582; 592; 596; 604; 605; 606; 609 (1 of 2, 2 of 2); 610; 617; 618; 619; 631; 632; 633; 634; 635; 639; 640; 643; 644; 646; 647; 649; 651; 652; 656; 657; 662; 663 (1 of 2, 2 of 2); 666; 672; 676 (1 of 2, 2 of 2); 677; 678; 679; 680; 681; 692; 693; 694; 702; 704; 711; 714; 721; 731; 736 (1 of 3); 763; 767; 784; 790; 796; 804; 814; 851; 857; 858; 859; 860; 861; 862; 863; 864; 865; 866; 868; 869; 870; 875; 879; 881; 882; 905; 906; 909; 910; 911; 912; 913; 914; 916; 922; 923; 926; 929; 930; 932; 940; 943; 945; 946; 953; 954; 957; 959; 967; 969; 972; 977; 1001; 1002; 1009; 1011; 1016; 1018; 1020; 1022; 1023; 1024; 1025; 1027; 1028; 1037; 1038; 1040)
- Cultural significance of Abbotsford must be protected. (076)
- What other country would seek to deliberately damage one of its great cultural assets in this way? (185)

- Development would cause undeniable irreparable harm to the region (197, 199, 210, 213, 217)
- Proposals to build anything near Abbotsford, the place that symbolises the presence of Sir Walter Scott in the world, should be reconsidered. Scott is important, not only to Scotland, but also in the United States. (130)
- This proposal as nothing more than environmental, historical and cultural vandalism (188)
- To spoil the cultural landscape and heritage of such an important asset of the Borders would be extremely foolish for 45 houses which would benefit very few people (209)
- The Council has a duty to preserve the history of the Scottish Borders and the legacy of Sir Walter Scott. It must resist pressure from developers to build housing driven by profit, not need (246)
- It is the job of Councillors' to protect these historic houses for future generations. (250)
- The proposed housing development would have a major adverse impact on the amenity of Abbotsford, a unique heritage site which brings major cultural and economic benefits to this part of Scotland. (248, 251)
- The Borders benefits hugely from this heritage site, one which has striven with significant funding and monumental work and good will to increase its profile and offer to visitors both local national and international. (264)
- The site lies adjacent to the boundary of Abbotsford, which is designated within the Inventory of Gardens and Designed Landscapes (GDLS). Development would be liable to detract substantially from the significance of this GDLS site, which is rated as 'Outstanding' in the Inventory. (352; 424; 454; 496; 507; 522; 596; 604; 640; 646; 672; 677; 679; 704; 731; 790; 793; 868; 879; 967; 969; 999)
- The importance of contribution of the site to the setting of the Abbotsford estate, and designed landscape is recognised within The Abbotsford Estate Conservation Management Plan 2017 (Peter McGowan Associates), which explicitly advises that this area should be protected from intrusive development (793)
- View from the Designed Landscape stretching far behind the Abbotsford boundary should be considered. (076)
- The site is within a stunning area of historical significance (126)
- Any proposed woodland would not mitigate the adverse impacts of the setting of Abbotsford in the Designed Landscape. (203, 249)
- Abbotsford is among the most significant designed landscapes in Scotland, is of outstanding national significance and is renowned internationally as the prototype of Scots Baronial architecture. The Scottish Government's "Inventory of Gardens and Designed Landscapes in Scotland" designate Abbotsford as being of "Outstanding" significance (233)
- Development will further urbanise the Boleside area, impacting the landscape value of Abbotsford (927)
- Contributor advises that visitors to Abbotsford advise of how much they appreciate the unspoilt views from the historic house stating that they especially loved the views from the North side of the house looking over the river Tweed, which have hardly changed from the time when Scott lived there. (299)
- Contributor advises that degrading what has been achieved at Abbotsford will discourage the heritage agencies from making any further investment in Border heritage projects. (790)
- Without the help from the Council and Scottish Government the Abbotsford Trust would not have been able to take forward the huge task of restoring Abbotsford, it is

painful to think that the Council are planning to approve this scheme which will impinge on the Abbotsford Estate. Development must be resisted at all costs (207)

- Contributor 851 advises that Abbotsford and its surrounding landscape are among Scotland's most important heritage assets. Landscape was key to Sir Walter Scott's thinking and his creation at Abbotsford, and is key to the appreciation of Abbotsford today: its landscape setting is vital in terms both of heritage and of visitor experience. Such is the importance of Abbotsford in heritage terms, but also as a tourism and economic asset to the Borders, that protecting and enhancing its setting for the long term should be regarded as of strategic importance. (851)
- Contributor 714 advises that Sir Walter Scott designed the house, gardens and walks to create the Abbotsford we have today, and considers that little has changed in 200 years. They advise that Sir Walter Scott designed the woodland walks to enjoy the riverside surroundings, and was forward thinking in buying the land opposite to save Abbotsford's setting. (714)
- Contributor 413, supported by Contributor 721, advises that both Abbotsford and the site lie within an area long-recognised as a major landscape asset. (413; 721)
- Contributor 851 notes that the site at Netherbarns previously fell within the Eildon Hills and Bowhill Area of Great Landscape Value. It is noted that the site is included within the Countryside Around Towns Policy (EP6), which clearly identifies Abbotsford and the Designed Landscape as worthy of special protection. (851)
- There is an increasing public awareness, and visitor education, about the importance of Sir Walter Scott attached to the development of the immediate landscape around, and the views afforded, from his home at Abbotsford. (672; 879)
- In the listing of the house and grounds at Category A, Historic Environment Scotland notes that Abbotsford "is one of the most important 19th century buildings in Scotland." (639)
- Due to its literary connection, but also due to its ground-breaking use of Baronial style architecture, Abbotsford House could claim to be the most important house of its date in Scotland. (643; 662)
- In addition to its literary, historic and architectural merits, Abbotsford is also the home of the Dandie Dinmont dog breed (275)

Abbotsford House and Estate – Economic Considerations

- Contributors consider that there would be unacceptable economic impacts as a consequence of this proposal, specifically in terms of the consequences for employment, business and income at Abbotsford itself, in the wider tourist and hospitality industry, and in the wider local economy of Galashiels and the Scottish Borders, due to reduced tourist and visitor interest, and therefore numbers of visitors being drawn to Abbotsford and the Scottish Borders. Abbotsford is seen to be the key tourist and visitor attraction in the area; and as such, central to the local tourist/visitor economy. It is considered that income from tourism and visitors to Abbotsford House and the surrounding area would be put at risk, or greatly reduced, if the site, its setting and ambience were lost or made less attractive to visitors and sightseers, with a consequent loss of employment at Abbotsford itself, and knock-on effects for the wider local economy including hotels, restaurants and other local businesses involved in, or otherwise benefit from, tourism. (052 – 2 of 2, 073, 083, 084 – 2 of 3, 108, 109; 115, 120; 123; 125; 128; 132; 141; 143; 146; 147; 149; 151; 152; 157; 167; 174; 175; 177; 178; 182; 186; 187; 188; 194; 197; 199; 200; 202; 206; 210; 211 213; 217; 226; 231; 236; 241; 262; 266; 271; 272; 275; 276; 277; 280; 281; 283; 284; 287; 290 (2 of 4); 293; 300; 303; 308; 309; 310; 311; 312; 313; 323;

325; 327; 333; 336; 352; 357; 360; 362; 367; 370; 371; 374; 379; 381; 384 (1 of 2, 2 of 2); 385 (1 of 2, 2 of 2); 390; 391; 392; 393; 394; 395; 400; 401; 402; 403; 404; 409; 410; 411; 412; 413; 415; 416; 418; 419; 420; 425; 426; 427; 432; 433; 439; 442; 445; 446; 450; 455; 456; 460; 461; 462; 463; 466; 471; 473; 478; 484; 485; 492; 496; 503; 507; 508; 511; 512; 516; 521; 522; 527; 529; 531; 532; 534; 535; 537; 540; 542; 544; 545; 546; 548; 549; 550; 551; 552; 553; 554; 555; 556; 557; 558; 564; 566; 567; 569; 572; 575; 576; 577; 578; 579; 581; 592; 596; 605; 606; 609 (1 of 2, 2 of 2); 610; 633; 634 635; 637; 639; 640; 643; 644; 647; 649; 651; 656; 657; 675; 677; 679; 680; 692; 693; 702; 703; 704; 711; 714; 721; 731; 734; 736 (1 of 3); 744; 755; 759/761; 763; 767; 773; 781; 782; 784; 790; 804; 814; 859; 860; 861; 862; 865; 866; 868; 969; 875; 897; 900; 906; 908; 909; 914; 926; 928; 929; 930; 932; 940; 943; 952; 953; 956; 967; 975; 1009; 1011; 1016; 1018; 1020; 1022; 1027; 1037; 1038)

- In addition to visits to Abbotsford House, contributors consider the specific impacts upon the interests, perceptions and experiences of visitors and tourists who come to the area specifically or primarily to walk (including those walking the Southern Upland Way) and/or to fish (including the Boleside beat, opposite Abbotsford) not only in terms of landscape and visual impacts, but also in terms of noise (056 3 of 3) and river pollution. (256; 301; 605; 908; 975; 1011)
- Contributors consider that investment in Abbotsford House and the wider tourist/visitor infrastructure and attractions in the surrounding area (including Border Railway and Tapestry); including investment from Scottish Borders Council [£1.5 million grant in 2013] and the good work of Abbotsford Trust and volunteers in raising funds and restoring the house and gardens would be jeopardised or undermined. (148; 206; 244; 247; 284; 360; 370; 372; 390; 413; 420; 507; 522; 544; 577; 578/579; 581; 592; 605; 637; 672; 676 (1 of 2, 2 of 2); 693; 702; 714; 721; 767; 879; 1038)
- Contributors consider that adverse impacts upon Abbotsford and the wider tourist industry and local economy, would coincide with a difficult and crucial time, as the region builds back after a challenging year due to the impacts of the pandemic. (233; 235; 259; 276; 284; 391; 392; 393; 394; 395; 400; 401; 402; 403; 511; 512; 550; 551; 552; 553; 554; 555; 556; 557; 633; 634)
- Council has not provided, or been informed by, a proper objective assessment of impacts on local economy of damaging the potential of Abbotsford House and/or of the contribution Abbotsford makes to the local economy. (308; 325; 357; 379; 439; 442; 446; 456; 473; 530; 535; 545; 592; 639; 679; 692; 702; 767; 865; 926; 1037)
- In terms of assessing Abbotsford's contribution, the Abbotsford Trust has advised that Abbotsford welcomed over 160,000 paying visitors from July 2014 – 2019, with a sustained annual increase in visits of 82%, contributing a total £7.4m to the local economy and supporting 148 jobs, plus creating 35 FTE direct new jobs at Abbotsford. (272; 308; 325; 357; 379; 391; 392; 393; 394; 395; 400; 401; 402; 403; 439; 442; 446; 456; 473; 511; 512; 535; 545; 550; 551; 552; 553; 554; 555; 556; 557; 592; 633; 634; 639; 657; 679; 692; 702; 767; 926)
- The importance of tourism to the area, especially resulting from the railway, should not be affected in any way by the use of this site for housing (653).
- Contributor advises that Abbotsford brings in excess of 50,000 visitors to the area boosting local businesses, jobs, families and the local economy. (714)
- How can the Council possibly contemplate building a housing estate in full view of Abbotsford House especially as we are about to celebrate 250 years since his birth (206, 207)

- Insultingly for Scott's 250th Anniversary, the view would be turned into a building site. To think Scott had his bed moved to the window to admire the view in his dying days. (201)
- Contributors advise that the sights and sounds of development occurring in the near vicinity of Abbotsford - as may be conveyed by TV and media to an international audience - during the celebrations of Scott's 250th Anniversary, would be detrimental to the reputation of the region and nation. (174; 177; 231; 308; 325; 357; 379; 381; 384 (1 of 2, 2 of 2); 385 (1 of 2, 2 of 2); 433; 439; 442; 445; 446; 456; 473; 535; 545; 567; 576; 639; 647; 651; 657; 675; 679; 692; 702; 703; 767; 773; 781; 865; 866; 900; 926)
- Contributors ask that Abbotsford Trust's strategic plan for Abbotsford - to which conservation of the character and setting of the site are key in terms of improving visitors' experience and growing visitor numbers (including through all-year round visits) - should not be disrupted by development on the site. (308;325;357;379; 439; 442; 446; 456; 473; 535; 545; 639; 657; 679; 692; 702; 767; 865; 926)
- Contributors advise that Abbotsford's potential going forward to increase its attractiveness to visitors and provide economic benefits to the area, should not be underestimated; and would be jeopardised by development of the site. (310; 384 (1 of 2, 2 of 2); 385 (1 of 2, 2 of 2); 860)
- Contributors express concern that development or impacts on Abbotsford, would devalue the Borders in economic, cultural and/or wider reputational terms, including in its international standing at a time – Sir Walter Scott's 250th anniversary – when the eyes of world are on Abbotsford and the Borders. (301; 408; 420; 425; 535; 577; 592; 635; 647; 652; 657; 679; 693; 784; 804)
- Contributor advises that the proposal will have an unacceptably adverse effect on the viability of Abbotsford's trust. (790)
- With reference to previous refusals of housing proposals for the site, contributors ask if the proposal was unacceptable when visitor numbers to Abbotsford were half what they are now, then how is it any more acceptable further to the significant investment in Abbotsford and transport infrastructure that has occurred in the interim. (578; 579; 581)
- Contributor considers that the setting of Abbotsford is a major contributor to the overall value of 'Brand Abbotsford', and damage to it, will tarnish the wider brand, and be detrimental to the Abbotsford 'business' (404; 415)
- The Borders region doesn't attract as many visitors as it should. Abbotsford is one of its gems, especially with the Russians (234)
- The need to amend the Core Path (Southern Upland Way) in conjunction with impacts on River Tweed SAC and setting of Abbotsford, cumulatively provide grounds to reject the proposal - All are "primary elements of Scottish Borders natural capital and the amenity and tourism offer". (610)
- Since the rejection of the site at the 2015 enquiry, there has been significant investment (£15 million) in Abbotsford and its grounds; including Visitor Centre, while tourism in the area has been supported by the opening of the Borders Railway, with a consequent increase in numbers of visitors (581)
- With Edinburgh becoming the first UNESCO City of Literature and the completion of the Border's railway, Abbotsford House links to the wider world were strengthened. (323)
- Since the last Local Development Plan, new views from the Abbotsford estate have been created relative to the restoration of paths through the woodlands at Abbotsford. This includes woods along the lower valley side to the southwest of the house, the part of the Designed Landscape most frequently enjoyed by visitors to

Abbotsford. As such, it is advised, there are now more views to be enjoyed by visitors to Abbotsford on these restored paths, within which the site is featured. (581; 851)

- Without Abbotsford, many international visitors will have no incentive to visit the area. (108)
- Tourism in the Borders is a life line to many local businesses, so to put further barriers in the way of post Covid re-growth of this industry is not the way to go (176)
- It amounts to an act of economic sabotage and vandalism by the Council if it is allowed to go ahead. (160)
- Abbotsford House is one of the Scottish Borders, and Scotland's, premier visitor attractions (259) and one of the many attractions to visiting the house and gardens is the countryside setting. (245)
- The result of approving the erection of 45 houses will attract further future development and in turn the unacceptable change in the environment of a very positive tourism area which brings wealth to the region. (254)
- The development would have a disastrous effect on so much of what has been achieved at Abbotsford over the past 13 years – not least because of the help and encouragement given by both the Scottish Government and the Council to such great effect. (247)

Abbotsford House and Estate – Wellbeing, Community and Social Considerations

- Abbotsford should be recognised and protected as an important local amenity and rural local beauty spot on the urban fringe of Galashiels, where local residents can escape, refresh and energise, to realise wellbeing and mental health benefits. (158; 172; 303; 308;323; 325;357; 358; 372; 377; 379; 383; 404; 412; 415; 418; 427; 437; 439; 442; 446; 456; 465; 466; 471; 473; 492; 505; 527; 535; 538; 545; 578; 579; 581; 582; 605; 639; 679; 692; 702; 714; 721; 767; 868; 912; 926; 969)
- In 2019, the Abbotsford Trust adopted a strategic plan which includes the following goal: Our place in the Community: We will be a catalyst for improving the life of our region by creating opportunities to positively affect direct and indirect employment, skills and employability, mental health, social isolation, learning and sense of identity. This goal is dependent on a number of long-term targets which include safeguarding Scott's landscape, improving the visitor experience, and increasing visits year round. None of the above has been referenced in either the Plan or its supporting documents, and yet objections have made clear that we consider the development of the Netherbarns site as detrimental to achieving these targets. (174; 177; 231; 379; 433; 445; 567; 576; 675; 703; 773; 781; 900)
- More weight and value needs to be given to the positive benefits the site has in terms of mental health and wellbeing, and these benefits should be maintained for future generations, such that Abbotsford does not become less attractive to local residents, as well as to tourists and visitors. (056 3 of 3; 714; 721; 782)
- Unacceptable impacts upon local people and the local community in terms of the social benefits and community engagement work which are operated by Abbotsford Trust or rely on Abbotsford as a venue and resource, due to reduced interest and income from visitors, making it difficult for the Trust to facilitate, sustain, and operate these types of events and opportunities. (404; 412; 415; 420; 538; 657; 714; 721; 906; 967)
- There is an increasing demand for the tranquil house and grounds of the Abbotsford Estate (191)

- Contributor 420 advises that Abbotsford “offers many volunteering opportunities which build a strong sense of identity and self-worth within the Borders’ community”. (420)
- Contributor 851 draws attention to the work and ambitions of the Trust’s “Learning in a Heritage Landscape” project which is intended to help disadvantaged young people find purpose and hope for the future, which it is considered would be adversely impacted by the proposal (“un-neighbourly intrusion”). (851)
- Contributor 377 advises that Abbotsford has plans to promote the north terrace (i.e. facing the Tweed) not only as an attraction for visitors in general, but also to accommodate visits from residents of care homes and individuals with learning difficulties. They advise that this responds to the concept of “nature as nurse”, or “the therapeutic landscape”, in which such opportunities are becoming increasingly important in the non-pharmaceutical treatment of mental disorders. They advise that Abbotsford has a pioneering role to play in such initiatives in the Scottish Borders, and that this initiative would be seriously hampered with a development at Netherbarns. As such, they consider, the preservation of the pastoral environment in and around Abbotsford is of crucial importance. (377)
- Abbotsford attracts many local visitors (238)
- Contributor 908 advises that development of site at Netherbarns would spoil opportunities to sustain and improve the natural environment for benefit of residents and visitors alike. (908)
- Contributor 796 objects to the cost and impact on the social wellbeing of local people and visitors to Abbotsford. (796)

Other Landscape and Visual Impact Considerations

- Concern that the appearance of the gateway approach to Galashiels – and with it, visitors’ perceptions of the town - might be negatively impacted if development that was detrimental visually, were in view on the approach from this direction (1011)
- Contributors are concerned that there would be adverse effects on the setting and character of Galashiels, and the sense of it as a discrete settlement and community with its own identity as a border town, where this proposal would contribute to a ‘ribbon’ character of development within the wider area; and to a sense of coalescence between different Border towns (578; 579; 913)
- Contributors object on the basis that the area is rural and the site’s incorporation into Galashiels settlement, would represent an unwanted and unnatural extension of Galashiels up the River Tweed/A7. (578; 579; 629; 672; 879)
- Contributors advise that the site is former green belt land. (578; 579)
- Contributor advises that proposal will see removal of a much valued green space. (104; 153; 167; 412) which is recognised as important in light of Covid pandemic. (162; 178)
- Development would ruin what is a splendid environment and neglect the value of open space. (240; 256)
- Use of the Tweedside walks continues to increase. This aspect of life in the Borders should be supported by the Council through preservation of green space (246)

Road Network, Access and Road Safety Considerations

- Transport links are poor. (151)
- Increased traffic runs will bring untold damage to Abbotsford (163)

- Development would generate increased traffic, compromising safety. (058, 192, 211, 227)
- The access road is the same as the Kingsknowe housing estate, extra cars entering/exiting will have a significant impact on locals. (104, 153)
- Development of site would add traffic to the already busy junction at Kingsknowe roundabout, particularly at peak times, leading to traffic issues on the road network and/or exacerbating existing traffic flow issues. (211; 289; 386 (1 of 2, 2 of 2); 416; 466; 570; 578/579; 637; 705; 908; 945; 977; 988; 1001)
- Inadequate or unsuitable access arrangements and/or considerable difficulties of access to the site for its residents to and from the A7 due to visibility issues and traffic volumes, with attendant risks to the safety of residents and all other road users on the A7. (167; 168; 227; 289; 416; 570; 578; 579; 605; 673; 988; 1002)
- Increased traffic on road at this point (Kingsknowe Drive access) will cause safety issues for school children, tourists and elderly people crossing the road, and walkers on the Southern Upland Way, crossing to reach riverside walks. (227; 637; 945)
- Increased traffic noise will destroy the holiday calm we are trying to promote (227)
- The pollution and extra noise and traffic on the roads will provide a serious blot on the landscape of one of the Scottish Borders most famous walks and scenic tourist attractions (237)
- Contributor advises that the proposal will have a negative impact on walkways and accessibility. (921)
- Access to the site would have to be via Boleside road, which would be unsuitable for increased traffic, and is used by cyclist and walkers regularly, but has no pavements or suitable passing places. (863)
- There would be road safety concerns whether vehicular access to/from the site were via Boleside Road, Netherbarns Lane, A7, or Kingsknowes Estate. (605)
- A transport assessment is essential before any future decisions is taken. (653)

Local Services and Facilities Considerations

- Site is outside Galashiels boundary, and new housing here will cause an issue with access to schools. (945)
- Contributor questions whether the infrastructure in the surrounding area – e.g. schools, drainage systems, local shops - can support additional houses (908)
- Contributor questions whether local sewage works could cope with addition of development. (605)
- Children from the new development will be within the catchment of St. Peter's Primary School which are already at capacity with waiting lists. (104, 153, 192)

Loss of Agricultural Land

- Contributor advises that proposal will destroy valuable farmland. (541)

Existing Trees and Woodlands

- Contributors are concerned that existing trees at, and around, the site would be cleared to accommodate the development, with adverse landscape and visual impacts for the site and surrounding area, including the River Tweed. (606; 674; 929; 1002)
- Contributor concerned that existing trees should be conserved to combat climate change, as well as conserve the setting of Abbotsford. (606)

Natural Heritage and Biodiversity Considerations

- Contributors advise that no account has been taken of the ecological impacts of the proposal upon the natural environment, including current trees and mature woodlands, and on the biodiversity at the site and in the surrounding area, including habitats and protected species such as birds and bats. (264; 386 (1 of 2, 2 of 2); 390; 430; 866; 927; 929)
- The development and construction of the site will significantly disrupt local wildlife and impact the natural environment (083, 151)
- Contributor advises that the proposal will detrimentally and irreversibly, adversely impact the environmental and ecological balance of the Tweed Valley. (430)
- Contributors advise that the proposal will put at risk the habitat of wildlife, including birds, fish and plants. (158; 301; 466; 582; 652; 782)
- Contributors are concerned that inflow or run off water would contaminate the River Tweed, a renowned fishing river, affecting fish and local wildlife, and affecting the River's conservation status. (301; 605; 863)
- Contributors advise that the site and/or Abbotsford House is a key site for nature, and therefore should not be developed. (363; 977; 1001)
- Contributor advises that it is wrong place to build 45 new houses opposite a SSSI. (714)
- Contributor advises that there is a need to protect the integrity of River Tweed Special Area of Conservation. (610)
- Contributor advises that the area is rich in wildlife – salmon and trout, otters, heron, owls, buzzards, and deer. (605)
- The Boleside fishing beat below the site, and opposite, and upstream of Abbotsford, would be liable to be impacted by noise, river and traffic pollution. (605)
- An ecological impact assessment is essential before any future decisions are taken. (653)

The Environment, Climate Emergency and Sustainability Considerations

- Site is a greenfield site. (355)
- Objection to the cost and impact on the environment; proposal should be rejected because of its climate change impacts. (151; 289; 390; 796)
- Proposal will have adverse impacts upon environment; releasing carbon dioxide emissions, impacts which cannot be fully offset with compensatory environmental measures, which are only ever designed and balanced to maintain the status quo rather than improve the environment. (390; 430)
- Proposal and its impacts less sustainable than conserving and supporting Abbotsford as a visitor attraction and area for recreation. (372)
- Notwithstanding advice that it is a short distance to services and good public transport links, the development would be 'car centric' and this is not tenable over likely lifespan of buildings, let alone development. (975)
- Site is too far from employment, shops, schools and other services for residents to walk to, and bus is expensive, infrequent, and subject to same traffic jams as cars (and as such, is contrary to Policy PMD1 in that it will lead to an increase in private vehicle use). (352; 596; 640; 677; 731)

Residential Amenity Considerations

- Contributor considers that the need for more trees to conserve the character and setting of Abbotsford House, would be liable to result in the new properties being deprived of natural light to the detriment of their residential amenity. (988)
- Development of the site would have a detrimental impact upon the views (104, 153) and privacy of neighbouring properties. (058)
- Overshadowing of existing residential properties within the Kingsknowes estate. (083)

Suitability of Site for Development

- Contributor advises that land at the site is not appropriate for housing development. (Contributor cites the basis for this advice as being their own professional opinion as a geophysicist of 30 years' experience, but does not elaborate as to any specific concerns or observations they have made at, or in relation to the site). (336)

Flood Risk Considerations

- Contributors advise that the site is subject to flooding. (355; 577)
- Contributor advises that construction will exacerbate flooding downstream through interference with surface drainage in the vulnerable Tweed Valley catchment. (336)

Archaeology and Historic Environment at Netherbarns

- Contributor considers that the site should be thoroughly investigated archaeologically; including through the use of non-intrusive methods such as geophysics and new AI technology. (386 (1 of 2, 2 of 2))
- Contributor advises that Abbotsford was so called because it was where the abbots and monks forded the river many years ago, an ancient way which they consider must not be destroyed. (510)
- Contributor advises that Netherbarns is packed with rich history and character that adds to allure of Abbotsford. (863)

Planning History - Recent Refusals by Scottish Government Reporters

- Given history, why is site being considered again? (040, 073, 076, 083)
- This proposal has previously been rejected at Local plan Inquiries over a 12 year period which would seem to be reason enough to exclude the site from the LDP (203, 228, 246, 249; 653)
- Contributors advise that this is not a new proposal; that Scottish Government Reporters have previously rejected housing proposals for this site; and that nothing substantially new has occurred since the last of these refusals, to justify any reconsideration of the matter. (360; 404; 415; 467; 505; 507; 522; 545; 558; 578/579; 581; 592; 644; 660; 666; 672; 676 (1 of 2, 2 of 2); 678; 711; 790; 879; 851; 930; 1038)
- Notwithstanding some improvements, it is not considered that the current proposal has substantially addressed the concerns and issues raised at the time the previous proposal was before Scottish Ministers in 2013/2014. Moreover, the Reporter at that time also rejected a more modest scheme of a handful of houses along with significant tree-planting. As such, it is not considered that the current proposal is reasonably presented as substantially better than previous proposals. (851)

Local Housing Needs/Cultural Heritage Conservation

- Low density development will do little to meet the housing targets. (073)
- The number of dwellings proposed (45) for the site are too many for this location, there is a need for softened transition between town and countryside. (083)
- Contributors advise that the allocation of the site for housing is not required or justified because there is no local or community need for any more housing or for any more housing land to be allocated in the Galashiels area, or in this part of Galashiels. (352; 415; 417; 573; 596; 640; 677; 731)
- Contributors advise that development of the site for housing will see a small group of luxury houses that will do little or nothing to alleviate the housing situation in the Borders, being a more speculative project liable to attract existing house owners in, or from outside of, the local area. (372; 610; 702)
- Long-term and significant losses in revenue at Abbotsford and within wider tourist/visitor economy would not be offset by any short-term revenue generated by the housing development; and housing development on the site will not encourage visitors to Abbotsford. (581; 652; 790)
- Development of site is not reasonably an opportunity to improve the life of the region by creating opportunities to affect mental health, social inclusion, learning and sense of identity (per NPF3). (865)
- The need to conserve Abbotsford and its landscape setting as it is, outweighs any housing need consideration the Council is seeking to address. (702)
- Housing on this site will not enhance or support Abbotsford, or will provide less economic, social, environmental or cultural benefits than conserving the site as open undeveloped land that contributes to the setting of Abbotsford (449)
- While contributors recognise that there is a need for new housing and for land to be allocated for housing in the local area, they consider that there are better, more appropriate sites elsewhere, where the need can be met in equivalent or better terms to the site, particularly where more centrally located brownfield sites within Galashiels can be redeveloped, and critically where the need to avoid allocating this particularly sensitive site could be avoided altogether. (267; 272; 278; 280; 287; 296; 299; 314; 321; 323; 353; 358; 362; 372; 408; 411; 426; 427; 430; 432; 459; 463; 498; 517; 530; 538; 542; 543; 548; 549; 564; 606; 610; 618; 656; 663 (1 of 2, 2 of 2); 782; 736 (1 of 3); 790; 858; 860; 866; 881; 885; 897; 906; 909; 916; 930; 977; 1001; 1020; 1022; 1023; 1026)
- While many of the above noted contributors do not identify or propose any specific sites or areas where they consider that the housing need might be more appropriately met, those who do, suggest that there may be better options nearer the Borders Railway at Tweedbank (1020); at Lowood, near Tweedbank (573); or less specifically, within brownfield and/or more centrally located sites in Galashiels (362; 426; 606; 610; 916); or more generally, all such sites within all Border towns (538); examples given, include the former Jedburgh and Kelso high schools and redundant Hawick's old mills (287); one contributor suggests the conversion of commercial office buildings such as Scottish Borders Council's HQ. (430)
- Contributors consider that too much regard has been had to the views of, and input from, the landowner/developer contrary to the concept of a Local Plan, and contrary to the independent decisions previously taken by various reporters. (999; 1038)
- The Council has not provided any evidence which demonstrates a positive benefit-cost ratio for the proposed development. This is a fundamental component (test) in determining whether or not a proposed development should be approved. (660)

- The specific housing need to be met by the site should be made clear in the Plan. (610)
- The number/density indicated, reflects a commercial concern to provide luxury homes that benefit from the view/setting when they consider that the density/type of development should instead be informed by the housing need that requires to be met – they consider that a higher density of single storey homes (including development even in the area that is identified as being protected from development) would be the most effective and most sympathetic development of the site for housing, at least where there is a justification in terms of housing need, and subject to retention and reinforcement of existing trees to form an unbroken screen of trees. (610)
- This proposal does not provide any material benefit to the community at large beyond the provision of jobs. (336)
- Proposal would not see any sustained enhancement of the site or area, it would see a short-term ('social' or financial) benefit for a few, but would have wider, longer-term negative impacts on the public interest. (449)

Planning Policy and Guidance

- Proposal is contrary to the National Planning Framework 3 (NPF3) which protects cultural heritage. (308; 310; 314; 325;357; 379; 387; 388; 391; 392; 393; 394; 395; 396; 400; 401; 402; 403; 439; 442; 444; 446; 456; 473; 511; 512; 535; 545; 550; 551; 552; 553; 554; 555; 556; 557; 633; 634; 639; 679; 692; 702; 767;865; 866; 922; 926; 1037)
- NPF3 recognises the contribution made by our cultural heritage to our economy, cultural identity and quality of life. (174; 177; 231; 379; 433; 445; 567; 576; 675; 703; 773; 781; 900)
- Proposal is contrary to SPP [2014], and specifically Clauses 135-137. (793)
- Proposal is contrary to SPP [2020] specifically Paragraph 197, which encourages planning authorities to limit non-statutory local designations to areas designated for their local landscape or nature conservation value. (413; 721)
- Proposal is contrary to Managing Change in the Historic Environment: designed landscapes 2016. (793)
- Proposal is contrary to the adopted Scottish Borders Council Local Development Plan 2016, specifically Policy BE3 Gardens and Designed Landscapes, and Policy EP6 – Countryside Around Towns. (793; 1037)
- Proposal is contrary to the policies and proposals of the Scottish Borders Council Proposed Local Development Plan 2020 in that it is contrary to Policy EP10 Gardens and Designed Landscapes (755; 793); and in that it goes against the core aims of PLDP to “protect strategically important business opportunities” and “preserve and enhance the natural and built environment”. (1037)
- Proposal is contrary to Section 7.2 of the Countryside Around Towns Policy, one of many planning policies designed to protect heritage resources from damaging development. (851)
- Proposal is contrary to Policy EP8 – Historic Environment Assets and Scheduled Monuments), which states that setting is important to way in which historic assets are understood, appreciated and experienced both inwards and outwards, or its concern to give historic assets strong protection from any potentially damaging development. (413; 681; 721; 749)
- It is noted that the site not included in the adopted Scottish Borders Council Local Development Plan 2016. (928)

- It is considered that the proposal is associated with incorrect statements in PLDP2. (922)
- It is noted that Netherbarns lies within two special areas, a Special Landscape Area (EP5) and a Gardens and Designed Landscape (EP10). Contributor 660 objects to the proposed development on the grounds that the Council appears not to have paid sufficient attention to its own policy statements, specifically Policies EP5, EP8 and EP10. (660)
- Contributor considers that the development contravenes avowed policies regarding the historic environment, the maintenance of spaces round towns, the preservation of listed buildings, special landscapes and national scenic areas. (485)
- Contributors advise that designating this site for housing goes against the stated aims of the plan at volume 1 Paragraph 4.6. (352; 596; 640; 646; 677; 731)
- Proposal is contrary to Policy PMD1 in that it will lead to an increase in private vehicle use. (352; 596; 640; 677; 731)
- Proposal is contrary to LDP2 in particular, which states that any development should 'maintain and enhance... distinctive historic places which are an important resource for ...our tourism and leisure industry'. (314)
- In contravention of National Planning Framework 3 (088 2 of 2, 248, 251, 265)
- Proposal fails NPF3 which states "NPF3 recognises the contribution made by our cultural heritage to our economy, cultural identity and quality of life. Planning has an important role to play in maintaining and enhancing the distinctive and high-quality, irreplaceable historic places which enrich our lives, contribute to our sense of identity and are an important resource for our tourism and leisure industry" (190, 248, 251, 265, 266).

Alleged Procedural Irregularities and Other Procedural Issues

- Contributor advises that decision to propose site for housing allocation is 'open to question' and the subject of a formal complaint and standards investigation. (1037)
- Considered that reasons given in papers before the Council in September 2019 for reinstating proposal further to previous refusals by Reporters, are misleading, in that current proposals are not substantially different from what was previously considered and refused. (851)
- Developer has provided incorrect and misleading information (592; 679)
- Re-designation of the settlement boundary designation is a breathtakingly deceitful attempt to circumvent one of the fundamental barriers to the proposal. It cannot be overstated how underhand and deceitful this has been in its planning and execution by the Council officials. (678)
- The restrictions in force because of Covid-19 simultaneously limit the public's ability physically to go and actually see the sight-lines from Abbotsford to the proposed development, and to look in detail at the land and the existing woodland concerned. (647)
- No account is being taken of views from respondents and consultees responding to consultation on MIR, including Historic Environment Scotland and SNH. (1037)
- Concerned that proposed allocation has been brought forward despite concerns of Abbotsford Trustees, SNH and HES, amongst many others. (851)

Long-Term Considerations and Resolution

- No justification has been given for allocation of whole field, when Council and developer have advised that their concern is that housing would only be built in north and west of site. (1037)
- Notwithstanding any concern to maintain areas of the site free from development, the allocation of the whole site will promote further housing development proposals for the site in the longer-term, with the developer returning later, to seek permission for further development on the remainder of the site. (507; 522; 959; 1038)
- Contributors consider that the proposal should not only be removed from the Plan, but that the existing Countryside Around Towns Policy designation of the site should be retained (505); or that new measures should also now be put in place within the Plan, to protect the site in particular, and/or Abbotsford's landscape setting in general, from any further future development proposals. (396; 399; 505; 545 619; 656; 767)

Alternative Housing Allocation Proposal(s) for the Site based on Modest Housing Development and Substantial Woodland Creation, as Proposed by Save Scott's Countryside, with some wider support

- More appropriate alternative housing sites should be considered. (040, 076, 112, 882, 120, 128, 171, 180, 185, 241, 250, 773)
- Housing developments can be built anywhere, why permit one which impacts so negatively on our heritage. (147)
- There are more appropriate sites which would not impact on a landscape developed by arguably Scotland's greatest literary figure of the enlightenment (188, 190)
- The proximity of the existing Tweedbank settlement and the proposal to construct 300 houses there (MTWEE002), would seem to be reason enough to exclude the Netherbarns site from any development. (203, 249)
- There is already too much pressure on the Central Tweed Valley area for development. New development should be much more evenly spread across the whole SBC area (203, 249)
- There are many locations in other parts of Galashiels that could accommodate the 45 units (246)
- Develop brownfield sites in towns instead (257)
- In this day of reduce, reuse and recycle SBC are failing considerably in this matter when it comes to housing and business premises as there are many empty properties (256)
- Contributor 851 seeks deletion of proposed allocation of 45 houses from Site Requirements, and replacement of this with a new requirement for a small number of houses of rural character, within a wooded landscape, with a requirement that development should not be allowed to commence until sufficient tree growth has first been achieved within the screen of trees required to screen views of the site from Abbotsford. (851)
- Contributors 672 and 879 object to inclusion of AGALA029 and seek its removal from the Plan unless its indicative capacity is reduced; and strongly object to the incorporation of AGALA029 being included in the Galashiels Settlement Boundary and seek its removal. They further strongly object to the removal of protection afforded to the area of AGALA029 by Policy EP6 Countryside Around Towns (CAT) Local Development Plan 2016. (672; 879)
- Contributor 851 further seeks amendment of Galashiels settlement boundary to exclude the site, and neighbouring Netherbarns Farmhouse and steading; and

instead, seeks the reinstatement of the site and neighbouring Netherbarns Farmhouse and steading within the Countryside Around Towns Policy area. (851)

- Contributor 851 is supportive of the principle of a more modest scheme of a handful of houses (mentioning ten units at one point) along with a significant area of tree-planting, for this site, which they consider would offer the best resolution of all matters, in that this might be designed so as to be read as a rural site on the edge of Galashiels within its own wooded landscape setting, rather than as any direct and continuous extension to SW Galashiels; and being of a more modest scale and with greater capacity for woodland planting, would be far better able to avoid the more damaging impacts that would be associated with the implementation of a larger, unsympathetic, overly suburban scheme, which they consider is what would be delivered in accordance with the current proposal. (629; 672; 851; 879 999)
- Contributors 672 and 879 are of the view that 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. (629; 672; 879; 999)
- Contributor 629 considers that strong tree-planting on the site relative to some modest housing could halt the spread of Galashiels and reduce the unfortunate effect of recent developments near Brunswick Hill and Kingsknowes. (629)
- Contributor 999 advises that it should be required that no development should take place on that designated area marked 'no development in this area', in order to protect the sensitive boundary adjoining the GDLS. (999)
- The Reporter is urged to re-consider proposals for very modest development, along with substantial areas of tree-planting, in order to provide an acceptable solution. It is advised that Save Scott's Countryside would be willing to help fund and organise an open competition for the best masterplan, were the Council/Reporter to support this approach. It is considered that this would be the best way to ensure that the long-term setting of Abbotsford would be enhanced and protected appropriately notwithstanding some – limited – housing development on the site. (672; 851; 879; 999)
- Contributor notes that while new housing is proposed for part (approximately half) of the Netherbarns site, the Proposed Plan goes significantly further in that it proposes that the Galashiels Settlement Boundary is amended to take in the entire site, which they consider might suggest the Council would consider the remainder of the site being developed over time/or would promote development of the remainder of the site over time, which would be harder to resist if this land is designated within the development boundary. However, contributor advises that retention of the site outwith the Development Boundary and retention in the Countryside Around Towns, would appropriately allow a more sensitive and modest rural development of the type and scale they previously proposed, which could more reasonably respect this designation. (672; 851; 879)
- Contributors 672 and 879 seek the removal of the Area to the southwest (compromising Netherbarns Farmhouse, its steading and grounds) from the Settlement Boundary and seek it to come under the protection of Policy EP6 CAT. (672; 879)
- Site AGALA029 should remain outwith the settlement boundary and be afforded protection through Policy EP6 - Countryside Around Towns. (672; 879)
- It is considered that the Planning Department should have responded to previous consultations promoting this alternative view, and given it serious consideration, as

an alternative – and the contributor considers, potentially more sympathetic, and therefore successful, approach. (851)

- In support of their position, the contributor maintains in full, an earlier objection to MIR Report (January 2019), and asks that the previous representations made by the Abbotsford trustees and Dr Malcolm Morrison, should also be considered, and presented to the Reporter, which it is considered provide a useful examination of the experience of landscape as it was intended by Sir Walter Scott. (851)

Alternative Housing Proposal – Public Space and Tree Planting

- A less specific proposal to that of Save Scott's Countryside and its supporters, is outlined by Contributor 975. They also seek to consider how the site might be developed were it allocated for housing. In addition to innovative design, they would seek measures to ensure that the unused space on the site might be retained as “an unrestricted public space (under ownership of the Council)” which might enhance the development and surrounding neighbourhood. They consider that the developer should pay for any new tree planting to protect the view from Abbotsford. (975)

Alternative Housing Proposal –New Tree Planting to be Informed by Impacts

- Contributor 610 also considers the possibility that the site might be developed, in which event, they would expect development to be informed by a detailed consideration of views from Abbotsford and to identify more and more effective tree planting proposals to address the impacts. They anticipate that views from highest part of Hope Scott wing, would be liable to help inform height of trees needed. (610)

Miscellaneous

- It is simply unacceptable that the Council would permit any development damaging to Abbotsford – aesthetically, environmentally or financially. (137)
- The site must be protected. (166)
- Abbotsford House has encouraged far more visits to the Borders than the Council offices. Why not demolish some of these if space is at a premium? Staff are now encouraged to work from home. (190)
- If this development goes ahead, irreparable damage will be done. This Council has a history of destruction and appears hell-bent on the destruction of a valuable asset. (229)
- The public depends on Councils' Planning Services to identify and turn down inappropriate proposals which cut across other major areas of public interest. Once such mistakes are perpetrated, they cannot be undone. (253)
- This proposed development will ensure Abbotsford will no longer be the jewel in the crown of the Borders. (160, 233)

Netherbarns Summary Map

- The Contributor (Historic Environment Scotland) has commented on an additional summary map of the proposed site which was added to the Council's online consultation material and notes that they were not informed. (679; 960)
- The Contributor has accepted the principle of a development of up to 45 units on the site. Reference to their MIR submission is made: any development should: *'be subject to the robust application of the site requirements and development of a site*

masterplan. We would expect the masterplanning process to consider how various factors including building scale, location within the landscape, layout, materials, character, number and type of housing units can mitigate potential effects, and to provide a framework for detailed proposals which comply with local and national historic environment policy. Our views on a masterplan, and any application for this site, will be dependent on the level to which potential effects have been mitigated. We would expect HES to have early involvement and consultation in the masterplanning process.' The contributor asks to be consulted on any masterplanning of the site. The contributor believes there has been insufficient opportunity for consultees, including HES, to consider and take an informed view on the layout proposed on the aforesaid summary map and it should not form part of the adopted Plan. (679; 960)

- The contributor states that the summary map should not form part of the adopted Plan. (679; 960)

Other Issues

The following comments have been submitted by NatureScot (983; 1015) which are best referenced separately:

- Contributor is unaware that the reasons for the site's removal from previous LDPs have been adequately resolved for the site to be included in this plan. While there are proposals for reinforcing existing planting to protect the setting of Abbotsford House, it is unclear that this measure would resolve impacts on setting of and views from it and its grounds, where a network of public paths has recently been created that are open all year.
- The current position of requiring measures to screen the site from Abbotsford House appears likely to fall short due to factors noted in the Council's own assessment such as the effect of changing seasons. In addition, we understand that existing trees along Boleside Road which perform this important screening function are outwith the proposal site and therefore out of the applicant's control.
- Contributor considers that it may be beneficial to explore how an approach that is not based on 'hiding' the site may work. In this respect, we suggest that a site where built form and density are based on an approach of high quality design that responds to the qualities of Abbotsford House and its setting could be an acceptable basis for development at Netherbarns.
- Contributor considers that a woodland management plan would also be required to ensure that existing and new woodland is managed appropriately over time to ensure that the planned for benefits are secured into the future. This is particularly important as some trees on the site, require replacement planting.
- It appears to the Contributor that the majority of the Netherbarns site is to be removed from the Countryside Around Towns (CAT) policy. They understand that this is necessary to allow redrawing of the settlement boundary to allocate the site for development. Their interpretation of the change shown, is that the area along Boleside Road is to be retained with the CAT policy area. They consider this to be an essential element of achieving the type of high quality development discussed above and would object to the removal of this remaining area from the CAT policy.
- Contributor also recommends that the site requirements are amended for this site as there is a mixing of the stages of Habitats Regulations Appraisal which should be avoided. At present the site requirements include: "Mitigation required to ensure no significant adverse effects upon integrity of River Tweed Special Area of

Conservation”. The supporting policy text for Policy EP1 International Nature Conservation Sites and Protected Species sets these stages out clearly and should be used as the basis for amendment: “Where a proposal could have a ‘likely significant effect’ on a Natura site, an ‘appropriate assessment’ will be required, to demonstrate that the proposal will not adversely affect the integrity of the site. This is known as a Habitats Regulation Appraisal (HRA).”

Modifications sought by those submitting representations:

- The Contributors seek the removal of the site from the Proposed Local Development Plan. (040, 052 (2 of 2), 056 (1 of 3; 3 of 3), 058, 073, 076, 083, 084, 088, 101, 103, 104, 105, 106, 108, 109, 112, 113, 115, 116, 117, 120, 121, 123, 124, 125, 126, 128, 129, 130, 132, 134, 136, 137, 140, 141, 142, 143, 146, 147, 148, 149, 150, 151, 152, 153, 154, 156, 157, 158, 1591 of 2, 160, 161, 162, 163, 164, 166, 167, 168, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 197, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 213, 216, 217, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 253, 254, 255, 256, 257, 259, 260, 262, 263, 264, 265, 266, 267, 268, 271, 272, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 289, 290 (2 of 4), 291, 292, 293, 294, 296, 297, 299, 300, 301, 302, 303, 305, 306, 308, 309, 310, 311, 312, 313, 314, 315, 318, 321, 322, 323, 324, 325, 327, 330, 331, 332, 333, 336, 338, 340, 343, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384 (1 of 2, 2 of 2), 385 (1 of 2, 2 of 2), 386 (1 of 2, 2 of 2), 387, 388, 389, 390, 391, 392, 383, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 406, 407, 408, 409, 410, 411, 412, 413, 415, 416, 417, 418, 419, 420, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 436, 437, 438, 439, 440, 442, 443, 444, 445, 446, 447, 449, 450, 451, 453, 454, 455, 456, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 471, 472, 473, 474, 475, 478, 479, 482, 484, 485, 491, 492, 496, 498, 499, 500, 503, 504, 505, 506, 507, 508, 510, 511, 512, 516, 517, 521, 522, 523, 524, 525, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 562, 563, 564, 566, 567, 568, 569, 570, 572, 573, 575, 576, 577, 578, 579, 581, 582, 592, 596, 604, 605, 606, 609 (1 of 2, 2 of 2), 610, 617, 618, 619, 622, 629, 631, 632, 633, 634, 635, 637, 639, 640, 643, 644, 646, 647, 649, 651, 652, 653, 656, 657, 660, 662, 663 (1 of 2, 2 of 2), 666, 672, 673, 675, 676 (1 of 2, 2 of 2), 677, 678, 679, 680, 681, 692, 693, 694, 702, 703, 704, 705, 711, 714, 721, 731, 734, 736 (1 of 3), 744, 749, 759, 761, 763, 767, 773, 781, 782, 784, 790, 793, 796, 804, 814, 843, 851, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 868, 869, 870, 875, 879, 881, 882, 885, 891, 897, 900, 905, 906, 908, 909, 910, 911, 912, 913, 914, 916, 921, 922, 923, 926, 927, 928, 929, 930, 932, 940, 943, 945, 946, 949, 952, 953, 954, 956, 957, 959, 960, 967, 969, 972, 975, 977, 988, 999, 1001, 1002, 1009, 1011, 1016, 1018, 1020, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1037, 1038, 1040)
- Contributor suggests site requirement no. 4 (page 345) is replaced with the following: “Where a proposal could have a ‘likely significant effect’ on a Natura site, an ‘appropriate assessment’ will be required, to demonstrate that the proposal will not adversely affect the integrity of the site. This is known as a Habitats Regulation Appraisal (HRA).” (983, 1015)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO SITE AGALA029 (NETHERBARNES) WITHIN THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN WITH THE EXCEPTION OF THE FOLLOWING NON-MATERIAL CHANGES AS SET OUT BELOW (AND DETAILED FURTHER UNDER THE RELEVANT SECTION):

- ADDITION OF A FURTHER SITE REQUIREMENT BEING ADDED TO PAGE 345 OF THE PLAN STIPULATING THAT 'NO DEVELOPMENT TO TAKE PLACE ON THE LOWER EASTERN PART OF THE SITE CLOSEST TO ABBOTSFORD HOUSE AND BOUNDED BY THE EXISTING STONE WALL TO THE NORTH WEST AS SHOWN ON THE PLAN SUBMITTED BY THE LANDOWNER (DRAWING NO. FIGURE 7, DATED 7 AUGUST 2017). THE LAND TO BE UTILISED AS OPEN SPACE'
- REPLACEMENT OF SITE REQUIREMENT NO. 4 (PAGE 345) OF THE PLAN TO READ: "WHERE IT IS ESTABLISHED THAT A PROPOSAL COULD HAVE A 'LIKELY SIGNIFICANT EFFECT' ON A NATURA SITE, AN 'APPROPRIATE ASSESSMENT' WILL BE REQUIRED TO BE SUBMITTED AT THE PLANNING APPLICATION STAGE, TO DEMONSTRATE THAT THE PROPOSAL WILL NOT ADVERSELY AFFECT THE INTEGRITY OF THE SITE. THIS IS KNOWN AS A HABITATS REGULATION APPRAISAL (HRA)'.

REASONS:

It is noted that Contributors 006 (CD183, page 3), 033 (CD183, page 8), 039 (CD183, page 9), 044 (CD183, pages 13-14), 045 (CD183, page 17), 050 (CD183, page 20), 055 (CD183, page 21), 101 (CD183, page 32), 138 (CD183, page 35), 774 (CD183, page 52), 777 (CD183, page 53-55), 843 (CD183, page 303-422), 1021 (CD183, page 507) support the allocation of AGALA029 within the Proposed Local Development Plan. The key points are summarised as follows:

- There is a clear need for housing around the Galashiels area and near the Borders railway and this site makes perfect sense; (006)
- It is not believed there would be any negative impact on surrounding attractions (006);
- There is a desire for this development to go ahead in order that people can relocate to the Scottish Borders; (033; 039; 055)
- The Galashiels area is in dire need of more housing; (044)
- The impact of COVID on local businesses has caused even higher unemployment at this current time; (044)
- There is a shortage of family homes in Galashiels; (045)
- Development would help the local economy by keeping trades people in jobs and suppliers able to trade; (045)
- It is apparent people are relocating from the City of Edinburgh for greener spaces, so Netherbarnes would be a great opportunity to draw more people to Galashiels (045);
- It would be a lovely development on the edge of Galashiels; (050)
- It important to support a local business in the developer and also give some security to their directly employed personnel; (050)

- The development on the other side of the road blends in to the surrounding area sympathetically without problems; (055)
- New houses at this location will not spoil the enjoyment of Abbotsford (138);
- Development of the site fits completely with the overall aims of the LDP which are to build sustainable communities with good connectivity; (777)
- Housing built on this site would be largely invisible to Abbotsford due to large old trees and would not therefore not impact negatively on the listed building; (777)
- The development should be subject to a masterplan. The Kingsknowes and Netherbank developments which neighbour the site would be enhanced by the best possible design here; (777)
- The landowner, who is a local builder, promotes the development of the site (843);
- It seems to fit completely with the overall aims of the LDP which are to build sustainable communities with good connectivity; (777)
- The Contributor visited the site standing at the top of the field facing towards Abbotsford from the bus stop on the A7 and has provided photographs. Abbotsford was invisible and the contributor concludes that housing built on this site would be largely invisible to Abbotsford. Therefore it would not impact negatively on a listed building; (777)
- The development should be subject to a masterplan. The Kingsknowes and Netherbank developments which neighbour the site would be enhanced by the best possible design here. (777)

There are a wide range of issues which have been raised regarding the identification of this site (Netherbarns, AGALA029) within the Plan which are responded to as follows:

Background

- It is acknowledged that the site has a history and has previously been omitted from the Plan by Reporters from the Scottish Government. However, it is not uncommon for submissions to be made again for sites that have been dismissed previously. What needs to be considered is whether there are any new material considerations and amendments to the proposal which have not previously been tabled which could justify the site being considered for inclusion within the Plan. In respect of these new proposals, amongst other matters it is noted that the location for the proposed houses are on a different part of the overall site compared to submissions previously. No development is now proposed on the larger eastern part of the site closest to Abbotsford House and more new planting is proposed throughout the site to screen it further. Taking these points into consideration there is no doubt that this new amended proposal has not been subject to previous Examination and it is entirely inaccurate to state otherwise. Consequently the new amended proposal has the right to be considered for inclusion within the LDP as is the case for all other proposals for other sites across the region which offer new material changes which have not previously been subject to Examination. The Applicants have taken on board previous reasons for the site being rejected and have amended the plans in an effort to address this.

Planning History – Timeline

The following is a timeline of the proposals relating to this site:

- A full planning application was submitted under an interim housing policy for the development of 79 dwellinghouses on the site in 2004 (Planning application reference no. 04/00706/FUL) (CD119, page 17). The application was approved by the Planning Committee. However, ultimately it was refused by Scottish Ministers after it was called-in (CD147).
- The aforesaid call-in coincided with the process of determining the Local Plan 2008 (CD011). The site had been identified for housing in both the Consultative Draft (CD015, page 156 and Inset CB8 - Galashiels) and the Finalised version (CD013 page 131 and CD014) of the Plan. Ultimately the Reporter dismissed the site for the following reason: "Development would be undesirable because of the potential risk of damage to a very important landscape, historic and cultural interests, and to the contribution of tourism to the Borders economy" (CD038, pages 4-12 – 4-15). Consequently the site was excluded from the adopted Local Plan 2008.
- During the processing of the Local Plan Amendment shortly afterwards, the land owners again submitted the site for inclusion within the Plan (CD197), proposing some 85 houses. At the time it was considered there were more suitable sites in Galashiels for housing (e.g. Easter Langlee, Coopersknowes, Winston Road) and the Council did not support the proposal. Ultimately the Scottish Government Reporters agreed with the Council's position and rejected the inclusion of the site, also making reference again to the potential impact upon Abbotsford House (CD039, pages 160-163).
- The landowner had discussions with Historic Scotland in respect of their concerns regarding the impact development of the site would have on Abbotsford House and its setting. The landowners provided further proposed landscaping (CD198, Appendix 2) and as a result of this Historic Scotland withdrew their objection to the development (CD198, Appendix 3).
- In the preparation of the Local Development Plan 2016, a number of housing sites were considered to satisfy an identified need within the Central Borders/Galashiels area. Finding suitable land for housing in Galashiels was problematic given various constraints. In respect of the Netherbarns site it was considered that given Historic Scotland had withdrawn their objection, the landowners had submitted further mitigation details (CD198) and the site capacity was reduced considerably to 45 units which addressed identified constraints, the site was identified by the Council as a preferred housing site within the Main Issues Report 2012 (CD026, page 70). The site was removed from the Local Development Plan by the Reporter through the Examination process (CD040, pages 633 - 641), stating the following reasons: "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. On this basis, I conclude the allocation, including the somewhat obscure reference to educational facilities, should be removed from the proposed plan".

New site submission

- The site was again submitted for inclusion in the Council's Main Issues Report at the 'Call for Sites' stage in August 2017 (CD192). The new plans took on board the Reporter's reasoning for refusal. The site was identified within the Council's Main Issues Report 2018 (CD008, page 62) as an alternative site for housing for 45 units. Had it not been for the history associated with the site, it is highlighted that Officers would have identified the site as a preferred option. Ultimately it was proposed to be taken forward for allocation as it was considered the most appropriate site option within the town, given significant constraints and issues on other potential sites which could not be satisfactorily mitigated against (CD118, pages 89 - 92).
- Consideration must be given as to any proposed new mitigation matters which have been submitted as part of the proposal. The developer has submitted a site plan along with a Heritage Statement, Landscape and Visual Assessment and updated Landscape Photography (Contributor 843). The plans confirm further screening of the site would be carried out. These proposals also confirm the site will not be visible from Abbotsford House during the Summer months and in the Winter months (when Abbotsford House is closed to the public) photomontages have shown that only fleeting views of very small parts of the site could be seen, but proposed housing would not be located within these visible locations. As stated on the Abbotsford website, the House is closed from November to March (CD193 – extract from website – www.scottsabbotsford.com/visit) and during these Winter months, when trees lose their foliage, there is still strong screening. It is understood that due to the ongoing impact of the Covid pandemic that the House has been open into December in both 2020 and 2021. The house builder has confirmed that further planting would alleviate any fleeting glimpses into the site. Officers have visited the grounds of Abbotsford during Winter months and remain strongly of the view that only fleeting glimpses of the site are visible, even in the months when tree coverage is less. The Council would refer the Reporter to the photographs taken during various months (CD194). NatureScot have requested that a wood management plan be required to ensure that existing and new woodland is managed appropriately. This is considered to be a fair comment which would be addressed through the planning application process.
- Development has been shown to be restricted to the extreme north western and western parts of the site, set between an existing tree belt to the north and south. The large eastern part of the site is not now proposed for development as this is considered to be the part of the site that may be visible, albeit extremely marginally, from Abbotsford House. The Council would suggest, given the Contributor's concerns relating to this area of land, that a suitably worded site requirement could be added to the Plan on page 345 stating that development within the aforesaid large eastern part of the site would not be accepted. It is acknowledged in hindsight that this would have been helpful to have confirmed this as a site requirement within the Proposed LDP when it was subject to public representation. It is therefore recommended that this further site requirement is added to page 345 of the Plan stipulating the following: 'No development to take place on the lower eastern part of the site closest to Abbotsford House and bounded by the existing stone wall to the north west as shown on the plan submitted by the landowner (Drawing No. Figure 7, dated 7 August 2017). The land to be utilised as open space'. This would constitute a non-significant change to the Plan. Furthermore, a Design Code has been submitted which confirms that external materials would be sympathetic in colour with a palette to include earthy shades. The reason for this is that the existing houses which can be viewed from the grounds of Abbotsford House have light coloured rendered finishes. The developer has also confirmed that there would be agreement

to removing permitted development rights from the site. This is a matter which would be considered through the planning application process.

- It is acknowledged that members of the public still walk around the grounds of Abbotsford during the winter months. It is considered members of the public are much more likely to look backwards towards the House to appreciate its undoubted attractive build and setting, and when looking from the grounds in the other direction, the predominant focus of attention is the River Tweed and the mature tree belt on the other side, as opposed to any fleeting glimpses, which would be absolutely minimal if at all, of the proposed houses. Critically it must be recognised that any existing fleeting glimpses of where the proposed houses will be located will be hidden by proposed new planting. The Council is not aware of any evidence that any glimpses of existing houses at Kingknowes or Netherbank (located across the A7 from the site) through the existing mature tree belt in any way affects the public's enjoyment or experience of walking the grounds of Abbotsford House.

Contribution to Housing Land Supply

- Galashiels is one of the major towns within the heart of the Scottish Borders and it has a key role to play in being a catalyst for economic development for the benefit of the town as well as the wider catchment of the region. Housing is a major component part in helping economic development due to the many benefits it offers. It is vital a settlement the size of Galashiels does not stagnate and continues to have a healthy and effective housing land supply. There is also a requirement to identify housing land within Galashiels as part of the Railway Blueprint (CD069, page 12), which seeks to capitalise upon economic opportunities within the Borders Railway corridor.
- An estimate of the timescale for delivery of housing projects has been continually difficult due to the economic downturn in the housing market and a drop in housing development nationally. The programming of sites within the Housing Land Audit (CD071) can only be a reasonable expression of what can be developed within the time periods and there is a significant degree of uncertainty beyond years 2 and 3. The submission by Contributor 843 (landowner) confirms that the proposed site is presented by an active local housebuilder who envisages that the site could be delivered within the Plan period.
- The landowner has confirmed within their submission (843) that *'the site would be developed over a 24-month period post-grant of planning permission. Assuming 12-24 months to achieve the necessary consents, the site could be delivered in full within the first 5 years of the plan period'*.
- The allocation of this site would contribute to the 5-year effective housing land supply within Galashiels, which at the moment is heavily reliant on the development of one site at Easter Langlee. The allocation of this site would provide additional choice within the Galashiels housing market area.
- It has been increasingly difficult in recent years to identify any additional housing land within Galashiels. Site options invariably have a number of major constraints to consider in terms of typically access issues, flood risk, prominence, topography, landscaping and compatibility with surrounding land uses. It is highly unusual to identify a site option with no issues to address and whatever sites are taken forward into the LDP it is likely there will be a number of constraints to be considered. It is considered the proposed site is appropriate for development and, significantly, is deliverable to meet the housing land requirement for the Central Borders.

Furthermore, there are no constraints identified which cannot be satisfactorily mitigated against.

Proposed Plan – Representations

Moving on to specific points of objection, the following responses are provided:

Impacts upon Category A Listed Abbotsford House

- The existing residential development of Netherbank, which is in an elevated position to the north of the Netherbarns site, across the A7, can already be viewed to some degree from Abbotsford House. Likewise, existing houses to the south of Abbotsview Drive within the Kingsknowes development which adjoin the site, are visible in fleeting glimpses. The Council is unaware of any evidence at all that views of these properties have had any adverse impact on any tourism matters related to the House. It is not considered that the proposed amended site layout and position of the new houses, set behind well-established and new proposed woodland, would deter visitors from coming to Abbotsford in the same manner as the existing houses don't.
- Some contributors have expressed the opinion or have been informed that the proposed development site would be in full view of Abbotsford House (CD195). This is not the case. The house builder (Contributor 843) has confirmed that 'the lower levels of the site which are more sensitive to the view from Abbotsford House will be free from residential development and will provide open space for the new homes. Development would be focussed on the north western and western portions of the site where existing and enhanced screening will mitigate views into the site' (CD183, page 320).
- One of the major concerns raised with regards to the views from Abbotsford House and its grounds is that the land should remain sacrosanct and should not be altered in any way which would blight views in this direction. Landscapes naturally change over time and at one point views from Abbotsford House and the surrounding land would have looked over towards an operational railway line. Obviously times have moved on, trees have grown, approximately 90 houses have been built around the Kingsknowes Hotel, some of which can be seen from Abbotsford House and its grounds. Fleeting glimpses can also be seen of Netherbank through the trees given their elevated position above the A7. Consequently, it is not considered that this new proposal can reasonably be considered to be inappropriate in light of other changes over the years.
- The impact of any new proposal is a major consideration for any planning application and must be fully scrutinised. There can be absolutely no doubt that the Visitor Centre located on the south east side of Abbotsford House is extremely prominent within the setting of Abbotsford House and the surrounding landscape. This is even more significant given it is the first building viewed by members of the public from the public car park. There is little doubt that the building has been successful but nevertheless it is of modern and innovative design which was clearly never part of the original heritage and setting of Abbotsford House. However, the Council is unaware of any evidence at all that this large prominent and dominant modern building has in any way diluted the enjoyment of parties visiting the site. It is therefore not agreed that any of the proposed dwellinghouses, which would be located some 400m away from Abbotsford House and hidden behind existing and proposed trees, would have any impact remotely like the visitor centre or indeed

existing houses which are partly visible. The Council is not aware of any evidence that existing development within the vicinity of Abbotsford has a negative impact upon the local/national economy including hotels, restaurants and other local businesses involved in tourism as well as upon the Southern Upland Way and fisherman. It cannot therefore be argued that the Netherbarns proposal will have an unacceptable impact on these factors given existing cumulative developments, which are considerably greater, have no such impacts.

Netherbarns Summary Map

- As part of the MIR and the Proposed Plan consultation processes, Historic Environment Scotland (HES) raised no objections to the principle of development at this location on the basis that a masterplan will be prepared which will ensure that the detail of scale and detailed views analysis, amongst other matters, can be considered. Through the process of the Proposed Plan consultation, Historic Environment Scotland (960) raised concerns relating to a summary map (CD196) which was added to the Council's online consultation material, stating that they were not informed.
- The Council would wish to clarify the reason for publishing the summary map. A campaign was set up seeking parties to submit objections to the Netherbarns proposal on the grounds of impact upon Abbotsford House and its setting. Some examples are confirmed within CD193 and CD195. Over 500 objections have been submitted including a number from around the world. It is appreciated why parties would submit objections on the strength of the information circulated. Near the end of the consultation process the Council was aware of parties seeking clarity on a number of points relating to the proposals as there had been differing understandings and opinions on social media and other communications regarding this (CD193 and CD195). Consequently, the Council published a simple map (CD196) which confirmed the location of the proposed houses, the land to remain undeveloped, the distance from Abbotsford House to both the existing and proposed houses and proposed new landscaping. The map used the information provided by the Contributor (843) (landowner) submitted at the MIR Consultation Stage, named 'Landscape and Development Framework' dated 7 August 2017 (CD183, Figure 07).

Impacts on the Garden and Designed Landscape

- The site is located outwith the Abbotsford Inventory Garden and Designed Landscape and is clearly separated from it by existing trees (CD199). There are a significant number of long established properties within Kingsknowes/Tweedbank located close to and in clear view of the boundary of the Garden and Designed Landscape and it is not considered that they have a detrimental impact upon it. The site is extremely well-screened around the perimeter and has other existing and proposed trees within the site which would further screen it from the Designed Landscape. The Garden and Designed Landscape was designated in July 1987 which was before significant development at Kingsknowe took place and well before Netherbank was built. The Council is unaware these developments were challenged at the time that they would have a detrimental impact on the Designed Landscape and that since their completion they have had no adverse impacts on the designation.
- The Visitor Centre and car park are relatively new additions to Abbotsford, being located within the Abbotsford Inventory Garden and Designed Landscape (CD199).

It is not considered that any parties would consider these to have caused any notable detrimental impacts. They are well-established, acceptable and recognised changes within the curtilage of the building and the local landscape. Consequently change should not automatically be opposed but must be carefully scrutinised and considered.

- Similar to these various referenced developments, it is not considered the new proposal at Netherbarns will have any unacceptable nor detrimental impacts on the Garden and Designed Landscape designation (CD199).

River Tweed Special Area of Conservation

- NatureScot (983, 1015) suggest it would be useful to replace site requirement no. 4 on page 345 of the Plan by adding reference to the HRA. Appendix 4 of the HRA Record (page no. 43) provides further detail of the Council's own assessment of the site and makes a clear link between interlinked site requirements which act together to prevent adverse effects on the site integrity of the River Tweed SAC.
- The Council does not oppose this suggestion and would therefore be content for the Reporter to replace bullet point no. 4 to read: 'Where it is established that a proposal could have a 'likely significant effect' on a Natura site, an 'appropriate assessment' will be required to be submitted at the planning application stage, to demonstrate that the proposal will not adversely affect the integrity of the site. This is known as a habitats regulation appraisal (HRA)'.
'
- The Council would be content for this amendment to be made as a non-material change to the Plan.

Impacts on Character, Setting and Ambience of Surrounding Countryside

- Concerns have been raised relating to the visual impact of the proposed development upon the settlement of Galashiels including Gala Hill. The site will be well-screened from the A7 trunk road when approaching Galashiels from the south. It is considered that the development of the site will relate well to existing residential development within the immediate vicinity and that visual impacts would be minor. The existing housing development at Netherbank is prominent but has no negative impacts on this entrance to the town.

The Environment, Climate Emergency and Sustainability Considerations

- Concerns have been raised in respect of the impact of development upon the climate. The Council has a duty to allocate sufficient land for housing within the Plan whilst striking a balance with climate change requirements. Any development will be subject to assessment against relevant LDP policies relating to climate change through the planning application process.

Light/Sound/Visual Intrusion and Amenity Issues

- In recent times Abbotsford has expanded with the aforesaid new Visitor Centre and hold weddings within the grounds. The Council is not aware that these have caused disruption to Abbotsford House. It is not considered that the development of the Netherbarns site would compromise users or visitors to Abbotsford given the considerable distance and screening between them. It is not considered that residential properties at this location would result in a loss of amenity at Abbotsford

House. There are already existing residencies in proximity to the Netherbarns site and the Council is unaware of any issues these cause in respect of having a detrimental impact on Abbotsford House and any visitors to it. Any impacts on existing houses in the vicinity of the site in terms of amenity and privacy would be considered at the planning application stage in the normal manner. Given the location of the proposed houses and existing woodland and tree belts it is not considered this would cause any insurmountable issues. Neighbouring properties would have the opportunity to view plans and submit comments accordingly.

Education

- Previously this site was considered as an option for a new Galashiels Academy and the Reporter made reference to this in the decision letter. However, the Council has since agreed a site in Scott Park next to the current school. Consequently for clarification the Netherbarns site is not now an option for a potential school.
- The Council's Director of Education and Lifelong Learning has raised no objections to the proposal but note that an extension or new school may be required. As stated above, the Council is currently reviewing school provision within the Galashiels catchment area with a view to providing a replacement High School with construction work anticipated to commence in late 2022.

NHS/Affordable Housing

- The NHS have not raised any objections specific to the development of this site (589). In respect of affordable housing, any future planning application would require to be considered against Policy HD1 – Affordable Housing Delivery of the Local Development Plan. Affordable housing requirements will be determined via discussion through the planning application process.

Flood Risk

- The Council's Flood Risk and Coastal Management Team has advised that the site is not shown to be at flood risk within the SEPA 1 in 200 year flood map. Small areas of the site are anticipated to be affected by surface water runoff and this site is relatively steep so would expect the applicant to consider this as well as drainage and SUDS. SEPA has, however, requested that a Flood Risk Assessment is undertaken to assess risk from the River Tweed as well as an investigation of surface water flooding. This has been included as a site requirement on page 345 of the Plan.

Natural Heritage and Biodiversity Considerations

- In respect of concerns raised relating to natural heritage/biodiversity, the Council's Ecology Officer has advised that there is moderate risk but raised no objections. A site requirement has therefore been included on page 345 of the Plan advising that an assessment of ecology impacts would be required alongside any requisite mitigation, as appropriate.

Agricultural Land

- It is confirmed the site is not Prime Quality Agricultural Land and there are no policy grounds to oppose the plans in terms of a loss of the current agricultural use.

Clearance of trees protected by Tree Protection Order

- When considering new development proposals a range of issues must be addressed. This regularly involves consideration of the effectiveness of screening by existing tree belts/woodland areas. This has been, and will always remain, a major part of the decision making process by Planning Officers, the Planning and Building Standards Committee and DPEA Reporters. Many proposals are supported taking account of the degree and effect of existing planting. Comment has been made by some parties that one day the trees between Abbotsford and the proposed houses will be removed and therefore the plans should not be approved. If this was to be accepted as a new material consideration for new proposals which should now be imposed, many proposals would be rendered automatic refusals. This would be entirely unreasonable and the Council is sure this matter was not raised nor considered necessary when these applications were proposed for housing development in the vicinity of the site at Kingsknowes and Netherbank.
- Officers are aware that Abbotsford House wish to undertake some maintenance work on trees on the north side of the River Tweed located between the site and Abbotsford House. These trees are prominent and are protected by a Tree Preservation Order (CD119, page 17). Any works to these mature trees would require the consent of the Council. This has not been applied for and would have to be considered very carefully by the Council. The estate will be aware that by proposing to cut down any trees or to propose wide scale and significant maintenance work within the woodland strip in question would open up views to existing houses at Kingknowes and Netherbank. This would appear at odds with the importance of protecting views from Abbotsford House and its grounds which forms the major part of the objections submitted. There are other trees outwith the ownership of Abbotsford House which offer significant screening as well as extra planting proposed within the development site by the developers.

Impacts on tourism

- It is not considered that development on the opposite side of the River Tweed, which is substantially screened by existing woodland, would deter visitors from Abbotsford House, as referred to earlier. Concerns have been raised regarding the impact upon the Woodland Management and new path network on the Abbotsford Trust land. Throughout the Scottish Borders there are numerous woodland management schemes/woodland walks but none of this work should in any way be considered a deterrent to prevent opportunities for development in the vicinity. It is not considered the Netherbarns development, as now proposed, will have any bearing at all in terms of public usage and enjoyment of the Trust land path network.

Members' Site Visit

- Officers offered to hold a site visit with Members of Scottish Borders Council. This was held on 13 November 2019. Members met on the western side of the site, walked around the northern boundary of the site and then viewed it from Boleside Road next to the former railway line, stopping occasionally to check views from the site from several locations. Members then viewed the site from Abbotsford House

and the grounds leading towards the River Tweed, looking across the water towards the trees and in the direction of the proposed site. The proposed plans were studied from these various points, noting the position of proposed and existing housing, proposed and existing planting and the part of the site which would not be developed. It is considered the site meeting was most useful and influential in the Council decision to support the proposal and highlights the importance and significance of fully assessing the plans on site.

Countryside Around Towns Policy

- The site is located within the Countryside Around Towns (CAT) (Proposed Plan, page 117) area as defined by Policy EP6 which in essence seeks to prevent coalescence between existing settlements. It is not however considered that the development of this site would have an unacceptable harm on the settlements due to the location of the site adjacent to existing developments and being within a natural infill setting amongst well-established perimeter planting. The policy does not prevent the consideration of the allocation of new sites within the Plan if considered necessary and appropriate. Netherbarns Farmhouse is located within the settlement boundary of Galashiels, and outwith the CAT policy area, within the Scottish Borders Local Development Plan 2016 (CD009, pages 88-90). There has been no change in circumstances which would result in the Council wishing to revise this position.

Roads Issues

- A number of concerns have been raised relating to increased traffic at this location as a result of the development. The Council's Roads Planning Team has raised no objections to the proposal on the basis that the A7 immediately adjacent to the site has the benefit of: street lighting and a 40mph speed limit; a footway for pedestrians, including a crossing island in the main road; and public transport provision by way of bus lay-bys and shelters. The existing road junction serving Kingsknowe Drive, which would also serve this site, has the benefit of a right turn lane on the A7 to assist with traffic flow on the main road. As such, much of the transport infrastructure required to serve this site is already in place. A Transport Assessment would be required to address any adjustments/upgrades required to accommodate the increase in traffic associated with the site, particularly at the junction with the A7/Kingsknowe Drive. Whilst the site is not located within the immediate vicinity of the town centre of Galashiels, it is becoming increasingly difficult to allocate new sites within the town centre radius and some sites require to go further afield, such as Easter Langlee (AGALA024). In any case, the site is located adjacent to existing residential developments at Kingknowes and Netherbank and has good connections with the town centre being located on the A7 trunk road with good access to public transport and local path networks.

Alleged Procedural Irregularities and Other Procedural Issues

- In respect of the formal complaint referred to by Contributor 1037, the Department has no knowledge of findings of fault. The Department strongly refutes any claims of procedural irregularities.
- The Council is unaware, in response to Contributors 592 and 679, of any misleading or incorrect information being submitted by the landowner.

Conclusions

- It is considered that the new amended plans, which have not been subject to previous Examination, satisfactorily address the reasons for the site's previous rejections which includes matters such as where houses are proposed within the site, land to be kept free from development and proposed further planting. It is considered any impacts on Abbotsford House, its grounds and its setting will be minimal if at all, and undoubtedly the proposals will have much less impact than existing developments such as existing houses at Kingsknowes and Netherbank and the Visitor Centre. The Council is unaware of any evidence that these developments have impacted on visitors/members of the public's enjoyment and experience of visiting Abbotsford House and its grounds. As is the case with many other existing developments either within or within the vicinity of the Garden and Designed Landscape designation, it is not considered this proposal will have any detrimental impacts on it. It is considered the site requirements, including added confirmation that no development should take place on the eastern part of the site closest to Abbotsford House, will ensure satisfactory control of the proposal along with addressing all necessary mitigation measures. The Masterplan will offer the opportunity for interested parties to input into the site's development. It is concluded there are no justifiable reasons to now oppose these new amended plans and the site should be included within the LDP.

Reporter's conclusions:

1. The council provides a summary of the site's planning history which indicates that housing on the site has not been supported in previous examinations or at appeal. Whilst the outcomes of previous applications and examinations are relevant considerations, I am required to address the evidence before me. This includes the supporting information submitted by the landowner/developer, matters raised in representations and the council's response above.

The Proposal

2. Allocation AGALA029 covers 7.3 hectares with an indicative capacity of 45 homes. Site requirements are listed on proposed plan page 345. The council has explained that during the period for representations on the proposed plan, it published a summary map to explain that housing development would be restricted to the northern and western parts of the site. Whilst this summary plan is based on the indicative spatial master plan submitted by the landowner/developer, it has no formal status in relation to the proposed plan.

3. In order to address some of the matters shown on the summary plan, the council has suggested the inclusion of an additional site requirement to stipulate that no development is to take place on the lower eastern part of the site closest to Abbotsford House and bounded by the existing stone wall to the northwest as shown on the plan submitted by the landowner (drawing no. Figure 7, dated 7 August 2017).

4. The representation from Historic Environment Scotland warns that future discussions on the masterplanning of the site should not be constrained by inclusion within the adopted plan of any additional detail which has not been subject to early and effective consultation. Whilst the council is not proposing the inclusion of the summary

map, the suggested additional site requirement would shape the site layout in advance of the preparation of a master plan. On the basis that the suggested site requirement has not been the subject of consultation with Historic Environment Scotland and other relevant parties, I do not consider such a modification to be appropriate.

5. I have therefore assessed the extent of the allocation as shown in the proposed plan. However, I do recognise that the preparation of a masterplan would provide the opportunity to direct development away from the most sensitive parts of the site.

Contribution to Housing Land Supply

6. Allocation AGALA029 is one of 16 new housing site allocations identified in proposed plan, Appendix 2 Table 11. Issue 006 (Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement) concludes that there is already more than sufficient housing land that is expected to deliver the recommended local housing land requirement (LHLR) during the plan period. The deallocation and removal of this site (45 homes) from the proposed plan, would have no significant impact on the conclusions reached in Issue 006.

7. The council indicates that the allocation would contribute to the five-year effective housing land supply and provide additional housing choice in Galashiels, where it has been difficult to identify additional housing sites. Whilst maintaining a five-year effective housing land supply was a requirement of the Strategic Development Plan and Scottish Planning Policy (2014) (the relevant national and strategic policy documents in place when the proposed plan was prepared), it is not a requirement of NPF4 (which now forms part of the development plan). Furthermore, there is no requirement in any policy document to allocate a specific amount of housing land in Galashiels.

8. I have no reason to doubt that housing on this site would be delivered. However, there is not an overriding housing need which would justify the retention of this proposed allocation.

Impacts on Abbotsford House and Estate

9. The council's summaries above set out the various concerns raised in representations regarding the impact of allocation AGALA029 on Abbotsford House and its estate. I consider all of these under this heading. I visited Abbotsford House on two occasions, once in October 2022 when the trees were still in leaf, and again in January 2023 when the branches were bare. I viewed the site from within the house and its grounds.

10. The site is located to the southwest of an area of existing housing (Abbotsview) and directly across the River Tweed from Abbotsford House and its estate. It comprises an area of undulating agricultural land which slopes downwards from the A7 road to the river. To the southeast of the site, there are existing mature tree belts along the banks of the river and to the northwest of Boleside Road.

11. Representations consider that the allocation is contrary to national planning policy and guidance and local development plan policies in terms of protection of cultural and historic assets and their setting. The key determining factor behind many of the concerns relates to whether housing development on the AGALA029 site would be visible from Abbotsford House and its estate.

12. I find that national planning policy recognises the importance of cultural heritage and promotes the protection and enhancement of the historic environment. It does not prohibit change but requires that proposals are based on an understanding of the importance of the historic asset and sets out considerations to be taken into account in decision making.

13. The Historic Environment Scotland Managing Change Guidance on setting states that “setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset’s cultural significance”. It also explains that the setting of a historic asset can incorporate a range of factors, including current landscape context, views to, from and across or beyond the historic asset, and key vistas, such as a “frame” of trees. Local development plan policies provide criteria for assessing proposals which may affect the setting of a listed building and historic garden and designed landscape.

14. The council states that the proposed houses are located further from the southeastern boundary of the site compared to previous submissions, with more new planting proposed throughout the site. It indicates that only fleeting glimpses of the site would be visible, even in winter when screening from deciduous trees is less. In addition to the council’s response above, I have taken into account the information provided by the landowner/developer in support of the allocation, including the landscape and visual appraisal and heritage assessment.

15. During my visit in October 2022, when the trees were still in leaf, I could not see the site itself when looking from the house, its terraces or the parkland next to the river. However, when I returned in January 2023, I could clearly see the grass within the site through the bare trees. I could also see existing houses at Abbotsview to the northeast of the site.

16. The landowner/developer proposes a range of mitigation measures to ensure that the development would not have an adverse impact on the setting of and views from Abbotsford House and its estate. These include a reduction in the number of houses proposed, no development on lower levels of the site, the reinforcement of the woodland belt along the southern boundary and a detailed design code. The design code proposes a restriction on building orientation, street lighting, materials and colour palettes and a removal of permitted development rights. It also indicates the intention to put a woodland management scheme in place.

17. Abbotsford House and its associated buildings are Category A listed and the estate is listed in the Inventory of Garden and Designed Landscapes. The Heritage Statement highlights the national significance of Abbotsford House and the designed landscape and states that the connection with Sir Walter Scott contributes to the special historic interest of the house and the wider estate. Paragraph 5.13 indicates that the principal rooms of Abbotsford House are those which look out over the Tweed and therefore in the direction of the site. The Landscape and Visual Appraisal provides photomontages with building outlines from the north terrace lawn and from the first-floor dressing room.

18. From the evidence before me, I consider it unlikely that housing on the site would be visible during the months when there are leaves on the trees to the north of the river. However, the Landscape and Visual Appraisal indicates that the proposed development would result in potentially significant landscape and visual effects during the winter

months, in terms of localised parts of the landscape setting and views experienced from Abbotsford House, and the adjoining terraces and riverside parkland.

19. I agree that these effects would be experienced within the context of views of existing residential development from this location. However, I consider that site AGALA029 occupies a more sensitive location in relation to the setting of Abbotsford House and views from its principal rooms and the landscaped terraces and open parkland to the north of the house.

20. Chapter 4 of the Heritage Statement explains how the house was designed in such a way as to appreciate the views across the River Tweed. It also indicates that, in the early 1850s, terracing was introduced to the north and northwest where the house overlooked the river. Properties at Netherbank are located at a greater distance from the house and estate and, taking account of the orientation and layout of Abbotsford House, existing housing at Abbotsview is less prominent in direct views from the principal rooms and the terracing to the north of the house.

21. Whilst it is proposed that no development would take place on the southeastern part of the site, the Heritage Statement notes in paragraph 6.6 that it is on the higher ground towards the north of the site that facades would be visible.

22. The Landscape and Visual Appraisal confirms that new homes on the site would be visible during the first winter in part of the view from Abbotsford House. However, mitigation in the form of reinforcement of the woodland belt along the southern boundary, and the inclusion of evergreen tree species, combined with the promotion of further tree cover to proposed street frontages and to the northern boundary, would create tiered year-round screening to the proposed development. It indicates that in the long term (after 15 years), these measures would ensure the effects of the proposed development on sensitive winter views from Abbotsford House and its grounds are minimised, while also providing further screening to the existing properties at Netherbank.

23. Given the historic and cultural importance of Abbotsford House, I do not consider mitigation which seeks to minimise the adverse effects of the proposed development to be sufficient. The design code suggested in the heritage statement indicates that a range of detailed interventions would potentially be required to help make the development acceptable. I do not consider that such interventions could be guaranteed as part of an allocation in a local development plan.

24. Screening of the proposed development would rely on the existing mature tree belts to the north of the River Tweed. Whilst I understand that these are covered by a Tree Preservation Order, gaps in the woodland may appear due to trees falling naturally or being felled as part of sensitive woodland management and any replacement planting taking time to become established. In the council's site assessment report, its landscape architect notes that "any gaps that develop in the existing mature tree screen will open up views to the existing and proposed housing opposite".

25. All told, the evidence before me suggests that, even in the long term when new planting on the site has matured, there is a risk that housing on the AGALA029 site would be visible in winter views from Abbotsford House and the landscaped terraces and grounds in front of the house, which form part of the designed landscape.

26. The historic maps provided in appendix 2 of the Heritage Statement show the site and the surrounding area dating back to 1863. Whilst the nature and density of development on neighbouring sites to the north, east and west have changed over time, the land which lies directly opposite Abbotsford House has remained open and undeveloped. Views of the River Tweed and the mature tree belts which lie to the north of its banks form a key vista of historical and cultural significance.

27. Notwithstanding that Historic Environment Scotland has not objected to the allocation, I consider that even glimpsed views of housing through the trees would have an adverse impact on the historic setting of and views from Abbotsford House and its designed landscape. I do not agree with the council that the existence of the former railway would justify development at this location.

28. I do not consider the fact that Abbotsford House may be closed to visitors during the winter months to be of relevance. Opening times are subject to change and I observed that the estate is currently open all year round and the visitor centre and café were open from Wednesday to Sunday during January and February 2023. I also note the evidence provided in relation to increased visitor numbers to the house and estate, the enhanced path network in the estate and the community health and wellbeing benefits associated with visits to the estate. This leads me to conclude that allocation AGALA029 would potentially have an adverse impact on how tourists and local people experience, appreciate and understand Abbotsford House and its grounds (including the designed landscape).

29. The council refers to the recent visitor centre as an example of a modern development which has been built within the grounds of Abbotsford House. It is not the role of this examination to assess the merits or otherwise of the visitor centre. However, as this building has no impact on views across the River Tweed from the principal rooms of Abbotsford House or the landscaped terraces and grounds to the north of the house, I do not consider its effects to be directly comparable.

30. I consider that additional landscaping on the allocation site has the potential to provide better screening of existing development in views from Abbotsford House. However, this benefit would need to be balanced against the potential adverse impacts that the proposed housing would have.

31. I note the concerns raised regarding adverse effects on tourism and visitor numbers and consequential impacts on the local economy. Whilst concerns regarding construction effects during Sir Walter Scott's 250th anniversary celebration in 2021 are no longer relevant, representations consider that the housing development on the AGALA029 site would result in reduced visitor numbers to the house, estate and wide area. However, such potential impacts are difficult to quantify and as no substantial evidence has been submitted, this limits the weight that I give to this matter.

32. I conclude that allocation AGALA029 has the potential to have an adverse impact on the setting of Abbotsford House and on its designed landscape. The mitigation proposed by the landowner/developer seeks to minimise the adverse effects but there would still be a risk that housing development would be visible in winter views from the house, the landscaped terraces and grounds to the north of the house. I have already concluded that there is no overriding housing need for this allocation, and I do not consider that this risk would be justified.

Other matters raised in representations

33. I note the representations submitted in support of allocation AGALA029. However, I do not consider that the suggested benefits of development would outweigh the potential adverse impact on Abbotsford House and its immediate setting.

34. Representations objecting to the proposal have also raised a number of other concerns including impact on the wider landscape and setting of Galashiels, views from popular walking routes, transport and access matters, effects on infrastructure, and environmental matters. However, I have not considered these issues in detail. Given my conclusions that the potential adverse impacts on Abbotsford House and its designed landscape would not be outweighed by housing need or other suggested benefits, I recommend that housing allocation AGALA029 be deleted from the proposed plan. My consideration of these other potential impacts would not alter my view that the allocation should be deleted.

35. Some representations suggest that alternative proposals with less built development and more woodland planting should be considered. Any alternative proposal for the site would need to be subject to proper assessment (including strategic environmental assessment) and consultation. It would therefore not be appropriate to introduce such a proposal at this stage in the preparation of the local development plan.

36. In addition to comments on landscape and visual impacts addressed above, NatureScot requested a modification to clarify the site requirement in relation to appropriate assessment and Habitats Regulation Appraisal. I note that the council supported the suggested change. However, given that I am recommending deletion of site AGALA029 such a modification would not be necessary.

Implications of removing the allocation from the proposed plan

37. In the Adopted Local Development Plan (2016), the site lies outwith the Galashiels development boundary and within the Countryside Around Towns designation. Given that the site is currently agricultural land, I consider that, if the site is not allocated for development, it should be taken out of the development boundary and included within the Countryside Around Towns map (Figure EP6 of the proposed plan). A modification to this effect is recommended. Related matters are also considered in Issue 015: Environmental Promotion and Protection Policies: Policies EP7 to EP17.

38. Some representations are also seeking the removal of the land at Netherbarns Farmhouse and steading, to the southwest of the site, from the Galashiels development boundary and its inclusion within the Countryside Around Towns policy area. The reason given is that this land is rural in nature and its inclusion represents an “unwarranted and unnatural extension of Galashiels up the Tweed”. Related matters are also considered in Issue 015.

39. With the removal of site AGALA029 from the Galashiels development boundary, land at Netherbarns Farmhouse and steading would be somewhat remote from the settlement edge to the south of the A7. However, the settlement map on proposed plan page 353 shows that it aligns with the development boundary on the north side of the A7. As Netherbarns Farmhouse and steading are included within the development boundary in the existing local development plan (even when site AGALA029 is not), I do not consider a further modification to be necessary.

Reporter's recommendations:

Modify the local development plan by:

1. deleting allocation AGALA029 Netherbarns from the table on proposed plan page 345 of the Galashiels settlement profile and from the Galashiels settlement map (proposed plan pages 352-353).
2. amending the Galashiels development boundary on the settlement map to exclude the land covered by allocation AGALA029 in the proposed plan.
3. amending Figure EP6a Countryside Around Towns on proposed plan page 117 to include the land covered by allocation AGALA029 in the proposed plan within the Countryside Around Towns designation (green shading).

Issue 36	Gattonside	
Development plan reference:	Gattonside Settlement Profile and Map (Housing Allocation AGATT007 - St Aidans, Housing Sites AGATT012 – Fauhope, AGATT013 - Gattonside Meadow/Castlefield), AGATT017 - Land North and North East of Montgomerie Terrace and AGATT018 – Castle Field II; Development Boundary Amendments SBGAT002 - Gattonside Development Boundary Amendment and SBGAT003 - Gattonside Development Boundary Amendment II) (pages 354-356)	Reporter: Alison Kirkwood
Body or person(s) submitting a representation raising the issue (including reference number):		
Graham Thomas (061) Ian Lindley (591) Allan and Siobhan Dawson (684) J Leeming (755) Mr & Mrs Ian Robson (778) Rural Renaissance (803 1 of 5, 4 of 5, 5 of 5)		
Provision of the development plan to which the issue relates:	Housing Allocation AGATT007 - St Aidans, Housing Sites AGATT012 – Fauhope, AGATT013 - Gattonside Meadow/Castlefield, AGATT017 - Land North and North East of Montgomerie Terrace and AGATT018 – Castle Field II; Development Boundary Amendments SBGAT002 - Gattonside Development Boundary Amendment and SBGAT003 - Gattonside Development Boundary Amendment II	
Planning authority's summary of the representation(s):		
<p><u>Graham Thomas (061)</u></p> <ul style="list-style-type: none"> • Objects to the non-allocation of housing site AGATT017 (Land North and North East of Montgomerie Terrace). • The site would be an extension of the existing developments of Montgomerie Terrace and Orchard Park which is currently under construction, within a highly sought after residential area. • The site adjoins existing utilities and transport links including local bus stop and railway station at Tweedbank. <p><u>Ian Lindley (591)</u></p> <ul style="list-style-type: none"> • Raises concerns relating to the site requirements for housing site AGATT007 (St Aidans). • The site requirements refer to trees to be retained 'wherever possible' which is weak. Given the history of tree thinning and removal permitted along the boundaries of this site to date, the Plan should be emphasising how to ensure the future 		

continuity and reinforcement of those boundaries as no new planting has ever been undertaken since the felling.

- Reference to open space within the site should consider that the current site ownership extends to include the meadow south of St Aidan's, some of which was formerly sports land.
- The meadow would benefit from its allocation for informal recreation enabling the non-flooding land around St Aidan's to be better used for development. As much of the meadow site lies within flood land, formal recreational structures would not be appropriate.

Allan and Siobhan Dawson (684)

- Seek the revision of the settlement boundary to take account of an approved dwellinghouse at SBGAT003 (Gattonside Development Boundary Amendment II).
- Planning Permission in Principle granted on 12 March 2020 for the erection of a dwellinghouse on the site. The site is located on land mostly enclosed by the south-east of the Development Boundary defined for Gattonside. The Development Boundary bisects the site (indicated on submission plan).
- The approved dwelling and all built form are to be erected within the Development Boundary. This arrangement is underpinned by the functional logic of obtaining vehicle access to the dwelling and garage directly from the surfaced access track and delivering improvements in amenity by setting development back from the boundary shared with Tweed Lodge. Our clients are keen to retain the backland of their plot as residential garden for their own private use.
- The existing Development Boundary is not fixed to any physical features on-site. Condition 8 of Planning Permission 19/01753/PPP requires that the boundaries of the application site are treated and defined to the satisfaction of the Planning Authority. This represents an opportunity to establish an appropriate boundary to the developed area of Gattonside and shall represent a far more befitting feature upon which to define the Development Boundary.
- The impact in planning terms of the approved development was actively considered by the appointed Planning Officer in Report of Handling 19/01753/PPP. The full extract from the Report was as follows: "The section of site to the south, garden ground, would be outwith the Development Boundary, within the area designated as Countryside Around Towns and on land designated as prime quality agricultural land. This area is within the field margins and clearly not of prime quality and so policy ED10 is not undermined in this case. The built development itself would not stray beyond the defined Development Boundary, and enclosing this southern area of the field as garden ground would not conflict with the objectives of policy EP6. Approving this development presents an opportunity to reinforce this boundary, consolidating the existing arrangement of buildings and agricultural land in a more formal manner, tying in with the field boundary immediately to the north. It is accepted that the development does not strictly comply with policy EP6, however, it does not significantly undermine the policy objectives." The area which we propose to move inside the Development Boundary is surplus to agricultural requirements and makes no meaningful contribution to the character or quality of the countryside around Gattonside.

J Leeming (755)

- Objects to the allocation of housing site AGATT007 (St Aidans).

- Gattonside has endured significant developments over the last two decades, and this would be a development too far.
- The St Aidan's property is conspicuous from the south and particularly from the Eildon Hills. What is at present an imposing building surrounded by attractive greenery would be ruined by plonking a housing estate around it.

Mr & Mrs Ian Robson (778)

- Object to the non-amendment of the Gattonside settlement boundary at SBGAT002 (Gattonside Development Boundary Amendment) within the Plan.
- The proposed site, whilst separate from Monkswood and classed as countryside around town area, is a logical extension of the built up area.
- The site would assimilate with the Monkswood development to its south and west because of the layout relationship and its position to the west of the existing Fauhope House driveway.
- Whilst the proposed site would be accessed from the driveway serving Fauhope House, the connectivity and grouping of the proposed site with the existing Monkswood site would not be lost because of this. It is the driveway that forms the separation of any future or existing development or building group.
- Land previously within the garden bounds of Fauhope House (west of the driveway) has now been developed and is part of the Monkswood site and whilst it is accessed from the Monkswood site, there is no reason why the proposed site could not be adopted on the same principle, given the relationship of the sites.
- This potentially would require the existing development boundary to be moved to the east side of the Fauhope House driveway, so that access is taken from within the development boundary. Moving the development boundary to the east side of the driveway does not risk further development, in the short term, other than that proposed above.
- The site is easily developable and would have minimal impacts on its surrounds. The proposal would provide a more linear, permanent development boundary, aided by the existing TPO to the north, west and south of the site.
- Disagree that the Local Development Plan should only deal with sites of 5 or more dwellings. Given the rural nature of this area and the relevance of the development boundary, this is not correct.
- The site is located within the CAT policy area which is why we are proposing an amendment to the development boundary. The site is located within a National Scenic Area, but this is not necessarily a constraint on development.
- Both SNH & the Access Officer raise points on access and privatisation, neither of which are accurate or correct. There is no reason that this site must allow links from the houses to the south and west of the site. The site, if developed, would be private garden ground for a new dwelling, the surrounding garden grounds of Fauhope House would remain as the private garden grounds for Fauhope House. Neither of these private dwellings would require to provide access over their private garden ground to third parties or access to surrounding properties. There is no path network to the east of the site. There is adequate provision of paths and walks surrounding Monkswood and Gattonside. In addition, the Freedom to Roam over agricultural land etc. is in the vicinity. This right does not extend to private garden ground.
- SEPA note - "The site is on the edge of the sewered catchment and hence must connect to the public foul sewer." This is not correct. Local Plan Policy IS9 allows for Private Foul Treatment works in settlements, in exceptional circumstances, where it can be shown that there will be no negative impacts to public health or the

environment and there is not a proliferation of individual Treatment Plants. The incorporation of a single sewage treatment plant within the site would be achievable whilst ensuring all of the above and is the simplest, most sustainable solution.

- Development Management raise concerns over the trees onsite. The picture at the front of the report and below, show a large portion of the site centre, there is only one semi-mature lime tree and two peripheral sycamore trees (not shown) which would be lost were the site to be built on. Further immature fruit trees could be transplanted elsewhere, without biodiversity loss. The majority of the trees on this site are located around the periphery and will not be affected by any development. The overall impact on the trees on this site would be minor and compensatory tree planting would off-set any loss. The development boundary is already defined by mature trees and its alteration would break into existing garden ground. There are some mature trees on the existing development boundary and an amendment to the development boundary would break into existing garden ground. That said, the existing development boundary does not have significant tree numbers to delineate a permanent boundary, nor is there any linear definition. The proposed amendment would extend beyond a few mature trees but would end up following a more permanent boundary aligned with the TPO boundary, where a larger planting population exists.

Rural Renaissance (803)

- Objects to the non-allocation of AGATT018 (Castle Field II) for housing within the Plan.
- The proposal will meet the aims and objectives of the development plan by:
 - Ensuring sufficient new housing land is available allowing for a phased approach to the release of housing land;
 - Meeting the economic prosperity and environmental quality strategic objectives; Locating development which minimises number and length of car journeys by providing new homes adjacent to a transport corridor;
 - The contribution to the strategy and policies of the Development Plan and other national and local policy objectives;
 - Delivering a proposal within a 5 year timeframe, or within such timeframe that it helps reduce the pressure on the planning authority to deliver it's already allocated sites;
 - The provision of choice across the housing market area;
 - The design, quality and density of development that can be achieved;
 - The proposal will not have a significant adverse effect on any natural or built heritage interests or any national or international environmental designations;
 - The proposal can support the existing services in the village;
 - The proposals can contribute to the facilitation of improved facilities in the village and in neighbouring villages; and
 - There are no other significant environmental dis-benefits or risks, for example flooding.
 - There is a clear requirement for the Local Development Plan to identify further housing land supply in the Central Borders Housing Market Area, and within the area identified as rest of central housing market area. Allocation of the subject site to the full extent shown on the attached plan will help to meet the 5 year housing land supply shortfall.
 - Accordingly, our client requests that Castlefield should be included in the list of allocated sites within the Local Development Plan (803 1 of 5).

- Objects to the non-allocation of AGATT013 (Gattonside Meadow/Castlefield) for housing within the Plan.
- The proposal will meet the aims and objectives of the development plan by:
 - Ensuring sufficient new housing land is available allowing for a phased approach to the release of housing land.
 - Meeting the economic prosperity and environmental quality strategic objectives.
 - Locating development which minimises number and length of car journeys by providing new homes adjacent to a transport corridor.
 - The contribution to the strategy and policies of the Development Plan and other national and local policy objectives.
 - Delivering a proposal within a 5 year timeframe, or within such timeframe that it helps reduce the pressure on the planning authority to deliver its already allocated sites.
 - The provision of choice across the housing market area.
 - The design, quality and density of development that can be achieved.
 - The proposal will not have a significant adverse effect on any natural or built heritage interests or any national or international environmental designations.
 - The proposal can support the existing services in the village.
 - The proposals can contribute to the facilitation of improved facilities in the village and in neighbouring villages.
 - There are no other significant environmental dis-benefits or risks, for example flooding. (803 4 of 5)
- Objects to the non-allocation of AGATT012 (Fauhope) for housing within the Plan.
 - The proposal satisfies the criteria of LDP policies and will be in accordance with the character and setting of the surrounding area.
 - The proposal meets the aims and objectives of policy by providing a small scale appropriate addition to an existing residential area.
 - The proposal will result in appropriate infill within a self-contained site. It will enhance amenity by allowing redevelopment of the existing site to create a high quality residential development.
 - The proposal fully satisfies the requirements of sections 25 and 37 of the Planning Act. In light of the above, we respectfully request that the site should be allocated for one dwelling and included in the list of windfall sites. (803 5 of 5)

Modifications sought by those submitting representations:

- Contributor requests site AGATT017 (Land North and North East of Montgomerie Terrace) is allocated within the Local Development Plan for residential development. (061)
- Contributor seeks revised site requirements relating to AGATT007 (St Aidans) requiring the future continuity and reinforcement of the tree boundaries, reference to open space within the site acknowledging that former sports land is within the control of the owner and the meadow would benefit from its allocation for informal recreation. (591)
- Contributor seeks an amendment to the Gattonside settlement boundary at SBGAT003 (Gattonside Development Boundary Amendment II) within the Plan. (684)

- Contributor seeks the removal of housing allocation AGATT007 (St Aidans) from the Plan. (755)
- Contributor seeks an amendment to the Gattonside settlement boundary at SBGAT002 (Gattonside Development Boundary Amendment) within the Plan. (778)
- Contributor requests site AGATT012 (Fauhope) is allocated within the Local Development Plan for residential development. (803 5 of 5)
- Contributor requests site AGATT013 (Gattonside Meadow/Castlefield) is allocated within the Local Development Plan for residential development. (803 4 of 5)
- Contributor requests site AGATT018 (Castle Field II) is allocated within the Local Development Plan for residential development. (803 1 of 5)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE GATTONSIDE SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN WITH THE EXCEPTION OF A SETTLEMENT BOUNDARY AMENDMENT AT 'GATTONSIDE DEVELOPMENT BOUNDARY AMENDMENT II (SBGAT003) AS SET OUT BELOW:

REASONS:

- Gattonside is located outwith any Strategic Development Area set out by the SESPlan Strategic Development Plan (SDP) 2013 (CD001, refer to pages 7 to 20). Appendix 2 contained within the Proposed Plan outlines that the housing land requirement figures are taken from the SESPlan Proposed SDP (2016) (CD005, refer to pages 44 to 50) and SESplan Housing Background Paper 2016 (CD006, refer to pages 4 to 6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit 2019 (CD071, refer to the Introduction, pages 14 to 16) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Issue 6. It is also acknowledged that housing land requirements will be set out at a national level through the forthcoming National Planning Framework.

St Aidans (AGATT007) (591, 755)

- The site was originally allocated for housing development through the Local Plan Amendment (2009) (CD012, pages ix and 143). Through the Examination process the Reporter (CD039, page 184) concluded the following:

'Housing Allocation AGATT007 comprises land and buildings located at the southern side of the settlement near to the River Tweed. In the adopted local plan it is designated as within the development boundary and Gattonside Conservation Area. In the finalised local plan amendment it is also shown as a housing allocation. The site is also within the Eildon and Leaderfoot National Scenic Area and the Eildon Hills/Bowhill Area of Great Landscape Value. Gattonside House is a category B listed building. The site has good access to the B6360 Main Street and is well contained by a roadside boundary wall. It is relatively low-lying, being in the river valley. Care will need to be taken to ensure good quality of design and minimal

environmental impact from any development because of the designed landscape and sensitive location. Scottish Natural Heritage confirmed on 30 October 2009 that it did not object to the St Aidans allocation in the finalised local plan amendment. The indicative capacity for the St Aidans site is 40 units. It is acknowledged that there are a number of restrictions on site that could reduce its capacity. Nevertheless there are outstanding planning and listed building consent applications for the erection of 49 dwellinghouses on the site and the provision of fifteen dwellinghouses within Gattonside House. The council's site assessment indicates that the site would be effective and I consider that it has the potential to make a significant contribution towards the housing requirement.'

- Full planning consent was granted in February 2016 for the demolition of ancillary buildings, erection of forty four dwellinghouses and village shop, alterations and change of use to provide fifteen dwellinghouses and formation of new access road (subject to the conclusion of a legal agreement, conditions and informatives) (Ref no. 09/01043/FUL) (CD136). A full planning application (Ref No. 18/01661/FUL) (CD137) for the variation of condition No 1 of consent notice 09/01043/FUL to extend the commencement time period was approved in principle by the Council and is now the subject of the conclusion of a legal agreement. On the conclusion of the legal agreement there will be an extant permission in place for the implementation of the approval.
- The Council's Housing Land Audit 2019 (CD071, Appendix 1, page 97) confirms that this is an unconstrained housing site with the completion of 40 units expected by 2026. The Council therefore retained the allocation within the Proposed Plan.
- The playing field noted by Contributor no. 591 is outwith the allocated site and the settlement boundary of Gattonside. The playing field is not identified within the site requirements set out on page 355 of the Proposed Plan for retention or incorporation within the development. There is, however, a site requirement requiring 'Open space must be provided to allow breathing space within the site and provide recreational facilities' (bullet no. 7). This was a matter for consideration during the process of the aforesaid planning application (09/01043/FUL) and it was agreed that, following detailed dialogue, that the play area would be best located centrally within the site where it will be accessible and overlooked. Further information and a programme of implementation is required by condition. It was also considered that the scheme, as approved, provides open space that will be of value and will provide the breathing space necessary for the site. The site requirements also specify that '...The mature trees within the site and on the surrounding boundary must be protected wherever possible' (bullet no. 4). This was a matter for detailed consideration during the process of the aforesaid planning application. A condition is attached to the consent requiring that a tree survey is undertaken to identify trees to be removed and retained and that no trees shall be removed without the written approval of the Planning Authority. All trees within the site are afforded protection given their location within the Gattonside Conservation Area. The Council does not consider it necessary to amend the site requirements for this site as set out within the Proposed Plan.
- The principle of residential development at this location has long since been established and has been confirmed recently by the aforesaid planning approvals. This is considered to be an effective housing allocation and should remain within the Plan.

Land North and North East of Montgomerie Terrace (AGATT017) (061)

- The site has been submitted for consideration as a housing allocation through the Proposed Plan consultation stage and has now been the subject of consultation with internal and external bodies. The Contributor (061) objects to the non-allocation of the site (AGATT017) for housing development and is of the view that the site would be an appropriate extension to the existing developments of Montgomerie Terrace and Orchard Park, the latter of which is currently under construction.
- The site has been considered through the process of various Local Plans, forming part of larger sites. Most recently, the same site (with a minor adjustment to the site boundary) (CD119, page 18) was considered through the process of the Scottish Borders Local Development Plan 2016 under site AGATT011 which sought a housing allocation. The site assessment (CD118, pages 106-108) concluded the following: 'As discussed previously at the LPA Inquiry this site is unacceptable as its elevated and prominent nature would have a detrimental impact on the sensitivity of the character and setting of the settlement and the National Scenic Area. The site is constrained in the Landscape Character Assessment.'
- The site was considered by the Reporter through the Examination process and the following is an extract from Reporter's conclusion (CD040, pages 686 - 687): 'In the past, this land has been regarded as suitable for housing in the belief that development would not prejudice the character and setting of the village. It was also considered there would be no adverse impact on the Eildon and Leaderfoot National Scenic Area and other nearby areas with formal landscape designations. Mr Thomas argues that, in any event, good design and an appropriate density would mitigate any landscape impact. More recently, Scottish Natural Heritage has objected to the development on the basis of impact on the character of the village and the National Scenic Area. I can accept that the development of the site would have less visual and landscape impact than the wider allocation of the land considered under Issue 185. Indeed, by comparison, the site north of Montgomery Terrace is of a modest scale. Nevertheless, the allocation of this land would breach a clear boundary in this vicinity where the interface between the village and agricultural land is well defined. I therefore agree with Scottish Natural Heritage and consider that development would not respect the established form of Gattonside. Taking into account the potential for residential development on other sites in the village, I do not consider an extension of the settlement boundary is justified at Montgomery Terrace. I also agree with Scottish Natural Heritage that development at this location, even if provided with good quality landscaping, would have a wider impact on the national scenic area although I think this adverse effect would not be of major significance.'
- The settlement profile for Gattonside as set out within the Proposed Plan highlights that the quality of the countryside around Gattonside is recognised by its inclusion in the Eildon and Leaderfoot National Scenic Area (CD204). The settlement profile also notes that the village is viewed from many parts across the Tweed Valley; particularly prominent are the fields and land to the north side of the main road. Further development, beyond a large site allocated for residential development at St. Aidans (AGATT007) and a smaller site at the east of Montgomerie Terrace (EGT10B), which is currently under construction, will not be promoted during the Plan period as the sensitive character and setting of Gattonside must be protected from overdevelopment. The site is in an elevated position, abutting the boundary of the Gattonside Conservation Area and has the potential to erode the rural setting of the settlement at this location and the scenic qualities of the NSA. The site is located within the CAT policy area which aims to ensure the high quality living environment is protected and to prevent piecemeal development, which would detract from the area's environment. It is considered that development at this

location would compromise the aims of the CAT policy. Existing trees, particularly along the eastern side of the southern boundary of the site, define the Gattonside settlement boundary at this location.

- The Roads Planning Team consider that suitable access to the site appears to be unobtainable given third party land and engineering constraints, although it is understood the adjoining dwellinghouse at 25 Montgomerie Terrace is within the ownership of the Contributor which may allow for the ownership constraint to be overcome.
- For the aforesaid reasons, it is not considered that the proposed housing allocation (AGATT017) should be taken forward into the Local Development Plan.

Castle Field II (AGATT018) (803 1 of 5)

- Although with amended site boundaries, for the most part this site has been considered through the process of earlier Local Plans. Most recently, the site was assessed through the process of the Local Plan Amendment in 2009, albeit a larger area including land to the west (CD119, page 18), the following was the conclusion of the site assessment (AGATT001) (CD118, page 109-111):
 ‘This site could be allocated for housing development as the settlement has good access to services and employment, the site is south facing and it can be fitted into the landscape. In order to address environmental issues on this proposed allocation the following issues need more detailed assessment and mitigation: the Tree Preservation Order trees on site and semi natural grassland should be conserved and enhanced; the provision of SUDS should be used to improve drainage; archaeological records of a fortification require evaluation and mitigation and the likely exclusion of the archaeological remains from the developable area; the conservation and enhancement of the character of the sensitive landscape including the Eildon Hills to Leaderfoot National Scenic Area and AGLV; the impact the site may have on the Gattonside Conservation Area to the south and the countryside pathway to the north of the site. Further assessment and associated mitigation will be required in relation to any impact on the River Tweed. The provision of structural woodland planting should be carried out along the west boundary to contain/ screen the site and links made to adjacent countryside paths to improve amenity. In addition developer contributions are required to address the following issues: primary school capacity, secondary school capacity. The site slopes gently and is capable of development and would also benefit from solar gain. However, on balance, given the site's sensitive location, its impact on the NSA and the biodiversity/archaeology issues, it is considered that this site will not be allocated within the Finalised Amendment because a better site has been brought forward within the settlement on a brownfield site.’
- Through the process of the Local Plan Amendment Examination (CD039, pages 181-182), the Reporter concluded the following:
 ‘This site includes fields that slope down towards the settlement and public footpath mentioned above. The site would involve a significant area of development in relation to the scale of Gattonside, particularly if combined with the Gattonside Mains site. In view of its elevated position and slope, development would be prominent when viewed from the immediate vicinity and in more distant views from the south, including the Eildon Hills. Development of this greenfield site would also have an adverse effect on the rural setting of this part of Gattonside. In issue 061 below, I have recommended that the St Aidans site be retained as a housing allocation. In view of the potential for this site to make a significant contribution towards the

housing requirement in the Rest of Central Housing Market Area I see no need to allocate Gateside Meadow/Castlefield and/or Gattonside Mains AGATT001, in the period to 2018. The adopted local plan indicates on page 290 that, given the sensitivity of the character and setting of Gattonside it has not been able to identify an area for longer term expansion. The longer term housing requirements and potential development areas will be informed by the Strategic Development Plan for Edinburgh and the South East of Scotland. For this reason, and in view of the particular characteristics of the setting of Gattonside, it would be inappropriate to designate either of the two sites at Gattonside Mains or Gateside Meadow/Castlefield for longer term expansion'.

- The view has been taken previously that the land to the north of Gattonside is very sensitive both in terms of the nature of the landscape and the setting of the village of Gattonside. These concerns have been raised by NatureScot through previous site submissions (CD039, pages 179-180). Given the reduced scale of the site and the fact that it is now contained by existing residential properties to the north and south, it is possible that the development of this site could be acceptable in landscape impact terms provided appropriate landscaping is provided, particularly to the west, to appropriately contain development.
- The Roads Planning Team has previously expressed concerns relating to the access to the site being served by The Loan which is wholly inadequate for serving what it already serves let alone any further development. An opportunity does exist though to connect this road with the road network in Monkswood and so provide improved street connectivity as well as an alternative traffic route avoiding The Loan. While the road network in Monkswood has its limitations, it is significantly less constrained than The Loan. On this basis, the Roads Planning Team are able to support some development on this site if an adoptable road link is provided between The Loan and Monkswood. It is inevitable that traffic from the site in question here will use The Loan towards Main Street if heading out west through the village towards Lowood Bridge or returning from that direction. In other words the road link will divert some traffic from The Loan, but the development will add some traffic to The Loan. With this in mind, the Roads Planning Team are only able to support an easterly portion of the site being developed with an adoptable road link between The Loan and Monkswood being provided. This road link would require any land ownership issues to be addressed. These matters would require further investigation and it would be necessary to establish the number of dwellinghouses permissible.
- Given the aforesaid comments of the Roads Planning Team, who confirm that support would only be possible for the easterly portion of the site, with a restricted number of dwellinghouses, it is considered that the existing, well-established row of trees extending down the centre of the site (north to south) would be the most appropriate western extremity of any development at this location, given the sensitive landscape setting and the fact that these trees would provide an attractive existing boundary to contain the settlement edge at this location.
- The Council is, however, of the view that there is sufficient land allocated within the village given the substantial allocation at St Aidans (AGATT007) which has planning consent for the erection of forty four dwellinghouses.
- For the aforesaid reasons, it is not considered that the proposed housing allocation (AGATT018) should be taken forward into the Local Development Plan. It is noted, however, that this site could be considered through the process of future Local Development Plans when necessary.

Gattonside Development Boundary Amendment (SBGAT002) (778)

- This proposed settlement boundary amendment was submitted during the MIR Consultation stage and was not taken forward for inclusion within the Proposed Plan having been assessed as doubtful (CD118, pages 93-96). The Contributor (778) objects to the non-amendment of the Gattonside settlement boundary (SBGAT002) within the Proposed Plan and seeks the inclusion of the site boundary amendment.
- The Council remains of the view that the settlement boundary amendment would not be appropriate at this location and the conclusions of the site assessment (CD118, pages 95-96) and consultation undertaken following the MIR Consultation Stage remain relevant. The site assessment concluded the following: 'The proposed development boundary amendment was submitted as part of the MIR Consultation stage. The site forms part of the garden ground associated with Fauhope House, which lies to the east of the site. The land owner indicates within their submission that the site would lend itself to the development of a single house. Goatbrae Plantation lies to the north and there is extensive tree planting to the north east of this site, which forms a backdrop to the existing recent housing at Monkswood'.
- An amendment to the village Development Boundary to the west of SBGAT002 was considered for the LDP 2016 (AGATT010) (CD118, pages 421-424 and CD119, page 18). This was considered to be a natural infill of the then existing Development Boundary between allocated housing land and a tree belt on the eastern side. It was considered the previous amendment in the LDP 2016 was an appropriate edge to this part of Gattonside.
- This proposed amendment to the development boundary would effectively break into the existing garden ground associated with Fauhope House, leaving the existing house outwith the development boundary and part of the garden ground within the development boundary. The amendment would extend the existing settlement boundary beyond existing mature trees which currently form an appropriate edge to the village. The current development boundary follows the line of the garden ground and is considered to reflect the existing development line. There are a number of constraints, which are outlined below;
 - Site is located within MOD safeguarded area;
 - Moderate biodiversity risk, given the broad leaved woodland;
 - Potential for bat roosts, badger and breeding birds;
 - Compensatory planting would be required for the loss of any trees;
 - Located within the CAT policy area;
 - Site is located within the National Scenic Area, 'Eildon and Leaderfoot'; and
 - Site must allow links from houses to the south and west of the site, to the path network on the east of the site.
- Although the proposal is for a development boundary amendment, the site is currently garden ground associated with Fauhope House, therefore this would allow proposals to essentially be assessed against the infill policy (Policy PMD5: Infill Development). The land owner has made it clear within their submission that the intention is for a single house within this site. It is not considered appropriate to expand a development boundary merely in order to provide infill opportunities within the settlement itself, without a formal allocation. Furthermore, it is not the purpose of the Local Development Plan to identify and allocate single plots for development, only sites with a capacity of five or more units will be allocated.
- It is not considered that there is any reasoning why part of the garden ground associated with Fauhope House should be included within the development

boundary, other than the fact that it would allow the site to be assessed against Policy PMD5 for a single house.

- In conclusion, taking the above into consideration, the development boundary amendment will not be included within the Proposed Plan.'
- In response to the points raised within the Contributor's submission, where the matter is not outlined within the above site assessment, the Council would respond as follows:
 - The fact that the site would be accessed from the existing driveway to the east and is separated from the existing, more recent, development at Monkswood to the west, means this site feels detached from those properties currently located within the settlement boundary at Monkswood. The site would have a poor relationship with these existing properties for these reasons. The Council is of the view that the existing mature trees along the western and southern boundaries of the site define the settlement boundary of Gattonside at this location more than the existing driveway serving Fauhope House. It would not be the intention of the Council to amend the settlement boundary to accommodate a driveway to facilitate the development of a single plot.
 - The Council would contend the argument that the development of the site for a single house would provide 'a more linear, permanent development boundary, aided by the existing TPO to the north, west and south of site'. It is considered that the existing trees provide a clear and definable edge to the development boundary at this point.
 - Connectivity with existing paths in the vicinity would be required to integrate any dwellinghouse at this location with any paths within the vicinity. Not having this connectivity would isolate any property from its relationship with the Monkswood development.
 - The Council would agree with SEPA's advice in respect of the site connecting to the public foul sewer if a dwellinghouse were to be developed here.
- In view of the above, the Council does not support the amendment of the Gattonside settlement boundary at this location.

Gattonside Development Boundary Amendment II (SBGAT003) (684)

- This settlement boundary amendment proposal has been submitted during the Proposed Plan consultation period. The site has been assessed following consultation with various consultees and the following is the conclusion of the site assessment (CD118, pages 97-99):
'The proposed settlement boundary amendment is consistent with a recent planning approval on the site for the erection of a dwellinghouse. The land proposed for incorporation within the settlement boundary at this location would provide the garden ground associated with the dwellinghouse. There are currently no features at this location which strongly contain the settlement and it is considered that the planning consent offers an opportunity to establish an attractive edge to the settlement at this location with hedging encouraged to the eastern boundary to provide a firm but soft landscaped edge to the settlement.'
- The recent planning approval referred to above was for the demolition of an agricultural building and erection of dwellinghouse and garage together with access and associated works, granted in March 2020 under planning application reference no. 19/01753/PPP (CD138). This planning application concluded that the extension of the settlement boundary at this location was acceptable to provide garden ground for the proposed dwellinghouse. The consent is subject to a condition requiring

landscaping and boundary treatments with hedging to the eastern boundary recommended to provide a firm but soft landscaped edge to the settlement.

- Given the aforesaid conclusions of the site assessment and the recent planning approval referred to, the Council would not be opposed to the Gattonside Settlement Boundary being amended at this location within the Local Development Plan.

Gattonside Meadow/Castlefield (AGATT013) (803 4 of 5)

The site (AGATT013) was previously considered at the 'Pre MIR' (Call for Sites) and MIR Consultation stages and was not included within the MIR/Proposed Plan. The site assessment (CD118, pages 102-105) concluded the following:

'The site was identified as constrained in the Development and Landscape Capacity Study for the following reasons: development across the undulating slopes is constrained by the more complex topography and often steep slopes which would require earthworks; the area is highly open and relatively exposed because of the broadly convex curvature of the hill flank; the slopes are very visible, particularly from the south and the Eildon Hills, from where they contribute to the scenic quality of the National Scenic Area; the fields are a valuable agricultural resource. There are also considerable access issues to be addressed and resolved.

It should also be noted that this site formed part of the 2006 Local Plan Inquiry and the Local Development Plan 2016 Examination for 150 units. The Reporter of the LDP Examination agreed with the findings of the previous Reporter who noted that, "in view of its elevated position and slope, development would be prominent when viewed from the immediate vicinity and in more distant views from the south, including the Eildon Hills. Development of this greenfield site would also have an adverse effect on the rural setting of this part of Gattonside. I am not satisfied that development at a low density would satisfactorily resolve those matters. That is a consideration to which I must attach great weight given the likely impact on the Eildon and Leaderfoot National Scenic Area". This position remains unchanged and therefore it is not considered appropriate to allocate this site for housing.

The site is located within the CAT policy area which aims to ensure the high quality living environment is protected and to prevent piecemeal development, which would detract from the area's environment. The scale of the development within this elevated and prominent position would not adhere to the requirements of the CAT policy.

The issues raised by the Council's Roads Planning Team appear to be insurmountable given the land requirements are outwith the ownership of the applicant.'

For the aforesaid reasons, the Council does not consider that the site should be included within the Plan for residential development.

Fauhope (AGATT012) (803 5 of 5)

- This proposed housing allocation was submitted during the Proposed Plan consultation stage. The Contributor (803 5 of 5) objects to the non-inclusion of the site (AGATT012) within the Proposed Plan and seeks the inclusion of the site for housing and an amendment to the existing Development Boundary to reflect this.
- It should be noted that the Council would not allocate a site for a single dwellinghouse. Sites are allocated for housing development within the Local

Development Plan where they are considered to have the potential to accommodate five or more dwelling units. This proposal must be considered as an amendment to the settlement boundary at this location.

- This proposal was submitted at the Expression of Interest Stage of the Scottish Borders Local Development Plan 2016 and was assessed as unacceptable at that stage (CD118, pages 100-101). The following was the conclusion of the site assessment at that time:
'The site sits to the east of a private road to Fauhope House and is outwith the natural boundary to this part of the village development boundary. Development of the site will have an impact on TPO'd trees.'
- Adding to the site assessment above, the following matters should also be noted:
 - The amendment would extend the existing settlement boundary beyond existing mature trees which currently form an appropriate edge to the village at this location;
 - Moderate biodiversity risk, given the broad leaved woodland, mitigation required;
 - Located within the Policy EP6 - Countryside Around Towns area;
 - Site is located within the Eildon and Leaderfoot National Scenic Area.
- It is not considered appropriate to expand a development boundary merely in order to provide infill opportunities within the settlement itself, without a formal allocation. Furthermore, it is not the purpose of the Local Development Plan to identify and allocate single plots for development, only sites with a capacity of five or more units will be allocated.
- In conclusion, taking the above into consideration, the proposed housing allocation is not appropriate, indeed an amendment to the settlement boundary at this location would also be considered unacceptable.

Reporter's conclusions:

1. Figure 3 (Strategic Development Plan Spatial Strategy) on page 21 of the proposed plan suggests that Gattonside, which is located to the north of Melrose, lies within the Central Strategic Development Area. I therefore disagree with the council's comment above on this matter.

St Aidans (AGATT007) (591, 755)

2. The council's response explains that the site was first allocated for housing in 2009. Full planning permission was granted in February 2016 and the council is minded to grant a more recent application to extend the commencement period. The allocation is identified as an effective housing site in the 2019 housing land audit (as well as the 2020 and 2021 audits), with development expected to commence in 2023 or 2024.

3. Representation (755) seeks the removal of allocation AGATT007. This is on the grounds that Gattonside has endured significant developments over the last two decades and that housing development would have a detrimental impact on the setting of St Aiden's in views from the south.

4. I do not consider that the extent of recent development in Gattonside would justify the de-allocation of a site which has already been granted planning permission and forms part of the housing land supply. Furthermore, the council has indicated its intention to approve the most recent planning application, subject to a legal agreement.

5. The St Aiden's buildings, including the Category B listed Gattonside House, sit within a landscape setting. The site requirements on page 355 of the proposed plan make reference to the designed landscape, the protection of mature trees and the impact on the setting of the national scenic area. I consider that these site requirements address the need to assess any impact on the setting of St Aiden's in views from the south. No modification is required.

6. Representation (591) seeks modifications to the site requirements in relation to tree protection and the identification of land to the south of the site for informal recreation.

7. I consider that the existing mature trees within the site and along its boundaries contribute to the setting of the listed building and the character of the conservation area. As such, I agree that the requirement to protect these "wherever possible" should be strengthened. The council has indicated that a condition on the planning permission requires that a tree survey is undertaken to identify trees to be removed and retained and that no trees shall be removed without the written approval of the Planning Authority. I consider that adding similar wording to the fourth bullet point in the list of site requirements would provide helpful clarification on this matter. A modification to this effect is recommended.

8. The former playing field referred to in representation (591) lies to the south of allocation AGATT007. It forms part of an area of open, undeveloped land between the Gattonside development boundary and the River Tweed and is covered by the countryside around towns designation as shown on Figure EP6a (page 117) in the proposed plan. I agree with the council that providing informal recreational space at this location would not meet the site requirement for open space to provide breathing space within the site. I conclude that there is no need or reason to allocate this land for open space purposes. No modification is required.

Land North and North East of Montgomerie Terrace (AGATT017) (061)

9. Representation (061) seeks a housing allocation on agricultural land to the north and northeast of existing housing at Montgomerie Terrace. The council's site assessment report indicates that the site covers 1.6 hectares and could accommodate around 30 homes. It states that there are a number of constraints affecting the site, including landscape and visual impact and access.

10. The site is within the Eildon and Leaderfoot National Scenic Area and, given its elevated position above existing housing, development would potentially have an adverse impact on views across the Tweed Valley. It would also potentially detract from the rural setting of Gattonside Conservation Area. Given that there are no obvious gaps in the row of existing houses on the north side of Montgomerie Terrace, it is not certain that the site can be accessed.

11. The representation is not accompanied by any supporting information in the form of a landscape and visual assessment or to demonstrate that suitable access arrangements could be provided.

12. Irrespective of the merits or otherwise of this promoted site, Issue 006 (Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement) concludes that there is no need to allocate any additional land for housing besides what is already contained in the proposed plan. No modification is required.

Castle Field II (AGATT018) (803)

13. Representation (803) seeks the allocation of a 1.6 hectare site for around 24 homes. The site lies to the south and west of The Loan and comprises two agricultural fields. It was considered in previous examinations as part of a larger site, which also included land to the west.

14. The council's site assessment report notes concerns regarding the landscape and visual impact of development due to the site's elevated position in views from the south, including the Eildon Hills. However, it indicates that the reduction in the site area from previous submissions and the fact that the site is now contained by existing housing to the north and south may mean that adverse effects could be mitigated.

15. Whilst no supporting evidence has been provided in the form of a landscape and visual assessment or an indicative site layout, I agree that adverse landscape and visual impacts are likely to be less than for the previous larger site. Development would be viewed within the context of neighbouring properties to the north, south and east which, subject to appropriate design and landscaping, may reduce its impact on views from the south.

16. The council's site assessment report indicates that the roads planning team would only support development on the eastern part of the site due to access constraints. This support would be conditional on the provision of an adoptable road link between The Loan and Monkswood to the east. The representation notes that the site is free from physical constraints but does not indicate whether the required access arrangements can be delivered.

17. I observed on my site inspection that The Loan is a narrow single-track road with no footpath provision. I do not consider that The Loan would provide a suitable safe access to the site for vehicles and pedestrians and, unless alternative arrangements can be provided, development would not meet the expectations of Policy PMD2: Quality Standards.

18. Irrespective of the merits or otherwise of this promoted site, Issue 006 concludes that there is no need to allocate any additional land for housing besides what is already contained in the proposed plan. Furthermore, it has not been demonstrated that satisfactory vehicular and pedestrian access can be provided or that any landscape and visual impacts would be acceptable. I therefore conclude that the site should not be identified as a housing allocation and no modification is required.

Gattonside Meadow/Castlefield (AGATT013) (803)

19. Representation (803) is also seeking the allocation of a 19.7 hectare site for between 40 and 60 homes. The land in question includes promoted sites AGATT017 and AGATT018 and also agricultural fields bound to the north by The Loan and to the west by a section of the Southern Upland Way.

20. The council's site assessment report refers to the Scottish Borders Development and Landscape Capacity Study (2007) which states that "development across the undulating slopes is constrained by the more complex topography, and often steep slopes which would require earth moving to accommodate development". It also

describes the site as “very visible, particularly from the south and Eildon Hills, from where they contribute to the scenic quality of the National Scenic Area”.

21. I consider that the allocation of this site would result in a significant prominent extension of the settlement. This would potentially have a detrimental impact on the National Scenic Area and the Conservation Area. I also agree with the council that the proposal would be likely to have a significant impact on existing limited road infrastructure. No supporting information has been provided in the form of a landscape and visual assessment or transport assessment.

22. As I have already indicated, there is no need to allocate further housing land at this time, based on the conclusions in Issue 006. I conclude that the site AGATT013 should not be identified as a housing allocation. No modification is required.

Gattonside Development Boundary Amendment (SBGAT002) (778)

23. The representation requests that the development boundary on the eastern side of the settlement be amended to include land which forms part of the garden ground associated with Fauhope House. The submission, which is from the owners of Fauhope House, indicates an intention to develop a single house on the site.

24. The development boundary in the proposed plan runs along the rear gardens of existing housing located to the south and west of the site. These houses form part of a recent development accessed from Monkswood Road.

25. The proposed amendment appears as a logical rounding off of the development boundary when viewed on a map. However, with the only available access from the driveway to Fauhope House and existing trees along the southern and western site boundaries of the site, development would not be well integrated with the remainder of the settlement.

26. I consider that the site is rural in character and contributes to the setting of Fauhope House. The existing development boundary at this location is clearly defined and the opportunity to erect a single house would not justify changing it. No modification is necessary.

Gattonside Development Boundary Amendment II (SBGAT003) (684)

27. Representation (684) wishes to extend the Gattonside development boundary at its southeastern corner. The reason given is that planning permission in principle has been granted for the erection of a dwellinghouse and it would create a more clearly defined development boundary.

28. The council indicates that the suggested modification would reflect its consideration of matters raised in the determination of the planning application. It states that the suggested revised boundary would align with landscaping and hedging to be provided along the eastern boundary of the application site.

29. Neither the settlement boundary shown on the proposed plan, nor the suggested alternative align with any clearly identifiable features on the ground. I observed on my site visit that the proposed new dwellinghouse has not yet been built. Whilst I agree that the proposed development provides the opportunity to create a clearer settlement

boundary, I consider the suggested change would be premature until the house is built and new boundary formed. Even though planning permission has been granted, it is not certain that the permission will be implemented.

30. I consider that the amendment of the settlement boundary at this location would be more appropriately addressed through future local development plans after the proposed house has been built. This approach would not prevent the implementation of any planning permission on the site. No modification is required.

Fauhope (AGATT012) (803)

31. Representation (803) seeks the allocation of land to the east of the private road to Fauhope House for one house. The council has indicated that only sites with the potential to accommodate at least five homes are identified as housing allocations. It has therefore considered the representation as a request to amend the development boundary.

32. The private road to Fauhope House forms the eastern edge to the settlement in the proposed plan. It provides a clear boundary between housing development at Monkswood Road to the west and an area of woodland to the east. The council has indicated that the development opportunity created by the suggested boundary change would have an impact on trees which are covered by a Tree Preservation Order.

33. The representation states that the site lies within the urban area and the erection of a single house would represent infill development. I disagree. I consider the site to form part of the countryside setting of Gattonside and that a single house at this location would not relate well to the existing settlement. I conclude that the settlement boundary should not be amended to incorporate this site. No modification is required.

Reporter's recommendations:

Modify the local development plan by:

1. adding the following sentence to the end of the fourth bullet point in the list of site requirements for allocation AGATT007 (St Aidens) on proposed plan page 355:

“A tree survey will be required to identify trees to be removed and retained and no trees shall be removed without the written approval of the Planning Authority.”

Issue 37	Gavinton	
Development plan reference:	Gavinton Settlement Profile and Map (AGAVI002 – Land at Langton Glebe) (pages 357-358)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
Church of Scotland General Trustees (845)		
Provision of the development plan to which the issue relates:	Housing Site AGAVI002 - Land at Langton Glebe	
Planning authority's summary of the representation(s):		
<ul style="list-style-type: none"> • Request that the Settlement Profile for Gavinton is amended to include the allocation as a housing opportunity. The contributor makes a number of comments in support of the proposal. • The existing access points off The Glebe and South Street would be utilised and the proposed development would reflect the scale and density of the existing housing areas lying to the north and west of the site. • It is anticipated that any built development would be restricted to the northern section of the site, with the southern section retained as open space. • Development of this site would provide local housing and help to sustain and support the limited number of local facilities in the village, including the local hall and Church. • There are no built or natural environment designations that would be affected by this proposed allocation, and the layout of the new development would respect the existing topography and landscaping. There are no flood risk issues, and no known heritage or archaeological constraints. • Consider that the proposed development would be in keeping with the existing scale, character and density of the village, with the design, layout and style of housing reflecting the particular characteristics of the local area. • The site would provide an element of choice and variety for local house buyers in a settlement that has not benefited from any new housing development in recent years. • The development of this site would complement the existing long standing site (BGA1). 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • Inclusion of the site (AGAVI002) within the Proposed Local Development Plan, with an indicative site capacity of 20 units. (845) • Amend the wording on page 357 under 'Preferred areas for future expansion', to read, 'The preferred area for longer term development is the area to the south of the settlement. The area to the north of the settlement should be protected from further development. The area surrounding Gavinton is prime agricultural land'. (845) 		

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE GAVINTON SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS

Allocation of housing site (AGAVI002)

- This site was submitted at the Main Issues Report (MIR) 2018 (CD008) consultation stage of the Proposed Local Development Plan (LDP) process and was not taken forward for inclusion within the Proposed LDP. It should be noted that the exact same site was previously considered as part of the adopted Local Development Plan (LDP) 2016 (CD009) process and was not included. The site was not included within any Schedule 4's as part of the adopted LDP examination.
- The contributor has objected to the non-inclusion of the site (AGAVI002) within the Proposed LDP and seeks the inclusion of site for housing, with an indicative site capacity of 20 units.
- The site in question lies to the south east of the Gavinton Development Boundary and the proposed access is from the three existing access points from 'The Glebe' and 'South Street'. There are existing residential properties to the north and northwest of the proposed site. The adopted and proposed LDP's state that the preferred area for future expansion is the area to the north of the settlement and that the area to the south should be protected from further development. There is one housing allocation included within the Proposed LDP within Gavinton, (BGA1) located to the south west, with an indicative capacity for 45 units. It should be noted that the site is already allocated for housing within the adopted LDP 2016 (CD009) and no changes are proposed to this allocation as part of the Proposed LDP.
- The site (AGAVI002) was submitted and considered at the MIR consultation stage of the Proposed LDP process and a site assessment and consultation was undertaken (CD118, refer to pages 31 - 34). The overall site assessment conclusion was 'doubtful'. There were a number of constraints identified on the site which included the following; Flood Risk Assessment required; waterbody within and forming part of the site boundary, requirement for a maintenance buffer strip; surface water hazard identified at the site; archaeology mitigation or evaluation likely; Transport Statement required; Waste Water Treatment Works capacity and Water Impact Assessment likely required. Furthermore, the Roads Planning Officer raised concerns regarding the access into the site, stating that whilst there are three possible means of access to serve the site, all are constrained in nature. Their support for this proposal is conditional on the existing parking and vehicle turning issues in 'The Glebe' being suitably addressed.
- The site assessment (CD118, refer to pages 31 - 34) states that Gavinton is a small planned estate village and it is considered that the site in question is incongruous to the character and size of Gavinton, due to its scale and location. It is considered that the scale and layout of the site would be at odds with the planned linear layout of the village and would significantly alter the character. There is also the potential that the scale of the site may make Gavinton visible from the road to the east. Furthermore, Gavinton already has a sizeable housing allocation (BGA1), with an indicative site capacity for 45 units. It is considered that Gavinton has a sufficient housing land supply for the Proposed LDP period and the proposed site was not taken forward for inclusion as part of the Proposed LDP.

- The current submission does not present any new information which was not previously assessed. Therefore, it is considered that the conclusion contained within the site assessment (CD118, refer to pages 33 - 34) remains valid.
- Gavinton is located within the Eastern Strategic Development Area set out by the SESplan Strategic Development Plan (SDP) 2013 (CD001, refer to pages 7 to 20). Appendix 2 contained within the Proposed Plan outlines that the housing land requirement figures are taken from the SESplan Proposed SDP 2016 (CD005, refer to pages 44 to 50) and SESplan Housing Background Paper 2016 (CD006, refer to pages 4 to 6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit (HLA) (2019) (CD071, refer to the Introduction, pages 14 to 16) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Issue 6. It is also acknowledged that housing land requirements will be set out at a national level through the forthcoming National Planning Framework.

Modifications to settlement profile

- The contributor has requested an amendment to the wording within the Gavinton Settlement Profile, to reflect the inclusion of (AGAVI002) within the Proposed LDP.
- However it is re-iterated that the site was not included within the Proposed LDP for the reasons outlined above and within the site assessment (CD118, refer to pages 31 - 34). Therefore, for the reasons stated above, it is not considered that the settlement profile should be amended as proposed by the contributor.
- In conclusion, taking the above into consideration, the Council does not agree to modify the Proposed LDP in response to this representation.

Reporter's conclusions:

Allocation of housing site (AGAVI002) (845)

1. The contributors are promoting a 3 hectare site to the south-east of Gavinton village for housing. It has an indicative capacity of 20 units and is in agricultural use. They say its development would help sustain local facilities, help to meet local housing needs, and that the southern section of the site would be retained as open space.

2. Gavinton is a planned estate village, much of which has conservation area status, with a population cited as 454. It has limited local facilities and a bus route on the nearby A6105 with services to Duns and Galashiels. The proposed plan already includes an allocated site on the western side of the village with an indicative capacity of 45 units, which is a sizeable addition for a small settlement. The promoted site would be located at right angles to the linear pattern of the existing village, altering its character adversely. The three potential vehicular access points onto the site are constrained by their width, the alignment of the connecting road network and congestion caused by parking for the existing housing, which has limited off-road parking provision. I note that the council assessed the promoted site at Main Issues Report stage but did not accept it as an allocation for reasons including those above.

3. Irrespective of the merits or otherwise of this promoted site, Issue 006: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement concludes that there is no need to allocate any more land for housing besides what is already in the proposed plan. There is also no justifiable need for further long-term sites. No modifications are required.

Modifications to settlement profile (845)

4. The contributors are also requesting an amendment to the wording in the Gavinton settlement profile to the effect that the preferred area for longer term development is to the south of the settlement and that the area to the north of the settlement should be protected from further development (thereby reversing the position in the proposed plan). For the same reasons as set out in paragraphs 2 and 3 above, this would not be justified.

Reporter's recommendations:

No modifications.

Issue 38	Gordon	
Development plan reference:	Gordon Settlement Profile and Map (AGORD004 – Land at Eden Road) (pages 359-361)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
Jackie Todd (239)		
Provision of the development plan to which the issue relates:	Housing Allocation AGORD004 – Land at Eden Road	
Planning authority's summary of the representation(s):		
<ul style="list-style-type: none"> • The contributor raises concerns regarding the sewage work capacity for this amount of houses. As it has been recognised in the past that it is almost at full capacity. Also have concerns of this site due to the current village's sewage work pipes running under this field. • Other concerns include the capacity of Gordon primary school. It is a composite school and has three class rooms. Therefore the maximum amount of children the school can hold is 75. Consideration should also be made regarding the high school as it is almost at full capacity as well and this is the high school that Gordon students attend. • Furthermore another area of concern is entry to this proposed site and if it will impact on the current home owners being able to safely enter and exit their property driveways. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • No specific modifications sought. However, the contributor raises concerns regarding sewage capacity, school capacity and entrance to the site associated with the development of the site (AGORD004). (239) 		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE GORDON SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS:</p> <ul style="list-style-type: none"> • The comments above are noted, although no specific modifications are sought, this response addresses the concerns raised within the submission. • The site (AGORD004) is included for housing within the Proposed Local Development Plan (LDP) and has been subject to consultation and a full site assessment (CD118, refer to pages 35 - 37). The site was submitted at the pre Main Issues Report (MIR) stage for consideration and was included within the Main Issues Report 2018 (CD008) as a preferred site for housing. Following the site 		

assessment, it was considered there are no insurmountable constraints to the development of this site. The site itself appears to be a logical extension to the Development Boundary and relates well to Gordon. Albeit careful consideration would need to be given to the treatment of the site boundaries and the frontage to the south onto the main road. The adopted Local Development Plan 2016 (CD009) also states that the preferred area for future expansion is to the east of Gordon, north of Eden Road and that development to the north of the settlement will be resisted. It is noted that there is an existing housing allocation in Gordon (BGO9D), which has an indicative site capacity of 18 units. However, given that there are no insurmountable issues to the site (AGORD004) being developed, it is considered that an additional allocation within the settlement provides a choice for developers. Therefore, the site was ultimately taken forward for inclusion within the Proposed LDP.

Sewage capacity

- The comments in relation to the sewage work capacity are noted. As part of the site assessment process (CD118, refer to pages 36 - 37) for the Proposed LDP, Scottish Water were consulted and provided comments. In respect of the waste water treatment works (WWTW), early engagement with Scottish Water is recommended to discuss build out rates and to establish any potential investment at the WWTW, Scottish Water also noted that there is a rising sewer within the site. In respect of the water treatment works (WTW), Scottish Water advised that the Howden WTW has sufficient capacity and sufficient capacity in the network. In conclusion, Scottish Water did not raise any objection to the site being allocated for housing. In response to the consultation response, a site requirement is attached to the allocation stating 'Early engagement with Scottish Water, in respect of the WWTW', which takes cognisance of the above comments from Scottish Water.

School capacity

- The comments in relation to the school capacity are noted. As part of the site assessment process (CD118, refer to pages 36 - 37) for the Proposed LDP, the Council's education department were consulted and provided comments. They raised no objections to this site being developed, in respect of both the primary and secondary school capacity.

Entrance to the site

- The comments in relation to the entrance to the site are noted. As part of the site assessment process (CD118, refer to page 36) for the Proposed LDP, the Council's Roads Planning Service were consulted and provided comments. The Roads Planning Officer did not raise any objections to the land being allocated for housing. They advised that it is a logical extension to the settlement and would provide an opportunity for a strong street frontage onto the A6105, which would enhance the sense of arrival into the village and help reinforce the 30mph speed limit. They advised that the existing footway infrastructure will have to be extended along the frontage of the site to tie in with existing and that any layout should allow for future street connectivity. Furthermore, a Transport Statement would also be required.

- It should be noted that the following site requirements are attached to the housing allocation, which take cognisance of the above comments from the Roads Planning Officer;
 - Extension of existing footway infrastructure along the frontage of the site, and
 - A Transport Statement is required for any development.
- In conclusion, taking into consideration the above comments and site assessment (CD118, refer to pages 35 - 37) which fed into the decision making process, it is considered that the comments made by the contributor have been satisfactorily addressed through the consultation process and any necessary site requirements are attached to the allocation.

Reporter's conclusions:

1. Site AGORD004 (Land at Eden Road) is one of two housing allocations in Gordon. It has an indicative capacity of 25 dwellings, lies at the eastern end of the village and is a new allocation in the proposed plan.

2. The representation expresses concerns regarding vehicular access to the site, school capacity and sewage capacity. The council's Report of All Site Assessments indicates that consultations were undertaken with the Roads Planning Officer, Network Manager, Education Officer and Scottish Water. None of their responses indicated any insuperable obstacles to development, albeit subject to various matters which have been incorporated into the proposed plan's requirements for the site. More detailed assessment would be undertaken in relation to any planning application. No modifications are required.

Reporter's recommendations:

No modifications.

Issue 39	Greenlaw	
Development plan reference:	Greenlaw Settlement Profile and Map (AGREE009 – Poultry Farm and AGREE008 – Halliburton Road) (pages 364-369)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
Lorna Matthews (812) (1 of 2, 2 of 2) NatureScot (983) Mr & Mrs P J A Leggate (1019)		
Provision of the development plan to which the issue relates:	Housing Allocation AGREE009 – Poultry Farm and Housing Site AGREE008 – Halliburton Road	
Planning authority's summary of the representation(s):		
<p><u>Lorna Matthews (812)</u></p> <ul style="list-style-type: none"> Object to the local development proposal (AGREE009) and feel that their view will be restricted and they will lose part of the aesthetic value of their house. The area has been undeveloped for several decades and therefore has established mature habitats for many wild species including wildflowers, birds, amphibians on the wetlands and a number of environmental sites which support vital wildlife. This is a quiet area with very little passing traffic and limited pavement access. As a result, the road attracts many local residents of Greenlaw passing through on foot to enjoy the local area. Increased traffic will undoubtedly raise road safety concerns for pedestrians, cyclists and young children. During construction on the site noise pollution will pose a concern, plus traffic associated with the site could also cause disruption and safety concerns. Concerns raised regarding the soil stability and that piles might be required during construction or testing phases. Concerns raised regarding pollution. They are aware that any construction or demolition which will take place on the sheds on the brownfield site in question, will disturb the roofing and insulation on these sheds which appear to be asbestos. Concerns raised that due to the insecurity of the field opposite, they have noticed in the past that it has been used for fly-tipping and has the potential to be a hazardous waste dump. These are some of the potential sources of pollution, which cause considerable risk to the Blackadder and Tweed watercourses, and due to the presence of a natural spring on the site, pollution leaching could become a serious concern to downstream habitats. <p><u>NatureScot (983)</u></p> <ul style="list-style-type: none"> The prominent location of this site (AGREE009) is not addressed in the site requirements. We suggest that the redevelopment of the site offers an opportunity to establish a more positive settlement edge/gateway to Greenlaw and that this should be a requirement of development. This should include; <ul style="list-style-type: none"> - A co-ordinated approach to development frontages - Path connections to promote walking and cycling as a first choice. 		

Mr & Mrs P J A Leggate (1019)

- As the site (SGREE003) is already identified for the longer term housing needs of the village, it makes sense to bring the site forward to help meet the housing land shortfall.
- Bringing this site forward into the current development plan period will have the following added benefits:
 - It will help satisfy the shortfall in housing land
 - The servicing costs for the approved low cost housing site will be reduced and make the development more financially viable
 - Through integration with the subject site, the low cost housing site will share a children's play area, cycle and pedestrian access link to the village shops, café and primary school.
- Having already been investigated in significant detail by the Local Plan section, the site can safely be allocated before considering any entirely new site which, within the time made available, could not genuinely be fully investigated.

Modifications sought by those submitting representations:

- Removal of the allocation (AGREE009) from the Proposed LDP. (812)
- Amendment to the site requirements for the allocation (AGREE009), to take into consideration;
 - A co-ordinated approach to development frontages; and
 - Path connections to promote walking and cycling as a first choice. (983)
- Inclusion of the housing site (AGREE008) within the Proposed LDP. (1019)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE GREENLAW SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

Removal of allocation (AGREE009) (812)

- The contributor objects to the allocation (AGREE009) within the Proposed Local Development Plan (LDP). The site is brownfield land which lies outwith the Development Boundary of Greenlaw to the east and was formerly used for poultry units. As background context, the site was submitted at the 'Pre MIR' stage of the Proposed LDP process for consideration and a site assessment (CD118, refer to pages 44 - 47) was undertaken. Subsequent to this, a planning application (16/01360/PPP) (CD119, refer to Greenlaw map, page 21) was submitted and refused consent for housing in 2017, however was granted consent on appeal. As a result, the site has extant planning consent for 38 units, which are programmed from Year 4 onwards as part of the Housing Land Audit (HLA) 2019 (CD071, refer to Appendix 1 – Main Report (with maps), pages 35 to 37). Therefore, the principle of housing on the site was established through the approval of the planning application.
- The site is directly adjacent to the existing Development Boundary, therefore the site provides a logical extension to Greenlaw and would integrate well with the existing settlement. There are no insurmountable planning constraints regarding the

development of this site. The site is brownfield land (formerly used as poultry units) and the re-use of the site would be a benefit. Through the consultation and site assessment process, there were a number of constraints identified, however these are addressed through site requirements attached to the allocation. It is considered that the site requirements will ensure that appropriate mitigation is put in place.

- Taking into consideration the recent planning consent, the proposal was included within the Main Issues Report 2018 (CD008) as a preferred option for housing and ultimately taken forward as part of the Proposed LDP.
- It should be noted that within the Appendix 2 of the Proposed Plan, the site (AGREE009) is not included within Table 11 with the new sites included within the LDP. The reason being, as the site already has planning consent, the 38 units are already included within the HLA 2019 (CD071, refer to Appendix 1 – Main Report (with maps), pages 35 to 37) and form part of the established housing land supply as a windfall development. Therefore, the indicative site capacity for (AGREE009) cannot be counted as part of the new allocations being taken forward within the LDP, to avoid double counting.
- It is noted that the contributor raises a number of concerns regarding the development of the site, including: loss of a view, loss of aesthetic value of the house, noise pollution, disruption and safety, asbestos, fly-tipping, pollution leaching, impact of pollution on the watercourses, established mature habitats on site, soil stability, very little passing traffic, limited pavement access & road safety concerns.
- In respect of the loss of a view, disruption and safety and loss of aesthetic value of the house, these are not material planning considerations. It should be noted that a detailed planning application requires to be submitted for the development of the site. As part of that planning application, all relevant consultees would be consulted upon a range of matters including: environmental health, biodiversity and road safety. It should be noted that the soil stability would be a matter for the developer to investigate as part of their proposal. In respect of pollution, including fly-tipping and disposal of asbestos, these are matters outwith the remit of the Planning Service.
- It is acknowledged that should the planning application (16/01360/PPP) (CD119, refer to Greenlaw map, page 21) lapse and not be implemented, that the site requirements take on board the comments raised by consultees as part of the site assessment/consultation process. These will inform and advise any future proposal on the site and the necessary consultees would be consulted again as part of any future planning application.
- In conclusion, taking into consideration the above reasons, the Council does not agree to modify the Proposed LDP in response to this representation, in respect of the allocation (AGREE009).

Amendment to site requirements for allocation (AGREE009) (983)

- The contributor states that given the prominent location of the site, that the site requirements are amended to reflect this. They suggest that the redevelopment of the site offers an opportunity to establish a more positive settlement edge/gateway to Greenlaw and that this should be a requirement of development. They propose that the site requirements are updated to include reference to:
 - A co-ordinated approach to development frontages
 - Path connections to promote walking and cycling as a first choice.

- The Council acknowledge that the site already has planning permission in principle and that a detailed planning application is required to be submitted. Should the planning consent lapse, a new planning application would be required for this site. It should be noted that the Roads Planning Service were consulted on both the planning application and as part of the Proposed LDP process. It is considered that all relevant matters have been addressed and taken into consideration as part of the site requirements.

Inclusion of housing site (AGREE008) (1019)

- It should be noted, for the avoidance of doubt, that the contributor refers to this site as (SGREE003), however it has been assessed under the site code (AGREE008) for housing as part of the Proposed LDP process.
- The contributor objects to the non-inclusion of housing site (AGREE008) within the Proposed LDP. As background context, the site was submitted at the 'Pre MIR' stage of the Proposed LDP process for consideration and a site assessment (CD118, refer to pages 40 - 43) was undertaken. The site is currently identified as a potential longer term housing site (SGREE003) within the adopted Local Development Plan (LDP) 2016 (CD009), as being a potential area for the future growth of Greenlaw. It is acknowledged that the site is close to the centre of Greenlaw and if sensitively designed would integrate well into the settlement. Overall, the site assessment concluded that there are no insurmountable planning constraints which would prevent development on this site. Through the consultation process a number of constraints were identified and mitigation would be required for any development on the site. Overall, it is considered that the site would be acceptable for housing development subject to mitigation in respect of the constraints identified within the site assessment.
- Taking into consideration that there are no insurmountable constraints on this site, the site was included as an alternative option for housing within the MIR. However, in deciding which of the many MIR sites were ultimately included within the Proposed LDP, consideration was given to a range of factors. There are three housing allocations being carried forward from the adopted LDP 2016 (CD009, Volume 2, refer to pages 157 to 161) into the Proposed LDP (BG200, AGREE004 & AGREE006). Furthermore, the housing site (AGREE009) is being taken forward as part of the Proposed LDP, which has extant planning consent. Further to the MIR consultation, it is not considered that there is a current need for a further additional housing allocation, as well as the aforementioned allocations.
- As part of the pre-MIR process, a review of longstanding allocations was undertaken. The Council wrote to landowners of long standing allocated housing sites. The site (AGREE004) was allocated as part of the Finalised Local Plan Amendment 2009 (CD012), therefore it was not considered that this allocation was longstanding. The site (BG200) was allocated as part of the Local Plan 2008 (CD011) and (AGREE006) was partly allocated within the Berwickshire Local Plan 1994 (CD016), with the remainder of the allocation allocated as part of the Finalised Local Plan Amendment 2009 (CD012). A letter (CD170, refer to pages 25 to 26) was sent to the land owner for the allocation (AGREE006). The conclusions for retaining the allocations (BG200 & AGREE006) are set out within the site assessments (CD118, refer to pages 48-49 for BG200 & pages 38-39 for AGREE006), which took into consideration the response received at the pre MIR stage (CD171). As a result of the review, it was concluded that the sites should be carried forward into the Proposed LDP.

- The contributor states that the allocation of the site will help satisfy a housing land shortfall. However as outlined above and contained within the Appendix 2 of the Proposed Plan, it is considered that the Council has a sufficient housing land supply for the Plan period. In response to servicing and viability costs, these are not material planning considerations in the allocation of sites.
- It should also be noted that Greenlaw is located outwith any Strategic Development Area set out by the SESPlan Strategic Development Plan (SDP) 2013 (CD001, refer to pages 7 to 20). Appendix 2 contained within the Proposed Plan outlines that the housing land requirement figures are taken from the SESPlan Proposed SDP 2016 (CD005, refer to pages 44 to 50) and SESplan Housing Background Paper 2016 (CD006, refer to pages 4 to 6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit 2019 (CD071, refer to the Introduction, pages 14 to 16) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Issue 6. It is also acknowledged that housing land requirements will be set out at a national level through the forthcoming National Planning Framework.
- In conclusion the site (AGREE008) is not included within the Proposed LDP. However, it should be noted that given there are no insurmountable constraints, the site could be considered for inclusion in a future Plan or could be taken forward in the event of a shortfall in the effective housing land supply.

Reporter's conclusions:

Removal of allocation (AGREE009) Poultry Farm (812)

1. AGREE009 is the site of a former poultry farm at the eastern end of Greenlaw. Planning permission in principle for residential development on the site was approved on appeal in 2018, subject to 11 conditions (reference PPA-140-2059). The council is incorrect to say that the site now has permission for 38 units; a masterplan showing 38 units was submitted with the application, but that was illustrative only. Nevertheless, the Housing Land Audit (2019, 2020 and 2021) has programmed 38 units on this site starting from year 4, as it is entitled to do. Should the approval in principle be taken forward through an application, or applications, for the approval of matters specified in conditions and subsequently implemented, that would be the end of the matter. However, given the possibility that the permission could lapse, I must still consider the representation as it relates to the allocation in the proposed plan.

2. Investigation and safe remediation of potential contamination on development sites is often required on brownfield land, such as that previously used for poultry farming, and this is one of the requirements which the proposed plan specifies for this site. Scottish Natural Heritage (now NatureScot) has been consulted on the potential for pollution risks to the River Tweed Special Area of Conservation (which includes the Blackadder Water) from development of the site and it would require information to be included with any application providing detail of the scheme proposed. It has not lodged an objection to the proposal. An assessment of ecology impacts and provision of any appropriate mitigation would be required. Road safety matters would require to be the subject of a Transport Assessment in any planning application. Noise and vibration

nuisance can be controlled through pollution control legislation. In making these comments, I bear in mind that most of these issues were considered in the 2018 appeal and that no new evidence has been presented to justify any different decision. Loss of the view from a private residence is not a planning matter. There is therefore no reason to remove the allocation of site AGREE009. No modification is required.

Amendment to site requirements for allocation (AGREE009) Poultry Farm (983)

3. The site requirements for AGREE009 include protection of boundary features, where possible, appropriate landscaping and planting and provision of a Transport Statement. I consider that these, together with the control offered by policies in the proposed plan on placemaking and design, are sufficient to ensure that any development proposal can be appropriately managed. No modification is required.

Inclusion of housing site (AGREE008) (1019)

4. Site AGREE008 lies at the western end of Greenlaw off Halliburton Road. In the Adopted Local Development Plan (2016), it is identified as a potential longer-term site for housing (under the site code SGREE003). At Main Issues Report stage, a number of alternative options for housing in Greenlaw were assessed. The council selected three allocations to be carried forward from the adopted plan (BG200, AGREE004 and AGREE006) together with AGREE009, which has been granted permission on appeal (see above). The contributor has not challenged the selection of those sites but argues that AGREE008 should also be brought forward to reduce servicing costs for the approved low-cost housing site, to make the development more viable, to allow sharing of facilities and to help address the shortfall in housing land.

5. The four allocated sites have a total indicative capacity of 138 units, which represents a proportionately large increase for a settlement with a population of 653. Moreover, as Greenlaw is located outwith any strategic development area, there is no strategic basis for large scale expansion. Irrespective of the merits or otherwise of this promoted site, Issue 006: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement concludes that there is no need to allocate any additional land for housing besides what is already contained in the proposed plan. There is also no justifiable need for further long-term sites. No modifications are required.

Reporter's recommendations:

No modifications.

Issue 40	Hawick	
Development plan reference:	Hawick Settlement Profile and Map (RHA21B – Leaburn 2, RHA25B – Stirches 2, AHAWI025 – Leishman Place, AHAWI026 - Henderson Road, AHAWI027 – Burnfoot (Phase 1), AHAWI031 – Former Stonefield Quarry II, BHAWI001 – North West Burnfoot, BHAWI002 – Gala Law North, BHAWI003 – Gala Law II and BHAWI004 – Land to South of Burnhead, MHAWI001 – Gala Law, and RHAWI017 – Former Peter Scott Building) (pages 370-383)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>John McDevitt (008) George Nichol (021) Brian Hogg (032) David Wilson (034) Georgina Bell (049) Ashley Fraser (069) A Cook (080) Robert Tolson & Gillian Browne (133) (1 of 3; 2 of 3; and 3 of 3) H & C J Usher (222) Giles Mahon (223) (1 of 2 and 2 of 2) George Dick (344) (1 of 2 and 2 of 2) Ian Lindley (591) Scottish Government (847) NatureScot (983)</p>		
Provision of the development plan to which the issue relates:	Housing Allocations RHA21B – Leaburn 2, RHA25B – Stirches 2, AHAWI025 – Leishman Place, AHAWI026 – Henderson Road, AHAWI027 – Burnfoot (Phase 1), Housing Site AHAWI031 - Former Stonefield Quarry II, Business and Industrial Allocations BHAWI001 – North West Burnfoot, BHAWI002 – Gala Law North, BHAWI003 – Gala Law II and BHAWI004 – Land to South of Burnhead, Mixed Use Allocation MHAWI001 – Gala Law, and Redevelopment Allocation RHAWI017 – Former Peter Scott Building	
Planning authority’s summary of the representation(s):		
<p><u>John McDevitt (008)</u></p> <ul style="list-style-type: none"> Contributor states concerns regarding development on the site of Proposal RHA25B (Stirches 2). Contributor has concerns regarding the close proximity of development to the contributor’s own property at No 32 Hugh Mcleod Place. Contributor has serious concerns about impacts from additional usage of existing pipework running adjacent to the aforesaid property, by any future development. 		

- Contributor seeks reassurance of receipt of further communications from the Council as part of any consultation process.

George Nichol (021)

- Contributor advises with regard to Proposal AHAWI025 (Leishman Place), outlining a history of trespass and damage to their property in Fraser Avenue from the time when there were previously houses on the site.
- Contributor specifically expresses concern that any re-development of the land for housing should ensure the maintenance of the privacy of their existing property, principally through the erection of a new boundary wall/fence high enough to discourage those seeking access between Fraser Avenue and the site, from entering the contributor's garden to use it as a shortcut along their route.

Brian Hogg (032)

- Contributor advises of concerns with regard to Proposal BHAWI004 (Land to South of Burnhead).
- Contributor has concerns regarding the site being used as an industrial estate, because they and many others on Eildon Road work night shift. They advise that they moved to their current address knowing that the garden backed onto a field rather than another property or any other land use.

David Wilson (034)

- Contributor advises with regard to Proposal RHA21B (Leaburn 2).
- Contributor advises that Leaburn Drive is already unable to cope with current traffic, never mind accommodate another possibly 80 vehicles;
- Contributor advises that their property would be overlooked, resulting in loss of privacy.

Georgina Bell (049)

- Contributor objects to Proposals BHAWI001 (North West Burnfoot) and BHAWI004 (Land to South of Burnhead).
- Contributor objects to the inclusion of industrial land in the vicinity of their property, and in particular, BHAW1004 and BHAW1001. Their household lives in a rural area and they do not want it to end up part of an industrial estate.

Ashley Fraser (069)

- Contributor is very concerned about the care home development at Stirches in Hawick, a proposal that relates to the site of Proposal RHA25B (Stirches 2).
- This is due to how close this development will come to neighbouring properties; and how overlooked the houses which are already there, will be. (The contributor's address is in Hugh Mcleod Place).
- Contributor is also concerned about the impacts from an increase in traffic/noise to the area.
- Contributor is concerned about the reduction in green space in the area.

A Cook (080)

- Contributor seeks inclusion of their proposed site – Proposal AHAWI031 (Former Stonefield Quarry II) – in the forthcoming Proposed Local Development Plan.
- Contributor advises that planning consent has previously been refused for this site, because it is out with the Development Boundary. Contributor objects to this.
- Contributor considers Proposal AHAWI031 should be included because it is only 30m from the nearest houses; is concealed by its own natural boundary; and would have little impact on the local area.

Robert Tolson & Gillian Browne (133) (1 of 3; 2 of 3; and 3 of 3)

- Contributor advises that they have strong objections to having any kind of industry in the field adjacent to their property at Galalaw, as the amenity of their garden and property will be adversely affected.
- Contributor initially responded only to seek confirmation of their understanding of the proposed allocations of the PLDP as these applied to the Galalaw area. They did not advise of any concerns or objections. However, the Forward Planning Team wrote to them to advise them with respect to their enquiries, and took the opportunity to advise that it was understood that the contributor was not in fact making any objection to either or both of the land use proposals MHAWI001 (Gala Law) or BHAWI003 (Galalaw II) which are both within the vicinity of their property. However, further to this, the contributor subsequently advised in the terms noted at the first bullet-point above.
- At the same time, and in response to Forward Planning's concern to have clarity on their position, the contributor also provided a copy of correspondence they sent to a Development Management Officer in August 2021, regarding their concerns about impacts on the residential amenity of their property from an existing development on adjacent land; the development that is specifically the subject of Planning Consent 16/01023/FUL (the site of which is shown on the settlement map in CD119, at page 22). However, they did not provide any specific advice or explanation, as to why they had provided a copy of this correspondence. It is supposed that it is for purposes of information or illustration, as to the types of issues they might be concerned about in future, based on their experience of an operational development within the vicinity; and which, therefore, informs their strong objections to having any kind of industry in the field adjacent to their property at Galalaw.

H & C J Usher (222)

- Contributor objects to Proposals BHAWI001 (North West Burnfoot); BHAWI002 (Gala Law North); BHAWI004 (Land to South of Burnhead); and AHAWI027 (Burnfoot [Phase 1]).
- Contributor represents a family farming business which is the current and long-standing agricultural tenant which farms these parcels of land. (It is advised that the tenancy has been held by their family since 1795, during which time it has been let from the same family; the family of the current owners whose ownership of the land dates from 1474).
- Contributor presents their concerns under four headings ('Economically'; 'Visual Impact'; 'Logistics'; and 'History') before concluding by quoting Scottish Planning Policy (SPP), Paragraph 80. In terms of planning concerns, these five sections predominantly consider: (i) economic impacts; (ii) landscape and visual impacts; (iii)

drainage and water environment impacts; (iv) cultural heritage impacts; and (v) the need to protect prime agricultural land. The representation also flags up some other concerns both in general, and also specific concerns with regard to specific sites. The latter are therefore summarised here too.

- Contributor advises that there would be catastrophic impacts upon their existing farm business as a consequence of a reduction in the land they farm; and loss of land that is of relatively better quality than most of the surrounding area. (The land is about 50 acres and nearly 20% of the contributor's farm's cropped land). The loss of this land would put the livelihoods of the farm business operators at risk, and, in its impacts upon their operations, would also affect the livelihoods and lives of others in the area who depend upon the farm's business, its services, custom and/or employment. Furthermore, it would threaten the viability of the farming business they intend to hand on to a younger generation; negating future efforts to make efficient use of the resources available to them and undermining the investment that has been made in the farm's infrastructure to this point. (Contributor cites the Rural Priorities package on New Entrants and Young Entrants).
- Contributor advises that development, especially industrial development, would blight the landscape; and particularly in views from within the approach to Hawick from the A7. This would contribute to the poor first impression visitors to Hawick get on this approach, and would discourage visitors, to the detriment of local businesses and the local economy. These impacts, they advise, would not be mitigated by tree planting on the northern boundary of BHAWI001.
- Contributor advises that previous developments, specifically the A7, have caused drainage issues in the area, and questions whether appropriate account has been taken of the potential for such impacts, including implications for the conservation of the fragile herb rich areas around the Mill Pond, and Burnhead Farmhouse and Tower. They speculate that any drainage water would end up in the 'Glen' and the infrastructure would be within very close proximity (under 20m) of Burnhead Tower, with potential to impact the structure of the latter.
- Contributor advises of impacts upon Hawick's cultural heritage; specifically impacts upon the Listed Building of Burnhead Tower (which includes the residential properties Burnhead Tower and Burnhead Farmhouse), and their landscape (and historic) setting. They advise that development; particularly industrial development; on the sites would not protect the Listed Buildings in the terms required by Policy EP7. In relation to their concerns with respect to impacts upon the Listed Buildings and Hawick's cultural heritage, they quote Scottish Planning Policy (SPP), Paragraph 137 (CD041), and Historic Environment Policy for Scotland (HEPS) (CD044). They further advise that they themselves plan to develop this history (sic), but that this will only be possible if they are left the land to farm.
- Contributor identifies the land as Prime Agricultural Land and quotes Scottish Planning Policy (SPP), Paragraph 80 (CD041).
- Contributor considers that SBC-owned land around Home Bargains and to the west at AHAWI013, MHAWI001 and BHAWI003, would be better utilised than these sites for industry. (They do not give any explanation of, or justification for, this observation; and two of the sites are already proposed in the Plan for allocation for uses which would include business and industrial uses).
- Contributor advises that BHAWI004 was originally outlined for housing, but is now proposed for industrial use; a land use which the contributor considers is fully worse, because industry brings traffic, noise, disruption and pollution. The contributor observes that this would have an impact on the amenity of homes in the surrounding

area, and would contravene all planning policies relating to historic land marks, specifically the B Listed Tower at Burnhead.

- Contributor questions why anyone would want to live at AHAWI027, firstly because it would be beside an industrial development, where they [any residents] would likely be subject to noise, traffic, disruption and pollution; and secondly, because there are two very fast roads surrounding this site, which combined with the industrial uses, would make the site exceedingly unsafe.
- Contributor advises that the area around BHAWI004 includes shelter belts, and offers amenity to, and supports the wellbeing of, local residents at Burnfoot. It is their Farming policy to protect the environment and provide access to it, to those who surround it.
- Contributor advises that they are aware of local residents in properties near BHAWI004 having concerns about the proposals, but they suspect that these residents are unaware of how to respond to the public consultation.
- Contributor advises that their response to the last consultation (CD163) still holds. In terms of any matters or issues relating to Hawick that were raised in that previous consultation response, and which are not picked up or reflected in the current representation (summarised above), or which have now been superseded or addressed, the following points are noted: (i) contributor advises of support for the development of brownfield sites in general, and considers their development should be a priority for business and industrial development in Hawick, and prioritised over the development of farmland. Redevelopment of brownfield sites, they advise, would enhance the attractiveness of Hawick's centre; (ii) contributor considers that Policy EP7, respecting Listed Buildings should be a priority and that development should not affect historic sites; (iii) contributor supports more weight being given to economic development benefits for new businesses, leisure and tourism in the countryside; and (iv) contributor does not support AHAWI027 because it is beside a Council estate and will end up as an extension to what they advise, is an already unattractive estate, which would exaggerate the problems that go with this type of estate; and also, the site is part of an existing wetland and is prime agricultural ground. It should, they advise, be preserved for food production and biodiversity.

Giles Mahon (223) (1 of 2 and 2 of 2)

- Contributor confirms that they object to all of the following five proposals: AHAWI027 (Burnfoot [Phase 1]); BHAWI001 (North West Burnfoot); BHAWI002 (Gala Law North); BHAWI004 (Land to South of Burnhead); and MHAWI001 (Gala Law).
- Contributor is the owner of the sites of Proposed Allocated Business and Industrial Sites BHAWI001, BHAWI002 and BHAWI004; and also of Proposed Allocated Housing Site AHAWI027. These are currently all fields farmed under lease by a tenant farmer.
- Contributor presents their concerns and advice in nine different sections ('Listed Building'; 'Existing Brownfield Sites'; 'Proximity to Burnfoot Estate'; 'Burnfoot Estate'; 'Ancestry and History'; 'Prime Agricultural Land'; 'Views and A7 Approach to Hawick'; 'Scottish Planning Policy [SPP]'; and 'Final Point'). Often within more than one of these sections, the following issues are raised: (i) cultural heritage; (ii) the accommodation of business and industrial uses in Hawick; (iii) residential amenity impacts; (iv) the existing farm business; (v) the protection of prime agricultural land; (vi) surface water drainage impacts; (vii) ecological impacts; (viii) impacts on existing utilities and infrastructure; (ix) landscape and visual impacts; and (x) economic impacts. These are summarised below.

- Contributor raises concerns with regard to the impacts of development, particularly business and industrial development, upon Hawick's cultural heritage; and in particular, upon the character and setting of the properties in the B Listed Building at Burnhead Tower. They anticipate impacts upon these buildings from development and industry on the proposed sites; principally through these bringing in traffic, causing pollution and contaminants. It is advised that this would be in addition to the added problems of natural drainage in the area, which could possibly cause subsidence, slowly if not immediately, to the structure of Burnhead Tower. Specific regard is had to the site requirements identified on page 375 in relation to Proposed Allocated Business and Industrial Site BHAWI004, in relation to the development of which it is asked what mitigation measures could be implemented to ensure that there would be no impacts upon the setting of Burnhead Tower. The SPP (specifically Paragraphs 137, 138, 139, 141 and 142) (CD041); NPF3 (CD063); and HEPS (CD044), are all cited in support of the position that cultural heritage resources should be conserved sensitively and appropriately, having regard to their contribution to the history, landscape, sense of place, culture and economy of the surrounding area, and to the identity, sense of wellbeing, lifelong learning and quality of life of the local community. It is advised that considerable effort and investment has already been expended by the contributor in conserving Burnhead Tower for future generations.
- Contributor considers that existing brownfield sites in Hawick should be redeveloped ahead of the development of any greenfield sites. They note that eleven sites in Hawick are proposed for redevelopment in the Proposed Local Development Plan.
- Contributor raises concerns about the potential for impacts upon the wellbeing and residential amenity of residents in Burnfoot, firstly, in terms of the potential for hazardous substances, pollutants or contaminants to be encountered during the development of brownfield sites, which might then impact the health of nearby residents; and secondly, in terms of the loss of views and quick access to the surrounding countryside for local residents, which would be lost to them if these sites were to be developed, with consequences for physical and mental health.
- Contributor advises that the four sites they own are 45% of the land farmed by their tenant farmer, and that this business supports the wider local economy in terms of its business, services and employment. It is advised that this is a thriving community that is slowly being reduced due to agricultural land being taken away.
- Contributor advises that the land is identified as Grade 4:1 by the James Hutton Institute and describes it as "prime agricultural land". Scottish Planning Policy (SPP) Paragraph 80 (CD041) is cited. The contributor advises that the latter states that agricultural land should not be developed except where essential, and advises that with so many brownfield sites within the town, greenfield areas should not be destroyed without due consideration.
- Contributor anticipates that development of the land would involve major earthworks and would cause major drainage problems, exacerbating existing drainage problems in the area, which they advise, has resulted in a wetland, a result from the construction of the A7.
- Contributor advises that the development of AHAWI027; BHAWI001; BHAWI002; BHAWI004; and MHAWI001, would all involve developing land that has significant biodiversity value, and that ahead of developing these sites, the development of existing brownfield sites BHAWI003; zEL48; and zEL60, should all be considered preferential. Contributor is particularly concerned about the impacts of potentially excessive and polluted surface water on this biodiverse area of flora and fauna. Development, they advise, is likely to destroy this natural environment.

- Contributor advises that disruption or re-routing of existing electricity lines, water and gas pipelines due to development of the land, could potentially be a source of major disruption to surrounding communities.
- Contributor advises that the siting of business and industrial premises next to, and in views from the A7, would blight views of the northern approach into Hawick and give a bad impression of Hawick as a border town. It is advised that existing views of the Galalaw industrial park are an eyesore.
- Contributor advises that business and industrial development on the land would deter many visitors and tourists from stopping to explore Hawick, and undermine initiatives within the local business community to attract visitors to the area. They advise that the land should be left for all to enjoy and make use of.
- With specific regard to the Site Requirements for Proposed Allocated Mixed Use Site MHAWI001, on page 376 of Volume 2 of the PLDP, the contributor draws attention to the requirement that: a *“landscape and ecological strategy should be prepared to restore and create habitats and wildlife corridors and to create a high quality landscape setting for the development. The developer should provide for the long-term management and maintenance of these areas”*. The contributor advises that there are already natural habitat and wildlife corridors on this site which will be destroyed by development and will never be put back to the way nature intended. Further, they challenge the second use of the word ‘should’ in this specific requirement, on the basis that it is very ambiguous and should be replaced with ‘will’ or ‘must’, as it is clear that long term management and maintenance should be provided because otherwise there will be no accountability.

George Dick (344) (1 of 2 and 2 of 2)

- Contributor objects to Proposals AHAWI026 (Henderson Road); AHAWI027 (Burnfoot [Phase 1]); BHAWI001 (North West Burnfoot); and BHAWI004 (Land to South of Burnhead).
- Contributor explicitly identifies objections on the grounds of: (i) environment; (ii) reduction of working farmland; (iii) character of land; (iv) infrastructure; and (v) existing land and buildings, and in terms of cumulative impacts in these (and other) respects.
- Contributor advises that it would be more economical and less disruptive to develop, or redevelop, empty and almost derelict properties in Hawick, instead of developing farmland and other undeveloped areas of land in and around the town.
- Contributor advises that pollution and noise from construction and construction vehicles would be detrimental to the amenity of the area.
- Contributor advises that new drainage and sewerage would put a strain on an already overworked drainage and sewerage system.
- Contributor advises that there would be a loss of valuable agricultural land, putting livelihoods at risk.
- Contributor advises that there would be a massive increase in people to an area that can offer little or no employment, which would increase crime and poverty.
- Contributor advises that development is a threat to wildlife, and wildlife habitat, with repercussions for the endurance of wildlife in the area.
- Contributor advises that development would blight the landscape and the approach to Hawick, which would discourage visitors to the detriment of local businesses and the local economy.

- Contributor advises that the road system in and around Hawick, would be severely impacted due to more vehicles, particularly commercial vehicles, being on the road, causing traffic impacts and noise nuisance impacts.
- Contributor advises that the need for sufficient car parking would create a further problem for current residents in the area.
- Contributor urges collaboration to rebuild the town to make it a place where people want to live and visit, but considers that the four proposals they cite, would drive people away, making Hawick a 'ghost town' once again.

Ian Lindley (591)

- Contributor advises that BHAW1001 requires a firm landscape screen along the entire western boundary which could be accommodated within the current Highway embankment to screen views of the yards, storage, roofscape etc. of any new business uses from the A7. They advise that views from the A7 tourist trail are currently only contained by a weak hedge – itself entirely missing in the vicinity of the bus stop. Given the fall in land from the A7, they advise, such planting will not obscure longer views towards Rubers Law.
- Contributor adds that the aforementioned screen planting should continue across the entire northern boundaries of this allocation and of the adjoining BHAW1004.
- Contributor considers that the existing Burnfoot estate housing to the east, should be afforded additional softening of views into the new business sites by a more formal tree planting along the eastern boundary of BHAW1004.
- Contributor advises that provision for the effective long term management of these landscape areas is required. Direct road connection between the B6359 and Burnhead Rd is assumed within this diagrammatic allocation.
- Contributor considers that it would assist interpretation and implementation of these intentions if these were shown on the proposals maps.

Scottish Government (847)

- Contributor advises that Transport Scotland is making a formal objection in relation to, and seeks a proportionate appraisal for, the development sites of: BHAWI004 (Land to South of Burnhead); BHAWI001 (North West Burnfoot); AHAWI027 (Burnfoot [Phase 1]); BHAWI002 (Gala Law North); MHAWI001 (Gala Law); AHAWI006 (Guthrie Drive); and AHAWI013 (Gala Law). The proportionate appraisal is sought to determine the potential cumulative impact of the development sites on the A7(T) trunk road, including on the Galalaw Retail Park/A7(T) roundabout, and to identify any required mitigation. Any potential mitigation measures, they advise, should be identified in the Plan and Action Programme, with information on their nature and scale, and responsibility for their funding and delivery in accordance with Scottish Planning Policy (SPP), Paragraphs 274 and 275 (CD041).
- Contributor advises that Transport Scotland is concerned that the Proposed Plan includes a significant amount of development allocations to the north of Hawick adjacent the A7 trunk road. However, they advise, no information has been provided regarding the potential cumulative impact of these allocations on the A7(T), specifically the Galalaw Retail Park/A7(T) roundabout. Transport Scotland requires to understand the potential cumulative impact of the development sites and what, if any, mitigation measures are necessary to deliver the strategy. They advise that the sites noted above, are those which have the potential to cumulatively impact upon the A7(T).

NatureScot (983)

- Contributor writes with regard to the following proposals: Proposals BHAWI004 (Land to South of Burnhead); BHAWI001 (North West Burnfoot); AHAWI027 (Burnfoot [Phase 1]); and RHAWI017 (Former Peter Scott Building).
- Contributor suggests that a single – the same - planning brief should be produced for all three of Proposals BHAWI004, BHAWI001 and AHAWI027. It is considered that a planning brief that covers all three would present a better opportunity to deliver green networks, path connectivity and more cohesive development overall. This, they advise, would maximise benefits for placemaking and landscape mitigation/green infrastructure connections. They consider that the resulting strategic approach to development layout and landscape mitigation could secure: (a) green infrastructure connections through the site, including links to housing at Burnfoot and the existing path network to the east of Burnhead Road; (b) suitable densities of development on less sensitive areas, avoiding the most elevated part to the east of Boonraw Road; and (c) maintain key views from the A707 and the B6359.
- Contributor is broadly supportive of the requirements for RHAWI017, but reiterates their previous advice that redevelopment of this site offers a positive opportunity to improve connectivity, establishing more direct links for walking and cycling between Howegate [Howegate] and Buccleuch Street.

Modifications sought by those submitting representations:General - Proportionate Appraisal to Assess Impacts on A7(T) Trunk Road

- Provision of a proportionate appraisal of the development sites of:
 - a) Business and Industrial Allocation Proposal BHAWI004 – Land to South of Burnhead;
 - b) Business and Industrial Allocation Proposal BHAWI001 – North West Burnfoot;
 - c) Housing Allocation Proposal AHAWI027 – Burnfoot (Phase 1);
 - d) Business and Industrial Allocation Proposal BHAWI002 – Gala Law North;
 - e) Mixed Use Allocation Proposal MHAWI001 - Gala Law;
 - f) Housing Allocation Proposal AHAWI006 – Guthrie Drive; and
 - g) Housing Allocation Proposal AHAWI013 – Gala Law,
 to determine the potential cumulative impact of these development sites on the A7(T) trunk road, including on the Galalaw Retail Park/A7(T) roundabout. (847)
- Identification of any required mitigation in the Plan and Action Programme, with information on their nature and scale, and responsibility for their funding and delivery, in accordance with Scottish Planning Policy (SPP), Paras 274 & 275. (847)

General - Greenfield Sites

- Removal of all greenfield sites/farmland from the proposed allocations of the Plan for Hawick, OR prioritisation of use of brownfield sites (existing vacant and derelict land or premises) sites in Hawick over use of any existing greenfield sites/farmland, at least (or particularly) when it comes to the accommodation of new business and industrial development. (222, 223 – 1 of 2, 344 – 1 of 2 and 2 of 2)
- Requirement that the sites of Business and Industrial Allocation Proposals BHAWI003, zEL48 and zEL60 should all be developed instead of (or at least ahead of) the sites of Housing Allocation Proposal AHAWI027, Business and Industrial

Allocation Proposals BHAWI001, BHAWI002 and BHAWI004, and Mixed Use Allocation Proposal MHAWI001. (223 – 1 of 2)

General – Business and Industrial Land

- The sites of Housing Allocation Proposal AHAWI013, Business and Industrial Proposal BHAWI003, and Mixed Use Allocation Proposal MHAWI001, should be used for business and industrial uses instead of (at least ahead of) the sites of Business and Industrial Allocation Proposals BHAWI001, BHAWI002 and BHAWI004. (222)

General – Burnfoot/Burnhead

- Insertion of explicit requirement in Site Requirements for each of Housing Allocation Proposal AHAWI027, Business and Industrial Allocation Proposal BHAWI001, and Business and Industrial Allocation Proposal BHAWI004, that the development in each case, should be guided by a single planning brief describing the coordinated development of all three of these sites. (983)

Housing Allocation Proposal RHA21B – Leaburn 2

- Removal of this proposal from the Plan. (034)

Housing Allocation Proposal RHA25B – Stirches 2

- Recognition of potential for impacts on the residential amenity of existing properties in the surrounding area, including those in Hugh Mcleod Place. (008, 069)
- Recognition of potential for impacts on the efficacy of existing pipework adjacent to No 32 Hugh Mcleod Place, due to additional usage of it by new development. (008)
- Recognition of potential for impacts from increase in traffic/noise to the area. (069)
- Recognition of potential for reduction in green space in the area. (069)

Housing Allocation Proposal AHAWI025 – Leishman Place

- Insertion of a requirement into the Site Requirements that a high fence be erected along the boundary between their property and the site. (021)

Housing Allocation Proposal AHAWI026 - Henderson Road

- Removal of this proposal from the Plan. (344 – 1 of 2 and 2 of 2)

Housing Allocation Proposal AHAWI027 – Burnfoot (Phase 1)

- Removal of this proposal from the Plan. (222, 223 – 1 of 2 and 2 of 2, 344 – 1 of 2 and 2 of 2)

Proposed New Housing Allocation Proposal AHAWI031 - Former Stonefield Quarry II

- Inclusion of this site within the Plan for housing development; and its inclusion as such, within the Development Boundary at Hawick. (080)

Business and Industrial Allocation Proposal BHAWI001 – North West Burnfoot

- Removal of this proposal from the Plan. (049, 222, 223 – 1 of 2 and 2 of 2, 344 – 1 of 2 and 2 of 2)
- Addition or revision of Site Requirements to require a firm landscape screen along the entire western and northern boundaries of the site; and a requirement for provision for the effective long-term management of the landscaped areas of the site. (591)

Business and Industrial Allocation Proposal BHAWI002 – Gala Law North

- Removal of this proposal from the Plan. (222, 223 – 1 of 2 and 2 of 2)

Business and Industrial Allocation Proposal BHAWI003 – Gala Law II

- Removal of this proposal from the Plan. (133 - 1 of 3; 2 of 3; and 3 of 3)

Business and Industrial Allocation Proposal BHAWI004 – Land to South of Burnhead

- Removal of this proposal from the Plan. (032, 049, 222, 223 – 1 of 2 and 2 of 2, 344 – 1 of 2 and 2 of 2)
- Addition or revision of Site Requirements to require a firm landscape screen along the entire northern boundary of the site, and a more formal tree planting along the eastern boundary of the site; and a requirement for provision for the effective long-term management of the landscaped areas of the site. (591)

Mixed Use Allocation Proposal MHAWI001 – Gala Law

- Removal of this proposal from the Plan. (133 -1 of 3, 2 of 3 and 3 of 3; 223 – 1 of 2 and 2 of 2)

Redevelopment Allocation Proposal RHAWI017 – Former Peter Scott Building

- Insertion of requirement into the Site Requirements for this proposal that the development of the site should improve connectivity, establishing more direct links for walking and cycling between Howiegate [Howegate] and Buccleuch Street. (983)

Summary of responses (including reasons) by planning authority:

NO CHANGES TO HAWICK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN, WITH THE EXCEPTION OF:

INSERTION INTO SITE REQUIREMENTS FOR EACH OF HOUSING ALLOCATION PROPOSAL AHAWI027, BUSINESS AND INDUSTRIAL ALLOCATION PROPOSAL BHAWI001, AND BUSINESS AND INDUSTRIAL ALLOCATION PROPOSAL BHAWI004, THAT THE DEVELOPMENT IN EACH CASE, SHOULD BE GUIDED BY A SINGLE PLANNING BRIEF FOR ALL THREE SITES.

REPLACE THIRD BULLET-POINT OF SITE REQUIREMENTS FOR BUSINESS AND INDUSTRIAL ALLOCATION PROPOSAL BHAWI001, ON PAGE 374, WITH THE FOLLOWING SITE REQUIREMENT: “A FIRM LANDSCAPE SCREEN TO BE FORMED

ALONG THE WESTERN AND NORTHERN BOUNDARIES OF THE SITE, INVOLVING NEW TREE PLANTING AND HEDGEROW ENHANCEMENTS”.

ADD NEW BULLET-POINT TO THE SITE REQUIREMENTS FOR BUSINESS AND INDUSTRIAL ALLOCATION PROPOSAL BHAWI004, ON PAGE 375, STATING THE FOLLOWING ADDITIONAL SITE REQUIREMENT: *“FIRM LANDSCAPE SCREEN ALONG THE NORTHERN BOUNDARY OF THE SITE, AND PROVISION FOR AN APPROPRIATE LANDSCAPED BOUNDARY ALONG THE EASTERN SIDE OF THIS SITE”.*

AMENDMENT TO THE NINTH LISTED SITE REQUIREMENT FOR BUSINESS AND INDUSTRIAL ALLOCATION PROPOSAL BHAWI001, ON PAGE 374, FROM THE ADVICE THAT *“A 30MPH SPEED LIMIT MAY BE REQUIRED”*, TO ADVICE THAT: *“A LOWER SPEED RESTRICTION MAY BE REQUIRED”*, IN ORDER TO ALLOW CONSIDERATION OF POTENTIAL FOR A 20MPH SPEED LIMIT.

THESE ARE CONSIDERED TO BE NON-SIGNIFICANT CHANGES THAT ARE ACCEPTABLE TO THE COUNCIL.

REASONS:

It is noted that Contributor 222 (H & C J Usher) advises that their response to the last consultation (CD163) still holds. This includes statements of support for:

- the development of brownfield sites in general;
- Policy EP7 as it relates to Burnhead Tower; and
- For more weight being given to economic development benefits for new businesses, leisure and tourism in the countryside.

General - Proportionate Appraisal to Assess Impacts on A7(T) Trunk Road (847)

- Further to Transport Scotland’s advice - via the Scottish Government’s representation - the Council commissioned a TRICS assessment from Stantec with respect to the potential cumulative impact of all seven of these allocations on the A7(T); specifically the Galalaw Retail Park/A7(T) roundabout. It must be noted that of the seven sites identified by Transport Scotland, five of them are already allocated, having been through the formal LDP allocation process. Consequently it is considered reasonable that any impacts on the A7 and the roundabout should only take on board extra vehicles in relation to sites AHAWI027 and BHAWI004. Site AHAWI027 is already identified in the adopted LDP 2016 as a longer term site. In tandem with similar business sites, it is not considered the nature and operations of site BHAWI004 will have any significant impacts at am and pm peak periods. It is therefore considered any extra impacts on the A7/roundabout will be negligible, and Transport Statements are required for both allocations within the site requirements. Should the Reporter require further work on this, the Council would be happy to provide this.

General - Greenfield Sites - Substitution by, or Prioritisation of, Brownfield Sites (222, 223 – 1 of 2, 344 – 1 of 2 and 2 of 2)

- The contributors express concerns that the redevelopment of brownfield sites within Hawick should be preferred to the development of greenfield sites (particularly farmland) on the edge of the settlement; particularly in the case of the accommodation of new business and industrial uses or premises in the vicinity of the A7 and Burnfoot/Burnhead.
- While the Council continues to promote and support the reuse of brownfield sites by businesses operating, or seeking to operate, in the local area, there is also a need in many areas, Hawick included; to identify new land for employment and business uses as well. This is a practical response to the need to maintain an appropriate supply of land for all business users over the course of the Local Development Plan period.
- Firstly, business users' options are liable to become more limited over the course of the Plan Period as existing and allocated sites are taken up by other users, with the consequent risk that demand might over time, outstrip supply.
- Secondly, many existing business premises and brownfield sites are already within developed/built-up areas, or are otherwise subject to higher levels of constraint (e.g. unsuitable buildings, access difficulties, parking restrictions, limited space, proximity of residential and other uses, potential contamination issues, high demolition costs etc.), which may make them unsuitable or unviable for some business users, particularly where size, scale or types of operations may mean that their needs are simply not capable of being met appropriately on existing vacant or brownfield sites, or on more centrally located sites within settlements.
- Accordingly, it may be appropriate in these circumstances, to consider greenfield options, and the composition of the allocated land supply reasonably anticipates these considerations.
- As such, the Council would maintain its concern to identify an appropriate mix of both greenfield and brownfield land development opportunities at Hawick.

General - Greenfield Sites - Protection of Sites with Biodiversity Value (223 – 1 of 2)

- Contributor advises that Business and Industrial Allocation Proposals BHAWI003, zEL48 and zEL60 should all be developed instead of (at least ahead of) the sites of Housing Allocation Proposal AHAWI027, Business and Industrial Allocation Proposals BHAWI001, BHAWI002 and BHAWI004, and Mixed Use Allocation Proposal MHAWI001, because these five sites would all involve developing land that has significant biodiversity value.
- This specific point overlaps to some degree with the previous more general one, in that the contributor considers that particular greenfield sites that are proposed for allocation for development, should be deleted; or at least held in reserve until such time as certain sites - largely brownfield sites – are developed first. However, they also include reference to BHAWI003, which is a previously undeveloped site, but whose development would be preferred by the contributor to the development of these other sites.
- The sites, and proposed allocations for these sites, have been identified by the Local Planning Authority as suitable, and after careful consideration of the options available. The other sites that the contributor identifies as their preferred options, have also been identified by the Local Development Plan for specific uses. These are therefore not sites that have hitherto been overlooked within the Local

Development Plan process, and are therefore not available as alternative or substitute sites for use instead of those which are of concern to the contributor.

- Given that all of these sites are required to accommodate proposed allocations, there are no alternative sites available in the way that the contributor supposes; while the different requirements of different developers (already considered above), seldom make it appropriate that the use of particular sites (e.g. brownfield) should be prioritised over the use of others (e.g. greenfield). As such, there is no ability to delete or prioritise particular proposals in the way that the contributor is seeking, at least not without this causing a shortfall in the land allocations required.
- Moreover, the biodiversity considerations at these sites have been assessed by the Council in consultation with its Ecology Officer and with NatureScot, and are not considered to outweigh the need to allocate this land for development. In all cases, developers would be required to address the particular biodiversity considerations of these sites through the planning application process. Subject to the identified requirements being met satisfactorily, there is no concern that these sites should not be developed.
- For the reasons noted above, the Council would maintain its concern to allocate all of the sites for the uses it has identified in the Plan.

General – Business and Industrial Land (222)

- The contributor considers that the sites of Housing Allocation Proposal AHAWI013, Business and Industrial Proposal BHAWI003, and Mixed Use Allocation Proposal MHAWI001, should be used for business and industrial uses instead of (at least, ahead of) the sites of Business and Industrial Allocation Proposals BHAWI001, BHAWI002 and BHAWI004.
- In essence, the contributor's view is that land at Gala Law to the west of the A7, should be used for business and industrial uses instead/ahead of land to the east, at Burnfoot/Burnhead. They do not provide any positive justification for moving business and industrial uses to Gala Law; their concern is that the sites at Burnfoot/Burnhead should be retained as farmland. Further, they do not identify any alternative new sites that could satisfactorily accommodate the allocations that would be displaced from the sites of Proposals AHAWI013, BHAWI003, and MHAWI001 at Gala Law.
- The proposed alternative sites the contributor identifies at Gala Law, are all already allocated for development uses and are proposed for allocation/re-allocation within the Proposed Local Development Plan; and the contributor is not proposing the inclusion of any new alternative sites to accommodate the development needs they would see displaced from the Gala Law sites. As such, since the contributor is proposing that the sites at Burnfoot/Burnhead should not be developed at all, they are proposing a reduction in the amount of land that would be available for development, regardless of the specifics of how the sites at Gala Law might be reallocated. Addressing the contributor's concerns in the way they seek, would therefore lead to shortfalls in the land supply for business and industrial use, housing use and/or mixed use.
- The contributor's concern that land at Burnfoot/Burnhead might not be developed until land allocated for business and industry at Gala Law has first been developed, is understandable. However, it is seldom appropriate or necessary to introduce any formal prioritisation within the release of land use allocations, because this has potential to constrain land supply that should be available to meet a broad range of development needs. While many, if not most, business and industry operators

would be liable to gravitate towards, and be encouraged towards, land on the more developed sites, it has to be anticipated that as land is taken up, there could be a situation in which insufficient land is available to some users, or other operational circumstances may make some sites unviable options for certain users. Accordingly, obstructing access to allocated land elsewhere, would be an unnecessary constraint.

- The sites allocated at Burnfoot/Burnhead, remain important catalyst opportunities to help regenerate Hawick and offer a range of site opportunities for prospective developers. It is contended that these allocations should remain within the Plan.

General – Burnfoot/Burnhead (983)

- The contributor proposes that there should be a requirement for a Planning Brief for all new Burnfoot/Burnhead sites.
- The Site Requirements for BHAWI001 already include a requirement that the site should be planned in association with site AHAWI027, and the road network should integrate both schemes. Further, it is a requirement of the Site Requirements of Proposal BHAWI004 that green infrastructure connections should be provided through the site, including links to housing at Burnfoot and the existing path network to the east of Burnhead Road. As such, there is at present, a concern that the developers in this case, should seek to integrate the development of their scheme(s) with that of the new housing area.
- However, if the Reporter should require it, the Planning Authority is agreeable to the insertion of an explicit requirement in the Site Requirements for each of Housing Allocation Proposal AHAWI027, Business and Industrial Allocation Proposal BHAWI001, and Business and Industrial Allocation Proposal BHAWI004, that the development in each case, should be guided by a single planning brief describing the development of all three of these sites.

Housing Allocation Proposal RHA21B – Leaburn 2 (034)

- The site has been through the full site assessment process, and is considered acceptable for development for housing use (CD118, pages 486 to 487). The site has no insurmountable constraints and is located within the existing Hawick development boundary. It is adjacent to existing residential areas (see CD119, page 22).
- This site is currently allocated for housing development in the Adopted Scottish Borders Local Development Plan 2016 (CD009; please see page 347), and has been an allocated housing site since the Adopted Scottish Borders Local Plan 2008.
- It is understood that there is an extant consent for housing development on the site which dates from the 1980s.
- The Roads Planning Section has been re-consulted. Access is only practically achievable from Leaburn Drive (as per the LDP site requirement). There are no insurmountable issues to this, and any issues would be addressed at the planning application stage.
- Concerns with respect to impacts upon the residential amenity of the contributor's property (indeed, upon that of any existing property in Leaburn Drive) would require to be considered at the planning application stage in relation to the impacts of any specific proposal.
- It is considered that the contributor's concerns are capable of being appropriately addressed at the planning application stage within the submission and assessment

of any specific proposal for the site. Accordingly, it is not considered that the site should be removed from the Plan, or that there needs to be any revisions or additions to the proposed Site Requirements to address the contributor's concerns.

Housing Allocation Proposal RHA25B – Stirches 2 (008, 069)

- Both contributors are primarily responding to the identification of this site in a recent PAN Notification (20/00527/PAN) as the subject of a forthcoming planning proposal for: a *'mixed use development comprising 60 no residential care housing units, 40 no extra care housing units, 12 no learning disability housing units, and associated support and accessible communal facilities'*. These responses anticipate a forthcoming planning application for a specific development proposal; a planning application which at the time of writing, has yet to be submitted.
- While both contributors express concerns about the impacts of development upon existing properties and the surrounding area, neither explicitly objects to the development of the site for housing. They are not, as far as can reasonably be discerned, directly responding to the proposal that the site should be maintained as an allocated housing site within the Local Development Plan. Ultimately, it would be with the development management process to determine any planning application for this site, including in the event that it were to be made the subject of a proposal for any residential care/supported living dwellings.
- This site has been through the full site assessment process and is considered acceptable for development for housing use (CD118, pages 488 to 489). The site has no insurmountable constraints and is located within the existing Hawick Development Boundary. It is adjacent to existing residential areas (see CD119, page 22).
- This site is currently allocated for housing development in the Adopted Scottish Borders Local Development Plan 2016 (CD009; please see page 347); and has been an allocated housing site since the Roxburgh Local Plan 1995.
- There is a Planning Brief for this site (CD112), which identifies concerns and considerations for its development. Amongst the specific constraints and opportunities that would be liable to apply to the development of the site, it is noted having regard to the specific concerns of Contributor 008, that there is already underground drainage and services on site; however, it is advised that the condition of these would need to be checked (CD112; please see page 42). It is advised that developers would be expected to take account of these issues within their proposals for the site. It is further noted at page 45 of the Planning Brief (CD112) that there is a water course running adjacent to the northeast boundary of the site. While it is advised that there are no known flooding concerns, it is stated that a Drainage Impact Assessment would be required as part of the planning submission. Further, in line with the requirements of PAN 61 (Planning and Sustainable Urban Drainage Systems), an appropriate SUDS would be required as part of the site development. This should be designed as part of the overall site, and should be visually attractive, safe and accessible for maintenance purposes.
- Having regard to the concerns of both contributors, it is noted that the Planning Brief advises of the need to ensure that new housing is designed and laid out to be sympathetic to the amenities of the surrounding area, including existing housing on neighbouring land (CD112; please see pages 42, 44 and 45). Ultimately, it would be for any specific planning proposal to take full and appropriate account of the residential amenity of existing residential properties within the surrounding area, and

for these impacts to be assessed within the development management process further to the submission of a planning application.

- With regard to the concerns of Contributor 069 with respect to traffic and noise, the Planning Brief includes a section on 'Access and Transport' (CD112; please see page 42). Within this, and with specific regard to traffic impacts, it is advised that a Transport Assessment is required for developments of 50 or more dwelling units, and may be sought for developments of between 25 and 49 units. Moreover, the developer is expected to pay for, or contribute towards, the cost of identified off-site transport work required as a result of the development and/or the cumulative effect of overall development. In addition to requirements in terms of vehicular access which are set out within the brief, there is also a concern that secure and convenient walking and cycling connections be provided to local facilities and public transport access points. Also, traffic calming should be introduced as a self-enforcing measure to maintain vehicle speeds below 20mph. It is assumed that the contributor (069) who identifies an increase in noise as a concern, does so only in the context of an increase in traffic ("*traffic/noise*") and therefore the advice noted above is pertinent in terms of how such impacts would be addressed appropriately at the planning application stage.
- The Planning Brief does not explicitly anticipate noise as a concern relative to residential development, but any potential sources of noise nuisance beyond that which might be expected relative to the operation of a residential area, could only be considered at the time of any planning application, when such sources were identified.
- With regard to a loss of green space highlighted by Contributor 069, the Planning Brief (CD112, at page 42) requires that open space, landscaping and play facilities must be provided together with proposals for long-term maintenance as part of any development proposal for the site.
- The concern of Contributor 008 to be made aware of further communications from the Council as part of any consultation process on this site is noted. This reflects their anticipation of a forthcoming planning application, but they have been made aware of the LDP process, and their comments have been fed into the consultation process. They will therefore be kept within, and updated on, the emerging Local Development Plan process going forward. Notifiable neighbours will also be notified directly at the time of any planning application made for the site.
- Taking account of the above guidance to developers, it is considered that the identified site requirements are appropriate without the need for any revisions or additions, and that the contributors' concerns are capable of being appropriately addressed at the planning application stage within the submission and assessment of any specific proposal for the site, and that no revision or addition is needed to the Site Requirements within the LDP. Accordingly, it is not considered that the site should be removed from the Plan, or that there needs to be any revisions or additions to the proposed Site Requirements to address the contributors' concerns.

Housing Allocation Proposal AHAWI025 – Leishman Place (021)

- The contributor who responded in relation to this site, does not object to the proposed allocation of it for housing.
- This site is identified as an allocated housing site on page 20 of the Scottish Borders Council Supplementary Guidance: Housing (November 2017). (CD020).
- This site has been through the full site assessment process and is considered acceptable for development for housing use (CD118, pages 349 to 351). The site

has no insurmountable constraints and is located within the existing Hawick Development Boundary. It is adjacent to existing residential areas (see CD119, page 22).

- The Site Requirements currently highlight the need for developers to take appropriate account of the amenity of neighbouring residential properties, and for boundary trees to be retained. At the planning application stage, the applicant would need to show that they could address these matters acceptably. It is anticipated that if the contributor's property is neighbouring land to the site (unfortunately they did not provide a specific address), then the boundary treatment will be considered directly in the context of the assessment of any planning application for the site. Moreover, the contributor, if they are a neighbour, would be consulted directly for their comments on the specific proposals; and in any event, would at the time of a planning application, have the opportunity to advise as to any concerns they might have with the impacts upon their property, including their satisfaction or otherwise, with any proposed boundary treatments for the site.
- Any proposed development of the site should – and would – be required within the development management process, to ensure that there is appropriate public access to and from the site, which does not involve, or does not otherwise encourage, access by members of the public over any private property either on the site, adjacent to the site, or in the surrounding area. Such matters are most appropriately and reasonably considered in relation to a specific development proposal for the site.
- A matter that is specifically raised by the contributor is historical instances of criminal trespass over their private property in Fraser Avenue. Ultimately, trespass is a criminal offence and any specific instances would have to be referred to the police. In terms of any existing security concerns or issues that may be present at the contributor's property, it would be their own responsibility to ensure that their property boundaries are appropriately defined and secured such as to ensure that members of the public, acting reasonably and responsibly, would not be compelled or encouraged to take access over their property, or any part thereof. It is not considered that there is anything that would reasonably require to be addressed within any revision or addition to the identified Site Requirements for this site, in order to respond appropriately to the contributor's perceived security concerns.
- Taking account of the guidance provided to developers in the Site Requirements for the site, it is considered that the contributor's concerns are capable of being appropriately addressed at the planning application stage within the submission and assessment of any specific development proposal for the site. Accordingly, it is not considered that the site should be removed from the Plan, or that there needs to be any revisions or additions to the proposed Site Requirements to address the contributor's concerns.

Housing Allocation Proposal AHAWI026 - Henderson Road (344 – 1 of 2 and 2 of 2)

- This site has been through the full site assessment process and is considered acceptable for development for housing use (CD118, pages 352 to 354).
- The site is identified as an allocated housing site on page 21 of the Scottish Borders Council Supplementary Guidance: Housing (November 2017) (CD020).
- The site has no insurmountable constraints and is located within the existing Hawick Development Boundary. It is adjacent to existing residential areas (see CD119, page 22).

- The land is not farmland, and therefore a farm business would not be negatively impacted.
- The site is amenity land adjacent to residential areas to the south, east and west. It is therefore not considered liable to have any unacceptable impacts upon the landscape or environment, including upon local wildlife, or local wildlife habitat. Moreover, it is a requirement relative to this site that structure planting should be provided on the NE boundary and that existing trees on this boundary, should be retained, which should allow for a sensitive accommodation in terms of landscape and visual impacts.
- The contributor notes the potential for development works and construction traffic to be a source of noise nuisance to surrounding residents, but this would be temporary in nature, and potentially true of all development whenever this occurs within the vicinity of existing dwellings. Where development is permissible, impacts from construction operations are not reasonably objectionable per se.
- While the contributor appears to accept, even support, a general need for redevelopment in Hawick, they equate this particular proposal, and/or the consequent loss of undeveloped land, with severely adverse economic and social impacts. However, the contributor's objections in terms of adverse impacts upon the community and local economy rest on a series of assumptions about the anticipated outcomes and consequences of development. Visual blight, adverse economic impacts, crime and social deprivation are not reasonably anticipated to be inevitable or self-evident consequences of these specific proposals, let alone of development in general. On the contrary, at least where it is reasonable to anticipate the delivery of a high quality development, the proposals would have potential to facilitate positive change in the economy, in the local community and in the built environment. Only poor quality or unsympathetic development would result in visual blight, and it is possible through the planning process to ensure that any development progressed on the site, would be achieved to an appropriately high standard and in a way that is sympathetic to the character of the surrounding area. High quality new development would be liable to enhance, rather than detract from, the gateway approach to the town. The introduction of new homes to the area, might more reasonably be expected to create jobs and support local businesses and services than it would be to lead directly to decline ("*crime and poverty*") in the way that the contributor supposes. The contributor's summary conclusion that the development would make Hawick a 'ghost town' is therefore not considered reasonable or justified. New homes and business premises would be liable to attract new residents and generate new business and job opportunities in the local area.
- The contributor's concerns that development would lead to issues with regard to drainage and sewerage would be addressed by new development being served by appropriate new or upgraded facilities. The latter should allow for development to be accommodated without any unacceptable impacts upon existing residential areas. It is anticipated that the details of drainage and surface water management could be considered appropriately at the planning application stage.
- The site is capable of being accessed appropriately from the existing road network and appropriate parking provision is capable of being provided on site. Accordingly, it is not considered that there would be any unacceptable impacts on traffic movement or on parking in the local area, as a consequence of this development.
- It is not considered that the proposal raises any concerns in principle in the way that the contributor envisages, and while some matters – such as residential amenity and drainage – would require to be addressed appropriately at the planning application stage, there is no concern that these matters could not be addressed acceptably

within the context of a specific proposal within the development management system. Accordingly, it is not considered that the site should be removed from the Plan, or that there needs to be any revisions or additions to the proposed Site Requirements to address the contributor's concerns.

Housing Allocation Proposal AHAWI027 – Burnfoot (Phase 1) (222, 223 – 1 of 2 and 2 of 2, 344 – 1 of 2 and 2 of 2)

- This site has been through the full site assessment process and is considered acceptable for development for housing use (CD118, pages 118 to 120). The site is currently the site of a longer-term housing allocation proposal in the adopted Scottish Borders Council Local Development Plan 2016 (SHAWI003) (CD009; please refer to page 348). The site has no insurmountable constraints and is located within the existing Hawick Development Boundary (see CD119, page 22).
- There is support in planning terms for the principle of the continuation and diversification of established farming businesses, and it is appreciable that the loss of farmland to an agricultural unit would have impacts upon its operation that would need to be absorbed or addressed by the agricultural business(es) affected. However, there is also support for the principle of identifying new land for housing where it is needed, and in appropriate locations in and around settlements where it can help meet the needs of the local community and local economy.
- Notwithstanding contributors' concerns that the land may be good agricultural land relative to surrounding areas, it is not in fact of sufficient quality to meet the designation 'Prime Agricultural Land' as this is defined under the Macaulay Institute Land Classification for Agriculture system, and which is itself set and defined at a national level. As such, development of this site would not in fact result in the loss of Prime Agricultural Land, or be contrary to planning policy in these terms. In any event, while Prime Agricultural Land is subject to a high level of protection from development, the designation does not prohibit development in principle, albeit that under national and local planning policy, it does have the effect of prohibiting development that could more reasonably be accommodated elsewhere. Scottish Planning Policy (Para 80) (CD041), does advise that development on land of lesser quality that is locally important, should not be permitted, unless it is essential to address the particular exceptional circumstances it identifies. These include: "*as a component of the settlement strategy or necessary to meet an established need for example for essential infrastructure, where no other suitable site is available*". It is considered that the accommodation of new housing land reasonably falls into this category.
- Notwithstanding that they both reference this site, the comments of Contributors 222 and 223 with respect to landscape and visual impacts, tourism and the local economy, suggest that their primary concerns in these respects, are not with this housing proposal, but with an overly industrial character of development occurring within the approach to Hawick on the A7 from the north; particularly if landscaping and maintenance were to be deficient. These matters are considered in more detail below, relative to the business and industrial allocations. Contributor 222 does however maintain previously expressed concerns about the appearance of housing on this housing site, at least in the event that it were to be an extension or continuation of the existing "*Council estate*". Contributor 344's comments are made with regard to the appearance of development in this area in general, including this site which they specifically identify as one of the subjects of their objection. However, their comments presuppose that development would be an eyesore, and

would bring, or quickly be associated with, economic decline. In terms of ensuring a good quality development, with appropriate landscaping, a Planning Brief is a stated requirement in the Site Requirements for this site. Design and layout will be central concerns when any proposal is brought forward within the planning application process. It is integral to this, that development should not be piecemeal and incremental but informed by an overarching vision for the entire site. A further requirement is that a landscape buffer should be provided to the north and west of the site. Taking all of this into account, it is considered that the development management process will suffice to ensure that there will be appropriate landscaping at the site, with careful and appropriate boundary treatments to ensure that existing features such as trees, which can be viably retained, are conserved; and planting strengthened where appropriate opportunities arise, or present themselves, for landscape enhancement.

- There is no known evidence to suggest that development per se, would deter visitors or tourists from visiting this or any other area. High quality development should enhance the image and character of Hawick in the approach from the A7, and might therefore make a positive contribution to the character and setting – and therefore perception - of the town. While it seems unlikely that new housing would, so directly anyway, make the town or wider area more attractive to visitors or tourists, it equally well does not follow that it should make them unattractive either, particularly if new development is realised in accordance with a high quality design and layout. Moreover, where development helps support and grow the local economy, and supports local businesses and services, it is on balance, more reasonably anticipated to benefit the town and local community, and to make it a more attractive place to visit and stay in.
- Contributors 222 and 223 raise concerns about impacts upon the amenity of residents of Burnfoot from the developments to which they object, but these amenity concerns – air quality, noise and traffic impacts – relate more reasonably to impacts liable to be generated by the operation of premises on the proposed business and industrial allocations to which they are also objecting. As such, and given that the proposal in this case, is housing, it is not anticipated that objections in these terms are reasonably – at least practically – attributed to this particular housing proposal. Contributor 222 does however, consider that homes in AHAWI027 would themselves have little amenity due to the proximity of business and industrial uses on the sites of these other neighbouring proposed business and industrial allocations, and due to the proximity of roads. With regard to impacts upon the residential amenity of surrounding properties, the assessment of any specific proposal within the development management process will be an opportunity to ensure that there would be no unacceptable impacts in these terms. With regard to the potential for air quality impacts, noise and other disturbance from new business and industrial premises on neighbouring land, the specific business and industrial proposals themselves would need to be considered on their own merits, through the planning application process. The details required in support of these applications would include details of the proposed operations of the business and industrial premises, including how the amenity of surrounding residential properties would be protected appropriately from any potential impacts that might emanate from any specific proposed industrial operations. There is also a concern within the Site Requirements of BHAWI001 that the development of this site should be planned in association with AHAWI027, to ensure that these are designed and laid out sympathetically to one another. Further, BHAWI004 has been identified for high amenity business uses; which means Class 4 business and light industrial, whose operations would, by definition, be compatible with residential areas. For the above

noted reasons, specific proposals for these nearby business and industrial sites would need to take account of the amenity of AHAWI027 and all other surrounding residential areas. They would need to be capable of operation without producing any statutory nuisance impacts, and this is something that would need to be established through the planning application process for these sites.

- Contributor 344 notes specifically, the potential for development works and construction traffic to be a source of noise nuisance to surrounding residents, but this is temporary and potentially true of all development whenever this occurs within the vicinity of existing dwellings. Where development is permissible, impacts from development processes are not reasonably objectionable per se.
- The contributors' concerns that development would lead to issues with regard to surface drainage would be addressed by new development being served by appropriate new or upgraded facilities. The latter should allow for development to be accommodated without any unacceptable impacts upon existing residential areas. It is anticipated that the details of drainage and surface water management could be considered appropriately at the planning application stage. The need for a Flood Risk Assessment for this site is also explicitly included amongst the Site Requirements for this site. This is to take cognisance of the possibility of a culverted water course within the site, the need for a sustainable drainage system, and the conservation of the wetland area to the southwest. It is a further requirement of the Site Requirements that a Wetlands SUDS feature should be provided in the area described in blue hatching on the Proposals Plan, with associated open space to the south of the site. In the case of the specific concern of Contributor 223 with regard to subsidence identified in relation to potential impacts upon the Listed Buildings at Burnhead, it is not clear whether the contributor is advising that there is at present an existing concern with respect to subsidence from natural drainage which they consider may be exacerbated by development in the wider area, or whether such impacts are only anticipated to occur (as opposed to get worse) as a consequence of development. However, notwithstanding, surface water drainage should be managed appropriately within and from the site within any future development of the land, such that it should not present any new or exacerbated concerns. Again, though this can be appropriately managed at the planning application stage.
- The site is predominantly managed open farmland, and as such, has low biodiversity value. However, it does nonetheless contribute to wildlife habitat, and areas of the site, particularly to the south and around the edges are, or have the potential, to have more significant biodiversity value. This has been taken into consideration within the Local Planning Authority's assessment of the site. It is an explicit requirement of the Site Requirements that the design and layout of the site should aim to enhance the biodiversity value of the site through the creation of a restoration of habitats and wildlife corridors, and should take cognisance of the sloping nature of the site. Further, ecological impacts are to be assessed, and mitigation provided as appropriate. In particular, there is potential for the wetland area that is to be retained in the south of the site, to be conserved and enhanced, as a wildlife habitat area. As such, while contributors advise that development has potential to impact upon local biodiversity, the potential to conserve, and where possible, enhance, this resource has been appropriately considered, and the details of this conservation and enhancement can be appropriately addressed within the development management process.
- While Contributor 344 appears to accept, even support, a general need for redevelopment ("*rebuilding*") in Hawick, they equate this particular proposal, and/or the consequent loss of undeveloped land, with adverse economic and social

impacts. However, their objections in terms of impacts upon the community and local economy, appear to rest on a series of assumptions about the anticipated outcomes and consequences of development. Visual blight, adverse economic impacts and crime and social deprivation are not reasonably anticipated to be inevitable or self-evident consequences of these specific proposals; let alone of development in general. On the contrary, at least where it is reasonable to anticipate the delivery of a high quality development, the proposals would have potential to facilitate positive change in the economy, in the local community and in the built environment. Only poor quality or unsympathetic development would result in visual blight, and it is possible through the planning process to ensure that any development progressed on the site, would be achieved to an appropriately high standard and in a way that is sympathetic to the character of the surrounding area. High quality new development would be liable to enhance, rather than detract from, the gateway approach to the town. The introduction of new homes to the area, might more reasonably be expected to create jobs and support local businesses and services than it would be to lead directly to decline ("*crime and poverty*") in the way that the contributor supposes. The contributor's summary conclusion that the development would make Hawick a 'ghost town' is therefore not considered reasonable or justified. New homes and business premises would be liable to attract new residents and generate new business and job opportunities in the local area.

- While Contributors 222 and 223 advise of their objections in terms of the impacts upon the cultural heritage of Hawick resulting from the development of the four and five sites they respectively cite as objectionable, their primary focus in cultural heritage terms, is specifically on the conservation of the structure and setting of the B Listed Building at Burnhead Tower. While they consider that development in the case of all sites would impact upon these buildings, it reasonably follows that proposed Business and Industrial Allocation BHAWI004, which is in closest proximity to these Listed Buildings, is therefore more reasonably liable to be the source of any notable impacts upon the setting and character of these Listed Buildings than development on this and other sites further afield. With regard to the structures of these buildings, their concerns appear specifically to relate to the potential for damage, or increased damage, from pollution from industry and traffic in the area, although concerns are also expressed by Contributor 223 with regard to the potential for subsidence resulting from natural (surface water) drainage. With regard to setting, the concern would appear to be the loss of a rural, at least, agricultural setting as a consequence of development taking place on the farmland that is proposed for allocation. Due to its distance from the Listed Buildings, and its allocation for housing, development at AHAWI027 in particular, seems unlikely to generate any notable impacts upon the structures of these Listed Buildings. Also, and again, due to distance, it is not considered that the current site contributes strongly to the setting of either of these Listed Buildings, whose context and setting is more immediately and significantly constituted by the farm steading.
- Ultimately cultural heritage management in practice, requires decisions to be made vis-à-vis development pressures, and a balanced view needs to be taken as to how best to conserve heritage resources in the most appropriate form for the experience, information, education, identity and wellbeing of the general public and local community, while ensuring that the area's development needs can also be met acceptably. This does include seeking the most appropriate accommodation of development pressures across a range of issues, of which cultural heritage is but one. As such, while it is reasonable to assess what adds value and contributes strongly to a cultural heritage resource in its structure and setting, it is also appropriate to consider what might acceptably be changed or lost, if on what terms.

In the case of B Listed Buildings, it is seldom appropriate or necessary, to have to retain several fields around them in the way that the contributors insist should be applied here, in order to conserve appropriately their historic landscape setting. These buildings are not especially prominent within the local landscape, and therefore the extent to which a large swathe of landscape needs to be conserved around them to facilitate the interpretation of the landscape to which they contribute, seems questionable in heritage management terms and impractical in planning and economic terms. Ultimately in this case, the conservation of the setting of this B Listed Building, is not considered to outweigh the need to augment Hawick's housing and business and industrial land supply with appropriately sited and sized land allocations.

- The concerns of Contributors 223 and 344 that development would lead to issues with regard to utilities and services, including sewerage, would be addressed by new development being served by appropriate new or upgraded facilities. The latter should allow for development to be accommodated without any unacceptable impacts upon existing residential areas. In the event that there were to be impacts upon electricity lines, then it is usually possible for developers and utilities companies working together, to ensure that appropriate arrangements are in place to ensure that there is no or minimal disruption in the supply to existing homes and properties. Again, the details of such matters are capable of being considered at the planning application stage.
- The site is capable of being accessed appropriately from the existing road network and appropriate parking provision is capable of being provided on site. Accordingly, it is not considered that there would be any unacceptable impacts on traffic movement or on parking in the local area, as a consequence of this development in the ways envisaged by Contributors 222 and 344. Proximity to A7 and other local roads is noted, but it is a requirement that vehicular access to the site, should be taken from the B6359. A Transport Assessment is to be required to inform the specific development proposal for the site. As such, it is not considered that the site, either in its situation or specifically in its proximity to the A7 and other local roads, is reasonably characterised as 'exceedingly unsafe' - notwithstanding that the precise layout and linkages to the surrounding area will require careful consideration at the planning application stage, to ensure optimal safe and efficient access arrangements into and out of the site for pedestrians, cyclists and vehicle-users.
- Contributors 222 and 223 anticipate impacts upon the mental health and wellbeing of residents in Burnfoot as a consequence of the loss of ready, even immediate, access to the countryside, were the land to be developed. The land at the site is farmland, and is not formally open space. The countryside would remain accessible from Burnfoot, while there is even potential for enhanced access within the development for housing.
- It is not considered that the proposal raises any concerns in principle in the way that the contributors anticipate, and while some matters – such as residential amenity and the treatment of the wetland – would require to be addressed appropriately at the planning application stage, there is no concern that they could not be addressed acceptably within a specific proposal or proposals. Accordingly, it is not considered that the site should be removed from the Plan, or that there needs to be any revisions or additions to the proposed Site Requirements in order to address the contributors' concerns.

Proposed New Housing Allocation Proposal AHAWI031 - Former Stonefield Quarry II (080)

- The contributor seeks the inclusion of the site of the former Stonefield Quarry within the Development Boundary at Hawick. The quarry lies around 50m to the southeast of Stonefield Place and Hawick's Development Boundary. The site that the contributor specifically identifies, is closely based on the former quarry's extraction area. It is closely contained in landscape terms; being delimited, and screened, by the walls of the quarry to the north, east and south. It is further defined, and contained, to the west, by the embankment of the former railway line, which intervenes between the site and the residential area at Stonefield Place. The site is only accessible from the west, via an underpass, which runs through the embankment, beneath the former railway.
- The site does not at any point, lie adjacent to the Development Boundary. In addition to a minimum distance of over 40m, it is also separated from Hawick by the railway embankment. As a landscape feature, the embankment provides robust reinforcement to the Development Boundary along this side of Hawick, helping to constitute a settlement boundary which is clear and defensible. Decisively in landscape terms, the site lies on the other side of the embankment from Hawick; it is, and appears, entirely and obviously discrete; and separate from the settlement at Hawick.
- While the contributor does not propose any specific development of the site, they nonetheless advise that its development would have little impact on the surrounding area. Specifically, they anticipate that the site's strong containment should be seen as a positive attribute in this respect; presumably, in so far as development would not easily promote further development on adjacent land. In so far as it is set out, the contributor's justification appears tantamount to a view that the site's relatively small size, the limited development potential of it and its immediate environs, and the extent of set-back and screening from the nearest residential properties, should negate, or outweigh, any concerns regarding the movement of the Development Boundary from Stonefield Place to a point on the other side of the railway embankment; at least, they consider such limitations might allow their proposal to be perceived and tolerated as a 'one-off' exception.
- The opposite perspective is more tenable. Such a significant adjustment to the Development Boundary as they propose, is not justified by the inclusion of such a discrete, small-scale site of such extremely limited development potential. It is also a site which cannot in its form and setting, be readily integrated into the settlement at Hawick, let alone one that might reasonably be expected to offer significant community benefits to outweigh the need to maintain the clear, robust, easily defensible boundary constituted by the railway embankment in relation to this particular section of Hawick's Development Boundary. Furthermore, the contributor has not identified any specific type of development proposal, nor identified any development need that could not be more reasonably met on another site within the Development Boundary, or on an allocated site/proposed allocated site elsewhere.
- A similar site, also based on the former Stonefield Quarry (albeit within differently defined boundaries), was previously the subject of a written submission by the same contributor, at the time of the Examination of the previous Proposed Scottish Borders Local Development Plan, where it was considered as Issue 204, on pages 736-737 of the report of Examination (CD040). In common with the current submission, the previous one had sought the inclusion the former quarry within the Development Boundary; albeit more explicitly within the context of an accompanying

housing development proposal for the site. Within their assessment of the previous proposal, the Reporter found that the railway embankment provided a very well-defined settlement boundary in this part of Hawick, adding that the embankment and means of access as these are currently constituted, would mean that the development of the site, would be largely unconnected with the settlement at Hawick, both visually and physically (CD040; please refer to page 737).

Accordingly, the Reporter considered that development would not contribute appropriately to placemaking, a central principle of Scottish Planning Policy. The Reporter also considered that the confines of the site - located within a former quarry and bounded to the north by the high embankment - would not lead to a residential ambience of high quality; and found that there would be no strategic significance in the potential development of the site, concluding that the settlement boundary should not be adjusted at this location. Instead, the Reporter noted, after the Local Planning Authority's own consideration, that any formal planning proposal could be assessed appropriately on its own planning merits against the relevant policies of the Local Development Plan (CD040; please refer to page 737).

- Notwithstanding that there are not considered to be any significant differences between the current and previously assessed proposals for the inclusion of the quarry site within Hawick's Development Boundary, it is appreciable that the current proposal will be assessed by the Reporter anew in the context of the current Examination. However, for the reasons set out above, the Local Planning Authority maintains its previous assessment that the former quarry should not be absorbed into the Development Boundary. Inclusion within the Development Boundary would promote the development of land for which no justification in principle has yet been established, and would more widely, set an undesirable precedent for further development outwith the clearly defined Development Boundary, on land beyond, outwith, the cincture of the railway embankment. In this regard, the contributor can be seen to be seeking a very significant adjustment to the Development Boundary to facilitate the development of a fairly insignificant area of land, without the need for, or benefit of, its development first having been established. It is considered that the need to conserve the Development Boundary in its current form and location, far outweighs any benefits that the development of the site might offer, and the proposal is therefore not supported.
- For the reasons set out above, it is not considered either that the Development Boundary should be adjusted to allow for the inclusion of this site, or that it should otherwise be allocated for housing development. On the contrary, it is considered that any planning proposal for the site would be more appropriately assessed through the planning application system, at least in any circumstance or situation where the proposal can comply with Policy PMD4.

Business and Industrial Allocation Proposal BHAWI001 – North West Burnfoot (049, 222, 223 – 1 of 2 and 2 of 2, 344 – 1 of 2 and 2 of 2, 591)

- This site has been through the full site assessment process and is considered acceptable for development for business and industrial use (CD118, pages 425 to 428). The site is currently the site of a Business and Industrial allocation proposal in the adopted Scottish Borders Council Local Development Plan 2016 (BHAWI001) (CD009; please refer to page 349). The site has no insurmountable constraints and is located within the existing Hawick Development Boundary (please see CD009, pages 354-355; and CD119, page 22). Proposed Business and Industrial Allocated Site BHAWI001 has been identified and promoted by the Forward Planning Team as a suitable site to augment the employment and business land supply in the Hawick

area. This identification has itself been informed by the advice of a wide range of internal consultees. Furthermore, external consultees, including SEPA, Scottish Natural Heritage and Historic Environment Scotland, have also commented at the Main Issues stage. When all such comments had been considered, no insurmountable reasons were identified for this site not to be promoted again by the Council as an allocated Business and Industrial site within the Proposed Local Development Plan. There are though, a number of matters which any development of this site would need to take account of, and which are set out on page 374 of Volume 2 of the Proposed Local Development Plan. These include landscaping considerations; surface water drainage issues; the setting of the Category B Listed Burnhead Tower; ecological considerations; and vehicular and pedestrian access. For clarity, these are not considered to present any insurmountable obstacles to the site's development, but would require developers to address them appropriately within their specific proposals at the planning application stage.

- There is support in planning terms for the principle of the continuation and diversification of established farming businesses, and it is appreciable that the loss of farmland to an agricultural unit would have impacts upon its operation, that would need to be absorbed or addressed by the agricultural business(es) affected. However, there is also support for the principle of identifying new land for business and industrial use where it is needed, and in appropriate locations in and around settlements where it can help meet the needs of the local community and local economy. As a Council, we consider that it is important to allocate a generous supply of land for business and employment uses via the Local Development Plan process. In identifying where business and employment land allocations are required, we take advice from our Economic Development Section.
- Notwithstanding the concerns of Contributors 222, 223 and 344 that the land may be good agricultural land relative to surrounding areas, it is not in fact of sufficient quality to meet the designation 'Prime Agricultural Land' as this is defined under the Macaulay Institute Land Classification for Agriculture system, and which is itself set and defined at a national level. As such, development of this site would not in fact result in the loss of Prime Agricultural Land, or be contrary to planning policy in these terms. In any event, while Prime Agricultural Land is subject to a high level of protection from development, the designation does not prohibit development in principle, albeit that under national and local planning policy, it does have the effect of prohibiting development that could more reasonably be accommodated elsewhere. Scottish Planning Policy (Para 80) (CD041), advises that development on land of lesser quality that is locally important, should not be permitted unless it is essential to address the particular exceptional circumstances it identifies. These include: "*as a component of the settlement strategy or necessary to meet an established need for example for essential infrastructure, where no other suitable site is available*". It is considered that the accommodation of new business and industrial land reasonably falls into this category.
- Contributors 222 and 223 are concerned with the establishment of any overly industrial character of development in views from the A7 within the approach to Hawick from the north. Their concerns relate to this site and others, and include not only the allocation of the land for business and industrial use, but also what they anticipate would be deficient landscaping and planting maintenance works, in relation to its development. Contributor 344's comments are more general, relating to the overall appearance, and impact, of development more generally in this area, presupposing that development would inevitably be an eyesore, and/or would inherently bring, or be associated with, economic decline. In terms of ensuring a good quality development, with appropriate landscaping, the Site Requirements for

this site, include the production of a Planning Brief in the form of Supplementary Planning Guidance. This will require a public consultation on the more detailed guidance of the development of the site, and would certainly include a more detailed landscaping treatment, building on the principles identified under the Site Requirements for this site. The Site Requirements otherwise specifically identify, firstly, the need for hedgerow enhancements along the northern and eastern part of the site, for the purpose of minimising the visual impact from the north and west, along with a management scheme for this planting. Secondly, it is also a requirement that development should accommodate the retention of key views from the Gala Law roundabout area. Thirdly, developer should enhance the biodiversity value of the site through the creation or restoration of habitats and wildlife corridors. As such, landscaping, and boundary treatments are, and will be, central concerns at the point any proposal for this site, is brought forward within the planning application process. It is integral to the Site Requirements, that development should not be piecemeal and incremental, but informed by an overarching vision for the entire site, including its landscaping framework. Taking all of this into account, it is considered that the forthcoming SPG and the development management process will suffice to ensure that there will be appropriate landscaping at the site and within the wider development of this and surrounding land allocated for development. Careful and appropriate boundary treatments would ensure that existing features such as hedges, which can be viably retained, are conserved; and planting strengthened where appropriate opportunities arise, or present themselves, for landscape enhancement, including for the purposes of creating wildlife habitat and corridors.

- With respect to more general advice from contributors that development would inevitably impact negatively on the tourist/visitor experience, and local economy, there is no known evidence to suggest that development per se, would deter visitors or tourists from visiting this or any other area. High quality development should enhance the image and character of Hawick in the approach from the A7, and might therefore make a positive contribution to the character and setting – and therefore perception - of the town. While it seems unlikely that new business and industrial premises would so directly anyway, make the town or wider area more attractive to visitors or tourists, it equally well does not follow that it should make them unattractive either, particularly if new development is realised in accordance with a high quality design and layout. Moreover, where development helps support and grow the local economy, and supports local businesses and services, it is on balance, more reasonably anticipated to benefit the town and local community, and to make it a more attractive place to visit and stay in.
- Concerns with respect to existing landscaping and maintenance deficiencies would need to be taken up with the Council's Planning Enforcement Service, or – in instances where the maintenance of Council land is being identified - with the relevant sections of the Council.
- The concerns of Contributor 591 are noted with regard to the need for a firm landscape screen along the entire length of the western and northern boundaries of the site. The site requirements already include requirements with respect to the boundary treatment of the site, specifically a need for hedgerow enhancements along the northern and eastern part of the site. There is also a concern to produce a Planning Brief for the site, which would also allow for consideration of the landscaping and boundary treatments in more detail, having regard to the types of issues that the contributor highlights. However, the advice of the contributor is noted, and it is acknowledged that the Site Requirements with respect to the landscaping framework for this site - which lies within a major gateway approach to Hawick - could be appropriately strengthened. Accordingly, if the Reporter

considers it appropriate, the site requirement at the third bullet for this site on page 374, could be revised to require that development proposals for this site should include provisions for an appropriate new landscaped boundary treatment, having particular regard to the northern and western boundaries, including provision not only for hedgerow enhancements (as already identified), but also new tree planting in relation to these boundaries.

- With respect to Contributor 591's concern that there should be a requirement within the site requirements for provision for the effective long-term management of the landscaped areas of the site, there are already site requirements for "*a management scheme for planting*" relative to the aforementioned hedgerow enhancements, and a concern to identify "*provision for [the] long term management and maintenance*" of areas identified for the creation or restoration of habitats and wildlife corridors. The forthcoming Planning Brief is also an opportunity to consider these requirements in more detail. Accordingly, at least taking the opportunity to strengthen the landscaping requirements already noted above, it is considered that the existing requirements identified with respect to the management and maintenance of new planting on the site, should suffice to inform any forthcoming development proposals for the site.
- While both Contributors 222 and 223 advise of their objections in terms of the impacts upon the cultural heritage of Hawick resulting from the development of the four and five sites they respectively cite as objectionable, their primary focus is with the conservation of the structure and setting of the B Listed Building at Burnhead Tower. Although they consider that development in the case of all sites would impact upon these buildings, proposed Business and Industrial Allocation BHAWI004, is in closest proximity, and therefore more reasonably liable to be the source of any notable impacts. With regard to the structures of these buildings, their concerns appear specifically to relate to the potential for damage, or increased damage, from pollution from industry and traffic in the area, although concerns are also expressed by Contributor 223 with regard to the potential for subsidence resulting from natural (surface water) drainage. However, due to its distance from these Listed Buildings, the development of BHAWI001 is not reasonably anticipated to be liable to generate any notable impacts upon the structures of these buildings. Also, and again, due to its distance from these Listed Buildings, it is not considered that the current site (BHAWI001) contributes strongly to the setting of either of these Listed Buildings whose context and landscape setting is more immediately and significantly constituted by the farm steading.
- Ultimately cultural heritage management in practice, requires decisions to be made vis-à-vis development pressures, and a balanced view needs to be taken as to how best to conserve heritage resources in the most appropriate form for the experience, information, education, identity and wellbeing of the general public and local community, while ensuring that the area's development needs can also be met acceptably. This does include seeking the most appropriate accommodation of development pressures across a range of issues, of which cultural heritage is but one. As such, while it is reasonable to assess what adds value and contributes strongly to a cultural heritage resource in its structure and setting, it is also appropriate to consider what might acceptably be changed or lost, if on what terms. In the case of B Listed Buildings, it is seldom appropriate or necessary, to have to retain several fields worth of land around them, in the way the contributors insist should be applied here, in order to conserve appropriately their historic landscape setting. These buildings are not especially prominent within the local landscape, and therefore the extent to which a large swathe of landscape needs to be conserved around them to facilitate the interpretation or the landscape to which they

contribute, seems questionable in heritage management terms and impractical in planning and economic terms. Ultimately in this case, the conservation of the setting of this B Listed Building, is not considered to outweigh the need to augment Hawick's housing and business and industrial land supply with appropriately sited and sized land allocations.

- The concerns of Contributors 222 and 223 that development would lead to issues with regard to surface drainage would be addressed by new development being served by appropriate new or upgraded facilities. The latter should allow for development to be accommodated without any unacceptable impacts upon existing and surrounding residential areas. It is anticipated that the details of drainage and surface water management could be considered appropriately at the planning application stage. It is though a requirement within the Site Requirements for this site in particular, that the Mill Dam be excluded from the development. In the case of the specific concern of Contributor 223 with regard to subsidence identified in relation to potential impacts upon the Listed Buildings at Burnhead, it is not clear whether the contributor is advising that there is at present, an existing concern with respect to subsidence from natural drainage which they consider may be exacerbated by development in the wider area, or whether such impacts are only anticipated to occur (as opposed to get worse) as a consequence of development. However, notwithstanding, surface water drainage should be managed appropriately within and from the site, within any future development of the land, such that it should not present any new or exacerbated concerns. Again, though this can be appropriately managed at the planning application stage.
- Contributors 049, 222 and 223 raise residential amenity concerns in relation to the impacts on existing dwellinghouses in Burnfoot, from the operation of industrial premises on this and other proposed business and industrial land in the surrounding area; principally in terms of noise and traffic impacts. With regard to impacts upon the residential amenity of surrounding properties, the assessment of any specific proposal within the development management process will be an opportunity to ensure that there would be no unacceptable impacts in these terms. With regard to the potential for air quality impacts, noise and other disturbance from new business and industrial premises on neighbouring land, the specific business and industrial proposals themselves would need to be considered on their own merits, through the planning application process. The details required in support of these applications, would include details of the proposed operations of the business and industrial premises, including how the amenity of surrounding residential properties would be protected appropriately, from any potential impacts that might emanate from any specific proposed industrial operations. There is also a concern within the Site Requirements of BHAWI001 that the development of this site should be planned in association with the proposed housing allocation site AHAWI027, to ensure that these are designed and laid out sympathetically to one another. In any event, specific proposals for this site, would need to take account of the amenity of AHAWI027 and all other surrounding residential areas. They would need to be capable of operation without producing any statutory nuisance impacts, and this is something that would need to be established through the planning application process for these sites.
- Contributor 344 notes specifically, the potential for development works and construction traffic to be a source of noise nuisance to surrounding residents, but this is temporary and potentially true of all development, whenever this occurs within the vicinity of existing dwellings. Where development is permissible, impacts from development processes are not reasonably objectionable per se.

- With regard to the concerns of Contributor 223 and 344 with regard to biodiversity impacts, the site is predominantly managed open farmland, and as such, has low biodiversity value. However, it does nonetheless contribute to wildlife habitat, and areas of the site, particularly to the south and around the edges are, or have the potential, to have more significant biodiversity value. This has been taken into consideration within the Local Planning Authority's assessment of the site. It is an explicit requirement of the Site Requirements that the design and layout of the development, should aim to enhance the biodiversity value of the site through the creation or restoration of habitats and wildlife corridors and provision for their long term management and maintenance. The details of these habitat areas and wildlife corridors would be refined within the Planning Brief that is to be produced for this site. As such, while the contributors advise that development has potential to impact upon local biodiversity, the potential to conserve, and where possible, enhance, this resource has been appropriately considered, and the details of this conservation and enhancement can be appropriately addressed within the development management process.
- The concerns of Contributors 223 and 344 that development would lead to issues with regard to sewerage, would be addressed by new development being served by appropriate new or upgraded facilities. The latter should allow for development to be accommodated without any unacceptable impacts upon existing surrounding residential areas. In the event that there were to be impacts upon electricity lines, then it is usually possible for developers and utilities companies working together, to ensure that appropriate arrangements are in place to ensure that there is no or minimal disruption to supply to existing homes and properties.
- While Contributor 344 appears to accept, even support, a general need for redevelopment ("*rebuilding*") in Hawick, they equate this particular proposal, and/or the consequent loss of undeveloped land, with severely adverse economic and social impacts. However, their objections in terms of adverse impacts upon the community and local economy, appear to rest on a series of assumptions about the anticipated outcomes and consequences of development. Visual blight, adverse economic impacts, crime and social deprivation are not reasonably anticipated to be inevitable or self-evident consequences of these specific proposals; let alone of development in general. On the contrary, at least where it is reasonable to anticipate the delivery of a high quality development, the proposals would have potential to facilitate positive change in the economy, in the local community and in the built environment. Only poor quality or unsympathetic development, would result in visual blight, and it is possible through the planning process to ensure that any development progressed on the site, would be achieved to an appropriately high standard and in a way that is sympathetic to the character of the surrounding area. High quality new development would be liable to enhance, rather than detract from, the gateway approach to the town. The introduction of new homes to the area, might more reasonably be expected to create jobs and support local businesses and services than it would be to lead directly to decline ("*crime and poverty*") in the way that the contributor supposes. The contributor's summary conclusion that the development would make Hawick a 'ghost town' is therefore not considered reasonable or justified. New homes and business premises would be liable to attract new residents and generate new business and job opportunities in the local area.
- With regard to the concerns of Contributor 344 with respect to the road network and parking, the site is capable of being accessed appropriately from the existing road network and appropriate parking provision is capable of being provided on site. Accordingly, it is not considered that there would be any unacceptable impacts on

traffic movement, or on parking in the local area as a consequence of this development. In this specific case, there would be a requirement that the B6359 should be upgraded in terms of width, footway provision and street lighting, and that a reduced speed limit may be required. With regard to the latter, it is noted that the Site Requirements for this proposed allocation, refer specifically, to the potential requirement of a *30mph* speed limit. Recently there have been trials of 20mph speed restrictions within settlements across the Scottish Borders. As a consequence of these, 20mph limits have been retained in many areas. Therefore, it would be appropriate to allow some discretion to review whether a 20mph or 30mph might be considered appropriate in relation to this particular site. Consequently, the Council would seek to amend the direction given within the ninth site requirement from the advice that “*a 30mph speed limit may be required*”, to advice that “*a lower speed restriction may be required*” here.

- Contributors 222 and 223 anticipate impacts upon the mental health and wellbeing of residents in Burnfoot as a consequence of the loss of ready, even immediate, access to the countryside were the land to be developed. However, the land at the site is farmland, and is not formally open space. The countryside would remain accessible from Burnfoot, while there is even potential for enhanced access. Again, the Planning Brief is an opportunity to consider in more detail, the most appropriate accommodation of public access through the site to the surrounding countryside ahead of any planning applications for the site, to ensure that these opportunities are taken and implemented to best effect.
- It is not considered that the proposal raises any concerns in principle, in the way that the contributors anticipate, and while some matters would require to be addressed appropriately at the planning application stage, there is no concern that they could not be addressed acceptably within specific proposals. Accordingly, it is not considered that the site should be removed from the Plan, or that there needs to be any revisions or additions to the proposed Site Requirements to address the contributors’ concerns, excepting only the point noted above with regard to the potential to allow for the establishment of a 20mph speed limit in place of any strict requirement that it would have to be 30mph.

Business and Industrial Allocation Proposal BHAWI002 – Gala Law North (222, 223 – 1 of 2 and 2 of 2)

- This site has been through the full site assessment process and is considered acceptable for development for business and industrial use (CD118, pages 429 to 432). The site is already the site of a Business and Industrial allocation proposal in the adopted Scottish Borders Council Local Development Plan 2016 (BHAWI002) (CD009; please refer to page 349). The site has no insurmountable constraints. Proposed Business and Industrial Allocated Site BHAWI002 has been identified and promoted by the Forward Planning Team as a potentially suitable site to augment the employment and business land supply in the Hawick area. This identification has itself been informed by the advice of a wide range of internal consultees. Furthermore, external consultees, including SEPA, Scottish Natural Heritage and Historic Environment Scotland, have also commented at the Main Issues stage. When all such comments had been considered, no insurmountable reasons were identified for this site not to be maintained by the Council as an allocated Business and Industrial site within the Proposed Local Development Plan. There are though, a number of matters which any development of this site would need to take account of, and which are set out on page 374 of Volume 2 of the Proposed Local Development Plan. These include landscaping, vehicular and pedestrian access considerations,

and the potential for historic land contamination. For clarity, these are not considered to present any insurmountable obstacles to the site's development but would require developers to address them appropriately within their specific proposals.

- There is support in planning terms for the principle of the continuation and diversification of established farming businesses, and it is appreciable that the loss of farmland to an agricultural unit would have impacts upon its operation that would need to be absorbed or addressed by the agricultural business(es) affected; However, there is also support for the principle of identifying new land for business and industrial use where it is needed, and in appropriate locations in and around settlements where it can help meet the needs of the local community and local economy. As a Council, we consider that it is important to allocate a generous supply of land for business and employment uses via the Local Development Plan process. In identifying where business and employment land allocations are required, we take advice from our Economic Development Section.
- Notwithstanding both contributors' concerns that the land may be good agricultural land relative to surrounding areas, it is not in fact of sufficient quality to meet the designation 'Prime Agricultural Land' as this is defined under the Macaulay Institute Land Classification for Agriculture system, and which is itself set and defined at a national level. As such, development of this site would not in fact result in the loss of Prime Agricultural Land or be contrary to planning policy in these terms. In any event, while Prime Agricultural Land is subject to a high level of protection from development, the designation does not prohibit development in principle, albeit that under national and local planning policy, it does have the effect of prohibiting development that could more reasonably be accommodated elsewhere. Scottish Planning Policy (Para 80) (CD041) advises that development on land of lesser quality that is locally important, should not be permitted, unless it is essential to address the particular exceptional circumstances it identifies. These include: "*as a component of the settlement strategy or necessary to meet an established need for example for essential infrastructure, where no other suitable site is available*". It is considered that the accommodation of new business and industrial land reasonably falls into this category.
- Contributors 222 and 223 are concerned with the establishment of any overly industrial character of development in views from the A7 within the approach to Hawick from the north. Their concerns relate to this site and others, and include not only the allocation of the land for business and industrial use, but also what they anticipate would be deficient landscaping and planting maintenance works, in relation to its development. In terms of ensuring a good quality development, with appropriate landscaping, the Site Requirements for this site, include the production of a Planning Brief in the form of Supplementary Planning Guidance. This will require a public consultation on the more detailed guidance of the development of the site, and would certainly include a more detailed landscaping treatment, building on the principles identified under the Site Requirements for this site. The Site Requirements otherwise specifically identify, firstly, the need for hedgerow enhancements and structure planting along the eastern, northern and western part of the site, for the purpose of minimising the visual impact from the north, east and west, along with a management scheme for this planting. It is also a requirement that careful consideration should be given to the layout and scale of any proposed scheme, to minimise visual intrusion in the landscape, and also that the strip of semi-natural woodland that runs through the site, should be retained, except if part of it were needed for access. As such, landscaping, and boundary treatments are, and will be, central concerns at the point any proposal for this site, is brought

forward within the planning application process. It is integral to meeting the Site Requirements, that the site's development should not be piecemeal and incremental, but informed by an overarching vision for the entire site, including its landscape framework. Taking all of this into account, it is considered that the forthcoming SPG and the development management process will suffice to ensure that there will be appropriate landscaping at the site and within the wider development of this and surrounding land allocated for development. Careful and appropriate boundary treatments would ensure that existing features such as hedges, which can be viably retained, are conserved; and planting strengthened where appropriate opportunities arise, or present themselves, for landscape enhancement.

- With respect to more general advice from contributors that development would inevitably impact negatively on the tourist/visitor experience, and local economy, there is no known evidence to suggest that development per se, would deter visitors or tourists from visiting this or any other area. High quality development should enhance the image and character of Hawick in the approach from the A7, and might therefore make a positive contribution to the character and setting – and therefore perception - of the town. While it seems unlikely that new business and industrial premises would so directly anyway, make the town or wider area more attractive to visitors or tourists, it equally well does not follow that it should make them unattractive either, particularly if new development is realised in accordance with a high quality design and layout. Moreover, where development helps support and grow the local economy, and supports local businesses and services, it is on balance, more reasonably anticipated to benefit the town and local community, and to make it a more attractive place to visit and stay in.
- Concerns with respect to existing landscaping and maintenance deficiencies would need to be taken up with the Council's Planning Enforcement Service, or – in instances where the maintenance of Council land is being identified - with the relevant sections of the Council.
- While both contributors advise of their objections in terms of the impacts upon the cultural heritage of Hawick resulting from the development of the four and five sites they respectively cite as objectionable, their primary focus is with the conservation of the structures and settings of the B Listed Building at Burnhead Tower. Although they consider that development in the case of all sites would impact upon these buildings, proposed Business and Industrial Allocation BHAWI004, is in closest proximity, and therefore more reasonably liable to be the source of any significant impacts. With regard to the structures of these Listed Buildings, contributors' concerns appear specifically to relate to the potential for damage, or increased damage, from pollution from industry and traffic in the area, although concerns are also expressed by Contributor 223 with regard to the potential for subsidence resulting from natural (surface water) drainage. However, due to its distance from these Listed Buildings, the development of BHAWI002 is not reasonably anticipated to be liable to generate any significant impacts upon the structures of these buildings. Also, and again, due to its distance from these Listed Buildings, it is not considered that the current site (BHAWI002) contributes strongly to the setting of either of these Listed Buildings whose context and landscape setting is more immediately and significantly constituted by the farm steading.
- Ultimately cultural heritage management in practice, requires decisions to be made vis-à-vis development pressures, and a balanced view needs to be taken as to how best to conserve heritage resources in the most appropriate form for the experience, information, education, identity and wellbeing of the general public and local community, while ensuring that the area's development needs can also be met

acceptably. This does include seeking the most appropriate accommodation of development pressures across a range of issues, of which cultural heritage is but one. As such, while it is reasonable to assess what adds value and contributes strongly to a cultural heritage resource in its structure and setting, it is also appropriate to consider what might acceptably be changed or lost, if on what terms. In the case of B Listed Buildings, it is seldom appropriate or necessary, to have to retain several fields worth of land around them, in the way the contributors insist should be applied here in order to conserve appropriately their historic landscape setting. These buildings are not especially prominent within the local landscape, and therefore the extent to which a large swathe of landscape needs to be conserved around them to facilitate the interpretation or the landscape to which they contribute, seems questionable in heritage management terms and impractical in planning and economic terms. Ultimately in this case, the conservation of the setting of this B Listed Building, is not considered to outweigh the need to augment Hawick's housing and business and industrial land supply with appropriately sited and sized land allocations.

- Both contributors' concerns that development would lead to issues with regard to surface drainage, would be addressed by new development being served by appropriate new or upgraded facilities. The latter should allow for development to be accommodated without any unacceptable impacts upon existing and surrounding residential areas. It is anticipated that the details of drainage and surface water management could be considered appropriately at the planning application stage. In the case of the specific concern of Contributor 223 with regard to subsidence identified in relation to potential impacts upon the Listed Buildings at Burnhead, it is not clear whether the contributor is advising that there is at present an existing concern with respect to subsidence from natural drainage which they consider may be exacerbated by development in the wider area, or whether such impacts are only anticipated to occur (as opposed to get worse) as a consequence of development. However, notwithstanding, surface water drainage should be managed appropriately within and from the site within any future development of the land, such that it should not present any new or exacerbated concerns. Again, though, this can be appropriately managed at the planning application stage.
- Contributors 222 and 223 raise residential amenity concerns in relation to the impacts on existing dwellinghouses in Burnfoot, from the operation of industrial premises on this and other proposed business and industrial land in the surrounding area; principally in terms of noise and traffic impacts. With regard to impacts upon the residential amenity of surrounding properties, the assessment of any specific proposal within the development management process will be an opportunity to ensure that there would be no unacceptable impacts in these terms. With regard to the potential for air quality impacts, noise and other disturbance from new business and industrial premises on neighbouring land, the specific business and industrial proposals themselves would need to be considered on their own merits, through the planning application process. The details required in support of these applications, would include details of the proposed operations of the business and industrial premises, including how the amenity of surrounding residential properties would be protected appropriately, from any potential impacts that might emanate from any specific proposed industrial operations. They would need to be capable of operation without producing any statutory nuisance impacts, and this is something that would need to be established through the planning application process for these sites.
- With regard to the concerns of Contributor 223 with respect to impacts on biodiversity, it is noted that the site is predominantly managed open farmland, and as such, has low biodiversity value. However, it does nonetheless contribute to

wildlife habitat; and areas of the site, particularly to the south and around the edges are, or have the potential, to have more significant biodiversity value. This has been taken into consideration within the Local Planning Authority's assessment of the site. It is an explicit requirement of the Site Requirements that the design and layout of the development, should aim to enhance the biodiversity value of the site through the creation or restoration of habitats and wildlife corridors and provision for their long term management and maintenance. The details of these habitat areas and wildlife corridors would be refined within the Planning Brief that is to be produced for this site. As such, while the contributor advises that development has potential to impact upon local biodiversity, the potential to conserve, and where possible, enhance, this resource has been appropriately considered, and the details of this conservation and enhancement can be appropriately addressed within the development management process.

- The concerns of Contributor 223 that development would lead to issues with regard sewerage, would be addressed by new development being served by appropriate new or upgraded facilities. The latter should allow for development to be accommodated without any unacceptable impacts upon existing surrounding residential areas. In the event that there were to be impacts upon electricity lines, then it is usually possible for developers and utilities companies working together, to ensure that appropriate arrangements are in place to ensure that there is no or minimal disruption to supply to existing homes and properties.
- The contributors anticipate impacts upon the mental health and wellbeing of residents in Burnfoot as a consequence of the loss of ready, even immediate, access to the countryside were the land to be developed. However, the land at the site is farmland, and is not formally open space. The countryside would remain accessible from Burnfoot, while there is even potential for enhanced access. Again, the Planning Brief is an opportunity to consider in more detail, the most appropriate accommodation of public access through the site to the surrounding countryside ahead of any planning applications for the site, to ensure that these opportunities are taken and implemented to best effect.
- It is not considered that the proposal raises any concerns in principle in the way that the contributors anticipate, and while some matters – such as residential amenity and the treatment of the wetland – would require to be addressed appropriately at the planning application stage, there is no concern that they could not be addressed acceptably within a specific proposal. Accordingly, it is not considered that the site should be removed from the Plan, or that there needs to be any revisions or additions to the proposed Site Requirements to address the concerns of the contributors.

Business and Industrial Allocation Proposal BHAWI003 – Gala Law II (133 -1 of 3, 2 of 3 and 3 of 3)

- This site has been through the full site assessment process and is considered acceptable for development for business and industrial use (CD118, pages 112 to 114). It is currently part of the Mixed Use allocation MHAWI001 in the adopted Scottish Borders Council Local Development Plan (CD009; please refer to page 350). The site has no insurmountable constraints (CD118, pages 112 to 114). Proposed Business and Industrial Allocated Site BHAWI003 has been identified and promoted by the Forward Planning Team as a potentially suitable site to augment the employment and business land supply in the Hawick area. This identification has itself been informed by the advice of a wide range of internal consultees.

Furthermore, external consultees, including SEPA, Scottish Natural Heritage and Historic Environment Scotland, have also commented at the Main Issues stage. When all such comments had been considered, no insurmountable reasons were identified for this site not being promoted by the Council as an allocated Business and Industrial site within the Proposed Local Development Plan. There are though a number of matters which any development of this site would need to take account of, and which are set out in Volume 2 of the Proposed Local Development Plan. These include surface water drainage issues; ecological considerations; archaeology and vehicular and pedestrian access. For clarity, these are not considered to present any insurmountable obstacles to the site's development but would require developers to address them appropriately within their specific proposals.

- The contributor raises residential amenity concerns in relation to the impacts on their existing dwellinghouse at Galalaw, from the operation of industrial premises on this site. They appear to highlight specific concerns they have raised with the Council's Development Management Section with regard to an existing development that is the subject of Planning Consent 16/01023/FUL. This development lies outwith the site of Proposal BHAWI003, on the adjacent Business and Industrial Safeguarding site, zEL48 Gala Law (Safeguarded Site); please see settlement map in CD119, page 22. The contributors' specific concerns with respect to the impacts of the existing development have been referred by the contributors to Development Management, and are not appropriately considered further within the Local Development Plan process. With respect to any subsequent proposals for the site that is the subject of Proposal BHAWI003, any specific business and industrial proposals would need to be considered on their own merits through the planning application process. This should ensure that there would be no unacceptable impacts upon the residential amenity of any surrounding properties, including upon that of the contributors' home. The details required in support of applications, would include details of the proposed operations of the business and industrial premises, including how the amenity of surrounding residential properties would be protected appropriately from any potential impacts that might emanate from any specific proposed industrial operations. They would need to be capable of operation without producing any statutory nuisance impacts. This is something that would need to be established through the planning application process. With regard to any existing impacts from current developments, any alleged breaches of planning conditions would need to be referred to the Planning Enforcement team for its investigation and, if found to be required, its action. It is understood that the contributor has referred their concerns to Development Management.
- It is not considered that the proposal raises any concerns in principle in the way that the contributor anticipate, and while residential amenity concerns would require to be addressed appropriately at the planning application stage, there is no concern that they could not be addressed acceptably within a specific proposal. Accordingly, it is not considered that the site should be removed from the Plan, or that there needs to be any revisions or additions to the proposed Site Requirements to address the contributor's concerns.

Business and Industrial Allocation Proposal BHAWI004 – Land to South of Burnhead (032, 049, 222, 223 – 1 of 2 and 2 of 2, 344 – 1 of 2 and 2 of 2, 591)

- This site has been through the full site assessment process and is considered acceptable for development for business and industrial use (CD118, pages 115 to 117). The site has no insurmountable constraints and the development of this site, although sensitive, should be feasible through appropriate design and mitigation.

Proposed Business and Industrial Allocated Site BHAWI004 has been identified and promoted by the Forward Planning Team as a potentially suitable site to augment the employment and business land supply in the Hawick area. This identification has itself been informed by the advice of a wide range of internal consultees. Furthermore, external consultees, including SEPA, Scottish Natural Heritage and Historic Environment Scotland, have also commented at the Main Issues stage. When all such comments had been considered, no insurmountable reasons were identified for this site not being promoted by the Council as an allocated Business and Industrial site within the Proposed Local Development Plan. There are though a number of matters which any development of this site would need to take account of, and which are set out on page 375 of Volume 2 of the Proposed Local Development Plan. These include surface water drainage issues; the setting of the Category B Listed Burnhead Tower; archaeology; ecological considerations; and vehicular and pedestrian access. For clarity, these are not considered to present any insurmountable obstacles to the site's development but would require developers to address them appropriately within their specific proposals. In this particular case, a Planning Brief in the form of Supplementary Planning Guidance will be produced for the site, to expand upon these matters.

- With regard to the concerns of Contributors 222, 223 and 344 with respect to impacts upon a farm business and the local economy, there is support in planning terms for the principle of the continuation and diversification of established farming businesses, and it is appreciable that the loss of farmland to an agricultural unit would have impacts upon its operation, that would need to be absorbed or addressed by the agricultural business(es) affected; However, there is also support for the principle of identifying new land for business and industrial use where it is needed, and in appropriate locations in and around settlements where it can help meet the needs of the local community and local economy. As a Council, we consider that it is important to allocate a generous supply of land for business and employment uses via the Local Development Plan process. In identifying where business and employment land allocations are required, we take advice from our Economic Development Section.
- Notwithstanding the concerns of Contributors 222, 223 and 344 that the land may be good agricultural land relative to surrounding areas, it is not in fact of sufficient quality to meet the designation 'Prime Agricultural Land' as this is defined under the Macaulay Institute Land Classification for Agriculture system, and which is itself set and defined at a national level. As such, development of this site would not in fact result in the loss of Prime Agricultural Land or be contrary to planning policy in these terms. In any event, while Prime Agricultural Land is subject to a high level of protection from development, the designation does not prohibit development in principle, albeit that under national and local planning policy, it does have the effect of prohibiting development that could more reasonably be accommodated elsewhere. Scottish Planning Policy (Para 80) (CD041), advises that development on land of lesser quality that is locally important, should not be permitted, unless it is essential to address the particular exceptional circumstances it identifies. These include: "*as a component of the settlement strategy or necessary to meet an established need for example for essential infrastructure, where no other suitable site is available*". It is considered that the accommodation of new business and industrial land reasonably falls into this category.
- Contributors 222 and 223 are concerned with the establishment of any overly industrial character of development in views from the A7 within the approach to Hawick from the north. Their concerns relate to this site and others, and include not only the allocation of the land for business and industrial use, but also what they

anticipate would be deficient landscaping and planting maintenance works, in relation to its development. In the case of this site in particular however, Contributor 222 is concerned that account should also be taken of the amenity that the site and existing trees around this site, offer to residents in existing residential areas of Burnfoot, which they are concerned would be lost were the site to be developed. In terms of ensuring a good quality development with appropriate landscaping, the Site Requirements for this site include the production of a Planning Brief in the form of Supplementary Planning Guidance. This will require a public consultation on the more detailed guidance of the development of the site, and would certainly include a more detailed landscaping treatment, building on the principles identified under the Site Requirements for this site. The Site Requirements identify, the need to establish green infrastructure connections through the site, including links to housing at Burnfoot and the existing path network to the east of Burnhead Road. As such, landscaping, and access to the countryside would be central concerns at the point any proposal for this site is brought forward within the planning application process. It is integral to meeting the Site Requirements, that the site's development should not be piecemeal and incremental, but informed by an overarching vision for the entire site, including its landscape framework. Taking all of this into account, it is considered that the forthcoming SPG and the development management process will suffice to ensure that there will be appropriate landscaping at the site and within the wider development of this and surrounding land allocated for development. Careful and appropriate boundary treatments would ensure that existing features such as hedges, which can be viably retained, are conserved; and planting strengthened where appropriate opportunities arise, or present themselves, for landscape enhancement.

- With respect to more general advice from Contributors 222, 223 and 344 that development would inevitably impact negatively on the tourist/visitor experience, and local economy, there is no known evidence to suggest that development per se, would deter visitors or tourists from visiting this or any other area. High quality development should enhance the image and character of Hawick in the approach from the A7, and might therefore make a positive contribution to the character and setting – and therefore perception - of the town. While it seems unlikely that new business and industrial premises would, so directly anyway, make the town or wider area more attractive to visitors or tourists, it equally well does not follow that it should make them unattractive either, particularly if new development is realised in accordance with a high quality design and layout. Moreover, where development helps support and grow the local economy, and supports local businesses and services, it is on balance, more reasonably anticipated to benefit the town and local community, and to make it a more attractive place to visit and stay in.
- Concerns with respect to existing landscaping and maintenance deficiencies would need to be taken up with the Council's Planning Enforcement Service, or – in instances where the maintenance of Council land is being identified - with the relevant sections of the Council.
- The concerns of Contributor 591 are noted with regard to the need for a firm landscape screen along the northern boundaries of the site, and the need for more formal tree planting along the eastern boundary of the site. As per the second site requirement, there is currently a concern to produce a Planning Brief for the site, which would be an appropriate opportunity to encourage prospective developers to consider the landscaping and boundary treatments in more detail, having regard to the types of issues that the contributor highlights. However, notwithstanding, the advice of the contributor is noted, and it is acknowledged that the Site Requirements with respect to the landscaping framework for this site - which lies within a major

gateway approach to Hawick - could be appropriately strengthened. Accordingly, if the Reporter considers it appropriate, a new bullet could be added to the list of existing site requirements for this site on page 375, to require provisions for appropriate new landscaped boundary treatments for the site, with particular attention to the treatment of the northern and eastern boundaries. While the contributor draws attention to the eastern boundary having particular regard to views from Hawick, the Council considers that careful consideration does also need to be had on this side of the site, to impacts upon the setting of the B Listed tower house at Burnhead too, and therefore, would consider it appropriate that any landscaping proposals for this side of the site, should also be informed by this consideration as well. This however, could be addressed within the Planning Brief, but the wording of the site requirements at this stage, should not be limited to addressing one or other issue; or to proposing formal tree planting.

- With respect to Contributor 591's concern that there should be a requirement within the site requirements for provision for the effective long-term management of the landscaped areas of the site, the forthcoming Planning Brief is an appropriate opportunity to consider these requirements in more detail.
- While both Contributors 222 and 223 advise of their objections in terms of the impacts upon the cultural heritage of Hawick resulting from the development of the four and five sites they respectively cite as objectionable, their primary focus is with the conservation of the structure and setting of the B Listed Building at Burnhead Tower. Although they consider that development in the case of all sites would impact upon these buildings, the current site - proposed Business and Industrial Allocation BHAWI004 - is in closest proximity, and therefore more reasonably the source of any significant impacts upon both structure and setting. With regard to the structures of these Listed Buildings, contributors' concerns appear specifically to relate to the potential for damage, or increased damage, from pollution from industry and traffic in the area, although concerns are also expressed by Contributor 223 with regard to the potential for subsidence resulting from natural (surface water) drainage. However, this site – BHAWI004 - is to be for high amenity business users, and therefore rigorously protected for Class 4 use, which is to say offices and light industry. The latter by definition, would be operations that would not have any inherent need to generate any potential statutory nuisance impacts, including air quality impacts, and are therefore compatible with, and sympathetic to, the amenity of residential areas. Accordingly, it is not anticipated that the level or extent of air quality impacts anticipated by the contributors would occur, or be liable to occur, on this site. Moreover, planning applications for specific proposals would require to be made the subject of planning applications, which would ensure that the premises and operations established were Class 4. Due to the setback from the Listed Buildings that can be achieved, the development of BHAWI004 is not anticipated to be liable to generate any unacceptable impacts upon the structures of the buildings. There would patently be an increase in traffic relative to the existing greenfield situation, but it is not considered that the development of the land for class 4 uses, would be liable to present any significantly greater or different risks of air quality impacts than the operation of another type of development (e.g. residential). The development and operation of office and light industrial premises would be liable to have greater impacts upon the site and surrounding area than the site not being developed at all. However, it is not considered that the impacts on cultural heritage resources – including the Listed Buildings at Burnhead - would be so significant, as to outweigh the need to accommodate new business and light industrial premises at this site. With regard to setting, it is one of the Site Requirements that mitigation should be put in place to ensure that there is no impact on the setting of the

Category B Listed Burnhead Tower, to the northeast of the site. It is noted that Contributor 223 seeks clarification as to what this would mean in practice, but the details of what precisely this would entail, would be more appropriately considered at the planning application stage. The main considerations are however likely to be ensuring that development would not dominate the Listed Buildings, and that these would remain to be 'read' in the landscape as locally important historic structures, without the challenge either of anything out-of-scale with them, or otherwise obscuring or confusing their dominance within the local landscape.

- Contributor 222 advises of their own concern 'to develop the history' of the area and advises that allocation of the land for development is an obstacle to this. However, it is not considered that development of the site and the conservation and interpretation of the Listed Building as a cultural heritage resource, are reasonably seen to be mutually exclusive. Both are reasonably capable of coexisting satisfactorily, albeit they would need to accommodate one another.
- Ultimately, it is considered that the need to allow the site to be developed outweighs the impacts upon the setting of the Listed Building, subject at least, to appropriate mitigation being incorporated into the development of the site at BHAWI004 itself. Cultural heritage management in practice, requires decisions to be made vis-à-vis development pressures, and a balanced view needs to be taken as to how best to conserve heritage resources in the most appropriate form for the experience, information, education, identity and wellbeing of the general public and local community, while ensuring that the area's development needs can also be met acceptably. This does include seeking the most appropriate accommodation of development pressures across a range of issues, of which cultural heritage is but one. As such, while it is necessary to assess what adds value and contributes strongly to a cultural heritage resource in its structure and setting, it is also appropriate to consider what might acceptably be changed or lost, if on what terms. In the case of B Listed Buildings, it is seldom appropriate or necessary, to have to retain several fields worth of land around them, in the way the contributors insist should be applied here in order to conserve appropriately their historic landscape setting. These buildings are not especially prominent within the local landscape, and therefore the extent to which a large swathe of landscape needs to be conserved around them to facilitate the interpretation of the landscape to which they contribute, seems questionable in heritage management terms and impractical in planning and economic terms. Ultimately in this case, the conservation of the setting of this B Listed Building, is not considered to outweigh the need to augment Hawick's housing and business and industrial land supply with appropriately sited and sized land allocations.
- The concerns of Contributors 222 and 223 that development would lead to issues with regard to surface drainage would be addressed by new development being served by appropriate new or upgraded facilities. The latter should allow for development to be accommodated without any unacceptable impacts upon existing and surrounding residential areas. It is anticipated that the details of drainage and surface water management could be considered appropriately at the planning application stage. However, in this case, the Site Requirements specifically require a Drainage Impact Assessment, and the development of the site should be informed by this, and address any existing or potential concerns that development would encounter. In the case of the specific concern of Contributor 223 with regard to subsidence identified in relation to potential impacts upon the Listed Buildings at Burnhead, it is not clear whether the contributor is advising that there is at present, an existing concern with respect to subsidence from natural drainage which they consider may be exacerbated by development in the wider area, or whether such

impacts are only anticipated to occur (as opposed to get worse) as a consequence of development. However, notwithstanding, surface water drainage should be managed appropriately within and from the site within any future development of the land, such that it should not present any new or exacerbated concerns. Again, though this can be appropriately managed at the planning application stage in the ways outlined above.

- Contributors 032, 049, 222 and 223 raise residential amenity concerns in relation to the impacts on existing dwellinghouses in Burnfoot, from the operation of industrial premises, and principally from noise and traffic impacts on this and other proposed business and industrial land in the surrounding area. Contributor 222 also raises concerns about the residential amenity of any new housing on Proposed Housing Allocation HAWI027, albeit these are predominantly more liable to come from the development and operation of premises on BHAWI001 (which are considered above).
- With regard to the potential for air quality impacts, noise and other disturbance from new business and industrial premises on neighbouring land, the specific business and industrial proposals themselves would need to be considered on their own merits, through the planning application process. The details required in support of these applications, would include details of the proposed operations of the business and industrial premises, including how the amenity of surrounding residential properties would be protected appropriately from any potential impacts that might emanate from any specific proposed industrial operations. However, this site – BHAWI004 - is to be for high amenity business users, and therefore rigorously protected for Class 4 use, which is to say offices and light industry. The latter by definition, would be operations that would not have any inherent need to generate any potential statutory nuisance impacts, including air quality impacts, and are therefore compatible with, and sympathetic to, the amenity of residential areas. Accordingly, it is not anticipated that the level or extent of impacts anticipated by the contributors would occur, or be liable to occur, on this site. Moreover, planning applications for specific proposals would require to be made the subject of planning applications, which would ensure that the premises and operations established were Class 4. Furthermore, and in the event of the land being allocated as proposed, the Forward Planning Section would seek to prepare a Planning Brief to ensure the progress and delivery of a high quality development for end users and for neighbours alike.
- It is noted, and appreciated, that noise nuisance is a particular concern for one of the contributors (032) who works nightshifts, due to the potential for new sources of disturbance to sleep through the day. While noise levels would be subject to statutory nuisance regulations, it is appreciable that daytime noise would be higher than in the evenings and night, and therefore the risk of disturbance to residents from higher levels of noise is liable to be greater at these times. However, the personal circumstances of residents cannot be taken into account in this context.
- Contributor 344 notes specifically, the potential for development works and construction traffic to be a source of noise nuisance to surrounding residents, but this is temporary and potentially true of all development, whenever this occurs within the vicinity of existing dwellings. Where development is permissible, impacts from development processes are not reasonably objectionable per se.
- With regard to the concerns of Contributors 223 and 344 about impacts upon biodiversity, the site is predominantly managed open farmland, and as such, has low biodiversity value. However, it does nonetheless contribute to wildlife habitat, and areas of the site, particularly to the south, and around the edges are, or have the

potential, to have more significant biodiversity value. This has been taken into consideration within the Local Planning Authority's assessment of the site. It is an explicit requirement of the Site Requirements that ecological impacts should be assessed and appropriately mitigated, and that green infrastructure connections should be created through the site. The Planning Brief in the form of Supplementary Planning Guidance, will be an opportunity to refine these requirements further. As such, while contributors advise that development has potential to impact upon local biodiversity, the potential to conserve, and where possible, enhance, this resource has been appropriately considered, and the details of this conservation and enhancement can be appropriately addressed within the development management process.

- The concerns of Contributors 223 and 344 that development would lead to issues with regard to drainage and sewerage, would be addressed by new development being served by appropriate new or upgraded facilities. The latter should allow for development to be accommodated without any unacceptable impacts upon existing residential areas. In this case, the Site Requirements advise that there is an existing water mains running through the site, and it is a Site Requirement that a Drainage Impact Assessment should be carried out. In the event that there were to be impacts upon electricity lines, then it is usually possible for developers and utilities companies working together, to ensure that appropriate arrangements are in place to ensure that there is no or minimal disruption to supply to existing homes and properties.
- While Contributor 344 appears to accept, even support, a general need for redevelopment ("*rebuilding*") in Hawick, they equate this particular proposal and/or the consequent loss of undeveloped land, with severely adverse economic and social impacts. However, the contributor's objections in terms of adverse impacts upon the community and local economy appear to rest on a series of assumptions about the anticipated outcomes and consequences of development. Visual blight, adverse economic impacts, crime and social deprivation are not reasonably anticipated to be inevitable or self-evident consequences of these specific proposals; let alone of development in general. On the contrary, at least where it is reasonable to anticipate the delivery of a high quality development, the proposals would have potential to facilitate positive change in the economy, in the local community and in the built environment. Only poor quality or unsympathetic development would result in visual blight, and it is possible through the planning process to ensure that any development progressed on the site, would be achieved to an appropriately high standard and in a way that is sympathetic to the character of the surrounding area. High quality new development would be liable to enhance, rather than detract from, the gateway approach to the town. The introduction of new homes to the area, might more reasonably be expected to create jobs and support local businesses and services than it would be to lead directly to decline ("*crime and poverty*") in the way that the contributor supposes. The contributor's summary conclusion that the development would make Hawick a 'ghost town', is therefore not considered reasonable or justified. New homes and business premises would be liable to attract new residents and generate new business and job opportunities in the local area.
- With regard to the concerns of Contributor 344 with regard to impacts upon the road network and parking, the site is capable of being accessed appropriately from the existing road network and appropriate parking provision is capable of being provided on site. Accordingly, it is not considered that there would be any unacceptable impacts on traffic movement or on parking in the local area, as a consequence of this development. The Site Requirements in this case, include provision of a

Transport Statement, and specific requirements and improvements in terms of pedestrian and cycle access.

- Contributors 222 and 223 anticipate impacts upon the mental health and wellbeing of residents in Burnfoot as a consequence of the loss of ready, even immediate, access to the countryside were the land to be developed. However, the land at the site is farmland, and is not formally open space. The countryside would remain accessible from Burnfoot, while there is even potential for enhanced access. In particular, the Site Requirements include the need for green infrastructure connections through the site, including specifically links to housing at Burnfoot and the existing path network to the east of Burnhead Road. Moreover, the Planning Brief is an opportunity to consider in more detail, the most appropriate accommodation of public access through the site to the surrounding countryside ahead of any planning applications for the site, to ensure that these opportunities are taken, and implemented to best effect.
- It is not considered that the proposal raises any concerns in principle, in the way that the contributors anticipate, and while some matters – such as residential amenity and the treatment of the wetland – would require to be addressed appropriately at the planning application stage, there is no concern that they could not be addressed acceptably within a specific proposal. Accordingly, it is not considered that the site should be removed from the Plan, or that there needs to be any revisions or additions to the proposed Site Requirements to address the contributors' concerns.

Mixed Use Allocation Proposal MHAWI001 – Gala Law (133 -1 of 3, 2 of 3 and 3 of 3; 223 – 1 of 2 and 2 of 2)

- This site has been through the full site assessment process and is considered acceptable for development for mixed use development (CD118, pages 355 to 357). The site is already the site of a mixed use allocation proposal in the adopted Scottish Borders Council Local Development Plan 2016 (MHAWI001) (CD009; please refer to page 350). However, some land within this current iteration of this allocation, is now proposed within the Proposed Local Development Plan as the site of new Proposed Business and Industrial Allocated Site BHAWI003. Accordingly, there would be an alteration to the boundaries, and reduction in size, of Proposed Mixed Use Allocation MHAWI001, to accommodate this new proposed allocation (albeit that it would be realised entirely in relation to land that is currently within current Mixed Use Allocation MHAWI001). The site has no insurmountable constraints. The site has been identified and promoted by the Forward Planning Team as potentially suitable to augment the employment and business land supply and housing land supply in the Hawick area. This identification has itself been informed by the advice of a wide range of internal consultees. Furthermore, external consultees, including SEPA, Scottish Natural Heritage (now NatureScot) and Historic Environment Scotland, have also commented at the Main Issues stage. When all such comments had been considered, no insurmountable reasons were identified for the site not being promoted by the Council as an allocated Mixed Use site within the Proposed Local Development Plan. There are though, a number of matters which any development of these site would need to take account of, and which are set out on page 376 of Volume 2 of the Proposed Local Development Plan. These include ecological considerations; and vehicle, cyclist and pedestrian access. For clarity, these are not considered to present any insurmountable obstacles to the site's development but would require developers to address them appropriately within their specific proposals.

- Contributor 133 raises residential amenity concerns in relation to the impacts on their existing dwellinghouse at Galalaw, from the operation of industrial premises on this site. They appear to highlight specific concerns they have raised with the Council's Development Management Section with regard to an existing development that is the subject of Planning Consent 16/01023/FUL. This development lies outwith the site of Proposal MHAWI001, on the adjacent Business and Industrial Safeguarding site, zEL48 Gala Law (Safeguarded Site); please see settlement map in CD119, page 22. The contributors' specific concerns with respect to the impacts of the existing development have been referred by the contributors to Development Management, and are not appropriately considered further within the Local Development Plan process. With respect to any subsequent proposals for the site, the assessment of any specific development proposal within the development management process, will be an opportunity to ensure that there would be no unacceptable impacts upon residential amenity. The specific business and industrial proposals themselves would need to be considered on their own merits, through the planning application process. The details required in support of applications, would include details of the proposed operations of the business and industrial premises, including how the amenity of surrounding residential properties would be protected appropriately, from any potential impacts that might emanate from any specific proposed industrial operations. They would need to be capable of operation without producing any statutory nuisance impacts. This is something that would need to be established through the planning application process. With regard to any existing impacts from current developments, any alleged breaches of planning conditions would need to be referred to the Planning Enforcement team for its investigation and, if found to be required, its action. It is understood that the contributor has referred their concerns to Development Management.
- As Contributor 223 notes, the Site Requirements for this site include requirements that: the design and site layout should aim to retain areas of significant biodiversity value; and that a landscape and ecological strategy should be prepared to restore and create habitats and wildlife corridors and to create a high quality landscape setting for the development, including provision for the long term management and maintenance of these habitat and wildlife corridor areas. The contributor takes issue with these Site Requirements in two respects. Firstly, that there should be no need to create (or re-create) that which already exists on the site; and secondly, that with respect to any actions, specifically the need for longer-term management and maintenance, the wording of the requirements should be changed from "should" to "must" or "will", in order to compel developers to carry out such works rather than leave any room for them to choose to do something (or not) at their discretion. With respect to the first point, it appears reasonable to take this as an objection in principle to the development of the site on the grounds that the need to conserve the ecological interests outweighs the need to allow the site to be developed for mixed use. As noted above, these matters have been considered and have taken account of the concerns of statutory consultees including NatureScot and the Council's Ecology Officer. This has resulted in the inclusion of the aforementioned site requirements, and subject to these requirements being met within any specific development proposal(s), there are not considered to be any constraints on the site that would otherwise make its development, or the impacts of its development upon biodiversity, unacceptable. With respect to the second point, and the concern that the text might be better-worded to ensure that the requirements are sufficiently hard-edged and non-discretionary, it is considered that "should" – a standard way of phrasing such requirements – will suffice. In practice, any requirement in these terms would in any case, be required and applied via planning conditions imposed

upon the planning consent(s) – and not directly via the Site Requirements themselves; the latter are not the instrument through which the requirements would be directly applied to, and imposed on, any approved development. The purpose of listing criteria in the Site Requirements is to flag up these as matters that need to be addressed satisfactorily both within the development proposals for the site themselves, and also within the assessment and review of such proposals by the Planning Authority, including in terms of any conditions that Development Management would need to consider imposing upon any consents issued.

- It is not considered that the proposal raises any concerns in principle, in the way that the contributors anticipate, and while some matters – such as residential amenity – would require to be addressed appropriately at the planning application stage, there is no concern that they could not be addressed acceptably within a specific proposal. Accordingly, it is not considered that the site should be removed from the Plan, or that there needs to be any revisions or additions to the proposed Site Requirements to address contributors' concerns.

Redevelopment Allocation Proposal RHAWI017 – Former Peter Scott Building (983)

- The contributor perceives the redevelopment of this site as potentially offering an opportunity to improve connectivity within the surrounding area; principally by establishing more direct links for walking and cycling between Howegate (service road) and Buccleuch Street. While the Council fully supports the incorporation of pedestrian/cycle linkage whenever this is possible and practical, it is noted that there are a number of circumstances at this particular site that are liable to limit what is achievable in practice, and efficient in terms of linkage.
- These circumstances principally relate to site layout, ground levels and access arrangements within and around the former Peter Scott factory site. There are a number of existing buildings on the premises, including Listed Buildings; there are pronounced changes in ground levels across the site; and the Howegate service road is itself a cul-de-sac. These factors directly and indirectly limit linkage options, and make access solutions more complex and difficult to deliver such that even the linkage that is achievable, is not in practice able to facilitate more efficient local journeys; potentially presenting pedestrians and cyclists with more of a 'detour' than a 'fast-track', at least to any destinations beyond the site and the immediate vicinity of the site. Also, the development of this site is already underway having been the subject of recently approved planning consents (19/01813/FUL and more recently 21/00892/FUL). The remaining part of the site adjacent to Howegate, is also the subject of a current (at time of writing) planning application (21/00480/FUL). Taking account of all of this, it is considered that any new advice inserted into the Site Requirements along the lines sought by the contributor, would serve little practical purpose, given the realities on the ground, and at this phase in the development of the site.
- The Roads Planning Section has provided advice to Development Management on the above noted planning applications, and will continue to respond as required, to any future proposals for the development of the site.
- Connectivity would require to be addressed appropriately at the planning application stage, and there is no concern that such matters could not be addressed acceptably within a specific proposal. Accordingly, it is not considered that there needs to be any revisions or additions to the proposed Site Requirements to address the contributor's concerns.

Reporter's conclusions:

1. I have grouped some of the council's headings together where they cover similar or interrelated matters. That is particularly so for adjoining/adjacent sites to the north of Hawick in the area close to Galalaw.

General - Greenfield Sites - Substitution by, or Prioritisation of, Brownfield Sites (222, 223 – 1 of 2, 344 – 1 of 2 and 2 of 2)

and

General - Greenfield Sites - Protection of Sites with Biodiversity Value (223 – 1 of 2)

and

General – Business and Industrial Land (222)

2. The majority of allocated business land for Hawick is in the north of the town around Galalaw. There, the proposed plan allocates adjoining/adjacent sites for housing, mixed use and employment. All of those sites are already allocated in the Adopted Local Development Plan (2016). Therefore, their continued allocation in the proposed plan is not a planning change. The exception is site BHAWI004, a new employment site in the proposed plan. Proposed plan site AHAWI027 is identified as a formal allocation for 60 homes; it is presently a longer-term housing site in the Adopted Local Development Plan (2016) for 100 homes under the reference SHAWI003. All of these sites are in agricultural use or have recently been developed for business uses (e.g. zEL48 for small light industrial units and a superstore and car show room on part of MHAWI001).

3. The proposed plan also allocates brownfield sites, including several industrial estates and business premises. These tend to be referenced with a zEL prefix in the proposed plan. Those sites are also already allocated in the Adopted Local Development Plan (2016) and tend to be fully or largely in use with some empty space/plots. The exception is site zEL60, a small empty site. If I did as representations (222), (223) and (344) wish, this would place reliance on site zEL60 and some empty plots to sustain future employment in the locality. Whilst the zEL sites would suit some business operations, those seeking larger premises or more space would need to find alternative sites. For that reason, I agree with the council that reliance on the zEL sites alone could be constraining for some businesses.

4. On balance, the above factors persuade me that the council has promoted brownfield land. However, the scale of growth planned for and the spatial strategy of concentrating new development within the most populated areas collectively exceed both the capacity and nature of what is available. In that sense, the proposed plan covers both brownfield and greenfield land. That reflects a continuation of the approach in the Adopted Local Development Plan (2016). No modifications are required.

5. Representations also wish to prioritise the sequencing of site promotion or promote an alteration to proposed uses on the sites in the north of Hawick. However, there is no compelling evidence which suggests that development of housing sites AHAWI006, AHAWI013 and RHA27B, mixed use site MHAWI001, or employment sites BHAWI001, 002 and 004 would be contingent on development of sites BHAWI003 and zEL60. Indeed, site zEL48 already contains several small, light industrial units and there is also a superstore on site MHAWI001 and a new car dealership (possibly on MHAWI001 or BHAWI002). None of the factors above persuade me that there is sufficient justification to withhold all of the north Hawick business land allocations to

await completion of site zEL60. That could prevent development from users with needs that could not be met by zEL60. No modifications are required.

6. All of the north Hawick sites around Galalaw are either developed (zEL48 and part of MHAWI001/BHAWI002) or are presently in agricultural use. These areas are not protected for wildlife, habitat or landscape reasons. Furthermore, no compelling evidence explains why development of sites zEL60 and BHAWI003 ahead of the others in the north, would contribute to a better biodiversity outcome than what the proposed plan outlines. NatureScot has not objected.

7. The proposed plan site requirements for MHAWI001, BHAWI002, BHAWI001, AHAWI006 and BHAWI004 all include measures to retain vegetation such as trees, hedgerows, semi-natural woodland or green infrastructure. For AHAWI006 a need to conserve protected species interests is identified. Each of these measures contributes to biodiversity as well as access and visual/landscape objectives. This does not suggest any reason to deallocate any of these sites. No modifications are required.

8. The council is correct that representation (222) provides no justification for why sites AHAWI013, MHAWI001 and BHAWI003 should be used only for business and industrial purposes. It similarly provides no justification for why it would be better for those sites to come forward ahead of sites BHAWI002, 001 and 004. Representation (222) does not address where alternative housing land or mixed uses would be located.

9. Issue 006 (Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement) concludes that there is no need to allocate any additional land for housing besides what is already set out in the proposed plan. However, that alone does not justify deletion of housing site AHAWI013 and its use for business and industrial activities instead. Similarly, the proposed plan seeks to concentrate the majority of development in the largest settlements. Therefore, one would expect Hawick to accommodate a mix of housing, employment and mixed-use development. On balance, no compelling evidence justifies the position advocated by representation (222). No modifications are required.

General – Burnfoot/Burnhead (983)

10. The site requirements for allocations BHAWI001, 002 and 004 indicate that planning briefs are to be prepared and that the development of site BHAWI001 is to be planned in association with the adjacent site AHAWI027. Given that sites BHAWI001, BHAWI004 and AHAWI027 are each adjoining/adjacent to one another, it would seem logical for them to share a planning brief in order to achieve consistency and to resolve joint matters. Those joint matters are likely to include, but not be limited to, the green infrastructure, development density, sensitivity of land and key views that are suggested in NatureScot's representation. Doing so may also save the council, the public and other stakeholders significant duplication of effort. Modifications are set out below.

Mixed Use Allocation Proposal MHAWI001 – Gala Law (133 -1 of 3, 2 of 3 and 3 of 3; 223 – 1 of 2 and 2 of 2)

and

Business and Industrial Allocation Proposal BHAWI003 – Gala Law II (133 -1 of 3, 2 of 3 and 3 of 3)

11. Site MHAWI001 is already allocated for mixed use development in the Adopted Local Development Plan (2016). Its continued allocation for such in the proposed plan does not represent a planning change. There is a superstore and possibly a car showroom on this site (if it is not on site BHAWI002), the remainder appears to be undeveloped.

12. The council states that some of the current allocation MHAWI001 would become specifically for employment use (BHAWI003). That proposed change does not appear particularly significant since site MHAWI001 remains otherwise unchanged. Similarly, there had been some expectation of employment uses on MHAWI001 and the allocation of BHAWI003 for employment uses only fixes the location of some of those uses within the context of the surrounding MHAWI001.

13. I agree with the council that the representation appears to refer to planning permission 16/01023/FUL, which covers the adjacent site. However, it is reasonable to assume that the representation uses those points to illustrate matters it foresees with the development of these sites. Detailed proposals for sites BHAWI003 and MHAWI001 would be subject of planning applications which would be assessed against relevant policies. I am satisfied that the development management process is the appropriate juncture to consider matters such as residential amenity.

14. Both sites are presently served by an access road off the A7 roundabout which also accesses the operational site zEL48 and the empty site zEL60. There are no landscape, historic or environmental designations. The site requirements include retention of areas of significant biodiversity and to restore/create habitats and wildlife corridors and mitigation for protected species such as badgers, bats and breeding birds. These are all matters that could be considered at planning application stage. I agree with the council that there are no insurmountable constraints that justify deallocating these sites.

15. In respect of the MHAWI001 site requirements, representation (223) expresses concern about the creation of habitats and wildlife corridors, and a high-quality landscape setting. In both instances, that requirement would result from new development disrupting existing corridors/setting and a need to create new or enhanced ones. This appears to be an appropriate form of wording to deliver what is sought. No modifications are required.

16. I understand that representation (223) wishes the terms “will” or “must” to be used instead of “should” in the site requirements so as to compel developers to deliver the respective matters. However, by my reading, the term site “requirements” infers that these are already requisite. It demonstrates to developers the expectations that the planning authority will have when it receives a planning application. The council argues that such matters would be likely to form part of planning conditions. If that were so, they would be binding on the developer as a condition of any planning permission. I am therefore content that the present wording is sufficient. No modifications are required.

17. Overall, no evidence persuades me to modify the site requirements or to deallocate the sites. No modifications are required.

Housing Allocation Proposal AHAWI027 – Burnfoot (Phase 1) (222, 223 – 1 of 2 and 2 of 2, 344 – 1 of 2 and 2 of 2)

and

Business and Industrial Allocation Proposal BHAWI001 – North West Burnfoot (049, 222, 223 – 1 of 2 and 2 of 2, 344 – 1 of 2 and 2 of 2, 591)

and

Business and Industrial Allocation Proposal BHAWI002 – Gala Law North (222, 223 – 1 of 2 and 2 of 2)

and

Business and Industrial Allocation Proposal BHAWI004 – Land to South of Burnhead (032, 049, 222, 223 – 1 of 2 and 2 of 2, 344 – 1 of 2 and 2 of 2, 591)

and

Housing Allocation Proposal AHAWI026 - Henderson Road (344 – 1 of 2 and 2 of 2)

18. Site AHAWI026 is already allocated in the Scottish Borders Council Supplementary Guidance: Housing (November 2017). Its continued allocation in the proposed plan is not a planning change. The site is currently amenity ground within an existing residential area. It is not designated for the protection of wildlife or habitats. The proposed plan site requirements seek retention of existing trees and structure planting to the northwest.

19. Site AHAWI027 is currently a longer-term housing allocation (SHAWI003) in the Adopted Local Development Plan (2016). The proposed plan allocates site AHAWI027 for housing. It is one part of the main growth cluster for Hawick and this part of the Scottish Borders.

20. The adjacent sites, BHAWI001, BHAWI002 and BHAWI004 are all allocated for employment uses in the proposed plan. BHAWI001 and 002 are already allocated as such in the Adopted Local Development Plan (2016). Their continued allocation does not represent a planning change. Site BHAWI004 is a new site allocation in the proposed plan.

21. All of the above sites are presently agricultural land, but the council states it is not prime quality agricultural land. Representations describe it as category 4:1. Only categories 1, 2 and 3:1 are prime agricultural land. For that reason, it is not subject of specific protection by the proposed plan's own policies, albeit that those same policies do not prevent development on prime agricultural land.

22. Some representations raise concerns about the impact of these allocations on agricultural businesses that use the land. I understand some to be tenant farmers. The decision about whether to sell or to allow development (subject to planning permission) would fall to the landowner. If that person/organisation is willing to sell or allow its land to be used in the manner for which it has been allocated, then that would bring a business impact upon that owner. It is for the owner to make their own judgements and to resolve any contractual/rental agreements they may otherwise have. The fact that such contracts or agreements exist does not, on its own, make the allocation of these sites an unreasonable action. For the most part, they are already allocated in the Adopted Local Development Plan or its supplementary guidance.

23. The council judges these sites to be of low biodiversity value. None are protected for wildlife, habitat or biodiversity reasons. The proposed plan site requirements for each of the above four allocations seek a design and layout that aims to enhance biodiversity value through the creation/restoration of habitats and wildlife corridors, and provision for their long-term management and maintenance. I understand that the southern part of site AHAWI027 is to be retained as wetland. There is also a requirement to retain a strip of semi-natural woodland that runs through site BHAWI002. This does not indicate that

the concerns raised in representations are likely to arise in the manner they suggest. If successful, it could lead to biodiversity improvements.

24. Like the council, I understand some representations to be concerned about “industrialisation” of the A7 corridor rather than the principle of sites being developed. The proposed plan site requirements for all four allocations vary. Some include requirements such as structure planting, retention of trees/hedges and landscaping. By my understanding, these measures would have the effect of screening and/or diminishing visual and landscape impacts of development on these sites when viewed from the A7.

25. However, the site requirements for allocation BHAWI004 are presently limited to green infrastructure connections. The council therefore proposes the addition of a new requirement to provide a firm landscape screen on its northern edge and a landscaped boundary along the eastern side. The council also proposes to improve the third bullet of the site requirements for allocation BHAWI001. That would alter it from requiring hedgerow enhancements along the northern and western edges to requiring a firm landscape screen along those site boundaries, involving new tree planting and hedgerow enhancements. Both proposed modifications would contribute to addressing the concerns raised in representations and to softening the edges of the sites when viewed from the A7. Modifications are recommended below.

26. The inclusion in the proposed plan site requirements of structure planting and tree retention suggests a recognition of visual impacts from development of these sites. The modifications to site requirements (above) would contribute to improving visual screening. Otherwise, the visual impacts of any design would be a matter for consideration at planning application stage.

27. The Category B listed Burnhead Tower is not located on any of these four sites. It is closest to site BHAWI004 but is visually and physically separated by dense vegetation, including mature trees. That vegetation provides some existing screening of the listed building. The site requirements for BHAWI004 stipulate that mitigation measures must ensure that there is no impact upon the setting of the tower house. These factors do not suggest a level of impact on any setting of that listed building that would justify deallocation.

28. Historic Environment Policy for Scotland (HEPS) would form part of any consideration of development affecting listed buildings. On the evidence before me, I find nothing to suggest that the allocation of these sites would contradict HEPS, despite the presence of a nearby listed building. Detailed proposals would be subject to considerations at planning application stage. The council, as planning authority, would also need to discharge its general duty as respects listed buildings in exercise of planning functions under section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

29. Representations quote Scottish Planning Policy (2014) paragraph 137, which promoted care and protection of the designated and non-designated historic environment. Protection of the nearby Category B listed Burnhead Tower and archaeological evaluation/mitigation already form part of the site requirements for BHAWI001, BHAWI004 and AHAWI027. No evidence persuades me that there is a specific cultural identity to the immediate landscape or that the development of these sites would be otherwise contrary to what Scottish Planning Policy (2014) sought.

30. Representations also quote Scottish Planning Policy (2014) paragraphs 138 and 139. However, those were instructions for strategic and local development plans respectively which stemmed from paragraph 137. Only paragraph 139 would have been relevant since this is not the examination of a strategic development plan. That paragraph required a framework for protection and enhancement of the historic environment. That framework is contained in proposed plan policies EP7 to EP10, which cover historic assets.

31. Otherwise the representations quote Scottish Planning Policy (2014) paragraphs 141 and 142. Paragraph 141 covered the duties on planning authorities conveyed by section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 stated above. Paragraph 142 covered enabling development and is not relevant since none of these proposals are to enable the restoration of a listed building or other designated heritage asset or place.

32. NPF4 has now replaced Scottish Planning Policy (2014). It also seeks the identification, protection and enhancement of valued historic assets and places. I am content that my findings above do not suggest a conflict with national planning policy.

33. If the present drainage and sewage infrastructure is not sufficient, as some representations suggest, then new or improved infrastructure would be needed. Scottish Water has not asked for any of these sites to be removed for infrastructure capacity reasons. Therefore, I see no reason to do so either. Otherwise, a Drainage Impact Assessment is amongst the site requirements for BHAWI004. Similarly, the risks to powerlines identified in representations do not appear to be unsurmountable.

34. A flood risk assessment for site AHAWI027 is amongst the site requirements outlined in the proposed plan. In response to concerns about surface drainage, the site requirements for allocation BHAWI001 would ensure that Mill Dam is excluded from the development. It is unclear whether the representation is concerned that natural drainage effects would result in subsidence risks for the nearby listed buildings at Burnhead. No evidence is provided to substantiate that, and no compelling evidence suggests that to be a reason to deallocate the site. Such matters could form part of the consideration of any planning application.

35. Neither site AHAWI027 nor sites BHAWI001, 002 or 004 are amongst those that Scottish Environment Protection Agency (SEPA) asks to be removed from the plan on flood risk grounds or where it seeks additional flood risk related wording in the site requirements.

36. No compelling evidence suggests that development of these sites would directly lead to a reduction in the number of visitors to Hawick, would adversely affect perceptions of the town or would adversely affect the local economy. The provision of employment uses and housing in close proximity appears to me to refute the claim in representations that there would be little or no employment and that this would lead to increases in crime and poverty. The provision of employment land suggests potential for businesses to set up/expand/relocate and for some employment opportunities. That suggests benefits to the local economy. In any event, there is no compelling evidence to suggest a direct link between the development of these sites and levels of crime and/or poverty.

37. Localised impacts of developing these sites, such as traffic, noise and air quality could be considered as part of any planning application. Residential use of site AHAWI027 does not appear to be inconsistent with the adjoining residential uses. No compelling evidence persuades me that noise, traffic or air quality issues during construction or operation of these sites could not be overcome or that these matters would justify deallocating the site.

38. Similarly, no evidence suggests that issues arising from proximity of site AHAWI027 to adjacent business uses could not be resolved through design and layout considerations. Indeed, the site requirements for adjacent site BHAWI001 dictate that it should be planned in association with site AHAWI027. A combined planning brief, as described above, could offer one mechanism through which to address detailed measures, as the council suggests. Ultimately, such matters would relate to the uses permitted and the subsequent location, design and layout. I am content that such matters could be managed via the intended planning brief and at planning application stage.

39. No evidence suggests that the sites could not be adequately accessed from the existing transport network or that adequate parking could not be provided. The site requirements include achievable vehicular access from roads including the B6359 road and available access from the road serving the Galalaw Business Park. There are also site requirements for new footways and street lighting. The ninth site requirement bullet for site BHAWI001 also includes text that states that a 30-mph speed limit may be required. However, the council proposes amending the text to state instead that “a lower speed restriction may be required”. I understand that the council prefers this because it may wish to use a 20-mph speed limit. Many settlements in Scottish Borders are using 20 mph speed limits and so those changes could provide some flexibility in that regard. Modifications are set out below. These are all detailed matters which do not suggest unsurmountable problems and could be resolved at planning application stage.

40. The representations appear to link the development of some of these sites to a loss of immediate access to the countryside and corresponding impacts on mental health and wellbeing. However, the council is correct that these sites are presently in agricultural use and are not public open space. Therefore, access to the countryside does not seem to be contingent on whether or not these sites are allocated for development. If they were to be developed and infrastructure (including some green infrastructure) provided, then that could enhance access to them, albeit they would have become developed parts of the settlement.

41. On balance, I find no justification to deallocate these sites. For the reasons noted above, it would be sensible to have a single planning brief for sites BHAWI001, AHAWI027 and BHAWI004. Modifications are recommended below.

Housing Allocation Proposal RHA21B – Leaburn 2 (034)

42. Site RHA21B is currently allocated for housing in the Adopted Local Development Plan (2016). Its continued allocation in the proposed plan does not represent a planning change. No evidence disputes the council’s contention that there is an extant planning permission dating from the 1980s.

43. Although Leaburn Road is quite steep, no evidence suggests it to be an unsuitable access for this site. It already serves the existing housing adjacent to this site. Detailed

matters of amenity could be considered at planning application stage. However, I saw no evidence of any immediate risk to amenity that would require removal of the allocation in order to resolve it. No modifications are required.

Housing Allocation Proposal RHA25B – Stirches 2 (008, 069)

44. The site is currently allocated for housing in the Adopted Local Development Plan (2016) and has also been allocated in previous local plans since 1995. Its continued allocation in the proposed plan is not a planning change.

45. It is not my role to consider a planning application that had not been received at the time of the representations or which may have subsequently been determined. However, I am content to regard the representations as expressing concerns about the future use of the site for housing. The site is a large area currently serving as informal open space and parking for cars and several caravans. If developed, it would become a residential area as outlined in the planning brief. That brief sets out a broad layout with recognition of views, open space between the planned homes and existing homes, and street access from Guthrie Drive.

46. On balance, residential use is compatible with the surrounding residential uses. There do not appear to be any immediately obvious amenity, noise, traffic, access or other reasons why the site should be deallocated, or its site requirements modified. Other matters, including open space and utilities, resultant from the design and layout of any proposal, could be adequately considered at planning application stage. No modifications are required.

Housing Allocation Proposal AHAWI025 – Leishman Place (021)

47. The existing footpath linking the western end of Leishman Place to Fraser Avenue appears to be in place already. There are no modifications I can make to the allocation of this site or to its site requirements that would prevent the behaviours of concern to the representation. However, the design of any proposal would be considered at planning application stage. No modifications are required.

Proposed New Housing Allocation Proposal AHAWI031 - Former Stonefield Quarry II (080)

48. This is a promoted site that is not allocated in the Adopted Local Development Plan (2016) or its predecessors and is not proposed for allocation in the proposed plan. The site is also outwith the current and proposed settlement boundary.

49. Irrespective of the merits or otherwise of this promoted site, Issue 006 concludes that there is no need to allocate any more land for housing besides what is already set out in the proposed plan. No modifications are required.

Redevelopment Allocation Proposal RHAWI017 – Former Peter Scott Building (983)

50. NatureScot (983) supports the site requirements for site RHAWI017 but states that redevelopment of the site offers a positive opportunity to improve connectivity. The council confirms that several planning permissions have been granted and that development is underway. I saw that the redevelopment of RHAWI017 was at an advanced stage, particularly in the western portion of the site. The built environment on

Buckleuch Street, which includes part of the former Peter Scott building frontage, has no breaks that would allow access across the site from that street without demolition. Indeed, vehicular access is to the rear (south) from Howegate. Together, these factors mean that adding to the site requirements what the representation seeks would serve little practical benefit. No modifications are required.

General - Proportionate Appraisal to Assess Impacts on A7(T) Trunk Road (847)

51. Following Transport Scotland's objection, the council commissioned a Trip Rate Information Computer System (TRICS) assessment for Hawick and other locations where Transport Scotland also objected on similar grounds. Those other locations are covered separately by Issues 043 (Jedburgh) and 070 (Tweedbank).

52. I invited Transport Scotland to comment on that TRICS analysis, including whether its methodology was satisfactory and what that meant for its original objection. Transport Scotland considers the TRICS analysis to be insufficient and to include errors. However, the council disputes this and the significance of those errors.

53. The council provided Transport Scotland's views at Main Issues Report stage. Those demonstrated that Transport Scotland was content that the council proposed to roll forward sites in Hawick that are already allocated in the Adopted Local Development Plan (2016). In particular, Transport Scotland recognises that the council was not planning for a significant amount of new development besides what is already in the Adopted Local Development Plan (2016). Transport Scotland stated that it had no significant concerns with the spatial strategy options and the potential for any cumulative impact on the strategic road network.

54. Indeed, of the seven sites in Hawick that concern Transport Scotland, only BHAWI004 is new. All others are currently allocated or form longer-term sites in the Adopted Local Development Plan (2016). Site AHAWI027 is proposed to be allocated for 60 homes rather than the 100 for longer-term site SHAWI003 in the Adopted Local Development Plan (2016). Site BHAWI003 previously formed part of the mixed-use allocation MHAWI001. As such, BHAWI004 represents the only planning change. Therefore, I am content to accept that the principle of allocating the sites in question, except for BHAWI004, has already been established through the Adopted Local Development Plan (2016). Transport Scotland did not contest this in its comments at Main Issues Report stage.

55. The council accepts that its TRICS analysis omits sites BHAWI001, BHAWI002, MHAWI001 and BHAWI004. I am prepared to accept that sites BHAWI001, BHAWI002 and MHAWI001 can at least rely on their present allocated status. However, that is not so for site BHAWI004. Nor can it rely on any findings from the TRICS analysis since it is omitted from that. I accept the need for more employment land in principle (above) and that there may be other site-related matters that can be overcome (also above). However, I cannot conclude either way about what cumulative impacts site BHAWI004 would have on the trunk road network. The omission of evidence on the cumulative impacts on the trunk road network would be contrary to national planning policy now and previously; when the proposed plan was prepared and submitted. However, the addition of a site requirement to include a transport appraisal that covers the impacts of site BHAWI004 on the trunk road network could ensure that such a matter is understood and resolved prior to development. Accordingly, I recommend modifications (below).

Reporter's recommendations:

Modify the local development plan by:

1. replacing the first bullet in the AHAWI027 site requirements on proposed plan page 373 with:

“It is intended that a single joint planning brief will be produced for this site and sites BHAWI001 and BHAWI004, in the form of supplementary planning guidance, to include the principles of ‘Designing Streets’.”

2. replacing the first bullet in the BHAWI001 site requirements on proposed plan page 374 with:

“It is intended that a single joint planning brief will be produced for this site and site AHAWI027 and BHAWI004, in the form of supplementary planning guidance, to include the principles of ‘Designing Streets’.”

3. replacing the third bullet in the BHAWI001 site requirements on proposed plan page 374 with:

“A firm landscape screen to be formed along the western and northern boundaries of the site, involving new tree planting and hedgerow enhancements”.

4. replacing the current wording “a 30 mph speed limit may be required” in the ninth bullet of the BHAWI001 site requirements on proposed plan page 374, with the new wording “a lower speed restriction may be required”.

5. inserting two additional bullets to the site requirements for site BHAWI004 on proposed plan page 375 stating:

“A firm landscaped screen is to be formed on the northern edge of the site and a landscaped boundary along its eastern side.

A comprehensive transport appraisal is to be undertaken, which should include analysis of the site’s cumulative impact on the trunk road network and any requisite mitigation to resolve such impacts.”

6. replacing the second bullet in the BHAWI004 site requirements on proposed plan page 375 with:

“It is intended that a single joint planning brief will be produced for this site and sites BHAWI001 and AHAWI027, in the form of supplementary planning guidance, to include the principles of ‘Designing Streets’.”

Issue 41	Heaton	
Development plan reference:	Heiton Settlement Profile and Map (AHEIT003 – Sunlaws Phase 2) (pages 384-385)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
Roxburghe Estates (813) 5 of 5		
Provision of the development plan to which the issue relates:	Housing Site: AHEIT003: Sunlaws (Phase 2)	
Planning authority’s summary of the representation(s):		
<ul style="list-style-type: none"> • The contributor request the allocation of AHEIT003 – Sunlaws (Phase 2) for housing within the Proposed Local Development Plan. The contributor states the site has an indicative capacity of 42 uses and was part of a wider masterplan for the site for 82 dwellings which were approved in 2002 (02/00019/REF) but due to the economic downturn only Phase 1 (40 units) was completed however following the recession there is growing interest for large, high end homes on the site. The contributor considers the site as a logical and sustainable location for residential development. • The contributor states there are no potential constraints with the site which is adjacent to an existing residential estate with nearby infrastructure and utilities. The contributor believes both Phase 1 and Phase 2 should be allocated for housing under the name ‘Sunlaws’ and due to the attractive location, there is strong interest to develop the site and thus finish the original masterplan. • The contributor states that the site is within a sought after location as has been shown by Phase 1 being delivered and sold. The contributor stresses the importance of allocating housing where there is a strong demand to live. • It should be noted the contributor makes further comment and analysis of the housing land supply in the Scottish Borders however this is addressed as part of Unresolved Issue 6. • NOTE: The contributor makes reference to planning application 02/00019/REF however the correct reference is 02/00972/FUL. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • The contributor seeks the allocation of ‘Sunlaws’ (AHEIT003) for housing within the Proposed Local Development Plan. 		
Summary of responses (including reasons) by planning authority:		
NO CHANGE TO THE HEITON SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.		

REASONS:

- It is noted that Roxburghe Estates (813 – 3 of 5) also support the continued allocation of housing sites Heiton Mains (RHE2B) and Ladyrig (RHE3B) within the Local Development Plan as set out in CD183, page 100.
- This site (AHEIT003) was submitted at the initial Call for Sites stage of the Local Development Plan. The site was considered as a potential housing site as part of this process and the outcome of the site assessment was that the site was unacceptable. Therefore the site was not included within the Main Issues Report 2018 (CD008). Following resubmission of the site as part of the Proposed Plan representation period another site assessment has been undertaken (CD118, page 125).
- Within Heiton there are two existing undeveloped housing allocations (RHE2B and RHE3B) which will help meet demand within the local housing market area. It is not considered appropriate nor justified to formally allocate the site in question along with the existing adjoining houses at Sunlaws, which in essence would become a new settlement within the Local Development Plan. It is considered any future proposals to extend the building group at Sunlaws would be done on a case by case basis under the Housing in the Countryside policy. However it should be noted that future extensions of the building group would be restricted by existing adjoining land uses such as the golf course, mature woodland and a public road contain the site and provide a sense of place. There is also a Section 50 Agreement in place which prevents development on adjoining land.
- It should be noted that AHEIT003 and the area to the north have been subject to a planning application for residential development of 82 units (02/00972/FUL), the extent of the application is shown on the map in CD119, page 23. This application was refused by Scottish Borders Council but was allowed on appeal (CD125). The Reporter granted planning permission for the residential development of 82 dwellinghouses. The Reporter concluded that the acceptability of developing the site had already been established by the Council in granting outline planning permission in October 1995 for the development of some 218ha for leisure and housing and in terms of the overall development the Reporter considered that the housing element can be sensitively integrated especially given the extensive landscaping proposed.
- It should be noted that only Phase 1 (40 units) of the development was completed and the remainder of the site was left undeveloped. As the consent has been implemented, Phase 2 could still be developed regardless of the site not being formally allocated. However following recent discussions with Scottish Water, there are constraints in relation to wastewater capacity at Heiton. A growth project would be needed to increase capacity within this area, the current timescale for this would be beyond five years although this not considered an insurmountable issue.
- Regarding the completed development of Sunlaws – Phase 1, the Local Development Plan does not allocate sites that have already been developed therefore this site would not be identified as a housing allocation within the Plan as the site was completed in 2015.
- Consequently it is not considered necessary to formally allocate this site within the Proposed Plan.

Reporter's conclusions:

1. Part of the representation includes analysis of housing land audit information. It appears to wish me to conclude that there is insufficient housing land in the respective housing submarket area. However, Issue 006 (Chapter 6: Planning for Housing and

Appendix 2: Meeting the Housing Land Requirement) concludes that there is no basis upon which to argue that there is insufficient land in one part of Scottish Borders versus another.

2. I agree with the council's assessment, that the promoted site is divorced from the settlement of Heiton. Heiton itself has little in the way of services and the promoted site is a continuation of a housing estate in the countryside. Irrespective of the merits or otherwise of promoted site AHEIT003, Issue 006 also concludes that there is no need to allocate any additional land for housing besides what is already contained in the proposed plan. There is also no justifiable need for further long-term sites. No modification is necessary.

3. The planning history of promoted site AHEIT003 (above) suggests that an existing implemented planning permission could be completed in the future, assuming that site specific issues can be addressed. If those issues are resolved, my conclusions would not prevent development taking place in line with the existing permission. However, there is still no justification to allocate more land in the local development plan.

Reporter's recommendations:

No modifications.

Issue 42	Innerleithen	
Development plan reference:	Innerleithen Settlement Profile and Map (AINNE004 – Kirklands/Willowbank II, SINNE001 – Kirklands II, MINNE001 – Caerlee Mill and MINNE003 – Land West of Innerleithen) (pages 390-397)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Donald & Lucile Macleod (007) June Dunn (030) Jackie Couchman (059) Lorna Ramage (077) David Buckley (131) Helen Fryer (519) Ross McGinn (655) Eve & Robert Hunter (700) Dr and Mrs C J Kalman (788) Whiteburn Caerlee LLP (818) CW Properties (826) 2 of 2 NatureScot (983)</p>		
Provision of the development plan to which the issue relates:	Housing Allocation AINNE004 – Kirklands/Willowbank II, Longer Term Housing Site SINNE001 – Kirklands II, Mixed Use Allocations MINNE001 – Caerlee Mill and MINNE003 – Land West of Innerleithen	
Planning authority's summary of the representation(s):		
<p><u>Donald & Lucile Macleod (007)</u></p> <ul style="list-style-type: none"> The contributor moved into a home adjacent to site AINNE004 in April 2019 and states this is their first opportunity to comment. The contributor states that development will significantly affect amenity, privacy and aspect of their property, as well as affecting the long term market value of their home. The contributor acknowledges that the land immediately adjacent to their property is designated amenity ground and highlights that there is no comment in the plan regarding access from the development to the amenity development. The contributor seeks clarification on whether there will be access from the housing development into the amenity area. If so, will the access be suitably drained and well maintained, and will it join the proposed foot path to Wells Brae. The contributor asks what measures will be in place to prevent dog fouling. The contributor asks if advice and help will be available to ensure the proposed development does not encroach onto properties at 4, 5 and 6 Millwell Park as the existing fence is inadequate. The contributor asks what the style of housing adjacent to the boundary wall of the field will be. Proposed housing developments in Innerleithen will significantly alter the character of the town and place a burden on the community's infrastructure. Increased traffic will further exacerbate current traffic flow problems through the High Street (A72) and Leithen Road (B709). There is inadequate parking, especially at weekends. The welcome influx of mountain bikers is spoilt by inadequate provision of public toilets 		

which is embarrassing to the community. Other facilities such as the school, shops, water supply, sewerage and power will be strained beyond safe levels.

June Dunn (030)

- The Contributor objects to the inclusion of site SINNE001 for Longer Term Housing within the Proposed Local Development Plan.
- Building on this site would mean overshadowing and loss of privacy to their property and also loss of natural light as development is on a hillside above their property.
- Site SINNE001 has a number of natural streams running through it and a number of properties in the area have already had flooding issues. Development on this site would mean loss of trees which help with potential flooding, as well as helping to improve pollution levels in the atmosphere, along with the destruction of the natural environment for a variety of animals/birds/marine species, particularly bats.
- Existing road network is already under extreme pressure and traffic generation and highway safety is a major concern, adding further developments would be extremely dangerous. Access to the site is off the Leithen road. Large construction vehicles and any potential residents would be hazardous to all concerned, school children, residents, pedestrians, cyclists and other road users. Parking is already a major problem in the area and it would become unmanageable.
- Current infrastructure is at breaking point, including education, medical, social services and utilities. These should be addressed before any potential new development considered.
- Lack of employment and poor transport links to employment opportunities should be addressed.
- There are a number of derelict brownfield sites in the area which should be developed first, before destroying greenfield sites.

Jackie Couchman (059), Lorna Ramage (077), Helen Fryer (519)

- The Contributors note that site SINNE001 has a number of springs, some of which have resulted in flooding issues for properties at Kirklands. A comprehensive survey to assess the flood risk of developing on this site should be undertaken, substantial drainage is required.
- An additional requirement should be added to the list of site requirements for site SINNE001 for planting to ensure that visual impact from approaches to the town and from existing residential development, is carefully assessed and mitigated as part of the planning process.

Lorna Ramage (077), Helen Fryer (519)

- The development of site SINNE001 will result in an enormous effect on the Leithen Road. The current pavement is not wide enough.

David Buckley (131)

- The contributor objects to the proposed allocation of site MINNE003.
- Additional housing is likely to result in an increase in noise and traffic in what is a quiet, mostly elderly existing scheme. There are more sensible options available to create more homes, such as adding to existing developments, utilising brownfield sites like the High Street gap site and the mill site on Waverley road.

- The proposed development will face directly into windows of existing properties, denying both existing and new residents privacy and the view the flats have had for 31 years.
- Angle Park isn't wide enough to accommodate a new access road, with potential impacts also on Mercer Court. If a new road was created entering from the Peebles Road it could potentially create a hazardous junction on the busy main road.

Helen Fryer (519)

- The Contributor questions if the school and medical centre could cope with the development of SINNE001.

Ross McGinn (655)

- The contributor objects to the proposed allocation of site MINNE003.
- There are already 150 plus houses proposed on Lee Pen (Kirklands) (allocated site AINNE004) with little sign of development in the foreseeable future so why is there a need for more housing to be identified, particularly on this site.
- Part of the site holds archaeological significance in the form of a Roman encampment that should be protected.
- Therapeutic panoramic views of the surrounding landscape from the Health Centre will be lost. The sense of rural place, experienced from the Tweed Valley Railway Path, will be lost by any development on the site which may have significant visual impact. This will be detrimental to local assets, infrastructure and economy.
- The existing Right of Way which runs through the site and crosses the Tweed Valley Railway Path should be maintained. Vehicular access for maintenance equipment to the Tweed Valley Railway Path should also be maintained.
- Vehicular access to Angle Park from the A72 will result in a significant increase of traffic in a predominantly elderly and sheltered residential area, putting pedestrians and those accessing the Health Centre at risk.
- Future development of houses and business units should be concentrated around the Tweedbank area where the railway has a terminal, to avoid spoiling assets in other areas of the Borders.

Eve & Robert Hunter (700), Dr and Mrs CJ Kalman (788)

- The Contributor objects to SINNE001 due to the major impact that its development would have on the residents at Kirklands as result of flooding issues. In addition, the volume of traffic and people from the new development is considered to be totally beyond the capacity of Leithen Road and there is no capacity to improve the situation. The A72 is not fit for purpose. The need for services such as schools, health and other infrastructure would be required to be upgraded on a massive scale.

Whiteburn Caerlee LLP (818)

- The contributor is the landowner for site MINNE001 and is keen to bring the whole site back in to use.
- When purchasing the site it was understood that there was a desire to retain the listed building and associated lands for conversion to employment/commercial uses, as detailed in the Planning Brief and Masterplan. Maintenance costs to the

landowner are increasing annually. Health and safety concerns regarding the dilapidated buildings on the site have been raised by those with children moving into newly formed neighbouring homes. Several years after wind and water tight works were carried out on the listed buildings present on the site there has been no firm or realistic offer to take on this part of the Masterplan, despite considerable efforts by the landowner.

- The Caerlee Mill site, given its scale and brownfield status, should be increased from the denoted 35 units within allocation MINNE001 to 76 residential units.

CW Properties (826) 2 of 2

- The contributor supports the allocation of site MINNE003 for mixed use development, however objects to the proposed indicative capacity for housing and extent of high amenity business land identified within the site. Seeks revision of indicative capacity from 50 units to 125 units plus the high amenity business land to be reduced in size from 1ha to 0.6ha.

NatureScot (983)

- The contributor has no objections to the allocation of site MINNE003, but states that while they welcome the site requirement that landscaping and structure planting should mitigate visual impacts, they consider that a more effective solution to visual impacts would be to reduce the extent of the allocated site. If the Council is not minded to make this change the Contributor states that a design brief should be a requirement for this site. This should include measure to reduce landscape impacts based on a high quality designed edge to development, perhaps including tight co-ordination of building frontage, the consideration of views, avenue planting and a multi-user path set back from the road edge.

Modifications sought by those submitting representations:

- The Contributor seeks further detail on the development of site AINNE004. (007)
- Seeks the second site requirement for site MINNE001 – *“The site must provide a mix of uses including housing, employment and/or commercial”* to be reworded to read: *“The site is considered suitable for housing. Employment/commercial uses would also be deemed acceptable subject to it not having any significant residential amenity impact on neighbouring houses”*. (818)
- Seeks the tenth site requirement for site MINNE001: *“The site is located within the Innerleithen Conservation Area, and the category ‘B’ listed Brodie’s Mill is also located on the site. As a result any new development on the site must incorporate the conversion and retention of the listed building and enhance its setting. The development must also incorporate the retention of the stone boundary walls”* to be reworded to read: *“The site is located within the Innerleithen Conservation Area and the Category ‘B’ Listed Brodie’s Mill is located on the site. As a result, any new development on the site should consider that context and not have any significant impact. It is expected that the listed buildings that remain on site would be converted. However, if evidence is presented and accepted that every effort has been made to reuse the building unsuccessfully then alternative use and/or demolition maybe considered and in line with Historic Environment Scotland guidance”*. (818)
- Seeks an increase in indicative site capacity to 76 units. (818)

- Seeks removal of the inclusion of site MINNE003 from the Plan. Development should instead be directed towards brownfield sites and gap sites within existing development. (131)
- The Contributor objects to the proposed allocation of site MINNE003 and seeks its removal. (655)
- Seeks revision of the indicative capacity from 50 units to 125 units. (826 – 2 of 2)
- Seeks revision of the “Site Requirements” in the Allocation Summary Table for Site MINNE003 to delete “*minimum of 1ha of high amenity business land*” and insert “*0.6ha of land for business and public services purposes*”. (826 – 2 of 2)
- Seeks reduction in the extent of the allocated site to reduce visual impact development on this site may have to the setting on the town, or alternatively that a design brief should be a requirement for the site which satisfies the comments raised by the respondent. (983)
- The Contributor seeks removal of SINNE001 from the Proposed Plan. (030, 788)
- The Contributors seek a comprehensive survey on the flooding risks of the site, and a site requirement to ensure any visual impact from the new development is mitigated. (059, 077, 519)
- The Contributor seeks improvements to the Leithen Road as part of the development of SINNE001. (077, 519)
- The Contributor questions if the school and medical centre could cope with the development of SINNE001. (519)
- The Contributor seeks that concerns regarding flooding, roads, education and health, the internet, electricity are all considered before building takes place. (700)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE INNERLEITHEN SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

AINNE004 – Kirklands/Willowbank II (007)

- The site is an allocated housing site within the Adopted Local Development Plan 2016 (CD009, Volume 2, PDF pages 183 to 190). The Proposed Local Development Plan continues to allocate the site.
- Innerleithen is located in the Western Development Area as set out in the Strategic Development Plan (SESplan) (CD001, refer to pages 7 to 20) Development Strategy. Site AINNE004 has the potential to accommodate 150 units.
- The site was identified in the Development and Landscape Capacity Study (CD074, PDF page 42) which was commissioned by the council and supported by Scottish Natural Heritage.
- Prior to the inclusion of the site in the Adopted Local Development Plan 2016, a full site assessment was carried out and the views of various internal and external consultees (such as Roads Planning, Education, Economic Development, Landscape, Scottish Water, SEPA, and NHS) were incorporated into that assessment. In doing this rigorous site assessment process, the best sites possible were identified. The site assessment also considered many issues in relation to transport and water/sewage infrastructure, as well as other environmental issues such as archaeology, biodiversity, flood risk and landscape.

- Whilst the primary responsibility for operating the development planning system for the Scottish Borders lies with the Council, Circular 6/2013 Development Planning (CD059) states that all interests should be engaged as early and as fully as possible. In addition that document also states in paragraph 10 that, “*key agencies are under a specific duty to co-operate in the preparation of development plans*”; this includes NatureScot, Scottish Environmental Protection Agency and Scottish Water. The Council have consulted with all key agencies throughout the LDP process and will continue to do so. This then allows key agencies to plan according to their needs and demands also. Although not considered a key agency, National Grid are also consulted.
- It should also be noted that additional discussion has been carried out with the Education Officer who has stated that there is sufficient school capacity available to accommodate the proposed allocations contained within the LDP2.
- It should be noted that the Proposed Plan includes site requirements for this site which any planning applications submitted would need to adhere to, including vehicular and amenity access.
- The Council puts forward a place making approach through the Proposed LDP and it is noted that a site requirement for a Planning Brief in the form of Supplementary Planning Guidance will be produced for the site. It is considered that the development of a Planning Brief provides valuable guidance in terms of design that will be a material consideration in the determination of any future planning application. It is intended that the Planning Brief will include more detailed information on structure planting and landscaping.
- There will be further opportunity for the Contributor to comment once a detailed planning application for the site is submitted and matters such as house designs, impact on neighbouring amenity and boundary treatment of the site will be addressed at the planning application stage. It would be at this stage that the number and type of houses would also be determined.
- The Proposed Local Development Plan includes a number of policies that any application for site AINNE004 would be assessed against. The key policies in relation to many of the issues raised are: Policy PMD2 Quality Standards (page 41) and Policy HD3 Protection of Residential Amenity (page 95).
- Policy PMD2 Quality Standards seeks that all new development will be designed to fit with the Scottish Borders townscapes and to integrate with its landscape surroundings. In respect of ‘Placemaking and Design’, bullet point ‘K’ states that in relation to the new development: “*it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form*”.
- Policy HD3 Protection of Residential Amenity aims to protect the amenity of both existing established residential areas and proposed new housing developments. In addition, the Introduction section of Policy HD3 refers to Scottish Planning Policy and the need for high quality layout in housing developments in order to protect residential amenity. In that respect paragraph 36 of Scottish Planning Policy 2014 (refer to CD041) states: “*Planning’s purpose is to create better places. Placemaking is a creative, collaborative process that includes design, development, renewal or regeneration of our urban or rural built environments. The outcome should be sustainable, well-designed places and homes which meet people’s needs*”.
- It should be noted that issues surrounding dog fouling are not a matter for the Local Development Plan and the control of dog fouling is laid out and enforced by the Council’s Environmental Health Department.
- It is therefore contended that site AINNE004 should be retained within the Local Development Plan.

MINNE001 – Caerlee Mill (818)

- Site MINNE001 – Caerlee Mill is a recent Mixed Use allocation that was allocated through the Supplementary Guidance on Housing (refer to CD020, page 33) with an indicative capacity of 35 units. That allocation is now carried over into the Proposed Local Development Plan.
- The Proposed Local Development Plan contains a number of site requirements for the site (refer to page 393 of the Proposed Plan) and includes: *“The site is located within the Innerleithen Conservation Area, and the category ‘B’ listed Brodie’s Mill is also located on the site. As a result any new development on the site must incorporate the conversion and retention of the listed building and enhance its setting. The development must also incorporate the retention of the stone boundary walls”*.
- As noted above, the Caerlee Mill is a category ‘B’ listed building (refer to CD159). The retention of the listed building and redevelopment of the wider site is a priority for the council. In that regard it has granted Listed Building Consent for a degree of demolition, and has adopted a Planning Brief as Supplementary Planning Guidance (refer to CD096 Supplementary Planning Guidance Planning Brief for Caerlee Mill) to inform the regeneration of the site. It is envisaged that any redevelopment of the site must include the restoration of the historic core of the site.
- Scottish Planning Policy 2014 (CD041, paragraph 142) states that: *“Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset”*. This was considered the case in relation to the Caerlee Mill site.
- The Council has undertaken considerable work alongside stakeholders who had been involved in the site or had an interest in the site. As part of that work the Council commissioned two studies to assist in the production of the Supplementary Planning Guidance (SPG) Planning Brief for Caerlee Mill. Those studies are included in and form part of the SPG as referred to above.
- The purpose of the SPG Planning Brief was to provide guidance and a degree of assurance to any prospective new owner on the preferred way forward for the redevelopment of the Caerlee Mill site.
- Furthermore, to assist in addressing the issue of uncertainty, the Council submitted an application for Listed Building Consent for the *“Demolition of weaving sheds, knitting sheds, mill shop and outbuildings”*. That application for Listed Building Consent was approved on 13 October 2011 (refer to CD126 and CD127).
- It should be noted that responsibility of any Listed Building lies with the landowner, and in that respect it is noted that Scotland’s Listed Buildings booklet (refer to CD068, page 19) states: *“As with any asset, the owners of listed buildings are responsible for repairing and maintaining their property. ...”*.
- Scottish Planning Policy 2014 (CD041, paragraph 141) also states that *“listed buildings should be protected from demolition or other work that would adversely affect it or its setting”*. Furthermore, the Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings (CD043, page 3) states: *“This guidance note is the first place to look when thinking about how to keep a listed building in use, or bring it back into use. It is a key consideration when identifying options or making decisions about significant alterations to a listed building. It is*

aimed both at applicants and at those making decisions on LBC applications for changes to listed buildings”.

- The Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings (CD043, page 4) also contains a number of “Key Messages” that are relevant to the Caerlee Mill site. However, it is considered that the following Key Messages are particularly relevant:

“2. A listed building can’t be replaced once it’s gone. Demolishing a listed building is always a loss. It is a last resort when every other option has been explored. The best way to protect our buildings is usually to keep them in use – and if that isn’t possible, to find a new use that has the least possible effect on the things that make the building special. ...

6. Keeping a listed building in use has wider benefits. Listed buildings contribute to their wider surroundings and community. They can influence proposals for new development, and inspire positive change. They teach us about what people value in the places they live, work, and spend time in, and so they help us to build successful places”.
- Policy EP7: Listed Buildings as contained within the Proposed Local Development Plan also states: *“The demolition of a Listed Building will not be permitted unless there are overriding environmental, economic, social or practical reasons. It must be satisfactorily demonstrated that every effort has been made to continue the present use or to find a suitable new use”.*
- It is also noted that section 25 of the Town and Country Planning (Scotland) Act 1997 (CD045) states that a Planning Authority’s decision on a planning application must be made in accordance with the Development Plan – unless material considerations indicate otherwise. It is also noted that currently only housing has been built on this Mixed Use allocation. However, whilst it is accepted that there is a desire to provide a mix of uses on site including employment and/or commercial; the Contributor can submit the relevant applications at any time and provide justification for alternative uses on the remainder of the site i.e. the listed building – such as housing which would involve an increase in site capacity.
- Even with the cross-subsidy/enabling development that any new development on the site provides (as required by the SPG Planning Brief), it is still considered that important to the success of restoring the listed building is finding a viable economic use that can support the initial restoration and conversion, provide the owner or developer with a reasonable return in their investment and which can generate sufficient income to ensure the long term maintenance of the building fabric and its associated outdoor space. The representation submitted to the Proposed Plan does not include any such information.
- However, the Council are aware that terms have been agreed by the South of Scotland Enterprise on behalf of the Borderlands Inclusive Growth Deal to purchase Caerlee Mill to create a new Mountain Bike Centre (refer to CD160). It is understood that, together with the proposed Tweed Valley Bike Park and Trail Lab near Innerleithen, the Mountain Bike Innovation Centre is a key development for the South of Scotland and will be funded as part of the Borderlands Inclusive Growth Deal.
- It is therefore contended that site MINNE001 should remain as allocated within the Proposed Local Development Plan with the same listed site requirements and indicative site capacity. Proposals for the conversion and restoration of the category ‘B’ listed mill can be dealt with adequately through the Development Management process as this is the more appropriate process to addressing these issues.

MINNE003 – Land West of Innerleithen (131, 655, 826 – 2 of 2, 983)

It is noted that contributor 826 – 2 of 2 (CW Properties) supports the allocation of site MINNE003 for mixed use development (refer to CD183, page 202).

Principle of Allocation (131, 655, 826 – 2 of 2, 983)

- The Council has a duty to review its plans periodically and ensure a continuous housing land supply throughout the Scottish Borders. The identification of sites within the Local Development Plan to meet future requirements is supported by Scottish Planning Policy (SPP) 2014 (CD041). The SPP states in paragraph 50 that *“In developing the spatial strategy, planning authorities should identify the most sustainable locations for longer-term development ...”* and in paragraph 122: *“Local development plans should allocate appropriate sites to support the creation of sustainable mixed communities and successful places and help the continued delivery of new housing”*. In addition, the Council must consider site allocation options in places where there is developer and market interest, hence the need to consider appropriate sites in and around Innerleithen.
- It should be noted that the Council commissioned the ‘Western Rural Growth Area: Development Options Study’ (CD082). The purpose of the Development Options Study was to identify and assess options for housing and employment land in the Western Rural Growth Area/Strategic Development Area. Consequently consultants were appointed to prepare a study to identify both potential short (within the time frame of the Local Development Plan (LDP) and long term (beyond the LDP time frame) housing options as well as to identify sites for business/industrial use and their findings have influenced the sites included within the Proposed Plan.
- In relation to the Development Options Study, that the study was carried out by consultants to identify site options within the vicinity of Peebles. The study findings informed the potential site options set out in the Main Issues Report and then the new sites included within the Proposed Plan. Site MINNE003 was identified within the study.
- Site MINNE003 was identified within the Scottish Borders Main Issues Report (CD008, page 37) for Mixed Use within the Tweeddale Locality. The site assessment for site MINNE003 (CD118, pages 230 to 233) concluded that the site is acceptable and following public consultation it was then subsequently taken forward into the Proposed Local Development Plan.
- It is considered that the site requirements set out in the Proposed Plan deal with the issues to be addressed which were identified through the site assessment process. This includes the need for: *“A Planning Brief in the form of Supplementary Planning Guidance to be produced for this site”*. It is contended that this site is appropriate for Mixed Use and all concerns have been satisfactorily addressed. When the planning brief is being prepared NatureScot will be consulted and have the opportunity to contribute towards its production.
- In the consideration of any site for inclusion in the LDP, a full site assessment is carried out and the views of various internal and external consultees (such as Roads Planning, Education, Economic Development, Landscape, Scottish Water, SEPA, and NHS) are incorporated into that assessment. In doing this rigorous site assessment process, the best sites possible are identified. The site assessment also considers many issues in relation to transport and water/sewage infrastructure, as well as other environmental issues such as archaeology, biodiversity, flood risk and landscape.

- The site has been allocated with an indicative site capacity of 50 units. The exact number of units that would be developed on the site can only be established through the processing of a planning application. It should be noted that the site capacity can increase or decrease following the consideration of a detailed planning application. The indicative site capacity included within the Proposed Plan has been influenced by a number of factors such as the key views from the west across the site from the A72, consideration of the slightly steeper ground at the north-west of the site, consideration of the Roman camp in the south east of the site, as well as the need to include an element of high amenity business land within the site. It is considered that the 50 units stated is a fair and justified indicative number.
- The Development Options Study sought to find land for business land within the Central Tweeddale area where there was an identified shortfall. It was considered that site MINNE003 could satisfactorily accommodate business land to help address this shortfall. Consequently a minimum of 1 hectare of the site was identified for high amenity business land and appropriate steps would be taken at the planning application stage to ensure any proposals would have minimal impact on surrounding uses. It is considered the 1 hectare area identified in the Plan is an appropriate size for incorporation within the overall site and does not see any justifications for reducing this.

Setting of the site (655, 983)

- In respect to comments regarding potential impact on the high quality landscape of the Tweed Valley and the location of the site within the Special Landscape Area, it is accepted that the site is located within an attractive landscape. However, it should be noted that the Development Options Study (CD082, paragraph 5.19) states that *“This site includes most of search area 22, between the A72, the settlement boundary, and the former railway line. The site is on largely flat ground and is not subject to flooding. The site is overlooked from the A72, and forms the foreground in the important view across the valley on the eastbound approach to Innerleithen, though the site is low lying in relation to the road. Trees along the former railway line contain the site and could be enhanced to form a settlement boundary, creating a logical extension to Innerleithen on the valley floor”*.
- Furthermore, it is noted that the Council’s Landscape Section stated: *“The site is a large field to the south of A72 approaching Innerleithen from the west. The ground slopes steeply down from the A72 before levelling out in the south eastern part that borders the existing settlement boundary west of Buchan Place off Traquair Road. Careful consideration will be required to achieve a scheme of structure planting that mitigates the visual impact of the development when seen from the elevated A72 coming into Innerleithen from the west, while maintaining views southward across the Tweed valley”* (refer to CD118, page 231).
- The Council notes the comments from Contributor 983 and as listed in the site requirements a planning brief is proposed to guide development on the site, which will ensure appropriate measures are in place to assure the development area is satisfactorily screened and successfully blends in with the existing settlement. The council is satisfied this can be achieved and will make sure NatureScot are consulted on the planning brief as it is prepared.
- Any impacts which development on the site may have on existing properties in the surrounding area in terms of amenity, privacy and daylight would be dealt with at the planning application stage, where specific details of proposed development would be submitted and considered.

Archaeology (655)

- It is noted that the Council's Archaeology officer stated: *"The south-east corner of the area contains the known site of a formerly Scheduled Roman camp. This should be avoided for preservation in situ. The remainder of the site may contain evidence for a Roman road. There is more generally archaeological potential given its topographic location. Evaluation will be required"* (refer to CD118, page 231). This matter is addressed in the site requirements: *"Archaeology evaluation/mitigation required. Preference for in-situ protection, full investigation would be required for the area with the Roman Camp"*.

Access to site (131, 655)

- Prior to inclusion in the Proposed Local Development Plan a full site assessment was carried out and the views of both internal and external consultees were collected, including the Roads Planning team, who raised no objections to the allocation of the site, stating *"There is ample opportunity for the easterly portion of the site to be well integrated with and connected to the surrounding street network i.e. Tweed View, St Ronan's Health Centre and Angle Park... I would not necessarily rule out direct access from the A72 into the site, however this would need to be carefully designed to ensure the appropriate gradients and visibility splays can be achieved."* (refer to CD118, pages 231 to 232).
- It should be noted that the Proposed Plan includes site requirements for this site which any planning applications submitted would need to adhere to, including vehicular and amenity access.

Alternative development site options (131, 655)

- Planning policy supports the development of brownfield sites and gap sites. However, in practise many constraints can prevent development on brownfield sites, such as conversion costs, demolition costs, potential contamination etc, and therefore it is not possible that identifying an effective housing land supply can solely be based on brownfield sites. Consequently greenfield options must be considered too. An extensive site assessment was carried out and the views of various internal and external consultees were incorporated into the assessment, enabling the identification of the best sites possible for inclusion in the Proposed Local Development Plan.
- Contributor 131 suggests two potential brownfield sites for allocation. The old mill site (Caerlee Mill) is already allocated for development (MINNE001). The second site is a small gap site along the town's high street which could be developed in accordance with infill policy PMD5.
- Whilst the blueprint for the Borders railway seeks to promote economic development along the railway corridor and the Proposed Plan suitably addresses this, the Spatial Strategy requires strategic growth in the Scottish Borders to be directed to three Strategic Development Areas (SDAs), Central, Eastern and Western Borders. Scottish Planning Policy 2014 (CD041) requires the Plan to allocate a range of sites which are effective or expected to become effective in the plan period. Failure to meet this requirement would result in a failure to provide a plan-led system. Peebles, Cardrona and Innerleithen are located within the Western SDA. For that reason the Proposed Plan is required to identify sites such as MINNE003 for development.

- It is therefore contended that site MINNE003 is appropriate and should be allocated within the Proposed Local Development Plan.

SINNE001 – Kirklands II (030, 059, 077, 519, 700, 788)

- It is noted that site SINNE001 is identified as a “*Potential Longer Term Housing (subject to review)*” within the current Adopted Plan (CD009, Volume 2, PDF pages 183 to 190) and within the Proposed Plan. The site sits outwith the Innerleithen Development Boundary as it is not a formal allocation yet. Within the Plan the longer term sites have been identified within the larger settlements of the Scottish Borders and are indicative of the preferred direction of future development. The sites are subject to review as part of the next Local Development Plan (LDP) review which provides the opportunity to further assess the site alongside other potential opportunities within the Housing Market Area prior to being released for development. It is considered that this is the appropriate process for the Plan to go through.
- In addition, paragraph 6 of Circular 6/2013 Development Planning (CD059) states: “*Development plans are spatial, land use plans which are primarily about place. They guide the future use of land in our cities, towns and rural areas, by addressing the spatial implications of economic, social and environmental change. Development plans should be a corporate document for the planning authority and its Community Planning Partners. The plan should apply the land use elements of the Community Plan and other Council and Government strategies into an overall spatial plan for the local area providing a means to join up messages about place and delivery. Development plans should set out ambitious but realistic long-term visions for their areas. They should indicate where development should happen and where it should not, providing confidence to investors and communities alike.*”
- It should be noted that Innerleithen is located in the Western Strategic Development Area as set out in the Strategic Development Plan SESplan (CD001, refer to pages 7 to 20).
- In the consideration of any site for inclusion in the Local Development Plan, a full site assessment is carried out and the views of various internal and external consultees (such as Roads Planning, Education, Economic Development, Landscape, Scottish Water, SEPA, and NHS) are incorporated into that assessment. In doing this rigorous site assessment process, the best sites possible are identified. The site assessment also considered issues in relation to transport and water/sewage infrastructure, as well as other environmental issues such as archaeology, biodiversity, flood risk and landscape.
- Whilst the primary responsibility for operating the development planning system for the Scottish Borders lies with the Council, Circular 6/2013 Development Planning (CD059) states that all interests should be engaged as early and as fully as possible. In addition that document also states in paragraph 10 that “*key agencies are under a specific duty to co-operate in the preparation of development plans*”. The Council have consulted with all key agencies throughout the LDP process and will continue to do so. This then allows key agencies to plan according to their needs and demands also. NHS Borders have stated that they will continue to engage with SBC colleagues to provide primary care and public health input to the wider planning process including the creation of the next Scottish Borders Council LDP early in its preparation cycle as part of a Health in All Policies approach.

- It should also be noted that additional discussion has been carried out with the Education Officer who has stated that there is sufficient school capacity available to accommodate the new proposals contained within the Proposed Plan.
- It is considered that the Site Requirements listed within the Proposed Plan deal sufficiently with the issues raised as part of the site assessment, and these are listed below:
 - *“It is intended that a Masterplan in the form of Supplementary Planning Guidance will be produced for this site*
 - *A vehicular link will be required through the adjacent housing site AINNE004 Kirklands/ Willowbank*
 - *Enhancement of existing woodland and provision of preplanned and implemented structural landscaping. The long term maintenance of landscaped areas must be addressed*
 - *Provision of amenity access to the wider countryside for pedestrians and cyclists*
 - *Mitigation measures are required to prevent any impact on the River Tweed Special Area of Conservation (Leithen Water)*
 - *Further assessment on nature conservation interest along with archaeology will also be required and mitigation put in place*
 - *A flood risk assessment is required to inform the site layout, design and mitigation.”*
- The Council’s Flood and Coastal Management Team and the SEPA have been consulted in respect to the identification of site SINNE001, and neither of these consultees have objected to the potential allocation of the site.
- In respect to comments regarding amenity and loss of privacy, it should be noted that Policy HD3 Protection of Residential Amenity aims to protect the amenity of both existing established residential areas and proposed new housing developments. In addition, the Introduction section of Policy HD3 refers to Scottish Planning Policy and the need for high quality layout in housing developments in order to protect residential amenity. In that respect paragraph 36 of Scottish Planning Policy 2014 (refer to CD041) states: *“Planning’s purpose is to create better places. Placemaking is a creative, collaborative process that includes design, development, renewal or regeneration of our urban or rural built environments. The outcome should be sustainable, well-designed places and homes which meet people’s needs”*. As noted in the site requirements, a planning brief in the form of Supplementary Planning Guidance will be produced to ensure the satisfactory development of this site.
- Control of construction vehicles and noise are issues that would be considered at planning application stage. It should be noted that Environmental Health have not objected to the site on the basis of noise.
- Whilst brownfield land is the first consideration when identifying additional sites, as a result of limited land availability as well as many financial and other constraints in developing such sites, there is a need to also consider greenfield land for development, especially in areas where demand is greatest.
- The Scottish Borders Employment Land Audit (2021) (CD070, paragraph 3.4.1) carried out on a yearly basis by the Council acknowledges that *“There is 2.4ha of immediately available employment land within the Northern area”* and that *“there is a shortage of variety of business and Industrial land in the Northern HMA”*.
- In addition, it is noted that Scottish Planning Policy 2014 (CD041, paragraph 93) states that: *“The planning system should:*

- *promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;*
- *allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; ...”.*
- It is also noted the Scottish Borders Employment Land Audit (2021) acknowledges that (paragraph 6.1.5) “... *the Proposed Plan requires more employment land of suitable type, availability and site servicing to be found in particularly the Northern HMA ...*”. For that reason the Proposed Plan has identified additional High Amenity Business land on site MINNE003 and MPEEB007, as well as Business and Industrial Site BESHI001. In respect to comments on poor transport links to employment, it is highlighted that the Main Aims which are set out to deliver the Vision, within para 4.8 of the Proposed Plan, include the encouragement of better connectivity by transport. Policy IS4: Transport Development and Infrastructure of the Proposed Local Development Plan highlights that “*The spatial strategy is underpinned by a transport network which requires improvements to roads and railways in order to support and enable future development as well as improve connectivity across the Borders and in particular between the identified key growth areas*” (page 156, paragraph 1.3). The Policy notes that the Council supports schemes to provide new and improved infrastructure including improvements to key road routes. It should be noted that Innerleithen is located on the A72, with recent improvements undertaken at Dirtpot Corner.
- It is therefore contended that the site should remain as a potential longer term housing site within the Local Development Plan.

Reporter’s conclusions:

Housing Allocation AINNE004 – Kirklands/Willowbank II (007)

1. The second site requirement for site AINNE004 on proposed plan page 392 states that access would be taken through the adjacent site, T1200, which is not specifically referenced in representations for this issue. That site requirement also lists various local road and pavement upgrades that may be required. These, along with parking and traffic safety issues could be considered by the planning brief listed in the first site requirement and at planning application stage. No compelling evidence suggests that these matters could not be satisfactorily resolved.
2. Housing design and the privacy and amenity impacts on adjacent properties, boundary treatments such as fences and access to new/existing amenity space, footpath connections and drainage are detailed design and layout matters. Those matters could also be addressed as part of the above referenced planning brief and/or at planning application stage. Dog fouling and property values are not matters for the local development plan.
3. Broader concerns regarding infrastructure capacity in Innerleithen could also be addressed as part of the planning brief and/or at planning application stage where they result from or are required to accommodate the development. No evidence suggests there to be insurmountable matters. No modifications are required.

Longer Term Housing Site SINNE001 – Kirklands II, (030), (059), (077), (519), (700) and (788)

4. SINNE001 is not an allocated site. Instead, it is a longer-term housing site that is expected to be developed beyond the plan period. The decision about whether to ultimately allocate site SINNE001 would be taken through a future local development plan review.
5. Access to site SINNE001 would be via the adjoining site AINNE004, itself connected through site TI200. Impacts on local road and footpath infrastructure and parking could be considered as part of the Masterplan referenced in the first site requirement on proposed plan page 392 and/or at planning application stage. For this site to be developed it is likely that measures needed to accommodate sites TI200 and AINNE004 would also have been implemented or committed to. No evidence suggests that the council's roads department opposes this site on grounds of dangerous or unworkable solutions to access, traffic, parking or other road and pavement related issues.
6. Whilst the proposal may be required to make some contribution to the improvement of local infrastructure such as schools and roads, no evidence allows me to quantify what that would be. Irrespective, this is not an insurmountable issue and could be considered at planning application stage.
7. The final site requirement on proposed plan page 392 already requires a flood risk assessment to inform site layout, design and mitigation and so there is no need for me to recommend adding this. Otherwise, Scottish Environment Protection Agency (SEPA) has not objected, and this is not one of the sites that it asks to be deleted from the plan for flood risk reasons.
8. The site requirements already include the enhancement of existing woodland and the provision of additional planting. Mitigation measures are also required to prevent any impact on the River Tweed Special Area of Conservation (Leithen Water). There is also already a site requirement for further assessment of nature conservation interest and mitigation. Otherwise, neither the council's ecologist nor NatureScot have objected to this site. These matters, including the impacts on protected species such as bats, could also be considered at planning application stage.
9. The existing site requirements on proposed plan page 392 already include the enhancement of existing woodland and provision of pre-planned and implemented structural landscaping. The site map on proposed plan pages 396 and 397 include significant planting to the north and west of the site. This could also form part of the masterplan referenced in the first site requirement on proposed plan page 392. In my view, this already enables consideration and mitigation of visual impacts on the approaches to the settlement, particularly from the north. Such matters, along with amenity impacts, including on privacy and any implications for natural light, could be considered at planning application stage.
10. The council has concluded there to be a lack of employment land in the northern housing market area. It has sought to address this in the proposed plan by focusing on existing and new employment and mixed-use sites throughout the Western Strategic Development Area, including in Peebles, Innerleithen and Walkerburn.

11. Nearby sites MINNE001 and MINNE003 would include employment land. Having travelled extensively in the locality I agree with the council that there are limited brownfield opportunities, and some greenfield development is inevitable. I have not been made aware of other sites that could accommodate a scale of homes similar to site SINNE001.

12. No compelling evidence suggests that the site should be deleted from the plan. No modifications are required.

Mixed-use allocation MINNE001 – Caerlee Mill (818)

13. Whiteburn Caerlee LLP (818) now confirms that Caerlee Mill has been sold for a Mountain Bike Innovation Centre, as outlined by the council (above). Its previous requests for modifications have therefore been superseded by events. Therefore, it suggests deallocating the site as the 44 homes on the remainder of the site are now complete.

14. However, this is a mixed-use allocation. Despite planning applications for a change of use and alterations to the mill building (22/00847/FUL and 22/00848/LBC) the Mountain Bike Innovation Centre has yet to be completed and so the allocation should remain. I am otherwise content that the 44 housing completions are partly accounted for by the 2021 housing land audit and partly by estimated completions for the years 2021/22 and 2022/23 as outlined in Issue 006: Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement. No modifications are required.

MINNE003 (826) 2 of 2. (983), (131), (655)

15. Allocation of site MINNE003 is predicated on the identified shortage of employment land in the northern housing market area, including the Western Strategic Development Area (one of three in proposed plan Chapter 4 Figure 3). Innerleithen is one of several settlements in that strategic development area and, as such, is a settlement where I would expect the plan to concentrate such development.

16. The council's development options study (CD082) sought to avoid significant constraints, including flood risk and terrain in identifying future employment and mixed-use sites. Site MINNE003 was identified by that process and was subject of engagement at Main Issues Report and proposed plan stages.

17. Brownfield sites and existing development sites are allocated in Innerleithen and nearby settlements already. The only gap site I could see on the High Street is south of the A72 at Tweed View, which is already allocated as site TI3B. I saw no gap site on Waverley Road, which does not suggest there to be a site of comparable size to MINNE003. The rural character of this area limits brownfield opportunities and so there is some inevitability that greenfield land will be needed.

18. Although site AINNE004 has not yet been built, I understand it to rely on construction of the adjacent site TI200, or at least its access point and road. None of these circumstances or those in the above paragraph justify deletion of site MINNE003.

19. CW Properties seeks a higher indicative capacity for housing in exchange for less of the site being for employment use. Since site capacity is indicative, it could be varied by different designs that could be considered at planning application stage. However,

this proposal contradicts the basis upon which site MINNE003 has been predicated (paragraph 15 above). Issue 006 also concludes that there is already sufficient housing land and there is no need for more.

20. Contrary to some representations, the council's Roads Planning Officer is content with vehicular access to the east and that direct access could be taken from the A72 with the appropriate gradient and visibility splays. The Roads Planning Officer is also content that non-car access could be promoted via the disused railway to the south. No compelling evidence suggests traffic or safety risks that could not be overcome. Noise, access, traffic, and privacy impacts could all be considered at planning application stage.

21. Site layout would be a matter for the planning brief referenced in the first site requirement on proposed plan page 394 and/or planning application stage. Those could also consider maintenance access to the Tweed Valley Railway Path and access to it for foot/cycle and other users via site MINNE003.

22. I understand the health centre referenced as having "therapeutic views" to be St Ronan's Health Centre on the eastern edge of site MINNE003. It is unclear exactly what procedures are carried out there, but the building gives the impression of being a general practice and not one where patients would convalesce. Irrespective, views from that location are not specifically protected for reasons of therapy. Views from local flats are also not specifically protected.

23. NatureScot does not object but does seek more structural planting and integration of the site if the council opts to retain the present boundaries. The site requirements on proposed plan page 394 already cover planting and landscaping, assessment and mitigation of ecology and mitigation of impacts on the River Tweed Special Landscape Area and Site of Special Scientific Interest. NatureScot also asks that a design brief is made a requirement, however, the site requirements on proposed plan page 394 already include a planning brief in the form of supplementary planning guidance. Thus, what NatureScot seeks is already provided.

24. Although site MINNE003 is presently open, views across it from the Tweed Valley Railway Path are towards the settlement as it extends along the northern side of the A72 to the north and west and both sides of the A72 to the east. Therefore, I am not convinced that development of this site would result in a significant loss of a sense of rural place. No compelling evidence is provided to justify how development of this site would be detrimental to the local economy. The provision of employment land on site MINNE003 to address an identified shortage in the area appears to contradict that.

25. Archaeological exploration and mitigation, including in-situ protection and full investigation would be required for the Roman camp area by the site requirements on proposed plan page 394. Historic Environment Scotland has not objected to the allocation of site MINNE003. I am therefore content that concerns regarding historic assets could be appropriately addressed.

26. Overall, no compelling evidence justifies deletion of site MINNE003 or the rescaling of it to provide more housing and less employment land. No modifications are necessary.

Reporter's recommendations:

No modifications.

Issue 43	Jedburgh	
Development plan reference:	Jedburgh Settlement Profile and Map (AJEDB012 – Howden Drive South, AJEDB018 – Land East of Howdenburn Court II, RJ30B – Howden Drive, RJEDB003 – Howdenburn Primary School and Transport Infrastructure (General)) (pages 398-405)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Christina Campbell Falconer (010) Andrew Lunn (020) Elizabeth Robertson (035) Lynda Hughes (072) Linda White (111) Scottish Government (847) David Major (936)</p>		
Provision of the development plan to which the issue relates:	Housing Allocations AJEDB012 – Howden Drive South, AJEDB018 – Land East of Howdenburn Court II, RJ30B – Howden Drive, Redevelopment Opportunity RJEDB003 – Howdenburn Primary School and Transport Infrastructure (General)	
Planning authority's summary of the representation(s):		
<p><u>Christina Campbell Falconer (010)</u></p> <ul style="list-style-type: none"> The contributor objects to AJEDB018. The contributor states that the area is already densely populated with residential properties. Development of AJEDB018 would lead to a lot more foot traffic past their front door. The area is used by dog walkers and it is nice to have green space in the area. The contributor does not think this is a suitable site for more residential properties. <p><u>Andrew Lunn (020)</u></p> <ul style="list-style-type: none"> The contributor states they would prefer to see private housing developed on RJEDB003 and not social housing. <p><u>Elizabeth Robertson (035)</u></p> <ul style="list-style-type: none"> The contributor objects to AJEDB018. The contributor considers these plans unacceptable. As in the interest of the community these plans would take away further outside walking areas that are used daily by many residents all over Howdenburn and Jedburgh many of which are dog walkers and the elderly who cannot walk very far and have been using this for many years. The contributor states that if these plans where to go ahead it would take away the public paths which are used daily by the whole community. Also the paths and surrounding paths are maintained by the public residents that have used their own time in mowing and strimming this area for years. 		

Lynda Hughes (072)

- The contributor makes comments relating to planning application 18/00006/FUL which covers part of housing allocation RJ30B. The contributor raises issues regarding pedestrian links within the site as well as parking within the site and potential road safety issues. *It should be noted that the contributor refers to an attached plan however this has not been received.*

Linda White (111)

- The contributor lives adjacent to RJ30B and states that during the development of phase 1 their home suffered a considerable amount of damage due to the earth moving machinery. The contributor is concerned that when this further development takes place the earthmovers will be even closer to my home and they would like to know what measures the council will take to protect the houses on Howden Drive

Scottish Government (847)

- Transport Scotland via the Scottish Government's representation object and state that a proportionate appraisal is required to be undertaken for the development sites of BJEDB001, AJEDB005, RJ14B, RJ7B, RJ2B, AJEDB018 and RJ30B. The appraisal should determine the potential cumulative impact of the development sites on the A68(T)/Oxnam Road junction and identify any required mitigation. Any potential mitigation measures will require to be identified in the plan and Action Programme with information provided on their funding and delivery in accordance with Scottish Planning Policy. The contributor refers to paragraphs 274 and 275 of Scottish Planning Policy.
- The Proposed Plan includes a significant amount of development to the east of the A68(T) trunk road. Given the location of these development proposals with regard to the available road network and how access will be afforded to the town centre, and therefore the A68 trunk road, the most likely option is via Oxnam Road. The plan does not provide any information on the potential cumulative impact on the A68(T), specifically at the A68(T)/ Oxnam Road junction. Transport Scotland requires to understand the potential cumulative impact of the development sites and if any mitigation measures are required at the junction to support delivery of the strategy. The sites which have the potential to cumulatively impact upon the A68(T) include: □BJEDB001 (7.6ha), AJEDB005 (20 units), RJ14B (67 units), RJ7B (40 units), RJ2B (43 units), AJEDB018 (20 units) and RJ30B (80 units).

David Major (936)

- The contributor objects to the inclusion of AJEDB018 on the grounds of green network fragmentation. As it stands in the current LDP this site is undeveloped. If site RJ2B to the east is developed as per the current LDP and proposed LDP, the site AJEDB018 forms the last remaining green network between the Howden Burn Valley and the proposed Howden Park. Without it Howden Burn Park will be isolated as it will be completely surrounded by streets and houses, and species movement from the Howden Burn Valley to Howden Park will be greatly impeded.
- AJEDB018 may not have been identified as a green network in the proposed LDP, but due to its location and existing habitat with its great biodiversity value, it forms an important green network corridor which the contributor thinks very much qualifies to

fall within the definition of a Green Network as per the LDP Green network policy paragraph 1.1.

- It is well-known that fenced-in private gardens make for poor green networks particularly for species such as hedgehogs and badgers. At the moment the site is dominated by mature hedgerows, mature scrub and mature trees.
- The contributor believes development of site AJEDB018 goes against SBC Green Networks policy EP12 point 1.2 which states “The aim of the policy is to promote and support developments that enhance Green Networks. The policy also aims to protect existing Green Networks and avoid where possible their fragmentation”.
- The contributor also objects to the indicative site capacity for site AJEDB018. The contributor realises that it is indicative but strongly believes the 20 houses estimate is greatly exaggerated. The contributor feels that due to the steep topography of the site, the risk of overshadowing and loss of privacy and daylight to the adjacent houses has been underestimated and construction of 20 houses or more on the site would go against point F of Policy PMD5: Infill Developments.
- When standing anywhere on the eastern boundary of the site by the mature hedgerow, the ground level is very close to the 1st floor level of the adjacent Howden Burn Court houses and slopes steeply towards these houses. If houses were built along the eastern boundary of the site- particularly the south-eastern part- they would greatly overshadow the existing houses in Howden Burn Court, blocking most natural light coming from the south and lead to a loss of privacy for these residents. The same would be the case for houses built on the southern boundary of this site.
- The contributor states that AJEDB012 is small but has great physical amenity value for the local community due to its connection to the large field to the east (LDP site RJ30B) which contributes to the landscape and visual amenity for the local area. This is because the site is the only undeveloped site along Howden Drive and as such the only site that provides views of the mature trees, large fields and wild scrub of the wider countryside to anyone driving or walking along the road.
- It is also the only remaining place in the wider Howden area where the countryside still encroaches a busy public place of the built-up area. All other views of the countryside are blocked by houses and can only be enjoyed by the residents living in houses overlooking undeveloped sites.
- Development of AJEDB012 would lead to a loss of sense of place of being in a country town and being connected to the wider countryside for anyone not living directly next to undeveloped sites of the settlement boundary.
- Irrespective of the above, this site is very popular with the local community and is heavily used by walkers and dog walkers to gain access to the field to the east of the site (LDP site RJ30B).
- Should this site be marked for development in the final LDP – it is requested that the provision of a public footpath is included in the site requirements for development of this site.

Modifications sought by those submitting representations:

- The contributors would like the housing allocation AJEDB018 to be removed from the Proposed Local Development Plan. (010, 035 and 936)
- The contributors do not request any changes to the Proposed LDP. The concerns within the submission relate to the implementation of a planning application on RJ30B, not the LDP. (072 and 111)
- The contributor would like RJEDB003 to be allocated for private housing with no social housing element. (020)

- The contributors would like the housing allocation AJEDB012 to be removed from the Proposed Local Development Plan. (936)
- Transport Scotland via the Scottish Government's representation request a proportionate appraisal be undertaken for the development sites of BJEDB001, AJEDB005, RJ14B, RJ7B, RJ2B, AJEDB018 and RJ30B. The appraisal should determine the potential cumulative impact of the development sites on the A68(T)/Oxnam Road junction and identify any required mitigation. Any potential mitigation measures will require to be identified in the plan and Action Programme with information provided on their funding and delivery in accordance with Scottish Planning Policy. (847)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE JEDBURGH SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

- It is noted that NatureScot (983) support the requirements for redevelopment of Howdenburn Primary School (RJEDB003) and Jedburgh Grammar School (RJEDB006) as set out in CD183, page 450.

Housing Allocation AJEDB018 - Land East of Howdenburn Court II (010, 035 and 936)

- Comments noted. This site was identified as part of the Call for Sites at the start of the Local Development Plan process. The site has been through the full site assessment process and is considered acceptable for housing (CD118, page 129) and was included as a preferred option within the Main Issues Report 2018. The site has no insurmountable constraints and is located within the existing Jedburgh Development Boundary.
- The site area of the Land East of Howdenburn Court II (AJEDB018) is 1.2ha and has an indicative site capacity of 20 units, the surrounding land uses are predominantly residential and greenspace. The site is currently an unkempt grassed area of land which is used for informal recreation. There are two undeveloped housing allocations adjoining the site, one to the east (RJ2B) and another to the south of the site (RJ30B) as shown in CD119, page 24. It is considered that this proposed site would be developed in conjunction with these existing allocated housing sites. Vehicular access to the proposed site would be required from one or both of the existing allocations. To the immediate north of the proposed site there is a protected key greenspace at Howden Park (GSJEDB004) which includes a children's play area. The site requirements for AJEDB018 state a pedestrian and cycle link would be required between the Park, AJEDB018 and the housing allocation at Lochend (RJ2B).
- In relation to the comments about biodiversity, the site was assessed to have a low impact on biodiversity by the Council's Ecology Officer. The site requirements for AJEDB018 state that there requires to be an assessment of ecological impacts and provision of mitigation in advance of development of the site.
- Should a planning application be submitted for the development of this site, it is at this point that any proposal will be assessed against the relevant policies within the LDP. This would include 'Policy PMD5 - Infill Development', which will ensure the protection of residential amenity of adjacent properties. It should also be noted that

the site requirements for AJEDB018 require pedestrian and cycle links with Howden Park, Howdenburn Court and Lochend.

- As the site is within the ownership of an active Registered Social Landlord, it is anticipated the site will be developed for affordable housing. Therefore the site capacity of 20 units is considered achievable for a site of this size and similar to the existing affordable housing neighbouring the site. The site is considered as effective and could be developed within the next five years.

Housing Allocation RJ30B – Howden Drive (072 and 111)

- Comments noted. The issues raised by the contributors relate to planning application 18/00006/FUL for the 'erection of 30 No dwellinghouses and 2 No flats'. This application has been approved and developed. The concerns regarding pedestrian links, road safety and construction machinery are not within the remit of the Local Development Plan process and have been passed on to the Council's Planning Enforcement Team.

Redevelopment Opportunity RJEDB003 - Howdenburn Primary School (020)

- This site has been allocated as a result of a new inter-generational campus being built in Jedburgh and therefore the Primary School site is now vacant. The site has been through the full site assessment process and is considered acceptable for redevelopment for a variety of uses which may include residential.
- It should be noted that this site is allocated for redevelopment and therefore may be suitable to a variety of uses not exclusively residential. However, should the site be developed for housing it would go through the planning application process. As part of this process any planning application would be assessed against planning policy. Policy HD1 Affordable Housing Delivery states that the Council will require the provision of a proportion of land for affordable housing, currently set at 25%, both on allocated and windfall sites. This contribution may be made on site, off-site or by the provision of commuted payments.
- It should be noted that the Local Development Plan does not differentiate between mainstream and affordable/social housing when allocating sites.

Housing Allocation AJEDB012 – Howden Drive South (936)

- Comments noted. The site at Howden Drive South (AJEDB012) is a small infill site with a total site area of 0.2ha. The site is within the Jedburgh development boundary and the surrounding land use is predominately residential. It has been formally allocated for housing as part of the Local Plan Amendment 2011. As part of this process, AJEDB012 was subject to a full site assessment, the outcome of the assessment was that the site was considered acceptable for housing development (CD118, page 433).
- As stated within the site requirements, the existing woodland to the south of AJEDB012 will be retained with additional structure planting required to reinforce the settlement edge which will also help maintain the visual amenity of the area.
- It should be noted that there is an approved Planning Brief (CD114) for the adjacent site Howden Drive (RJ30B), the Design Guidance Plan on page 53 of the Planning Brief shows a proposed pedestrian and vehicular link between the two sites (RJ30B and AJEDB012). Therefore it is considered that the addition of the following site

requirement could be added to the site requirements of AJEDB012 by the Reporter and would be considered a non-significant change:

- A pedestrian link should be provided between AJEBD012 and RJ30B.

Transport Infrastructure (847)

- Further to Transport Scotland's advice via the Scottish Government's representation, a TRICS Assessment has been carried out by Stantec to determine the potential cumulative impact of BJEDB001, AJEDB005, RJ14B, RJ7B, RJ2B, AJEDB018 and RJ30B (CD078 pages 6-11). The TRICS assessment concluded that the movements associated with the proposed development of each of these sites is not expected to be significant.
- It is considered that given all the sites referred to other than AJEDB018 are already existing allocations within the LDP it would be wrong to reassess their cumulative impact on the road network at this stage. However certainly it would be appropriate to consider the new proposed allocation and any extra pressures it creates from a cumulative point of view taking account of other sites in the Plan. Given that site AJEDB018 has an indicative site capacity of 20 units any further impacts on the A68(T)/Oxnam Road junction is negligible. No mitigation measures have been identified therefore it is not considered necessary to make any changes to Jedburgh Settlement Profile as contained within the Proposed Plan.

Reporter's conclusions:

Housing Allocation AJEDB018 - Land East of Howdenburn Court II (010, 035 and 936)

1. One representation believes the indicative site capacity of 20 homes to be exaggerated due to the site being steeply sloped. I saw this to be so for the narrow strip of land that forms the south-eastern part of the site, to the east of Howden Park. However, further north (north of Howden Park and east of Howdenburn Drive) the bulk of the site is located on flatter ground. The number of homes will ultimately depend on the design and layout of any development proposal. Those matters would be considered at planning application stage. No compelling evidence suggests the indicative capacity of 20 homes to be unrealistic.

2. Since there is no proposed design before me and no other evidence is submitted, it is impossible to conclude what effects would arise from the site in relation to privacy, daylight, and overshadowing. Those are design matters that could be considered at planning application stage.

3. This site and those adjacent are currently informal green space that could form part of a green network (albeit that no specific designation is made to that effect). The site requirements on proposed plan page 400 recognise the need to protect existing boundary treatments. They also require an assessment of ecology impacts and provision of mitigation, as appropriate. Those matters could be considered at planning application stage.

4. I am content that planning application stage would also be the appropriate point to consider whether a development proposal is consistent with the provisions of proposed plan Policy EP12: Green Networks. That policy is considered separately in Issue 015

(Environmental Promotion and Protection Policies: EP7 to EP17). However, having considered the provisions of that policy and accepting any recommended modifications, I find no justifiable reason to delete this site allocation on grounds of compliance with proposed plan Policy EP12.

5. It is plausible that development of this site would result in more people using local footpaths and routes into and through the adjoining neighbourhood. Although that would represent a change, housing would be a compatible land use. The site requirements on proposed plan page 400 state that development of this site must be thought through in conjunction with the adjoining site RJ2B in terms of design, layout and access. It also states that vehicular access would be taken through sites RJ2B and RJ30B. The detailed elements of these matters could, therefore, be considered as part of the design and subsequently at planning application stage.

6. No compelling evidence suggests that the site should be deallocated on any of the above grounds. No modifications are required.

Housing Allocation RJ30B – Howden Drive (072 and 111)

7. The northern part of site RJ30B has already been built but the east and south remains to be developed. The approved planning brief emphasises ease of access to and through the site for pedestrians, with multiple connections to the adjacent neighbourhood. The suitability of those measures could be considered at planning application stage. No modifications are required.

8. It is not the role of the local development plan to resolve parking issues on existing streets or past construction damage to property. Road safety and the construction process for new development could be considerations at planning application stage. No modifications are required.

Redevelopment Opportunity RJEDB003 - Howdenburn Primary School (020)

9. No parties oppose the allocation of this site for redevelopment, including some residential use. The representation prefers only private housing and opposes the inclusion of any “social housing”. However, I agree with the council that the allocation does not distinguish between tenures. The extent of any affordable housing on site would be considered as part of any planning application, including consideration of proposed plan Policy HD1: Affordable Housing Delivery. No modifications are required. Proposed plan Policy HD1 is considered separately in Issue 013 (Housing Development Policies).

Housing Allocation AJEDB012 – Howden Drive South (936)

10. Site AJEDB012 is already allocated for five homes in the Adopted Local Development Plan (2016). Its continued allocation in the proposed plan does not represent a planning change.

11. The overriding characteristic of the locality is a relatively modern suburban housing estate with gardens and vegetation. Although no specific development proposal is before me, I am content that the proposed plan site requirements and its policies for design would be sufficient to ensure that those facets of character could be maintained. Those would be matters for planning application stage. No parties suggest that any core

path would be disrupted as a result of continuing to allocate this site. No compelling evidence justifies deallocation of the site. No modifications are required.

Transport Infrastructure (847)

12. Following Transport Scotland's objection, the council commissioned a Trip Rate Information Computer System (TRICS) assessment for Jedburgh and other locations where Transport Scotland also objected on similar grounds. Those other locations are covered separately by Issues 040 (Hawick) and 070 (Tweedbank).

13. I invited Transport Scotland to comment on that TRICS analysis, including whether its methodology was satisfactory and what that meant for its original objection. Transport Scotland considers the TRICS analysis to be insufficient and to include errors. However, the council disputes this and the significance of the errors.

14. The council has provided Transport Scotland's views at Main Issues Report stage. Those demonstrate that Transport Scotland was content that the council proposed to roll forward sites in Jedburgh that are already allocated in the Adopted Local Development Plan (2016). In particular, it recognises that the council was not planning for a significant amount of new development besides what is already in the Adopted Local Development Plan (2016). Transport Scotland stated that it had no significant concerns with the spatial strategy options and the potential for any cumulative impact on the strategic road network.

15. Indeed, of the seven sites in Jedburgh that concern Transport Scotland, AJEDB018 represents the only planning change. Therefore, I am content to accept that the principle of allocating the sites in question, except for AJEDB018, has already been established through the Adopted Local Development Plan (2016). Transport Scotland did not contest this in its comments at Main Issues Report stage.

16. The council disputes the criticisms that Transport Scotland makes of the TRICS analysis for Jedburgh. I agree with Transport Scotland that no quantitative data is presented on junction performance with or without development of the sites. However, I must recognise that even in those circumstances, the conclusion is that the cumulative impacts of AJEDB018 and the other sites would be negligible on the trunk road network. In my view, that provides a satisfactory explanation of the cumulative implications of the sites in question from the perspective of national planning policy. No modifications are required.

Reporter's recommendations:

No modifications.

Issue 44	Kelso	
Development plan reference:	Kelso Settlement Profile and Map (BKELS006 – Wooden Linn and zEL206 Extension to Pinnaclehill Industrial Estate, RKE12B – Rosebank 2, RKELS001 – Former Foundry and RKELS002 – Former Kelso High School, and General comment on Kelso Town Centre, Public Transport and Parking) (pages 406-415)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>David Offord (001) Jonathan and Fiona Lloyd-Platt (064) Kelso and District Amenity Society (135) CW Properties (826) 1 of 2 Kelso Community Council (978)</p>		
Provision of the development plan to which the issue relates:	Business and Industrial Allocations BKELS006 – Wooden Linn and zEL206 Extension to Pinnaclehill Industrial Estate, Housing Allocation RKE12B – Rosebank 2, Redevelopment Opportunities RKELS001 – Former Foundry and RKELS002 – Former Kelso High School, and General comment on Kelso Town Centre, Public Transport and Parking	
Planning authority's summary of the representation(s):		
<p><u>David Offord (001)</u></p> <ul style="list-style-type: none"> In relation to business and industrial sites zEL206 and BKELS006, the contributor considers it appalling that the Council have a plan for this specific area when there is plenty of scope for business within the industrial estate. The contributor states that one of the main attractions when the Contributor bought the plot was the lovely view of the landscape. The patients at the Contributor's surgery feel as though this view has a calming effect on them, different to any other dental practice. The contributor also adds that the occupier at the plot next door is an eyesore and thinks the Council should be looking into this further. <p><u>Jonathan and Fiona Lloyd-Platt (064)</u></p> <ul style="list-style-type: none"> In relation to housing allocation RKE12B, the contributors are shocked at the proposal which seems to have been approved in 2016 without any consultation with us, the owners of the only other adjacent property. The Contributors object to the proposal in the strongest terms on a number of grounds. <p><u>Kelso and District Amenity Society (135)</u></p> <ul style="list-style-type: none"> The contributor raises concerns regarding overdevelopment of the town with recent redevelopments being 'underwhelming and uninspired' and certainly do nothing to enhance Kelso's unique appeal. The contributor asks if they can be sure that the 		

town has the capacity to support this considerable expansion – employment opportunities, enough school places, social care needs and medical facilities.

- The character of the old town must be retained, it was suggested some of the streetscape features such as gas lamps and railings, which have been lost over the years could be replaced.
- There is also a need to improve the sewage system in Kelso. It is now more than a decade since it became evident that the present sewage facility is insufficient for the needs of the town. There is nothing in the Proposed Plan, which outlines 700 extra houses, about a new sewage works for Kelso.
- In relation to the former High School (RKELS002), the housing proposals need to be looked at again. It is an important site around a significant listed building and it should not be overcrowded. It should also have adequate parking provided, to avoid the risk of more parking on Bowmont Street which can already be a problem.
- In relation to SKELS005, the contributor states that the drainage will need to be very good to avoid issues from surface water run-off.

CW Properties (826) 1 of 2

- The contributor provides the site context and site history of RKELS001 and its current status within the Local Development Plan. The contributor states that the allocation of the subject site as a redevelopment site is considered to be justified and supported by policies PMD3 and ED5. The contributor considers that it would be advantageous to review the subject site and wider lands and to be allocated as a form of commercial centre. The proposed PMD3 policy outlines the commercial centre and retail cluster concept as one of the key criteria but the contributor is unaware if the LDP2 has actually identified such areas and thus merits further consideration prior to adoption.
- The contributor supports the ‘redevelopment’ allocation RKELS001 and considers that this site and surrounding area should be afforded a commercial centre/retail cluster status and that then relates to guidance contained in the preamble and within Policy ED3.
- It should be noted the contributor makes further comment and analysis of the housing land supply in the Scottish Borders however this is addressed as part of Unresolved Issue 6.

Kelso Community Council (978)

- The Contributor states Kelso is a vibrant town with many independent shops, accommodation providers, hospitality venues, race course, Floors Castle and the Borders Events Centre and is heavily dependent on tourists and other visitors. Unlike almost all other Borders towns, it is not on a trunk road and the roads are poor. This alone would argue strongly for the early reinstatement of the railway. Railway travel has been increasing and is projected to continue to do so as decarbonisation initiatives move forward. Having the line in operation again would considerably reduce the use of other means of transport, both for tourists and particularly, for mass attendance events. We also feel that these improvements to connectivity are essential in achieving the objectives of the Borderlands Growth Deal. As well as the line itself, land needs to be identified for a station with parking and good links to the town centre. This would require the town service being altered to take into account of the station.

- It is clear that there will be a significant increase in housing in Kelso both in the short term and long term. Most of these sites are on the outskirts of town so we would be interested in how they would link to the town centre and if there would be a bus connection. A recent hot topic has been children's play parks and green spaces. What will be the council's requirements on developers and who will be responsible for maintenance?
- The contributor states that town centre parking has been an issue in Kelso for many years there has been no additional parking since the early 1980s and the town has grown significantly since then with further development identified. The contributor suggests RKELS001 as a site for lorries and buses to park which would free up parking in the town centre car parks that coaches currently use and also take the load off the roads within the industrial estates. The contributor also makes comments on the lack of car park signage and their desire for a touring caravan site within Kelso.
- Kelso waste water treatment works have been insufficient for a number of years now with waste now being transferred into tankers and taken away for treatment at another site out of town. The council must find out from Scottish Water what their plans are going forward whether that's to expand the site, create another site or to continue to increase the frequency of tankers coming and going. If it's the latter improvements need to be made to reduce the impact on nearby residents and a suitable route in and out of the town need to be agreed. Within the plans for new development there is no evidence to address this issue.

Modifications sought by those submitting representations:

- The contributor seeks the removal of business and industrial sites zEL206 and BKELS006 from the Proposed Plan. (001)
- The contributors seek the removal of housing allocation RKE12B from the Proposed Plan. (064)
- The contributor would like to see a new sewage works to accommodate proposed development within Kelso. The contributor would also like the proposals for redevelopment opportunity RKELS002 to be reviewed. (135)
- The contributor seeks the allocation of RKELS001 and the surrounding area as a commercial centre. (826 - 1 of 2)
- The contributor would like the following site requirements to be added to redevelopment opportunity RKELS001:
 - The site is considered acceptable for redevelopment for a mix of uses including: residential, commercial and retail subject to complying to all other related policies.
 - The site falls within a commercial centre/retail cluster and thus such uses may be deemed appropriate subject to it meeting criteria outlined within Policy ED3. (826 - 1 of 2)
- The contributor would like the former railway line to be reinstated and a new station within the town. (978)
- The contributor would like more car parking in the town centre and RKELS001 to be used for parking for buses and lorries. The contributor would like the issue of waste water to be addressed as part of the proposed developments. (978)

Summary of responses (including reasons) by planning authority:

THE MINOR AMENDMENTS TO THE CHANGING CONTEXT PARAGRAPH OF THE KELSO SETTLEMENT PROFILE ARE CONSIDERED NON-SIGNIFICANT CHANGES ACCEPTABLE TO THE COUNCIL.

NO OTHER CHANGE TO THE KELSO SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

- It is noted that Roxburghe Estates (813 – 2 of 5) support the continued allocation of housing sites Nethershot – Phase 1 (AKELS021) and Nethershot – Longer Term (SKELS004) within the Local Development Plan (CD183, page 80).

Business and Industrial Allocations BKELS006 – Wooden Linn II and zEL206 Extension to Pinnaclehill Industrial Estate (001)

- The business and industrial site at Wooden Linn II (BKELS006) has been through the full site assessment process and is considered acceptable for development for business and industrial use (CD118, page 132). This site adjoins the existing Kelso development boundary and is a logical extension to the existing Industrial Estate at Pinnaclehill, which is adjacent to this proposed allocation (CD119, page 25). The existing Industrial Estate is active and there has been recent take up of various plots within the allocated site zEL206 with much of the site now having planning consent.
- The allocated site zEL206 is a long standing business and industrial allocation which was initially allocated in the Scottish Borders adopted Local Plan 2008. The site has been popular with local businesses with the majority of the site having planning consent with a significant proportion of the plots either complete or under construction.
- It should be noted that BKELS006 is split into two areas with Part A being identified as a high amenity business site (Use Class 4) and Part B being allocated for business and industrial use (Use Classes 4, 5 and 6) as identified within Policy ED1. This site was identified through the Main Issues Report consultation process due to a need to find additional business and industrial land within the Central Borders (CD008, page 27 – question 4).
- Within the Proposed Plan, a site requirement for BKELS006 states that consideration must be given to landscaping of the site to help make the transition between open countryside and the new development. This will help create a setting for the site and establish a new development boundary. When preparing LDPs there are invariably a number of conflicting issues which need to be weighed up against one another. There was considered to be a major requirement for new industrial/ business land within Kelso which would meet market demands and help create jobs and have consequent economic benefits to the town generally. The extension to the existing Pinnaclehill Industrial Estate seemed a logical location and no insurmountable constraints were identified from feedback from internal consultees. Whilst the comments of the respondent are noted, it is considered the wider benefits for the new allocations should take precedence.
- The contributor also makes reference in their submission to the plot adjacent to their business which they consider to be unsightly and would like this to be addressed by the Council. It should be noted that this matter is outwith the scope of the Local

Development Plan and the matter has been passed to the Council's Planning Enforcement Officer.

Housing Allocation RKE12B – Rosebank 2 (064)

- This site was allocated for housing in the Roxburgh Local Plan 1995 and has been carried forward into each subsequent plan including the adopted Local Development Plan 2016.
- At the start of the Local Development Plan process a review of existing allocations was undertaken to assess if any sites should be removed from the plan due to site constraints, change in ownership or due to the site being ineffective. This site is owned by a local developer who provided a response stating they hope to bring the site forward for development in the next five years (CD155).
- The site has been subject to one planning application for the erection of superstore with associated access, parking, servicing and landscaping (97/00500/OUT) which was approved but never implemented and has since lapsed.
- The Contributors state they were never made aware of the housing allocation - Rosebank 2. Neighbour notifications were sent as part of the Local Development Plan 2016 and in relation to the Proposed Local Development Plan 2020. There is a statutory requirement for the Council to send neighbour notifications in relation to each site identified within the Plan to all owners/occupiers/lessees within 20 metres of the site boundary. In addition to the neighbour notification letters, there has been extensive public consultation relating to the existing Local Development Plan and the Proposed Local Development Plan. The most recent consultation process is detailed within Appendix 4 (page 213). It is noted that the respondents moved into their property in 2014. It is normal practice for steps to be taken by property purchasers to check potential land use allocations in the vicinity of their property in order to ascertain potential developments around them in the future. The adopted Local Plan at that time would have confirmed this long standing allocation.
- As previously mentioned, the site is owned by an active, local developer who has confirmed the site is effective. Therefore the site should remain allocated for housing within the Local Development Plan.

Character of the town (135)

- Local Development Plan policies in terms of the built heritage and Conservation Areas seek to ensure any new development is appropriate, retains the character of the townscape and existing street furniture is retained wherever possible. These matters are addressed on a case by case basis as part of the development management process.

Over development of the town (135)

- Comments noted. In relation to the contributors concerns regarding overdevelopment of the town and whether the town has the capacity to support the proposed expansion, as part of the site identification and assessment process the Council consults with various internal and external consultees. These include the Council's Education Department, Roads Department, the NHS, SEPA and Scottish Water. Sites are only included within the Plan in agreement with these stakeholders to ensure the necessary infrastructure, facilities and services are available or will be available to support any future development. No insurmountable constraints have

been identified so it is considered that Kelso can support the proposed level of development identified in the Proposed Plan.

Wastewater Infrastructure - Kelso (135 and 978)

- In relation to concerns about the wastewater infrastructure in Kelso, Scottish Water are consulted throughout the LDP process and submit site specific comments as part of the consultation process. Scottish Water submitted a consultation response to both the Main Issues Report and the Proposed Plan where no insurmountable issues were raised regarding wastewater capacity in Kelso. However it should be noted that Scottish Water will be consulted again at the planning application stage when the management of waste water will be considered as part of the site design.
- Comments noted in relation to the potential longer term housing site at Hendersyde (SKELS005), specific details such as water management within the site will be dealt with by the proposed planning brief or at the planning application state. Regarding the old Kelso High School site (RKELS002), the site has planning approval and a building warrant has been issued for part of the site with demolition having commenced. Any concerns relating to the application should be discussed with the Development Management Team.

Redevelopment Opportunity RKELS001 – Former Foundry (826 - 1 of 2) and (978)

- Comment and support noted. RKELS001 was originally identified as a redevelopment opportunity in the Finalised Local Plan Amendment 2009 and has been carried forward into each subsequent Plan. The site was previously a foundry and there are issues with contamination relating to the historical use of the site. (826 - 1 of 2)
- The current designation of RKELS001 would allow a wide variety of uses on the site, with any new proposals being assessed against Policies PMD3 – Land Use Allocations and PMD5 – Regeneration. The broad scope of the redevelopment opportunities identified within the Plan is to encourage brownfield sites to be brought back into use. (826 - 1 of 2)
- The contributor makes reference to the surrounding area adjoining RKELS001, to the north-east, which is not formally allocated within the Proposed Plan. This area includes a mix of business and industrial uses including tyre fitters, vehicle part supplies and a fabrication yard. These are uses more related to a business and industrial allocation than a commercial or retail site. (826 - 1 of 2)
- Regarding the Contributor's comments that the site and surrounding area should be allocated as a commercial centre and the Contributor asks if such sites are allocated within the LDP. Kelso has a long established town centre with relevant policies in place to ensure its vitality and viability is not compromised. Any retail development outwith the town centre would be subject to a sequential test to confirm any impacts it may have on the town centre. This would be dealt with at the planning application stage. The LDP process would not require nor deem it necessary to consider the allocation of any specific new commercial site within the town. (826 - 1 of 2)
- The Proposed Plan identifies both redevelopment opportunities and mixed use sites, many of which are suitable for a range of uses including commercial development and allows each proposal to be assessed on a case by case basis. Consequently it is not considered necessary to change the allocation of the site from a redevelopment opportunity. (826 - 1 of 2)

- In relation to the use of RKELS001 for a bus/lorry park, it is thought that the site has recently changed ownership and is not controlled by the Council. Therefore the use of the site is up to the private landowner subject to any necessary consents. If there is an identified need/ demand for use a facility it is suggested the Contributor contacts the Council's Network Manager to discuss this further. The site is identified for redevelopment purposes in the LDP and as suggested an indicative site capacity of 12 houses as residential use would a preferred option. Any planning application for a bus/lorry park would need to address this. (978)

Public Transport (978)

- Comments noted. Within the site requirements for each of the housing allocations, references are made to pedestrian/cycle links to the town centre/local schools. Public transport services will be investigated once any development is completed and demand for such a service has been assessed.
- It is considered appropriate to add the following sentence to the Changing Context Paragraph within the Kelso Settlement Profile:
 - *'The Borders Transport Corridor Study featured 21 potential transport options for the Scottish Borders. These options will be considered by the Council including the potential reinstatement of the former railway line from St Boswells to Berwickshire via Kelso'.*

Play Area Provision (978)

- The Council seeks developer contributions towards play areas as stated within Policy IS2, criteria d). Details regarding the management and maintenance of such facilities is addressed as part of the planning application process and regularly involves the requirement for developer contributions to ensure implementation and maintenance of this.

Car Parking and Signage (978)

- Regarding parking issues within the town, the Local Development Plan does not allocate sites for car parking. This issue has been discussed previously and it was considered by the Roads Network team that Kelso had sufficient parking within the town centre. However it was agreed this issue would be monitored by the Roads Network Team and reviewed. The process involved would be to identify the need for more parking, finding an appropriate site and setting aside finance for implementation. This would be done outwith the LDP process. It is proposed that the following text is added to the Kelso Settlement Profile as a fourth paragraph under the 'Changing Context' section to read:
 - There is local interest in providing further parking within the Town Centre. This issue has been discussed previously and it was considered by the Roads Network team that Kelso had sufficient parking within the town centre. However it was agreed this issue would be monitored by the Roads Network Team and reviewed. The process involved would be to identify the need for more parking, finding an appropriate site and setting aside finance for implementation. This would be done outwith the LDP process.

- In relation to the comments regarding the lack of car parking signage, this does not fall within the remit of the Local Development Plan and the Contributor should contact the Council's Road Safety Team to discuss this further.

Touring Caravan Site (978)

- Regarding the desire for a touring caravan site within Kelso, the Local Development Plan does not formally allocate sites for such use. However there are relevant policies in place within the LDP which list criteria tests which any relevant planning application must address.

Reporter's conclusions:

Business and Industrial Allocations BKELS006 – Wooden Linn II and zEL206 Extension to Pinnaclehill Industrial Estate (001)

1. Site zEL206 is already allocated for business and industrial uses in the Adopted Local Development Plan (2016). Therefore, its continued allocation and build out does not represent a planning change. I saw that the access roads are in place and many plots have been developed.
2. No evidence counters the council's findings at Main Issues Report stage; that it was necessary to find additional business and industrial land in this area. The southern part of Kelso, including site zEL205, is characterised by business and industrial activity. Therefore, I agree with the council that both BKELS006 and zEL206 represent logical extensions to the existing Pinnaclehill Industrial Estate and continue to concentrate such uses in that part of the settlement.
3. The site requirements for allocations BKEL006 and zEL206 describe the need for structure planting/ landscaping. For BKELS006 there are also requirements for boundary treatments on the south side to integrate with open countryside and the retention and reinforcement of existing hedgerows and woodlands. I saw that the site edge along the B6352 road already contains woodland, hedgerows and other vegetation. These measures could contribute to screening views from the approaches to Kelso. Whilst this may not make development in these locations invisible, it would contribute to limiting their respective visual and/or landscape impacts. Therefore, I find no reason to deallocate either site. No modifications are required.
4. The representation also refers to alleged activity that could be a breach of planning control. That is not a matter for this examination; instead, it would be for the council's enforcement services to consider. No modifications are required.

Housing Allocation RKE12B – Rosebank 2 (064)

5. This site has been allocated for housing over successive local plans since 1995, and most recently in the Adopted Local Development Plan (2016). Its continued allocation in the proposed plan is therefore not a planning change.
6. I note that the council has reviewed all existing allocations and concluded that this site could be developed. When a site has been in successive development plans there can be a tendency to believe it will never be developed. However, in rural areas sites

can often lay dormant despite being considered to be effective. In Issue 006: Chapter 6 Planning for Housing and Appendix 2 Meeting the Housing Land Requirement, consideration is given to macro-economic factors that have affected all sites and may have had a suppressive effect on development overall.

7. The council advises that the site owner is an active developer. The 2019, 2020 and 2021 Housing Land Audits consider the site to be effective and to be likely to deliver homes during the plan period. No party appears to dispute that. No evidence convinces me differently and I find no fundamental constraints that would suggest it could not be developed. This does not suggest a reason for the site to be deallocated.

8. The representation states that objection to the site is on a number of grounds but does not specify what any of those grounds are. The representation is particularly concerned that no neighbour notification was carried out, although it appears to reference the 2016 plan rather than the proposed plan. The council disputes this assertion, arguing that all properties within 20 metres of such sites were neighbour-notified for the proposed plan. Either way, the respective party was able to make representations and have them considered here. It is not my role to consider what may or may not have happened for the Adopted Local Development Plan (2016). Only the proposed plan 2020 is being examined. On the evidence above, I find no reason to remove this allocated site from the proposed plan. No modifications are required.

Character of the town (135)

9. Specific policies in the proposed plan (policies PMD1 to PMD5) consider design and related matters. Environmental protection policies protect built heritage, amongst other things. Detailed matters relating to those policies are covered separately in Issue 009: Placemaking and Design Policies and Issue 015: Environmental Promotion and Protection Policies EP7 to EP17. Accepting any of the recommendations associated with those issues, I am content that those policies form a satisfactory basis upon which to consider development proposals at planning application stage. No modifications are required.

Over-development of the town (135)

and

Wastewater Infrastructure - Kelso (135 and 978)

10. The council references its consultation with various organisations in considering the scale and extent of growth in settlements, including with several public bodies. Some of those public bodies are infrastructure or service providers/operators. None have objected to the scale or location of growth in Kelso. The evidence suggests that infrastructure capacity (including wastewater) in Kelso could either accept this scale of development proposed or could be satisfactorily upgraded to accommodate it. The specific method of treatment or transferring waste is a matter for Scottish Water. The council is correct that such matters could also be considered at planning application stage. No modifications are required.

11. The site requirements for allocations RKELS002 and SKELS005 each cover matters relating to water management. Planning permission has been granted for the redevelopment of site RKELS002 and I saw equipment and materials on site during my site visit. No modifications are required.

12. In the case of RKELS002, Scottish Environment Protection Agency (SEPA) has asked for modifications to the site requirements text. That is considered separately in Issue 074: Response to submissions made by SEPA.

Redevelopment Opportunity RKELS001 – Former Foundry (826 - 1 of 2) and (978)

13. Site RKELS001 is presently allocated in the Adopted Local Development Plan (2016) for 12 homes. Its continued allocation in the proposed plan for that same purpose does not represent a planning change. No parties appear to dispute the allocation of this brownfield site within the settlement, but two representations seek different uses, one a commercial centre and the other a bus/lorry park.

14. Issue 006: Chapter 6: planning for Housing and Appendix 2: Meeting the Housing Land Requirement concludes that there is more than sufficient housing land and no need to allocate additional housing land besides what is already contained in the proposed plan. However, that does not form a justifiable basis to allocate the site for alternative uses. Instead, it explains that if this site were to be allocated for non-residential uses, it would not compromise delivery of the recommended local housing land requirement in Issue 006.

15. Allocating site RKELS001 as a commercial centre with business and retail uses, as sought in representations, would establish an in-principle acceptance of such uses in a non-town centre location. Doing as the representation seeks has a strong potential to conflict with the town-centres-first approach of the proposed plan and national planning policy. Town centres are covered separately in Issue 007: Chapter 7 Supporting Our Town Centres and Issue 010: Economic Development Policies. The proposed plan already allocates site BKELS006 for business/industrial uses and focuses town centre uses in Kelso town centre.

16. I have not been made aware of any proposals for a bus/lorry park on the site, as sought in the other representation. It is unclear whether the bus park would be for visiting coaches or as a form of bus maintenance and storage akin to a bus depot. It is also unclear if a lorry park would be an overnight or service station type facility or a logistics hub. The surrounding area is partly light industrial and commercial in character. However, no compelling evidence identifies the need for such facilities at this site and the council has allocated additional business and industrial land at site BKELS006.

17. Specific proposals would be the subject of the development management process at planning application stage. Based on my above considerations, no compelling evidence justifies reallocating site RKELS001 for non-residential uses. No modifications are required.

Public Transport (978)

18. The council states that the site requirements for each of the housing allocations references pedestrian/cycle links to the town centre/local schools. However, that is not quite correct. Pedestrian and cycle links are mentioned only for site AKELS026. Only pedestrian links are mentioned for sites RKE12B and AKELS021. No mention of either is made in the site requirements for AKELS025. All other housing allocations reference approved planning briefs, which have not been submitted.

19. However, I note that proposed plan Policy PMD2: Quality Standards point r) under the accessibility heading, requires new development to link with adjoining built up areas and path networks and the provision of new path and cycleways. Therefore, the absence of/limited coverage of these matters in site requirements does not imply that such measures would not be expected from planning proposals on these sites.

20. The representation supports the reinstatement of rail services and infrastructure to Kelso. Such matters are also covered in Issue 002: Chapter 2 The Changing Context and Meeting the Challenges for the Scottish Borders. My understanding is that the council is not the delivery body for rail infrastructure/service and that the appropriate technical work has yet to be completed. However, I find no reason to omit the council's proposed additional wording for the Kelso settlement profile since it could offer some clarity to those who support this measure. A modification to this effect is set out below.

Play Area Provision (978)

21. Play area provision would be sought from new housing development under proposed plan Policy IS2: Developer Contributions criterion d). This matter is most appropriately considered at planning application stage. No modifications are required.

Car Parking and Signage (978)

22. Car parking and signage are matters for the council as the roads authority. Parking standards in new development are considered separately in Issue 017: Appendix 3 Planning Guidance and Standards. No modifications are required to the Kelso settlement profile on this matter.

Touring Caravan Site (978)

23. Although the council has not allocated sites specifically for this purpose, the proposed plan does set out policy tests for such development in Policy ED8: Caravan and Camping Sites. Policy ED8 is considered separately at Issue 010 and caravan and camping sites are also considered separately in Issue 076: General and Miscellaneous. No modifications are required.

Reporter's recommendations:

Modify the local development plan by:

1. adding the following new fourth paragraph at the end of the 'Changing Context' section of the Kelso Settlement Profile on page 407:

"There is local interest in providing further parking within the Town Centre. This issue has been discussed previously and it was considered by the Roads Network team that Kelso had sufficient parking within the town centre. However, it was agreed this issue would be monitored by the Roads Network Team and reviewed. The process involved would be to identify the need for more parking, finding an appropriate site and setting aside finance for implementation. This would be done outwith the LDP process."

Issue 45	Lamancha	
Development plan reference:	Landward – Lamancha (ALAMA001 – Grange Courtyard and MLAMA001 – Lamancha Mixed Use)	Reporter: Philip Barton
Body or person(s) submitting a representation raising the issue (including reference number):		
Cameron Rose (513)		
Provision of the development plan to which the issue relates:	Housing Site ALAMA001 – Grange Courtyard and Mixed Use Site MLAMA001 – Lamancha Mixed Use	
Planning authority's summary of the representation(s):		
<ul style="list-style-type: none"> • The Contributor objects to the non-inclusion of Housing site ALAMA001 – Grange Courtyard and Mixed Use site MLAMA001 – Lamancha Mixed Use. The Contributor reiterates the reasoning set out in the site assessments for the exclusion of both sites. • The Contributor states that Lamancha is supported by other long established hamlets including Macbiehill, Whim and Madrissa which have also seen incremental growth in the last 50 years. The Contributor states that even if Lamancha is not accepted as a 'settlement' in terms of the criteria adopted by the planning authority, it appears to have been so, or become so, in recent times. Even if not currently regarded as a 'settlement', it is argued this location is a suitable location for further development to take place. • The Contributor also comments in response to the sites "... <i>limited access to public transport and services. ...</i>" stating that Lamancha is well served by West Linton, Peebles and its proximity to Penicuik and Edinburgh. Indeed, with the capital city so close, it is better served for access to employment, services and cultural activities than most other SBC locations. The Contributor also makes reference to bus services that are available to a number of towns and Edinburgh. • The Contributor also comments in response to the sites "...<i>there is limited access to employment</i>", stating that Lamancha is indeed a rural settlement however, the assertion conceals better access than many SBC locations. They state that Lamancha provides excellent access to the main employment centre within the region, namely the capital city, only 15 miles away, a wide variety of employment opportunities are also available in the Midlothian Local Authority area. There are also numerous other local employers in the vicinity. The Contributor states that there has been considerable growth in local business opportunities as well as demand for business premises in the immediate area underlining the opportunity to support further the settlement of Lamancha in this rural community. Taken together, local opportunities for employment, combined with the proximity to major regional employment opportunities, indicate there is good access to employment. • In respect to the potential Housing site, the Contributor notes the presence of the Community Hub that is located close to the site, the availability of digital connectivity 		

and mobile reception, and that there is a primary school that is currently operating below capacity.

- Also in respect to the potential Housing site, the Contributor notes reference to Policy HD2 Housing in the Countryside within the site assessment undertaken for the site and refers to the section on Building Groups stating that it is not clear precisely how that desire will be reflected in LDP2. The Contributor also notes that the site can contribute to meeting the housing land shortfall and provides a flexible and sustainable response to the developing needs of the growing community.
- In respect to the potential Mixed Use site, the Contributor notes that Roads Planning state that they indicate that they can support for the site, “or at least the south west portion of it” being zoned for some form of business and/or industrial use. However the Contributor raises two concerns regarding the potential additional access point raised and that the site could come forward for business units or housing or both.

Modifications sought by those submitting representations:

- Seeks the allocation of sites ALAMA001 – Grange Courtyard, and MLAMA001 – Lamancha Mixed Use. (513)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE PROPOSED LOCAL DEVELOPMENT PLAN AS IT RELATES TO LAMANACHA (LANDWARD).

REASONS:

- After assessment (refer to CD118, pages 234 to 236, Site Assessment), the inclusion of site ALAMA001 within the Plan is seen as Doubtful. Site specific reasons for the non-inclusion of site ALAMA001 from the Proposed Plan are that Lamancha is not recognised as a settlement within the Local Development Plan, has limited access to public transport and services, as well as limited access to employment. There is however, potential for the site to be considered through the Planning Application process under the development in the countryside policies.
- In respect to site MLAMA001, after assessment (refer to CD118, pages 237 to 239, Site Assessment), the inclusion of this site within the Plan is seen as Unacceptable. Site specific reasons for the non-inclusion of the site include the fact that Lamancha is not recognised as a settlement within the Local Development Plan, the Roads Planning section are unable to support the full extent of the site for mixed use however, they may be able to support a reduced site for business and industrial use. There is however, potential for the site to be considered through the Planning Application process under the development in the countryside policies.
- It is noted that Lamancha is not defined as a settlement within the Proposed Local Development Plan and has no defined Development Boundary. Furthermore it is noted that Lamancha has very limited facilities itself, and looks towards the settlements of West Linton and Peebles for the provision of services. This is a disadvantage of allocating sites in such rural locations.
- Development Boundaries are a tool to focus development within a strictly defined area. They are most effective in dealing with larger settlements and with areas subject to growth pressures. However, in rural areas the perceived advantage of a Development Boundary is less clear cut. Within the Proposed Local Development Plan there are existing policies which seek to accommodate appropriate

development within the countryside, including ED7 Business, Tourism and Leisure Development in the Countryside and HD2 Housing in the Countryside. It is contended the application of these policies is the best method to control development across the region for rural building groups such as Lamancha as opposed to setting a precedent for them to become formal settlements within the LDP.

- Consideration of Lamancha as a settlement could be assessed as part of a future Local Development Plan, although at this stage it is not considered there are any reasons tabled which could allow the land to be elevated to have settlement status for incorporation into the LDP. Any assessment would need to look at the most appropriate manner in which to support/promote future growth, and availability of existing facilities that would sustain employment, education or other resident needs.
- It is noted that paragraph 78 of Circular 6/2013: Development Planning (CD059) states that: *“The Proposed Plan should address the spatial implications of economic, social and environmental change, be clear about the scale of that anticipated change and in particular identify opportunities for development and set out the authority’s policies for the development and use of land.”* However, in the case of Lamancha which is located outwith a strategic development area, it is considered that there is little prospect for significant change or growth at this location. Nevertheless, should the Contributor wish to submit a planning application for development on either ALAMA001 – Grange Courtyard or MLAMA001 – Lamancha Mixed Use, the proposal can be considered through the Planning Application process by Development Management.
- In respect to housing land, it is considered that the Proposed Local Development Plan already allows for a generous supply as required by Scottish Planning Policy (SPP) 2014 (CD041, paragraph 110). In addition, it is not considered that an allocation for housing or mixed use at Lamancha would have a material impact on the housing land supply figures because they are relatively small and have limited capacity.
- It is noted that Lamancha is located outwith any Strategic Development Area set out by the SESplan Strategic Development Plan (SDP) (CD011, refer to pages 7 to 20). Appendix 2 contained within the Proposed Plan outlines that the Housing Land Requirement figures are taken from the Proposed SESPlan SDP (CD005, refer to pages 44 to 50) and Housing Background Paper (2016) (CD006, refer to pages 4 to 6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit (HLA) (2019) (CD071, refer to the Introduction, pages 14 to 16) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Issue 6. It is also acknowledged that housing land requirements will be set out at a national level through the forthcoming National Planning Framework.
- As a result it is not considered that there is any requirement for additional housing sites at Lamancha as more appropriate sites are available within the Housing Market Area and wider Scottish Borders.
- It is therefore contended that sites ALAMA001 and MLAMA001 are not appropriate and should not be allocated within the Local Development Plan.

Reporter's conclusions:Settlement/Resettlement

1. National Planning Framework 4 (NPF4) became a part of the statutory development plan on 13 February 2023. The intent of NPF4 Policy 17: Rural homes is “to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations”. One of its policy outcomes is that “homes are provided that support sustainable rural communities and are linked with service provision” and criterion d) i. states that proposals for new homes that support the resettlement of previously inhabited areas will be supported if the proposal “is in an area identified in the [local development plan] as suitable for resettlement”. NPF4 Policy 29: Rural Development includes a similar clause.

2. Given the novelty of NPF4, I issued a further information request, seeking views about its relevance to the subject matter of the representation. I have taken the responses into account in my examination of this issue.

3. It appears from the representations and the council's response that piecemeal residential development has taken place in Lamancha over the past 50 years in response to market forces rather than as a result of a planned approach to resettlement. Nevertheless, NPF4 Policy 17 states that local development plans “should be informed by an understanding of population change over time, locally specific needs and market circumstances in rural...areas”. Most of the dwellings in Lamancha are clustered around the former primary school, which is now used as a ‘community hub’. This is one feature that could be taken into account were Lamancha to be identified as a candidate settlement in a future iteration of the local development plan.

4. There is also an employment site (Wm W M Rose and Sons) close to the housing, which appears to either sell or lease agricultural, construction and industrial plant and machinery. The representation lists eight other employers located relatively nearby. This is another consideration that may lead to Lamancha becoming a candidate settlement.

5. As far as public transport links are concerned, according to the representation the closest bus stop is about three miles away. Lamancha could not, therefore, accurately be described as well-connected to public transport. Nevertheless, NPF4 Policy 17b) refers to “the transport needs of the [residential] development as appropriate for the rural location”. No further explanation is provided in relation to what level of public transport provision would be appropriate in such circumstances, but it is perhaps inevitable that rural communities would need to rely more heavily upon the use of a private car than would town and city dwellers.

6. So, it is not beyond the realms of possibility that Lamancha could be identified as a settlement in the future. As far as the applicability of NPF4 Policies 17d) and 29d) are concerned, however, Lamancha is not allocated in the local development plan spatial strategy for resettlement and NPF4 Policies 17 and 29 both state unambiguously that “previously inhabited areas that are suitable for resettlement should be identified in the spatial strategy” (pages 65 and 86). It is also doubtful that Lamancha could accurately be described as ‘previously inhabited’. In my view, this term suggests that a period of abandonment (either partial or complete) would be necessary to qualify an area for resettlement by means of a local development plan allocation. In the case of Lamancha,

the opposite appears to be true because, according to the representation, it has been slowly and steadily growing in population for some 50 years or so.

7. I agree with the council that, given its relative isolation from the public transport network and reliance upon commuting by private car to work in Edinburgh, Peebles, Penicuik and West Linton (particularly if residential development were to increase significantly), Lamancha does not currently meet all of the criteria for identification as a settlement.

8. However, given the existence of a thriving community hub, spare capacity at Newlands Primary School, some local employment, steady residential growth and good digital connectivity, in the context of NPF4 it may well qualify as a rural settlement within the period of the proposed plan. Nevertheless, the question of whether Lamancha should be identified as a settlement is more appropriately a matter for the next iteration of the local development plan to consider, in consultation with local people and businesses. No modifications are necessary.

ALAMA001 and MLAMA001

9. Irrespective of any merits or otherwise of promoted sites ALAMA001 and MLAMA001, Issue 006 (Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement) concludes that there is no need to allocate any additional land for housing besides what is already contained in the proposed plan. No modifications are necessary.

Reporter's recommendations:

No modifications.

Issue 46	Lanton	
Development plan reference:	Lanton Settlement Profile and Map (ALANT003 – Land adjacent to The Loan) (pages 416-417)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
Lothian Estates (661)		
Provision of the development plan to which the issue relates:	Housing Site ALANT003 – Land adjacent to The Loan	
Planning authority's summary of the representation(s):		
<ul style="list-style-type: none"> The contributor states that this area has previously been promoted as suitable for additional housing allocation. The contributor requests that this area is once again considered for inclusion for small scale development of six units with good access. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> The contributor seeks the allocation of ALANT003 for housing within the Proposed Local Development Plan. 		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE LANTON SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS:</p> <ul style="list-style-type: none"> This site is located on the eastern side of the village and is separated from the village predominately by landscaping on perimeter gardens (CD119, page 27). A similar site at this location was submitted at the initial Call for Sites stage of the Local Development and was assessed as unacceptable and was not taken forward into the Main Issues Report 2018. ALANT003 has been through the site assessment process and has been assessed as a potential housing allocation (CD118, page 135). The outcome of the site assessment was that the site is 'Unacceptable'. The Roads Planning Team did not support the allocation of this site, the Team stated that the infrastructure within Lanton is very limited and is not ideally suited to supporting further development. In addition, the single point of access to this backland site is fairly remote from the settlement; therefore any new development would not properly integrate with the existing development in terms of street connectivity. In addition to there are also issues with the wastewater capacity within Lanton and a growth project would be required to increase capacity to allow this development. The current timescale for growth projects within the Scottish Borders is 5-7 years. 		

- The Proposed Local Development Plan states that development in Lanton beyond the plan period should be kept to a minimum and be limited to small scale infill. It is considered that development at the location proposed would not integrate well with the character and setting of the village.
- Lanton is located outwith any Strategic Development Area set out by the SESplan Strategic Development Plan (SDP) (CD001, pages 7-20). Appendix 2 contained within the Proposed Plan outlines that the Housing Land Requirement figures are taken from the Proposed SESplan SDP (CD005, pages 44-50) and Housing Background Paper 2016 (CD006, pages 4-6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit 2019 (CD071 (Introduction), pages 14-16) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Unresolved Issue 6. It is also acknowledged that housing land requirements will be set out at a national level through the forthcoming National Planning Framework.
- In conclusion, it is not considered necessary to amend the Lanton settlement profile and map to include the housing proposal ALANT003 submitted by the Contributor.

Reporter's conclusions:

1. No sites are allocated for housing in Lanton in the proposed plan. Despite the council's assertions to the contrary, Lanton appears to be within the Central Strategic Development Area as shown on the map in Chapter 4. Irrespective, it has a limited range of facilities. If I did as the representation wishes I would be asking the proposed plan to allocate land with a strong likelihood of requiring its occupants to travel by car to reach most work, services and facilities. On my site inspection I also saw the infrastructure and access factors that concern the council. I therefore find as the council does.

2. Irrespective of the merits or otherwise of this promoted site, Issue 006 (Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement) conclude that there is no need to allocate any additional land for housing besides what is already contained in the proposed plan. There is also no justifiable need for further long-term sites. No modifications are necessary.

Reporter's recommendations:

No modifications.

Issue 47	Lauder	
Development plan reference:	Lauder Settlement Profile and Map (RLAUD002 – Burnmill) (pages 418-421)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
Denise Peddie (490) Sheri Van Decar (574)		
Provision of the development plan to which the issue relates:	Redevelopment Allocation RLAUD002 – Burnmill	
Planning authority’s summary of the representation(s):		
<p><u>Denise Peddie (490)</u></p> <ul style="list-style-type: none"> The Contributor objects to the allocation of Redevelopment site RLAUD002 as it will result in the loss of wildlife habitat and therefore wildlife, loss of countryside outlook and loss of privacy. <p><u>Sheri Van Decar (574)</u></p> <ul style="list-style-type: none"> The Contributor objects to the allocation of Redevelopment site RLAUD002. They state that one of the reasons they purchased their property was because the view does not include houses, they continue by stating that they were lead to believe that due to the contamination onsite no development would take place. The Contributor states that they do not think that building houses will have any benefit to biodiversity. Development at this location will result in a lot of disruption. More people have been using the Southern Upland Way walks since the first lockdown, so people are getting out and enjoying nature. The Contributor states that they object to more green spaces being eaten up and do not want the town to turn into another giant housing estate. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> Removal of the site from the Plan. (490, 574) 		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE LAUDER SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS:</p> <ul style="list-style-type: none"> This site is an allocated Redevelopment site within the Local Development Plan 2016 (CD009, Volume 2, pages 213 to 217). The site was first included within the Finalised Local Plan Amendment 2009 (refer to CD012, PDF pages 188 to 191). It is 		

recommended that no change to the Redevelopment Allocation as set out in the Proposed Local Development Plan (LDP) should be undertaken.

- The Main Issues Report (MIR) (CD008) states in paragraph 8.3 *“The adopted LDP 2016 has a number of sites allocated for redevelopment, including the promotion of regeneration proposals within all its town centres. LDP2 will carry forward these allocations and principles.”* No representations were received as part of the MIR consultation to have the site removed.
- Scottish Planning Policy 2014 (CD041, paragraph 40) requires development plans to promote a sustainable pattern of development appropriate to the area by *“... considering the re-use or re-development of brownfield land before new development takes place on greenfield sites ...”*. It is considered that site RLAUD002 contributes to meeting this requirement.
- It is also noted that the Proposed Plan contains a number of relevant site requirements for the allocation that include: *“Conserve and enhance the nature conservation interest of the adjacent Lauder Burn to the north, which is part of the River Tweed Special Area of Conservation; Evaluation and mitigation of major biodiversity interest from the River Tweed Special Area of Conservation, and habitats and species on and adjacent to the site; [and]... Protection of the route of the Right of Way/Core Paths”*.
- The Proposed Local Development Plan includes a number of policies that any application for this site would be assessed against. The key policies in relation to the matters raised by the contributors are: Policy PMD2 Quality Standards (page 41), Policy HD3 Protection of Residential Amenity (page 95), and Policy EP3 Local Biodiversity and Geodiversity (page 109).
- Policy PMD2 Quality Standards seeks that all new development will be designed to fit with the Scottish Borders townscapes and to integrate with its landscape surroundings. In respect of ‘Placemaking and Design’, bullet point ‘K’ states that in relation to the new development: *“it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form”*. The final section of that policy makes reference to greenspace and biodiversity considerations under criteria (u) and (v).
- In addition to the above, Policy HD3 Protection of Residential Amenity would also apply. Policy HD3 Protection of Residential Amenity aims to protect the amenity of both existing established residential areas and proposed new housing developments. The Introduction section of Policy HD3 refers to Scottish Planning Policy and the need for high quality layout in housing developments in order to protect residential amenity. In that respect paragraph 36 of Scottish Planning Policy 2014 (refer to CD041) states: *“Planning’s purpose is to create better places. Placemaking is a creative, collaborative process that includes design, development, renewal or regeneration of our urban or rural built environments. The outcome should be sustainable, well-designed places and homes which meet people’s needs”*. Furthermore, Policy HD3 states that *“Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted”*.
- It is further noted that Policy EP3 Local Biodiversity and Geodiversity would also be applicable to any subsequent planning application on the site. Supplementary Planning Guidance on Biodiversity and on Placemaking and Design would also be a material consideration in the determination of any planning application.
- It is therefore contended that the site should remain as a brownfield redevelopment opportunity within the Local Development Plan.

Reporter's conclusions:

1. The contributors object to the allocation of site RLAUD002, Burnmill for housing on the grounds of: loss of wildlife habitat, loss of wildlife, use of contaminated land, discouragement of walking in the countryside, loss of green spaces, loss of privacy and loss of a view.
2. The site has been allocated since 2009 and now it is being rolled forward from the Adopted Local Development Plan (2016). It involves redevelopment of brownfield land, which is encouraged by National Planning Framework 4 as helping to reduce the need for greenfield development (a policy continuing that in Scottish Planning Policy 2014, which it supersedes). The site adjoins the Lauder Burn, which is part of the River Tweed Special Area of Conservation, and is partly naturalised. Accordingly, the proposed plan requires that any development proposal must: conserve and enhance the nature conservation interest of the adjacent Lauder Burn to the north; and evaluate and mitigate the major biodiversity interest of the River Tweed Special Area of Conservation, and the habitats and species on and adjacent to the site. Any development proposal would be assessed against Policy EP3 Local Biodiversity and Geodiversity of the proposed plan, which seeks to protect and enhance local biodiversity. I note that the indicative site capacity is low (5 units on 0.8 hectares), which should allow for appropriate measures to be implemented.
3. Remediation of contaminated land is often required where brownfield land is reused. As the site was formerly occupied by a mill and a gasworks, it is potentially contaminated. Evaluation and mitigation of this issue is therefore required for any development proposal on the site.
4. As for recreational access to the wider countryside, the Southern Upland Way passes through the site and the protection of this route would have to be maintained in any development. The privacy of those living in nearby houses would be addressed as part of the development management process once any planning application was submitted. The loss of a view from private property is, however, not a planning matter. With the above points in mind, there are no grounds for removing the Burnmill allocation from the proposed plan. No modification is required.

Reporter's recommendations:

No modifications.

Issue 48	Leitholm	
Development plan reference:	Leitholm Settlement Profile and Map (BLE2B – Main Street) (pages 422-423)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
J Leeming (755)		
Provision of the development plan to which the issue relates:	Housing Allocation BLE2B – Main Street	
Planning authority's summary of the representation(s):		
<ul style="list-style-type: none"> • The contributor states that they don't think that any more land needs to be allocated for housing at this time, outwith exceptional circumstances. • This development would change the historic linear character of Leitholm into something more amorphous, breaking the village's cohesion as well as marring open views to the south for half the existing properties. • The proposal should be removed. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • Remove the site (BLE2B) from the Proposed Local Development Plan. (755) 		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE LEITHOLM SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS:</p> <p><u>Removal of housing allocation (BLE2B)</u></p> <ul style="list-style-type: none"> • It should be noted that the site is currently allocated within the adopted Local Development Plan (LDP) 2016 (CD009). The site was first formally allocated within the Local Plan 2008 (CD011) and was also included within the Consolidated Local Plan 2011 (CD010), prior to its inclusion within the current plan. • The site received objections as part of the Local Plan 2008 (CD011) and therefore formed part of the Local Plan Inquiry Report 2007 (CD038, refer to Chapter 11, Page 11-67 & 11-68). The Reporter concluded that there was insufficient justification for deleting the allocated site (BLE2B) from the Local Plan 2008 (CD011). Furthermore, the Reporter stated that the Council has a duty to provide a range and flexibility of housing to meet local and wider Housing Market Area needs and that the Council responded satisfactorily by stating that access and servicing, together with local amenity issues would all be taken into account when an assessment is made in response to any detailed planning application for the site 		

concerned. The site also received an objection as part of the adopted LDP 2016 (CD009) and formed part of the Local Development Plan Examination 2015 (CD040, refer to Issue No.240, page 834-835). The Reporter suggested no modifications to the allocation as part of the adopted LDP 2016 (CD009). It should be noted that the Reporter did not raise any concerns, in either of the Examinations, in respect of any change to the linear character of Leitholm.

- Taking into consideration the history outlined above, the principle of housing on the site (BLE2B) has been established through several Local Plans. The Reporter concluded as part of the Local Plan 2008 and Local Development Plan 2016 Examinations, that the site was an acceptable inclusion. It should be noted that there has been no material change to the proposal as part of the Proposed Local Development Plan. Furthermore, this is the only housing allocation within Leitholm and it is considered that it provides for a choice of housing locations within the wider Berwickshire Housing Market Area.
- The contributor also raises concerns that development would mar the open views to the south for a number of existing properties. It should be noted that the right to a view is not a material planning consideration. However, the following site requirement is attached to the allocation within the Proposed Local Development Plan, *'Provide appropriate structure planting along the southern boundary to provide enclosure to the site and on the northern boundary to protect the existing residential amenity'*.
- It is considered that the site requirement will help mitigate against any potential adverse impacts upon the surrounding residential amenity. Any potential impact upon the wider residential amenity of the area, would be taken into consideration as part of any planning application, assessed against Policy HD3: Protection of Residential Amenity, as contained within the Proposed Local Development Plan. The aim of Policy HD3 is to protect the amenity of both existing established residential areas and proposed new housing developments.
- In conclusion, taking the above into consideration, the Council does not agree to modify the Proposed Local Development Plan in response to this representation.

Reporter's conclusions:

Removal of housing allocation (BLE2B) Main Street (755)

1. Leitholm is a settlement mainly comprising a row of houses on either side of Main Street. Allocation BLE2B comprises a linear block of land to the rear of some of those houses. The contributor objects to this allocation as it would change the historic linear character of the village, breaking the village's cohesion and marring open views to the south for many existing properties.

2. The site has been allocated since 2008 and has now been rolled forward from the Adopted Local Development Plan (2016). In the local plan report 2007, one of the five grounds of objection was that development at that location would damage the character and setting of the village. The reporter did not address that issue specifically, but considered that on balance the allocation was justified. The issue of character and setting of the village was not before the reporter in the local development plan examination of 2015.

3. Whilst the majority of development in the village simply fronts onto the main street, there are buildings which are set back and served by side roads, including some located

behind other properties. This is not a planned village, nor is it a conservation area. The open views referred to are from individual private properties, rather than public views which the planning system might be concerned to protect. Therefore, given the planning history of the settlement and the lack of strong, clear justification for opposing the pattern of development proposed, the reasons as set out give me insufficient grounds to recommend removal of the allocation.

4. The contributor's broader objection, that there is no reason to allocate any more land in the Borders for development, except in unique circumstances, is covered as part of the amount of housing land to plan for and land supply in Issue 006: Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement. No modification is required.

Reporter's recommendations:

No modifications.

Issue 49	Lilliesleaf	
Development plan reference:	Lilliesleaf Settlement Profile and Map (ALILL003 – West of St Dunstan and SBLILL001 – Lilliesleaf Development Boundary Amendment) (pages 424-426)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
J Leeming (755) Stephen Amos (810)		
Provision of the development plan to which the issue relates:	Housing Allocation ALILL003 – West of St Dunstan and Development Boundary Amendment: SBLILL001 – Lilliesleaf Development Boundary Amendment	
Planning authority's summary of the representation(s):		
<p><u>J Leeming (755)</u></p> <ul style="list-style-type: none"> • Objects to housing allocation ALILL003 (West of St Dunstan) • Lilliesleaf is a varied linear settlement whose character would be damaged by this development. <p><u>Stephen Amos (810)</u></p> <ul style="list-style-type: none"> • Seek the revision of the Lilliesleaf settlement boundary at SBLILL001 (Lilliesleaf Development Boundary Amendment) within the Plan. • The site has a potential capacity for up to four dwellings and can help to assist with the housing requirements within the next local development plan period as it is deliverable. • The site is located towards the southern end of the village and is considered to represent an ideal infill location for residential development. • The site adjoins the B6400 on either side of the existing residential dwelling offering two points of access within the owner's control. • The site is within walking distance of the local provisions within Lilliesleaf including the local pub, café and primary school. Access to wider services and facilities can be found within Selkirk and Newtown St Boswells, both up to 7 miles from the site. • The northern boundary of the site is defined by an existing dwelling. Adjoining the eastern and western boundary of the existing residential property are the proposed access points onto the site from the B6400 which offer logical vehicular access points to the site. • Existing and new boundary treatment would enclose the site. • The site would be in line with the existing built form of the neighbouring residential properties and garden land to the north east of the village. • Two existing housing allocations within the village are yet to benefit from planning consent. Lilliesleaf is a popular village due to its countryside setting and proximity to neighbouring towns. It is important that allocations are made in sustainable and sought-after locations. 		

- There are no constraints at the site. It is on the edge of the existing settlement and therefore is in close proximity to existing infrastructure and utilities.
- The site represents a logical extension to the settlement boundary.

Modifications sought by those submitting representations:

- Contributor seeks the removal of housing allocation ALILL003 (West of St Dunstan) from the Plan. (755)
- Contributor seeks an amendment to the Lilliesleaf settlement boundary at SBLILL001 (Lilliesleaf Development Boundary Amendment) within the Plan. (810)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE LILLIESLEAF SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

- Lilliesleaf is located outwith any Strategic Development Area set out by the SESPlan Strategic Development Plan (SDP) 2013 (CD001, refer to pages 7 to 20). Appendix 2 contained within the Proposed Plan outlines that the housing land requirement figures are taken from the SESPlan Proposed SDP (2016) (CD005, refer to pages 44 to 50) and SESplan Housing Background Paper 2016 (CD006, refer to pages 4 to 6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit 2019 (CD071, refer to the Introduction, pages 14 to 16) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Issue 6. It is also acknowledged that housing land requirements will be set out at a national level through the forthcoming National Planning Framework.

West of St Dunstan (ALILL003) (755)

- The site was originally allocated for residential development through the process of the Finalised Local Plan Amendment 2009 (CD012, pages x and 179-180). The site was not the subject of objection so did not therefore go through the examination process. The site has remained as a housing allocation through to the current Scottish Borders Local Development Plan 2016 (CD009, pages 402-404).
- The site assessment (CD118, pages 437-440) concluded 'This site should be an option for a housing allocation for the following main reasons: the settlement is in the primary hub; the site is south facing and is good for energy efficiency; it can have vehicular access to the B class road and pedestrian links to the settlement can be created. Development will help sustain local services in the settlement. In order to address environmental issues on this proposed allocation more detailed assessment and mitigation is required in relation to the provision of structural woodland planting along the boundaries of the site to contain/ screen the site. Assessment and associated mitigation would be required in relation to any impact on the River Tweed. Further consideration needs to be given to be given to sewage issues.'

- It is noted that Lilliesleaf, Ashkirk & Midlem Community Council (899) (CD183, page 439) support the housing allocation and recommend that there be a masterplanning exercise to guide the development of ALILL003 (West of St Dunstan). The Council approved a Mini Planning Brief for the site in April 2011 which provides a framework vision for the development of the site (CD115). It should be noted that the Mini Planning Brief requires linear development within the site, with a key frontage onto the road, in keeping with the character of the village.
- The Council's Housing Land Audit 2019 (CD071, Appendix 1, page 116) confirms that this is an unconstrained housing site with completion programmed by 2026. The Council therefore retained the allocation within the Proposed Plan.
- In view of the above, it is contended that site ALILL003 (West of St Dunstan) should remain as a housing allocation within the Local Development Plan.

Lilliesleaf Development Boundary Amendment (SBLILL001) (810)

- This settlement boundary amendment proposal has been submitted during the Proposed Plan consultation period. The site has been assessed following consultation with various consultees and the following is the conclusion of the site assessment (CD118, pages 138-140):
'The proposed settlement boundary amendment, which is proposed to accommodate residential development, is not considered appropriate as development at this location would not be in keeping with the linear character of the village. Furthermore, the proposed settlement boundary would not follow any natural boundaries on site, extending into a relatively open area of greenfield land. The site appears to be marsh land, investigation would be required to assess its suitability for any development.'
- Lilliesleaf currently has three housing allocations within the Scottish Borders Local Development Plan 2016 (CD009, pages 402-404), two of which are carried forward into the Proposed Plan. Housing allocation EL12B – St Dunstan, with an indicative capacity of 8 units, has an extant permission for the conversion of a steading building to form two dwellinghouses (this element of the approval has been implemented) and the erection of eight dwellinghouses. Housing allocation ALILL003 – West of St Dunstan has an indicative capacity of 15 units. Both sites are categorised as unconstrained housing sites with completion programmed for a total of 11 units within the plan period within the Housing Land Audit 2019 (CD071, Appendix 1, pages 116-118).
- As a result it is not considered that there is any requirement for additional housing sites in Lilliesleaf or an amendment to the settlement boundary at this location to accommodate development. Nevertheless, the area proposed for incorporation within the settlement boundary is not considered to be appropriate.

Reporter's conclusions:

1. Contrary to the council's assertion, Lilliesleaf appears to be located within the Central Strategic Development Area, as suggested by the map in proposed plan Chapter 4. The settlement has some local services, including a primary school.

West of St Dunstan (ALILL003) (755)

2. Site ALILL003 is already allocated in the Adopted Local Development Plan (2016) and so its continued allocation in the proposed plan does not represent a planning

change. Lilliesleaf is a linear settlement and site ALILL003 would continue that development pattern, being situated at the southwest end of the village. I have read the mini-planning brief referenced by the council and am content that the matters covered have the potential to be resolved through the planning application process. The evidence in the 2019, 2020 and 2021 Housing Land Audits continues to support the council's position that the site could be reasonably expected to deliver homes before 2026. Even if that turns out to be not fully accurate, I am content that the site has a reasonable prospect of delivering housing during the plan period. Therefore, I find no compelling evidence to support removing the site from the proposed plan. No modifications are required.

Lilliesleaf Development Boundary Amendment (SBLILL001) (810)

3. SBLILL001 is a promoted amendment to accommodate land within the settlement boundary on the basis that it could then be developed for housing. This land is located on the south side of the village at the western end. It would appear to infill a gap between the western-most property on that side of the main road and the rest of the village. In my view, this would not significantly distort the linear pattern of the village as the council suggests.

4. Irrespective of any merits or otherwise of this promoted land, Issue 006 (Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement) concludes that there is no need to allocate any additional land for housing besides what is already set out in the proposed plan. Therefore, there is no imperative to add this promoted land into the settlement boundary on housing land supply or related grounds. No modifications are required.

Reporter's recommendations:

No modifications.

Issue 50	Maxton	
Development plan reference:	Maxton Settlement Profile and Map (AMAXT001 – East Maxton and AMAXT002 – Meadowbank) (pages 429-431)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
J Leeming (755)		
Provision of the development plan to which the issue relates:	Housing Allocations AMAXT001 – East Maxton and AMAXT002 - Meadowbank	
Planning authority's summary of the representation(s):		
<ul style="list-style-type: none"> The Contributor states these proposals would ruin open views southwards from existing properties and block the winter sun. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> The Contributor seeks the removal of housing allocations (AMAXT001 and AMAXT002) from the Proposed Local Development Plan. 		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE MAXTON SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS:</p> <ul style="list-style-type: none"> The eastern part of the housing allocation at Meadowbank (AMAXT002) was originally identified as a 'favoured area for development' in the Ettrick and Lauderdale Village Plan 1996. Following this, both of these housing sites were formally allocated in their current form as part of the Finalised Local Plan Amendment (2009) which then formed part of the adopted Consolidated Local Plan (2011). The sites have been carried forward into each subsequent Local Development Plan and have never previously been part of an Examination as there were no unresolved issues in relation to either of the sites. The sites have been through a full site assessment process which included consultation with various departments within the Council as well as external stakeholders such as Scottish Water, Historic Environment Scotland and SEPA. The site assessment for AMAXT001 (CD118, page 441) found the site to be acceptable for development. It also stated that landscaping is required to minimise the visual impact of the development, and the scale and style of development needs to be carefully considered paying heed to the existing settlement and the ESA. With regards to AMAXT002, the site assessment (CD118, page 445) also concluded that the site is acceptable for development. The allocation is an infill opportunity within the 		

Maxton development boundary with part of the site previously having consent for residential development (planning reference 96/01025/OUT).

- It should be noted that both of the allocated sites are small with indicative capacities of five and ten units. These are the only allocated sites within the settlement and historically there have been no other formally allocated sites within Maxton (CD119, page 30).
- Overall, the sites have been assessed as suitable for housing development and therefore it is not considered necessary to amend the Maxton settlement profile in the Local Development Plan. Any potential impacts on the amenity of existing houses in the vicinity of both sites would be addressed at the planning application stage.

Reporter's conclusions:

1. Sites AMAXT001 and AMAXT002 are already allocated in the Adopted Local Development Plan (2016) and some predecessor local plans. There is also a lapsed approval for residential use on site AMAXT002. Therefore, their continued allocation in the proposed plan does not represent a change.
2. The representation provides no analyses of the sun's path at different times of year, and how development of either site would affect sunlight or daylight at existing properties. Such matters would, in part, be influenced by the design and layout of any development on the sites.
3. I must recognise that there is no right to a view. Thus, the allocation of two housing sites in front of and behind existing properties that presently have open views is not, on its own, sufficient reason to remove either allocation.
4. The proposed plan's site requirements for each allocation require careful consideration of the scale and style of development paying heed to the existing settlement. These matters could influence the design of any development and so its visual impacts and the effects it may have on daylight and/or sunlight.
5. The site requirements also refer to an approved planning brief for site AMAXT001 but that does not appear to have been submitted. Even so, I am sufficiently content that the proposed plan identifies matters for consideration that reflect the concerns in the representation. Such matters could be considered at planning application stage and do not, on their own, justify removal of the proposed allocations AMAXT001 and AMAXT002 from the plan. No modifications are required.

Reporter's recommendations:

No modifications.

Issue 51	Melrose	
Development plan reference:	Melrose Settlement Profile and Map (EM4B – The Croft, EM32B – Dingleton Hospital and AMELR013 - Harmony Hall Gardens; AMELR014 - Land to West of Ormiston Terrace and AMELR015 - Land at Dingleton Mains II) (pages 432-435)	Reporter: Alison Kirkwood
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>James Young (051) Sam Whiting (098) Ian Lindley (591) S Hamilton (620) J Leeming (755) Mike Smart (792) Buccleuch Property Group (816) Melrose Community Council (876) Save Scott's Country (879) Francine Hardwick (999) Gillian Crosier (1000) Sally Bogus (1034)</p>		
Provision of the development plan to which the issue relates:	Housing Allocations EM4B – The Croft, EM32B – Dingleton Hospital and AMELR013 - Harmony Hall Gardens; Housing Sites AMELR014 - Land to West of Ormiston Terrace and AMELR015 - Land at Dingleton Mains II	
Planning authority's summary of the representation(s):		
<p><u>James Young (051)</u></p> <ul style="list-style-type: none"> The Contributor states that whilst they have no concerns about the site EM32B (Dingleton Hospital) they have concerns about pedestrian access notably along Chiefswood Road. The current pedestrian pathway extends from Darnick as far as the Borders General Hospital and from Melrose down Chiefswood Road to past the Fairways. There is a significant amount of pedestrians and cyclists on what is an unlit and out of limits twisting road and this is likely to increase and if further houses were built at Dingleton, then the pathways should be connected. <p><u>Sam Whiting (098)</u></p> <ul style="list-style-type: none"> The contributor states in respect of site AMELR013 (Harmony Hall Gardens) that this land is currently an old orchard used for community events and with a large variety of established old apples trees that cannot be easily replaced. This is an important attraction in the heart of Melrose which brings in tourists which are critical for local businesses. This location has also been regularly used by Borders Book Festival which has been hugely successful over the years in attracting large numbers of visitors which supports the local economy including jobs. 		

Ian Lindley (591)

- The Contributor considers AMELR013 (Harmony Hall Gardens) to be unclear.
- The safeguarding proposals refer both to 'retain and protect boundary features where possible' which is weak and vague and more clearly to 'existing trees/hedging within and on the boundaries of the site must be retained and protected'.
- This is an important edge to Melrose in the vicinity of the Abbey – one of the Border's key tourist attractions. As such the importance of the southern boundary wall, the northern mature tree line and the relationship with the existing stone carriage house to the east of this site need to be clearly established as firm principles for retention.
- The Plan should emphasise that before the site is released, a site development brief will be prepared to clearly set out development limits and constraints so that any potential purchaser is forewarned.
- A site brief should clearly define how to achieve acceptable sight lines from the site (whilst retaining the wall) and the extent of developable land once the rooting area of the northern tree line is excluded.
- Clear control is required to prevent future breaches and appropriate maintenance of the boundary wall which might otherwise be subject to gradual replacement with ad hoc fencing etc. Retained trees need to be protected from the vagaries of individual plot ownership which suggests that single-aspect access is routed towards the north of the site to create non-private land below the trees, with an associated management / maintenance regime, and to provide access to houses south of the access road. Private house gardens can then enjoy enclosure by the southern boundary wall.

S Hamilton (620)

- Objects to housing allocation AMELR013 (Harmony Hall Gardens) on the following grounds:
- Damage to the Conservation Area and Scheduled Monument – the site is currently a historic orchard and part of a whole collection of gardens, house and cottages that should be viewed as one historic collection significant in the history of Melrose. A Scheduled Monument runs through the site which could be damaged irreversibly during construction, as would the historical boundary wall separating the orchard from the adjoining road.
- Damage to the environment – the existing orchard provides a great environmental benefit for bees, owls, bats and other wildlife which would be destroyed by development. Extra light pollution would be introduced through installing more street lights.
- Loss of recreational facility and green space – the site is much used by walkers, visitors to Harmony House and is used for the annual Book Festival. This amenity would be lost if built upon.
- Road access – St Mary's road is quite congested already with traffic in connection with the School and Rugby Grounds and the additional traffic would be unsuitable.
- This would be the opportunity to zone the site as recreational land to be enjoyed by the people of Melrose in perpetuity.

J Leeming (755)

- Objects to the allocation of site EM4B (The Croft).

- The site is unsuitable for development.
- The designation of the site and the more recent planning permission were controversially passed in the face of much fierce local opposition.
- The section on Eildon village (page 319, Proposed LDP) states that 'Development to the west of Eildon should be resisted because the road forms a clear boundary and beyond that there are open fields that form the foothills of the Eildon Hills.' The Croft site actually forms part of the Eildon Hills, and is also bounded by a clear road, so it's unjust that this site didn't receive the same consideration.
- The development site takes an blatant chunk out of the Countryside Around Towns designated land (Policy EP6), damages a National Scenic Area (Policy EP4 - 1.3), runs counter to Councillor Mountford's Foreword (page 5, Proposed LDP) '...policies are intended to protect and enhance the Borders built environment and natural heritage', contradicts para 4.6 (page 20, Proposed LDP) 'The built and natural heritage are major component parts of the attractiveness of the Scottish Borders which must be protected and enhanced', Policy EP11 (Protection of Greenspaces), the Housing Development introduction (page 87, Proposed LDP) '...whilst also safeguarding the attractive Scottish Borders landscape...', and is directly above and abutting on an SSSI, which will suffer inevitable damage.
- How this site was allocated in 2001 is incomprehensible, and that it was recently granted full planning permission discredits the whole Planning process.
- Any development at EM32B (Dingleton Hospital) should be treated with caution, after permission was given to build the visual blemish on the landscape which is the Harleyburn development. The Scottsdale development further up is relatively acceptable in scale and visual shielding.
- Objects to the allocation of site AMELR013 (Harmony Hall Gardens).
- The proposal is deplorable.
- The site is of high landscape value, beside the old Mill Lade (a scheduled monument), has an orchard of long-established apple trees, and is a greenspace much-used during the Borders Book Festival.
- As well as being within the Conservation Area, the proposal seems to contravene Policies EP6 - EP12 inclusive of the Proposed LDP, and presumably more.

Mike Smart (792)

- Objects to the non-inclusion of AMELR014 (Land to West of Ormiston Terrace) for housing development within the Local Development Plan.
- The sites location within the Countryside Around Towns policy area is the main current constraint to the proposed site being allocated within the Melrose Development Boundary, via the Local Plan.
- LDP Policy EP6 - Countryside Around Towns seeks to protect the coalescence of towns and villages, especially in the Central Scottish Borders hub. It is important to maintain a village and town's identities. Ironically this is also where the previous 'Call for Sites' and by extension the new Local Plan aims to promote development, in order to create a larger population density to support the Central Hub including the rail link and infrastructure. There will always be conflicts with development proposals in these sensitive areas, and this proposal is exactly that. However, that does not mean that this site should be dismissed because it is located within the CAT area. If that were the case then any proposed development within the green shaded areas inside the Central Scottish Borders would cease, which is not what the National Planning Framework, Structure Plan, Local Plan or indeed Policy EP6 are aiming to achieve.

- Realigning the development boundary to include this site would bring more of Darnick and Melrose closer together but the development boundaries would be no closer than their nearest points already are and a significant green channel would remain (this is illustrated in a supporting image). The realignment of the development boundary would provide a more linear final development boundary, to be put in place for Melrose on its south western boundary with Darnick.
- The amendment of the development boundary here would not set a precedent. The sites promoted must be looked at on an individual basis. The fields to the west of the proposed site are not being promoted here. They are prone to surface water flooding and would not be suitable for further development on the basis that coalescence would follow, should they be proposed for development. Their existence retains a clear, easily read and defensible green channel between Darnick & Melrose, thereby retaining each settlements individual identity and avoiding coalescence.
- The definition of coalescence is open to some degree of interpretation, though case law would suggest that the development of this site would not meet with the definition owing to the remaining fields and road providing adequate separation between Melrose and Darnick.
- This proposed development site is:
 - Deliverable within the short term because there is a market for the location.
 - Serviceable and able to utilise existing transport networks.
 - Provides a more linear and permanent development boundary.
 - Within the Central Hub.
 - Provides a more suitable expansion to Melrose than the alternative land proposed for adoption at Harmony Hall Gardens.
 - Of a suitable scale in size.
 - Of minimal impact to its surrounds. Whilst coalescence is something to be avoided by towns and villages, so that individual identities can remain. It is not considered that the realignment of the Melrose Development Boundary proposed, creates coalescence. It is not relevant to suggest that if the site were allocated, the fields to the west would follow. That possibility is not being proposed here.

Buccleuch Property Group (816)

- Objects to the non-inclusion of AMELR015 (Land at Dingleton Mains II) for housing development within the Local Development Plan.
- This site is effective and can be delivered within the short term.
- The site can be considered to be a logical extension to the settlement boundary of Melrose and is well contained by roads and existing landscape.
- The topography of the site allows for development that would not significantly impact upon the surrounding landscape and would not be readily visible from Dingleton Road.
- The site has good access to local services and facilities in the settlement. It has good access to employment, particularly in Galashiels.
- The Contributor had submitted a larger site during the Call for Sites stage (AMELR008 Land at Dingleton Mains). This was considered to be unacceptable for two reasons, being that the site would have an adverse impact on the landscape of the National Scenic Area and is located within the CAT policy area which aims to ensure the high quality living environment is protected and to prevent piecemeal development, which would detract from the area's environment and that the scale of development would not comply with the requirements of this policy. The reduced site (AMELR015) seeks to address these matters.

- It is considered that the site can make a positive contribution towards the housing land supply in the area, being within close proximity to Melrose and offers convenient and sustainable access to local services.
- The reduction in developable site area means that the concerns raised regarding impact on the National Scenic Area and the scale of development not according with the CAT policy area should be mitigated against, whilst also being able to provide for a modest expansion of Melrose with clear defensible boundaries. The revised developable area, as submitted, positively responds to the encouraging comments made within the Council's Full Site Assessment Document, with regards to how well the site was contained and how well it related to the development boundary, along with the excellent access to local services and facilities.

Melrose Community Council (876)

- Raises comments in relation to the allocation of site AMELR013 (Harmony Hall Gardens).
- Concerned that the existing wall should be retained as far as possible.
- Concerned that the access to the site might require a considerable part of the wall to be demolished to improve access.
- It is assumed that the existing access would serve the development and that each property would not have its own access directly from St Mary's Road. The Community Council would be opposed to direct access for each plot.

Save Scott's Country (879)

- Objects to the allocation of site AMELR013 (Harmony Hall Gardens).
- This site is within the Melrose Conservation Area, within the setting of Melrose Abbey and is within the Eildon and Leaderfoot National Scenic Area.
- The allocation would represent the loss of a valued community resource and attractive open space.
- Development would adversely affect the setting of the Scheduled Monument whatever attempts might be made at respectful development.
- Should the site be allocated, buildings higher than a single storey would certainly need to be excluded as they would be even more intrusive on the setting of Harmony Hall as seen from the road that runs in front of Melrose Abbey; and on the setting of Melrose Abbey, especially when approaching from the west along St Mary's Road. This site requirement is only a 'should' rather than a 'must' in relation to the safeguarding of the character of the Conservation Area and adjacent listed buildings.
- It is difficult to believe that five dwellings could be developed without significant loss of trees/hedgerow and damage to the southern stone wall. It would be a retrograde step to disturb the roadside wall which is probably very old and traditional and to compromise its continuity westward to the entrance into the orchard.
- It is unjustified to build this small number of properties within the Conservation Area since they would make an insignificant contribution to the housing land supply.

Francine Hardwick (999)

- Objects to the allocation of site AMELR013 (Harmony Hall Gardens).

- The site is within the Conservation Area of Melrose, a valued community resource and an attractive open green space, which enhances the character of the settlement and should be protected from housing development.
- Buildings here would detract from the settings of Melrose Abbey and Harmony Hall, and cause damage to existing trees and the boundary wall.
- The Planning Department cannot once again bend all the policies that are in place to protect sensitive sites like these, and neglect to apply them, as they have done in the case of the Croft site (EM4B) and the former Dingleton Hospital site (EM32B) where development has been and is to be approved, causing appalling damage and scarring to highly sensitive landscapes. Planning must refrain from being responsible for such blunders in the future.

Gillian Crosier (1000)

- Raises concerns relating to the continuing impact of traffic on Dingleton Road. In the last 12 years vehicular traffic - construction, agricultural, public and private - has increased very considerably and this will be only exacerbated by the housing allocation at The Croft (EM4B).
- The Contributor notes the statement on page 412 of the Scottish Borders Local Development Plan 2016 that 'there are capacity issues... particularly on Dingleton Road and Chiefswood Road'. There is however a degree of vagueness relating to the site requirement for site EM4B (The Croft) which requires the 'possibility of a link from Dingleton Road to the wider development in the Dingleton area via Chiefswood Road'. This requires clarity.
- Disputes the appropriateness of housing allocation EM4B (The Croft) within the landscape.

Sally Bogus (1034)

- Objects to the allocation of site EM32B (Dingleton Hospital).
- Expresses shock that the site has been allocated for up to 230 dwellinghouses on already over-developed land in Melrose.
- There are lovely fields around the area with woodland walks with trees which would be cut down, animals habitat destroyed with long term environmental damage.
- Dingleton and Chiefswood Road are a disgrace and not fit for the amount of houses there already is and there isn't even a pavement to the hospital.
- Existing roads are too small for the traffic, there is nothing for children and adults to do, like outdoor gyms, indoor community centre, the doctor surgery is too small for the town and the school is already overcrowded. The existing infrastructure should be improved first.

Modifications sought by those submitting representations:

- Seeks upgrades to the path network within the vicinity of housing allocation EM32B (Dingleton Hospital). (051)
- Contributors seek the removal of housing allocation EM4B (The Croft) from the Plan. (755, 1000)
- Contributor seeks the removal of housing allocation EM32B (Dingleton Hospital) from the Plan. (1034)
- Contributor seeks assurance that EM32B (Dingleton Hospital) is developed cautiously and that it would not create a visual blemish on the landscape. (755)

- Contributors seek the removal of housing allocation AMELR013 (Harmony Hall Gardens) from the Plan. (98, 620, 755, 879, 999)
- Contributor seeks revised site requirements relating to AMELR013 (Harmony Hall Gardens) requiring that the southern boundary wall, the northern mature tree line and the relationship with the existing stone carriage house to the east are established as firm principles for retention. Seeks the requirement for a development brief for the site and the protection/maintenance of the boundary wall and trees. (591)
- Contributor seeks assurance that plots relating to AMELR013 (Harmony Hall Gardens) would not have individual accesses off St Mary's Road and that the existing wall is retained as far as possible. (876)
- Contributor requests site AMELR014 (Land to West of Ormiston Terrace) is allocated within the Local Development Plan for residential development. (792)
- Contributor requests site AMELR015 (Land at Dingleton Mains II) is allocated within the Local Development Plan for residential development. (816)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE MELROSE SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN WITH THE EXCEPTION OF A NON-MATERIAL CHANGE TO A SITE REQUIREMENT FOR HARMONY HALL GARDENS (AMELR013) AS SET OUT BELOW.

REASONS:

- Melrose is located outwith any Strategic Development Area set out by the SESPlan Strategic Development Plan (SDP) 2013 (CD001, refer to pages 7 to 20). Appendix 2 contained within the Proposed Plan outlines that the housing land requirement figures are taken from the SESPlan Proposed SDP (2016) (CD005, refer to pages 44 to 50) and SESplan Housing Background Paper 2016 (CD006, refer to pages 4 to 6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit 2019 (CD071, refer to the Introduction, pages 14 to 16) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Issue 6. It is also acknowledged that housing land requirements will be set out at a national level through the forthcoming National Planning Framework.

The Croft (EM4B) (755, 1000)

- The site was originally allocated for housing development within the Scottish Borders Local Plan 2008. Through the Examination process the Reporter concluded that 'the development of this site would be acceptable in terms of being a sustainable location that would not have a significant effect on the setting of Melrose or the Eildon Hills. Development would be likely to add to existing traffic difficulties on the steep lower section of Dingleton Road, and other off site service improvements would be likely to be required' (CD038, page 4-55).

- In respect of landscape impact, the Reporter considered this matter during the aforesaid Examination and in allocating the site, concluded the following: ‘Looking first at the principle of development at the Croft site in terms of landscape impact on the NSA and AGLV, I agree with the Council and SNH that this is a well contained and well screened site, thanks to the local topography and existing woodland and tree belts, and the cluster of houses to the southwest, which largely conceal the site in the wider views from the slopes and summits of the Eildons and elsewhere. This little valley already has a predominantly suburban character, due to the housing development already in place on both sides of Dingleton Road. The footpaths adjacent to the site already have views of nearby houses, while that to the northeast is well separated by woodland. I therefore consider that the effects of development at the Croft would be very localised, with little impact on the wider landscape of the NSA and AGLV, or on tourism. I recognise that this assessment is at variance with the views of a considerable number of people who have lodged written objections to the Croft site. This is a matter on which we will have to agree to differ.’
- In respect of roads impact, the Reporter also concluded the following: ‘The new access required in the development brief would eliminate the problems of the existing substandard access to the site. I agree that there would be increased traffic on Dingleton Road, which is steep and partially obstructed by parked vehicles. There is only limited scope for improvement (due to the steep side banks and the proximity of buildings) and the situation is likely to become more difficult when the later phases of development at Dingleton Hospital are completed.’
- Full planning consent was granted in July 2019 (subject to the conclusion of a legal agreement) for the erection of 28 dwellinghouses with associated parking, roads and landscaping on the site (Ref no. 18/01385/FUL) (CD139).
- The comments made in respect of the Eildon settlement profile by Contributor 755 are not considered to be applicable in this case. Each site and settlement boundary must be assessed on its own merits considering a number of factors including landscape setting and settlement character. The comments made in respect of Countryside Around Towns (Policy EP6), the National Scenic Area (Policy EP4), protection of Greenspaces (Policy EP11) and a SSSI are not considered relevant in this instance. The site is outwith the Countryside Around Towns designation, the matters relating to the NSA have been previously assessed, the site is not designated as a Key Greenspace and is not in close proximity to a SSSI. In response to Contributor No. 999, the Council would note that this is not a process whereby previous developments and planning consents, which have been the subject of a democratic process, can be revisited.
- The principle of residential development at this location has long since been established and has been confirmed recently by the aforesaid planning approval. This is clearly an effective housing allocation and should remain within the Plan.

Dingleton Hospital (EM32B) (051, 755, 1034)

- This site is a longstanding housing allocation within the Plan, having been allocated originally within the Scottish Borders Local Plan 2008 (CD011, pages 344 and 346/347). Prior to this the site was included within the settlement boundary of Melrose within the Ettrick and Lauderdale Local Plan 1995 (CD017) having been in operation as a hospital. The developable area of the site is now significantly smaller as large parts of the site have been developed with the development of the site having extant planning permissions. Through the Inquiry process of the Scottish Borders Local Plan 2008 (CD038, page 4-58) the Reporter concluded that

'Regarding the principle and scale of the residential use of the land envisaged in the local plan, this was already foreshadowed to some extent in the previous local plan, which recognised that the hospital use was likely to cease; that a planning brief to regulate redevelopment would be required; and that the site should form part of the Melrose settlement area. Since then, planning permissions have been issued which represent a full commitment to the development of around 250 units on the site, much of which has already been carried out. In these circumstances, the text relating to the site in the new local plan is a fair summary of the situation, and would not change the position if it were to be altered.'

- The principle of residential development at this location has long since been established and has been confirmed by extant planning approvals dating back to 2001. This is clearly an effective housing allocation, having been developed for the most part, and should remain within the Plan.
- The matter of pedestrian connectivity along Chiefswood Road, raised by Contributor No. 051 is the subject of current investigatory work by the Council which is not related to or a necessity of development within the Dingleton Hospital allocation. Chiefswood Road is not currently wide enough to accommodate two way traffic as well as a shared multi-use path. The Council is currently seeking public opinion on a recent trial which restricted the road to one-way traffic to enable the temporary provision of a walk/cycle way with a view to potentially seeking external funding for a permanent shared multi-use path. This is not a matter for the Plan however.
- In response to the matters raised by Contributor No. 1034 the Council would clarify that the allocation has already been significantly developed and that the indicative figure of 230 units are not new units within the partially developed site, this number includes already developed units. In response to Contributor Nos. 755 and 999, the Council would note that this is not a process whereby previous developments and planning consents, which have been the subject of a democratic process, can be revisited.

Harmony Hall Gardens (AMELR013) (98, 591, 620, 755, 876, 879, 999)

- The site was submitted for a housing allocation at the Call for Sites (Pre-MIR) stage. The site was assessed as acceptable and was included within the Main Issues Report as an alternative site. The following was the conclusion of the site assessment (CD118, page 146):
 'There are clearly sensitive issues which require to be addressed such as the location of the site within the Conservation Area and its proximity to listed buildings. The eastern third of the site is within the Melrose Abbey Scheduled Monument Area and would be excluded from development. Furthermore, archaeological remains are likely within the remainder of the site which would require investigation. It is likely an acceptable access on the western part of the site could be formed with minimal disturbance to the existing walls. It is considered that the development of this sensitive site would be acceptable in principle subject to the following:
 - A Flood Risk Assessment is required which should take cognisance of a mill lade which previously flowed along the northern boundary and the River Tweed.
 - Retain and protect the existing boundary features and trees, where possible
 - Assessment of ecology impacts and provision of mitigation, as appropriate
 - Mitigation required to ensure no significant adverse effects upon integrity of River Tweed Special Area of Conservation

- Archaeological assessment (including archaeological evaluation) is required, with any associated mitigation as identified
- Development must respect the setting of the Scheduled Monument. No development within the Melrose Abbey Scheduled Monument (SM90124) would be permitted
- The design and layout of the site should take account of the Conservation Area, the setting of the Scheduled Monuments and trees on/adjacent to the site
- Access to the site should be in a location which results in the least disruption to the existing stone wall along the southern boundary of the site. A Transport Statement would be required
- Existing trees/hedging within and on the boundaries of the site must be retained and protected
- In order to safeguard the character of the Conservation Area and adjacent listed buildings, dwellinghouses should be restricted to single storey.'
- The proposed allocation was supported by the landowner through the MIR consultation process. At the time of the production of the Main Issues Report, the site was considered to be an 'alternative' option due to its recognised sensitivities outlined above. Melrose is located within the Central Borders where market demand is strong. It is for this reason that, along with the fact that the site is considered to be a suitable site for development and that no better options within the town were identified, provided the issues above are suitably addressed, this site is identified within the Proposed Plan as a housing allocation.

Boundary Wall

- A number of Contributor's have articulated concerns relating to the existing stone boundary wall separating the site from the adjoining road to the south and potential damage/removal.
- The existing stone wall is located within the Conservation Area (Proposed Plan, page 435) and is therefore afforded protection from any threat of demolition. The Council is content that the stone wall, which is recognised as an attractive boundary feature, can be retained for the most part, with the only potential alteration being required to obtain an appropriate single vehicular access into the site around the area of the existing opening within the south western corner of the site.
- The site requirements set out on page 433 (bullet points no. 2 and 8) of the Proposed Plan set out the need for the least disruption to the existing wall. The word 'should' has been used, as opposed to 'must' as it is anticipated that a small amendment to the wall will be required at the access to the site. The extent of any demolition of the boundary wall for visibility purposes will be determined at the planning application stage by Development Management officers when full details of the proposal are submitted. It is not considered this will cause any major impacts on the conservation area. It is contended that the required close scrutiny of any plans submitted, the site requirements and all other material considerations for such new proposals within conservation areas will result in a development which will be an attractive asset and addition to this part of the town.

Ecology

- Concerns have been raised regarding the potential impact of development upon biodiversity within the site. The Council's Ecology Officer has advised that there

would be moderate impact upon biodiversity and that mitigation would be required to ensure there is no significant effect upon the River Tweed Special Area of Conservation (SAC) (CD119, page 31). Boundary features would require to be protected with mitigation for protected species including bats and breeding birds. Subsequently a site requirement is included stipulating the need for the assessment of ecology impacts and the provision of mitigation, as appropriate. The Council's Ecology Officer is content with this approach.

Light Pollution

- Concerns have been expressed that extra light pollution would be introduced through installing more street lights. This is not considered to be a matter of concern given the proximity of the site to existing street lights along St Mary's Road and the general proximity of the site to the built up area. Energy efficient street lighting is now installed by the Council which are manufactured and fitted in such a way to help reduce light pollution, ensuring footpaths and roads are well lit but avoiding an intrusion of light into people's homes and gardens.

Conservation Area

- It is acknowledged that the site is located within the Conservation Area of Melrose (Proposed Plan, page 435). It is considered, however, that an appropriately designed development can be accommodated at this location without having a detrimental impact upon the character and setting of the Conservation Area. The sensitivity of the site within the Melrose Conservation Area is recognised within the site assessment and the subsequent site requirement, set out within bullet point no. 7 on page 433 of the Proposed Plan which requires that the design and layout of the site takes account of the Conservation Area.

Scheduled Monument

- A number of Contributors have expressed concerns relating to the impact of development upon the Scheduled Monument (CD181) which runs through the site which could be damaged irreversibly during construction and that development would adversely affect the setting of the Scheduled Monument whatever attempts might be made at respectful development. The Melrose Abbey Scheduled Monument extends into the eastern third of the site and the remaining western two thirds are within an area of high archaeological potential given its proximity to the Scheduled Monument. The Council is content that the principle of development at this location is acceptable subject to appropriate investigation. Any development would be required to satisfy the requirements of Policy EP8 of the Local Development Plan and Historic Environment Scotland requirements through the process of any planning application. This approach is similar to other previous proposals over the years which may be within or could impact upon the Scheduled Monument area. A site requirement is included noting the requirement for an archaeological assessment (including archaeological evaluation) with any associated mitigation as identified (bullet no. 5, page 433 of the Proposed Plan). Furthermore, an additional site requirement (bullet no. 6, page 433 of the Proposed Plan) sets out the need for development to respect the setting of the Scheduled Monument and that no development within the Melrose Abbey Scheduled Monument (SM90124) would be permitted with early engagement with Historic

Environment Scotland necessary. Historic Environment Scotland and the Council's Archaeology Officer are content with this approach.

Existing Trees

- By virtue of the location of the site within the Melrose Conservation Area (Proposed Plan, page 435) all trees both within and upon the boundaries of the site are protected. The Council's Landscape Architect is content that the site has the capacity to accommodate development provided the 'genius loci' is retained and enhanced by a high quality development with attention to building pattern and detail.
- The site requirements include the need for existing trees/hedging within and on the boundaries of the site to be retained and protected. It is noted that reference has been made, in error, to trees both within the second and ninth bullet point. Whilst it is considered important that existing trees/hedges within and on the boundaries of the site are retained and protected, it is noted that there are young species which are not considered to be significant which could be removed without causing concern. The Council would be content for this correction to be made as a non-material change to the Plan whereby the site requirements set out within bullet point no's 2 and 9 are replaced with one bullet point stating the following: 'The existing boundary stone wall and trees/hedges within and on the boundaries of the site to be retained and protected, where possible'.
- The layout of the development will be established during the process of any future planning applications including the long term safeguarding of the trees in question.

Community Event

- The site has been used for an annual Book Festival over recent year which extends usually over a four day period in the Summer. Contributors have highlighted that this is an important attraction in the heart of Melrose which brings in tourists which are critical for local businesses. It is noted, however, that this event is being held at an alternative venue this year. The owners of the site, The National Trust, confirmed during the public consultation period for the Main Issues Report (CD182) that the Book Festival rent the field on an annual basis and there is no obligation for this to be renewed. Any land owner should not be penalised for considering alternative uses on their land due to the fact they lease it to another party. Any such land owner could end such a lease without the need for any planning permission nor agreement from the Council. However, the arrangement currently suits both parties and therefore has carried on for a few years. The Trust has other land in Melrose which may be able to accommodate the Book Festival and it is possible that other third party owned sites in Melrose may be able to host the event in the future. Given the success of the Book Festival it is likely alternative land will be found and it will continue to operate on an annual basis.

Green Space

- Whilst the site is utilised for the annual Book Festival, the general use of the site as a greenspace by members of the public is not understood to be commonly available for use to the wider public. The site has not been safeguarded as a Key Greenspace within the Local Development Plan in the past and this has not been raised as a matter of concern. The Key Greenspaces in the LDP across the region were identified in consultation with respective Community Councils. Given the

opportunity this site represents as an appropriate housing site it is not considered that it should now be designated as a Key Greenspace.

Access

- There have been concerns expressed that St Mary's Road is not capable of accommodating further traffic. The Council's Roads Planning Team has raised no objections to the allocation of the site for housing development in principle (CD118, page 145). The Council would agree with the Community Council's (876) assertion that the site should not be served by individual accesses to each property off St Mary's Road. The Council would expect that the site would be served by a single access point and that that is most likely to be at the location of the existing opening within the south western corner of the site. A site requirement (bullet no. 8, page 433 of the Proposed Plan) specifies that the 'Access should result in the least disruption to the existing stone wall along the southern boundary of the site'.

National Scenic Area

- Whilst it is acknowledged that the site is located within the Eildon and Leaderfoot National Scenic Area (NSA) (CD204) it must be highlighted that the town of Melrose as a whole is located within the NSA including allocated development sites. Consequently the NSA designation does not prevent the possibility of any development within it. It is not considered that the development of this site, which is considered to be suitably located within the built-up area of the town, would have a detrimental impact upon the scenic qualities of the NSA. Any future planning applications would require to be assessed against Policy EP4 – National Scenic Areas of the Proposed Plan which aims to protect and enhance the scenic qualities of the NSA.

Design

- The Council is aware of the sensitive location of this site and is clear that any dwellinghouses should be restricted to single storey as per the site requirement on page 433 (bullet no. 10) of the Proposed Plan. In many instances the Council will set out the need for the preparation of a Planning Brief for allocated sites where considered appropriate. In the case of this site, this is not considered to be necessary, primarily due to the small scale of the site and the clarity provided by the site requirements. It is considered that the planning application process is a suitable means to ensure a high quality development at this location which appropriately protects existing trees and the boundary wall.

Housing Land Supply

- Regardless of the small nature of this site and the low number of housing units it can accommodate, Melrose is located within the Central Borders where market demand is strong. Options for alternative sites in the town are limited and this site is considered to be the most appropriate new allocation.

Other Matters

- The Council notes the letter in support of the allocation received from the landowner (722) who confirm that this is a deliverable site (CD183, pages 43-44). Furthermore, the consultation response received from NatureScot (983) is noted (CD183, page 455-456). NatureScot welcome the inclusion of a site requirement requiring that the boundary wall and mature trees be retained. NatureScot note that the 'site lies within the Eildon & Leaderfoot Hills NSA and, while well contained, makes an important contribution to the character of St Mary's Road and to the wider setting of this part of Melrose with the River Tweed to the north. NatureScot reiterate their earlier advice regarding retention and enhancement of the orchard as a valuable area of open space within the proposed development and for the wider area.
- Overall, the Council is of the view that this is an appropriate site for housing development provided the identified sensitivities can be suitably addressed.

Land to West of Ormiston Terrace (AMELR014) (792)

- The site was submitted for a housing allocation at the MIR Consultation Stage and was not taken forward for inclusion within the Proposed Plan having been assessed as unacceptable (CD118, pages 147-150). The Contributor objects to the non-inclusion of the site (AMELR014) within the Proposed Plan and seeks the inclusion of the site for housing and an amendment to the existing Development Boundary to reflect this.
- The Council remains of the view that the site would be an unacceptable addition to the settlement boundary of Melrose at this location and the conclusions of the site assessment and consultation undertaken following the MIR Consultation Stage remain relevant. The site assessment concluded the following:
'The site (AMELR014) was submitted for housing, at the MIR Consultation stage. This site formed part of a larger site, which was considered as part of the Local Plan 2005/6 (EM22), however was not included within the Local Plan. This site lies to the west of the Melrose development boundary and adjacent to the Conservation Area. Melrose has good access to public transport, employment & services and is within close proximity to Tweedbank train station, which provides good connections to Edinburgh. There are a number of constraints identified, which are outlined below:
 - MOD Safeguarded area;
 - The site lies adjacent to the Melrose Conservation Area (Proposed Plan, page 435);
 - Potential archaeology within the site, evaluation and mitigation required;
 - Part of the site is within the Inventory Battlefield of Darnick (CD205);
 - Site is located within the Eildon & Leaderfoot Hills National Scenic Area (CD204);
 - Site is constrained within the Landscape Capacity Study (CD077, pages 53 - 68);
 - Limited capacity at Melrose WWTW; and
 - Requirement for non-vehicular access to Core Path 10.
- Furthermore, the site is located within one of the most sensitive parts of the CAT policy area (Proposed Plan, page 117), where coalescence between Darnick and Melrose is of a key concern. The proposal cannot be considered further due to the unacceptable harm to the distinct identities of these settlements the proposed development would result in.
- In conclusion, taking the above into consideration, it is not considered that this site is acceptable for development and will not be included within the Proposed Plan.'

- The Council would highlight that there are examples of sites being put forward for development within the Proposed Plan which are located within the CAT area, where appropriate. However, the Council is of the view that this is a particularly sensitive location, the site is very open and conspicuous and the proposal does not accord with one of the fundamental aims of the CAT policy to prevent settlement coalescence.

Land at Dingleton Mains II (AMELR015) (816)

- The site has been submitted for consideration as a housing allocation through the Proposed Local Development Plan consultation stage and has now been the subject of consultation with internal and external bodies. The following is the conclusion of the site assessment undertaken (CD118, page 153-154):
'A larger site was submitted for consideration at the Call for Sites stage (AMELR008) (CD119, page 31) (CD118, pages 141-143) and was previously considered as part of the Local Plan Amendment in 2008 (AMELR001 and AMELR004) (CD118, pages 153-154). This site was also the subject of an objection at the 2006 Local Plan Inquiry. The Reporter's assessment concluded that the development of the site would have an adverse impact on the setting of the settlement.'
- The site now under consideration is a reduced area, restricted to the north western part of the site (AMELR015).
- The settlement profile for Melrose as set out within the Proposed Plan recognises the distinct character and setting of the town. The site is located within the CAT policy area (Proposed Plan, page 117) which aims to ensure the high quality living environment is protected and to prevent piecemeal development, which would detract from the area's environment. Whilst the site, now reduced in scale, would have a lesser impact, development at this location of the scale proposed is still a matter of concern. With the exception of a modest housing allocation at Harmony Hall Gardens (AMELR013) as well as the longer standing allocations at Dingleton (EM32B) and The Croft (EM4B), no further development in this area is anticipated.
- This is a sensitive site within the Eildon and Leaderfoot Hill National Scenic Area (NSA) (CD204), the Dingleton Designed Landscape (SBC) (CD119, page 31) and the CAT. There is a significant boundary of trees and woodland on the settlement boundary with Melrose. It is not considered that development on the sloping elements of the site would be acceptable due to its potential prominence and its potential harmful impacts upon the NSA and the settlement of Melrose. It is perhaps the case that an extremely modest development within the north most part of the site might have been acceptable with considerable planting along the south eastern edge to contain development. However, the plans extend into an open field.
- Notwithstanding the above, however, the Roads Planning Team has raised a number of fundamental issues with the proposed allocation of this site. Any development would rely on vehicular access to Dingleton Road just south of Eildonburn Cottage. Land required to achieve this appears to be outwith the site boundary. Furthermore junction sight-lines are difficult to achieve and to gain appropriate visibility to the south for exiting drivers would require full control over the garage opposite 6 Eildon Terrace and land in front of the garage. Access at this location is further complicated by the need to cross Malthouse Burn close to Dingleton Road. For the development of the whole site, street connectivity would be required with Site EM4B. This may affect third party land and would be difficult to achieve due to the lie of the land. Such connectivity would cross Dingleton Loan. The site is relatively steep and the access location just south of Eildonburn Cottage

is not ideal for serving a significant extent of development. It would be the preference of the Roads Planning Team for a smaller stand-alone development on the lower part of the site. The access issues referred above, however, would still apply. A Transport Statement would be required which would highlight any improvements required to Dingleton Road as a result of the additional traffic associated with the development of this site. It would also have to address how any connectivity between this site and Site EM4B would impact on Dingleton Loan and the associated traffic movements of that road.

- Furthermore, the following matters would require investigation:
 - Flooding – boundary drainage would be required and there are access issues due to a culverted watercourse (Malthouse Burn). A Flood Risk Assessment would be required;
 - Biodiversity – moderate biodiversity, mitigation required.
- The difficulty in identifying appropriate land for development in Melrose is acknowledged, where market demand is strong. Given the site has been reduced in scale, it is accepted that the impact upon the NSA, the Designed Landscape (SBC) and the CAT would be less. However, on balance, it is not considered that this site, of the scale proposed, would be acceptable. In any event, the issues raised by the Roads Planning Team appear to be insurmountable.
- In conclusion, taking the above into consideration, it is not considered that this site is acceptable for development and cannot be supported for inclusion within the Local Development Plan. There should therefore be no modification to the Proposed Plan in this respect.'

Reporter's conclusions:

1. Figure 3 (Strategic Development Plan Spatial Strategy) on page 21 of the proposed plan shows that Melrose lies within the Central Strategic Development Area. I therefore disagree with the council's comment above on this matter.

The Croft (EM4B) (755, 1000)

2. Site EM4B is a greenfield site located to the southeast of Dingleton Road. It is identified as a housing allocation for around 25 homes and is within the settlement boundary in the existing local development plan. The proposed plan states that there is an approved planning brief for the site.

3. The council has indicated that a planning application (reference 18/01385/FUL) was submitted in 2018 for 28 homes on the site, which it is minded to grant subject to the conclusion of a legal agreement.

4. Whilst the site does not yet have a valid planning permission, I note the progress made in terms of implementing the existing housing allocation. I agree with the council that development on this site would not have an impact on the Countryside around Towns designation, any allocated greenspace or a Site of Special Scientific Interest. I observed on my site visit that the land is well contained and screened and am satisfied that the allocation would not have an adverse impact on the Eildon Hills Special Landscape Area.

5. The committee report dated 1 July 2019 for planning application 18/01385/FUL provides further information on transport and access matters relating to the

development of the site. This refers to a requirement in the planning brief for a new single bridged access from Dingleton Road, connecting with a T-junction on the site, a main loop road and cul-de-sacs. I consider that the information contained in the planning brief addresses the request for clarity on access matters sought in representation (1000).

6. Flood risk matters raised by the Scottish Environment Protection Agency (SEPA) in relation to this site are covered separately in Issue 074: Response to submission made by SEPA. The findings there do not alter my conclusions regarding the allocation of this site in the plan.

7. I conclude that allocation EM4B should be retained and that no modifications are required.

Dingleton Hospital (EM32B) (051, 755, 1034)

8. Site EM32B is located at the southwestern end of the settlement. The council has explained that the site is a longstanding housing allocation and has been the subject of various planning permissions. I note from the 2021 housing land audit that the site has been capacity for 276 homes, 210 of which have already been completed. On the basis that the site is already under construction, it would not be appropriate to remove the allocation from the plan.

9. Chiefswood Road runs to the east of the site and connects Dingleton Road to the northern part of Melrose, the Borders General Hospital and Darnick. I observed on my site visit that sections of Chiefswood Road do not have a footpath. However, there is currently a 20 mile per hour speed limit along its length. The council has indicated that it is exploring other ways to improve pedestrian connectivity along Chiefswood Road.

10. As planning permission has already been granted for development on site EM32B, the opportunity to require contributions towards pedestrian access on Chiefswood Road has passed. I therefore agree with the council that this is not a relevant matter for allocation EM32B. No modifications are required.

Harmony Hall Gardens (AMELR013) (98, 591, 620, 755, 876, 879, 999)

11. Site AMELR013 lies to the north of St Mary's Road and is identified as a new housing allocation in the proposed plan. The allocation is for five houses on a site which covers 0.8 hectares. The eastern part of the site, which includes an existing cottage, forms part of the Melrose Abbey Scheduled Monument.

12. The remainder of the site is described in representations as a historic orchard. It has been used in the past for community events but is not identified as a key greenspace in the existing local development plan. The whole site is located within the Melrose Conservation Area and has a traditional stone wall along the length of its southern boundary and a row of mature trees along the northern boundary.

13. The matters identified in the council's site assessment report and raised in representations indicate that this is a sensitive site. The council seeks to address these sensitivities through the list of site requirements set out on page 433 of the proposed plan. It considers that these matters can be addressed at planning application stage and

that the allocation can help meet the strong market demand for housing in the Central Borders.

14. I note that the allocation is supported by the landowner, the National Trust for Scotland. It states that preliminary surveys conclude that potential flooding, ecological and archaeological constraints would not prevent development or could be suitably mitigated. The landowner considers allocation AMELR013 to be an effective housing site which would provide low density housing in a central location.

15. I find that the site would form a logical extension to the settlement and the row of trees along the northern edge of the site would provide a clearly defined settlement boundary. Given its proximity to the town centre, the site occupies a sustainable location with easy access to local services and facilities. Whilst the site is not yet in the ownership of a developer, the evidence before me suggests it would be an effective housing site with strong possibility of being delivered during the plan period.

16. The site requirements in the proposed plan make clear that no development would be permitted within the scheduled monument. I note that Historic Environment Scotland has not objected to the allocation.

17. I agree with representations that the existing appearance of the site, including the trees and stone boundary wall, contributes to the character of the conservation area. However, the proposed plan seeks to protect existing trees and hedging and the stone boundary wall. It also indicates that development will be restricted to single storey housing. I consider overall that the site requirements address potential impacts on the conservation area and these would not justify the deletion of allocation AMELR013.

18. I observed on my site visit that there is existing low rise housing to the west of the site which in my opinion does not detract from the character of the conservation area. Furthermore, any proposal would be assessed in relation to Policy EP9: Conservation Areas, which requires development to preserve or enhance the special architectural or historic character and appearance of the conservation area. I do not consider that the development of five single storey houses would have an adverse impact on the National Scenic Area.

19. The council has confirmed above that a single vehicular access point would be required in order to protect the integrity of the stone boundary wall. I consider that the site requirements should be amended to make clear that a single point of access should be provided. A modification to this effect is recommended below.

20. The council points out that reference has been made in error to the protection of trees in two of the site requirements. It suggests a modification to replace these with one bullet point which states that “the existing boundary stone wall and trees/hedges within and on the boundaries of the site to be retained and protected, where possible”.

21. In the interests of clarity, I agree that the second and ninth bullet point should be brought together into one bullet point. However, in order to provide stronger protection for trees, I recommend an additional sentence to state that no trees are to be removed without the prior agreement of the planning authority. A modification to this effect is recommended below.

22. The western end of the site appears to provide pedestrian access to the playing fields to the north. The loss of this route has not been raised in representations. However, it would be a matter that could be addressed at planning application stage if necessary. I did not see any other evidence of the site being used regularly for recreational purposes and, as I have already noted, it is not identified as a key greenspace in the existing local development plan. I do not consider that occasional use of the site as part of the town's annual book festival would justify the removal of the allocation.

23. No evidence has been submitted to indicate that the site is of particular biodiversity value and this matter is already included in the site requirements. Given that there are existing streetlights on St Mary's Road, I do not consider that light pollution would be a significant issue. I note that St Mary's Road is narrow with a footpath on only one side. However, I consider that the additional traffic arising from five houses would have a negligible impact on traffic levels.

24. Issue 006 (Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement) concludes that there is already more than sufficient housing land and there is no need to allocate any additional land for housing besides what is already contained in the proposed plan. The allocation of this site for five homes would therefore not be essential. However, evidence suggests that it could be deliverable during the plan period and so, become part of the housing land supply.

25. Based on the evidence before me, I am satisfied that concerns regarding the potential impact of development are satisfactorily addressed through the list of site requirements (subject to the recommended modifications in relation to the protection of the stone boundary wall and trees). Therefore, notwithstanding the sensitivities of the site, I conclude that housing allocation AMELR013 should be retained. No modifications are required.

Land to West of Ormiston Terrace (AMELR014) (792)

26. Representation (792) is seeking the allocation of 1.9 hectares of grazing land to the west of Ormiston Terrace for 20 - 25 houses. The site lies within the Countryside around Towns policy area between Melrose and Darnick. The council has listed a number of reasons why it does not support housing at this location.

27. I consider that the site is conveniently located within walking distance of local services and facilities in Melrose. I agree with the representation that some of the concerns raised by the council could be addressed through the site layout and would not necessarily preclude development, in principle.

28. The representation states that the allocation of this site would result in a rounding off of the settlement boundary, bringing it in line with the western edge to the north of the B6394. However, the council considers this to be one of the most sensitive parts of the Countryside around Towns policy area.

29. I find that extending the settlement boundary to incorporate land to the west of Ormiston Terrace would appear logical when looking at a map. However, I observed on my site inspection that the equivalent land to the north of the road is a single house within a mature landscape setting. The photograph provided on page 5 of representation 792 shows that the house to the north of the road cannot be seen in

views from the Eildon Hills. Development on site AMELR014 would be visible in these views and would encroach into what is already a narrow gap between the built-up areas of Melrose and Darnick.

30. I consider that housing development on this site would be contrary to the aims of Policy EP6: Countryside around Towns, which seeks to prevent the coalescence of individual towns and villages, thereby retaining their individual identity.

31. Irrespective of the merits or otherwise of promoted site AMELR014, Issue 006 concludes that there is no need to allocate any additional land for housing besides what is already contained in the proposed plan. No modifications are required.

Land at Dingleton Mains II (AMELR015) (816)

32. Representation (816) relates to a one hectare triangular-shaped site located to the southeast of Dingleton Road and to the southwest of the existing group of properties at Dingleton Loan. Allocation EM4B (The Croft) is located to the northeast of Dingleton Loan.

33. The site forms part of an agricultural field which slopes upwards from Dingleton Road. It is separated from the road frontage by a row of trees and existing housing in places. The council states that the site occupies a sensitive location within the Eildon and Leaderfoot Hill National Scenic Area, the Dingleton Designed Landscape and the Countryside Around Towns policy area.

34. The representation considers the site to be a logical extension to the settlement boundary of Melrose and that it is well contained by roads and existing landscape. It considers the site to be similar to allocation EM4B.

35. However, unlike allocation EM4B, I find that this is not a well contained site. Furthermore, the suggested allocation boundary does not appear to follow any obvious features on the ground. The only existing screen planting runs along Dingleton Road, and this would potentially result in a development which is not well integrated with the rest of the settlement. No supporting information has been provided to indicate how the site could be developed or to address the council's concerns regarding the potential adverse impact of development on the National Scenic Area and designed landscape.

36. The council has indicated that development would rely on vehicular access to Dingleton Road just south of Eildonburn Cottage, using land which appears to be outwith the site boundary. Access at this location is further complicated by the need to cross Malthouse Burn close to Dingleton Road. The representation provides no additional information to address these concerns. It is therefore not known whether a satisfactory site access can be achieved.

37. Irrespective of the merits or otherwise of promoted site AMELR015, Issue 006 concludes that there is no need to allocate any additional land for housing besides what is already contained in the proposed plan. Within this context, and given the potential constraints to development, I conclude that site AMELR015 should not be allocated for housing. No modifications are required.

Reporter's recommendations:

Modify the local development plan by:

1. amending the first sentence of the eighth bullet point in the list of site requirements for allocation AMELR013 on proposed plan page 433 to read:

“A single access to the site should be provided which results in the least disruption to the existing stone wall along the southern boundary of the site.”

2. replacing the second and ninth bullet points in the list of site requirements for allocation AMELR013 on proposed plan page 433 with the following single bullet point:

“The existing boundary stone wall and trees/hedges within and on the boundaries of the site to be retained and protected, where possible. No trees are to be removed without the prior agreement of the planning authority.”

Issue 52	Minto	
Development plan reference:	Minto Settlement Profile and Map (Minto Development Boundary SBMIN001 – Garden Ground of Dean Cottage) (pages 438-439)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
J & G Allott (079)		
Provision of the development plan to which the issue relates:	Minto Development Boundary SBMIN001 – Garden Ground of Dean Cottage	
Planning authority's summary of the representation(s):		
<ul style="list-style-type: none"> Contributors object to the exclusion of the specific site they identify (garden ground at Dean Cottage, Hassendean Road, Minto) from the Plan for Minto. This is because it is part of their garden, and they would be grateful to see it included. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> Expand Development Boundary around Minto to include remainder of garden ground within the curtilage of Dean Cottage, Hassendean Road, Minto; specifically 'Proposed Development Boundary Alteration SBMIN001 – Garden Ground of Dean Cottage'. (079) 		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGES TO MINTO SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN, WITH THE EXCEPTION OF:</p> <p>EXPAND DEVELOPMENT BOUNDARY AROUND MINTO TO INCLUDE REMAINDER OF GARDEN GROUND WITHIN THE CURTILAGE OF DEAN COTTAGE, HASSENDEAN ROAD, MINTO; SPECIFICALLY 'PROPOSED DEVELOPMENT BOUNDARY ALTERATION SBMIN001 – GARDEN GROUND OF DEAN COTTAGE'.</p> <p>THIS IS CONSIDERED TO BE A NON-SIGNIFICANT CHANGE THAT IS ACCEPTABLE TO THE COUNCIL.</p> <p>REASONS:</p> <p><u>Proposed Development Boundary Alteration SBMIN001 – Garden Ground of Dean Cottage (079)</u></p> <ul style="list-style-type: none"> Contributors are seeking the expansion of the Development Boundary at Minto to include an area of garden ground at their property, Dean Cottage; an area which currently lies adjacent to, but outwith, the Development Boundary for Minto. 		

- The land concerned was included within the garden ground of Dean Cottage when this dwellinghouse was given planning consent in 2009 (09/00565/FUL).
- Given that it lies immediately adjacent to, and is contiguous with, an area of neighbouring land, which is both within the curtilage of Dean Cottage AND within the Development Boundary at Minto (please see settlement map in CD119, page 32); and given that it also lies within a mature hedge that defines the western property boundary of Dean Cottage, it is considered that the site, SBMIN001, would be a reasonable and logical inclusion within the Development Boundary at Minto.
- It is not considered that there is any strong basis to require the site's inclusion within the Development Boundary at Minto, given its limited development potential. However, the contributors' objection is ostensibly the omission of the site from the Development Boundary because it is part of their garden ground, rather than because they are seeking to promote it for development.
- As established garden ground that is already well-contained within an existing and established garden boundary (hedge), the site's inclusion within the Development Boundary *as garden ground* does not present any difficulties (please see the site assessment in CD118, pages 155 to 157).
- It is also reasonable that any future proposals, housing or otherwise, could be assessed on their own planning merits within the development management process at the time any future planning application(s) was (were) made.
- Accordingly, the Council would be agreeable to the inclusion of this area of garden ground within the Development Boundary, should the Reporter consider this to be appropriate.

Reporter's conclusions:

1. On my site visit I saw that the land in question (SBMIN001) forms part of the garden for Dean Cottage. I also saw that residential gardens for other properties in the village appear to be included within the development boundary. The representation does not seek inclusion of this land for development, and I am content that any future proposals on it, should they arise, would be subject of the normal planning application process. The council agrees.

2. I therefore recommend including the triangular-shaped land forming the residential garden of Dean Cottage within the Minto development boundary, as shown on page 32 of document CD119: Settlement Maps.

Reporter's recommendations:

Modify the local development plan by:

1. revising the development boundary of Minto, on proposed plan page 439, to include the garden of Dean Cottage (SBMIN001) at the southwest end of the village, as shown on page 32 of document CD119: Settlement Maps.

Issue 53	Morebattle	
Development plan reference:	Morebattle Settlement Profile and Map (AMORE001 – West Renwick Gardens and RMO6B – Renwick Gardens, AMORE004 – Land West of Teapot Bank II, BMORE003 – Extension to Croft Industrial Park II, GSMORE001 – Morebattle School Playing Field Proposed Key Greenspace GSMORE002 – Land West of Primary School, and Proposed Development Boundary Amendment SBMOR001) (pages 440-442)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
Stuart Lang (850) Brian and Anne Dickson (934)		
Provision of the development plan to which the issue relates:	Housing Allocations AMORE001 – West Renwick Gardens and RMO6B – Renwick Gardens, Housing Site AMORE004 – Land West of Teapot Bank II, Business and Industrial Site BMORE003 – Extension to Croft Industrial Park II, Key Greenspace GSMORE001 – Morebattle School Playing Field Proposed Key Greenspace GSMORE002 – Land West of Primary School, and Proposed Development Boundary Amendment SBMOR001	
Planning authority's summary of the representation(s):		
<p><u>Stuart Lang (850)</u></p> <ul style="list-style-type: none"> • The contributor objects to the proposed allocation AMORE001. • The contributor promotes alternative land to the west and north of the village, which they believe offers a more appropriate and contained solution to the limited release of greenfield land for housing at Morebattle. The sites proposed by the contributor are for a range of uses including housing (AMORE004), business and industrial (BMORE003) and greenspace (GSMORE002). These new allocations would result in a proposed amendment to the Morebattle development boundary (SBMOR001). <p><u>Brian and Anne Dickson (934)</u></p> <ul style="list-style-type: none"> • The contributors object to the proposal at West Renwick Gardens (AMORE001) to build 30 houses in Morebattle. The contributors state that this is a small village and a development of this magnitude would be overwhelming. In the past they were told the sewage system would not support any large development and we presume that this is still the case. The contributors do not object to the principle of some new housing but think a large development as proposed would totally alter the character of the whole village. 		

Modifications sought by those submitting representations:

- The contributors seek the removal of the housing allocation at West Renwick Gardens (AMORE001) from the Proposed Local Development Plan. (850)
- The contributor seeks the removal of the housing allocations at Renwick Gardens (RMO6B) and West Renwick Gardens (AMORE001) from the Proposed Local Development Plan. (934)
- The contributor seeks the allocation of housing site AMORE004, business and industrial site BMORE003, key greenspace GSMORE002 and an amendment to the Morebattle development boundary to reflect SBMOR001. (850)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE MOREBATTLE SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

It is noted that James Wauchope (831) – 3 of 3 supports the continued allocation of housing sites AMORE001 and RMO6B (CD183, page 276). The contributor provides further site details and states the sites are free of constraints and are capable of being delivered. It should also be noted the contributor makes further comment and analysis of the housing land supply in the Scottish Borders however this is addressed as part of Unresolved Issue 6.

It is also noted that Stuart Lang (850) supports the allocated sites BMORE001, BMORE002 and GSMORE001 (*although the Contributor proposes an alternative approach to the playing field provision GSMORE001*) (CD183, page 423).

Housing Allocations RMO6B - Renwick Gardens and AMORE001 - West Renwick Gardens (850, 934)

- Comments noted. It should be noted that Contributor 934 only quotes site code AMORE001 however reference is made to building 30 houses in Morebattle which would infer the comments relate to both RMO6B and AMORE001.
- Within Morebattle there are two allocated housing sites Renwick Gardens (RMO6B) and West Renwick Gardens (AMORE001). RMO6B was allocated in the Roxburgh Local Plan 1995 and part of the site has been developed to form a cul-de-sac of eight units and the remainder of the site remains undeveloped. AMORE001 was allocated as a housing site as part of the Local Plan Amendment which then formed the Consolidated Local Plan 2011 (CD010, pages 412-415).
- Neither of these sites have previously been subject to Examination and the sites have been carried forward into each subsequent Plan since being allocated. The sites were both assessed as part of the Local Plan process and both were considered acceptable for housing development (CD118 pages 449 and 481).
- Other than a small allocation at Teapot Bank which was allocated in the Roxburgh Local Plan 1995 and has since been developed, there have been no other formal housing allocations within Morebattle. The indicative site capacities of RMO6B and AMORE001 are 9 and 20 units respectively. These capacities are considered appropriate for the size of the settlement and reflects the density of the surrounding residential properties.

- There is an approved Mini Planning Brief (CD099) which covers both of the housing allocations. The Brief includes a development vision for the sites showing proposed structure planting, vehicular access and a pedestrian link to the village. It is anticipated the sites will be developed in conjunction with each other in the hope of achieving a high quality housing development responsive with the local context.
- Regarding the comments relating to AMORE001, within the approved Mini Planning Brief, the site is within the existing development boundary of Morebattle and is a logical extension of the existing allocation RMO6B. Structure planting within the site will create a new settlement edge and protect the residential amenity of the adjacent properties in Mansfield Avenue.
- There are a number of amenities within the village of Morebattle, including a village shop, pub, garage, Village Hall and Primary School. It is considered that the small scale development proposed will help support these facilities and make the village more sustainable.
- The site at Renwick Gardens (RMO6B) is within the ownership of a Registered Social Landlord (Eildon Housing Association) who are an active developer within the Scottish Borders. The sites are programmed as effective/ potentially effective within the Housing Land Audit 2019 (CD071, Appendix 1 – page 135) as there are no insurmountable constraints to the sites being developed within the next five years.

Proposed Housing Allocation Land West of Teapot Bank II - AMORE004, Proposed Business and Industrial Allocation Extension to Croft Industrial Park II - BMORE003, Proposed Key Greenspace Land West of Primary School - GSMORE002 and Proposed Development Boundary Amendment - SBMOR001 (850)

- Comments noted. The Contributor has proposed alternative land to the west and north of the village and considers this a more appropriate and contained solution to the limited release of greenfield land than that included within the Proposed Plan.
- These proposals include the potential relocation of the School playing field (GSMORE002), an extension of the existing business and industrial site (BMORE003), an alternative housing allocation (AMORE004). This includes an amendment to the development boundary (SBMOR001) as shown in CD119, page 33, to incorporate the aforementioned sites as well as a large area of existing/retained open space.
- In relation to AMORE004, a smaller site at this location was submitted as part of the Main Issues Report consultation for consideration as a potential housing site however following a site assessment being undertaken it was not taken forward into the Proposed Plan.
- Subsequently, a revised site has been resubmitted for consideration as part of the Proposed Plan representation period (AMORE004). This proposed housing site has been through the full site assessment process and the outcome of the assessment was 'doubtful' (CD118, page 164). The site is currently allocated as a key greenspace within the LDP and is currently used as the playing field for Morebattle Primary School which is adjacent to the site. AMORE004 has been assessed as doubtful as the Roads Planning Team would only be able to support housing development at this location should the adjacent land to the west and land to the south west adjacent to and west of the primary school also be allocated for housing or mixed-use development. This would allow vehicular access to be taken from the B6401. The Council's landscape team also stated 'that some or all of the southern part of site identified as a key green space should be retained as such due to its proximity to both the school and housing.

- As previously stated, there are two existing housing allocations within Morebattle which remain undeveloped, therefore there is no requirement for any further housing sites to be allocated within the settlement at this point in time. In addition to this it should be noted that the wastewater network in Morebattle currently has insufficient capacity. A growth project has been raised to increase capacity within the settlement however this is currently in the planning stage, although Scottish Water are aware of the existing allocations within their Capital Programme. Due to these reasons, it is not considered appropriate or necessary to replace AMORE001 with AMORE004.
- The Contributor also proposes significantly extending the existing business and industrial site (BMORE003) to the north beyond the development boundary to create a large mixed use/industrial park. Currently there is a buffer between the existing business and industrial site BMORE001 and the School Playing Fields (GSMORE001). This buffer avoids any noise amenity issues with the neighbouring school and should be maintained. BMORE003 has been assessed as 'Doubtful' (CD118, page 161) as part of the site assessment process. The existing business and industrial allocation within the LDP (BMORE001) provides sufficient opportunity for businesses to locate in the area and also allows for an existing business to expand. There is sufficient business and industrial land within Morebattle however if there was a genuine case that a new business and industrial site is needed and could be delivered and serviced then this could be considered as part of a future LDP.
- The proposed relocation of the School Playing Fields (GSMORE002) is considered unnecessary. The Council are not aware of any issues with the existing playing fields at the Primary School or a need for them to be relocated. The proposed playing field put forward by the Contributor is located to the west of the Primary School, has a gentle slope and fronts the B6401. Regarding the comments relating to a potential 4G pitch, it is not clear if there is demand for this facility or how this would be funded.
- Consequently it is not felt that the development boundary of Morebattle needs to be amended (as proposed by site code SBMOR001) to incorporate the proposed sites AMORE004, BMORE003 and GSMORE002. The site assessment process concluded that the proposed development boundary amendment would alter the rural setting of Morebattle and appear out of proportion in relation to the rest of the settlement (CD118, page 158).
- The existing business and industrial site, key greenspace, and housing allocations included within the Proposed Plan have been assessed as suitable for development and have gone through various public consultations. The sheer size of the proposed new allocations are out of scale with the existing settlement and therefore it is not considered necessary to amend the Morebattle settlement profile in the Local Development Plan at this point in time.

Reporter's conclusions:

Housing Allocations RMO6B - Renwick Gardens and AMORE001 - West Renwick Gardens (850, 934)

1. Although representation (934) quotes only site AMORE001, it was reasonable for the council to conclude that it also refers to site RMO6B, based on indicative site capacity. The proposed plan states that the combined capacity of both sites is 29 homes. Both sites are already allocated in the Adopted Local Development Plan (2016) and so their continued allocation does not represent a change.

2. My site visit and the Morebattle settlement map and population information suggest that 29 homes represents a relatively large expansion in the context of the village size. However, that size of development is smaller than the existing village by a considerable margin. It is also concentrated in one part of a settlement whose character is made up of several streets, in contrast to other settlements of linear pattern for example.

3. The village also has a primary school, some local shops, and some local employment. Although it is not part of a strategic development area, these services contribute to making Morebattle one of the better serviced rural settlements in the area. This suggests to me that the principle of accommodating some growth in this settlement is consistent with the proposed plan's vision. The matters addressed in this paragraph and the one above persuade me that these two allocations would not be 'overwhelming' in scale.

4. I note that a planning application was submitted to the council (22/01288/FUL) for the upgrade of the existing wastewater treatment works. However, I have no details of whether this application has been approved or what matters it covered. Even if representation (934) is correct about sewage works capacity, Scottish Water has sought modifications in Issue 002 (Chapter 2 The Changing Context and Meeting the Challenges for the Scottish Borders) to make clear that such capacity issues are not, on their own, an impediment to development. Therefore, the capacity of wastewater treatment works, on its own, need not be a reason to remove these allocations.

5. Mainsfield Road and Renwick Gardens (both adjacent to sites AMORE001 and RMO6B) contain modern properties of similar rendered finish but of mixed type and size. This does not suggest that the proposed allocations pose a significant design risk or amenity concerns that could not be resolved through design and layout, subject to the planning application process. Nor does it automatically suggest a significant change to the nature of the village edge, as argued by representation (850).

6. I saw that the southwest edge of the village is predominantly screened by roadside vegetation. The fact that the proposed allocations would not reflect an existing field boundary does not make them more or less false than any field edge or other present element of the settlement edge. Appropriate settlement edge treatments could be covered by the design and layout of any proposal and considered through the planning application process.

7. The 2019, 2020 and 2021 Housing Land Audits consider both sites to be effective with the expectation of being developed during the plan period. On balance, I find no compelling evidence to justify removing sites AMORE001 or RMO6B from the proposed plan. No modifications are required.

Proposed Housing Allocation Land West of Teapot Bank II – AMORE004, Proposed Business and Industrial Allocation Extension to Croft Industrial Park II – BMORE003, Proposed Key Greenspace Land West of Primary School – GSMORE002 and Proposed Development Boundary Amendment – SBMOR001 (850)

8. Promoted sites AMORE004, BMORE003 and GSMORE002 form a cluster of adjoining sites to the northwest of the village. Promoted settlement boundary change SBMOR001 covers these three adjoining sites and an area of land to their north. The representation promotes these sites as being better alternatives to housing allocations

AMORE001 and RMO6B. However, I have already found the continued allocation of those two respective sites to be acceptable (above).

9. None of the matters raised by the representation appear to be specific to the existing allocations or to the promoted sites. The matters raised in the representation would be unlikely to pose the risks argued and/or could be resolved by design and layout, subject to the planning application process.

10. Promoted site BMORE003 includes existing business allocations BMORE001 and BMORE002, along with land to the north of BMORE001. It is promoted as a mixed-use site with some employment (presumably in the south and west) and some housing (presumably in the north). No evidence suggests a need for more employment land than is already allocated.

11. The present gap between the allocated employment land and the village could contribute to limiting conflicts between the various class 4, 5 and 6 uses versus the school and residential uses. Promoted site BMORE003 would merge these uses with the potential to inhibit employment activities. That could compromise the original intention of BMORE001 and BMORE002.

12. The representation argues for a replacement playing field on site GSMORE002 between the school and BMORE001. Part of the rationale for this is that the existing playing field (GSMORE001 behind the school) is sloped. However, site GSMORE002 is also sloped. This does not suggest any advantage or benefit.

13. Promoted site AMORE004 covers the existing school playing field (GSMORE001) and land to its north. It is promoted for housing. The site sizes in the representation suggest AMORE004 and the mixed-use promoted site BMORE003 would be capable of accommodating a similar number of homes to sites AMORE001 and RMO6B. However, no specific capacity details are provided.

14. Most of the issues regarding settlement edge matters at sites AMORE001 and RMO6B by the representation would be similarly apparent at the above sites that it promotes. Site AMORE004 could also be screened by roadside vegetation and buildings.

15. The proposed extension of the settlement boundary (SBMOR001) also contains additional land north of promoted site AMORE004 for use as open space. That land slopes downwards to Kale Water and appears to be grazed or fallow farmland. No reasoning is provided about why this open space is needed, why this site is best suited to that purpose or why designating it so requires an extension to the settlement boundary.

16. The representation does not ask me to consider these sites as additional to the existing allocations. That would be consistent with Issue 006 (Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement), which concludes that there is no need to allocate any additional land for housing besides what is already contained in the proposed plan. Based on my conclusions above, no compelling evidence justifies the substitution of the two proposed plan sites (AMORE001 and RMO6B) with these promoted sites. Therefore, no modifications are required.

Reporter's recommendations:

No modifications.

Issue 54	Newstead	
Development plan reference:	Newstead Settlement Profile and Map (GSNEWS002 – Land West of Hawthornside Cottage) (pages 237-238)	Reporter: Alison Kirkwood
Body or person(s) submitting a representation raising the issue (including reference number):		
J Leeming (755)		
Provision of the development plan to which the issue relates:	Key Greenspace GSNEWS002 – Land West of Hawthornside Cottage	
Planning authority’s summary of the representation(s):		
<ul style="list-style-type: none"> • The LDP doesn't include the central building plot, which the contributor wished to object to under Local Development Plan Policy EP11: Protection of Greenspace, as it's the only significant greenspace in the village centre. The contributor requests that permission for this development is cancelled. • The contributor has not provided details in respect of the planning application although it is assumed this relates to planning application reference number 19/01740/FUL (Erection of dwellinghouse – Land West of Hawthornside Cottage, Eddy Road, Newstead). 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • The contributor requests that planning permission is retracted and that the site in question is protected as a Key Greenspace under Local Development Plan Policy EP11: Protection of Greenspace. 		
Summary of responses (including reasons) by planning authority:		
<p>NO MODIFICATION TO THE NEWSTEAD SETTLEMENT PROFILE AND MAP AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS:</p> <ul style="list-style-type: none"> • The site in question is located within the centre of the village of Newstead and has recently been the subject of a planning application for the erection of a dwellinghouse (reference number 19/01740/FUL) (CD140). Planning permission has been granted in principle by the Council’s Planning and Building Standards Committee on 18 May 2020 subject to conditions and the conclusion of a legal agreement. The planning application decision cannot be retracted nor considered through the Development Planning process. • The site in question is not allocated as a Key Greenspace within the Local Development Plan 2016 (CD009). Policy EP11: Protection of Greenspace identifies Key Greenspaces within settlements, the policy acknowledges that there are other 		

greenspaces also within settlements which will be protected from development where this can be justified by reference to the environmental, social or economic value of the greenspace, the role of the greenspace in defining the landscape and townscape structure and identity and its function. The loss of greenspace will only be permitted if it can be demonstrated that the social, economic and community justification for the loss of greenspace or the need for the development outweighs the need to retain the open space.

- Although the land is privately owned, its lawful use is well established as informal amenity ground. The open space is an attractive area within the centre of the village that contributes to the character and appearance of the Conservation Area and is valued by residents. The aforesaid planning application requires that the more prominent open space at the front of the site is managed and maintained as open space at this location whilst also allowing a sufficient area of garden ground for the new dwellinghouse.
- In view of the above, it would not be the Council's intention to identify this area of land as a Key Greenspace as the site is afforded protection as greenspace in any event under Policy EP11 – Protection of Key Greenspace of the Plan.

Reporter's conclusions:

1. Paragraph 1.2 on page 130 of the proposed plan indicates that "Key Greenspaces" are those spaces which are considered to be of greatest value to the community and worthy of protection. Policy EP11: Protection of Greenspace also provides protection for other greenspaces within the development boundary of settlements.

2. The Newstead settlement map identifies the community playing field located to the south of The Orchard as a "Key Greenspace". The site to which this representation relates is an area of grassed amenity space, including trees and two memorial benches, located at the southern end of Eddy Road. I consider that the site contributes to the character and appearance of the conservation area, and the number of representations submitted to the above planning application suggest that this greenspace is valued by the community.

3. The site is shown in the proposed plan as unallocated land within the settlement development boundary. Whilst the council is minded to grant planning permission for a house at the north eastern end of the site, only sites of five or more dwellinghouses are identified as housing allocations in the proposed plan. Matters relating to the determination of individual planning applications are outwith the scope of the development plan examination. However, as the council intends to grant planning permission for a house, I consider that it would be misleading to identify the site as a "Key Greenspace" on the Newstead settlement map. The site (or part of it, if the proposed house is built) would still be covered by Policy EP11, in terms of protection of other greenspaces.

4. I conclude that no modification to the proposed plan is required.

Reporter's recommendations:

No modifications.

Issue 55	Newtown St Boswells	
Development plan reference:	Newtown St Boswells Settlement Profile and Map (ANEWT005 – Newtown Expansion Area, BNEWT001 – Tweed Horizons Expansion and MNEWT004 – Land at Hawkslee Farm (parts of Tweed Horizons Expansion)) (pages 452-456)	Reporter: Alison Kirkwood
Body or person(s) submitting a representation raising the issue (including reference number):		
Luke Gaskell (073) Ian Lindley (591) John Martin (809)		
Provision of the development plan to which the issue relates:	Housing allocation ANEWT005 – Newtown Expansion Area, Business and Industrial Allocation BNEWT001 – Tweed Horizons Expansion and Mixed Use Site MNEWT004 – Land at Hawkslee Farm (parts of Tweed Horizons Expansion)	
Planning authority's summary of the representation(s):		
<p><u>Luke Gaskell (073)</u></p> <ul style="list-style-type: none"> • Objects to housing allocation ANEWT005 (Newtown Expansion Area) as it constitutes over-development. • The Contributor questions where all the occupants of the 900 houses will go to work, shop, school etc. The development appears to be for commuters but the connections to the Borders railway are poor and it's a long way to Edinburgh up the already busy A68. • Not all the existing housing allocations in the last Local Development Plan have been taken up • Objects to the business and industrial allocation BNEWT001 (Tweed Horizons Expansion) within the Local Development Plan. • This is on the undeveloped east side of the A68, an area of high landscape value adjacent to the Tweed SSSI and Bowden Burn. • The road presently acts as a convenient boundary and there is an abundance of choice to the west of it which could be allocated for business and industrial use. <p>Ian Lindley (591)</p> <ul style="list-style-type: none"> • The Contributor considers that there is no clear reference in the Newtown St Boswells Settlement Profile/Map to the safeguarding of the Waverley rail route or of how to relate development successfully to that route in the event of either it remaining unused or of its future reuse. <p><u>John Martin (809)</u></p> <ul style="list-style-type: none"> • Objects to non-allocation of MNEWT004 (Land at Hawkslee Farm - parts of Tweed Horizons Expansion) for mixed use development. 		

- This would give flexibility to the landowners business aspirations, enabling funding required to realise the end proposal.
- The concept is to come forward with small high quality start up units in a farm steading style but to realise this wider farm diversification opportunities are being sought. Primarily to enable complimentary leisure and tourism uses (Class 11) with associated accommodation (Sui Generis).
- It is envisaged that the site has a potential to accommodate a number of uses including a wedding venue and holiday lodges in addition to accommodation for small start-up businesses supporting the local economy that can assist in enhancing the diversity of mixed-use space within the next Local Development Plan period.
- The site is within the settlement boundary and is close to existing infrastructure and utilities.
- Only one site has been allocated for mixed-use development within Newtown St Boswells which is yet to benefit from planning (Auction Mart, MNEWT001). The site represents an opportunity to provide start up accommodation for business uses whilst having a complementary tourist and leisure use on site within the next LDP.
- The site is accessed off the A68 to the south west which is within the owners control. The site allocation BNEWT001 notes an upgraded access will be required in order to facilitate the development which can be considered at application stage. It is also important to note the site is within walking distance of the co-op shop, garden centre, primary school and residential area, along with local bus stops for onwards travel via public transport.
- The site represents a logical location for mixed use development within Newtown St Boswells to meet the growing demand of business and tourist accommodation within the Scottish Borders.
- The Dryburgh Conservation Area partially extends onto the site. It is envisaged to incorporate a steading design approach, ensuring careful consideration within the design and layout making sure there is no significant harm on the settling of the conservation area.
- Existing and new boundary treatment would be put in place as part of proposals coming forward.
- Newtown St Boswells is considered to be a desirable place for business accommodation due to its proximity to the surrounding towns and connectivity to Edinburgh. It is important that the land allocations are made in sustainable and sought after locations.
- There is a market demand for small business units and wedding and conference venues in Newtown St Boswells and due to the unconstrained nature of the subject site, it is an attractive prospect for the rural diversification of Hawkslee Farm.

Modifications sought by those submitting representations:

- Contributor seeks the removal of housing allocation ANEWT005 (Newtown Expansion Area), as it constitutes over-development, from the Plan. (073)
- Contributor seeks the removal of business and industrial allocation BNEWT001 (Tweed Horizons Expansion) from the Plan. (073)
- Contributor seeks clear reference within the Settlement Profile/Map for Newtown St Boswells to the safeguarding of the Waverley rail route or of how to relate development successfully to that route. (591)
- Contributor requests site MNEWT004 (Land at Hawkslee Farm - parts of Tweed Horizons Expansion) is allocated within the Local Development Plan as a mixed use site. (809)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE NEWTOWN ST BOSWELLS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN WITH THE EXCEPTION OF THE FOLLOWING NON-MATERIAL CHANGE AS SET OUT BELOW (AND DETAILED FURTHER UNDER THE RELEVANT SECTION):

- THE FOLLOWING TEXT TO BE ADDED TO THE SETTLEMENT PROFILE FOR NEWTOWN ST BOSWELLS: 'ACCOUNT MUST BE TAKEN OF THE FORMER RAILWAY LINE RUNNING THROUGH THE SETTLEMENT AND THE NEED TO SAFEGUARD THIS UNDER POLICY IS4: TRANSPORT DEVELOPMENT AND INFRASTRUCTURE.

REASONS:

- Newtown St Boswells is located outwith any Strategic Development Area set out by the SESPlan Strategic Development Plan (SDP) 2013 (CD001, refer to pages 7 to 20). Appendix 2 contained within the Proposed Plan outlines that the housing land requirement figures are taken from the SESPlan Proposed SDP (2016) (CD005, refer to pages 44 to 50) and SESplan Housing Background Paper 2016 (CD006, refer to pages 4 to 6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit 2019 (CD071, refer to the Introduction, pages 14 to 16) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Issue 6. It is also acknowledged that housing land requirements will be set out at a national level through the forthcoming National Planning Framework.

Newtown Expansion Area (ANEWT005) (073)

- The site was originally allocated for residential development through the process of the Finalised Local Plan Amendment in 2009 (CD012, pages 192 and 194). The site has remained as a housing allocation through to the current Scottish Borders Local Development Plan 2016 (CD009, pages 437 and 440).
- The site assessment (CD118, pages 457-460) concluded: 'The site is part of the Newtown expansion area that has been assessed previously. It was the Reporter's recommendation after the Local Plan Inquiry to include the site in the area for expansion of Newtown St Boswells. A master plan is required for development on the site. The plan should address the following (the list is not exhaustive): 5 arm roundabout from A68, road/transport network within the settlement, cycle and footpaths, SUDS, greenspace, open space, public park, play equipment, sustainable approach to construction, use of renewable energy, provision of school and nursery to serve local catchment, scale and design of development needs to consider sensitive landscape and setting, use of landscaping and buffers to create strong boundary, development to conserve and enhance landscape value of NSA and to incorporate outcome from community consultation and contribute to regeneration of village centre. Flood risk on eastern part of site needs to be mitigated and FRA is recommended to inform site layout. Development proposals for the site also

consider how potentially contaminated land along the former railway line is developed. Existing hedges and trees should be retained where ever possible for protection of biodiversity.’

- A Development Framework (CD116) was approved by Scottish Borders Council in February 2012 in discussion with the local community and key stakeholders which guides development within Newtown St Boswells. It sets out the key requirements for development to take place, including the provision of key facilities and development contributions. It also sets out proposals to achieve the desired integration between the existing village and the new development using the village centre as the vital link in the process.
- An outline planning application (Ref no. 09/01005/OUT) (CD141) for the erection of 900 dwellinghouses (with associated infrastructure, highway works, ancillary works and landscaping including the formation of a new roundabout on the A68 trunk road and realignment of Whitelee Road) which for the most part follows the boundaries of housing allocation ANEWT005, is pending decision. The application was approved by the Council’s Planning and Building Standards Committee on 8 February 2010 subject to conditions, informatives and the conclusion of a legal agreement. Ongoing dialogue relating to a legal agreement continues to date, however, once this is concluded the planning consent will be issued. The delay is as a result of uncertainty relating to how much land is set aside in the event that the Borders Railway is extended beyond Tweedbank and through Newtown St Boswells. This delay has not, however, impacted upon the deliverability of the site however, as further planning applications have been processed on parts of the overall site as detailed within the following two paragraphs.
- A full planning application (reference no. 18/00486/FUL) (CD142) for the erection of 63 dwellinghouses with associated works on land to the north of Sergeants Park, with 4 dwellings to be delivered within housing allocation ENT15B and the remaining 59 within housing allocation ANEWT005, was approved subject to conditions and a legal agreement in January 2019. This development is currently underway on site.
- A full planning application (Reference no. 14/01153/FUL) (CD143) for the erection of 40 dwellinghouses and associated works on land to the east of Milestone Garden and Leisure Ltd was approved subject to conditions, informatives and a legal agreement in April 2016. Part of this application site falls within housing allocation ANEWT005. A variation of direction of this planning consent to extend the commencement date by three years was approved subject to conditions, informatives and a legal agreement in September 2020 (19/00570/FUL) (CD144). This consent is therefore still live and can be implemented.
- In view of the above, there is clearly ongoing interest in the development of this large site. The site makes a significant contribution to the housing land supply within the Scottish Borders. The Council’s Housing Land Audit 2019 (CD071, Appendix 1, pages 140 and 142) confirms that there are currently 99 effective units, with completion programmed by 2024, within the site, and 551 units constrained beyond 2026. The Council therefore retained the allocation within the Proposed Local Development Plan.
- In view of the above, it is contended that site ANEWT005 (Newtown Expansion Area) should remain as a housing allocation within the Local Development Plan.

Tweed Horizons Expansion (BNEWT001) (073)

- The site is allocated for business and industrial use within the current Scottish Borders Local Plan 2016 (BNEWT001 – Tweed Horizons Expansion) (CD009, pages

438 and 440) having originally been allocated through the process of the Local Plan Amendment process (2009) (CD012, pages 192 and 194). The site is categorised as a strategic high amenity business and industrial site as defined within Policy ED1 – Protection of Business and Industrial Land.

- The site was originally allocated to provide for future economic development in the area having been informed by a report by Ryden on business space provision (CD081) within the Borders as well as by the Council's monitoring processes. The studies acknowledged the limited supply of serviced employment land as well as the market conditions that make it difficult for the private sector to deliver the required product.
- The site requirements require that a masterplan is provided to identify and respond to the landscape sensitivities of the site and the wider National Scenic Area (CD204). Furthermore, development of the site should include a new access from the A68 and may require to be supported by a new roundabout on the A68 in conjunction with the Newtown expansion to the west of the A68. No objections have been raised by NatureScot and Transport Scotland in respect of this allocation through the process of this Proposed Local Development Plan.
- It is the view of the Council that the site BNEWT001 should remain as a high amenity business and industrial site allocation within the Local Development Plan and the allocation of parts of the site for mixed use purposes is not regarded as acceptable for the aforesaid reasons. It is noted that Contributor 809 (landowner) supports the continued allocation of the site (CD183, pages 75-79).

Newtown St Boswells Settlement Profile/Map (591)

- The settlement profile for Newtown St Boswells (pages 452-456) refers to a Development Framework (CD116) which has been developed for the settlement which supports and provides guidance for the redevelopment of the village centre (para 5, page 452). This Development Framework makes clear and numerous references to the former railway line and the implications of it coming back into use at any time in the future.
- Furthermore, Policy IS4 – Transport Development and Infrastructure supports the extension of the Borders Railway from Tweedbank through Hawick to Carlisle and the the Policy Maps within Volume 1 (pages 182 – 187) of the Plan clearly indicate the safeguarding of the former line between Tweedbank and Hawick down to the English border including through Newtown St Boswells itself. This is therefore a material consideration through the process of any planning application within proximity to the former line through the settlement. Council officers and interested developers are fully aware of the need to safeguard the former route and this is always referred to at relevant meetings.
- In view of the above, the Council does not consider that it is explicitly necessary to make specific reference to the former line through Newtown St Boswells within the settlement profile. However, should the Reporter wish reference to be made to this within the settlement profile the Council would be happy to agree this as a non-significant change.

Land at Hawkslee Farm (Parts of Tweed Horizons Expansion) (MNEWT004) (809)

- The site has been submitted for consideration as a mixed use allocation through the Proposed Local Development Plan consultation stage and has now been the subject

of consultation with internal and external bodies. The following is the conclusion of the site assessment undertaken (CD118, pages 170-172):

‘The site forms part of a larger business and industrial site (BNEWT001 - Tweed Horizons Expansion) which was allocated through the Local Plan Amendment process (2009). The sites are separated from Newtown St Boswells by the A68. Proposed access improvements for the village expansion will improve integration within the settlement. It will be important to include pedestrian/cycle links to the village from the area. The site proposed for a mixed use allocation is located within the eastern part of the existing business/industrial allocation as well as a somewhat detached part located within the south western part of the site. Mixed use development, as proposed, would not currently relate to any existing development. Any development would require to take account of the Dryburgh Conservation Area which abuts the site to the east. Mixed use development would result in the loss of parts of this strategic high amenity business and industrial site which is contrary to Policy ED1 - Protection of Business and Industrial Land. Policy ED1 confirms that the Council will rigorously protect such sites for Class 4 use. The policy does state that other high-quality complementary commercial activity may be acceptable as well as non-industrial business/employment generating uses if it can be demonstrated that it enhances the quality of the high amenity business site as an employment location, and provides a specific service for those businesses operating on the wider business site. Such proposals would be considered through the planning application process. Mixed use development as an allocation within this business/industrial site is not considered to be acceptable. It is considered that this site should remain safeguarded for the identified use and other areas of land could be sought for the alternative proposals stated. Development, as proposed, would result in piecemeal development. The sensitivities of this site require that a holistic approach is taken to development and it is therefore intended that a Planning Brief will be produced.

- The submission suggests that potential uses would include a wedding venue and holiday lodges as well as accommodation for small start-up businesses. In addition to the aforesaid matters relating to the principle of mixed use development within this Strategic High Amenity Business and Industrial Site, there would also be concerns relating to the potential conflict of uses which may arise between wedding venue/holiday lodges and business development. Such proposals would perhaps be best located within rural locations and therefore considered against Policy ED7 – Business, Tourism and Leisure Development in the Countryside. Equally, sites within existing settlements may offer a more suitable location. Redevelopment sites and mixed use sites could be explored and well as white land.’
- For the aforesaid reasons, it is not considered that the proposed mixed use allocation (MNEWT004 – Parts of Tweed Horizons Expansion) should be taken forward into the Local Development Plan. It should be noted that there will be the opportunity to revisit this position through the process of the next Local Development Plan. Whilst piecemeal mixed use development, as proposed, could not be supported, it is perhaps the case that as business and industrial development dovetails with the continued expansion of the settlement, mixed use development to a certain extent may be acceptable.

Reporter’s conclusions:

1. Figure 3 (Strategic Development Plan Spatial Strategy) on page 21 of the proposed plan suggests that Newtown St Boswells, which is located to the south of Melrose and

the north of Jedburgh, lies within the Central Strategic Development Area. I therefore disagree with the council's comment above on this matter.

Newtown Expansion Area (ANEWT005) (073)

2. Representation (073) states that the Newtown Expansion Area allocation (ANEWT005) is over-development and not suitably located in relation to jobs, services and facilities. It indicates that not all existing housing allocations have been delivered. I note that the representation is not specifically seeking the deletion of allocation ANEWT005.

3. The council has explained that allocation ANEWT005 is a longstanding proposal dating back to 2009. The site requirements set out on page 454 of the proposed plan make clear that the expansion proposals are to include the provision of open space, schools and sports facilities, as well as housing. Furthermore, the Newtown St Boswells settlement profile also includes a number of business and industry and mixed-use proposals and safeguards.

4. We note in Issue 006 (Chapter 6: Planning for Housing) that a large part of the housing land supply in the Scottish Borders comprises sites that are already allocated in previous plans. The council's 2019, 2020 and 2021 housing land audits indicate that this site is expected to be built out over a long timeframe, well beyond the local development plan period. Planning permission has already been granted for some of the earlier phases of development.

5. I do not consider that any modifications are required to address this representation.

Tweed Horizons Expansion (BNEWT001) (073)

6. Allocation BNEWT001 identifies 13.9 hectares of greenfield land to the east of the A68 road for high amenity business and industry use. The council has explained that this is also a longstanding proposal dating back to 2009. The purpose of the allocation was to address a need for serviced high amenity business land identified in a 2008 study by Ryden property consultants.

7. Representation (073) considers that the proposed new business park should be located on land to the west of the A68 road, rather than in an area of high landscape value.

8. The council has not indicated whether any updates have been undertaken of the 2008 study in terms of a need for a high amenity business and industry site in this location. However, the site is allocated for this purpose in the existing local development plan, and I have insufficient evidence to justify its deletion. Furthermore, there are no representations promoting any alternative site to the west of the A68 road.

9. A number of the site requirements set out on page 454 of the proposed plan refer to the need to protect and enhance woodland and hedges. There is also a requirement to provide a masterplan to identify and respond to the landscape sensitivities of the site. I consider that these requirements help address some of the concerns raised in representation (073).

10. I conclude overall that the allocation should be retained. No modifications are required in response to this representation.

Land at Hawkslee Farm (Parts of Tweed Horizons Expansion) (MNEWT004) (809)

11. Representation (809) wishes to see part of site BNEWT001 allocated for mixed use development to allow complementary leisure and tourism uses and associated accommodation.

12. The council has pointed out that Policy ED1 (Protection of Business and Industrial Land) would allow for other high-quality complementary commercial activity and non-industrial business/employment generating uses in particular circumstances. Such uses would need to be assessed in terms of whether they would complement and support high amenity business and industrial development on the site. In advance of the preparation of a planning brief and masterplan, it would be premature to consider whether the uses proposed in representation (809) would be suitable on land at Hawkslee Farm. In this regard, I agree with the council that the sensitivities of the site and the strategic nature of the allocation require a holistic approach to development. No modifications are required.

Newtown St Boswells Settlement Profile/Map (591)

13. The council has suggested that an additional sentence is added to the settlement profile to state “Account must be taken of the former railway line running through the settlement and the need to safeguard this under Policy IS4: Transport Development and Infrastructure”. I agree that such a sentence would be helpful to recognise the opportunity that the former railway line brings and highlight the implications of Policy IS4 for Newtown St Boswells. A modification to this effect is recommended below.

Reporter’s recommendations:

Modify the local development plan by:

1. adding the following sentence to the end of the third paragraph in the “Placemaking Considerations” section on proposed plan page 452:

“Account must be taken of the former railway line running through the settlement and the need to safeguard this under Policy IS4: Transport Development and Infrastructure.”

Issue 56	Nisbet	
Development plan reference:	Nisbet Settlement Profile and Map (ANISB003 – Land West of Nisbet Smiddy and Development Boundary Amendments SBNIS001 and SBNIS002) (pages 457-458)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
Lothian Estates (661)		
Provision of the development plan to which the issue relates:	Housing Site ANISB003 – Land West of Nisbet Smiddy and Development Boundary Amendments SBNIS001 and SBNIS002	
Planning authority's summary of the representation(s):		
<ul style="list-style-type: none"> The contributor believes that there are further areas around the village that are suitable for future development and would welcome further opportunities to put forward housing development options for further consideration. The contributor has submitted an annotated map of changes that could be made to the settlement boundary to facilitate small scale developments that would be in keeping with the settlement. The contributor hopes that this site could be considered during the next review of the Local Development Plan. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> The contributor seeks an amendment to the Nisbet development boundary to include SBNIS001 and SBNIS002, The contributor also seeks the allocation of ANISB003 for housing within the Proposed Local Development Plan. 		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE NISBET SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS:</p> <p>It is noted that Crailing, Eckford and Nisbet Community Council (799) note that there is no land allocated for development within Nisbet. The contributor welcomes the statement that the Nisbet Play Area (GSNISB001) is protected (CD183, page 56).</p> <ul style="list-style-type: none"> From the annotated map of changes submitted by the contributor, three areas have been identified. Due to their size, two of these have been assessed as amendments to the development boundary (SBNIS001, SBNIS002) with the larger site being assessed as a proposed housing site (ANISB003). ANISB003 has previously been submitted for consideration as a housing site in earlier stages of the process. A map showing each of the sites submitted by the contributor are shown within CD119, page 36 within the context of the settlement. 		

Proposed Housing Allocation – ANISB003

- The site submitted by the contributor (ANISB003) is located outwith the Nisbet development boundary and has been assessed as a potential housing site. A smaller site at this location was submitted for consideration at the Call for Sites stage however it was not taken forward into the Main Issues Report.
- A site assessment has been undertaken for ANISB003 (CD118, page 179), which concluded the overall assessment was ‘doubtful’.
- Although it is considered that the site could be developed, due to the following constraints it was not considered appropriate to allocate ANISB003 as a proposed housing site within the Local Development Plan:
 - The Council’s Roads Planning Team stated a public road may not be desirable at this location due to the urbanisation this could bring with it. A more suitable form of development would appear to be roadside dwellings in-keeping with the existing form of the village. However this site layout would result in a small-scale development of less than five unit and the Local Development Plan only allocates sites with a capacity of five or more units.
 - Approximately one third of the site is at risk of flooding in a 1:200 year event which significantly reduces the developable area of the site;
 - While development here is not likely to be absolutely constrained by any particular issue and the site is within the Central Borders SDA, Nisbet is a very small village without services and one that has only recently absorbed a relatively large scale of development.
- Ultimately it is considered that there are more appropriate sites which contribute towards the housing land requirement. At this point in time the village should be given time to adapt to the relatively recent aforesaid large scale development and it is not considered that there is any requirement for additional housing sites in Nisbet as more appropriate sites are available within the Housing Market Area and wider Scottish Borders. However, it is acknowledged there are no insurmountable issues to be addressed which would prevent the site being considered to be brought forward into a future LDP.

Proposed Development Boundary Changes – SBNIS001 and SBNIS002

- The contributor has also proposed two amendments to the Nisbet development boundary (SBNIS001 and SBNIS002). The contributor suggests these amendments would provide small-scale infill opportunities.
- The proposed development boundary amendments have not been considered previously and since being submitted have been through the full site assessment process.

SBNIS001

- Regarding SBNIS001, it should be noted that this proposal is considering a development boundary amendment and not a formal allocation for housing.
- The proposed development boundary amendment has not been considered previously and since being submitted have been through the full site assessment process (CD118, page 173). The assessment concluded that the proposal was ‘doubtful’.
- The proposed development boundary amendment has a site area of 0.2ha and extends into an open area of greenfield land to the north with no obvious established

boundary. There are potential issues relating to the mature trees along the western site boundary which could result in significant shading of the site which would likely result in a reduced area of developable land. There is also potential for the proposal to impact the rural setting of the Conservation Area of the village. Ultimately it is considered that there were more appropriate sites which contribute towards the housing land requirement and the site is not included. At this point in time the village should be given time to adapt to the relatively recent large scale development on the southern side of the village and it is not considered that there is any requirement for additional housing sites in Nisbet as more appropriate sites are available within the Housing Market Area and wider Scottish Borders.

- Therefore, SBNIS001 is not considered a necessary or appropriate addition to the development boundary of Nisbet.

SBNIS002

- Regarding SBNIS002, it should be noted that this proposal is considering a Development Boundary amendment and not a formal allocation for housing.
- This site is contained with a drystone wall along the B6400 which runs along the eastern site boundary. There is a farm track along the southern boundary, two recently completed dwellinghouses to the north and a hedgerow/fence boundary to the west. The site is a level site with good frontage and access potential.
- This site was previously considered as a housing allocation during the Local Plan 2006 (under side code PRN13), the assessment at the time rejected the site and stated that the 'site should not be developed as there are better sites within the village and it is outwith the natural envelope of the settlement, open to views'. As a result an alternative site was allocated which has now been fully developed.
- This proposal (SBNIS002) has also been through the site assessment process (CD118, page 176) and it is considered there is no requirement to amend the settlement boundary of Nisbet at this point in time. Nisbet is a very small village which has relatively recently been subject to a fairly significant extension to the south. This is as a result of a Local Plan housing allocation and a subsequent planning application for the development of that land. It is considered the village should have time to adapt to this change rather than continuing to extend it further within a short period of time. It is considered that site SBNIS002 does appear to be a possible acceptable extension to the development boundary contained within natural boundaries which could be considered for formal allocation within a future LDP.
- Furthermore, in relation to both SBNIS001 and SBNIS002, it is not considered appropriate to expand a Development Boundary merely in order to provide infill opportunities within the settlement itself, without a formal allocation. It is considered that there is sufficient housing land within Nisbet for the Proposed LDP period. In conclusion, taking the above into consideration, the Development Boundary amendment will not be included within the Proposed LDP.
- In relation to the three proposals, it should be noted that there is limited capacity within the wastewater infrastructure in Nisbet and therefore a growth project would be required if a developer wanted to connect to the network. The current timescale growth project delivery is 5-7 years once the developer has met Scottish Water's five growth criteria.
- Nisbet is a small settlement located within the Central Strategic Development Area set out by the SESplan Strategic Development Plan (SDP) (CD001, pages 7-20). Appendix 2 contained within the Proposed Plan outlines that the Housing Land

Requirement figures are taken from the Proposed SESplan SDP (CD005, pages 44-50) and Housing Background Paper 2016 (CD006, pages 4-6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit 2019 (CD071 (Introduction), pages 14-16) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Unresolved Issue 6. It is also acknowledged that housing land requirements will be set out at a national level through the forthcoming National Planning Framework.

- The Nisbet settlement profile within the Proposed Local Development Plan states that there has been recent housing development within the settlement at West Nisbet Farm where 18 units have been completed. It is therefore considered that due to the size of the settlement, limited infrastructure and recent development within the settlement which may take time to absorb, it is not appropriate to identify any further housing land within the settlement at this moment.
- In conclusion, it is not considered appropriate to identify additional housing allocations within the village or make any amendments to the existing development boundary of Nisbet.

Reporter's conclusions:

Proposed Housing Allocation – ANISB003

and

Proposed Development Boundary Changes – SBNIS001 and SBNIS002

1. Both site ANISB003 and the two proposed changes to the settlement boundary, are promoted in the hope that they could be developed for housing. Although the council confirms that the constraints on site ANISB003 are not insurmountable, all three promoted locations are in a settlement with little in the way of public services. Development here would almost inevitably require future occupants to travel for work and/or services.

2. Irrespective of the merits or otherwise of these promoted locations, Issue 006 (Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement) concludes that there is no need to allocate any additional land for housing besides what is already contained in the proposed plan. No modifications are required.

Reporter's recommendations:

No modifications.

Issue 57	Oxnam	
Development plan reference:	Oxnam Settlement Profile and Map (GSOXNA001 – Oxnam Green) (pages 459-460)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
Oxnam Water Community Council (627)		
Provision of the development plan to which the issue relates:	Key Greenspace GSOXNA001 – Oxnam Green	
Planning authority’s summary of the representation(s):		
<ul style="list-style-type: none"> • The Community Council would like the greenspaces identified within the Main Issues Report (MIR) Page 97 Figure 8: Proposed Oxnam Settlement Boundary to be brought forward into the Proposed Local Development Plan as key greenspaces. • Specifically wish to protect the setting of Oxnam Kirk and oppose any development of the small triangular shaped field adjacent and to the south of the kirk – as identified in the MIR Page 97. • Similarly, opposed to development that would cause the loss of, or serious damage to, the mature trees in the small triangular area of deciduous woodland to the north of Oxnam Neuk, MIR Page 97. • Also opposed to development that would cause the loss of, or serious damage to, the mature trees between the residential properties and the farm track to Galla Knowe as identified in MIR Page 97. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • Objects to the non-inclusion of the 3 greenspaces not taken forward from the MIR to the Proposed LDP as key greenspaces. (627) 		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE KEY GREENSPACES IN OXNAM AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN. REASONS: Support inclusion of Oxnam Green as a key greenspace GSOXNA001. (627)</p> <p><u>Non-inclusion of key greenspace (627)</u></p> <ul style="list-style-type: none"> • Planning Advice Notice (PAN) 65 (CD60, paragraph 3) states: “<i>The planning system performs two key functions in relation to open space: • protecting areas that are valuable and valued; and • ensuring provision of appropriate quality in, or within easy reach of, new development.</i>” The Local Development Plan identifies those spaces which are considered to be of greatest value to the community and are therefore worthy of protection, and are identified and allocated as ‘Key Greenspaces’. 		

- The Main Issues Report, on page 97 Figure 8: Proposed Oxnam Settlement Boundary (CD008), identified a development boundary for the settlement with 4 potential green space areas for protection. The plan proposed was prepared by Oxnam Water Community Council and the Council put the plan out as part of the MIR consultation. It was considered by the Council that only Oxnam Green GSOXNA001 should be taken forward into the Proposed Local Development Plan page 459-469 as a Key Greenspace designation. This is a very prominent and focal point and its open greenspace features, amenity and visual value help define the character of this part of the hamlet.
- The other greenspaces not identified as Key Greenspaces in the Proposed Local Development Plan would still be afforded protection through Policy EP11: Protection of Greenspace of the Proposed Local Development Plan Volume 1 Policies page 130 to 132, as these areas are within the Development Boundary and would be recognised in the policy as Other Greenspace.
- The introductory text of Policy EP11 Protection of Greenspace states that: *“The aim of the policy is to give protection to a wide range of defined types of greenspace (also known as open space) within settlements and to prevent their piecemeal loss to development. The policy also aims to protect and safeguard the most important spaces within settlements. ... The Local Development Plan (LDP) identifies Key Greenspaces within Development Boundaries. The spaces identified within the Plan are those spaces which are considered to be of greatest value to the community and are therefore worthy of protection. It is intended that within Key Greenspaces only proposals that will enhance the space will be supported by the Council. Whilst the Local Development Plan identifies Key Greenspaces within settlements, the policy acknowledges that there are other greenspaces also within settlements. This policy also extends protection to those other greenspaces. ...”*
- It should be noted that Key Greenspaces were first introduced into the Local Development Plan in 2016. The Technical Note on Greenspaces relating to that plan (refer to CD033, PDF page 2) states: *“In considering the identification of Greenspaces within settlements in the Scottish Borders and in line the SPP [Scottish Planning Policy], consideration of the value and function of greenspaces is crucial. As the Green Space Audit which was incorporated into the Supplementary Planning Guidance on Green Space already identifies many of the greenspaces that exist within settlements, it is not considered appropriate to replicate this information within the LDP. It should be noted however that the green space audit also includes scoring on ‘Quality’ and ‘Value’. Therefore in line with the SPP only those spaces that are most “valued and functional” will be identified within the LDP2. ... The aim in the identification of greenspaces in the LDP is to protect and safeguard the most important spaces within settlements. This is in line with PAN 65 which states: “Development plans should safeguard important open spaces from development in the long term”. ... Due to the sheer coverage of the Scottish Borders, the number of settlements within the Borders and in line with PAN 65, it is considered that only the most important green spaces within settlements will be identified and safeguarded through the LDP. This is not to say that those spaces not identified within the Plan will fail to receive protection, they too will also receive protection although less rigorously protected”*.
- Oxnam Kirk and graveyard are Category B listed. Any potential for future planning applications in the small triangular field to the south would be decided through the Development Management process where consideration of setting, aspect and massing etc would be considered. The small triangular field south of Oxnam Kirk is

not considered to be a functional greenspace or contribute significant value to the community and is therefore not considered worthy of being elevated to a Key Greenspace.

- The two other areas, the small triangular area of deciduous woodland to the north of Oxnam Neuk and the area between the residential properties and the farm track to Galla Knowe (refer to Main Issues Report CD008, page 97), and are not considered to be worthy of Key Greenspace status. However, they would still be afforded protection under Policy EP11: Protection of Greenspace of the Proposed Local Development Plan Vol1 Policies page 130 to 132.
- In conclusion, policy EP13 part B Other Greenspace offers protection if there is sufficient justification to do so through the Development Management process. It is therefore considered the Plan should not be amended and site GSOXNA001 should be the sole Key Greenspace identified within the Oxnam development boundary.

Reporter's conclusions:

1. The proposed plan does not allocate any sites for development in Oxnam. All of the spaces referenced in representations remain undeveloped except for Oxnam Neuk, where development of at least one home appears to have occurred.
2. The council explains that the four green spaces proposed for protection by the representation were identified in Main Issues Report (MIR) Figure 8 and that the council was content to present those for consultation purposes. That is reasonable, since the MIR is the stage during which parties can debate what they think the proposed plan should or should not do. The MIR question and text relating to Figure 8 covers only the settlement boundary and whether Oxnam should be recognised as a settlement within the proposed plan. In any case, the MIR is not a draft plan and so MIR Figure 8 does not automatically commit the council to any approach or position. On the evidence above, the council's preference was ultimately to protect only GSOXNA001 as a key greenspace in the proposed plan, based on its consideration of matters as outlined.
3. Having considered the matters in Planning Advice Note 65 and the purposes for which the council has chosen to use key greenspace designations, it has reached a value judgement. That judgement concludes that GSOXNA001 is of greatest value to the community. It places a lesser value on the other three green spaces referenced by the representation. Although the representation takes a different view, in particular to avoid development and loss of trees, it provides no compelling counter-evidence.
4. The council is correct that Policy EP11 Protection of Greenspace part B 'other green spaces' provides general protection within settlements for green spaces that are not defined as key greenspaces. That policy is considered separately in Issue 015 (Environmental Promotion and Protection Policies EP7 to EP17). Therefore, the green spaces referenced by the representation are not without protection. On this basis, I am content that proposals arising on the sites that concern the representation could be appropriately considered at planning application stage, against proposed plan Policy EP11 and other relevant policies. No modifications are required.

Reporter's recommendations:

No modifications.

Issue 58	Oxton	
Development plan reference:	Oxton Settlement Profile and Map (AOXTO010 – Deanfoot Road North, AOXTO009 – South west of Oxton, AOXTO019 – Nether Howden and MOXTO002 – Oxton West) (pages 461-463)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Paul Docherty (047) Calum & Leanne Stewart (645) Edmund Rooney (688) Carol Brennan (696) Alex & Ben Redman (699) Hamish Reid (701) Oxton & Channelkirk Community Council (712) Ieuan & Elizabeth Thomas (756) Maureen Calder (775)</p>		<p>Jill Young & Andy Ferguson (776) Sarah & Michael Kearney (779) Martin Jackman & Others (787) Michael Ridgeway (824) Brian McCrindle (852) Ellen Williamson (939) Neil Williamson (947) Shirley Williamson (950) Matthew Yaxley (981)</p>
Provision of the development plan to which the issue relates:	Housing Allocation AOXTO010 – Deanfoot Road North, Housing Site AOXTO009 – South west of Oxton, Housing Site AOXTO019 – Nether Howden and Mixed Use Site MOXTO002 – Oxton West	
Planning authority’s summary of the representation(s):		
<p><u>Paul Docherty (047), Calum & Leanne Stewart (645), Ieuan & Elizabeth Thomas (756), Maureen Calder (775), Martin Jackman & Others (787), Brian McCrindle (852)</u></p> <ul style="list-style-type: none"> The Contributors object to the allocation of site AOXTO010 Deanfoot Road North within the Plan stating that it appears that one site had to be identified in Oxton and that was site AOXTO010. The Contributors state that site assessments appear to downplay the obstacles for this site whilst accentuating them for other sites, such as issues relating to roads and access, reference to landscape elements such as trees and hedges, and sewage capacity. The Contributors also state that no mention is made as to where a new school would be located within the settlement and state that previously it was suggested that a new school could be located in the vicinity of AOXTO009, whilst site AOXTO010 does not offer the opportunity for a new school. The Contributors makes reference to the statement within the current Adopted Local Development Plan – “<i>Development to the north and not the settlement will be resisted where it would have significant effect on the international nature conservation value of the Leader Water or impact on the countryside setting of the settlement as viewed from the A68 trunk road</i>”, stating the site AOXTO010 is clearly located east of the settlement of Oxton. The contributors state that they take issue with the removal of the word “east” from the settlement profile. The Contributor also state that residents want a say as to where new development and a new school goes rather than having piecemeal planning forced upon it. The Contributors make reference to erosion from the burn. The contributors state that site AOXTO009 was rejected partly based on the existence of a high-pressure gas pipe in the vicinity 		

and state that they have evidence from SGN that prove that this is not a viable reason for rejection. The Contributors also state that residents and councillors agree to that future housing development should be west of the village. Furthermore, the contributor states that the positioning, remoteness, and access issues with site AOXTO010 does nothing to promote sustaining and strengthening the community as development nearer the centre would promote usage of key services within the village. The Contributors state that they dispute the finding that site AOXTO010 will only have a 'moderate impact' on biodiversity.

Edmund Rooney (688)

- The Contributor objects to the allocation of site AOXTO010 stating that this site along with several other options were considered during an extensive consultation by the Community Council and was rejected by residents. The clear preference from the community was for site AOXTO009. The Contributor states that in the proposed LDP the settlement profile for Oxton states that "*The character of Oxton is established by its clustered form and countryside setting.... The Leader Water to the east is part of the River Tweed Special Area of Conservation, a wildlife site of international importance*" and that "*Development to the north and east of the settlement will be resisted where it would have significant effect on the international nature conservation value of the Leader Water or impact on the countryside setting of the settlement as viewed from the A68 trunk road.*" In the proposed LDP, the wording has been changed so that development to the east would no longer be resisted. Given that the Leader Water to the east is still part of the River Tweed Special Area of Conservation and worthy of protection, there appears to be no rationale or justification for this change other than that it removes one of the obstacles to the inclusion of AOXTO010. The Contributor also states that the approach into Oxton along this minor road, between the old Netherhowden farm buildings to the west and the beautifully renovated buildings to the east, is one of things that gives Oxton its particular character and charm, with the village opening up before you as you turn the corner and walk up on to Station Road. It is hard to imagine anything more destructive of Oxton's character and countryside setting than the works that would be required to allow this site to be used. As an aside, it is not clear to me why this site is labelled "Deanfoot Road North" rather than Netherhowden, which is where it is actually located. Deanfoot Road North appears to be the name of a different site in West Linton (BWEST003 in other Council documents), and the inclusion of this name for a site in Oxton feels like a cut and paste error on someone's part - which suggests a lack of attention to important detail and does not fill me with confidence in the rest of the plan.

Carol Brennan (696)

- The Contributor objects to the allocation of site AOXTO010 stating that they fully support the objection submitted by Calum Stewart. The Contributor states that they reiterate the issues that he outlined regarding the impact on the River Leader and its ecosystem, the impact on wildlife making this site its home and the inability to provide suitable infrastructure to support new car and foot traffic. The Contributor states that there are better areas in the village for expansion, and if expansion is needed then consideration/changes need to be taken on road access from the A68 to Station Road, which is currently narrow and not fit for current traffic use. In addition there have been many accidents at the main junction with the A68 and more traffic generated will lead to more accidents.

Alex & Ben Redman (699)

- The Contributor objects to the allocation of site AOXTO010 stating that from what they are aware, Oxton has doubled in size in this past 20 years with small developments also taking place. Rather than getting a large scale development, any further developments should be on a much smaller scale. Originally a small rural village with most people working locally, Oxton has already become a dormitory commuter village, and the Contributor feel that any more large scale development will adversely change the character of the village even further. The Contributor expresses a major concern regarding access to the site. The road is single track, with no pavement, poor visibility due to tight bends, and very little verge in places. The road is frequently used by walkers, elderly people, families with young children and cyclists, a large scale development would inevitably add to the already concerning amount of traffic using this route. The Contributor states that a smaller development of 5 or 6 houses built in a cul-de-sac would be much more in keeping with other properties in the area and less obtrusive.

Hamish Reid (701)

- The Contributor objects to the suggested 30 house development stating that they have concerns over access, safety of access, potential detrimental effect on the access to the waste water systems with environmental impact being an additional concern.

Oxton & Channelkirk Community Council (712)

- The Community Council object to the allocation of site AOXTO010, they also say that they are aware that a number of residents have submitted their own objections and are supportive of these. They note that a community meeting and a community survey was undertaken following the production of the Main Issues Report, and that that process found that the community was overwhelmingly supportive of further housing development in Oxton with two of the potential sites identified as a clear preference, both having been put forward by the landowner. The first, with the vast majority of community preference, was site AOXTO009 (Luckencroft) and the second site AOXTO010 (Netherhowden). The Community Council advised that there has been an ongoing discussion for a number of years over the potential location for a new school in the village. The need for a new school building is driven by a combination of the size and age of the building, with a growing community of young families – partly as a result of new infill housing. The Community Council consider that in Proposed Local Development Plan (LDP) in allocating site AOXTO010, significant issues with the site were underplayed, and some issues in relation to AOXTO009, the site favoured by the community were overplayed, in addition the Plan does not consider the need for a new school in future years. The Community Council are of the view that site AOXTO010 should be discounted as it is difficult to see how it will assist in supporting existing services within the settlement as the site will have a far from optimal footway into the village. The position of the site also means there is no cause to pass through the village and support the village services and therefore it risks becoming a dormitory estate on the edge of the village. In addition the previous LDP included the statement “*Development to the north and east of the settlement will be resisted where it would have significant effect on the international nature conservation value of the Leader Water or impact on the countryside setting of the settlement as viewed from the A68 trunk road*”. In the

Proposed LDP the “*and East*” had been removed which could only be presumed to have been done to support the inclusion of this site. It is clear from the list of environmental issues that the siting has the potential to impact on the Tweed SAC/SSSI by virtue of its location to the East of the village. Furthermore, the roads statement for this site which was used to determine the suitability, is “A footway and street lighting will be required from the site along the minor road to link in with Station Road (Main Street). Widening of the minor road carriageway will also be required.” However, at a site visit when it was pointed out that there was insufficient space to widen the road let alone include a footpath and lighting, the explanation given was that passing places or minimal widening in part would suffice, along with the use of the existing service laybys for passing. With regard to the footway the community Council state that they were advised that the passing places and roadway would be adequate as the footway. This also does not address the lack of footway from the road end at Station road westwards to the centre of the village. This is far from optimal and of questionable safety. More importantly this is not what the Proposed LDP states, nor is this the information that was provided to the councillors for consideration when they approved the Proposed LDP. On the basis of the above the Community Council are of the view that site AOXTO010 is not suitable, and that the information presented to councillors on the siting and roads and on which the Proposed LDP was endorsed was inaccurate. In respect to the site AOXTO009, the site preferred by the Community Council, they state that they believe that there were not valid reasons to exclude the site. It is noted that they state that there is already an existing footway from the playing fields to the village centre, and there are therefore no constraints on purchase of gardens/private and to create a pathway. This would be a full footway, unlike site AOXTO010 which would require residents to walk along the road to reach a footway along both the Netherhowden Road and the eastern section of Station Road. This site is closer to the village centre, school and playing fields than site AOXTO010. Access to the site by road would require driving through the village centre and experience with the community shop has found that it is more likely to be supported by this ‘passing trade’, and therefore help to ensure the site is more integrated to the village. Furthermore, should the school move to the preferred location for this (site AOXTO011) this site would have even better access to facilities [Note: the Council wishes to confirm that they were previously informed that the preferred site for a new school was on Mixed Use Site MOXTO001 and not Housing Site AOXTO011]. The HSE zoning is cited as an issue however it is not insurmountable. The site had been suggested for 25 houses, which under the HSE PADHI assessment methodology is a Sensitivity Level 3 site. Even if a small area of the site were excluded for development this can be contrasted against site AOXTO010 which has a large number of mature trees which would also constrain that site to a similar, if not greater extent. In respect to Roads concerns, the junction in the village has been cited as a concern, however the officer has assessed the same junction as part of site AOXTO011 and included the additional statement “*That said, the visibility restrictions appear to control traffic speeds to acceptable levels for the situation.*” and that “*drivers appear to edge out from The Loan and treat the junction with the respect it demands so that road safety seems to not be unduly compromised.*” On the same basis the junction would therefore be acceptable for this site. The access along the Loan and parking is cited as an issue, which they acknowledge would need to be addressed. The roads office has stated “*There are no obvious solutions to these concerns and additional traffic would exacerbate the situation*”. However the Community Council also make the following observations on this: Site AOXTO011 has exactly the same concerns with this stretch of road, but the Roads Officer in this

case offered the following solution: “*One solution would be to widen the carriageway on the west side of the initial length of The Loan to facilitate onstreet parking and two-way traffic flow past the parked cars. This would require a retaining structure, would impact on an embankment and hedging adjacent to the road and would appear to affect third party land.*” So a viable solution does exist but was omitted from the assessment of this site. They also note this would require the acquisition of 3rd party land, but site AOXTO010 has similar issues with 3rd party land acquisition and the Community Council were informed that this is not a material consideration for the sites. A second road to the west of St Cuthbert’s connecting Main Street to the North of the new housing could also be provided. This would reduce the level of additional traffic on The Loan. Provision of additional parking at the north end of the playing fields (an extension of the current parking) could also be included, which would be a viable option to reduce the on-street parking along the Loan. A combination of the 3 above measures would alleviate the parking constraints and provide sufficient road width for two cars for most if not all of the length of the road from the development to the junction. On the basis of the above the Community Council are of the view that the Luckencroft site (AOXTO009) is suitable, and none of the reasons cited for excluding the site are valid. In making these arguments in support of Luckencroft it should be noted that the Community Council would not support the inclusion of multiple sites in Oxton. As has been noted by SBC in rejecting multiple other sites a statement has been included that “*The main road into Oxton, over the Leader Water and via Station Road has its limitations which means that Oxton does not lend itself to any significant extent of development*”. During the site visit SBC explained that this statement was included for sites AOXTO11-18 to note that Oxton only has the capacity for a single site due to this constraint.

Jill Young & Andy Ferguson (776)

- The Contributor objects to the allocation of site AOXTO010.

Sarah & Michael Kearney (779)

- The Contributor states that they own a plot of land adjacent to site AOXTO010 that extends right to the road edge. One of the requirements for this site is the widening of the minor road to link with station Road as well as providing a footway. The Contributor states that as the neighbours on the other side of the road also own to the edge of the road, the only possible way to meet these requirements would be to utilise their land. Whilst they states that they are not against development of this area in principle, they would not accept loss of their land to widen the road.

Martin Jackman & Others (787)

- In addition to the comments noted above by this Contributor, the Contributor also state that they have the following comments: Outside of the central belt, Scotland does not have a high population density. The Scottish Borders region is typical of rural Scotland, low density population, with a few larger towns, many smaller towns and villages. The additional housing required for population growth in the Scottish Borders should be spread sympathetically over the whole region. The size of a new development within a community should be on a scale appropriate to the size of that community. Due consideration should be given to development that has already taken place in that community in the past. No community should be over developed. With this in mind the Contributor states that they feel that Oxton does not need and

will not benefit from more large-scale development. In the past 25 years Oxton has more than doubled in size. In the early 1990's there were 70 houses in the village, this total, having not previously increased significantly for generations, today stands at 160. This is an increase of 130%. With planning permission granted for a further 15 properties, some of which are already being built, the number of properties will increase to 175, a 150% increase in a generation. Obviously, the Borders region as a whole has not grown anywhere near on this scale. Why is Oxton being so over developed? The Contributor states that they feel the heritage of the village, all the things that have made Oxton a good place to live are under threat of being lost due to over development. They state that Netherhowden farmhouse, accompanying buildings and surrounding mature trees form an important natural habitat. The mature trees combined with those in nearby gardens, form a semi woodland area important for birds and other wildlife. The removal of the farmhouse trees would decimate this area. The out buildings are already, or have potential to be, home to wildlife. Bird populations in UK are in continual decline, due largely to loss of habitat and somewhere to call home. This decline will not be reversed if developments, such as that proposed for Netherhowden, go ahead causing the loss of existing and potential habitats.

Michael Ridgeway (824)

- Whilst the Contributor supports the allocation of site AOXTO010 for at least 30 houses, they note that there may be capacity to extend the site further to align with the settlement boundary (refer to new proposed site AOXTO019), and depending on style and orientation the site could accommodate some 40 houses. It is considered that the subject site represents a strong residential opportunity where new homes are in high demand. The Contributor states that their analysis finds that the housing land supply set by the current Local Development Plan is not being met. Many historical sites being brought forward with little or additional new allocations to meet future LDP2 requirements which will run to 2026. Delivering new housing on-site can help to service that existing demand while maintaining the character of the surrounding area. The site represents a natural extension to the Oxton development boundary being located between the Justice Park residential estate and Nether Howden Farm. The allocated site is 2.1ha with a capacity of at least 30 dwellings. The proposed extension to the south will increase the site area to 2.5 ha which is thought to bring the overall capacity up to approximately 40 dwellings, making efficient use of the land whilst maximising the sites potential for residential development. It is deemed the site is a logical extension to Oxton and represent an infill opportunity, bringing the site boundary to be in line with the existing settlement boundary to the west. In terms of access arrangements, the site has adequate frontage within the ownership suitable for vehicular access and the exact location will be determined at application stage. The proposed extension to the allocated site also seeks to include a pedestrian link from the west of the site as illustrated on the accompanying plan leading onto the loan and enabling a walking circuit around the village. Oxton is a popular village to live mainly due to its countryside setting and excellent public transport links to both Edinburgh and the central Borders via the A68. It is important that land allocations are made in sustainable and sought after locations and the subject site meets that criteria. There are no major potential constraints associated with the site and no contamination issues. The Contributor notes that neighbouring new builds were built and sold speedily. The site is relatively flat and is naturally screened from the A68. The site is not at a risk of flooding and is on the edge of the urban settlement and therefore is in close proximity to existing

infrastructure and utilities. A modest increase in the local population will again service and safeguard the local primary school. The site is well contained with built form on three sides and will not have a major impact on the local road network and is highly accessible from the A68. It will be intended that a landscape buffer would be provided to the south and act as a defensible edge.

- The Contributor objects to the Plan in that it does not allocate site MOXTO002 Oxton South West (it is noted that the contributor refers to the site as MOXTO001 within their submission however, the submitted site has a different site boundary). The Contributor states that the site has a potential capacity for at least 25 units. They also state that it is understood that the local primary school and village hall is restricted and with related parking issues and the like, and are willing to explore a form of mix use allocation on this site for residential and community/business related uses. The Contributor states that their analysis shows that the housing land supply set by the current Local Development Plan is not being met. The site is located on land south west of Oxton Village. It extends to approximately 1.28ha and is agricultural land. The site adjoins the Oxton Settlement Boundary and is therefore close to existing infrastructure and utilities. A single site has been allocated and in process of being built out. The site represents an opportunity to provide the sufficient housing numbers for the expansion of the settlement within the next LDP. The site will be accessed from the Loan and all land required for the access is within the owners control. Oxton is a popular village to live mainly due to its countryside setting and excellent public transport links to both Edinburgh and the central Borders via the A68. It is important that land allocations are made in sustainable and sought after locations. There are no major constraints associated with the site. The site is not at a risk of flooding and is on the edge of the urban settlement and therefore is in close proximity to existing infrastructure and utilities. The site will not have a major impact on the local road network and is highly accessible from the A68. It is within walking distance of the village shop and primary school and next to open space which can be further utilised. It is also proposed to provide a pedestrian link to the east of the site for alternative connections to the wider village.

Ellen Williamson (939), Neil Williamson (947), Shirley Williamson (950)

- The Contributors object to the allocation of site AOXTO010. They state that the following statements from the site assessment completely contradict the proposal to add another 30 properties to the Village - "*The main road into Oxton, over the Leader Water and via Station Road has its limitations which means that Oxton does not lend itself to any significant extent of development. It is difficult for two vehicles to pass at the pinch point at the property known as Leader Bank and there is no roadside footway between the A68 and the village and no real scope for providing...*" and "*All matters considered, the road ecology infrastructure serving Oxton does not lend itself to serving any significant extent of development.*" The Contributors continue, stating that the Netherhowden area is already being utilised for further residential development in a way which is excessive for the local amenity and detrimental to the environment and makes reference to a number of planning applications: 18/00511/PPP Land South West of Trostan - vacant plot, corner of Station Road and the Netherhowden Road. Planning permission exists for a detached property and the plot is on the market; 10/00820/FUL – Garden ground at Lynend, Station Road - vacant plot. Planning permission exists for 3 bedroom property and the plot is on the market; 19/01289/FUL – Land east of Lydden House, Netherhowden. Property currently in construction; and 15/01456/FUL – Land north east of Leaderview, Station Road.

Planning permission exists for 5 houses and a workshop. 3 houses yet to be built and the area remains a construction site. All of these developments have been granted permission despite the concerns of the residents of the area around safety. The road is simply too narrow to accommodate any more traffic than is already present, and the reliance on the provision of laybys is misguided, as laybys are used for parking. The Contributors also take issue that there does not need to be a continuous pavement. The road through Netherhowden simply cannot be widened, and if there is no prospect of a continuous footpath then there will be larger number of families and children walking on the road on the way to the village school, shop and bus stop. This is unacceptable. The Contributors state that they strongly object to any further development in this area due to the known adverse effects of construction and development on sensitive natural environments such as the Leader Water.

Matthew Yaxley (981)

- The Contributor objects to the allocation of site AOXTO010 as access to the site is via a very narrow road that passes in front of their property, there is no footpath and no verge for expansion as the road is immediately sided by private property. The Contributor states that they have two young children and already struggle to move out of the way of vehicles using the road, any increase in traffic is obviously going to make the problem worse. As such a footpath along entire stretch into the village would be essential. The road also suffers badly from potholes and general degradation along its length and would require work to make it suitable for any increase in volume of traffic. In addition, the Contributor states that they believe that the size of the plot is not suitable for the number of houses proposed and would be out of keeping with the density of housing in the near vicinity. The Contributor also states that they are not against a development in principle but consider that it should be in keeping with its surroundings and that consideration should be given to the required improvements to road and foot access. Furthermore the Contributor states that they have concerns over the decision making process of choosing this site over others in the village in line with the objection from the Oxton & Channelkirk Community Council.

Modifications sought by those submitting representations:

- Seeks removal of site AOXTO010 from the Plan. (047, 645, 688, 696, 701, 712, 756, 775, 776, 787, 852, 939, 947, 950, 981)
- Seeks a smaller number of houses to be developed on site AOXTO010 of five or six, built in a cul-de-sac. (699)
- Seeks allocation of site AOXTO009 (712, 981)
- Prior to the decision of whether AOXTO010 is added to the local development plan, the Contributor seeks that the proposals to widen the road and create a footway be clarified in detail (779).
- Seeks the allocation of site AOXTO019 for 40 housing units. (824)
- Seeks the allocation of site MOXTO002 for 25 housing units. (824)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE OXTON SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN. HOWEVER THE REPORTER IS

REQUESTED TO CONSIDER THE MATTER FURTHER IN RELATION TO THE RENAMING OF SITE AOXTO010 “DEANFOOT ROAD NORTH” TO “NETHER HOWDEN”, AND TO THE CHANGE OF WORDING WITHIN THE ‘PREFERRED AREAS FOR FUTURE EXPANSION’ SECTION OF THE OXTON SETTLEMENT PROFILE TO AS FOLLOWS: “DEVELOPMENT TO THE NORTH AND EAST OF THE SETTLEMENT WILL BE RESISTED IF IT WOULD HAVE A SIGNIFICANT EFFECT ON THE INTERNATIONAL NATURE CONSERVATION VALUE OF THE LEADER WATER OR IMPACT ON THE COUNTRYSIDE SETTING OF THE SETTLEMENT AS VIEWED FROM THE A68 TRUNK ROAD. HOWEVER, THERE MAY BE POTENTIAL FOR INFILL DEVELOPMENT TO OCCUR TO THE WEST OF THE C83 (ANNFIELD ROAD) WITHIN THE DEVELOPMENT BOUNDARY DURING THE LIFETIME OF THE LOCAL DEVELOPMENT PLAN. THERE IS A DESIRE WITHIN THE COMMUNITY FOR A NEW PRIMARY SCHOOL, THEREFORE EFFORTS TO IDENTIFY A SITE WILL BE UNDERTAKEN. IT IS CONSIDERED THAT THE NEW LOCAL PLACE PLAN PROCESS WILL OFFER THE OPPORTUNITY FOR THE COMMUNITY TO GET INVOLVED IN CONSIDERING, FOR EXAMPLE, A POSSIBLE SITE FOR A NEW SCHOOL AS WELL AS OTHER VILLAGE OPPORTUNITIES AND ENHANCEMENTS AND THEIR INPUT WOULD WELCOMED”.

REASONS:

Consideration of Sites and Allocation of site AOXTO010 (047, 645, 688, 696, 699, 701, 712, 756, 775, 776, 779, 787, 852, 939, 947, 950, 981)

- Contributor 824 supports the allocation of site AOXTO010 within the Proposed Plan (refer to CD183, page 129), however they have also submitted two new sites for consideration – AOXTO019 and MOXTO002.
- It should also be noted that only two sites i.e. AOXTO009 and AOXTO010 were submitted for consideration at the Call for Sites stage i.e. prior to the production of the Main Issues Report. Following assessment of those sites, (refer to CD118, pages 240 to 245 Site Assessments) site AOXTO010 was identified as a Preferred Option within the Main Issues Report (MIR) (CD008, page 61).
- Following the public consultation on the MIR, to assist in the process and in gathering information to respond to that document, officers from the Forward Planning Section, the Roads Planning Section and local members met with representatives from the Community Council. From those discussions, there was an understanding that there was a desire in the community to see some development take place, and for a new hub or village centre to be created which would focus on a new school and village facilities. In respect to the location for a new school and potential village facilities, the preferred location identified by the Community Council at those discussions was on Site MOXTO001 (refer to CD118, page 276). It should be noted that issues relating to roads were also discussed along with the hazardous pipeline. It was also emphasised that for the site to be considered in the future, it would be necessary to have not only support from the Forward Planning Section and Roads Planning, but also the Health and Safety Executive and all affected landowners. In that respect, it should be noted that the Council did not receive evidence as part of the MIR Consultation or the Proposed Plan Consultation that all landowners were supportive of the site MOXTO001 to come forward for development as a Mixed Use site. This would have been necessary to ensure that appropriate access into the site could be achieved.

- The MIR response submitted by Oxton and Channelkirk Community Council (refer to CD161 Community Council Response to Main Issues Report), identified 11 sites (areas of land including site AOXTO001 as allocated within the Local Development Plan 2016 refer to CD009, Volume 2, PDF pages 265 to 267) and showed the results of two polls carried out with the local community. Each of these areas of land were assessed for their suitability for development (refer to CD118, pages 240 to 271). Following the assessment of each of the new sites identified by the Community Council, and in consideration of the polls undertaken, the Council agreed to allocate site AOXTO010 within the Proposed LDP. It is noted that the site allocated was identified as the second preferred choice in one of the polls undertaken by the Community Council. It should also be noted that the polls confirmed a wide range of opinions regarding a preferred site.
- It is acknowledged that there are differences in the site assessments undertaken for Oxton, this is mainly down to the sites being assessed at different stages of the Development Plan process. As a result consultee comments can differ at different stages/times. As noted above, only two sites were submitted through the Call for Sites, and all other sites followed at later stages. For that reason, some consultees such as Roads Planning were required to consider the implications of assessing multiple sites that could come forward through the Proposed Plan.
- In respect to the proposed housing site AOXTO010, the Roads Planning section state: *“In order to achieve satisfactory access to this site the existing farm will have to be redeveloped and some of the farm buildings will have to be demolished. A footway and street lighting will be required from the site along the minor road to link in with Station Road (Main Street). Widening of the minor road carriageway will also be required. A secondary access from the extreme south westerly corner of the site which links into Justice Park and the possibility of a further pedestrian/cycle linkage between plots 26/27 Justice Park should be explored in the best interests of connectivity and integration of the existing street network. Depending on the scale of development a Transport Statement is likely to be required.”* It would therefore be the responsibility of the developer to propose a scheme of improvements to meet the site requirements set out in the Proposed Plan, the Council would then have to analyse the proposal and ascertain whether or not it is acceptable. It should be noted that the Proposed Plan includes a number of site requirements for site AOXTO010 that any submitted planning application would be required to meet, and this also includes a requirement for a Transport Statement. As part of that Transport Statement issues such as junctions onto the A68 would require to be dealt with.
- It should be noted that the Roads Planning Section are unable to support a site that would be accessed off The Loan. In respect to site AOXTO009 they have stated: *“I have concerns with this site for a housing allocation. The Loan leading to the site often has extensive lengths of parking on the street which forces single file traffic over significant lengths all the way from the junction with the Main Street/Station Road and round the horizontal curve in the road. This already causes issues with traffic flow. Furthermore, junction visibility where The Loan joins Main Street/Station Road is restricted due to the close proximity of the corner building on the east side combined with the alignment of the Main Street/Station Road. There are no obvious solutions to these concerns and additional traffic would exacerbate the situation. If this site was to be allocated for housing, The Loan would have to be widened adjacent to the site and a footway and street lighting be provided. An extension of the 30 mph speed limit would also likely be required. A Transport Statement would be required to address accessibility and sustainable travel. All matters concerned I would find it difficult to offer my support for this proposed allocation.”*

- In relation to Mixed Use site MOXTO001 the Roads Planning section state: *“There is a difference in level between this site and the public road (Main Street), but a main access into the site should be achievable at the south westerly end of the road frontage close to the existing track. There is potential for direct access from the existing public road (Main Street) to individual dwellings if the accesses can be dug in at suitable gradients. The existing carriageway of Main Street would require to be widened adjacent to the site and the 30mph limit, street lighting and footway would have to be extended out from the village. For good street connectivity, a secondary access will be required onto The Loan and I have concerns over this prospect. ... If this site was to be allocated for mixed use development, The Loan would have to be widened beyond the Heriotfield junction and a footway and street lighting be provided to link in with the existing systems. An extension of the 30 mph speed limit is also likely to be required. All matters considered, I would find it difficult to offer my support for this proposed allocation unless solutions to my concerns can be offered. ...”*
- It is noted that a number of contributors have stated that the hazardous pipeline has been cited as a reason for rejecting site AOXTO009. Whilst the position of the pipeline is a considering factor, it is by no means the only deciding factor. It should be noted that given the location of the hazardous pipeline and respective buffer areas around it, this restricts the potential physical development area on a large part of the site. As noted above, the Roads Planning section were unable to support a site that would be accessed only off The Loan and this is the case for housing sites AOXTO009, AOXTO011 and AOXTO12. In respect to mixed use site MOXTO001, that site would require its main access to be from the Main Street (with a secondary access connecting to The Loan). However, as also noted above the presence of a willing landowner also plays a role in identifying sites to take forward into the Plan. In the case of site MOXTO001 and the area of land required for the main access into the site, the agreement of the landowner was not addressed or confirmed.
- In respect to comments regarding water and waste water, it is acknowledged that Scottish Water have a duty to provide a service for domestic purposes, it should be noted that Scottish Water states that *“Under the Water (Scotland) Act 1980 and the Sewerage (Scotland) Act 1968 we are obliged to take our water mains and sewers to a point that allows connection to our networks, if practicable at reasonable cost”* (refer to CD152 Guide for obtaining new Water and Waste Water Services, page 5 and page 21). In that respect, when Scottish Water considers the demand from new customers, the impact on different parts of the supply system has to be assessed. If in allowing new customers to connect will impact on the services to existing customers enhancements must be made in advance. The responsibility for providing for new demand may be split between Scottish Water and the developer depending on which part of the system is affected and this is set out within CD152. Therefore, the issue of water/waste water is a matter that would be satisfactorily addressed irrespective of the available capacity when each of the sites were assessed and consulted on with Scottish Water. It is noted that the Proposed Plan contains a site requirement stating that a Water Impact Assessment will be required.
- In respect to comments regarding the potential impact on the biodiversity, including impact on the River Tweed via the Leader Water, wildlife and the natural habitat of site AOXTO010, it is noted that consultation was undertaken with the Council’s Ecology Officer. The site assessment (CD118 Site Assessment, page 243) notes that the Council’s Ecology Officer states that there is: *“Moderate biodiversity impact. Site consists of farm buildings and agricultural outbuildings, garden ground (mature broadleaves) and improved pasture. Potential for EPS (bats) and breeding birds to*

use built structures within the site. No obvious connectivity with the River Tweed SAC (Leader water). Mitigation to ensure no significant effect on River Tweed SAC. Mitigation for protected species including bats and breeding birds". It is noted that the Proposed Plan includes site requirements for the assessment of ecology impacts and provision of mitigation as appropriate, and to ensure that there is no likely significant effect on the River Tweed as a result of the proposed development.

- In respect to the size, scale and location of site AOXT0010, it is considered that the size and capacity of site is proportionate and in keeping with the size of the village. In addition the site is located within the village envelope, enclosed on three sides in that it sits between existing residential development and farm buildings. Village services are also in easy walking distance from the site as well as access to public transport. It is considered site AOXT0010 is the best option for development which unlike other sites considered has no insurmountable constraints.

Housing Provision at Oxton (787)

- The Proposed Plan provides additional land for housing within SDA's and outwith SDA's as required by SESplan Strategic Development Plan (CD001). This allows for a generous and effective five year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy 2014 (CD041). Site AOXT0010 as brought forward through the Proposed Plan contributes to allowing for this generous distribution of housing land outwith the SDA's and takes account of key services and facilities within the settlement.
- Allocating land for housing at Oxton will assist in supporting existing services within the settlement (including the school) which aims to encourage a sustainable pattern of development. Furthermore, based on the limited range of facilities and services on offer in the village, it is considered that the allocation of AOXT0010 is appropriate, and that the site is proportionate with the scale and characteristics of the settlement.

Proposed new Housing site AOXT0019 and proposed new Mixed Use site MOXT0002 (824)

- It is noted that both of these new sites have only come forward during the Representation Period of the Proposed Plan, and have not been considered at any other time throughout the Local Development Plan Process. Furthermore it should be noted that the Council undertook a Call for Sites (Expressions of Interest) from 26 June 2017 through to 7 August 2017 as encouraged by Circular 6/2013 Development Planning (CD059, paragraph 64).
- Paragraph 64 of Circular 6/2013: Development Planning (CD059) states that: "*Many authorities run a "Call for Sites" prior to preparing the Main Issues Report. This is not a requirement of the legislation, but it can be a useful part of the process. This stage allows landowners and prospective developers to put forward for consideration by the planning authority the sites for which they have an aspiration for development. It is important in meeting the requirements for strategic environmental assessment that full information on sites and alternative options is submitted early and not held back until the later stages of plan preparation or even the Examination. Promoters of sites would be advised to respond positively at this point, and to provide the necessary evidence to justify their site's inclusion as a preferred option at the Main Issues Report stage. Engaging at this early stage is likely to ensure that the planning authority is able to properly assess the merits of the proposal, with it being more likely to be subject to public engagement and strategic environmental assessment at*

the Main Issues Report stage and to neighbour notification at the Proposed Plan stage (should the planning authority propose that the site be allocated in the plan). Even if a site is not included in the Proposed Plan, evidence of it being subject to community engagement will be useful if the issue is considered at a subsequent Examination, helping ensure that the reporter is furnished with the necessary information to reach a conclusion, and if appropriate to recommend a modification to the plan."

- After assessment, site AOXTO019 (CD118, page 272) has been assessed as an Acceptable site. However, the Proposed Local Development Plan already allocates a reduced sized housing site at this location – site AOXTO010. In addition, as noted above site AOXTO019 has not been subject to public consultation.
- In respect to site MOXTO002 (CD118, page 280), following assessment this site has been assessed as Unacceptable. Site specific reasons for not taking the site forward are: Whilst it is considered that the site could assist in supporting the existing services within the settlement, and has the potential to integrate with the rest of the settlement, the site is not considered appropriate for allocation. In particular it is noted that the Roads Planning Team object unless solutions can be found to overcome the identified constraints. They state that *"The Loan leading to the site often has extensive lengths of parking on the street which forces single file traffic over significant lengths all the way from the junction with the Main Street/Station Road and round the horizontal curve in the road. This already causes issues with traffic flow. A solution to this would be fundamental to gaining my support for the development of this site. One solution would be to widen the carriageway on the west side of the initial length of The Loan to facilitate on-street parking and two-way traffic flow past the parked cars. This would require a retaining structure, would impact on an embankment and hedging adjacent to the road and would appear to affect third party land."*

However, it is also noted that the Council's Landscape section have stated:

"Development should be set back from edge of lane (10m buffer minimum) to protect hedgerow and possible archaeology associated with Dere Street. Area within hedge line could form garden ground and footpath for safe routes to school. Avoid driveways, walls etc through this area. Vehicle access to site preferably through north of site. Character of country lane adjacent should be protected and reinforced if required. Low density housing and low school buildings Boundary treatments enhanced with tree and hedgerow planting".

It should also be noted that there are also issues in respect to the hazardous pipeline that runs through the site.

Due to the reasons mentioned above it is not considered appropriate to include this site within the Proposed Plan.

- The Proposed Local Development Plan already allows for a generous supply of housing land as required by Scottish Planning Policy (SPP) 2014 (CD041, paragraph 110).
- Oxton is located outwith any Strategic Development Area set out by the SESplan Strategic Development Plan (SDP) (CD001, refer to pages 7 to 20). Appendix 2 contained within the Proposed Plan outlines that the Housing Land Requirement figures are taken from the Proposed SESPlan SDP (CD005, refer to pages 44 to 50) and Housing Background Paper (2016) (CD006, refer to pages 4 to 6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit (HLA) (2019) (CD071, refer to the Introduction, pages 14 to 16) shows that there is a generous and effective five year housing land supply within the

Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Issue 6. It is also acknowledged that housing land requirements will be set out at a national level through the forthcoming National Planning Framework.

- As a result it is not considered that there is any requirement for additional housing sites in Oxton as more appropriate sites are available within the Housing Market Area and wider Scottish Borders.

Site Name of site AOXT0010 (688)

- It is accepted that an error has occurred in respect to the site name of the proposed allocated site AOXT0010.
- The Council notes the provisions within paragraph 87 of Circular 6/2013 (CD059) on Development Planning which state that “*The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations.*” In that respect the Council acknowledges the site could be renamed from “Deanfoot Road North” to “Netherhowden” and the Council would agree this error should be rectified.
- The modification of the text to reflect the actual site name would provide a factual update and would constitute a non-significant change.

Preferred Areas for Future Expansion – new school and potential impact on the River Tweed (Leader Water) SSSI, removal of the word “east” from the text (47, 645, 688, 696, 712, 756, 775, 787, 852, 939, 947, 950)

- In respect to the Community’s desire for a new school, it should be noted that the Education section of the Council have not indicated the need to identify a site for a new school at Oxton. In addition the current Adopted Local Development Plan does not indicate a need nor identify a new site for a new school. Nevertheless, it is appreciated that the community wish to see that the Plan will accommodate their future needs in respect to school provision.
- It is also noted that many contributors have taken issue with the removal of the word “east” from the settlement profile text within the Proposed Plan. The intention of the original wording was to identify the prominent land which is primarily to the north of the settlement, and the much smaller less prominent area to the extreme east of the farm buildings would not be supported for development. The subsequent removal of the word “east” within the Proposed Plan was not intended to justify the allocation of site AOXT0010 but rather to clarify where new development would not be appropriate, as the Community had interpreted it to also include the proposed allocation which was not the intention. In respect to site AOXT0010, it is considered that it will have no impact on the Leader Water and the site requirements confirm measures to ensure this. Furthermore the site will have minimal impact on the countryside setting of the village and on views from the A68.
- Therefore, the Council notes the provisions within paragraph 87 of Circular 6/2013 on Development Planning (CD059) which state that “*The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations.*” In that respect the Council are content for the text on Preferred

Areas for Future Expansion within the Oxton Settlement Profile to be reworded to state: *“Development to the north and east of the settlement will be resisted if it would have significant effect on the international nature conservation value of the Leader Water or impact on the countryside setting of the settlement as viewed from the A68 trunk road. However, there may be potential for infill development to occur to the west of the C83 (Annfield Road) within the Development Boundary during the lifetime of the Local Development Plan. There is a desire within the community for a new primary school, therefore efforts to identify a site will be undertaken. It is considered that the new Local Place Plan process will offer the opportunity for the community to get involved in considering, for example, a possible site for a new school as well as other village opportunities and enhancements and their input would be welcomed”.*

- The modification of the text to reflect the desire of the community would provide a factual update and would constitute a non-significant change.

Reporter’s conclusions:

Removal of, or amendment to, site AOXTO010 Deanfoot Road North (047, 645, 688, 696, 699, 701, 712, 756, 775, 776, 779, 787, 852, 939, 947, 950, 981)

1. AOXTO010 is a 2.1 hectare site in agricultural use at the eastern end of Oxton with an indicative capacity of 30 homes. It is being allocated for the first time in the proposed plan.

2. Road access would be mainly via the C84 minor road to the north of the site. This leads north-west to Station Road, which gives access eastwards onto the A68 trunk road and south-east, to the A68 south of Carfraemill roundabout. The council’s roads planning section recommends upgrading the link to Station Road by widening of the carriageway and providing a footway and street lighting. It considers that, subject to redevelopment of the existing farm, including demolition of some of the farm buildings, suitable access could be provided. Several contributors, including residents of property bounding the road, have raised land acquisition issues for such works. On the face of the matter, it would appear that acquisition of private land would be required to achieve normal standards for a residential access road, and that this might be problematical.

3. The south-easterly route, which could be attractive to drivers heading to Lauder and beyond, is a single track, winding country lane running just short of a kilometre to where it joins the A68. I have seen no assessment of its capacity or suitability to take additional traffic from the proposed development.

4. Potential developers would be required to explore the potential for a secondary access from the extreme south-westerly corner of the site through to Justice Park together with the possibility of further pedestrian/cycle linkage onto a different part of Justice Park. This would be to improve the connectivity and integration of the development with the rest of the village, including its key services, and would avoid the need for pedestrians to use that part of Station Road with poor or non-existent footway provision. However, as both of those linkages through to Justice Park involve private garden ground, there is no certainty that they could be provided.

5. With respect to the wider road network, the council’s roads planning section acknowledges that: “The main road into Oxton, over the Leader Water and via Station

Road has its limitations which means that Oxton does not lend itself to any significant extent of development. It is difficult for two vehicles to pass at the pinch point at the property known as Leader Bank and there is no roadside footway between the A68 and the village and no real scope for providing one at parts”.

6. Whilst the lack of scope for a new primary school site within site AOXTO010 is mentioned by contributors, I am aware that replacement of Oxton’s small primary school with a new school has been the subject of discussions between council officers and the community council and that this has focussed on other locations within the village, combined with residential development. In this respect, the council has requested that I include text in the plan recognising the desire in the community for a new primary school and, through the new place plan process, supporting efforts to identify a site along with other village opportunities and enhancements. This appears to be a longer-term project and it is not clear how far the stated capacity limits in the local road network would hamper the project should the allocation of site AOXTO010 proceed.

7. That section of the site which bounds the C84 road is characterised by a number of mature broadleaf trees, which help to screen the site from the north, including the A68, and have ecological value, together with farm buildings, which are recognised as having potential for bats and breeding birds. The site allocation requirements include assessment of ecology impacts and provision of mitigation, as appropriate, although it is not clear to what extent the existing trees could be retained. I note that the council’s Ecology Officer sees no obvious connectivity with the River Tweed SAC (Leader Water). Whilst the lower parts of the site are screened by vegetation and buildings, the site rises to the south becoming more visible in longer views.

8. In view of the significant unresolved questions, particularly regarding vehicular and pedestrian access and the remaining capacity for other development projects in the village if site AOXTO010 were developed, I consider that it should be removed from the plan. Based on our conclusions in Issue 006: Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement, I am satisfied that the removal of this site for 30 dwellings would not lead to there being insufficient land supply to accommodate the recommended local housing land requirement (LHLR) during the plan period. I also note that Oxton is not located in any Strategic Development Area, where growth is expected to focus.

9. Given that conclusion, I do not need to address the other matters raised as objections by contributors in relation to this allocation.

Allocation of site AOXTO019 for housing (824)

10. Promoted site AOXTO019 is an extended version of AOXTO010. This southern extension would increase the indicative site capacity to 40 homes. My conclusions in relation to AOXTO010 (above) would be magnified by the additional site capacity proposed at AOXTO019 and the fact that the rising landform would be likely to make development more visible in wider views. Moreover, it would need to be subject to public consultation, before being considered for allocation since the extended part was not considered as part of site AOXTO010 at main issues report stage.

11. Issue 006 concludes that, irrespective of the merits or otherwise of the promoted site, there is no need to allocate any more housing land besides what is already set out in the proposed plan. No modifications are required.

Allocation of site AOXTO009 (Luckencroft/South-west of Oxton) (712, 981)

12. Promoted site AOXTO009 is located on the south-west side of the village and comprises 1.5 hectares of agricultural land with a suggested capacity of 25 homes.

13. Access would be taken from The Loan, a narrow, curved lane subject to on-street parking over extensive lengths between its junction with Station Road/Main Street and the site. That parking reduces the carriageway to a single file and thereby obstructs traffic flow under existing conditions. The addition of traffic from new development would worsen that situation. Possible solutions are floated by the council's roads planning team, but these have not been investigated in any detail, and could be in tension with advice from the council's Landscape Section to retain the rural character of the lane. Visibility of on-coming traffic for drivers using The Loan/Station Road/Main Street junction is restricted.

14. A high-pressure gas pipeline crosses part of the site and it is possible that archaeology associated with Dere Street Roman Road, which followed the line of The Loan, may be found along the east side of the site. Both issues could potentially impose some restrictions on development within certain areas of the site.

15. The community council prefers this site to the allocated site AOXTO010 and states that many residents share the view that future housing should take place to the west of the village as being closer to the village centre and its key services, and to the preferred school site. The community council is concerned that there may only be scope for one new site in the village because of constraints on the capacity of Station Road, including where it crosses the Leader Water. This has been alluded to by the council's roads planning section as a potential issue in general terms, but not formally assessed or quantified. With reference to the school, I note that, in its response above, the council recognises the community's desire for a new primary school and indicates that it will try to identify a suitable site, referring also to other village opportunities and enhancements.

16. Whilst site AOXTO009 has advantages, as described by the community council, more work is required to ascertain whether the above concerns can be resolved. Moreover, it would need to be subject to public consultation before being considered for allocation, having not been considered at main issues report stage.

17. Paragraph 11 (above) applies to this site also. No modifications are required.

Allocation of site MOXTO002 (Oxton South West) for mixed use (824)

18. Promoted site MOXTO002 comprises 5.1 hectares of agricultural land to the south-west of the village. It is being promoted for at least 25 housing units and a school/community uses. The promoted site comprises site AOXTO009 together with land to the west and south and would be accessed from The Loan.

19. Site MOXTO002 has advantages similar to those described for AOXTO009 together with the prospect of land for a school/community uses. However, it is subject to the same unresolved issues as set out in paragraphs 13 to 16 (above) and cannot therefore be recommended for inclusion in the plan.

20. Paragraph 11 (above) applies to this site also. No modifications are required.

Preferred Areas for Future Expansion – new school and potential impact on the River Tweed (Leader Water) SSSI, removal of the word “east” from the text (47, 645, 688, 696, 712, 756, 775, 787, 852, 939, 947, 950)

21. With regard to the preferred areas for future expansion, I am not persuaded that restoration of the reference to development to the east of the settlement being resisted under specified circumstances would clarify the council’s position, especially given my recommendation in relation to site AOXTO010.

22. The council’s suggested additions to the settlement statement regarding a new primary school and other village opportunities and enhancements have not been subject to public consultation. However, I am recommending a revised version of those additions which would indicate a process rather than a decision. Modifications are set out below.

Housing provision at Oxton (787)

23. Whilst the contributor does not wish to see new large-scale development within the village, the community council’s surveys indicate a level of local support for development within the village. Notwithstanding my recommendation regarding site AOXTO010, I have no basis to challenge the council’s position that it wishes to allocate land proportionate to the size of the village and its range of facilities to help support existing services. No modification is needed.

Reporter’s recommendations:

Modify the local development plan by:

1. removing allocation AOXTO010 from the plan, including removal of the references on proposed plan pages 461 and 462, and amendments to the settlement plan on page 463, including amendment of the settlement boundary.
2. adding the following sentence to the end of the paragraph headed “Preferred Areas for Future Expansion” (proposed plan page 461):

“There is a desire within the community for a new primary school and it is considered that the new local place plan process will offer the opportunity for the community to get involved in considering, for example, a possible site for a new school as well as other village opportunities and enhancements, and their input would be welcomed.”

Issue 59	Peebles (Existing Allocations and Retail Sites)	
Development plan reference:	Peebles Settlement Profile and Map (APEEB021 – Housing South of South Park, APEEB031 – George Place, APEEB044 – Rosetta Road, MPEEB006 – Rosetta Road, MPEEB007 – March Street Mill, RPEEB001 – Dovecot Road and Large Retail Sites) (pages 461-463)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Peebles & District Community Council (122) Lorne Taylor (526) Jane Davidson (571) Peebles Civic Society (769) Anthony Newton (798) Dave Kydd (889) Moorbrook Textiles (901)</p>		
Provision of the development plan to which the issue relates:	Housing Allocations APEEB021 – Housing South of South Park, APEEB031 – George Place, APEEB044 – Rosetta Road; Mixed Use Allocations MPEEB006 – Rosetta Road, MPEEB007 – March Street Mill; Redevelopment Allocation RPEEB001 – Dovecot Road and Large Retail Sites	
Planning authority's summary of the representation(s):		
<p><u>Peebles & District Community Council (122)</u></p> <ul style="list-style-type: none"> The Contributor objects to site RPEEB001 stating that it is currently allocated for mixed use and should be reallocated for industrial use only. This is to protect industrial land which the Plan admits is in short supply. The Contributor objects to the Plan in that a number of large retail outlets such as Sainbury's, Tesco and Holland and Sherry should be allocated as Industrial or Retail land so as to protect industrial land which the Plan admits is in short supply. The Contributor objects to site MPEEB006 stating that whilst the site requirements refer to a new bridge across the Cuddy at Dalatho, it is unrealistic and a new approach road is required to the north of the town boundary, north of the Crossburn caravan park. <p><u>Lorne Taylor (526)</u></p> <ul style="list-style-type: none"> The Contributor objects to the allocation of sites APEEB044 and MPEEB006 and questions what consideration has been given to the protection of the environment and natural surroundings. They raise the issue of global warming and ask if any of the development will include renewable energy so as to reduce energy consumption and emissions from the proposed development. The contributor also raises concern in relation to the towns' infrastructure such as doctors, dentists, schools, emergency services and basic council services such as gritting and waste collection; they also question what consideration has been given to maintaining adequate provision. The 		

Contributor asks are medical services, schools and emergency services consulted to gain their view of capability in light of proposed developments. The Contributor states that a major issue is road traffic access to/from the site, as Rosetta Road is totally inadequate due to carriageway width, residential parking and road surface condition. Congestion levels would be exacerbated with an increase in traffic volume given that the preferred access route to Edinburgh Road is via Dalatho Street. Kingsland Road and Kingsland Square to Rosetta Road is a ridiculous option given that these are small residential streets. Traffic volumes can be expected to increase along the minor road past Chapelhill Farm, this road is unsuited to current levels of traffic never mind an increase. The 20mph zone should exist beyond the Z bend with a 40mph zone continuing to the junction of Edinburgh Road. How will all these issues be addressed? Furthermore, traffic management and parking within the town centre will be adversely affected as well. The Contributor suggests that as the Rosetta Road already exists, albeit a minor road requiring substantial improvement, surely that provides a more obvious routing option with road improvements implemented and traffic calming measures installed at the Standalane Way section? The Contributor notes that other developments are also proposed which will add to the existing traffic management issues.

Jane Davidson (571)

- The Contributor objects to the allocation of site APEEB021 and questions if any attempt has been made to drive round the single track road, they also raise issues in relation to congestion, parking and potholes. The Contributor states that no thought has been given to the infrastructure of the town such as dentists, doctors and schools. They state that they are a primary school teacher and that the school roles only need to be checked, with each new development there are huge increases to the school role with no additional staff or funding. The Contributor states that the site is just not viable, practical or even needed by the town.

Peebles Civic Society (769)

- The Contributor objects to the allocation of site APEEB031 stating that it was formerly a garage workshop and no progress has been made on the housing development option for more than 15 years. If the site was to be reallocated to Redevelopment (with the owners agreement), it could be linked with the neighbouring Redevelopment site RPEEB002 and may open up employment options including small business units. It is appreciated that this would reduce the housing land supply figures.
- The Contributor states that they find issue with site access of sites APEEB044 and MPEEB006 and to the potential increase in traffic along Rosetta Road. Whilst the Contributor is aware of the current planning consent, they state that should a new application be submitted these sites should be conditional on a new access link road direct to the A703 and not the proposed bridge at Dalatho.
- The Contributor states that site MPEEB007 was an industrial site and the development proposed by the owners would add a large number of properties resulting in an increase of traffic with the same issues at highlighted for sites APEEB044 and MPEEB006. Furthermore, the Proposed Plan does not mention the ongoing application by Peebles Community Trust for a Community Right to Buy that is still active. The Contributor considers that the mixed development planned for this site should encourage local employment within Peebles and the ongoing

involvement of the local community indicates how local needs should be fully involved in any future development of this site. The Plan should be updated to reflect this.

- The Contributor states that in respect to RPEEB001 if there is a change in status of this site from its current light industrial use, it is imperative that alternative and improved accommodation for the existing small businesses is provided within the central area, and that they are fully involved in any decisions.

Anthony Newton (798)

- The Contributor states that they are concerned by the large number of proposed houses planned for north of the river. In particular, allocated sites APEEB031, APEEB044, MPEEB006 and MPEEB007. In total, these will put an immense strain on local services such as health and schools. Traffic would also increase along Rosetta Road and March Street and these residential streets are not designed to cope with this. In many places, Rosetta Road is a single lane road due to parking. The Contributor states that they disagree that these problems will be solved by building a bridge at Dalatho. This would create its own problems for Kingsland Road and Dalatho Street and still lead to increased traffic on the northern part of Rosetta Road. If any new northern developments are approved, a bridge north of Crossburn Caravan Park should be built first, before any consideration is given to a bridge at Dalatho. Despite this, these developments would still lead a large increase in traffic along Rosetta Road and March Street.
- The Contributor objects that no reference has been made to the proposed mixed use development at site MPEEB007 - March Street Mill and to the ongoing application by Peebles Community Trust for a Community Right to Buy, which is still active. This is a great example of local Placemaking and it is disappointing to see the Council ignoring it. This seems like a blatant omission and should be rectified.

Dave Kydd (889)

- The Contributor objects to the allocation of sites APEEB021 and MPEEB007.
- The Contributor objects to the allocation of site APEEB031, APEEB044, MPEEB006 and state that they have not been consulted as a direct neighbour.

Moorbrook Textiles (901)

- The Contributor states that while they support the continued allocation of site MPEEB007 for mixed use development with an indicative site capacity of 70 units; they object to the identification of the Boiler House and the Gate House specifically for employment use on the basis that it is too prescriptive in the context of what is a highly complex development site, future proposals for which may take a different approach to the provision of employment space and identify alternative locations to accommodate the required provision. The Contributor notes that the current plan is not prescriptive and it is important to note that the previous application for Planning Permission in Principle, in the absence of the now proposed prescriptive approach, identified the two locations which were deemed satisfactory at the site in the context of that particular proposal and are now indeed reflected in the Proposed LDP. A similarly flexible approach should be maintained. The reference to policy ED1 should also be deleted. The third last bullet point should be amended to read "The site must

provide a mix of uses including housing, employment, and potentially commercial and community use.”

The second last bullet point should include a note to the effect that the allotments are under private ownership by Moorbrook Textiles.

An additional bullet point should be included which notes the suitability of the site to benefit from reduced car parking. This would be consistent with Policy IS4 – Transport Development and Infrastructure, Policy IS7 – Parking Provision and Standards, and the Parking Standards section of Appendix 3 which states that “Parking provision levels may be exceeded or reduced dependant on: the location, the availability of public car parking in the vicinity, non-car accessibility levels, physical constraints, and impacts on the wider road network.” The development site is well located with respect to access to a wide range of local facilities by walking and cycling and benefits from close proximity to longer distance bus services including to Galashiels and Edinburgh. A reduced level of car parking will enable a higher quality environment to be created including the public realm, it would also facilitate reduced impact on air quality and reduce the carbon footprint of any future development. The site location and accessibility by sustainable modes facilitates a reduced reliance on the private car, the opportunity should therefore be taken to embed this in the site requirements. Walking and cycling connectivity in the area will be enhanced through the development of the site and the provision of connections through it which currently do not exist. A specific level should not be identified so as to allow flexibility for any future design review process, but the requirement for a reduced level of car parking based on the specific merits of the site should be noted. Full or enhanced cycle parking should be provided, including parking for all types of cycle including cargo bikes.

Modifications sought by those submitting representations:

- Seeks the reallocation of site RPEEB001 from redevelopment to industrial use. (122)
- Seeks the allocation of a number of large retail outlets such as Sainbury’s, Tesco and Holland and Sherry to be allocated as Industrial or Retail land. (122)
- Seeks removal of site APEEB021 from the Plan. (571, 889)
- Seeks reallocation of housing site APEEB031 to a redevelopment site subject to consent from the landowner. (769)
- Seeks removal of site APEEB031 from the Plan. (889)
- Seeks removal of site APEEB044 from the Plan. (526, 889)
- Seeks removal of site MPEEB006 from the Plan. (526, 889)
- Seeks removal of site MPEEB007 from the Plan. (889)
- In respect to MPEEB007, seeks the removal of the identification of the Boiler House and the Gate House specifically for employment use and that reference to Policy ED1 is also removed; seeks that the second last site requirement is amended to note that the allotments are under private ownership of Moorbrook Textiles; seeks the addition of a new site requirement highlighting the suitability off the site to benefit from reduced parking requirement, and full or enhanced parking for all types of cycles including cargo bikes. (901)
- Seeks improvements to the to the roads infrastructure as they relate to sites APEEB031, APEEB044, MPEEB006 and MPEEB007. (798)
- Seeks a new approach road to the north of the town (122)
- Seeks a new bridge north of the Crossburn Caravan Park to be built first if any new developments are to be approved and before any consideration to a bridge at Dalatho. (769, 798)

- Seeks reference to the ongoing application by the Peebles Community Trust to the Community Right to Buy of site MPEEB007. (769, 798)
- Seeks the involvement of the existing small businesses on site RPEEB001 should any change in the status of this site take place. (769)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE PEEBLES SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

Housing Land Requirement/Supply, Infrastructure, Services & Facilities (526, 571, 769, 798, 889)

- It should be noted that the Council are required to allocate sufficient land within the Central, Eastern and Western Strategic Development Areas. Scottish Planning Policy 2014 (CD041, paragraph 119) requires the Local Development Plan to allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption. They should provide for a minimum of 5 years effective land supply at all times. Failure to meet this requirement would result in a failure to provide a plan-led and properly managed approach to housing delivery.
- The Council as Planning Authority has a responsibility to keep their plans up to date, and to ensure that the housing land requirement is met. Allocating sites within the Plan is fundamental to meeting that requirement. Furthermore the Local Development Plan is required to allocate a generous supply of housing land which is set out within Scottish Planning Policy 2014 (CD041, paragraph 110) which states: *“The planning system should:*
 - *identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times; ...”*. It is considered that these sites contribute to meeting the housing requirements as set out in the Scottish Planning Policy and therefore have the potential to be deliverable within the Plan period.
- Furthermore, the Council must consider site allocation options in places where there is developer and market interest, hence the need to consider appropriate sites in and around Peebles.
- In the consideration of any site for inclusion in the LDP, a full site assessment is carried out and the views of various internal and external consultees (such as Roads Planning, Education, Economic Development, Landscape, Scottish Water, SEPA, and NHS) are incorporated into that assessment. In doing this rigorous site assessment process, the best sites possible are identified. The site assessment also considers many issues in relation to transport and water/sewage infrastructure, as well as other environmental issues such as archaeology, biodiversity, flood risk and landscape.
- Whilst the primary responsibility for operating the development planning system for the Scottish Borders lies with the Council, Circular 6/2013 Development Planning (CD059, paragraph 10) states that all interests should be engaged as early and as fully as possible. In addition that document also states *“key agencies are under a*

specific duty to co-operate in the preparation of development plans"; this includes NatureScot, Scottish Environmental Protection Agency, Scottish Water and NHS (Health Board). The Council have consulted with all key agencies throughout the Local Development Plan process and will continue to do so. This then allows key agencies to plan according to their needs and demands also. NHS Borders have stated that they will continue to engage with Council colleagues to provide primary care and public health input to the wider planning process including the creation of the next Scottish Borders Council Local Development Plan early in its preparation cycle as part of a Health in All Policies approach.

- It should also be noted that additional discussion has been carried out with the Education Officer who has stated that there is sufficient school capacity available to accommodate the new proposals contained within Local Development Plan 2.

Existing Allocations (122, 526, 571, 769, 798, 889, 901)

- In respect to the use of brownfield/greenfield land, often brownfield sites have constraints that prevent their early development from taking place. Paragraph 119 of the Scottish Planning Policy (CD041) states "... *In allocating sites, planning authorities should be confident that land can be brought forward for development within the plan period and that the range of sites allocated will enable the housing supply target to be met*".
- Whilst it is noted that previously developed brownfield land in built up areas must continue to play a vital role for a range of purposes including housing. It is important that all developments, be they on brownfield or greenfield, are in the right place, in the right scale, with the right infrastructure. In ensuring that this is the case, the Council undertakes an annual Housing Land Audit (HLA). It is also important that new development pays regard to the neighbouring land uses particularly residential uses.
- In respect of the HLA programming and the effective housing land supply, it should be noted that an estimate of the timescale for delivery of housing projects has been continually difficult due to the downturn in the housing market activity and drop in housing development nationally. The programming of sites within the audit can only be a reasonable expression of what can be developed within the time periods and there is a significant degree of uncertainty beyond years 2 and 3 given the volatility of current house building rates. It should be noted that as part of the HLA process, local/national developers and land owners with an interest in sites included within the audit have been contacted to obtain their input into the programming process and to identify any relevant constraints. Where this information has been received, it has been incorporated into the audit report.
- It should be noted that as part of the Proposed Plan process, a review of existing allocations within the adopted Local Development Plan was undertaken. As a result, sites can be proposed for deallocation as part of the Proposed Plan process. It is considered that the undeveloped sites being carried forward, as well as the new allocations are sufficient for the Proposed Local Development Plan period.
- It is noted that a number of allocated sites have been in the audit 10 years or more. However, again re-iterating the above point, the completions have dropped since the recession and a number of local builders have ceased trading. This has resulted in a number of sites stalling or being delayed in recent years but this does not equate to the sites being either inappropriate for development or unlikely to be delivered.
- It is considered that the Proposed Local Development Plan, between new allocations and allocations being carried over from the adopted Local Development

Plan, does provide a range and choice of sites throughout the Scottish Borders. As discussed above, it is increasingly difficult to programme which sites are likely to come forward at any given point in time, therefore the programming is only a reasonable estimation of what can be developed within the time periods.

Road Improvements/New Approach Road/New Bridge at Dalatho or New Bridge North of Crossburn Caravan Park (122, 526, 571, 769, 798)

- In respect to comments regarding roads and the provision of a new bridge, it should be noted that the Council's Roads Planning Section and Network Manager have been involved in the production of the Proposed Local Development Plan and can support the allocations included within the Proposed Local Development Plan, subject to improvements to the road network.
- Whilst it is accepted that there are issues in relation to the current road network, it should be noted that many of the sites included within the Proposed Plan set out a requirement for a Transport Assessment (TA). This TA will consider issues in respect to the roads infrastructure in the vicinity of the sites as raised by a number of the Contributors. It is accepted that minor road improvements may be required. It is also important to note that some matters raised by contributors can also be seen as ways as calming traffic (refer to CD056 Designing Streets, page 32) such as, reduced carriageway width, on-street parking and the bend in the road, that is not to take away from the fact that minor road improvements may be required.
- It should be noted that increased vehicular connectivity is a requirement in taking forward a number of sites included in the Proposed Plan for Peebles. Furthermore it is also noted that some Contributors consider that the potential improved connectivity as suggested between Kingsland Road and Dalatho Street would exacerbate current issues. This is disputed by the Council, fully integrated street patterns with surrounding networks allows for increased flexibility, improving connectivity and giving road users a choice of routes to travel and easing pressure by distributing traffic flow. Furthermore, the suggested linkage between Kingsland Road and Dalatho Street would also "*optimise the use of existing infrastructure*" (Scottish Planning Policy, paragraph 270) (CD041).

The Environment/Climate change (526)

- In respect to comments regarding climate change and the need for any new development to incorporate renewable energy, it is noted that Scottish Planning Policy sets out broad sustainability principles (CD041, pages 9 to 11). The Proposed Plan embraces these principles and is founded on the premise of supporting and encouraging sustainable development. All policies within the Proposed Plan should be read against Policy PMD1: Sustainability (page 40). In addition, it should be noted that part e) of policy PMD1: Sustainability and part a) of policy PMD2: Quality Standards (page 41) provide the policy context for the consideration of these matters in planning applications. Consequently it is considered the points raised will be addressed during the processing of any planning application on the site.

Neighbour Notification (889)

- In respect to Neighbour Notification paragraph 83 of Circular 6: Development Planning (CD059) states: "*The planning authority must notify the owners, lessees or occupiers of sites which the Proposed Plan specifically proposes to be developed*

and which would have a significant effect on the use and amenity of the site. It must also notify the owners, lessees or occupiers of land neighbouring (i.e. within 20 metres of) sites which the Proposed Plan specifically proposes to be developed and which would have a significant effect on the use and amenity of the neighbouring land. Notification is only required where there are premises on the site or neighbouring land. In respect to proposed sites APEEB031, APEEB044, MPEEB006, they do not fall within 20 metres of the Contributors property and therefore Neighbour Notification was not required. The fact that a person has not been directly notified does not debar them from making comments and, in this case, the individual concerned has done that so has not been disadvantaged.

APEEB021 (571, 889)

- It should be noted that site APEEB021 is an allocated Housing site within the current Adopted Local Development Plan 2016 (CD009, Volume 2, PDF pages 271 to 281). In addition, development has already commenced on the site with a number of new residents having moved into their new homes.
- Issues in relation to roads and parking will have been dealt with at the planning application stage and in consultation with the Council's Roads Planning Section. In respect to issue in relation to potholes and current road condition, these are pre-existing matters which are not affected by the allocation. They can be addressed by raising an enquiry through the appropriate existing channels. Any additional burdens or impacts which can be directly attributed to development on the allocated site can be addressed at the planning application stage.

APEEB031 (769, 798, 889)

- This site was first formally allocated within the Scottish Borders Consolidated Local Plan 2011 (CD010, PDF pages 369 to 278) and had been subject to public consultation and necessary scrutiny prior to its inclusion in the Consolidated Local Plan. It should be noted that the site benefited from an earlier planning consent although the consent has now lapsed. The planning consent was for outline permission for 36 units (04/01653/OUT).
- It should be noted that this site is a brownfield site and as noted Scottish Planning Policy 2014 (CD041, paragraph 40) states that: "*decisions should be guided by the following policy principles: ...*"
 - *considering the re-use or re-development of brownfield land before new development takes place on greenfield sites; ...*"
- It should also be noted that the allocated site APEEB031 George Place is not constrained within the Scottish Borders Housing Land Audit (HLA) 2019 (CD071, Appendix 1, PDF page 188). Construction is programmed for years 2023, 2024 and 2025.
- The Scottish Borders Consolidated Local Plan 2011 (CD010) also allocated another site within a similar location in Peebles – site APEEB025 also for housing. Whilst that site had similar constraints to site APEEB031, site APEEB025 has been developed for housing and was subsequently removed from the Plan.
- In respect to Contributor 769 comments seeking the reallocation of the site as redevelopment, it should be noted that Policy PMD3: Land Use Allocations within the Proposed Local Development Plan states: "*... Within new housing allocations other subsidiary uses may be appropriate provided these can be accommodated in accordance with policy and without adversely affecting the character of the housing*"

area. Planning Briefs and site requirements detailed within the Local Development Plan may set out the range of uses that are appropriate or that will require to be accommodated in specific allocations. ... It is also important that new development pays regard to the neighbouring land uses particularly residential uses.

APEEB044 and MPEEB006 (122, 526, 769, 798, 889)

- Sites APEEB044 (with an indicative capacity of 100 units) and MPEEB006 were first formally allocated within the Scottish Borders Local Development Plan 2016 (CD009) on the recommendation of the Examination Reporter (refer to CD040 Scottish Borders Local Development Plan Examination Report, Issue 269 and Issue 276).
- At the time of first being allocated, site MPEEB006 did not have an indicative site capacity. However, through the production of the Council's Adopted Supplementary Guidance on Housing (CD020), the Council reviewed the site allocation for site MPEEB006 and following consideration at that time; it was decided that an indicative site capacity of 30 units would be allocated on that site.
- It should be noted that the site APEEB044 also benefited from an earlier decision to grant planning permission (13/00444/PPP), in addition, the Proposed Plan sets out the following site requirement: *"Development of the site shall proceed in accordance with the requirements agreed by the Council in regard to its consideration of planning application 13/00444/PPP. Should that development not be implemented, a Planning Brief in the form of Supplementary Planning Guidance will require to be produced for this site"*.
- Furthermore, the planning application noted above also covered site MPEEB006. It is also noted that the planning application 13/00444/PPP was approved by the Council's Planning and Building Standards Committee, and it is considered that both of these sites are suitable for development. Whilst planning consent was not formally issued owing to the need for a legal agreement, it should be noted that ownership of the site has recently changed and for that reason the planning application has now been treated as "withdrawn". That does not alter the fact that the Council has agreed to the principle of granting permission.
- It should also be noted that the allocated site APEEB044 together with the adjacent allocated site MPEEB006 is not constrained within the Scottish Borders Housing Land Audit (HLA) 2019 (CD071, refer to Appendix 1, PDF page 187). Construction is programmed for years 2024, 2025 and 2026.
- Both allocations are predicated on improvements to the road network approaching the sites in question, including the provision of a new bridge to allow connection between Rosetta Road with Edinburgh Road.

MPEEB007 (769, 798, 889, 901)

- Site MPEEB007 was first allocated as a Mixed Use site within the Supplementary Guidance on Housing (CD020) with an indicative capacity for 70 units. At that time the following site requirement was included: *"The site must provide a mix of uses including housing, employment, and potentially commercial and community use"*.
- It should be noted that this site is a brownfield site and as noted Scottish Planning Policy 2014 (CD041, paragraph 40) states that: *"decisions should be guided by the following policy principles: ...*
 - *considering the re-use or re-development of brownfield land before new development takes place on greenfield sites; ..."*

- It should also be noted that the allocated site MPEEB007 March Street Mill is not constrained within the Scottish Borders Housing Land Audit (HLA) 2019 (CD071, Appendix 1, PDF page 188). Construction is programmed for years 2023, 2024, 2025 and 2026.
- In addition, whilst not approved, a planning application was submitted for the development of the site, application 17/00063/PPP – “*Erection of residential units, form dwellinghouse from engine house, form office/employment use from dwellinghouse, relocation of allotment space, erection of workshop units with associated access and infrastructure works*”. (Refer to CD128 (Officer Report) and CD129 (Appeal Decision)). The application was subject to an appeal against non-determination and, although the appeal was dismissed, this was on the basis of inadequate compensatory provision for the allotments that currently exist at the site. The principle was accepted and the contribution toward housing land supply was acknowledged. The reporter accepted that the development was appropriate in the context of surrounding uses and the location within the conservation area. Many of the matters now being raised have therefore been given consideration as part of that process.
- In respect to that application it is noted that the Boiler House and the Gate House specifically were identified for employment use. It is therefore realistic to consider that these parts (the Boiler House and the Gate House) of the site have the potential to come forward as high amenity business land. Furthermore, it should be noted that the Peebles Proposals Map as contained within the Proposed Plan states that these areas are “Indicative High Amenity Business Land. Therefore, should an acceptable proposal come forward identifying an alternative location for this High Amenity Business use within the site, this can be considered. It is noted however that Proposed Plan Policy ED1: Protection of Business and Industrial Land identified 0.1ha on site MPEEB007.
- In respect to the allotments, it is noted that the allotments are identified as a Key Greenspace (GSPEEB008) on site MPEEB007, and are in private ownership. However, it is not considered necessary for the Proposed Plan to specifically state this.
- In respect to an additional site requirement in relation to parking provision, it is not considered appropriate to include such a requirement as suggested by Contributor 901. It should be noted that parking provision is considered on a case by case basis and is dependent on the proposals presented.
- The Proposed Local Development Plan is a Land Use Plan, and inclusion of the reference to the ongoing application by Peebles Community Trust for a Community Right to Buy of site MPEEB007 is not a planning matter required to be included within the Plan or considered as part of its preparation. The Community may wish to include such proposals in a future Local Place Plan. In that respect, it is noted that Schedule 19, 1 (3) of the Planning (Scotland) Act 2019 (CD050) states that a Local Place Plan: “... *may also identify land and buildings that the community body considers to be of particular significance to the local area*”. This process can continue notwithstanding the inclusion of the site within the Local Development Plan.

RPEEB001 (122, 769)

- Site RPEEB001 was first allocated as a Redevelopment site within the Scottish Borders Local Plan 2008 (CD011, Volume 2, PDF pages 218 to 222). Whilst the site has been allocated as Redevelopment, Proposed Plan Policy PMD3: Land Use Allocations states: “*Sites proposed for redevelopment or mixed use may be*

developed for a variety of uses subject to other Local Development Plan policies.

...”

- Whilst the current occupiers of the site may continue to operate, it is considered that the allocation of site RPEEB001 may encourage and facilitate the redevelopment of the site. This could involve the provision of new purpose-built units for a continued employment use of the site or another use.

Large Retail Sites (122)

- At present the sites in question are viable retail operations serving the wider community. There is no suggestion that these businesses will cease trading or that the demand for them will diminish. There is therefore no obvious imperative to allocate these sites for alternative uses as there is likely to be a continuing retail presence meeting the qualitative and quantitative demand within Peebles and the surrounding area during the course of the Plan period.
- If trading were to cease alternative proposals would need to be considered against other policies in the Plan and an assessment would need to be made as to their appropriateness.

Reporter’s conclusions:

Housing Land Requirement/Supply, Infrastructure, Services & Facilities (526, 571, 769, 798, 889)

and

Existing Allocations (122, 526, 571, 769, 798, 889, 901)

and

The Environment/Climate change (526)

1. The council refers to Scottish Planning Policy (2014) and SESplan 1, the strategic development plan. However, since this examination commenced, National Planning Framework 4 (NPF4) has been adopted (February 2023). It replaced Scottish Planning Policy (2014) and has also now become part of the statutory development plan. Strategic development plans and their supplementary guidance have ceased to be part of the development plan, and there is no longer any need for local development plans to be consistent with them.

2. NPF4 now sets out a minimum all tenure housing land requirement (MATHLR) for Scottish Borders and expects the local development plan to identify a local housing land requirement (LHLR). Our recommended LHLR is set out in Issue 006: Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement. There, we conclude that there is no need for additional land to be allocated for housing besides what is already identified in the proposed plan.

3. The proposed plan strategy aims to concentrate most new development in areas with the largest concentrations of population, jobs, infrastructure, services, and facilities. These are defined by proposed plan Chapter 4 Figure 3 as the three strategic development areas. Peebles is one of several settlements forming the Western Strategic Development Area. I would therefore expect the plan to allocate land for housing and other uses in Peebles.

4. Circular 6/2013, which was still in place when the proposed plan was published, set out Scottish Ministers' expectation on planning authorities and key agencies to cooperate during local development plan preparation.

5. The council has consulted its own internal service departments and key government agencies in the preparation of the proposed plan and the new or continued allocation of sites. Whilst there has been a recognition of the need to improve infrastructure as a result of site allocation, there has been no objection from public service providers or infrastructure bodies to the allocations covered by this issue.

6. No compelling evidence supports deleting any of the sites listed in this issue on grounds that they would result in insurmountable or unacceptable impacts on local infrastructure, services, facilities, or the environment. Such matters can also be considered at planning application stage against relevant policies, including those which may seek contributions in the form of planning obligations.

7. The provision of renewable energy within development proposals is a matter of design and layout that could be judged at planning application stage against relevant policies. The council notes that Policies PMD1: Sustainability and PMD2: Quality Standards require development to reduce the need to consume energy/resources and limit environmental impact. I am therefore satisfied that the matters of concern could be adequately resolved through design and consideration of a planning application. Otherwise, the site requirements for allocated sites list various identified matters that need to be resolved. No evidence suggests a need to add to these. No modifications are required.

Road Improvements/New Approach Road/New Bridge at Dalatho or New Bridge North of Crossburn Caravan Park (122, 526, 571, 769, 798)

8. No parties dispute that development of sites APEEB044 and MPEEB006 would result in the need for improvements to the local road network. Some representations doubt the need for a new bridge at Dalatho and favour a new bridge to the north. However, the council, as roads authority, is satisfied that these matters can be resolved by the improvements set out in the site requirements for sites APEEB044 and MPEEB006 (proposed plan pages 468 and 472 respectively).

9. There is insufficient evidence for me to conclude, one way or the other, whether the alternative measures set out in representations would offer workable solutions. As such I am not persuaded to doubt the position of the council as roads authority. Matters of parking could be resolved at planning application stage. Speed limits are not a matter for the local development plan. No modifications are required.

Neighbour Notification (889)

10. The council has addressed this matter above. I have already concluded that the proposed plan was prepared in conformity with the participation statement. Otherwise, neighbour notification is outwith the scope of this examination.

APEEB021 (571, 889)

11. I saw that site APEEB021 has been completed or is very nearly so. The council states that its roads planning section was consulted on the related planning application

and that matters of parking and roads have been dealt with. I note that the council is also the education authority and is likely to have been able to comment on the proposal. No modifications are required.

APEEB031 (769, 798, 889)

12. The site is brownfield land within a residential area of Peebles, and reuse for housing therefore reflects the strategy in proposed plan Chapter 4. The council references the 2019 Housing Land Audit (HLA). However, this has been replaced by the 2020 HLA, and more recently, the 2021 HLA. All three documents suggest the site is expected to deliver housing during the plan period.

13. Representations favour continued use for employment due to a recognised shortage of such land. Whilst I agree that a shortage of employment land has been identified in this part of Scottish Borders, solutions are presented in the proposed plan. In that context, allocation of this site for non-employment uses may not automatically exacerbate that defined shortage. I note that site RPEEB002 appears to be a former garage or workshop. That is proposed to remain in employment use, and this does not appear to be contested. No modification is required.

APEEB044 and MPEEB006 (122, 526, 769, 798, 889)

14. Both sites are allocated in the Adopted Local Development Plan (2016) and so their continued allocation in the proposed plan does not represent a planning change. On the evidence above, I find no reason why the infrastructure and other impacts could not be satisfactorily mitigated. I therefore find no outstanding justification to delete these sites. No modification is required.

MPEEB007 (769, 798, 889, 901)

15. Whether the site is owned by a community trust, or any other owner is not a local development plan matter. It does not affect what the site is allocated for or any of the site requirements.

16. The fact that the allotments are in private ownership does not affect that they are protected under GSPEEB008.

17. I read the third from last bullet to be stipulating the broad location for employment uses on this mixed-use site and that those parts of the site would be for high amenity business use such as offices, under proposed Policy ED1: Protection of Business and Industrial Land. That would seem consistent with the recognition that there is a shortage of employment land in the locality. This would form one of only three such sites in the Western Strategic Development Area according to Table 1 on proposed plan page 53. Although this could limit to some extent the flexibility of how to use the site in future, that of itself, does not constitute a failing.

18. The requested modifications to site requirements in relation to parking appear to be justifying representation (901)'s favoured position rather than stipulating actual site requirements. Car parking is a matter covered by the standards set out in proposed plan Appendix 3: Planning Guidance and Standards. The matters included in that appendix are covered separately in Issue 017: Appendix 3: Planning Guidance and Standards.

Such matters (including cycle parking) would be considered at planning application stage and may vary depending on the proposal.

19. Overall, on the above considerations, I find no reason to either delete site MPEEB007 or to modify its site requirements on proposed plan page 473. No modifications are required.

RPEEB001 (122, 769)

20. I understand that site RPEEB001 has been allocated in the development plan since 2008. Therefore, its continued allocation is not a planning change. Representations favour this being used for employment uses, in particular for small businesses. The council appears open to various uses and hopes that the continued site allocation may promote site redevelopment. This does not suggest that what is sought in representations could not be achieved but it may be one of a number of acceptable outcomes. I am content that such matters could be adequately addressed at planning application stage. No modifications are required.

Large Retail Sites (122)

21. I tend to agree with the council’s analysis that there is likely to be a continuing retail presence meeting the qualitative and quantitative demand within Peebles and the surrounding area during the plan period. Therefore, there does not seem any need to allocate these sites for alternative uses. The council is also correct that, in the event that these were to cease, alternative proposals would be assessed against relevant policies to determine whether they were appropriate. No modifications are required.

Reporter’s recommendations:

No modifications.

Issue 60	Peebles (New Allocation and Proposals)	
Development plan reference:	Peebles Settlement Profile and Map (APEEB056 – Land South of Chapelhill Farm, APEEB059 – Land South of Chapelhill Farm (Enlarged), APEEB045 – Venlaw, APEEB058 – Lower Venlaw, MPEEB009 – Standalane Steading) (pages 466-477)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Peebles & District CC (122) Nick Boyd (316) Julia Argo (317) Rachel McGregor (329) Caroline Davidson (457) Sophie Hamilton (480) Callum Sutherland (495) Lorne Taylor (526) Paul Scrimger (766) Peebles Civic Society (769) Anthony Newton (798) Wemyss & March Estate (829) Carmichael Homes (848) Dave Kydd (889) David Davidson (890) James McGregor (925) Elaine Wright (938) Ross Greenshields (965) NatureScot (983)</p>		
Provision of the development plan to which the issue relates:	Housing Allocation APEEB056 – Land South of Chapelhill Farm, Housing Sites APEEB059 – Land South of Chapelhill Farm (Enlarged), APEEB045 – Venlaw, APEEB058 – Lower Venlaw, and Mixed Use site MPEEB009 – Standalane Steading	
Planning authority’s summary of the representation(s):		
<p><u>Peebles & District CC (122)</u></p> <ul style="list-style-type: none"> The Contributor states that in relation to site APEEB056, Rosetta Road requires a link back to Edinburgh Road. Whilst there is a mention of a new bridge across the Cuddy for the Chapel Hill site, the Contributor states that they re-iterate that proposals for a new bridge at Dalatho are unrealistic. A new approach road joining the A703 is required to the north of the town boundary, north of the Crossburn caravan park. Dalatho Crescent and Dalatho Street are both narrow as is Rosetta Road, which is also currently congested. Existing junctions with the Edinburgh Road are tight and sub-optimal. 		

Nick Boyd (316), Julia Argo (317)

- The Contributors state that they are extremely concerned about the impact of this site for housing. They also note that the Local Development Plan states that there is a need to 'conserve what makes the Borders a great place to live, work and visit', and they are of the opinion that this development would have a negative impact on this, and they express concern with the potential of merging with Eddleston in the future. They also state that they do not think that Peebles has the infrastructure to support this development, and mainly in respect to roads. The Contributor states that Rosetta Road is the main access from this point into the town and it is single file and falling apart, and there is no way it could cope with another 150 cars trying to do the nursery run or go to Tesco. The road in the other direction is single file with passing places with some very dangerous sharp corners, particularly when approaching the Standalane development. The Contributor also raises the impact on nature stating that if we keep expanding in this way we are pushing the natural wildlife to breaking point, they also note that deer use the site. The Contributor also raises the site requirement in relation to pedestrian access and state that they presume that it would be beside their property in an area that is identified for natural planting. They consider that this would have a huge negative impact on the estate in which they live which is quiet and very private to the residents. The noise and potential light intrusion from adding a path linking the two developments would have a negative impact on the attractiveness and therefore value of their property. Furthermore the Contributor is of the opinion that developing the site in general will also effect the attractiveness and therefore the value of their property which looks onto this field. They state that they recently moved into this property after having to sell their previous home on Caledonian Road as they felt the traffic created as a result of the planning giving to the site at the top of South Park (now Persimmons homes) was too great a risk to our family. This to me shows the blatant disregard by the council to consider the current residents when considering planning.

Rachel McGregor (329)

- The Contributor objects to the allocation of site APEEB056. They state that the town is already struggling with school/nursery numbers, availability of health professionals, and poor utility and infrastructure, and simply could not cope with a larger population. Peebles has already seen a large increase in housing development over the last ten years. The site can only be accessed from two directions, from the north along an inappropriate narrow/single-track country road which is not suitable for increased traffic, or from the south along an already highly congested Rosetta Road into Peebles. This road already has severe capacity issues and has no way of being expanded (with Rosetta Road residents having on-street parking, this road is effectively a single-track road). The Contributor raises the issue that there are already sites at allocated Rosetta caravan park. The Contributor expresses concern that this site could also have an adverse effect on the risk of flooding to nearby infrastructure and further downstream. The field north of Standalane View, by Eddleston Water, regularly floods in the winter, and the back road (that links the A703 north of Peebles) to Standalane View was closed due to flooding on 4-Dec-2020. The Contributor raises issues in relation to the ecological and environmental impact of building into countryside, and the destruction of ancient pasture. Excessive housing development will ruin the attractiveness of the town and turn Peebles into a dormitory town for Edinburgh. This proposed site is detached from the rest of Peebles and would require the extension of the town boundary and

represents the creeping urbanisation of our landscape. The site is highly visible from the A703. The contributor also raises the potential for pedestrian access to this proposed site is through Standalane View and that there are no pavements through the middle of the estate, and there are no other roads with pavements to get north of the estate, so it is therefore very unsafe for increased access to a large new development.

Caroline Davidson (457)

- The Contributor states that the proposed site for 150 units is extremely large unlike the Standalane estate with 45 houses and which is barely visible from the A703. This potential new estate will be beyond the current boundary of Peebles and will not be camouflaged by the surrounding trees. It will look incongruous. Additionally in respect to the suggested access through Standalane estate, it is noted that the Standalane estate has no pavements on either side of the middle section of the estate, resulting in no safe through access for pedestrians, wheelchair users, pushchairs or for the partially sighted. The Contributor notes that the Crossings road was closed for several days due to flooding in December 2020.

Sophie Hamilton (480)

- The Contributor objects to site APEEB056 as the access along the crossings road regularly floods and isn't wide enough for extra capacity. Likewise Rosetta Road isn't fit for purpose already let alone with extra traffic on it. The area floods regularly. If the access was to be through standalane, there are no pavements in this estate and therefore there are safety concerns. The Contributor highlights that there are tree preservation orders on the land as well as the environmental/visual impact from the A703.

Callum Sutherland (495)

- The Contributor objects to the allocation of site APEEB056 as it would have a negative impact on Peebles with extra pressure on local health facilities, schools, roads and the already struggling council services. The landscape would be dramatically changed causing issues for wildlife and natural elements in this area. Standalane development has very little paved areas for pedestrians causing issues for prams and wheelchairs, and access to what would be the proposed development. The small road leading past Chapelhill Farm (the crossings) currently causes issues to highway safety so this extra substantial traffic generation would add to unnecessary issues and road conditions for this small single track road. The Contributor states that they are aware that a proposal of a bridge was suggested to help with traffic in Peebles for this proposal but it is highly unlikely that people from the north side of Peebles will travel all the way back towards Peebles to use this, it just will not happen. The field next to the proposed site floods multiple times throughout the year and the Contributor worries this would be diverted towards their development exacerbating current issues. They state that they have had professionals in twice regarding the drainage at a huge financial cost since moving to this development and are aware they are not alone in this area for flooded and waterlogged gardens. The Crossings farm road has flooded on several occasions this year, and has been closed to traffic by the Police. Properties at Standalane facing the proposed development would lose all privacy with the new overlooking houses. With a proposed large 150 unit development this would cause noise and disturbance for the Standalane development in our beautiful town which makes

Peebles a great place to live and work, and the reason the reason the Contributor moved there. Peebles is a town that attracts lots of daily tourism because of its quaint small town charm. This will be lost if the town continues to grow beyond its means.

Lorne Taylor (526)

- The Contributor objects to the inclusion of this site for development of any sort and specifically on the basis of 150 units over 7.0hA. The Contributor asks what consideration is given to the protection of the environment and the natural countryside surroundings. They note that global warming is a huge climate issue, and question if the development will use renewable energy. The Contributor states that health care providers are heavily used and question what thought has been given to maintaining adequacy of provision, they also ask if medical services, schools and emergency services are consulted to gain their view of capability in light of the proposed developments.
- The Contributor also raises issues in relation to road traffic access, and considered that Rosetta Road is totally inadequate due to carriageway width, residential parking and road surface condition. They note the congestion levels would be exacerbated with an increase in traffic volume given that the preferred access route to Edinburgh Road is via Dalatho Street, Kingsland Road and Kingsland Square to Rosetta Road, they also note that there is a sharp Z bend with limited vision at Standalane Cottage before the minor road with passing places continues past Chapelhill Farm to join Edinburgh Road further north. In addition traffic management and parking within the town centre will also be affected. Currently Rosetta Road and Standalane are used by numerous commuter and other vehicles as an Edinburgh Road link route to and from Peebles, many of which transit at excessive speed. As it stands the 20mph speed restriction and 60mph zone commences just after the junction leading to the existing Standalane development which is absolutely ridiculous, the 20mph zone should exist beyond the Z bend with a 40mph zone continuing to the junction of Edinburgh Road. How will all these issues be addressed? The Contributor also notes that other proposed developments (MPEEB006, APEEB044 and APEEB031) are also required to use these roads.
- Flood risk is also raised by the Contributor and they ask how will flooding of adjacent areas be prevented, they also state that they consider that an adequate maintenance buffer boundary would be essential between this site and the Standalane site.
- The Contributor also raises issues in relation to pedestrian access including connecting the two developments and that parts of Standalane do not have pavements. They state that a development of any sort anywhere should provide adequate traffic and pedestrian management involving essential access road improvements as well as pavements adjacent to the road along with adequate lighting for effective safety management.
- Dog fouling is also raised by the contributor and they ask will the risk of dog fouling be minimised in and around Standalane and beyond by the installation of dog waste bins?
- The Contributor also asks would a development at this site interact with construction of the new Eddleston Water Path in any fashion, and will any impact be mitigated?
- Peebles is rapidly developing into a satellite commuter town notably into Edinburgh, with the only public transport medium being the bus service.

- The resultant population increase from any sort of development locally will place an increased burden on external transport links and consideration must be given to not only maintaining, but improving those links within the borders and beyond. The onus on any developer should be to benefit the existing infrastructure and not the reverse.
- For the reasons given I do not believe the APEEB056 site is best suited for development of any sort and would be extremely detrimental, not only to the immediate vicinity of Standalane but to the town and existing infrastructure.

Paul Scrimger (766)

- The Contributor states that they consider that Peebles takes the brunt of Scottish Borders Housing requirements again. Significant investment has taken place in other border towns infrastructure while Peebles is again left behind, only when this is levelled should the council consider Peebles for large scale housing development. They state that perhaps the council should propose the building of housing in the areas it has invested in.
- Proposed developments in Peebles appear to be a series of random bolt on's to the town boundary and no strategy seems to be in place for where any housing development takes place, the policy of the Council seems to be that any spare blade of grass in Peebles can have housing built on it.
- The Contributor asks where the funding and plan for a new high school is, this needs constructed before any further developments take place. Furthermore, the Contributor states that Peebles has been left behind with regards to sport facilities. A 3G pitch was promised 12 years ago and still they wait while every other major borders town gets one. New house building should be halted until the infrastructure catches up. This also applies to doctors, an appointment in Peebles takes around 3 weeks.
- The Contributor notes that there is no transport plan to support the proposed housing. There are a number of reasons that Peebles is a popular place to live with the commutable distance to Edinburgh being one. At present there is an hourly bus that goes to the city centre, a large number of employers are now outside the city centre so the only option will be to drive which does not fit with the council's sustainability strategy. To add that Midlothian council have allowed nearly 2,000 new houses to be built on the two main access ways into Edinburgh, so when people return to offices there is going to be gridlock at Straiton and Hillend and this proposal for Peebles adds to the problem. There needs to be cross working with Midlothian Council to improve transport options.

Peebles Civic Society (769)

- The Contributors states that there is a significant issue with site APEEB056 in relation to access and the potential increase in traffic along Rosetta Road, particularly considering the indicative site capacity of 150. This development should be expressly conditional on a new access link road to be created direct to the A703, immediately to the north of Crossburn Caravan Park, and not the proposed bridge at Dalatho.
- The Contributor states that they object to the proposed Dalatho bridge which would worsen, rather than relieve, the potential congestion and road safety issues on the narrow northern section of Rosetta Road, and bring an unwelcome traffic burden to the residential streets of Kingsland Road and Dalatho Street (currently a one way street).

- The Contributor suggests an early feasibility study into a new northern access link road, along with the required planning brief for the site, so that this can inform any future application.

Anthony Newton (798)

- The Contributor states that they are concerned by the large number of proposed houses planned for north of the river. In particular Land south of Chapelhill Farm (150 homes) [APEEB056]. In total these will put an immense strain on local services such as health and schools.
- Traffic would also increase along Rosetta Road and March Street and these residential streets are not designed to cope with this. In many places, Rosetta Road is a single lane road due to parking. The Contributor states that they disagree that these problems will be solved by building a bridge at Dalatho. This would create its own problems for Kingsland Road and Dalatho Street and still lead to increased traffic on the northern part of Rosetta Road. If any new northern developments are approved, a bridge north of Crossburn Caravan Park should be built first, before any consideration is given to a bridge at Dalatho. Despite this, these developments would still lead a large increase in traffic along Rosetta Road and March Street.

Wemyss & March Estate (829)

- Whilst the Contributor supports the allocation of site APEEB056 within the Proposed Plan, they are of the view that that the developable area could be increased. The Contributor, as part owner of site APEEB056, they note that they are happy to work alongside the owner of the remainder of the site or to work with SBC to deliver new homes to the west on land solely owned by Wemyss & March Estate.
- The Contributor has submitted a capacity study to inform their representation to the Proposed Plan. As part of their submission the Contributor seeks the allocation of a new housing site APEEB059 – Land South of Chapelhill Farm (Enlarged) with an indicative capacity of 250 units, and a mixed use site MPEEB009 – Standalane Steading that includes a large area for landscaping.
- The Contributor is of the view that in addition to the areas identified with the potential to accommodate residential development, their proposal also identifies the Standalane steading as a mixed use opportunity. The existing steading would require some refurbishment but presents an exciting and complimentary mixed use development opportunity in line with the proposals to the north and close to the Rosetta mixed use development to the south.
- The Contributor includes a summary of the landscape context, landscape character, landscape designations, the site, landscape and visual appraisal and a potential development plan. The submission states that the proposal site would add an area of development to the north of the existing settlement edge increasing the influence that settlement has on the rural character of the Upland Valley with Woodland Landscape Character Type from where it would be most visible. From the wider landscape the proposal site represents a relatively discreet position in views. The Contributor states that these changes would however be localised in extent and the immediate area has existing landscape features that when considered in relation to future development, along with potential additional landscape planting. The Contributor also states that the proposals represented by the Framework Plan in the submission are regarded as providing an opportunity for potentially integrating future housing development to the north of the settlement edge of Peebles. New

development within proposal site would have very localised visual influence and would mirror the existing pattern of built development that is currently emerging in north Peebles by following the lower western slopes of Hamilton Hill and set back from the banks of Eddleston Water.

Carmichael Homes (848)

- The Contributor objects to the exclusion of site APEEB045/APEEB058 from the Proposed Plan. They state that the Plan does not provide adequate supply of housing land and particularly so in Peebles which is a high demand location. The site submitted for inclusion in the Plan is for 22 houses and are deliverable. The proposed site is located on the edge of the settlement is accessible to public transport, services and facilities in walking distance. The site is in a location that fits with the strategy for development in the Plan. There is no flood risk with the site and sustainable urban drainage is incorporated into the design. The proposed development has been kept as far as possible to the lowest part of the site to minimise the impact on the existing landscape setting of the settlement. The Contributor states that due to the delay in progressing the Plan, a planning application was submitted (20/00753/FUL) and details of the proposal and the assessments undertaken have been submitted as part of the submission by the Contributor. It is noted that the Contributor has included a Flood Risk Assessment, an Ecological Assessment, Transport Assessment, Traffic Survey Report, Road Safety Review, Tree Survey, and a Design and Access Statement. The Contributor states that whilst other towns may be attractive due to availability of land, they are not as marketable as Peebles, there should be greater flexibility in the supply of housing in this settlement. The Contributor also makes reference to the Council's opinion on the need for a new bridge.
- The Contributor also makes reference to site APEEB056 and that they consider the density of the proposed development is not in keeping with the area.

Dave Kydd (889)

- The Contributor objects to the allocation of site APEEB056, and state that as a direct neighbour they have not been consulted.

David Davidson (890)

- The Contributor objects to the allocation of site APEEB056 as access to the development via a single lane B road will cause excessive congestion.

James McGregor (925)

- The Contributor objects to the allocation of site APEEB056, as someone who lives within 20m of this proposed large housing development, they feel that this would not be of benefit to the town and the people who already live here.
- Building such a large development, coupled with the proposed site at Rosetta Caravan Park will put huge pressure on this side of the town. The road currently running through the proposed site is a single-track farm road with passing places. This road is already prone to flooding in several places, and a large increase in traffic would not prove sustainable. Further along on Rosetta Road there are cars already parked on both sides of this busy residential street, and only one car at a

time can currently get through. It is also like this on the other streets around Rosetta Road/Kingsland Square, and a large increase in traffic of potentially up to 300 new cars across both sites, would result in the roads being perpetually choked with traffic. Given that these are the only way to get to the sites from either direction, more traffic on inadequate roads are far from ideal.

- A significant increase in population is also not what Peebles needs now. Schools are already at capacity, there is only one health centre for the whole town, and although the Contributor states that they have not used it, they have been told by other residents that there is already a waiting time of up to one month to get a doctor's appointment. Unless another health centre were to be built, again an increase in population would make this situation much worse.
- The Contributor also raises the environmental impact that expanding the town further into the surrounding countryside will have, an increase in pollution and potentially greater risk from flooding. The fields at the bottom of the site regularly flood when there is heavy rain/snowmelt, but this may increase the volume of water into the Eddleston Water which in turn may have further impact downstream before it joins the River Tweed.
- Peebles is a nice Borders town, and the Contributor feels that building large new housing developments will only change this into a commuter town for Edinburgh.

Elaine Wright (938)

- The Contributor questions if anyone has looked at the access to this and adjoining developments at Rosetta, they state that a much improved road and bridge is required to the A703. Access via Dalatho will not be sufficient.

Ross Greenshields (965)

- The Contributor raises concerns to the number of houses proposed on site APEEB056 stating that they are not to the benefit to Peebles and the local community.
- They raise issues in respect to roads and specifically Rosetta Road and the crossing road. The Contributor also notes that Standalane View would be a possible pedestrian access into the new development and that there are very few pavements in this development which is a major safety concern if this was the access for 150 new homes. The Crossings road was badly flooded towards the end of 2020 - bad enough that the road was closed. The development of the proposed site may risk further flooding, impacting Standalane and Violet Bank.
- In addition the Contributor raises concerns regarding the subsequent extra pressure that would be placed on nursery and schooling services, there is currently long waiting lists at both nurseries in Peebles, and the health centre is clearly over stretched. More housing would add further strain to these services and hurt the existing community.

NatureScot (983)

- The Contributor objects to site APEEB056 in that they are of the view that the western part of the site should be removed from the allocation; this would assist in maintaining the character of views from the A703 and the setting of the Cross Borders Drove Road long distance route.

- The Contributor notes that this site is physically and perceptually detached from the rest of Peebles, leading to development which would appear incongruous and out of character with the existing setting of the settlement.
- However the Contributor welcomes the intention to prepare a planning brief for the site and they support the proposal to protect and enhance existing boundary features. Nevertheless, if the site is allocated in its entirety, they are unclear that the proposed boundary planting along the eastern boundary would function as intended to protect rural views from the A703.

Modifications sought by those submitting representations:

- Seeks the removal of site APEEB056 from the Plan. (316, 317, 329, 457, 480, 495, 526, 766, 889, 890, 925, 965).
- Seeks the site APEEB056 be expressly conditional on a new access link road to be created direct to the A703, immediately to the north of Crossburn Caravan Park, and not the proposed bridge at Dalatho. (122, 769, 798).
- Seeks the removal of the requirement for the proposed Dalatho bridge. (769, 798).
- Seeks an early feasibility study into a new northern access link road, along with the required planning brief for the site, so that this can inform any future application. (769)
- Supports the allocation of site APEEB056. (829).
- Seeks the allocation of housing site APEEB059 – Land South of Chapelhill Farm (Enlarged) with an indicative capacity of 250 units. (829).
- Seeks the allocation of mixed use site MPEEB009 – Standalane Steading. (829).
- Seeks the allocation of site APEEB045/APEEB058 in the Plan. (848)
- Seeks a much improved road and bridge to the A703. (938).
- Seeks the removal of the western part of the site APEEB056. (983).

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE PEEBLES SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

Housing Allocation APEEB056 (122, 316, 317, 329, 457, 480, 495, 526, 766, 769, 798, 829, 889, 890, 925, 938, 965)

- The Contributors 691 Gareth Smith and Paula Smith, and 829 Wemyss & March Estate (refer to CD183, pages 40 and 248) have supported the allocation of site APEEB056.
- Site APEEB056 was identified within the Scottish Borders Main Issues Report (CD008) for housing in the short term within the Tweeddale Locality. The site assessment for site APEEB056 (CD118, page 299), which is proposed for housing, concluded that the site is acceptable and that the allocation of this site will assist in meeting the housing land requirement.
- Site APEEB056 is included in the Proposed Local Development Plan and the site requirements set out in the settlement profile are a direct response to the issues which were identified through the site assessment process. It is contended that this

site is appropriate for housing purposes and all concerns have either been satisfactorily addressed or can be through stated site requirements.

- It should be noted that the Council is required to allocate sufficient land within the Central, Eastern and Western Strategic Development Areas. Scottish Planning Policy 2014 (CD041, paragraph 119) requires the Local Development Plan (LDP) to allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption. It should provide for a minimum of 5 years effective land supply at all times. Failure to meet this requirement would result in a failure to provide a plan-led and properly managed approach to housing delivery.
- Furthermore, in order for land supply to be considered deliverable, the Council must consider site allocation options in places where there is developer and market interest, hence the need to consider appropriate sites in and around Peebles.
- The Council commissioned the 'Western Rural Growth Area: Development Options Study' (CD082) in 2018. The purpose of the Development Options Study was to identify and assess options for housing and employment land in the Western Rural Growth Area/Strategic Development Area. Whilst the western area has a considerable amount of undeveloped allocated housing land, it should be noted that much of this is within Innerleithen and Walkerburn which have more limited housing market interest. Historically Peebles has a vibrant market for housing development and the development industry will continue to seek further land in this area to meet demand. However, due to a number of physical and infrastructure constraints further housing site options are limited. Consequently consultants were appointed to prepare a study to identify both potential short (within the time frame of the Local Development Plan (LDP)) and long term (beyond the LDP time frame) housing options as well as to identify sites for business/industrial use and their findings have influenced the sites included within the Proposed Plan. That assessment accounted for site availability and constraints and market intelligence.
- In relation to the Development Options Study, it is noted that that document was carried out by consultants to identify site options within the vicinity of Peebles. The study findings informed the potential site options set out in the Main Issues Report (MIR) and then those new sites included within the Proposed Plan.
- In the consideration of any site for inclusion in the LDP, a full site assessment is carried out and the views of various internal and external consultees (such as Roads Planning, Education, Economic Development, Landscape, Scottish Water, SEPA, and NHS) are incorporated into that assessment. In doing this rigorous site assessment process, the best sites possible are identified. The site assessment also considers many issues in relation to transport and water/sewage infrastructure, as well as other environmental issues such as archaeology, biodiversity, flood risk and landscape.
- Whilst the primary responsibility for operating the development planning system for the Scottish Borders lies with the Council, Circular 6/2013 Development Planning (CD059, paragraph 10) states that all interests should be engaged as early and as fully as possible. In addition that document also states "*key agencies are under a specific duty to co-operate in the preparation of development plans*"; this includes NatureScot, Scottish Environmental Protection Agency, Scottish Water and NHS (Health Board). The Council have consulted with all key agencies throughout the LDP process and will continue to do so. This then allows key agencies to plan according to their needs and demands also. NHS Borders have stated that they will continue to engage with SBC colleagues to provide primary care and public health

input to the wider planning process including the creation of the next Scottish Borders Council LDP early in its preparation cycle as part of a Health in All Policies approach.

- It should also be noted that additional discussion has been carried out with the Education Officer who has stated that there is sufficient school capacity available to accommodate the new proposals contained within the Proposed Plan.
- In addition, the Council are currently progressing the review of the school estate. In respect to the Peebles High School, a Report to Council (CD027) was presented on 28 January 2021 setting out an update on the provision of a new school. It is also noted that the Council have been successful with the bid to Scottish Government's Learning Estate Investment Programme (LEIP) however, capital funding will also be required. Furthermore a Proposal of Application Notice was lodged with the Council in July 2021 and consultation with the local community was undertaken with the public event taking place 14/15 September. It is intended that a Planning Application for the new Peebles High School will be submitted at the start of 2022.
- In respect to visibility of the site from the A703, it is accepted that the site will be visible from the A703 however, other developed parts of Peebles are also visible from the A703. The Development Options Study (CD082, paragraph 5.11) states that *"This site is located north of recent development at Standalane, and includes land on either side of Rosetta Road. This area has much gentler gradients than the steeper ground to the west, and is less visible in wider views. Although it can be seen from the A703, there are opportunities to enhance landscape structure. Development would form a logical extension along the lower valley slopes to the north of the town"*.
- The Proposed Local Development Plan includes a number of policies that any application for site APEEB056 would be assessed against. The key policies in relation to many of the issues raised are: Policy PMD2 Quality Standards (page 41) and Policy HD3 Protection of Residential Amenity (page 95).
- Policy PMD2 Quality Standards seeks that all new development will be designed to fit with the Scottish Borders townscapes and to integrate with its landscape surroundings. In respect of 'Placemaking and Design', bullet point 'K' states that in relation to the new development: *"it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form"*.
- Policy HD3 Protection of Residential Amenity aims to protect the amenity of both existing established residential areas and proposed new housing developments. In addition, the Introduction section of Policy HD3 refers to Scottish Planning Policy and the need for high quality layout in housing developments in order to protect residential amenity. In that respect paragraph 36 of Scottish Planning Policy 2014 (CD041) states: *"Planning's purpose is to create better places. Placemaking is a creative, collaborative process that includes design, development, renewal or regeneration of our urban or rural built environments. The outcome should be sustainable, well-designed places and homes which meet people's needs"*.
- It is therefore considered that issues raised such as the potential impact on residents of the adjacent Standalane Development, loss of privacy, noise and light intrusion can be adequately dealt with at the planning application stage, accounting for the site requirements already set out; for example, the site requirements for APEEB056 also state that consideration to landscaping / planting must be given to the proposed development.
- In respect to comments regarding impact on tourism, impact on nature, the presence of Tree Preservation Orders (TPOs); the Council's Ecology officer and Landscape Section have not objected to the allocation of site APEEB056 within the Proposed

Plan. Furthermore there are no TPOs within the vicinity of the site. It is also considered that the proposed new landscaping/planting required may provide the opportunity to enhance the environment for wildlife. VisitScotland were also consulted on the Proposed Plan and did not object to the allocation of site APEEB056 in terms of impact on tourism.

- Issues of flood risk have also been raised by a number of contributors, in that respect it is noted that the Proposed Plan includes a site requirement for a Flood Risk Assessment where that is an issue. Surface water runoff is also required to be considered to ensure the site is not at risk of flooding and nearby development and infrastructure are not at increased risk of flooding. There is also a further site requirement for the provision of Sustainable Urban Drainage feature onsite. In addition, it is also noted that Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that *“Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding, and taking account of climate change, using the most up to date guidance; and, b) a report of the measures that are proposed to mitigate the flood risk.”*
- In respect to comments regarding climate change and the need for any new development to incorporate renewable energy, Scottish Planning Policy sets out broad sustainability principles (CD041, pages 9-11). The Proposed Plan embraces these principles and is founded on the premise of supporting and encouraging sustainable development. All policies within the Proposed Plan should be read against Policy PMD1: Sustainability (page 40). In addition, it should be noted that part e) of policy PMD1: Sustainability and part a) of policy PMD2: Quality Standards (page 41) provide the policy context for the consideration of these matters in planning applications. Consequently it is considered the points raised will be addressed during the processing of any planning application on the site.
- In respect to comments regarding roads and pedestrian access and provision of a new bridge, it should be noted that the Council’s Roads Planning Section and Network Manager have been consulted. Neither of these consultees objected to the potential identification of site APEEB056 as a housing site subject to a number of requirements. It is noted that the Roads Planning section have stated: *“Any development at the north end of Peebles will be reliant upon improved vehicular linkage being provided over the Eddleston Water between Rosetta Road and the A703. This should ideally be provided between Kingsland Square and Dalatho Street, but there may be other acceptable opportunities further north. Third party land ownership will be an issue. Existing pedestrian and street lighting infrastructure would need to be extended out from the town to the development site. Fundamental to the development of this site is good pedestrian/cycle connectivity with the provision in Standalane View. There appears to be constraints engineering wise and land ownership wise in achieving this and it will need to be demonstrated that solutions are available before I can offer my support for this site being developed for housing. Some minor road improvement work may be required to Rosetta Road leading to the site from the town to facilitate the flow of traffic and the existing public road through the site will likely need to be modified to accommodate the development. A Transport Assessment would be required to identify and address transport impacts and to demonstrate sustainable travel is achievable”*.
- Whilst it is accepted that there are issues in relation to the current road network, the Proposed Plan sets out a requirement for a Transport Assessment. This

Assessment will consider issues in respect to the roads infrastructure including matters regarding Rosetta Road, and the road referred to as the Crossings as raised by a number of the Contributors. It is accepted that minor road improvements may be required. It is also important to note that some matters raised by contributors can also be seen as ways as calming traffic (refer to CD056 Designing Streets, page 32) such as, reduced carriageway width, on-street parking and the bend in the road, that is not to take away from the fact that minor road improvements may be required.

- Increased vehicular connectivity is a requirement in taking site APEEB056 forward, and it is noted that the relevant site requirement in the Proposed Plan states: “*Would require improved vehicular linkage over the Eddleston Water between Rosetta Road and the A703 (preferred route is between Kingsland Road and Dalatho Street)*”. Therefore, whilst the preferred route has been identified as the Kingsland Road and Dalatho Street, if an appropriate alternative option was found it would not necessarily be discounted. It should be noted that sites MPEEB006 and APEEB044 also require improved connectivity and a Transport Assessment would also be required.
- Some Contributors consider that the potential improved connectivity as suggested between Kingsland Road and Dalatho Street would exacerbate current issues. This is disputed by the Council, fully integrated street patterns with surrounding networks allows for increased flexibility, giving road users a choice of routes to travel and easing pressure by distributing traffic flow. Furthermore, the suggested linkage between Kingsland Road and Dalatho Street would also “*optimise the use of existing infrastructure*” (CD041 Scottish Planning Policy, paragraph 270).
- With regards to the potential pedestrian access, it is noted that the site requirements for site APEEB056 states: “*Pedestrian infrastructure would need to be extended out from the town to the site. Option could include provision of access via Standalane View. This matter requires to be investigated further*”. The site requirement identifies a potential option through Standalane View, however the potential for this does require further investigation. Ideally adjacent housing developments should be connected by a series of routes as this can encourage walking and other active travel. With appropriate footpath connectivity a neighbourhood can be geared towards its residents rather than to traffic. It should also be noted that the neighbouring development at Standalane includes an area known as “shared surfaces”. These spaces have many advantages including: encouraging low vehicle speeds, creation of an environment where pedestrians can go about easily and without feeling intimidated by traffic, and encourage social interaction. In respect to comments regarding increased noise and light intrusion; it is considered that the potential for increased pedestrian activity allows for greater visual presence in the area and helps create a safer and more secure environment. Furthermore, additional or new lighting can also assist to increase the attractiveness for an area to walk around. Whilst lighting can be intrusive within private spaces, the use of low level lighting could be a solution. These are matters of detail than can be addressed through the planning application process.
- In respect to comments regarding the Developer Contributions it has been suggested in submissions that the onus should be on the any developer to benefit existing infrastructure and not the reverse; however, Developer Contributions can only be sought where required to help ease deficiencies or issues directly caused by the new development being proposed.
- It is not anticipated that the development of site APEEB056 will impact on proposed Eddleston Water path. Issues in relation to dog waste and dog waste bins are not a matter for the Local Development Plan.

- In respect to comments regarding the potential for a new 3G pitch at Peebles, whilst potential for funding was identified and the Council worked on finding suitable sites; following thorough consultation with the community, no agreement could be reached in respect to a suitable location. The Plan does not make allocations for 3G pitches, furthermore should a location for a new 3G pitch be found, any subsequent planning application can be assessed against the relevant Plan policy.

Removal of the Western Section of Site APEEB056 (983)

- It is noted that NatureScot have sought to have the western side of site APEEB056 removed from the allocation. Whilst it is accepted that the site is not without its difficulties/issues, it is considered that in the interests of proper planning some degree of development on the western side of the site is required. Even a single row of houses on the western side of the site will assist in providing a strong frontage element along the Rosetta Road, thereby assisting in creating a successful street through the site. Furthermore it is noted that planting along the western boundary is a requirement of the proposed development. This new planting will then act as a backdrop along the more elevated land, in that respect it is noted that the Council's Landscape section advised that: *"This site lies on both sides of the minor road that links the A703 to Rosetta Road. ... It would be highly visible from the A703 approaching from the north. It will be essential to achieve containment to the northern edge (by carefully designed structure planting that could extend into the flood plain along the eastern boundary) and additional planting as a backdrop (containment) along the more elevated and exposed west boundary"* (refer to CD118, page 300).

Neighbour Notification (889)

- In respect to Neighbour Notification paragraph 83 of Circular 6: Development Planning (CD059) states: *"The planning authority must notify the owners, lessees or occupiers of sites which the Proposed Plan specifically proposes to be developed and which would have a significant effect on the use and amenity of the site. It must also notify the owners, lessees or occupiers of land neighbouring (i.e. within 20 metres of) sites which the Proposed Plan specifically proposes to be developed and which would have a significant effect on the use and amenity of the neighbouring land. Notification is only required where there are premises on the site or neighbouring land. ..."* In respect to proposed housing site APEEB056 Land South of Chapelhill Farm, it does not fall within 20 metres of the Contributors property and therefore Neighbour Notification was not required. The fact that a person has not been directly notified does not debar them from making comments and, in this case, the individual concerned has done that so has not been disadvantaged.

Housing Site APEEB059 and Mixed Use Site MPEEB009 (829)

- It is noted that these are new sites that have only come forward during the Representation Period of the Proposed Plan, and have not been considered at any other time throughout the Local Development Plan Process. Furthermore it should be noted that the Council undertook a call for sites (Expressions of Interest) from 26 June 2017 through to 7 August 2017 as encouraged by Circular 6/2013 Development Planning (CD059, paragraph 64).

- After assessment, the inclusion of site APEEB059 within the Plan is considered unacceptable. Site specific reasons for the non-inclusion of site APEEB059 are set out in the site assessment (CD118, pages 307 to 310), in summary these are: the Roads Planning Officer has advised that they cannot support the proposal, for the following reasons, "... *The westerly portion of the site is somewhat detached from the town and this combined with the topography of the site would not support the creation of good street design with good street connectivity internally and externally. The road leading to the site from the town has its limitations in terms of width, pedestrian provision and the two 90 degree bends at the roadside cottage. The private road serving Standalane is not of a standard, or capable of being upgraded to a suitable standard, to part serve the site. Had it been, it could have offered improved external connectivity. For Site APEEB056, I confirmed that fundamental to the development of that site was good pedestrian/cycle connectivity with the provision in Standalane View. This enlarged site is too big to rely on Standalane View alone for pedestrian and cycle connectivity with the town*".
- As an enlarged site of that already included with the Proposed Plan, it is considered that there is a moderate potential impact on archaeology. In addition, there is potential to impact on the setting and approach to Listed Chapel Hill Farmhouse and Standalone Cottage. Furthermore, NatureScot have stated that in respect to this enlarged site is "*We reiterate our previous advice on this site (APEEB056) in which we noted that it is physically and perceptually detached from the rest of Peebles, leading to development which would appear incongruous and out of character with the existing setting of the settlement. The larger site at APEEB059 shares these issues*".
- In respect to site MPEEB009 after assessment, the inclusion of site MPEEB009 within the Plan considered unacceptable. Site specific reasons for the non-inclusion of site MPEEB009 are set out in the site assessment (CD118, pages 319 to 321), in summary these are: the Roads Planning section are unable to support the allocation of the site within the Proposed Plan. In addition the Heritage and Design Officer has stated that the site has the potential to impact on the setting of Category C Listed Standalone Cottage.

Housing Sites APEEB045 and APEEB058 (848)

- It is noted that following full assessment, both sites APEEB045 and APEEB058 (refer to CD118, Site Assessments APEEB045, page 287 and APEEB058, page 303) were determined to be unacceptable for development.
- In respect to site APEEB058 (the smaller of the two sites), following full site assessment it is considered that the site is not appropriate for allocation. An enlarged site (APEEB045) at this location was previously considered as part of the Local Development Plan (LDP) Examination (refer to CD040 Examination Report – Issue 270) and the Reporter did not bring that site forward. The main concern related to landscape fit. The Reporter stated that "*I must pay particular regard to this as the site is located within a Special Landscape Area. I agree with the Council that the existing settlement is well-contained at this point by rising topography to the east. I found that to be a very attractive feature of this important vehicular entrance to the town. Development of the site is likely to lead to the appearance of urban sprawl ascending the higher land to the east. I conclude overall that the potential benefits of increasing the land supply by allocation of this site are outweighed by the likely significant adverse impact on the character and visual amenity of this sensitive settlement edge location*". It is considered that the site contributes greatly to the

setting of the settlement. Development at this location would result in a negative impact particularly on the adjacent residential properties along the Peebles Road. The site is located within the SBC Venlaw Designed Landscape, and is adjacent to the category 'C' Venlaw Castle North Lodge. There is potential for archaeology on the site. The site is also within the Special Landscape Area and would negatively impact on it. There is also the potential for negative impact on the residential amenity of neighbouring properties. The site is also constrained by access into the site. The Roads Planning Service are unable to support the development of the site, and have stated: "... *This site has been considered previously as part of a larger site and a recent outline planning application was refused, in part due to road safety concerns, which are highlighted below:*

There is currently a vast proliferation of junctions onto this stretch of the A703 (Edinburgh Road). This is over and above the extent of on-street parking, private accesses to individual dwellinghouses and nose-in parking associated with the commercial garage. In quick succession on the west side of the road there are junctions serving the garage, the filling station, the Crossburn Farm housing road and Crossburn Caravan Park. There is also a junction for the filling station onto the housing road close to its junction with the A703. On the east side of the A703 there is the junction serving Venlaw Farm and the former Venlaw Castle Hotel. This whole situation is far from ideal in that junction visibility splays overlap. It is difficult for a driver to pick out a junction, or make a fellow driver aware of which junction they are turning into. Stacking traffic for right turns into the junction on the east side of the road interferes with traffic waiting to turn right into the junctions on the west side of the road and vice versa.

Traffic associated with this proposed site development site would exacerbate the situation described in the paragraph above. I have previously stated that a complete rationalisation of the junction arrangement in this location, with the co-operation of all interested parties, would be required in order to gain my support for any development on this site.

Furthermore, the linear nature of the site now being considered would effectively result in a long cul-de-sac type road which is at odds with current policy such as 'Designing Streets' where well-connected street layouts, both internally and externally, are preferred".

- It is therefore considered that the new sites brought forward through the Proposed Plan allow for a generous distribution of housing land as required by Scottish Planning Policy (SPP) 2014 (CD041, paragraph 110).
- Peebles is located within the Western Strategic Development Area set out by the SESplan Strategic Development Plan (SDP) (CD001, refer to pages 7 to 20). Appendix 2 contained within the Proposed Plan outlines that the Housing Land Requirement figures are taken from the Proposed SESPlan SDP (CD005, refer to pages 44 to 50) and Housing Background Paper (2016) (CD006, refer to pages 4 to 6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit (HLA) (2019) (CD071, refer to the Introduction, pages 14 to 16) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Issue 6. It is also acknowledged that housing land requirements will be set out at a national level through the forthcoming National Planning Framework.

- As a result it is not considered that there is any requirement for additional housing sites in Peebles as adequate provision already exists through existing and proposed allocations and more appropriate sites are available within the Housing Market Area and wider Scottish Borders.
- It is therefore contended that sites APEEB045, APEEB058, APEEB059 and MPEEB009 are not appropriate and should not be allocated within the Local Development Plan.

Reporter's conclusions:

1. It is disappointing that the council did not consider the matters in this issue alongside those in Issue 059 as both are inter-related. It was therefore necessary to repeat some of my conclusions for Issue 059 in relation to this issue.

Housing Allocation APEEB056 (122, 316, 317, 329, 457, 480, 495, 526, 766, 769, 798, 829, 889, 890, 925, 938, 965)

2. The council refers to Scottish Planning Policy (2014) and SESplan 1, the strategic development plan. However, since this examination commenced, National Planning Framework 4 (NPF4) has been adopted (February 2023). It replaced Scottish Planning Policy (2014) and has also now become part of the statutory development plan. Strategic development plans and their supplementary guidance have ceased to be part of the development plan, and there is no longer any need for local development plans to be consistent with them.

3. NPF4 now sets out a minimum all tenure housing land requirement (MATHLR) for Scottish Borders and expects the local development plan to set out a local housing land requirement (LHLR). Our recommended LHLR is set out in Issue 006: Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement. There, we conclude that there is no need for additional land to be allocated for housing besides what is already identified in the proposed plan.

4. There are some concerns that site APEEB056 would serve Edinburgh commuters. However, the proposed plan strategy aims to concentrate most new development in areas with the largest concentrations of population, jobs, infrastructure, services, and facilities. These are defined by proposed plan Chapter 4 Figure 3 as the three strategic development areas. Peebles is one of several settlements forming the Western Strategic Development Area. I would therefore expect the plan to allocate land for housing and other uses in Peebles. The site itself is one of several identified by the council's Development Options Study (CD082) and subsequently considered at Main Issues Report stage (2018).

5. Circular 6/2013, which was still in place when the proposed plan was published, set out Scottish Ministers' expectation on planning authorities and key agencies to cooperate during local development plan preparation.

6. The council has consulted its own internal service departments and key government agencies in the preparation of the proposed plan and the new or continued allocation of sites. Whilst there has been a recognition of the need to improve infrastructure as a result of site allocation, there has been no objection from public service providers or

infrastructure bodies to the allocations in the proposed plan that are covered by this issue.

7. The council's education officer states there to be sufficient school capacity to accommodate the development of site APEEB056 and does not suggest a need for a new high school in advance. I also understand that concerns regarding local sports facilities relate to practicalities of finding an appropriate location rather than being contingent on which site APEEB056 is or is not allocated.

8. There is considerable concern amongst local residents about the traffic, access, and road implications of site APEEB056. Some highlight that the existing road network would need to be improved whereas others oppose the proposed solutions, including proposed bridges over Eddleston Water. Neither the council's network manager nor its Roads Planning Officer object to the allocation of the site. A site requirement on proposed plan page 469 requires an improved vehicle linkage over Eddleston Water to link Rosetta Road with the A703. The council's preferred route is via Kingsland Road and Dalatho Road. Whilst there is opposition to this in some representations it does not suggest there to be an insurmountable problem, even if the solution is not welcomed by all.

9. Representations are also concerned about the lack of footpath access along Rosetta Road and linking site APEEB056 to the south. Site requirements on proposed plan page 469 intend footpath access to link through the existing Standalane estate, adjacent south of site APEEB056. Some representations oppose this on grounds of amenity and security impacts. The council argues that the presence of regular passers by could improve security and is otherwise content with this solution.

10. I saw that there is an existing footpath connection at the northwest corner of the Standalane estate that could be used as the council suggests, with some improvements to connect to site APEEB056. Within the Standalane estate is a mix of footpaths and shared space routes. Shared space routes are used by pedestrians and vehicles and so there is an expectation by local vehicle users of the need to be alert to other users. At the south end of Standalane estate, footpaths connect with that on the eastern side of Violet Bank. On balance, this does not contradict the council's account or suggest immediate capacity risks.

11. On the above matters and on broader amenity concerns, I note that proposals would be considered against relevant policies. The council highlights proposed Policy HD3: Protection of Residential Amenity and proposed Policy PMD2: Quality Standard part k), which focuses on compatibility with neighbouring uses. This persuades me that the proposed plan is already orientated to protect and resolve the matters of concern in representations.

12. Incorporation of renewable energy within development proposals is a matter of design and layout that could be judged at planning application stage against relevant policies. The council notes that Policies PMD1: Sustainability and PMD2: Quality Standards require development to reduce the need to consume energy/resources and limit environmental impact. I am therefore satisfied that the matters of concern could be adequately resolved through design and consideration of a planning application. Otherwise, the site requirements for allocated sites list various identified matters that need to be resolved. No evidence suggests a need to add to these.

13. There is a recognition of flood risk in the locality but site APEEB056 is not amongst those which Scottish Environment Protection Agency (SEPA) asks to be deleted on flood risk grounds. The site requirements on proposed plan page 469 include assessments of flood risk, surface water, drainage and water. Sustainable drainage system (SuDS) features and various buffers are also proposed. I am content that these factors could appropriately influence site design and layout and so do not justify site deletion. Modifications have been recommended to proposed plan Policy IS8: Flooding to operate in conjunction with NPF4 Policy 22: Flood Risk and Water Management. Any proposal would be considered in light of that.

14. No evidence suggests the presence of protected species and I note that there is no objection on those grounds from either NatureScot or the council's own ecology officer. There could be some potential to enhance wildlife habitat through proposed planting. Despite representations stating the contrary, the council confirms there to be no tree preservation orders on the site. The term "ancient pasture" is referenced in representations. Even if this is an accurate description, it is not a designation or protection.

15. I agree with the council that other parts of Peebles are visible from this locality but that is not an excuse to ignore the landscape sensitivities of the area. I am content that the site requirements for planting and flood risk management could bring about a design that is appropriate in landscape and visual terms. I consider the landscape matters raised by NatureScot with regard to the western section of site APEEB056 separately below. Otherwise, NatureScot does not raise concerns and the council's ecology officer and landscape section are content and do not object to the site being allocated.

16. No compelling evidence has been submitted to link the allocation of site APEEB056 with adverse impacts on tourism. Visit Scotland has not objected.

17. No compelling evidence supports deleting site APEEB056 on grounds that it would result in insurmountable or unacceptable impacts on local infrastructure, services, facilities, or the environment. These matters have been identified in the council's site assessment work and form the basis of site requirements on proposed plan page 469. Such matters could be considered at planning application stage against relevant policies, including those which may seek contributions in the form of planning obligations.

18. Density of development would be a design matter and I note that the site requirements on proposed plan page 469 seek a planning brief in the form of supplementary planning guidance. That would offer an opportunity to consider design and layout in light of the above matters.

19. Property value and dog fouling are not local development plan matters. Speed limits, present road surface conditions and winter ice are roads maintenance and operational matters for the council as roads authority and are not for the local development plan.

Removal of the Western Section of Site APEEB056 (983)

20. The council disagrees with NatureScot's analysis of the landscape implications and resultant request to remove the western section of site APEEB056. Both the site

promoter and the council's landscape section believe that landscape mitigation could be successfully implemented.

21. The council argues that there would be a strong street frontage on Rosetta Road and that planting on the western side would be a requirement. I do not doubt that Rosetta Road could become the main street within the site and that development on both sides would help to define that. Site requirements for planting on the northern and western boundaries (including the more elevated land) and along the eastern boundary (adjacent the A703) on proposed plan page 469 would offer some opportunity to resolve these matters.

22. I am therefore satisfied that it would be possible to achieve a design that appropriately balances these matters without the need to delete the western side of the site. Any proposal could then be judged against relevant policies. No modifications are required.

Neighbour Notification (889)

23. The council has addressed this matter above. I have already concluded that the proposed plan was prepared in conformity with the participation statement. Otherwise, neighbour notification is outwith the scope of this examination.

Promoted Housing Site APEEB059 and Mixed-Use Site MPEEB009 (829)

24. These sites are promoted by the part owner of the adjacent and above allocated site APEEB056. Promoted site APEEB059 partly overlaps allocated site APEEB056. The council advises that both APEEB059 and MPEEB009 only came forward during the representation period of the Proposed Plan and therefore missed the 2017 call for sites and the subsequent main issues report in 2018. I therefore agree with the council that this is quite late in the process and that no other parties have had the opportunity to comment on these two promoted sites.

25. Since both promoted sites are located close to site APEEB056 and north of site APEEB044, I agree with the council that similar transport infrastructure and traffic issues are likely to arise. However, the council opposes both promoted sites on the basis that the additional scale of development (on top of allocated sites) would be too big to rely on the above referenced pedestrian access through the Standalane site. The council is also concerned about landscape impacts, since the western part of APEEB059 would be on the upper slopes of rising ground to the northwest. The council also advises of historic assets in the locality, although it is unclear whether such matters could be mitigated or avoided through design and layout decisions.

26. Irrespective of the merits or otherwise of promoted sites APEEB059 and/or MPEEB009, Issue 006 concludes that there is no need to allocate any more housing land besides what is already set out in the proposed plan. No modifications are required.

Promoted Housing Sites APEEB045 and APEEB058 (848)

27. The promoter of sites APEEB045 and APEEB058 (which are adjoining) provides various assessment material which it claims to support the placemaking and other credentials of both promoted sites.

28. However, the council’s site assessment concludes both to be “unacceptable”. This is with particular regard to access, the council having recently refused a planning application for the same land, in part on grounds that the concentration of existing junctions off the A703 in the vicinity of the site prevented the proposed access. Although access could be a design issue, no evidence allows me to conclude whether or not this matter could be overcome.

29. The council also directs me to the findings of the previous reporter for what is now the Adopted Local Development Plan (2016). There it was found that the landscape fit with regard to the associated Special Landscape Area did not favour the proposal. I saw that the site is on higher ground above the A703 and the town. The promoter’s visual and landscape work argues that development of the promoted sites could be accommodated satisfactorily. The council disagrees.

30. Irrespective of the merits or otherwise of promoted sites APEEB045 and/or APEEB058, Issue 006 concludes that there is no need to allocate any more housing land besides what is already set out in the proposed plan. No modifications are required.

Reporter’s recommendations:

No modifications.

Issue 61	Peebles (Longer Term Development and Business and Industrial Land)	
Development plan reference:	Peebles Settlement Profile and Map (SPEEB003 – South West of Whitehaugh and SPEEB004 – North West of Hogbridge; SPEEB005 – Peebles East (South of River) and SPEEB008 – Land West of Edderston Ridge; Provision of Business and Industrial Land; zEL46 – South Park, zEL204 – South Park and Longer Term Business and Industrial Site SPEEB010 – East of Cavalry Park) (pages 466-477)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Gordon Sanderson (065) Peebles & District Community Council (122) Iain Gibson (502) Lawrie and Symington Ltd (725) Pearson Donaldson Properties (753) Paul Scrimger (766) Peebles Civic Society (769) Wemyss & March Estate (829) Karen Graham (830) Taylor Wimpey UK Ltd and AWG Property Ltd (835) Lawrie & Symington Ltd (841) Taylor Wimpey UK Ltd (842) Michael Pearson (1004) Scottish Environment Protection Agency (SEPA) (1043) (2 of 2)</p>		
Provision of the development plan to which the issue relates:	Longer Term Housing Sites SPEEB003 – South West of Whitehaugh and SPEEB004 – North West of Hogbridge; Longer Term Mixed Use Sites SPEEB005 – Peebles East (South of River) and SPEEB008 – Land West of Edderston Ridge; Provision of Business and Industrial Land; Business and Industrial Land Safeguarded Site zEL46 – South Park and Allocated Site zEL204 – South Park and Longer Term Business and Industrial Site SPEEB010 – East of Cavalry Park	
Planning authority's summary of the representation(s):		
<p><u>Gordon Sanderson (065)</u></p> <ul style="list-style-type: none"> The Contributor states that while they support the acceptance of the need for a new bridge over the River Tweed in Peebles as set out in the Settlement Profile, the Contributor notes that if the existing bridge had to close due to flood damage there are limited alternative routes to and from the south side of the town. As Peebles has the fire brigade and the ambulance stations, and the High School and Priorsford are both dependent on buses, unless there is another bridge planned as a priority the town could have a massive problem. 		

- The contributor would like to know how high on the list is the construction of a road bridge crossing the Tweed, and has a location been decided?

Peebles & District Community Council (122)

- The Contributor objects to Business and Industrial site zEL204 – South Park as due to the restricted access along Caledonian Road and Tweed Bridge, they consider that the site should be allocated for light industrial only.

Iain Gibson (502)

- The Contributor is of the opinion that as development on site zEL204 has not commenced, any development should be put on hold pending the provision of a second bridge. The contributor states that whilst it may be considered that development of the site would only generate light traffic, this cannot be guaranteed and the situation is now so serious that additional traffic flow should be stopped.

Lawrie and Symington Ltd (725)

- The Contributor objects to the exclusion of site SPEEB008 for Longer Term Mixed Use. They state that the site is available for a residential led mixed use development, landscaping and associated infrastructure and they would also support the site in the short term. As a result of the neighbouring housing development site, site SPEEB008 has been future proofed in terms of services and drainage, together with two separate points of access. The Contributor states that they are aware of other sites in Peebles that have known significant constraints such flooding, and site SPEEB008 has the potential to bring forward a sustainable development proposal. The site is relatively free from physical constraint and has good developer interest.

Pearson Donaldson Properties (753)

- The Contributor states that once Cavalry Park is fully completed, the proposed new Longer Term Business and Industrial Site SPEEB010 – East of Cavalry Park would represent a natural progression and could enjoy enhanced connectivity with the potential introduction of a second road bridge.
- In respect to Safeguarded Business and Industrial Site zEL2 – Cavalry Park, the Contributor is of the opinion that the site requires repurposing and that there remains opportunity to develop the site further, stating that it may take a further two plan periods before the site is completely developed.
- The Contributor objects in that there does not appear to be any provision within the Proposed Plan to safeguard a route for the future introduction of a second bridge over the River Tweed. A second bridge would provide security for emergency vehicles, greater connectivity, and a recreational circuit for walkers, joggers, cyclists and horse riders. The Contributor suggests a potential location within site SPEEB005.

Paul Scrimger (766)

- The Contributor objects to the retention of site zEL204 within the Plan, they state that there is already a problem at South Parks with vans and lorries that service the

current industrial site inappropriately parking and blocking residents' access to property and that almost all of these vehicles ignore the speed limit and ignore that they are driving through a residential area. The Police, Council and local councillors all know of this problem and have chosen not to get involved. Caledonian Road is now congested most days. The mini round about is not sufficiently spaced out for vehicles of this type and often they end up on the wrong side of the road when exiting the roundabout causing near misses. The additional traffic caused by the Persimmon development is exacerbating all of these problems, this was pointed out to the council's Planning committee and duly ignored. The units at the current site were previously operated as business and industrial units, many are now operating as commercial premises attracting large numbers of vehicles. If the concern is that there is insufficient industrial space, then the council should not have allowed units to be switched to commercial use. Adding more vehicles to this area will exacerbate the issue. The council have stated that there is to be no more development on the south side of Peebles until the bridge issue is resolved, the Contributor would also add that something needs to be done about Caledonian road and the mini roundabout before proposing anything that brings more vehicles to South Parks.

Peebles Civic Society (769)

- The Contributor notes that in relation to sites SPEEB003, SPEEB004 and SPEEB005 that no development will take place until a second Tweed bridge is built. The indicative capacity is not stated, but any development needs to be done in conjunction issues around capacity of local services.
- The Contributor suggests that there needs to be a planned limit to the eastwards expansion of Peebles to prevent further ribbon development towards Cardrona.
- The Contributor objects to Business and Industrial sites zEL46 – South Park and zEL204 – South Park as due to the restricted access along Caledonian Road and Tweed Bridge, they consider that these sites should be allocated for light industrial only.

Wemyss & March Estate (829)

- The Contributor objects to the exclusion of site Longer Term Mixed site SPEEB008. The site was included within the Main Issues Report as a preferred option for Longer Term Mixed Use. The Contributor states that they acknowledge that certainty is required with regards to the requirement for and delivery of a new crossing over the River Tweed and are willing to work with the Council in better understanding this requirement and helping with its delivery if at all possible. They also acknowledge that this is why the land can only be treated as part of the longer-term development options for Peebles.

Karen Graham (830)

- The Contributor states that whilst they support the continued Safeguarded Business and Industrial Site zEL2 – Cavalry Park, they consider that instead of allocating a new site at Eshiels, site zEL2 should be completed and extended into the Longer Term Mixed Use site SPEEB005.

Taylor Wimpey UK Ltd and AWG Property Ltd (835)

- The Contributor seeks the allocation of site SPEEB005 for Mixed Use development (incorporating 200 units, 1ha of land for employment/community and open space provision) and for the site to be incorporated into the Peebles Development Boundary. An indicative Masterplan for the site has been submitted. The site is currently identified as a Longer Term Mixed Use site, confirming the principle of development. An application was submitted for Planning Permission in Principle (17/00606/PPP) for the residential development. Despite the identification of the site for Longer Term Mixed Use within the adopted and proposed plan, the Council have raised three main reasons why it has not chosen to support its more immediate delivery through planning: the perception that there is sufficient housing land at present; the desire for a new bridge to be provided over the River Tweed prior to development of housing on the site; and further work is required to demonstrate that development can be delivered without exacerbating flood risk.
- The Contributor considers that there is potential for the SBC's focus on finding funding for a new bridge to change in the future, due to other achievable improvements such as promoting greater use of public transport, and the national focus on reducing car travel and emissions to respond to the ongoing climate emergency.
- The Contributor states that they have seen no evidence that SBC is progressing any efforts to plan for any future additional bridge provision beyond LDP2, or that it has taken the time to effectively assess the existing bridge's capacity and Peebles' capability to deliver sustainable modern development which is designed to be the 'right development in the right place' – complying with placemaking principles and being an exemplar for the utilisation of active travel and public transport connections, in turn encouraging residents to reduce vehicular trips and emissions for day-to-day journeys.
- The Contributor state that the site will meet the Scottish Government's emerging 20 minute neighbourhood concept and can promote health and wellbeing through improving active travel linkages to the centre of Peebles. Rather than delay the delivery of needed new homes on a high quality, sustainable and connected site, due to a precautionary approach to change a position that it not currently critical to the road network, the emerging LDP2 should allocate the site now, and look to embed support of active travel and innovative travel solutions. Finding suitable alternative travels solutions will also preserve the focus of SBC's financial resources to be on post-COVID economic recovery.
- It is noted that the Council has not programmed in any capital funding or works for a replacement bridge and chose not to seek funding support for it through the City Region Growth Deal, even though they define it as a barrier to residential growth in an area that they otherwise recognise could deliver it, while at the same time suppressing housing lack delivery due to a perceived lack of delivery interest by the market.
- The Contributors also disagree that the Tweed Bridge does not have the capacity to serve any new development in the town.
- The Contributor states that the Spatial Strategy of the Proposed LDP2 recognises that there is interest from the public and house builders in providing new homes within Peebles. However, it considers that potential for major residential development is restricted for the south of Peebles due to a perceived requirement for a second bridge crossing and potential for flood risk.
- The Contributor considers that there should be a geographical spread of housing sites within the strong housing market at Peebles.

- The Contributor refers to the site assessment undertaken by the Council in relation to site APEEB054 submitted at the “Call for Sites” stage. They make reference to the Infrastructure Capacity / Tweed Bridge and Road Safety, Ecology (in that the Ecology Officer did not object to the submitted planning application on the site), Landscape and Visual Impact, and Flood Risk and Drainage.
- The Contributor considers that the allocation of this site within the plan will result in many benefits including provision of affordable housing, creation of jobs and employment, deliver a 20 minute neighbourhood, provision of high quality open spaces, support existing facilities and the local economy, generation of further training opportunities through the Taylor Wimpey apprenticeship, and the provision of strategically located landscape measures.
- It is noted that the Contributor has submitted a Technical Transport Report and Flood Risk Assessment Summary Report in support of their site.
- The Contributor considers that in addition to allocating this site, the text on the Spatial Strategy should also be amended to state that support for some development in the south of Peebles can be accommodated, and the site requirements for the allocation within the Settlement Profile for Peebles should be amended accordingly.

Lawrie and Symington Ltd (841)

- The Contributor objects to the exclusion of site SPEEB008 for Longer Term Mixed Use. They state that the site is available for a residential led mixed use development, landscaping and associated infrastructure and they would also support the site in the short term. As a result of the neighbouring housing development site, site SPEEB008 has been future proofed in terms services and drainage, together with two separate points of access. The Contributor states that they are aware of other sites in Peebles that have known significant constraints such flooding, and site SPEEB008 has the potential to bring forward a sustainable development proposal. The site is relatively free from physical constraint and has good developer interest.

Taylor Wimpey UK Ltd (842)

- The Contributor objects to the Plan in that potential Longer Term Housing site SPEEB003 should be allocated for housing in the short term for 106 units. The Contributor states that the site is located within the strong housing market of Peebles, well connected to shops and services, and its allocation will help the Council deliver on their housing land requirements. The Contributor states that the site has many benefits and has the opportunity to provide a sustainable development, contributing the creation of the 20 minute neighbourhood. Whilst the site assessment prepared looks favourably on the site, the site has ultimately not been allocated due to concern from the Council’s Roads Planning Section that the existing bridge over the River Tweed does not have sufficient capacity to accommodate additional traffic and that a new bridge should be provided prior to future development on the south side of the Peebles.
- To date, Taylor Wimpey state that they have seen no evidence that the Council is progressing any efforts to plan for any future additional bridge provision beyond LDP2, or that it has taken the time to effectively assess the existing bridge’s capacity.

- The Contributor states that they have commissioned two separate, respected Transport Consultancies to assess the existing and future capacity of the Tweed Bridge in relation to another site it is promoting within Peebles. Both disagree with the Council's assessment (due to differing interpretations on how the existing bridge should be classified and its capacity figure determined) with the most recent of the assessments finding that "*A study of the wider network has identified that Tweed Bridge has sufficient link capacity to accommodate the committed and proposed development traffic*". For that reason, the Contributor states that they believe that site SPEEB003 is capable of being delivered within the lifetime of the new Plan without causing capacity issues on the bridge or adversely impacting the local road network or road safety.
- An indicative Masterplan has been included within the submission. The Contributor considers that the allocation of site SPEEB003 for housing in the short term will assist in future proofing the new Plan for the new Planning System.
- The Contributor considers that there is potential for the SBC's focus on finding funding for a new bridge to change in the future, due to other achievable improvements such as promoting greater use of public transport, and the national focus on reducing car travel and emissions to respond to the ongoing climate emergency.
- The Contributor also disputes that a vehicular link is required between the end of Glen Road and Kingsmeadows Road via the Whitehaugh land, as well as the upgrading of Glen Road adjacent to Forest View. It is noted that as part of the Contributor's submission for site SPEEB003, they have also included a Technical Transport Note that relates to site APEEB054.

Michael Pearson (1004)

- The Contributor raises the issue of the suggestion that employment land could come forward early on site SPEEB005. They ask if this is before a bridge is built, and in which case they would argue that it should not be the kind of industrial development that generates significant traffic particularly heavy goods vehicles.

Scottish Environment Protection Agency (1043) (2 of 2)

- Given the location of the proposed site SPEEB005 within the undeveloped/sparsely developed area functional floodplain, SEPA state that they do not consider that it meets with the requirements of Scottish Planning Policy and that their position is unlikely to change. SEPA state that they have a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. The cornerstone of sustainable flood risk management is the avoidance of flood risk in the first instance. Therefore, SEPA recommend that site SPEEB005 is removed from the Local Development Plan.

Modifications sought by those submitting representations:

- Seeks the proposal for a new Peebles Bridge to be progressed. (065)
- Seeks the restriction to light industrial only on site zEL204. (122)
- Seeks no development to take place on site zEL204 until a second bridge is in place. (502)

- Seeks inclusion of site SPEEB008 as a Longer Term Mixed Use site, or alternatively as a short term allocation. (725, 841)
- Seeks the identification of Longer Term Business and Industrial Site SPEEB010 – East of Cavalry Park. (753)
- Seeks the Proposed Plan to safeguard a route for the future introduction of a second bridge over the River Tweed. (753)
- Seeks that no development takes place on site zEL204 until something is done about Caledonian Road and the Mini Roundabout leading to South Park. (766)
- Seeks the restriction to light industrial only on sites zEL46 and zEL204. (769)
- Seeks that any development of sites SPEEB003, SPEEB004 and SPEEB005 take account of the capacity of local services and the need for a second Tweed Bridge. (769)
- Seeks that a planned limit to the eastwards expansion of Peebles. (769)
- Seeks inclusion of site SPEEB008 as a Longer Term Mixed Use site. (829)
- Seeks the extension of Site zEL2 into the Longer Term Business and Industrial Site –SPEEB005. (830)
- Seeks the allocation of site SPEEB005 for Mixed Use development and for the site to be included in the Development Boundary of Peebles along with the subsequent amendment to the wording within the Spatial Strategy section. (835)
- Seeks that site SPEEB003 is allocated for housing in the short term for 106 units. (842)
- Seeks that should employment land come forward early on site SPEEB005 that it should not be the kind of industrial development that generates significant traffic particularly heavy goods vehicles. (1004)
- Seeks removal of site SPEEB005 from the Plan. (1043) (2 of 2)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE PEEBLES SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

Note: This Schedule 4 should be cross-referenced with Issue 31 for site BESHI001 – Land Eshiels, and Issue 62 for Peebles Settlement Profile and Map.

REASONS:

- Peebles is located in the Western Strategic Development Area as set out in the Strategic Development Plan SESplan (CD001).
- It is also noted that Contributors 753 Pearson Donaldson Properties and 830 Karen Graham supports the Safeguarded Business and Industrial Site zEL2 – Cavalry Park. In addition, Contributor 753 also supports site SPEEB005 as a Potential Longer Term Mixed Use Site.
- The Potential Longer Term Mixed Use site SPEEB005 and Potential Longer Term Housing sites SPEEB003 and SPEEB004 were first formally identified within the Scottish Borders Consolidated Local Plan 2011 (CD010, Volume 2, PDF pages 269 to 278) following the recommendation of the Local Plan Amendment Examination Reporter (CD039 Scottish Borders Local Plan Amendment Examination Report, Issue 100) for longer term mixed use development. The sites had been subject to public consultation prior to their inclusion in the Consolidated Local Plan. It should be noted that the Proposed Plan provides the opportunity to bring forward Business and Industrial land on site SPEEB005 Peebles East (South of the River).

Capacity of Local Services in relation to SPEEB003, SPEEB004 and SPEEB005 (769)

- In the consideration of any site for inclusion in the Local Development Plan, a full site assessment is carried out and the views of various internal and external consultees (such as Roads Planning, Education, Economic Development, Landscape, Scottish Water, SEPA, and NHS) are incorporated into that assessment. In doing this rigorous site assessment process, the best sites possible are identified. The site assessment also considers many issues in relation to transport and water/sewage infrastructure, as well as other environmental issues such as archaeology, biodiversity, flood risk and landscape.
- In addition, paragraph 6 of Circular 6/2013 Development Planning (CD059) states: *“Development plans are spatial, land use plans which are primarily about place. They guide the future use of land in our cities, towns and rural areas, by addressing the spatial implications of economic, social and environmental change. Development plans should be a corporate document for the planning authority and its Community Planning Partners. The plan should apply the land use elements of the Community Plan and other Council and Government strategies into an overall spatial plan for the local area providing a means to join up messages about place and delivery. Development plans should set out ambitious but realistic long-term visions for their areas. They should indicate where development should happen and where it should not, providing confidence to investors and communities alike.”*
- It should be noted that in producing the Local Development Plan, the Forward Planning section consults with various Council sections and with external consultees including the NHS, Scottish Water, Transport Scotland, along with other stakeholders. The responses and feedback of those consultees then contributes to the production of the new Plan and this close working also allows others to plan and meet their service requirements.

Allocation of site SPEEB003 – South West of Whitehaugh for Short Term Housing (842)

- Site SPEEB003 is identified within the Proposed Plan as a Potential Longer Term Housing site. However, site APEEB049 (as submitted by the Contributor) and has been assessed overall as ‘Doubtful’ (CD118, page 291, Site Assessment APEEB049 for housing in the short term). Nevertheless, it is accepted that site APEEB049 was assessed positively in the main with the exception of the section on Planning and Infrastructure Issues. Within the Site Assessment for site APEEB049 the Roads Planning Section state: *“This land is already identified as a site potentially suitable for longer term housing (Site SPEEB003). In general, development in this location is reliant on a new crossing over the Tweed. Development of the site also relies on vehicular linkage between the end of Glen Road and the roundabout at the southern end of Whitehaugh Park. Furthermore the upgrading of Glen Road adjacent to Forest View needs to be considered as part of any submission. Pedestrian/cycle links to the surrounding network to be incorporated into the development. A Transport Assessment will be required for this site”.*
- In respect to increased vehicular connectivity between new and existing developments, this is also something the Council are keen to see and in that respect connectivity between Glen Road and Kingsmeadows Road via site SPEEB003 is a key site requirement in taking the site forward for development.
- It is noted that matters relating to the capacity of the existing Tweed Bridge, requirement for a new bridge; and progress and funding for bringing forward a new bridge are dealt with below.

Allocation of site SPEEB005 – Peebles East (South of the River) (835)

- It should be noted that site SPEEB005 is identified as a “*Potential Longer Term Mixed Use (subject to review)*” within the current Adopted Plan (CD009, Volume 2, pages 271 to 281) and within the Proposed Plan. That means that it is not an allocated site for the purposes delivery during the lifetime of the proposed plan. In addition the site sits outwith the Peebles Development Boundary, therefore the principle of development on the site has not been established as claimed by the Contributor. Within the Plan the longer term sites have been identified within the larger settlements of the Scottish Borders and are indicative of the preferred direction of future, longer term, development. The sites are subject to review as part of the next Local Development Plan review which provides the opportunity to reassess the situation, in the context of the demand and need at that time, alongside other proposals and other potential opportunities within the Housing Market Area prior to being released for development. It is considered that this is the appropriate process for the Plan to go through.
- The Council acknowledge that there is a requirement to allocate sites in places where there is developer and market interest, hence the need to consider appropriate sites in and around Peebles. It is for that reason that the Council commissioned the ‘Western Rural Growth Area: Development Options Study’ (CD082). The purpose of the Development Options Study was to identify and assess options for housing and employment land in the Western Rural Growth Area / Strategic Development Area. Whilst the western area has a considerable amount of undeveloped allocated housing land, it should be noted that much of this is within Innerleithen and Walkerburn which have more limited housing market interest. The Council notes that historically Peebles has a vibrant market for housing development and the development industry will continue to seek further land in this area to meet demand. However, due to a number of physical and infrastructure constraints further housing site options are limited. For that reason consultants were appointed to prepare a study to identify both potential short (within the time frame of the Local Development Plan (LDP)) and long term (beyond the LDP time frame) housing options as well as to identify sites for business/industrial use and their findings have influenced the sites included within the Proposed Plan. The Council’s belief is that that study has identified sufficient allocation to meet demand during the Plan period.
- It is acknowledged that a planning application was submitted for Planning Permission in Principle on the site, that application was dealt with through the Development Management process and was subsequently refused (refer to CD130 Decision Notice). Furthermore it should be noted that site SPEEB005 as identified in the Proposed Plan includes a number of site requirements should the site come forward for development. These site requirements include:
 - Provision of a new bridge linking north and south of the River Tweed,
 - As this site is at high risk of flooding, a flood risk assessment is required to inform site layout, design and mitigation
 - No built development should take place on the functional flood plain. The flood risk area in the northern half of the site (north of the B7062) should be safeguarded as open space, for structure planting and landscaping purposes only.

Each of these particular site requirements were carried over from the current Adopted Local Development Plan (CD009, Volume 2, Pdf page 277).
- The Council acknowledge the many benefits that taking forward site SPEEB005 for development would have however, there are issues that require resolution before

that can take place. It is primarily due to these many benefits that the Contributor raises as to why the Council have chosen to retain the site as a Potential Longer Term Mixed Use Site (subject to review) within the Proposed Plan. The Contributor has noted comments raised during the site assessment process of site APEEB054 by the Ecology Officer, who did not object to the submitted planning application on the same site, and Landscape and Visual Impact. The Council does not disagree with that overview and it is not considered that these are matters in themselves that would prevent the site from coming forward (refer to CD118, page 295). However, there are more fundamental issues, primarily around infrastructure, that are determining in this case.

- Matters relating to the capacity of the existing Tweed Bridge, requirement for a new bridge and progress and funding for bringing forward a new bridge are dealt with below.

Business and Industrial Land (122, 502, 753, 766, 769, 830)

- The Scottish Borders Employment Land Audit (2021) (CD070) carried out on a yearly basis by the Council acknowledges in paragraph 3.4.1 that “*There is 2.4ha of immediately available employment land within the Northern area*” and in paragraph 6.1.3 that “*there is a shortage of variety of business and Industrial land in the Northern HMA*”.
- In addition, Scottish Planning Policy 2014 (CD041, paragraph 93) states that: “*The planning system should:*
 - *promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;*
 - *allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; ...*”.
- It is noted the Scottish Borders Employment Land Audit (2021) acknowledges in paragraph 6.1.5 that “*... the Proposed Plan requires more employment land of suitable type, availability and site servicing to be found in particularly the Northern HMA ...*”. The Audit also notes within Table 3 that there is no available Strategic High Amenity land available within the Northern Housing Market Area. For that reason the Proposed Plan has identified additional High Amenity Business land on site MINNE003 and MPEEB007, as well as Business and Industrial Site BESH1001.
- Whilst the Council have sought to allocate additional land at Eshiels for Business and Industrial Use, sites zEL46 and zEL204 are the only sites within the settlement of Peebles that are defined as Business and Industrial sites within Proposed Plan Policy ED1 Protection of Business and Industrial Land. On these sites the policy allows development of Use Classes 4, 5 and 6. It is noted that sites categorised as High Amenity Business Sites within Policy ED1 are only allowed development within Use Class 4; Safeguarded Business and Industrial Site zEL2 – Cavalry Park in Peebles falls within that category. The Policy aims to protect Strategic High Amenity sites rigorously for Class 4 Use.

Business and Industrial Land and SPEEB010 – East of Cavalry Park (753, 830)

- As noted above, the Council has proposed to allocate additional land at Eshiels for Business and Industrial Use (refer to CD118, page 222, Site Assessment

BESHI001). Furthermore, it should also be noted that the Proposed Plan also provides the opportunity to bring forward employment land on longer term mixed use site SPEEB005 Peebles East (South of the River).

- The proposed Longer Term Business and Industrial site SPEEB010 (refer to CD118, page 310, Site Assessment) was assessed and was determined to be unsuitable for development. The SBC Flood and Coastal Management Team state that the site is “*not suitable for development due to its location within the floodplain for the river Tweed and Haystoun Burn*”. In addition, it is noted that the site requirements in the Proposed Plan state: “*No built development should take place on the functional flood plain. The flood risk area in the northern half of the site (north of the B7062) should be safeguarded as open space, for structure planting and landscaping purposes only*”; this site requirement has been carried forward from the current Adopted Local Development Plan.
- As a Safeguarded Strategic High Amenity site, should site zEL2 – Cavalry Park require “repurposing” as indicated by Contributor 753, this can be assessed through the Development Management process and in line with Local Development Plan Policy ED1.

Early Delivery of Business and Industrial Development on Site SPEEB005 (1004)

- It should be noted that the Proposed Plan provides the opportunity to bring forward employment land on Potential Longer Term Mixed Use site SPEEB005 Peebles East (South of the River) during the plan period should it be required (refer to site requirements). The Roads Planning section can support this potential development in advance of a new bridge coming forward as, unlike residential traffic, flows in relation to employment land are generally staggered throughout the day and not primarily at peak times. In addition, Scottish Planning Policy 2014 (CD041), encourages mixed-use neighbourhoods where daily needs, such as employment, may be within walking distance for employees and service users. (Refer to CD118, page 462 for the Site Assessment for SPEEB005).

Removal of Site SPEEB005 from the Plan (1043) (2 of 2)

- It is noted that that SEPA have sought the removal of site SPEEB005 from the Proposed Plan. However, it should be noted that the Council’s Flood and Coastal Management Team have considered the potential development of the site in detail, and subsequently state:
“This site is at high risk of flooding and located within the functional flood plain. As this site is at high risk of flooding, a flood risk assessment is required to inform site layout, design and mitigation, and technical appraisal of the mitigation proposals would also be required.
We are aware that the site was subject to a technical assessment to manage the flood risk to the site in the past; this showed that there would be a technical solution to managing the flood risk on the Southern section of the site - the land to the east of Kittlegairy View. This solution included using land to the South East of the site, outwith the SPEEB005 boundary, to provide compensatory floodplain storage.
We also agree that no development should occur on the northern section of the site, the land north of the B7062”.

zEL46 – South Park and (Safeguarded) zEL204 – South Park (122, 502, 766, 769)

- Sites zEL46 and zEL204 are currently allocated within the Local Development Plan 2016 (CD009) and it is intended that these are carried forward into the new Local Development Plan.
- In respect to the Contributors 122 and 769, it is noted that they express concern in relation to access along Caledonian Road and the Tweed Bridge, and consider that sites zEL46 and zEL204 should be allocated for light industrial only i.e. Use Class 4. However, as set out in Circular 1/1998 The Town and Country Planning (Use Classes) (Scotland) Order 1997 (CD057), a Class 4 Business Use is defined as one which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. It is therefore not considered that re-designating the sites to allow only Use Class 4 development would resolve the Contributors concerns in relation to access along Caledonian Road and Tweed Bridge. As noted above, both sites zEL46 and zEL204 are currently allocated within the Local Development Plan 2016 furthermore, the Roads Planning Section can support their continued allocation into the new Plan.
- In addition, it should also be noted that site zEL46 is a safeguarded site, meaning that the site is already developed and is currently in use by a number of occupiers.
- In respect to comments regarding roads issues, the Roads Planning Section can support the continued allocation site zEL204 in advance of a new bridge coming forward, as unlike residential development traffic flows in relation to employment land are generally staggered throughout the day and not primarily at peak times. In addition, Scottish Planning Policy 2014 (CD041), encourages mixed-use neighbourhoods where daily needs, such as employment, may be within walking distance for employees and service users.
- It should be noted that the Roads Planning Section are satisfied that the Tweed Bridge and the road network on the south side of the river has the capacity to take the traffic associated with the allocated development sites in the Proposed Plan. In addition, pedestrian provision in Caledonian Road was recently improved as part of the approval of Site APEEB021, as was parking provision in Caledonian Road, and traffic calming measures have recently been implemented in South Parks to reduce traffic speeds and to facilitate pedestrian movement.
- Regarding comments in relation to the mini roundabout, it is noted that The Highway Code (CD153, Rule 188) states: “**Mini-roundabouts.** Approach these in the same way as normal roundabouts. All vehicles **MUST** pass round the central markings except large vehicles which are physically incapable of doing so. Remember, there is less space to manoeuvre and less time to signal. ...”. In addition, all drivers have a responsibility to drive with due care and attention (Rule 144), and to adapt their driving to the appropriate type and condition of the road that they are on (Rule 146).
- In respect to anti-social parking as raised by Contributor 766, residents are advised to contact the Council or the police. The Highway Code can only help if the parked car is causing an obstruction to the road but not in relation to private land.
- Building works by their very nature generate additional traffic. Planning permissions sometimes include conditions to minimise impacts, both during the construction phase and afterwards, during the life of the development.

SPEEB008 – Land West of Edderston Ridge (725, 829, 841)

- As noted above, the Council commissioned the ‘Western Rural Growth Area: Development Options Study’ (CD082). The study findings informed the potential site

options set out in the Main Issues Report and then the new sites included within the Proposed Plan.

- The site assessment for site SPEEB008 (CD118, page 314) concluded that the site was acceptable and was subsequently identified within the Scottish Borders Main Issues Report (MIR) (CD008, page 40) for Longer Term Mixed Use within the Tweeddale Locality. However it was noted that a number of consultation responses were received in relation to the MIR consultation (refer to CD157 Main Issues Report Consultation Responses – Q6), these were both in support and in objection to the identification of this site for a potential longer term development. As a result of those responses and following further consideration, it is proposed that site SPEEB008 should not be taken forward into the Proposed Local Development Plan as a potential longer term mixed use site. It was considered that there were other more appropriate and deliverable sites that could be allocated. It is also noted that the Scottish Borders Local Development Plan 2016 (CD009, Volume 2, PDF pages 271 to 281) already identifies three potential longer term sites and it is considered that those sites - SPEEB003, SPEEB004 and SPEEB005 would be retained within the Plan. However, it is acknowledged that site SPEEB008 could be considered again for inclusion in a future Plan.
- Matters relating to the capacity of the existing Tweed Bridge, requirement for a new bridge; and progress and funding for bringing forward a new bridge are dealt with below.

Capacity of Existing Tweed Bridge (065, 725, 829, 835, 841)

- The Council considers it has taken time to effectively assess the existing capacity of the bridge. It should be noted that traffic counts are regularly undertaken to assess how the actual traffic flow compares with the capacity of the bridge, and it should be noted that this is reviewed for every development over 50 units. The issue has also been examined in detail as part of the consideration of planning applications locally.
- Furthermore the Roads Planning Section have stated that: "*Transport consultants acting on behalf of the Council have determined the two-way capacity flow of Tweed Bridge as 1250 vehicles in the peak hour. The most recent traffic count on behalf of SBC for Tweed Bridge was undertaken in November 2018. The am peak hour 5 day average two-way traffic flow was recorded as 1155 while the pm peak was 1103. It is the Council's opinion that Tweed Bridge has the capacity to serve the allocated development sites in the Proposed LDP, but that the longer term development sites, including Site APEEB054, would be reliant on a second river crossing in the town. The contributor's submission statement shows that the 1250 two-way peak hour capacity flow for Tweed Bridge (as determined by SBC) would be exceeded if Site APEEB054 was developed in addition to the allocated development sites in the Proposed LDP without a second river crossing in place. As well as Tweed Bridge, the mini roundabout leading to the bridge from the High Street does not have the capacity to safely accommodate the anticipated traffic associated with Site APEEB054 in that the ratio of flow to capacity figures for the roundabout would exceed the practical capacity figure of 85%. Without a second river crossing in place, northbound and eastbound traffic from Site APEEB054 would feed into the High Street, resulting in a significant impact on traffic flow and amenity in the High Street. This would lead to unacceptable levels of vehicular traffic, resulting in congestion and road safety risks.* As the town grows, especially on the south side of the river, it is important that good street connectivity is sought and delivered in line with the aspirations of the Scottish

Government Policy Statement document 'Designing Streets'. A single road connection across the river is not conducive to this objective. Over reliance on a single road connection between the north and south sides of the River Tweed does not provide an adequate level of wider connectivity to support sizeable levels of development on the south side of the river over and above sites currently allocated in the Proposed LDP. Proper wider street connectivity allows dispersion of traffic. The main roads in and out of the town are all on the north side of the river. The alternative river crossings are some distance away and rely on 'back roads' unsuitable for high traffic volumes. Without a second river crossing in the town to take intrusive traffic away from the town centre, the additional development traffic would result in congestion and traffic flow issues in the town centre which would compromise road safety".

Requirement for a New Bridge over River Tweed (065, 725, 769, 829, 835, 841)

- It is noted that Contributors 065 Gordon Sanderson and 747 Colin Clelland (refer to CD183, pages 25 and 45) state that they support the introduction of a second bridge over the River Tweed in Peebles.
- In respect to the comments in relation to the requirement for a new bridge, it should be noted that increased connectivity is an issue that the Council is keen to pursue. In that respect the Council has undertaken feasibility work to assist in bringing forward a new bridge for Peebles which would not only accommodate pedestrians and cyclists but also vehicles.
- Peebles is the last remaining major settlement within the Scottish Borders that is located on a river which relies on a single vehicular crossing. Therefore in the event that any incident occurs which would result in the Tweed Bridge (vehicular bridge) being closed, vehicles wishing to travel north to south of the river or vice versa would be required to travel via Cardrona. In addition to the Tweed Bridge at Peebles, the settlement also benefits from two pedestrian bridges - Fotheringham Bridge in the west of the settlement and Priorsford Bridge (located to the east of the Tweed Bridge).
- Whilst the Council has not yet made a decision on whether a new bridge for Peebles will be taken forward as further study work is progressing, provision of a new bridge linking north and south of the settlement would not only improve connectivity north and south of the river for vehicular traffic but would also improve connectivity for pedestrians and cyclists.
- In addition, it is not considered that the need for a new bridge would be reduced or removed if improvements such as greater use of public transport and a reduction in car travel were achieved. Any large-scale development proposals are likely to be predicated on the delivery of an additional crossing.

Progress and Funding on Bringing Forward a New Bridge over River Tweed (065, 725, 829, 835, 841)

- The Council acknowledges that further work is required in respect to the potential new bridge at Peebles. It is noted that within the Council's Financial Plan, funding has been set aside in the year 2031/32 (refer to CD023, PDF page 8 and 26) for "Preparatory work to consider the future requirement for a new bridge in Peebles to support future development per the Local Development Plan". However at this time there is no requirement for this work to be undertaken. Nevertheless, it should be noted that development sites at Peebles are required to contribute towards

improving traffic management in and around the town centre and towards the funding of transport appraisal work in respect of the bridge options.

- It is also acknowledged by the Council that the provision of a potential new road bridge for Peebles would necessitate development contributions from the private sector in order to provide this additional piece of infrastructure for the town.
- It is acknowledged that the Council did not apply for funding through the City Deal for a new bridge at Peebles, this was primarily because the impacts of a new bridge at Peebles would be localised. By comparison, funding was sought to assist in taking forward the key strategic site MTWEE002 Lowood at Tweedbank which carries greater strategic importance for the whole of the Scottish Borders. That site is located within the Central Strategic Development Area, sits adjacent to the Tweedbank railway station and is allocated within the current adopted plan for Mixed Use to bring forward land for housing and employment uses.
- Peebles is located within the Western Strategic Development Area set out by the SESplan Strategic Development Plan (SDP) (CD001, refer to pages 7 to 20). Appendix 2 contained within the Proposed Plan outlines that the Housing Land Requirement figures are taken from the Proposed SESPlan SDP (CD005, refer to pages 44 to 50) and Housing Background Paper (2016) (CD006, refer to pages 4 to 6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit (HLA) (2019) (CD071, refer to the Introduction, pages 14 to 16) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Issue 6. It is also acknowledged that housing land requirements will be set out at a national level through the forthcoming National Planning Framework.
- As a result it is considered that adequate provision has been proposed to meet need and demand during the lifetime of the proposed plan and therefore that there is no requirement for additional housing sites in Peebles as more appropriate sites are available within the Housing Market Area and wider Scottish Borders.
- It is therefore contended that sites SPEEB003, SPEEB004 and SPEEB005 will remain as potential Longer Term Housing and Mixed Use sites within the Proposed Plan. It is also contended that at this time site SPEEB008 should not be identified as a potential Longer Term Mixed Use site or allocated for short term development within the Local Development Plan. Furthermore, it is contended that sites zEL46 and zEL204 should be retained as is within the Local Development Plan.

Reporter's conclusions:

(065, 122, 502, 725, 753, 766, 769, 829, 830, 835, 841, 842, 1004 and 1043)

Southeast Peebles – Sites SPEEB003, SPEEB004, SPEEB005, zEL2 and promoted sites SPEEB010, APEEB049 and APEEB054.

1. Representation (835) describes site SPEEB003 as a longer-term allocation and frequently uses the term “allocation” when describing it. However, the term used by the proposed plan for sites SPEEB003, SPEEB004 and SPEEB005 is “Potential Longer Term Housing/Mixed Use Site (Subject to review)”. In my view, these are not site

allocations. Indeed, they are not expected to deliver or contribute development during the plan period – hence their omission of indicative housing capacity. That omission may also reflect the need for more detailed analysis regarding site practicalities and design.

2. Instead, they represent the council’s strategic, longer-term thinking about where future growth could be accommodated beyond the current plan. Therefore, this does not suggest that the principle of development has been established in the same way as would be so for an allocation, contrary to what Representation (835) suggests.

3. Sites SPEEB003, SPEEB004 and SPEEB005 have been carried forward as potential longer-term sites from the Adopted Local Development Plan (2016), and the earlier consolidated 2011 Local Plan. Therefore, their inclusion in the proposed plan does not represent a planning change. Site SPEEB003 and promoted site APEEB049 share almost identical site boundaries. Promoted site APEEB054 and site SPEEB005 also share similar but not identical site boundaries, but I understand both to share the same general area of proposed development. Promoted site SPEEB010 covers a comparatively small parcel of land that is wholly within the northwestern part of site SPEEB005.

4. The site promoters for sites SPEEB003/APEEB049 and SPEEB005/APEEB054 submit evidence which they believe demonstrates both sites to be well designed and offer strong place making credentials. The site requirements on proposed plan pages 470 and 474 for SPEEB003 and SPEEB005 respectively detail the need for specific infrastructure to be provided. Those are detailed matters that could be adequately considered at planning application stage against relevant policies. The site promoters believe that their respective sites could proceed without the need for a second crossing of the River Tweed. I consider that matter separately in paragraphs 25 to 29 below.

5. The promoters also believe that these sites could contribute to “the housing land requirement” during the plan period. As part of their reasoning, they contend that other allocated sites in Peebles would not contribute fully during the plan period (sites APEEB044 and 056). Those two sites are considered separately in Issues 059 and 060 respectively, which cover existing and newly allocated housing sites in Peebles.

6. Issue 006 (Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement) concludes there to already be more than sufficient housing land supply that could reasonably be expected to deliver homes during the plan period to accommodate the local housing land requirement. Therefore, irrespective of the performance of sites APEEB044 and 056, and irrespective of any of the merits of sites SPEEB003/APEEB049 and SPEEB005/APEEB054, there is no need to allocate any more housing land during the plan period. Therefore, delivery of and contribution to the housing land supply during the plan period is not a reason for me to allocate these sites. No modifications are required.

7. No party disputes that site SPEEB005/APEEB054 is located outside the Peebles settlement boundary and is greenfield land that is at risk of flooding. Scottish Environment Protection Agency (SEPA) asks me to recommend deletion of site SPEEB005. SEPA’s conclusions are based on this site being a “sparsely developed area”. That term is used in SEPA Planning Information Note 4: SEPA Position on Development Protected By A Flood Protection Scheme (2018) (CD207) to determine whether a site is part of a built-up area.

8. Site SPEEB005 is outside of the settlement boundary defined in the Adopted Local Development Plan (2016) and the proposed plan. This does not suggest that I should question SEPA's conclusion about whether the site is within the built-up area. The site is not proposed as an allocation in the development plan, instead it is a potential longer-term site (see paragraph 1 above). If it was to be allocated in this or a future local development plan and the settlement boundary extended around it, then it would likely be regarded as part of the built-up area. However, that has not yet happened, and I have not recommended it.
9. The council also references potential for a flood protection scheme at Peebles in the Tweed Local Flood Risk Management Plan (2022-28). I saw no evidence of such a scheme under construction and no evidence suggests it to be imminent. If I am wrong or if such a scheme is initiated during the plan period, then it may affect how site SPEEB005 is considered in light of the approach in CD207. However, that is not so at present.
10. No party disputes that the site is at risk of flooding from either the River Tweed or Haystoun Burn. However, no party agrees on the exact extent of flood risk either. SEPA suggests the entire site to be at flood risk. However, the council contends that the analysis of flood risk in the first cycle of Flood Risk Management Plans is more accurate than the SEPA flood risk maps. If that is correct, then the council's position on flood risk matters could be better informed than SEPA's.
11. The promoter's flood risk assessment appears to show a lesser extent of flood risk than SEPA's, primarily focused on the north of site SPEEB005. That area corresponds with the open space area for structure planting and landscaping on the map on proposed plan page 477. The promoter's flood risk assessment is informed by SEPA flood risk maps (2020) and the council's 2017 study by Mott MacDonald and JBA. Both are sources advocated by SEPA.
12. The promoter also states that these conclusions account for climate change. However, the council's further information request response suggests that more recent SEPA guidance for the Tweed catchment sets out new climate change assumptions and that there are also new rainfall assumptions. No evidence allows me to be certain that those measures have formed part of the promoter's flood risk assessment.
13. The promoter advocates a technical solution that involves land raising, compensatory storage, a drainage channel and SuDS. It claims that this would not expose development to flood risk, would not exacerbate flood risk and would not require future flood risk protection. The council accepts this as a compromise to manage flood risk and protect existing properties. I am prepared to accept that the mapping differences between the promoter and SEPA may be due to the promoter's maps illustrating post development (and post technical solution) flood risk.
14. Some of the original representations were based on Scottish Planning Policy (2014). However, following the further information request, no party disputes that this has now been replaced by NPF4, which is also part of the statutory development plan. SEPA opposes the promoter's technical solution of land raising (above) on the grounds that avoidance should be the first principle in NPF4. That is correct. However, NPF4 Policy 22: Flood Risk and Water Management part e) supports development proposals which create, expand or enhance opportunities for natural flood risk management,

including blue and green infrastructure. The promoter argues its technical solution to reflect this.

15. The promoter also makes various references to planning application 17/00606/PPP, which I understand covered part of site SPEEB005. SEPA advises that it opposed that planning application. It is not the role of this examination to consider or reconsider planning applications.

16. On the basis of paragraphs 5 and 6 (above), I am already convinced not to allocate site SPEEB005 in the plan period. However, SEPA is effectively asking me to delete it as a potential longer-term site. Since I do not have a conclusive answer upon which I can robustly rely, I cannot find as SEPA does and so I also cannot recommend deletion of the site. Even though inconclusive, the evidence does not persuade me that it would be impossible to find an appropriate technical solution to flood risk on site SPEEB005. In the circumstances, the remaining option is to do as the proposed plan does already and retain the site as a potential longer-term site which would be subject of future review and is not presently allocated. Therefore, no modifications are required.

17. Site zEL2 (Cavalry Park industrial estate) is within the Peebles settlement boundary adjacent west of site SPEEB005 (above). Representation (830) prefers the completion of site zEL2 before the allocation of a site at Eshiels (assumed to be site BESH1001). Site BESH1001 is considered separately in Issue 031: Eshiels. Representation (753) does not state how or to what site zEL2 should be repurposed and does not seek any specific modifications.

18. Both representations (830 and 753) seek the expansion of site zEL2 adjacent east into promoted site SPEEB010. SPEEB010 is part of long-term site SPEEB005 that the map on proposed plan page 477 shows to be for open space. The council's site assessment (CD118) dismisses promoted site SPEEB010 on flood risk grounds. That corresponds with my above analysis. Although I retain site SPEEB005 contrary to SEPA's request (above), that is largely on account that I understand the northern area (including where SPEEB010 is located) may have some potential to provide for an acceptable technical solution to flood risk and would itself not be proposed for development. That would not be so for SPEEB010. No modifications are necessary.

19. Overall, I recommend retention of sites SPEEB003, 004 and 005 as potential long-term sites. I do not recommend their allocation within this plan period as their respective promoters seek. The decision about whether to and when to allocate these sites will be for a future local development plan review. No modifications are required.

Southwest Peebles – sites zEL46, zEL204 and SPEEB008

20. The council has identified a shortage of employment land in the northern housing market area where Peebles is located. Peebles is one settlement that is part of the Western Strategic Development Area, one of three strategic development areas where the proposed plan focuses development.

21. Sites zEL46 and zEL204 are adjoining sites. Representations are principally concerned that their continued allocation would lead to worsening traffic congestion on Caledonian Road. I saw that residential on-street parking on parts of Caledonian Road may cause or exacerbate congestion by creating chokepoints. At site zEL46, which

appeared largely complete, I saw no signs of insufficient parking provision and no compelling counter evidence is presented.

22. The council, as roads authority, is content that no modifications would be needed to the mini roundabout leading to South Park. No evidence suggests how modifications would resolve the problems that representations argue to exist. There does not appear to be a linkage between traffic volumes and the allocation of sites zEL46 and zEL204 for light industrial uses versus other types of business use. I am content that transport, traffic and access matters would form a normal part of the consideration of any proposal that requires planning permission. No modifications are required.

23. Promoted site SPEEB008 is one of several considered at Main Issues Report stage. It is adjacent west and south of site zEL204 on the southwest side of Peebles. Its promoter(s) seeks mixed-uses including housing. Representation (829) accepts that this would be a long-term site on account of the need for a new crossing of the Tweed. However, representations (725) and (841), which are from the same organisation, seek immediate allocation of the site. They contend that the neighbouring site has provided future proofed services, drainage and access to enable it to proceed in the short term. I saw that the adjacent housing site (APEEB021) and road access is largely complete.

24. However, irrespective of any of site SPEEB008's merits or otherwise, Issue 006 concludes that there is no need to allocate any more housing land besides what is already set out in the proposed plan. There is also no compelling justification for additional longer-term sites. No modifications are required.

Requirement for a New Bridge over River Tweed

25. The council argues that a new second bridge over the River Tweed would be needed as a pre-requisite for any of the long-term development sites in Peebles on the south side of the river (albeit that there may be scope for earlier development of employment land on site SPEEB005 to meet a shortfall). Members of the public and local amenity groups agree and welcome the mention of this in the Peebles Settlement Profile.

26. However, Taylor Wimpey UK (842) and Taylor Wimpey and AWG Properties Ltd (875) argue that their technical studies demonstrate that sufficient bridge capacity would remain even with development of sites APEEB054 (part of SPEEB005). It is evident that the council is considering all development in the south of Peebles rather than individual sites.

27. I saw no evidence of construction works on a second crossing having commenced. Representations (835) and (842) state there to be no funding allocated until at least 2027. The council's submitted financial plan (CD023) appears to allocate £420,000 for the year 2031/32 for preparatory work to consider the future requirement for a new bridge in Peebles to support new development. That date would be within the plan period. The council also appears to have not sought City Deal funding for the new bridge on account of it being "localised" compared with another site elsewhere in Scottish Borders, for which it did seek funding.

28. Pearson Donaldson Properties (753) provides a map with an indicative bridge route, but no such route is shown in the proposed plan and nor is there any route safeguard. However, the site requirements for site SPEEB005 on proposed plan page

474 do include provision of a new bridge across the River Tweed. The map on proposed plan page 477 shows the northwest corner of site SPEEB005 to be shaped in a manner which could indicate a potential location of a bridge landing point. However, no equivalent land is identified on the north side of the river.

29. The need for a new bridge is referenced in almost all representations and forms some basis of their respective arguments for or against development of promoted, allocated or longer-term sites. However, irrespective of which party is correct about the need or otherwise for a second bridge over the Tweed, I have already dismissed modifications to allocate or delete sites (above) for reasons other than whether a new bridge is needed. Therefore, whilst it is still an important matter to resolve, whatever conclusion is ultimately reached does not alter my findings above. No modifications are required.

Reporter's recommendations:

No modifications.

Issue 62	Peebles (Settlement Profile and Map)	
Development plan reference:	Peebles Settlement Profile and Map (GSPEEB006 – Victoria Park, GSPEEB007 Eddleston Water, GSPEEB015 – Ballantyne Place Community Garden, Settlement Profile Text, New Peebles Bridge and Peebles Development Boundary SBPEE002) (pages 466-477)	Reporter: Philip Barton
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Gordon Sanderson (065) Peebles & District Community Council (122) Iain Gibson (502) Peebles Civic Society (769) Anthony Newton (798) Dave Kydd (889) Ruth Noble (966) Michael Pearson (1004)</p>		
Provision of the development plan to which the issue relates:	Key Greenspace GSPEEB006 – Victoria Park, GSPEEB007 Eddleston Water, GSPEEB015 – Ballantyne Place Community Garden; Settlement Profile Text, New Peebles Bridge and Peebles Development Boundary SBPEE002)	
Planning authority's summary of the representation(s):		
<p><u>Gordon Sanderson (065)</u></p> <ul style="list-style-type: none"> The Contributor proposes a new path through Key Greenspace GSPEEB006 - Victoria Park that would allow for people with guide dogs, prams or children from having to step on to the Kingsmeadows Road to pass each other with the potential of being hit by traffic or cyclists. This would also allow for the road to be widened. The contributor states that the Council want to wait in case the proposed new bridge is built in the area of the 'Road Crossing'. <p><u>Iain Gibson (502)</u></p> <ul style="list-style-type: none"> The Contributor states that in respect to the following text: "<i>It is the Council's opinion that Tweed Bridge does not have the capacity to serve any new development in the town, over and above the sites allocated in the Plan</i>", (refer to second paragraph of section on Key Infrastructure Considerations) the word "opinion" should be replaced with the word "policy" as it is policy as stated in Volume 1- Policies, section 4.12 page 22. <p><u>Peebles & District Community Council (122), Peebles Civic Society (769)</u></p> <ul style="list-style-type: none"> The Contributors state that there is a small amount of greenspace currently existing within Ballantyne Place (refer to Proposed Key Greenspace site GSPEEB015 – 		

Ballantyne Place Community Garden) and would like it identified as protected greenspace.

- The Contributors object to wording of the last sentence of paragraph 1, page 467 “Tweed Green and Ninian’s Haugh are the most significant areas but there are others” and seek changes so that it also includes Hay Lodge Park, Victoria Park and Whitestone Park as significant green spaces bordering the Tweed; the old wording in the third paragraph should be deleted and/or incorporated into the above.

Peebles & District Community Council (122)

- The Contributor objects to the wording of the second paragraph of “Key Infrastructure Considerations” as the Council’s SBC Road Department have identified that this mini roundabout is close to operational capacity. Each new development, whether on the north or south side of the town increases the amount of traffic utilising this mini roundabout. The increase in traffic becomes especially noticeable when parents run their children to and from the High School.

Peebles Civic Society (769)

- The Contributor objects to the wording on page 466, paragraph 3 in that it excludes the word “former” before “Eastgate Church”.
- The Contributor objects to the wording of the second paragraph of “Key Infrastructure Considerations” as the Plan acknowledges the capacity of Tweed Bridge, which limits further development south of the Tweed. However, it fails to mention the limited capacity of the mini-roundabout by the Old Parish Church, which should be considered as an integral part of the capacity of Tweed Bridge. The impact of new developments north of the river on the capacity of Tweed Bridge should also be included in traffic assessments.

Anthony Newton (798)

- Under Key Infrastructure Considerations, some of the limitations to further development are stated and the Contributor agrees with issues such as Tweed Bridge and the limit to development posed by its limited capacity. However, the Plan fails to recognise that the mini roundabout by the Old Parish Church needs to be integrated into the Tweed Bridge capacity and also the impact of developments north of the Tweed. Also, some of the past calculations of the capacity of Peebles residential streets have been ridiculously over estimated. For example, Caledonian Road stands out. A much more honest and justifiable methodology needs to be applied to these calculations. The Contributor states that they recognise that large scale development south of the river will not occur until a second bridge is built, but even then they question the philosophy of constant eastward expansion along the River Tweed as set out in SPEEB003/SPEEB004/SPEEB005. This suggests a ribbon development, which does nothing for the “amenity” of the area or the sustainability of development.

Dave Kydd (889)

- The Contributor objects to the identification of Key Greenspace GSPEEB007 Eddleston Water. The Contributor also states that they were not neighbour notified.

Ruth Noble (966)

- The Contributor seeks for the Development Boundary to be amended to include a triangular area of land belonging to the owners of the Staddlestones property.

Michael Pearson (1004)

- The Contributor objects to the 2011 population figure used within the Proposed Plan. The Contributor makes reference to the National Record of Scotland's estimate changes to 2019 for Peebles as +7.4%. Development plans seem to focus largely on housing, and there is local anxiety that such areas as education and healthcare provision will fail to keep up, perhaps because of out of date population assumptions. It would be better if increased housing was linked to increased local job opportunities, which has not been the case in recent decades, making Peebles much more of a dormitory town.

Modifications sought by those submitting representations:

- Seeks a new path through Key Greenspace GSPEEB006 - Victoria Park. (065)
- Seeks the word "opinion" to be replaced with the word "policy". (502)
- Seek the identification of site GSPEEB015 - Ballantyne Place Community Garden as a Key Greenspace. (122, 769)
- Seek the amendment of the last sentence of paragraph 1, page 467 as follows "Tweed Green and Ninian's Haugh are the most significant areas but there are others" so that it also includes Hay Lodge Park, Victoria Park and Whitestone Park as significant green spaces bordering the Tweed; and the old wording in the third paragraph should be deleted and/or incorporated into the above. (122, 769)
- Seeks the amendment of the second paragraph of "Key Infrastructure Considerations" to read:
 "Without a second Tweed crossing in the town, to reduce traffic flow on the existing bridge and the associated mini roundabout adjacent to the Old Parish Church and take intrusive traffic away from the town centre, the addition of development traffic to the network will have congestion and environmental issues for the High Street, as well as capacity issues for Tweed Bridge and the mini roundabout, and this could compromise road safety. The most recent traffic count on behalf of the Council for Tweed Bridge was undertaken in November 2018 and through this it was demonstrated that the bridge is getting close to capacity. It is the Council's opinion that Tweed Bridge and associated mini roundabout does not have the capacity to serve any new development in the south side of the town, and the possible exception of small infill in the north of the town over and above the sites allocated in the Plan.
 Analysis of the mini roundabout adjacent to the Old Parish Church has identified that once existing development is completed, the roundabout will be close to 100% of its operational capacity. No development in Peebles should be approved which would result in the capacity of this roundabout being exceeded". (122)
- Seeks the inclusion of the word "former" on page 466, paragraph 3 before the words "Eastgate Church". (769)
- Seeks amendment of the "Key Infrastructure Considerations" to include mention of the limited capacity of the mini-roundabout by the Old Parish Church, which should be considered as an integral part of the capacity of Tweed Bridge. The impact of

new developments north of the river on the capacity of Tweed Bridge should also be included in traffic assessments. (769)

- Seeks that the Plan recognise that the mini roundabout by the Old Parish Church needs to be integrated into the Tweed Bridge capacity and also the impact of developments north of the Tweed. (798)
- Seeks that more honest and justifiable methodology is used to calculate the capacity of residential streets calculations. (798)
- Seeks the removal of Key Green Space GSPEEB007 Eddleston Water. (889)
- Seeks an amendment to the Peebles Development Boundary to take in SBPEE002. (966)
- Seeks that the Plan increases housing that is linked to increased local job opportunities. (1004)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE PEEBLES SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN. HOWEVER THE REPORTER IS REQUESTED TO CONSIDER THE MATTER FURTHER IN RELATION TO THE POTENTIAL INCLUSION OF THE WORD “FORMER” ON PAGE 466, PARAGRAPH 3 BEFORE THE WORDS “EASTGATE CHURCH”; AND THE CHANGE IN THE WORDING OF THE TEXT IN THE FIRST PARAGRAPH ON PAGE 467 TO AS FOLLOWS: “*THROUGHOUT PEEBLES AND PARTICULARLY ALONG THE WATER COURSES OF THE RIVER TWEED AND EDDLESTON WATER THERE ARE SUBSTANTIAL AREAS OF GREEN OPEN SPACE. TWEED GREEN, NINIAN’S HAUGH, HAY LODGE PARK, VICTORIA PARK AND WHITESTONE PARK ARE SIGNIFICANT GREEN SPACES BORDERING THE TWEED*”.

REASONS:

Key Greenspace GSPEEB006 (065)

- It is noted that Contributor 065 refers to the identified Key Greenspace GSPEEB006 - Victoria Park. Furthermore it is noted that Proposed Plan Policy EP11 Protection of Greenspace states that: “*Development that protects and enhances the quality of Key Greenspaces will be supported*”. It is considered that a new path through the park as proposed by the Contributor could be seen as an enhancement and therefore may be supported. However, it is not considered that the Local Development Plan is the correct vehicle for taking this proposal forward. It is noted from the Contributors’ submission that they have raised this proposal not only with the Council but also the Community Council previously. However, it is suggested that the Contributor may wish to raise this matter with the Peebles Community Trust. The Peebles Community Trust is a community owned, not-for-profit, Development Trust established to take forward community initiatives for the benefit of the community of Peebles.

Replacement of the word “Opinion” to “Policy” (502)

- It is noted that the Proposed Plan is presented in two volumes and that Volume 1 is titled policies. However, paragraph 1.5 states: “*Part one of Volume 1 confirms what the role of the LDP is in relation to planning for the Scottish Borders. It identifies: the changing context and new challenges to be met; policy background; vision, aims*

and spatial strategy; growing our economy; planning for housing; supporting our town centres and delivering sustainability and climate change agenda". Paragraph 1.6 continues: "*Part two of Volume 1 sets out a range of policies covering a wide range of subject matters which provide guidance for the processing of planning applications. Each policy has introductory text setting relevant background information for which the proceeding policy will address. Links are also given to other key policies within the Plan which should be cross referenced as well as other policy guidance documents the Council has produced or proposes to produce relevant to the subject matter. The policies are split into the following five categories:*

- *Placemaking and Design (PMD)*
- *Economic Development (ED)*
- *Housing Development (HD)*
- *Environmental Promotion and Protection (EP)*
- *Infrastructure and Standards (IS)*".

- In respect to paragraph 4.12 as raised by the Contributor, that section relates to the Spatial Strategy as set out in the Strategic Development Plan. The Council are clear that it is their opinion that Tweed Bridge does not have the capacity to serve any new development in the Peebles, over and above the sites allocated in the Plan. To state that it is the Council's policy would not only be impractical but also unrealistic, because the circumstances and conditions can change over the course of time and the capacity of the Tweed Bridge is regularly assessed.

Key Greenspace and Associated Settlement Profile Wording (122, 769, 889)

- In relation to the identification of the additional greenspace GSPEEB015 as sought by Contributors 122 and 769, it should be noted that the Proposed Plan already identifies many Key Greenspaces within Peebles. In addition, greenspaces that are not identified on the settlement proposals map are also protected through LDP Policy EP11 Protection of Greenspace. Furthermore, in respect to the proposed removal of Key Greenspace GSPEEB007 Eddleston Water from the Plan as sought by Contributor 889, it is considered that the Plan is correct in identifying and protecting that greenspace. The introductory text of Policy EP11 Protection of Greenspace states that: "*The aim of the policy is to give protection to a wide range of defined types of greenspace (also known as open space) within settlements and to prevent their piecemeal loss to development. The policy also aims to protect and safeguard the most important spaces within settlements. ...*
The Local Development Plan (LDP) identifies Key Greenspaces within Development Boundaries. The spaces identified within the Plan are those spaces which are considered to be of greatest value to the community and are therefore worthy of protection. It is intended that within Key Greenspaces only proposals that will enhance the space will be supported by the Council.
Whilst the Local Development Plan identifies Key Greenspaces within settlements, the policy acknowledges that there are other greenspaces also within settlements. This policy also extends protection to those other greenspaces. ...".
- It should be noted that Key Greenspaces were first introduced into the Local Development Plan in 2016. The Technical Note on Greenspaces relating to that plan (refer to CD033, PDF page 2) states: "*In considering the identification of Greenspaces within settlements in the Scottish Borders and in line the SPP [Scottish Planning Policy], consideration of the value and function of greenspaces is crucial. As the Green Space Audit which was incorporated into the Supplementary Planning Guidance on Green Space already identifies many of the greenspaces that exist within settlements, it is not considered appropriate to replicate this information within*

the LDP. It should be noted however that the green space audit also includes scoring on 'Quality' and 'Value'. Therefore in line with the SPP only those spaces that are most "valued and functional" will be identified within the LDP2. ... The aim in the identification of greenspaces in the LDP is to protect and safeguard the most important spaces within settlements. This is in line with PAN 65 which states: "Development plans should safeguard important open spaces from development in the long term". ... Due to the sheer coverage of the Scottish Borders, the number of settlements within the Borders and in line with PAN 65, it is considered that only the most important green spaces within settlements will be identified and safeguarded through the LDP. This is not to say that those spaces not identified within the Plan will fail to receive protection, they too will also receive protection although less rigorously protected".

- The proposed Key Greenspace site (GSPEEB015) identified by Contributors 122 and 769 is accepted as having local value to the residents of Ballantyne Place but has far more limited significance in the wider community for residents or visitors, which is a factor in achieving the standard described above for designation. By comparison, the fourteen Key Greenspaces already identified within the Plan are acknowledged as being significantly important spaces that are of value and benefit to residents and visitors to Peebles alike. They include parks, walking areas and sports areas with a significant recreational or cultural value.
- In respect to the proposed Key Greenspace site GSPEEB015, it should be noted that a planning application (20/00691/FUL) was submitted for two dwelling houses and also included the removal of Condition 4 from Planning Consent 02/01783/FUL. That application was refused by the Council contrary to recommendation (refer to CD131 Planning Application Decision and Report). Furthermore it is noted that that application was also considered by the Planning and Environmental Appeals Division at appeal (PPA-140-2087) and was dismissed and planning permission refused (refer to CD132 DPEA Reporter Decision). The Reporter stated: "*I am satisfied that, due to the value of this small amenity area to the Ballantyne Place development in social and functional terms, it qualifies for protection under Policy EP11*". This confirms that the existing policy protection is adequate to address the concern and safeguard the space in question.
- In relation to the potential rewording of the Settlement Profile at paragraph 1, page 467 "Tweed Green and Ninian's Haugh are the most significant areas but there are others" so that it also includes Hay Lodge Park, Victoria Park and Whitestone Park as significant green spaces bordering the Tweed; and the old wording in the third paragraph should be deleted and/or incorporated into the above. It is considered that the proposed modification of the text to acknowledge the contribution of these spaces and so reflect the desire of the community would provide a factual update and would constitute a non-significant change.

Settlement Profile – Placemaking Considerations Wording (769)

- In relation to the inclusion of the word "former" on page 466, paragraph 3 before the words "Eastgate Church", it is considered that the inclusion of this word to reflect the desire of the community would provide a factual update and would constitute a non-significant change.

Settlement Profile – Key Infrastructure Considerations Wording (122, 769, 798)

- It is noted that Contributors 122, 769 and 798 seek changes to the Settlement Profile for Peebles as it relates to Key Infrastructure Considerations and particularly in relation to the existing bridge crossing the River Tweed, the mini roundabout adjacent to the Old Parish Church and potential traffic assessments relating to new developments. However, it should be noted that the Forward Planning Section, have worked closely in collaboration with the Roads Planning Section and with the Council's Strategic Transport Officer to agree the form of wording as set out within the Proposed Plan. Whilst the Council are clear that it is their opinion that Tweed Bridge and the mini roundabout have the capacity to serve the new development sites allocated within the Proposed Plan, it is noted that policy, circumstances and conditions can change over the course of time, and for that reason traffic counts are regularly undertaken to assess how the actual traffic flow compares with the capacity of the bridge. As such, individual decisions must continue to be made in the context of the most up to date information and guidance available at the time.
- Additional information on Transport Assessments is included on page 211 of the Proposed Plan. That section of the Plan states: "*Most development will have an impact on transport. Given the link between land use and transport the likely impact needs to be identified and addressed as early as possible in the planning process. Depending on the scale of development a simple Transport Statement (TS) may be all that is required while a comprehensive Transport Assessment (TA) accompanied by a supporting Travel Plan may be required for more significant travel generating development. A TA aims to provide information on how a proposed development is likely to function in transport terms with an emphasis on sustainable travel patterns. In 2012, Transport Scotland published a 'Transport Assessments Guidance' for development proposals including indicative threshold levels for the requirement for a TA to be undertaken. As a guide for housing proposals, the Council is likely to request a TS for developments consisting of 20 to 49 dwelling units and a TA for developments in excess of 49 units. Depending on site circumstances and local constraints, the Council may seek a TS or TA below these thresholds. ...*"
- It should be noted that in respect to Peebles, development sites are required to contribute towards improving traffic management in and around the town centre and/or towards the funding of transport appraisal work for the town, and this is confirmed within the Key Infrastructure Considerations section of the Peebles Settlement Profile within the Proposed Plan.
- In respect to comments from Contributor 798 who seeks that a more honest and justifiable methodology is used to calculate the capacity of residential streets; it should be noted that Transportation Standards are set out on page 210 of the Proposed Plan. These standards are themselves based upon established national guidance and policy. Furthermore, planning applications are dealt with in an independent manner, and the capacity of residential streets is primarily assessed using 'Designing Streets' and where appropriate the 'Design Manual for Roads and Bridges'.

Neighbour Notification - Dave Kydd (889)

- In respect to Neighbour Notification paragraph 83 of Circular 6: Development Planning (CD059) states: "*The planning authority must notify the owners, lessees or occupiers of sites which the Proposed Plan specifically proposes to be developed and which would have a significant effect on the use and amenity of the site. It must also notify the owners, lessees or occupiers of land neighbouring (i.e. within 20 metres of) sites which the Proposed Plan specifically proposes to be developed and*

which would have a significant effect on the use and amenity of the neighbouring land. Notification is only required where there are premises on the site or neighbouring land. ...". In respect to Key Green Space GSPEEB007 Eddleston Water, it is an identified Key Greenspace and is not proposed for development, therefore Neighbour Notification was not required. Nevertheless, the fact that a person has not been directly notified does not debar them from making comments and, in this case, the individual concerned has done that so has not been disadvantaged.

Peebles Development Boundary SBPEE002 - Ruth Noble (966)

- The site has been submitted during the Proposed Plan representation period as a development boundary amendment. The site has been assessed as a boundary amendment, site code SBPEE002 (CD118, page 284) and it is considered there is no requirement to amend the settlement boundary of Peebles.
- It is noted within the Site Assessment that the Council's Landscape Architect stated: *"On landscape grounds, given the presence of the line of established larch trees, which should be retained for both climate mitigation and as part of the amenity of the area, I consider this site is unsuitable for development. Any development would have to be fitted into a modest and wedge-shaped site, offering little in way of aspect, amenity or setting and is likely to increase pressure for removal of existing trees. I would recommend this site remain outside Peebles Development boundary"*.
- In relation to the Development Boundary which is shown within the Proposed Plan, this boundary defines both the defensible boundary between urban and rural areas and the extent to which the settlement can grow within the plan period. Realigning the Development Boundary to take in garden ground would have the effect of potentially allowing development. It should also be noted that the development boundary does not necessarily require to follow land ownership boundaries and it is more appropriate that it accounts for the physical features and characteristics that define a settlement edge.
- Peebles is located within the Western Strategic Development Area as set out by the SESplan Strategic Development Plan (SDP) (CD001, refer to pages 7 to 20). Appendix 2 contained within the Proposed Plan outlines that the Housing Land Requirement figures are taken from the Proposed SESPlan SDP (CD005, refer to pages 44 to 50) and Housing Background Paper (2016) (CD006, refer to pages 4 to 6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit (HLA) (2019) (CD071, refer to the Introduction, pages 14 to 16) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. As a result no further housing land within Peebles is required to meet the identified housing requirement.
- It is therefore considered that there is no requirement to amend the Development Boundary of Peebles to incorporate site SBPEE002, particularly on account of the very limited contribution that the site could make to meeting housing targets, by virtue of its small size.

Michael Pearson (1004)

- During the production of the Plan, population projections are used and not population estimates. Chapter 2 of the Proposed Plan provides some information, and Appendix 2 Meeting the Housing Land Requirement sets out how the Proposed Plan meets the requirement of Scottish Planning Policy 2014 (CD041, paragraph 110) by providing a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand.
- In addition, paragraph 6 of Circular 6/2013 Development Planning (CD059) states: *“Development plans are spatial, land use plans which are primarily about place. They guide the future use of land in our cities, towns and rural areas, by addressing the spatial implications of economic, social and environmental change. Development plans should be a corporate document for the planning authority and its Community Planning Partners. The plan should apply the land use elements of the Community Plan and other Council and Government strategies into an overall spatial plan for the local area providing a means to join up messages about place and delivery. Development plans should set out ambitious but realistic long-term visions for their areas. They should indicate where development should happen and where it should not, providing confidence to investors and communities alike.”*
- It should be noted that in the process of producing the Local Development Plan, the Forward Planning section consults with various Council sections including Economic Development, Roads Planning and Education. In addition, consultation is also carried out with the NHS, Transport Scotland, along with other stakeholders. The responses and feedback of those consultees then contributes to the production of the new Plan and this close working also allows others to plan and meet their service requirements.
- The Council notes the provisions within paragraph 87 of Circular 6/2013 (CD059) on Development Planning which state that *“The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations.”* In that respect the Council are content to include the word “former” on page 466, paragraph 3 before the words “Eastgate Church”, and for the text in the first paragraph of page 467 to be reworded to: *“Throughout Peebles and particularly along the water courses of the River Tweed and Eddleston Water there are substantial areas of green open space. Tweed Green, Ninian’s Haugh, Hay Lodge Park, Victoria Park and Whitestone Park are significant green spaces bordering the Tweed.”*
- The modifications of the text would provide a factually accurate update and acknowledge the contribution of these spaces, so reflecting the desire of the community and would constitute a non-significant change.

Reporter’s conclusions:

Key Greenspace GSPEEB006 (065)

1. There appears to be no dispute that a new metalled public footway through Victoria Park would constitute an enhancement in comparison with the existing situation. Also, section 149(1)(a) of the Equality Act 2010 requires decision makers to tackle the consequences of past decisions which failed to give due regard to the need to prevent discrimination against anyone with a protected characteristic. This might include narrow footways without passing points that are difficult and/or dangerous for wheelchair users and others to use safely. Thus, when considering the improvement of existing areas of

open space, it is appropriate to highlight the need to consider how physical and other barriers to the use of that space may be overcome.

2. If planning permission were to be required to create the suggested new footway, then it would fall to be assessed against proposed Policy EP11: Protection of Greenspace, criterion (A) of which supports development that would protect and enhance the quality of key greenspaces. Given that it would be contained wholly within an existing key greenspace allocation, there is no need for this proposal to be supported by a separate allocation within the proposed plan. Consequently, no modification is necessary.

Replacement of the word “Opinion” to “Policy” (502)

3. Paragraph 4.12 on proposed plan page 22 makes it clear that “at this point in time” the council considers the delivery of longer-term housing land in Peebles to the south of the River Tweed to be contingent on a second vehicular crossing of the river. However, circumstances may change over the plan period given the council’s allocation of funding to investigate such matters during the latter part of the plan period. These matters are covered in Issue 061: Peebles (Longer Term Development and Business and Industrial Land). Therefore, it would be inappropriate to elevate this opinion to the status of a formal development plan policy. No modification is necessary.

Key Greenspace and Associated Settlement Profile Wording (122, 769)

4. Scottish Planning Policy (2014) paragraphs 219 and 220 described improved access to open space as an essential part of Scotland’s long-term environmental performance and climate resilience. It expected planning policies to protect, enhance and promote green infrastructure, including open space.

5. Scottish Planning Policy (2014) paragraph 224 expected local development plans to identify and protect open space that is valued and functional or capable of being brought into use to meet local needs. So, in addition to its intrinsic environmental value, the protection of open space was expected to have a qualitative aspect to it, which is related to how it is used or could be used by people.

6. National Planning Framework 4 (NPF4) was adopted by Scottish Ministers on 13 February 2023 and replaces Scottish Planning Policy (2014). It also now forms part of the statutory development plan. NPF4 Policy 21: Play, recreation and sport expects new areas of open space proposed in local development plans to be “well-designed, high quality, accessible and inclusive”.

7. Royal Burgh of Peebles and District Community Council promotes the allocation of Ballantyne Place Community Garden (GSPEEB015) as key greenspace and provides photographs of this in its representation dated 8 January 2021. However, on my site visit during late 2022, I found the condition of that space to have deteriorated significantly from what is shown in those photographs. Whatever the reason for this deterioration, the location of this site makes it poorly accessible for people living in other parts of Peebles. I therefore agree with the council that GSPEEB015 does not currently justify designation as an allocated area of Key Greenspace.

8. Moreover, criterion (B) of proposed Policy EP11: Protection of Greenspace offers protection to areas of greenspace within settlement boundaries other than those

allocated as Key Greenspace, subject to three further criteria. I note that, in dismissing appeal reference PPA-140-2087, the Reporter accepted that GSPEEB015 benefited from the protection of Policy EP11 of the Adopted Local Development Plan (2016) at that time. Thus, in principle, GSPEEB015 could continue to benefit from the protection offered by criterion (B) of proposed Policy EP11. No modification is necessary.

9. The council does not object to Hay Lodge Park, Victoria Park and Whitestone Park being added to the list of significant areas of green space bordering The Tweed. The reason for excluding these areas is unclear and the requested modification indicates strongly that these three areas continue to be valued by people and that their continued allocation would not conflict with NPF4. Modifications to that effect are set out below.

Key Greenspace and Associated Settlement Profile Wording (889)

10. Scottish Planning Policy (2014) paragraph 224 expected local development plans to identify and protect open space that is valued and functional. NPF4 Policy 21 seeks more equitable access to opportunities for play and recreation and expects local development plans to enhance and expand blue and green infrastructure. The Cuddy Path (GSPEEB007) provides access to the easterly bank of Eddleston Water from the Dalatho footbridge to the junction of Cuddyside with Northgate Vennel, where there is another footbridge over Eddleston Water, at which point GSPEEB007 continues, with some breaks, along the westerly bank of Eddleston Water to its confluence with the River Tweed.

11. From what I saw during my site visit, those parts of the Cuddy path that run through GSPEEB007 are well-used and are easily accessible to most people living to the north of the A72 and to the east of Rosetta Road. I am satisfied that GSPEEB007 meets the previously applicable criteria in Scottish Planning Policy (2014) paragraph 224 and that its continued allocation as Key Greenspace would accord with NPF4 Policy 21. Moreover, no specific grounds of objection to the allocation are argued in the representation. Consequently, no modification is necessary.

Settlement Profile – Placemaking Considerations Wording (769)

12. The council does not object to the requested modification. I agree that it would be factually accurate and would aid clarity if the word “former” were to be inserted before “Eastgate Church”. Modifications to that effect are recommended below.

Settlement Profile – Key Infrastructure Considerations Wording (122, 769, 798)

13. The council states that it keeps a close eye upon the effect that development has upon the road network, especially the capacity of the Tweed bridge. I have been presented with no evidence to suggest that there is insufficient road capacity to service the quantum of development being proposed on sites allocated in the proposed plan, subject to the improvements identified in respective site requirements. Although relevant to the consideration of individual planning applications, no compelling evidence suggests a need for the proposed plan to refer to stresses upon other pieces of road infrastructure, such as the mini roundabout in front of the old parish church.

14. In the second paragraph on proposed plan page 211, the council explains its approach to requiring potential developers to provide information about the likely effects of their proposals upon the road network, including thresholds for the production of

either a Transport Statement or a Transport Assessment. Significantly, however, the council reserves its discretion to require either of these documents to be produced for proposals below these thresholds, such as when smaller scale windfall schemes come forward.

15. Although concerns raised about road capacity and any consequent effect upon road safety are understandable, I am not persuaded that a moratorium upon any development anywhere in Peebles that would cause the capacity of a single piece of road infrastructure to be notionally exceeded could be objectively justified. This is because development proposals north of the Tweed would have access to the A72 and A703 without the need to cross the river. Moreover, circumstances may change over the plan period and development within the road network intended to increase capacity or better regulate traffic flows would not normally require planning permission.

16. I am satisfied that, in exercising its development management functions, the council would have adequate control over development to ensure that the capacity of the mini roundabout outside the old parish church in particular is not harmfully exceeded over the plan period. No modification is necessary.

17. On proposed plan page 210, the council explains that its transportation standards are based upon national guidance documents. These include Planning Advice Note: PAN 75 – Planning For Transport; Designing Streets; the SCOTS National Roads Development Guide, and Design Manual for Roads and Bridges. In addition, it consults Transport Scotland and the council's roads planning service in relation to individual development proposals.

18. I have been presented with no evidence to suggest that the council's approach is, or has been, anything less than "honest and justifiable" or to support the claim that "some of the past calculations of the capacity of Peebles residential streets have been ridiculously over estimated". In order to better inform myself about this matter, I drove down Caledonian Road at different times of the day. There was some minor congestion caused by lawfully parked vehicles, but I saw nothing to indicate that the safe capacity of this road has been exceeded. Moreover, no planning permission would be required to introduce further parking controls and I noted that some householders have created off-road parking areas for their own vehicles. No modification is necessary.

Neighbour Notification - Dave Kydd (889)

19. Paragraph 83 of Circular 6/2013: Development Planning, which was in force when the proposed plan was published, stated: "the planning authority must notify the owners, lessees or occupiers of sites which the Proposed Plan specifically proposes to be developed and which would have a significant effect on the use and amenity of the site. It must also notify the owners, lessees or occupiers of land neighbouring (i.e. within 20 metres of) sites which the Proposed Plan specifically proposes to be developed and which would have a significant effect on the use and amenity of the neighbouring land." 22 Dalatho Street is located within 20 metres of GSPEEB007.

20. No act of development is being proposed on GSPEEB007. Moreover, there is no explanation in the representation about how the allocation of GSPEEB007 in the Adopted Local Development Plan (2016) has had a significant effect upon the use and amenity of any land used in association with 22 Dalatho Street. Consequently, I consider it unlikely that the continued allocation of GSPEEB007 as an area of Key

Greenspace would have a significant effect upon the use and amenity of any neighbouring land. I agree with the council, therefore, that there was no requirement for those with an interest in land neighbouring GSPEEB007 to be notified by the council of its intention to roll forward this Key Greenspace allocation into the proposed plan.

21. Although it is evident that the representor was not personally informed about the continued allocation of GSPEEB007, I have received the submitted representation and have addressed above the suitability of GSPEEB007 as a Key Greenspace allocation. Moreover, the allocation of land for a particular purpose in a local development plan does not grant planning permission for any works or for a change of use of the land. If planning permission or any other permission or consent were to be required within this allocation, then the representor would have an opportunity to comment upon such detailed matters. This does not suggest any injustice to have been caused. No modification is required.

Peebles Development Boundary SBPEE002 - Ruth Noble (966)

22. I can see no difference between the settlement boundary to the north of Kingsland Primary School (Neidpath Grazings) shown on page 458 of the Adopted Local Development Plan (2016) and that shown on page 476 of the proposed plan. Neither has any specific modification been requested in relation to this part of the settlement boundary. I need not, therefore, address this part of the representation any further.

23. Land to the north and west of SBPEE002 rises from about 580 metres above sea level to about 1,220 metres, at the peak of Hamilton Hill. Immediately to the north of SBPEE002 is a golf course associated with Peebles Golf Club. The belt of largely deciduous trees growing along the southerly boundary of the golf course, as well as other mature trees growing in the scrubland between the golf course and the settlement boundary, act as an effective visual screen between the settlement and the countryside.

24. The land outside the settlement adjacent to SBPEE002 slopes much more steeply than SBPEE002 itself and the two areas of land appeared to me to be separated by a drainage ditch. In this respect, I note from the map on page 40 of Core Document 119: Settlement Maps that there is or was a water well in this location. Given the topography of the area, vehicular access arrangements, residential property boundaries and tree cover, in my view, SBPEE002 feels more like a part of the settlement than the countryside.

25. The council is concerned about the potential loss of a stand of mature larch trees. On my site visit, I noted that these trees are growing, not on SBPEE002, but within the garden of Staddlestones, which sits inside the settlement boundary. I have no evidence before me to suggest that these trees are protected and, given the steeply sloping land to the north of them and the presence of mature tree cover further up the hillside, they play a very limited role in screening the settlement from the countryside. If they are considered important to retain, the council could determine there to be a need for a Tree Preservation Order. However, that matter falls outside the scope of this examination.

26. I agree that there is no need to include SBPEE002 within the settlement of Peebles for the purposes of housing land supply. Nevertheless, in my assessment, a more defensible settlement boundary would be the one that most consistently follows the change in levels between SBPEE002 and the more steeply rising land of the countryside beyond. I therefore recommend that the settlement boundary is amended to

include SBPEE002 within the settlement of Peebles. Modifications to that effect are set out below.

Michael Pearson (1004)

27. The proposed plan does not rely solely upon census population data to determine housing need and extensive consultation with other council departments and outside bodies has taken place to inform the suitability of the proposed allocations. The amount of housing land to plan for is covered separately in Issue 006 – Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement.

28. New or expanded education facilities would be delivered primarily through developer contributions, which may be required by criteria b) of proposed Policy IS2: Developer Contributions. These matters are examined in Issue 16 – Infrastructure and Standards Policies: Policies IS2 to IS17 & Policy Maps.

29. Paragraph 2.10 on proposed plan page 13 explains that it “has been prepared in consultation with a range of bodies including NHS Borders and it is important that communications continue and are strengthened in order that any potential health care issues, for example impacts on local GP practices, can be identified and addressed at an early stage. Decisions regarding health care provision remain a matter for the NHS”.

30. The proposed plan makes allocations for housing and business land. Furthermore, the link between jobs and housing is recognised in the mixed-use allocations, which co-locate new housing and new employment opportunities. No modifications are necessary.

Reporter’s recommendations:

Modify the local development plan by:

1. inserting the word “former” between the words “steeple of the” and “Eastgate Church” on the third line of the third paragraph on proposed plan page 466.
2. replacing the second sentence of the first paragraph on proposed plan page 467 with “Tweed Green, Ninian’s Haugh, Hay Lodge Park, Victoria Park and Whitestone Park are significant green spaces bordering The Tweed.”.
3. amending the settlement boundary of Peebles on proposed plan page 476 to include site reference SBPEE002 as shown on the map for Issue 062 on document CD119 page 40.

Issue 63	Preston	
Development plan reference:	Preston Settlement Profile and Map (APRES006 – North Preston) (pages 478 - 479)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
Rob Forrest (724)		
Provision of the development plan to which the issue relates:	Housing Site APRES006 – North Preston	
Planning authority’s summary of the representation(s):		
<ul style="list-style-type: none"> • The contributor has reviewed the development boundary for the village and believe that one field identified as NT/79037/57547 within the attached plan could be suitable for development and we would like this to be considered for inclusion. • This land lies adjacent to the development boundary. • The subject land is currently land and has direct access to the public road. The fields are good topography and are of a size which would allow for unrestricted development. Development of these fields could comprise low density housing affording space for garden grounds and amenity space including community garden and playing grounds which would be of significant benefit to the village. There is very little new housing stock in the area to meet the needs of local families and as the village is near the new Reston Station on the main East Coast Line, it would attract interest from those seeking to live in a rural location but near to a good transport link. • Smaller sites such as those currently proposed are less economically viable for developers and cannot offer a range of house types or a substantial area of garden ground/amenity space to meet the needs of the locality. • It is requested that this area of land (or parts of this area of land) is considered within the proposed local plan in order to ensure a steady supply of a range of house types for this area during the course of the next 10 years. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> • Allocation of the site (APRES006) for housing, within the Proposed LDP. (724) 		
Summary of responses (including reasons) by planning authority:		
NO CHANGE TO THE PRESTON SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.		

REASONS:

Allocation of housing site (APRES006)

- The site was submitted at the Proposed Plan consultation stage of the Proposed Local Development Plan (LDP) process. The contributor has requested that the site is allocated for housing, as part of the Proposed LDP. The site is located to the north of Preston, occupying a vast site which is currently agricultural land, with a gentle slope from the south to north. Preston is characterised as being a linear settlement along the A6112.
- Further to the submission, a site assessment and consultation was undertaken (CD118, refer to pages 50 - 53) and the overall assessment conclusion was '*unacceptable*'. There were a number of constraints identified on the site which included; micro drainage model required, drainage assessment required, prime quality agricultural land, mitigation for protected mammals and breeding birds, protection for boundary features, mitigation for protected species, archaeological mitigation recommended, design and access statement, landscape strategy, water impact assessment and transport assessment required. The Landscape Officer advised that this is a sizeable site and the scale is disproportionate, however noted that the site should be fairly discreet from the B6355 and in views across the landscape due to the existing boundary treatments, gently sloping nature of the site and screening by existing houses. The Landscape Officer recommended that a smaller depth of the site is considered that relates better to the existing settlement development and topography. The Roads Planning Service were unable to support the development of the site. They advised that there is no suitable means of access available. The existing access track to the east of the site is not suitable as a means of vehicular access. In addition to the above concerns regarding the vehicular access, concerns were raised regarding a development of this size in Preston when considering sustainable transport. They also advised that a Transport Assessment would be required.
- Further to the above constraints identified within the site assessment, there are concerns that the development of this site would appear to be backland development, would not respect the existing pattern of development or character of Preston and would be incongruous to the existing scale of the village.
- There are no housing allocations within Preston forming part of the Proposed LDP and the existing re-development site (zRO16) within the adopted Local Development Plan 2016 (CD009) is being removed as part of the Proposed LDP, given that it is currently an operational farm. It is proposed that the site (zRO16) remains within the Development Boundary of Preston and could therefore still be developed in some capacity should circumstances arise. Although the site is being removed, it is considered that Berwickshire has a healthy housing land supply going forward into the Proposed LDP. The Housing Land Audit 2019 (CD071, refer to the Introduction, page 15) states that there are 955 units in the effective housing land supply within the Berwickshire Housing Market Area. Therefore, it is not considered that a replacement site within Preston itself is needed to meet the housing land requirements for the next Plan.
- Furthermore in respect of housing land supply, Preston is located within the Eastern Strategic Development Area set out by the SESplan Strategic Development Plan (SDP) 2013 (CD001, refer to pages 7 to 20). Appendix 2 contained within the Proposed Plan outlines that the housing land requirement figures are taken from the SESplan Proposed SDP 2016 (CD005, refer to pages 44 to 50) and SESplan

Housing Background Paper 2016 (CD006, refer to pages 4 to 6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit 2019 (CD071, refer to the Introduction, pages 14 to 16) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Issue 6. It is also acknowledged that housing land requirements will be set out at a national level through the forthcoming National Planning Framework.

- Overall, taking the above into consideration, the proposed housing site (APRES006) is not considered to be acceptable for inclusion within the Proposed LDP for the reasons outlined above. Therefore, the Council does not agree to modify the Proposed LDP in response to this representation.

Reporter's conclusions:

Allocation of housing site (APRES006) (724)

1. Preston is a village with a population of 183 and few facilities. A longstanding redevelopment site at Preston Farm has been removed from the plan due to lack of development interest. Nevertheless, it remains within the development boundary, leaving the potential for a future infill proposal.
2. The promoted site, APRES006 extends for 11 hectares over two fields to the north of the village and has an indicative capacity of 100 dwellings. As such, the proposal is out of scale with the village. It has not been demonstrated that there is a suitable means of road access to the site. There is a limited bus service, consequently, as the council's site assessment notes, it is likely that there would be a heavy reliance on the car, contrary to the council's sustainability aims. The council has identified more appropriate locations for housing which could benefit from access to the new Reston railway station. Furthermore, development would result in a loss of prime agricultural land. For all these reasons, the site is not appropriate for inclusion in the plan.
3. Irrespective of the merits or otherwise of the promoted site, Issue 006: Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement concludes that there is no need to allocate any more land for housing besides what is already set out in the proposed plan. No modifications are required.

Reporter's recommendations:

No modifications.

Issue 64	Reston	
Development plan reference:	Reston Settlement Profile and Map (BR5 – West Reston, AREST005 – Land East of West Reston, MREST001 – Auction Mart, SREST001 – Reston Long Term 1 and zRS3 – Reston Station) (pages 482-486)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Andrew Leach (041) Reston and Auchencrow Community Council (948) Network Rail (984)</p>		
Provision of the development plan to which the issue relates:	Housing Allocations BR5 – West Reston and AREST005 – Land East of West Reston, Mixed Use Allocation MREST001 – Auction Mart, Longer Term Housing Site SREST001 – Reston Long Term 1 and Transportation Allocation zRS3 – Reston Station	
Planning authority’s summary of the representation(s):		
<p><u>Andrew Leach (041)</u></p> <p>MREST001: Auction Mart</p> <ul style="list-style-type: none"> • In principle have no objection to redeveloping the site, as some of it has become rather an eyesore in the village, however the contributor raises a number of concerns. • The land is now designated for mixed use, rather than residential use. Would strongly object if this meant industrial works were planned to be built near our house. Can mixed use be defined more clearly? • Notes that the number of houses suggested is now 100 and was 111 in 2009 for the site. Feel that this is a huge number of houses to be accommodated on this piece of land, and the density would be considerable. Such density of housing suddenly appearing in this small village, approximately doubling the population – would severely strain the infrastructure. A more reasonable density would be 50 new houses with bigger gardens. • Would resist and object most strongly to build and/or put down concrete or tarmac anywhere near our property boundaries, the southern and eastern boundaries. Both these boundaries have mature Lime trees established along them and the branches spread at least 10 metres over the piece of land. We would insist that measures would be taken by any developer to protect these trees. • The Briery Burn that runs down the southern side of this piece of land is proposed to be a drainage facility for the development, but this Burn is very small and quickly fills up in any significant rain. The risk of fluvial flooding is very real here. The culvet beneath the road was enlarged a few years ago to help with this, but it is only just big enough. It is most alarming to read of the proposal to site a detention pond at the rear of our garden and that of the neighbouring property, Brierfield. This is a risk for overflow flooding, and a very definite risk for children, unless it is securely 		

fenced off. The neighbouring piece of land (SREST001), is a flood plain. The proposal to have a pumping station at the detention pond raises questions of noise from this. An up to date flood risk assessment needs undertaking for all of this land.

- Our property is served by a septic tank, and a separate septic tank serves Brierfield. Both these tanks run off into the Briery Burn. So this proposed development would impact on this run off function. Perhaps there should be a condition that any future developer would arrange and pay for connecting us to the main sewer. Understand that access to our neighbours septic tank requires a pump out lorry to drive into the present field and drop the hose over our fence, this situation will have to be investigated further in any future proposals.
- The access to Reston from the A1 trunk road is the only access from the A1, it is at the best of times a hazardous junction. Sight lines to the north when exiting the village are limited and vehicles are travelling at least 60mph. It is also a staggered crossroad junction with the opposite road going towards Coldingham. This junction will have to be assessed and significant improvements made to make it much safer.

SREST001: Reston Long Term 1

- This site is a flood plain and is totally unsuitable for any development. It should be removed from the LDP.

Reston and Auchencrow Community Council (948)

- Inaccuracies have been identified in the proposed settlement areas identified in the plan, these are areas (BR5 and AREST005). The area identified in the hatching in compasses private residential and garage area.
- Area (zRS3) earmarked for the already in construction railway station, the area hatched is not a reflection of the planning application.
- Both of these require amendment prior to approval of the plan.
- Concern has been raised that should any development take place in Reston due to the present size of Reston, that any change to the infrastructure will require major upgrades to both sewage and water works as well as roads and education as these are already stretched in their capacity.

Network Rail (984)

- Reston Station is currently the subject of a planning application which is recommended for approval at a forthcoming Planning Committee meeting on the 1st February 2021. The site boundary varies slightly from the LDP allocation and this may benefit from being updated to reflect this change, subject to consent being granted.

Modifications sought by those submitting representations:

- Have no objection to the principle of development on the site (MREST001), however raise a number of concerns (041)
- Remove the site (SREST001) from the Proposed LDP (041)
- Amendment to the boundary for (AREST005 & BR5) (948)
- Amendment to the boundary for (zRS3) (948 & 984)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE RESTON SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

It is noted that Contributor 041 (Andrew Leach) supports the transportation allocation zRS3 – Reston Station (CD183, refer to page 10-12).

General concerns with the allocation (MREST001) (041)

- The contributor has no objections to the principle of development on this site, however raises a number of concerns as part of the submission.
- It should be noted that the site (MREST001) is currently allocated within the adopted Local Development Plan (LDP) 2016 (CD009) for mixed use development and is being carried forward into the Proposed LDP with no changes. It is acknowledged that the site was previously allocated for re-development as part of the Consolidated Local Plan 2011 (CD010), however was changed to a mixed use allocation as part of the adopted LDP 2016 (CD009). The site has an indicative site capacity for 100 units as part of the mixed use allocation. The site is also subject to a pending planning application (08/01531/FUL), for the erection of 111 units. It should be noted that the mixed use allocation, means that a development comprising of a mixture of land uses could be suitable on the site.
- The contributor raised concerns regarding the density of housing on the site and that there would not be a lot of room for gardens. It should be noted that the site capacities contained within the Proposed LDP are only indicative, which take into consideration the context of the site and the existing surrounding densities. Ultimately, the final layout, design and density of any proposed development would be assessed as part of any planning application. As outlined above, there is a pending planning application under consideration for 111 units on the site. Therefore, the indicative capacity of 100 units contained within Proposed LDP is considered to be appropriate for the site.
- In response to concerns regarding any proposals to tarmac/concrete parts of the site near existing trees, this matter would be dealt with through the development management process and not the Local Plan process.
- Concerns were raised regarding drainage, run-off, detention pond, pumping station, sewerage (main sewer and septic tank) and flooding within this site. The Planning Brief (Reston Auction Mart) (CD097, refer to page 14), outlines that full consultation should be undertaken with Scottish Water as part of the planning application process. Furthermore, that a Drainage Impact Assessment would be required for the area contained within the brief. Therefore, it is suggested that any developer engages with Scottish Water and SEPA at an early stage to discuss their proposals and to ensure accordance with the Planning Brief. These matters would then be dealt with through the development management process. It is also noted that as part of the adopted LDP Examination 2015, the requirement for a Flood Risk Assessment (FRA) was discussed (Core Document 040, refer to Issue 288, page 980 - 981). The Reporter was content that should there be any change in circumstances, it would be properly addressed at the development management stage, in the context of the earlier flood risk assessment and the wider policies of

the plan. It should be noted that this matter is also dealt with as part of Issue 74 for the site (MREST001).

- Concerns were raised regarding the access from the A1 trunk road. It should be noted that the Roads Planning Service and Transport Scotland would be consulted as part of any planning application for this site. The Planning Brief (Reston Auction Mart) (CD097, refer to pages 12 - 13) sets out guidance for the road network for the area included within the Brief. Therefore, it is considered that this matter will be addressed through the development management process.

Removal of site (SREST001) (041)

- The contributor objects to the site (SREST001) within the Proposed Local Development Plan (LDP). The site lies to the south east of Reston and is located outwith the Development Boundary.
- It should be noted that the site is not a formal allocation for housing within the Proposed LDP, rather an area identified as potential for longer term housing development in the future. The site forms part of the Planning Brief (Reston Auction Mart) (CD097), for the wider development of Reston.
- The site is already identified for potential longer term housing within the adopted LDP 2016 (CD009) and the proposal is to carry forward this site into the Proposed LDP with no changes.
- It is acknowledged that Policy HD4: Further Housing Land Safeguarding, states that such longer term housing sites shall be safeguarded accordingly for future potential development. By identifying these areas within the Proposed LDP, they not only safeguard them for potential development in the future, but also identify potential areas of land for development, in the event that there is an identified shortfall in housing land. Where a shortfall is identified within the LDP area, new development will be directed to the longer term safeguarded areas identified in the first instance. It should be noted that any proposals that come forward in these areas will be assessed against the policies contained within the approved Development Plan at that time. The longer term proposal is also in response to the development opportunities and benefits the new railway station will provide.
- If this site was to be allocated in the future, it would be subject to a full site assessment, including internal and external consultation. This includes with the Council's the Council's Flood Team and SEPA. It should be noted that this matter is also dealt with as part of Issue 74 for the site (SREST001).
- It should also be noted that the Council consider that there is sufficient housing land identified within Reston for the Plan Period, including; BR6, AREST004, BR5, AREST005 and MREST001 allocations within the Proposed LDP.
- Therefore, taking into consideration the above, the Council does not agree to modify the Proposed LDP in response to this representation, in respect of site (SREST001).

Amendment to the boundary for (AREST005 & BR5) (948)

- Comments are noted in respect of the proposed changes. The contributor states that there is an existing house and garage located within this site.
- In response, it is acknowledged that there is a house and garage located within the south west section of the housing allocation (BR5). These relate to approved planning applications (01/00371/FUL) and (01/00563/COU) for the erection of a house and change of use to motor workshop with hardstanding. The boundaries for

these planning applications are located within the existing allocation (BR5) (CD119, refer to Reston map, page 42).

- The existing site requirements for (BR5) acknowledge that there is a house located to the west and that indicative planting is required along the south west boundary to protect the amenity of the neighbouring property. Furthermore, indicative planting is also included on the Proposals Map.
- However, if the Reporter was so minded, the Council would have no objections to the area of the house and motor garage being removed from allocation (BR5) as part of the Proposed LDP. This is considered to be a non-significant change to the Council.

Amendment to the boundary for (zRS3) (948 & 984)

- At the time of the production of the Proposed LDP and subsequent consultation, the site of Reston Station was yet to be finalised/approved as part of a planning application. It is acknowledged that Reston Station has since been subject to a planning application and the proposed site does differ to the area identified within the Proposed LDP.
- It is acknowledged that the Transportation allocation (zRS3) for Reston Station within the Proposed LDP is indicative only and once constructed the allocation will be removed from any subsequent Local Plans. Any future Local Plan will take cognisance of the final site and layout of Reston Station and the maps will be updated accordingly at that point. It would be premature to alter a boundary/allocation until the development is complete, in the event that there are changes or approved consents are not implemented.
- It is not considered that the differences between the Transportation allocation (zRS3) contained within the Proposed LDP and the final site of the Reston Station contained within the planning application, will impact upon the wider proposals within Reston.
- Therefore, taking the above into consideration, the Council does not agree to modify the Proposed LDP in response to this representation, in respect of the site (zRS3).

Infrastructure (general concerns in Reston) (948)

- Comments are noted in respect of the infrastructure within Reston.
- It should be noted that before any sites are allocated, they are subject to a site assessment and consultation process. Furthermore, as part of any planning application, relevant consultations are also undertaken as part of the development management process.
- As part of the Proposed LDP, there is only one additional housing allocation (AREST005) being included, which was subject to a site assessment and consultation (CD118, refer to pages 54 - 56) as part of the Proposed LDP process. The remaining allocations identified within Reston are already allocated within the adopted LDP 2016 (CD009) and are being carried over without any changes.
- Scottish Water, Roads Planning Service and Education Department were all consulted in respect of the site (AREST005) as part of the Proposed LDP. It should be noted that none of the aforementioned consultees raised any concerns with an additional housing site being allocated within Reston.
- All the allocations within Reston contain site requirements or have an associated Planning Brief. These site requirements/Planning Brief address points raised by

consultees and outline any required mitigation, which must be taken into consideration as part of any planning application.

- Furthermore, as part of any planning application; sewage, water supply, roads and education will be taken into consideration. The Council also encourage developers to engage with Scottish Water and SEPA at an early stage to discuss these matters.

Reporter's conclusions:

General concerns with allocation MREST001 (Auction Mart) (041)

1. The contributors are concerned that “mixed use” is too loose a term for the allocation of site MREST001 as it could result in industrial development near their house, which abuts the site.

2. The council's response is that a development comprising a mixture of land uses could be suitable on the site. Development of the site is subject to a planning brief (Reston Auction Mart – Development Brief, May 2008). The brief makes reference to establishing “a suitable residential environment”. It states that “Some provision [of] mixed use will be required to provide services for this development”, and one of the 11 design objectives is to “Provide the potential for further mixed use development”, but without further specification. Any development proposal for the site will need to be assessed against relevant policies of the plan, including those concerned with residential amenity, which should provide adequate protection for the occupiers of existing neighbouring dwellings.

3. With regard to concerns over housing numbers and density, the site has an area of 4.0 hectares and an indicative capacity of 100 dwellings. These details have been carried forward from the Adopted Local Development Plan (2016), and the council considers that this reflects the context and the density of surrounding housing. There is a pending planning application for a development of 111 dwellings on the site (08/01531/FUL) which the council approved in principle in 2009, subject to legal agreements. I am satisfied that the council has given due consideration to the matter of housing numbers and density and, in general terms, that increasing the population of Reston is appropriate given that it lies in the Eastern Strategic Development Area and that completion of Reston Station has now provided significant access to services via the East Coast Main Line railway.

4. Should any new planning application be submitted, matters such as the capacity and need for upgrade of associated infrastructure, protection of the avenue of mature lime trees along the southern and eastern boundaries of the site, protection of wildlife habitat, flood risk assessment including from Briery Burn, the capacity and safety of any detention pond near Clair Home, and the effect of development on septic tanks would be the subject of detailed assessment against all the relevant policies of the local development plan through the development management process. As part of this process, Scottish Environment Protection Agency (SEPA) and the council's Flood Team would be consulted regarding flooding, and the council's roads planning service and Transport Scotland would be consulted regarding access arrangements from Reston to the A1 trunk road, including whether any improvements would be required. No modifications are necessary. SEPA's requests for modifications to the site requirements in relation to flooding matters are considered separately in Issue 074: Response to Submission made by SEPA.

Removal of site SREST001 (Reston Long Term 1) (041)

5. The contributor argues that site SREST001 occupies land within a floodplain and is therefore unsuitable for development.

6. This site is identified in the proposed plan for potential longer-term housing and has been carried forward from the Adopted Local Development Plan. Therefore, it is not an allocated site. It would be subject to proposed plan Policy HD4: Further Housing Land Safeguarding. As with site MREST001, it responds to the opportunities offered by the new Reston Railway Station. The site requirements refer to the Planning Brief for Reston Auction Mart (2008), which states that a flood risk assessment is unlikely to be required. SEPA has been consulted and does not object to the safeguarding of this site for housing. However, its up-to-date response seeks a modification to the site requirements. Our conclusions and recommendation in relation to that response are found at Issue 074.

Amendment to boundary for sites AREST005 (Land east of West Reston), and BR5 (West Reston (948)

7. The proposed plan is out-of-date in that it includes the areas of a private dwellinghouse and part of a motor workshop with hardstanding within site BR5. These have planning application dates from 2001 ((01/00371/FUL and 01/00563/COU) and have now been completed. The relevant areas of land should be removed from the settlement plan drawing as being unavailable for housing development. Site AREST005 is not affected.

Amendment to boundary for zRS3 (Reston Station) (948 and 984)

8. The boundary of zRS3 (Reston Station) as shown on the Reston settlement map in the proposed plan does not reflect the station and its car park as now constructed. In response to a request for further information on this matter, the council has provided two options for an amended settlement map. Of these, Appendix B map is the more appropriate as it removes reference to zRS3 due to safeguarding of the station and its associated facilities no longer being necessary. See also our conclusions and recommendations in Issue 074.

9. These boundary changes reduce the site area of the adjoining site, SREST001 from 3.9 hectares to 3.0 hectares. In order to update the plan, the following are required: reference to this site area change, some textual changes suggested by the council (both for the Reston settlement profile and for where Reston Station is mentioned in other parts of volume 1 of the plan), and a note that the Reston Auction Mart development brief is now outdated in parts. I recommend these amendments.

10. There are a number of out-of-date references to Reston Station in Volume 1 of the proposed plan which the council may wish to update as being requisite modifications.

Infrastructure (general concerns in Reston) (948)

11. In response to concerns over the capacity of infrastructure in Reston to accommodate the development proposed in the plan, the council points out that all of the sites except for AREST005 (whose indicative capacity is just 5 residential units) have been carried forward from the Adopted Local Development Plan. These will have

been included in the plan after being subject to full site assessments and consultations with all of the relevant authorities for sewage, water, roads and education infrastructure. No modifications are required.

Flood risk AREST004 (Reston Long Term 2) and Flood risk BR6 (Rear of Primary School)

12. See our conclusions and recommendations in Issue 074.

Reporter's recommendations:

Modify the local development plan by:

1. replacing the first sentence of paragraph 2 under Placemaking Considerations (proposed plan page 482) with the following:

“Reston Railway Station on the East Coast Main Line opened in May 2022, replacing an earlier station which closed in 1964.”

2. deleting the second sentence in the fourth paragraph under Placemaking Considerations (proposed plan page 482) and adding the following final sentence:

“However, with the completion of the railway station development, it should be noted that parts of the brief are now out-of-date.”

3. changing the start of the first sentence in the fifth paragraph under Placemaking Considerations (proposed plan page 482) to read:

“As a result of the recent opening of the railway station within the village, ...”

4. deleting the heading “Key Infrastructure Considerations” and the sentence below it (proposed plan page 482).

5. replacing the first sentence under “Preferred Areas for Future Expansion” (proposed plan page 483) with:

“There is likely to be longer term demand for housing in Reston, particularly now that the railway station has been re-instated.”

6. replacing the third sentence under “Preferred Areas for Future Expansion” (proposed plan page 483) with:

“The development brief for Reston Auction Mart provides guidance on the mixed-use allocation, as well as on the housing to the south of Reston.”

7. for SREST001 (proposed plan page 484), changing the site size to 3.0 hectares and changing the Site Requirements to read:

“Refer to the approved Reston Auction Mart Planning Brief, subject to the comment under Placemaking Considerations above.”

8. changing the Site Requirements for MREST001 (proposed plan page 484) to read:

“Refer to the approved Reston Auction Mart Planning Brief, subject to the comment under Placemaking Considerations above.”

9. removing site zRS3 (Reston Station) from the list of Development and Safeguarding Proposals for the village (proposed plan page 485).

10. deleting the settlement plan (proposed plan page 486) and substituting the plan contained in Appendix B provided with the council’s response to further information request 023, dated 2 March 2023.

11. removing the areas of land occupied by a private dwellinghouse and a motor workshop with hardstanding from site BR5 in the substituted Reston settlement plan (proposed plan page 486).

Issue 65	Selkirk	
Development plan reference:	Selkirk Settlement Profile and Map (ASELK032 – Philiphaugh Nursery and ASELK041 – Philiphaugh 2; ESE10B - Lingle Road; MSELK003 - Land West of Heather Mill and MSELK004 - Land and Buildings at Whinfield Mill) (pages 494-500)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Sir Michael Strang Steel (068) Jane McPhail (102) Equorium Property Company (298) Matthew McPhail (654) Moyle Land & Development & George Douglas (1030)</p>		
Provision of the development plan to which the issue relates:	Housing Sites ASELK032 – Philiphaugh Nursery and ASELK041 – Philiphaugh 2; Housing Allocation ESE10B - Lingle Road; Mixed Use Sites MSELK003 - Land West of Heather Mill and MSELK004 - Land and Buildings at Whinfield Mill	
Planning authority’s summary of the representation(s):		
<p><u>Sir Michael Strang Steel (068)</u></p> <ul style="list-style-type: none"> • Objects to the non-allocation of Philiphaugh Nursery (ASELK032) for housing development within the Local Development Plan. The site lies within the development boundary and is not classed as a key greenspace within the Proposed LDP. <p><u>Jane McPhail (102)</u></p> <ul style="list-style-type: none"> • Objects to allocation of site ESE10B (Lingle Road) for housing development. • At a community meeting following flood defence completion it was publicly announced that no development would be able to go ahead on that site as it is on an existing and treated flood plain. • This area of Selkirk is far from desirable. It is far from amenities with one shop and one bus service. Everything is out of reach if you cannot drive. This area is deprived and high in poverty and drug users. • Existing roads are a disgrace around the site, they are prone to flooding and pot holes. • Local residents do not want the noise or disruption of the development. • Concerns relating to occupants of affordable housing. • The site is a natural habitat to wildlife, birds and pollinators which has been nicely established. The Contributor is sad that the ordinary people of Corbie Terrace, Cannon Street etc. have to have their home life, peace of mind and mental health affected by development. <p><u>Equorium Property Company (298)</u></p>		

- The Contributor objects to the non-allocation of Land West of Heather Mill (MSELK003) as a mixed use development opportunity within the Local Development Plan.
- The site is allocated in the adopted Local Development Plan as part of the wider BSELK003 Business and Industrial Land designation, as Riverside 8. This part of the Contributor's landholding is therefore allocated under Policy ED1 in the adopted LDP which supports business and industrial uses, but also allow scope for mixed uses.
- This small site which is located adjacent to the former Heather Mill site also has the potential to be redeveloped for a wider range of mixed uses including: residential; nursing home; tourism; office; retail; leisure and commercial uses.
- The site is surrounded by a wide range of differing land uses including housing, offices, commercial, storage, retail, tourism and leisure uses.
- The site is highly accessible and benefits from links to the adjacent riverside path and connections north of the Ettrick Water. It is relatively well connected to the town centre and the A7 and existing bus stops are located along Dunsdale Road.
- The Selkirk Flood Protection Scheme delivered substantial mitigation measures along the Riverside area. Flood risk issues have therefore been addressed through the implementation of these works and this has removed any flood risk associated with the redevelopment of the site.
- The 'Main Issues Report Excluded Site Assessment Conclusions report noted: "Although the site is currently allocated within the Local Development Plan 2016 as a business and industrial site, this is a local designation which gives a low level of protection for this particular use. It is accepted that this site may be acceptable for residential use in the future, there is currently however the potential for a conflict of uses due to the fact that the land to the immediate south can still be utilised for business/industrial purposes. This potential conflict has also been identified by the Roads Planning Team. SEPA has also raised concerns relating to residential development behind a flood scheme." The conclusions of the MIR Site Assessment for this site accepted that it may be suitable for residential uses in the future, but also suggested that it could potentially be constrained by land uses to the immediate south. However, any concerns regarding compatibility of uses could be addressed through the preparation of a planning brief and/or technical reports (traffic, noise, air quality etc.) at the planning application stage. Similarly, the concerns raised by SEPA can be addressed through further discussion with the Council in relation to the outcome of the Selkirk Flood Scheme to determine the suitability of the sites in the Riverside Area for further residential development.
- The Contributor objects to the non-allocation of Land and Buildings at Whinfield Mill (MSELK004) as a mixed use development opportunity within the Local Development Plan.
- The site is allocated in the adopted Local Development Plan under two designations. The southern part of the site (which contains the former mill buildings) is allocated as part of the wider BSELK001 Business and Industrial Land Safeguarding designation, and the northern part of this site (which is undeveloped) has the specific site reference zEL11 (Riverside 2). The currently adopted LDP has therefore allocated these sites under Policy ED1 which supports business and industrial uses, but also allows scope for mixed uses.
- This small site which is located adjacent to the former Heather Mill site also has the potential to be redeveloped for a wider range of mixed uses including: residential; nursing home; tourism; office; retail; leisure and commercial uses.

- The site is surrounded by a wide range of differing land uses including housing, offices, commercial, storage, retail, tourism and leisure uses.
- The site is highly accessible and benefits from links to the adjacent riverside path and connections north of the Ettrick Water. It is relatively well connected to the town centre and the A7 and existing bus stops are located along Dunsdale Road.
- The Selkirk Flood Protection Scheme delivered substantial mitigation measures along the Riverside area. Flood risk issues have therefore been addressed through the implementation of these works and this has removed any flood risk associated with the redevelopment of the site.
- The “Main Issues Report Excluded Site Assessment Conclusions” report noted that: “The site is designated as a district business and industrial site within the Local Development Plan 2016. Due to the existing character and nature of uses within the immediate vicinity of the site, it is not considered that a mixed use development would be acceptable at this location. The development of the site for mixed use purposes would lead to the loss of business/industrial land and raise a potential conflict in uses at this location.” It should also be noted that this site is not in any active business or industrial use and the prospect of securing such a use on this site is limited. This site is also located on the edge of the wider business area and is located adjacent to existing residential properties. It also benefits from separate access points and its outlook across the Ettrick Water. A high quality of residential amenity could therefore be provided on this site, despite the range of uses found to the south and east of this site. Any concerns regarding the compatibility of uses could also be addressed through the preparation of a planning brief or technical reports (noise, air quality etc.) at the planning application stage.

Matthew McPhail (654)

- Objects to allocation of site ESE10B (Linglie Road) for housing development.
- At a community meeting following flood defence completion it was publicly announced that no development would be able to go ahead on that site as it is on an existing and treated flood plain.
- The field has abundant wildlife including deer, foxes and plenty ground nesting birds as there is plenty vegetation for them to nest, also people are using it for walking in and therefore admiring what is there.
- Concerns relating to the access to the site as there is a busy road with a really bad corner coming into the town and therefore dangerous for any type of traffic coming out onto the road.

Moyle Land & Development & George Douglas (1030)

- Objects to the non-allocation of Philiphaugh 2 (ASELK041) for housing development within the Local Development Plan.
- The site has been granted planning permission in principle for residential development and falls within the settlement boundary and can accommodate up to 17 dwellings.
- The site represents an infill opportunity within Selkirk’s settlement limits and is sustainably located with adjoining cycle path, nearby leisure facilities and the town centre all within a short walk.
- The flood protection works are now complete and now is the opportunity for the town of Selkirk to catch up and bring forward much needed new homes. There is

considered a strong local demand and the subject site is deemed an appropriate development opportunity within the settlement confines.

- The subject site has received planning consent for residential development and related infrastructure investigations have all been undertaken to prove the site can come forward immediately.

Modifications sought by those submitting representations:

- Contributor requests the site ASELK032 (Philiphaugh Nursery) is allocated within the Local Development Plan for housing (068).
- Contributors request the removal of housing allocation ESE10B (Linglie Road) from the Plan (102, 654).
- Contributor requests the site MSELK003 (Land West of Heather Mill) is allocated within the Local Development Plan for mixed use development (298).
- Contributor requests the site MSELK004 (Land and Buildings at Whinfield Mill) is allocated within the Local Development Plan for mixed use development (298).
- Contributor requests the site Philiphaugh 2 (ASELK041) is allocated for housing development within the Local Development Plan (1030).

Summary of responses (including reasons) by planning authority:

NO MODIFICATION TO THE SELKIRK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

- Selkirk is located outwith any Strategic Development Area set out by the SESPlan Strategic Development Plan (SDP) 2013 (CD001, refer to pages 7 to 20). Appendix 2 contained within the Proposed Plan outlines that the housing land requirement figures are taken from the SESPlan Proposed SDP (2016) (CD005, refer to pages 44 to 50) and SESplan Housing Background Paper 2016 (CD006, refer to pages 4 to 6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit 2019 (CD071, refer to the Introduction, pages 14 to 16) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Issue 6. It is also acknowledged that housing land requirements will be set out at a national level through the forthcoming National Planning Framework.

Philiphaugh Nursery (ASELK032) (068)

- The site (ASELK032) was previously considered at the 'Pre MIR' stage and was not included within the MIR. The site assessment (CD118, pages 183-186) concluded the following:
'The site is safeguarded as a Key Greenspace within the Local Development Plan 2016 (CD009, pages 484 and 486/487) and is not therefore considered appropriate for a housing allocation. Issues relating to the registered battlefield (Philiphaugh) (CD206) would require to be investigated further. Furthermore, the proposal is not

supported by the Roads Planning Team as the site does not relate particularly well to the existing settlement offering little in the way of scope for integration with the existing street network. Furthermore, access to it is problematic in terms of visibility due to the horizontal alignment of the A708 along this section. Whilst the Roads Officer may be in a position to support a reduced size, this would not overcome the fact that the site is a Key Greenspace.'

- Since the site was assessed at the Pre-MIR stage and through the process of preparing the Proposed Plan, the boundaries of the Key Greenspace GSSELK001 (Selkirk Football Club) have been reviewed as it became apparent that the site in question has been included within this Key Greenspace allocation in error as the site is clearly an orchard associated with the existing dwellinghouse and does not form part of the pitches associated with Selkirk Football Club. It is proposed that this is rectified, as amended within the Proposed Plan. However, the other issues raised above mean that this site cannot be supported for a residential development allocation. The site is located within the settlement boundary of Selkirk and it is possible that the option of infill development could be explored under Policy PMD5 – Infill Development.

Linglie Road (ESE10B) (102, 654)

- This site has been an allocated housing site since at least the Ettrick and Lauderdale Local Plan 1995 (CD019).
- The Indicative River, Surface Water & Coastal Hazard Map (Scotland) known as the "third generation flood mapping" prepared by SEPA indicates that the site is at risk from a flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any one year.
- The site is not protected by the Selkirk Flood Protection Scheme. There is a flood defence embankment (part of the Selkirk Flood Protection Scheme), which protects Bannerfield, running along Cannon Street to the west. Any development (and works) would have to be located away from the embankment to avoid causing damage to the structure. The site requirements for the site, as set out on page 496 of the Proposed Plan, include a requirement which restricts development to an area, about 0.75ha, at the west end of the site that is outwith the functional flood plan and not at risk from a 1 in 200 year event. The remainder of the site is to be used for the prevention of flood risk.
- Through the process of the public consultation period for the Proposed Plan, SEPA (Contributor 1043, 2 of 2) confirmed that they do not require any modifications to the Proposed Plan in respect of this site and have provided the following comments: *'Located behind Selkirk FPS and protected from 1 in 200 year flood event plus an allowance for climate change. Site requirements state development is restricted to 0.75ha of this site. Should the application differ from what has been previously agreed we would object and require a Flood Risk Assessment. Review of the available topographic information shows that the site lies at the foot of a steep hillside and therefore may be at risk of surface water flooding. This should be investigated further and it is recommended that contact is made with the flood prevention officer.'*
- As noted above, the site is not protected by the Selkirk Flood Protection Scheme and is at risk from a flood event with a return period of 1 in 200 years.
- The site was the subject of a planning application for planning permission in principle in 2010 (Reference no. 10/01344/PPP) (CD145) for a residential development comprising 30 units within the north western part of the site. The application was

approved subject to conditions and a legal agreement. At that time both SEPA and the Council's Flood and Coastal Management Team were content that the site could be developed provided it be raised by up to 1.2 metres in order to create an appropriate development platform. To account for the land raising, compensatory storage would be required to be provided and this was proposed to the south of the application site on ground within the applicants control which would be lowered to ensure the development would not result in a loss of flood plain storage. These works were considered to provide benefits to assist in protecting existing properties and were considered appropriate visually, subject to details.

- The aforesaid consent has clearly expired and a further planning permission in principle application is currently pending consideration for its renewal (Reference no. 21/00745/PPP) (CD146). The Council's Flood and Coastal Management Team has advised, through this process, that hydraulic modelling was produced as part of the Selkirk Flood Protection Scheme (2020) which demonstrates that the proposed development lies within the 1 in 200 year (0.5%) inundation outlines for the Ettrick Water. This study is anticipated to be more accurate than the indicative mapping although no warranty is given. The Selkirk flood maps also show that the area proposed for the new dwellings (being the area of land the development is restricted to by the aforesaid site requirement) would be at risk of flooding from a 1:25 year + climate change event onwards.
- The applicant of any detailed planning application for the site would therefore be required to carry out a Flood Risk Assessment (FRA) for the site. This is to ensure the proposed topographical changes alleviate the flood risk for the proposed dwellings and do not cause an increased risk of flooding to properties downstream, in particular the already vulnerable properties at Lindean. The FRA should include any anticipated changes to the flood risk up to a 1:200 year + climate change event.
- The Council's Roads Planning Team has not objected to the continuing allocation of this site for housing development. The allocation was reassessed (CD118, pages 483-485) during the early stages of the Scottish Border Local Plan 2008 at which time Roads Planning advised that access to this site would be allowed onto the A707 (Linglie Road) provided the 30 mph speed limit signs were extended and a footway provided to the new junction. A further minor access link onto the DS10/2 minor road (Cannon Street) would also be preferred for servicing and sustainability purposes. These requirements are included within the site requirements of the Proposed Plan. The Council's Ecology Officer also commented at the time that the overall risk to biodiversity at this site would be minor. The Ecology Officer has not objected to the continued allocation of the site.
- Noise and disruption during the construction of a site cannot be considered as a material planning consideration although this can be regulated by Environmental Health. Furthermore, the Council would not make unacceptable judgements regarding the occupants of properties.
- Any future planning applications for the site would be assessed against Policy HD3 - Protection of Residential Amenity of the Plan which seeks to ensure that there would be no detrimental impact upon the amenity of existing residential properties within the vicinity.
- In view of the above, the continued allocation of this site for residential development is considered to be acceptable.

Land West of Heather Mill (MSELK003) (298)

- The site was submitted for consideration at the Call for Sites (Pre-MIR) Stage and during the public consultation period relating to the Main Issues Report whereby the allocation of the site for mixed use purposes was sought at both stages. The Site Assessment (CD118, pages 190-192) at the Call for Sites Stage concluded the following:
‘Although the site is currently allocated within the Local Development Plan 2016 as a business and industrial site, this is a local designation which gives a low level of protection for this particular use. It is accepted that this site may be acceptable for residential use in the future, there is currently however the potential for a conflict of uses due to the fact that the land to the immediate south can still be utilised for business/industrial purposes. This potential conflict has also been identified by the Roads Planning Team. SEPA has also raised concerns relating to residential development behind a flood scheme.’
- The site was re-submitted at the 'MIR Consultation' stage for further consideration. The agent submitted further information to support the allocation of this site for mixed use development and believes that any concerns regarding the compatibility of uses could be addressed through the preparation of a planning brief or technical reports (noise, air quality etc.) at the planning application stage. Furthermore, the agent noted that the issues raised by SEPA could be addressed through further discussion with the Council in relation to the outcome of the Selkirk Flood Protection Scheme and the results of the final 'as built' model in order to determine the suitability of the sites in the Riverside area for further residential development.
- In respect of flooding, this area of Selkirk is protected up to a 1 in 200 year plus climate change level of protection. Hydrological modelling was undertaken in 2009 and 2011 to inform the design (e.g. height of walls) of the scheme. In 2020, a review of the hydrology and an assessment of the “As built” standard of protection of the Selkirk Flood Protection Scheme was undertaken. Since 2011, the general uplift for climate change has risen from 20% to 33%; the as-built assessment showed that the Riverside area sufficiently coped with the increased uplift and that it is still provided a 1 in 200 year + climate change level of protection. The issues raised by SEPA relating to flooding are potentially not therefore insurmountable. Development behind a Flood Protection Scheme has been accepted by the Scottish Government through the process of a recent planning application on Ettrickhaugh Road in Selkirk which is discussed in more detail under ‘Philiphaugh 2 (ASELK041)’ below.
- However, notwithstanding the above, the site is designated within the Proposed Plan as part of a business and industrial safeguarding site (BSELK003 – Riverside 8) and is categorised as a high amenity business site as defined by Policy ED1 – Protection of Business and Industrial Land. The site currently has no designated access other than through the adjacent yard to the east, north-east and south east. Accessing the site via business/industrial land would be unacceptable both from a roads perspective and in terms of potential conflicts of uses. It is not considered that the information provided by the Contributor can change the earlier conclusions of the site assessments. The Strategic Development Plan (SDP) (CD001) requires that Local Development Plans maintain a supply of employment land allocations to meet changing demand. The Council considers that the site in question must be safeguarded for business and industrial purposes.
- The allocation of this site for mixed use purposes is not regarded as acceptable for the aforesaid reasons.

Land and Buildings at Whinfield Mill (MSELK004) (298)

- The site was submitted for consideration at the Call for Sites (Pre-MIR) Stage (CD118) and during the public consultation period relating to the Main Issues Report whereby the allocation of the site for mixed use purposes was sought at both stages. The Site Assessment (CD118, pages 193-194) at the Call for Sites Stage concluded the following:
'The site is designated as a district business and industrial site within the Local Development Plan 2016. Due to the existing character and nature of uses within the immediate vicinity of the site, it is not considered that a mixed use development would be acceptable at this location. The development of the site for mixed use purposes would lead to the loss of business/industrial land and raise a potential conflict in uses at this location. SEPA has also raised concerns relating to residential development behind a flood scheme. It is therefore concluded that the site should be excluded from the Proposed LDP.'
- The site was re-submitted at the 'MIR Consultation' stage for further consideration. The agent submitted further information to support the allocation of this site for mixed use development detailing that the site is not in any active business or industrial use and the prospect of securing such a use is very limited. The Agent argued that the site is located on the edge of the wider business area and is located adjacent to existing residential properties and that it also benefits from separate access points and has an outlook across the Ettrick Water. The agent believes that any concerns regarding the compatibility of uses could be addressed through the preparation of a planning brief or technical reports (noise, air quality etc.) at the planning application stage. However, it is not considered that the information provided changes the earlier conclusion for the assessment of this site.
- The site is designated within the Proposed Plan as part of the larger business and industrial safeguarding site (BSELK001 – Riverside 7) and also covers the area of a business and industrial site (zEL11 – Riverside 2). Both BSELK001 – Riverside 7 and zEL11 – Riverside 2 are categorised as business and industrial sites as defined by Policy ED1 – Protection of Business and Industrial Land.
- In respect of flooding, this area of Selkirk is protected up to a 1 in 200 year plus climate change level of protection. Hydrological modelling was undertaken in 2009 and 2011 to inform the design (e.g. height of walls) of the scheme. In 2020, a review of the hydrology and an assessment of the "As built" standard of protection of the Selkirk Flood Protection Scheme was undertaken. Since 2011, the general uplift for climate change has risen from 20% to 33%; the as-built assessment showed that the Riverside area sufficiently coped with the increased uplift and that it is still provided a 1 in 200 year + climate change level of protection. The issues raised by SEPA relating to flooding are potentially not therefore insurmountable. Development behind a Flood Protection Scheme has been accepted by the Scottish Government through the process of a recent planning application on Ettrickhaugh Road in Selkirk which is discussed in more detail under 'Philiphaugh 2 (ASELK041)' below.
- However, notwithstanding the above, the sites are safeguarded for business and industrial use. It is not considered that the information provided by the Contributor can change the earlier conclusions of the site assessments. The Strategic Development Plan (SDP) (CD001) requires that Local Development Plans maintain a supply of employment land allocations to meet changing demand. The Council considers that the site in question must be safeguarded for business and industrial purposes.
- The allocation of this site for mixed use purposes is not regarded as acceptable for the aforesaid reasons.

Philiphaugh 2 (ASELK041) (1030)

- This site was submitted during the public consultation period relating the Main Issues Report, with the Contributor contending that the site should be allocated for residential development within the Local Development Plan. The site was assessed at this stage and concluded the following (CD118, pages 187-189):

'The site is a greenfield site, and has flooded in the past. SEPA object to the allocation of the site on flooding grounds on the basis that despite the recent Selkirk Flood Protection Scheme, the site is at risk of flooding. The Council's Flood Team, however, refute this view and consider that the site is now protected from the 0.5% AEP Event. The Council has recently agreed a planning permission in principle application (PPP) for a residential development on this site. This application has now been referred to Scottish Ministers due to an objection from SEPA. There is moderate risk to biodiversity and River Tweed SAC mitigation would be required. Accessibility to local services is acceptable. Archaeological investigation and mitigation required. Setting of registered battlefield requires consideration. In principle it is considered that the site offers a suitable location for housing. Trees in association with the mill lade would require to be retained and an adequate buffer must be enforced to ensure their successful retention. Site acceptable from a physical access/road capacity point of view and should be linked to existing path network. Possible contamination would require to be investigated and mitigated. Whilst the site is considered acceptable in principle for residential development, the flood risk objections raised by SEPA would require further discussion. It is considered that this site is of a scale which would not accommodate a significant number of properties. Whilst the indicative number proposed is 15, the planning application discussed above states an indicative number of 6. Given this and the fact the planning application has been referred to Scottish Ministers for this infill site, it is recommended that the site is not taken forward for inclusion within the Proposed Plan. It is acknowledged that the site could be considered again for inclusion in a future LDP.'
- Since the above assessment was undertaken, the aforementioned planning permission in principle application (Reference no. 19/01687/PPP) has been referred to Scottish Ministers and has subsequently been approved. An indicative site plan submitted with the application showed that the site would be developed for six detached dwellinghouses (CD150). Scottish Ministers confirmed that the site is protected by the Selkirk Flood Protection Scheme to a 1 in 200 year + climate change standard of protection from both the Etrick Water and Mill Lade, which seems to accord with SEPA's guidance. The Scottish Government Flood Risk Management Team was content that the proposal does not raise issues of national importance and based on the information submitted it was not considered that the proposal gives rise to significant concerns over flood risk that would merit further scrutiny by Ministers. Scottish Ministers subsequently cleared the application back to Scottish Borders Council for determination (CD151).
- Given the change in circumstances, the Council would not be opposed to the site now being formally allocated for residential development with an indicative capacity of six dwellinghouses within the Local Development Plan. The Council can provide site requirements if necessary.

Reporter's conclusions:Philiphaugh Nursery (ASELK032) (068)

1. This promoted site is made up of two separate plots either side of a house. Both are protected as a key greenspace (GSSELK001) in the Adopted Local Development Plan (2016). However, the council confirms that this was an error that the proposed plan corrects, since neither of the two plots form part of the sports fields that GSSELK001 protects.

2. The representation identifies what it sees as the merits of the site for development. However, the council, as roads authority, opposes the site being allocated due to limited scope to integrate with the existing street network and limited visibility due to the horizontal alignment of the A708 at that location. I saw that both sites sit lower than road level.

3. Irrespective of the merits or otherwise of this promoted site, Issue 006 (Chapter 6 Planning for Housing and Appendix 2 Meeting the Housing Land Requirement) concludes that there is no need to allocate any more land for housing besides what is already set out in the proposed plan. No modifications are required.

Linglie Road (ESE10B) (102, 654)

4. This site is already allocated for housing in the Adopted Local Development Plan (2016). It has also been allocated in previous local plans since 1995. Therefore, its continued allocation in the proposed plan is neither new, nor a planning change. The site was also subject of a now lapsed planning approval for 30 homes.

5. The site requirements restrict development to the western-most area of 0.75 hectares, which are stated as being outwith the functional flood plain and not at risk of a 1 in 200-year event. The remainder of the site would be used for landscaping and to avoid damage to existing flood defences. This site is not amongst those that Scottish Environment Protection Agency (SEPA) asks to be removed from the proposed plan on flood risk grounds. It is also not amongst those for which SEPA seeks amendments to the site requirements (see Issue 074: Response to Submission Made by SEPA). The council states that a flood risk assessment would be required as part of any detailed planning application.

6. The site is not protected for wildlife or habitat reasons. The council's ecologist has not objected and considers the risk to biodiversity from development to be minor. Matters relating to protected species can be considered at planning application stage.

7. The site requirements on proposed plan page 496 state that access would be from Linglie Road and integration with the street network to the southwest would need to be addressed. These and traffic safety matters are detailed aspects of design that would be considered at planning application stage. The council, as roads authority, has not objected to the site's allocation. This does not suggest insurmountable issues that would require deallocation of the site.

8. Despite one representation arguing limited facilities in the locality, I found the site to be within walking distance of riverside footpaths and protected open space. The nearby

footbridge offers pedestrian access to Selkirk Leisure Centre and to the adjacent industrial estate. The town centre is on the hill above and could be reached by foot via the same footbridge or by car using local roads. This does not suggest that the site should be deallocated on grounds that it lacks proximity to services and facilities.

9. Local development plan housing allocations do not differentiate between the suitability of different housing tenures. However, it is likely that an affordable housing contribution of some kind would be sought based on proposed plan Policy HD1: Affordable Housing Delivery. That would be a matter for planning application stage, and it would depend on how the various options covered by proposed plan Policy HD1 are implemented. That policy is considered separately in Issue 013 (Housing Development Policies). One representation makes linkages between crime and other activities and the provision of affordable housing. No evidence has been provided to support that thesis. Tenure mix is not a reason to deallocate a site.

10. I agree with the council that construction noise and disruption can be regulated by the council's environmental health service. Proposed plan Policy HD3 also covers matters of residential amenity that would form part of the consideration of any planning application.

11. No compelling evidence persuades me to deallocate the site. No modifications are required.

Land West of Heather Mill (MSELK003) (298) and
Land and Buildings at Whinfield Mill (MSELK004) (298)

12. I consider promoted sites MSELK003 and MSELK004 together. Promoted site MSELK003 is on the southwestern-most corner of existing allocation BSELK003 shown in the Adopted Local Development Plan (2016). Site MSELK004 covers a series of premises along Riverside Road. The majority of the site is located within the current BSELK001 and zEL11 allocations in the Adopted Local Development Plan (2016). However, a small part of the southern end of MSELK004 is within BSELK003, also in the Adopted Local Development Plan (2016).

13. The proposed plan would continue allocations BSELK001, zEL11 and BSELK003. Proposed plan Policy ED1 Table 1 defines BSELK003 as a High Amenity Business Site (Class 4), and BSELK001 and zEL11 as Business and Industrial Sites (Classes 4, 5 and 6).

14. Proposed plan Policy ED1: Protection of Business and Industrial Land "rigorously protects high amenity business sites for Class 4" uses. It also states that other "high-quality complementary commercial activity as well as some non-industrial business/employment-generating uses could be acceptable". That is provided those can be demonstrated to enhance the quality of the high amenity business site as a location and provide a specific service for those businesses operating on the wider business site.

15. Proposed plan Policy ED1 also has a presumption to refuse development that is not classes 4, 5 or 6 on business and industrial sites, including BSELK001 and zEL11. The exception is for complementary/ancillary uses, provided they fulfil criteria a) to d) of that policy.

16. The representation promotes allocation of MSELK003 and of MSELK004 for mixed-uses; including residential, nursing home, tourism, office, retail, leisure and commercial uses. However, much of the argument in the representation relates to residential use. I consider each of these uses.

17. The considerations in the paragraphs above suggest that the BSELK001, zEL11 and BSELK003 allocations already allow for office and some commercial uses that the representation refers to. Therefore, no change to the allocations would be needed for these uses.

18. On retail, leisure and tourism uses, this site is not part of Selkirk town centre. Allocating the site to include those uses would establish a principle that could compromise the town-centres-first approach taken by both the proposed plan and national planning policy. Adjacent to MSELK003 is Selkirk Leisure Centre and so some leisure and/or tourism uses could be acceptable there. However, without clearer details of exactly what types of retail, leisure or tourist proposals would come forward, there is little evidence for me to judge whether those uses would be compatible in principle with adjoining uses (including employment). It would therefore be optimal to consider such proposals at planning application stage with the benefit of proposed plan Policies ED1 (above) and ED3: Town Centres and Shopping Development, and other relevant policies. Those policies are considered separately in Issue 010 (Economic Development Policies ED1 to ED10 (excluding ED9)).

19. Although a nursing home may have employees, it is also a residence. That poses some risks of compatibility with neighbouring employment uses. As above, it would be optimal to consider individual proposals for such uses against proposed plan Policies ED1, HD5: Care and Nursing Homes and other relevant policies.

20. For promoted site MSELK003, the council also raises concerns about vehicular access for residential use of the site being accessed through the adjoining yard, which is in industrial use. I accept that such an arrangement could cause operational conflicts.

21. I also saw the flood defence wall adjacent both sites MSELK003 and MSELK004. I note that the Selkirk Flood Defence Scheme is completed and that it protects both sites. Whilst this does not mean that the sites would never flood, it does enable their development. As such, I conclude the same as the council.

22. Residential uses also bring the risk of conflicts with adjacent employment uses. Irrespective of the merits or otherwise of these two promoted sites, Issue 006 concludes that there is no need to allocate any additional land for housing besides what is already set out in the proposed plan.

23. Therefore, no compelling evidence justifies allocating sites MSELK003 and MSELK004 for mixed uses as sought in representations. No modifications are required.

Philiphaugh 2 (ASELK041) (1030)

24. I understand that promoted site ASELK041 was dismissed at Main Issues Report stage due to flood risk objections from SEPA. The council disagreed, believing that it would be protected by the Selkirk Flood Protection Scheme. Following a planning application, Scottish Ministers opted not to call in the application or to require it to be refused. Planning permission in principle was subsequently approved for six homes.

Therefore, the council does not oppose the site being allocated for housing in the proposed plan. The promoter argues that the site could accommodate 17 homes. Although that may be correct, indicative site capacity could be varied subject to planning permission.

25. Irrespective of the merits or otherwise of this promoted site, Issue 006 concludes that there is no need to allocate any additional land for housing besides what is already set out in the proposed plan. My conclusion does not affect the above planning approval, which could still be implemented and would constitute a windfall site in monitoring terms. No modifications are required.

Reporter's recommendations:

No modifications.

Issue 66	Sprouston	
Development plan reference:	Sprouston Settlement Profile and Map (RSP2B – Church Field) (pages 508-510)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
J Leeming (755)		
Provision of the development plan to which the issue relates:	Housing Allocation RSP2B – Church Field	
Planning authority’s summary of the representation(s):		
<ul style="list-style-type: none"> The Contributor states that to have the notable church inundated by modern housing seems insensitive, where it now enjoys a relatively open setting. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> The Contributor seeks the removal of the housing allocation RSP2B from the Proposed Local Development Plan. 		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SPROUSTON SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS:</p> <ul style="list-style-type: none"> It is noted that Roxburghe Estates (813 – 4 of 5) support the continued allocation of Church Field (RSP2B) and consider the site a logical location for residential development (CD183, page 104). Contributor 813 also makes further comment and analysis of the housing land supply in the Scottish Borders however this is addressed as part of Unresolved Issue 6. This site (CD119, page 44) was originally identified as a housing allocation in the adopted Roxburgh Local Plan 1995. The site was also subject to Examination relating to the Finalised Local Plan 2006, due to concerns about the impact of the site on the character of Sprouston and the setting of the listed Church building. The Reporter concluded <i>‘that there is no justification to delete the allocated site RSP2B from the finalised plan. I am instead persuaded by the arguments put forward on behalf of (the developer) that on adoption the local plan allocations for Sprouston should reflect the planning permissions granted’</i>. (CD038, Volume 4 Chapter 12 - pages 54-56). Consequently, the site has been carried forward into each subsequent Local Development Plan. The site has been through a full site assessment process which included consultation with various departments within the Council as well as external stakeholders such as Scottish Water, Historic Environment Scotland and SEPA. No concerns were raised 		

regarding its inclusion in the Proposed Local Development Plan and any comments made have been incorporated into the site requirements for RSP2B.

- It should be noted that this allocation is within the Sprouston development boundary and the site has been subject to two planning approvals for residential development (planning references 04/02159/FUL and 06/02183/FUL). Both of these applications covered this site and the adjacent allocation at Teasel Bank (RSP3B) however the planning consents have since lapsed.
- Overall, the site has been assessed as suitable for housing development and therefore it is not considered necessary to amend the Sprouston settlement profile in the Local Development Plan.

Reporter's conclusions:

1. Site RSP2B is already allocated for housing in the Adopted Local Development Plan (2016). Its continued allocation in the proposed plan does not represent a planning change. The site owner, supports its continued allocation, remarking that this is an area of high demand. That is not, on its own, a reason to ignore all other matters. In fairness, the supporting comments do not ask me to.

2. Local plan inquiry report (2007) Chapter 12 pages 54 to 56 describe the matters before the reporter at that time. Those matters were broader in range than those covered by the opposing representation above. One of the factors that persuaded the reporter to retain the allocation in 2007 was that site RSP2B already had planning permission. I understand that permission has now lapsed. Whilst the lapsed planning permissions are not before me, the fact that they were permitted suggests that the decision makers of the time were content that the respective issues could be resolved within acceptable levels.

3. I am being asked to remove site RSP2B from the proposed plan only on the basis that it would adversely affect the setting of the church. I understand that the church is listed but neither the proposed plan nor the submitted evidence identify what category of listing. Historic Environment Scotland has not objected to this site. Therefore, either the church is not a Category A listed building or the proposed continuation of allocation RSP2B is not judged to be of national significance on the setting of the church. The council, as planning authority, does not identify any equivalent matters of local or regional significance to the setting of the church, in the event that it is listed as Category B or C.

4. Site RSP2B is not part of the existing church or its grounds but it is on adjacent land to the east. It is therefore unlikely to affect the church or its grounds but could affect its setting. The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 section 59 contains a general duty to respect listed buildings in exercise of planning functions. That legal duty requires special regard to be had to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses. It is plausible that the same duty was applied when approving the now lapsed planning approvals although no evidence corroborates that.

5. On my site visit I found that the most open part of the village is west of the church around the village green (Key Greenspace GSSPRO001). However, at that location the church and its grounds are almost entirely screened from view by an existing hedge topped wall and mature trees. Those features also screen views of site RSP2B (and the

church in part or whole) from the west when looking east. Those features and some adjacent homes and garden/roadside vegetation have similar effects on northward and southward views from the outskirts of and approaches to the village.

6. I found two breaks in the above screening. One, from the south, looks over the church grounds with site RSP2B located diagonally to the right (east). The other is from the north which looks over RSP2B and then the Church grounds to the right (west). Even then, the views from the north are partly broken by roadside vegetation further east. In both instances these would be fleeting views from vehicles and for slightly longer by slower modes of travel. These factors suggest some need for sensitive design.

7. Site RSP2B has indicative capacity for 18 homes but is 1.5 hectares in size, with potential vehicle access the north and/or south. This suggests a relatively low density of development with some freedom for the design and layout, and the access arrangements to respond to the setting of the church.

8. Overall, no compelling evidence justifies removal of site RSP2B from the proposed plan on the grounds of its effects on the setting of the church. No modifications are necessary.

Reporter's recommendations:

No modifications.

Issue 67	St Boswells	
Development plan reference:	St Boswells Settlement Profile and Map (zEL19 – Extension to Charlesfield and zEL3 – Charlesfield) (pages 513-515)	Reporter: Alison Kirkwood
Body or person(s) submitting a representation raising the issue (including reference number):		
Trevor Jackson (486) Ian Lindley (591)		
Provision of the development plan to which the issue relates:	Business and Industrial Allocation zEL19 – Extension to Charlesfield and Business and Industrial Safeguarding Site zEL3 – Charlesfield	
Planning authority's summary of the representation(s):		
<p><u>Trevor Jackson (486)</u></p> <ul style="list-style-type: none"> In relation to sites zEL19 and zEL3, the contributor states the sites need enabling development to allow the infrastructure to be developed. Drainage infrastructure is at capacity and the cost of improvements is deterring employment and business creation opportunities. This can be evidenced by responses received from Scottish Water. <p><u>Ian Lindley (591)</u></p> <ul style="list-style-type: none"> The contributor states zEL19 ought to take the opportunity to clearly allocate land for screen planting at its eastern extremity adjacent to the A68 which is partly occupied by a former railway track bed. This is important to the setting and approach to St Boswells along the A68. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> The contributor requests enabling development for zEL19 and zEL3 due to infrastructure constraints which need to be overcome. (486) The contributor would like land to be allocated for screen planting at the eastern extremity of zEL19. (591) 		
Summary of responses (including reasons) by planning authority:		
<p>THE MINOR AMENDMENT TO THE MAP AND SITE REQUIREMENT FOR STRUCTURE PLANTING/LANDSCAPING IN RELATION TO zEL19 IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL.</p> <p>NO OTHER CHANGE TO THE ST BOSWELLS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS:</p>		

Infrastructure Constraints (486)

- Sites zEL3 and zEL19 are longstanding allocations within the Plan, with zEL3 being included in the Ettrick and Lauderdale Plan 1995 and zEL19 in the adopted Local Plan 2008. The business and industrial safeguarding allocation (zEL3) has been developed for various uses with the majority of the site being fully take. In 2015, part of the business and industrial allocation (zEL19) was developed and is currently in use as an anaerobic digestion sustainable energy plant. The remaining undeveloped part of the site to the west has recently received planning approval for the erection of a grain distillery, storage warehouse, associated tank farms, car parking, landscaping and wastewater treatment. (21/00851/FUL). When this consent is implemented, approximately half of the allocated site zEL19 would be taken up. This confirms development can be delivered on the Charlesfield site and Scottish Water issues can be addressed and resolved in direct discussion with them. It is understood the issue with the distillery was the unique nature of the proposal in terms of the excessive levels of discharge into the public system
- The Council works with a variety of stakeholders to facilitate the development of business sites and support economic growth within the Borders. The Contributor has suggested enabling development, this is often used to prevent the loss and secure the future conservation of a heritage asset as supported in Scottish Planning Policy 2014 (CD041, paragraph 142). As the majority of zEL3 is in use and zEL19 is partly developed with a significant proportion of the undeveloped part of the site subject to a planning application, it is not felt that either of these sites require any form of enabling development. The sites have been allocated with support from Scottish Water and SEPA with no insurmountable infrastructure constraints.
- The Contributor has previously submitted a number of sites for consideration as part of the Local Plan process however these have not been taken forward into the adopted LDP. This has been due to the sites not being considered appropriate for development as a result of constraints identified during the site assessment process or due to the Reporter not including the sites following Examination. The Contributor has not put forward any site options within their most recent submission in relation to the comments about enabling development. It should be noted there is sufficient housing land supply within the local area at Newtown St Boswells, which was allocated as part of the proposed settlement expansion.
- The consultation response received from Scottish Water in relation to the Proposed Plan made no specific reference to the allocations at Charlesfield, however it did state that it can be inherently challenging to plan for high water and wastewater business needs and that they advise any prospective businesses to contact Scottish Water early in the planning stages to discuss their plans especially if the intent is to use large volumes of water and or wastewater services (CD201). This matter was raised during the processing of the application for the distillery at Charlesfield which has recently been approved. Outstanding water and drainage matters are being discussed between Scottish Water and the applicant as required by a planning condition attached to the approval. It is expected that this matter will shortly be resolved.

Proposed Structure Planting/Landscaping (591)

- The settlement map for St Boswells shows proposed structure planning/ landscaping along the southern and extreme western boundaries of zEL19. The structure planting/landscaping identified within the Proposed Plan is indicative and such

proposals would be confirmed at the planning application stage once specific site proposals are submitted.

- It should be noted that the site requirements for zEL19 state:
 - *Structure planting will be required on the south-east boundary to provide setting for development and screening from the A68. A management scheme for planting is also required*
 - *Appropriate screen planting should be provided to help respect the amenity of neighbouring properties to the east of the site*
- There is an established tree belt along the north eastern boundary which also runs along the A68. However, there is a small gap between the proposed structure planting shown on the settlement map and the existing tree belt. It is therefore considered acceptable by the Council to extend the proposed structure planting shown on the settlement map to include the area referred to by the contributor as shown in CD119, page 45. Therefore the third site requirement for zEL19 should be updated as set out below:
 - *Structure planting will be required on the southern, western and eastern boundaries to provide setting for development and screening from the A68. A management scheme for planting is also required.*
- As a result of the above amendment it is proposed the fourth site requirement for zEL19 which states '*Appropriate screen planting should be provided to help respect the amenity of neighbouring properties to the east of the site*' should be removed.

Reporter's conclusions:

Infrastructure Constraints (486)

1. Allocation zEL3 relates to the existing Charlesfield industrial estate which is safeguarded for business and industrial purposes. Allocation zEL19 forms an extension to zEL3, with site requirements provided on proposed plan page 514.

2. The council has indicated that, taking account of existing and consented development, only half of allocation zEL19 remains available. I note that Scottish Water's response to the proposed plan has not raised any concerns in relation to drainage infrastructure at Charlesfield. The council has explained that issues arose in the recent planning application for a distillery because of the high levels of discharge associated with this particular use. However, this matter has now been addressed through a planning condition.

3. Based on the evidence before me, I do not consider that there is any justification to support enabling development specifically to address infrastructure constraints. No modification is required.

Proposed Structure Planting/Landscaping (591)

4. The council proposes some minor amendments to the site requirements for allocation zEL19 on page 514 and the St Boswells settlement map on page 515. I agree that these would be appropriate to ensure that there are no gaps in the landscaping required to screen development along the eastern boundary of the site. Recommended modifications to this effect are set out below.

Reporter's recommendations:

Modify the local development plan by:

1. replacing the third bullet point in the list of site requirements for allocation zEL19 on proposed plan page 514 with:

“Structure planting will be required on the southern, western and eastern boundaries to provide setting for development and screening from the A68. A management scheme for planting is also required.”

2. deleting the fourth bullet point in the list of site requirements for allocation zEL19 on proposed plan page 514.

3. on the St Boswells settlement map on proposed plan page 515, extending the green “landscaping” line along the eastern boundary of site zEL19 (as shown on the map for Issue 067 in core document CD119).

Issue 68	Stow	
Development plan reference:	Stow Settlement Profile and Map (ASTOW022 – Craigend Road, Stow Development Boundary and ASTOW029 – West of Cruzie Burn) (pages 518-521)	Reporter: Alison Kirkwood
Body or person(s) submitting a representation raising the issue (including reference number):		
Eve Hartswood (441) Robbie Wilson (770) Bruce Weir (821) Andrew Mackenzie (933) Leonie Cairns (979)		
Provision of the development plan to which the issue relates:	Housing Allocation ASTOW022 – Craigend Road, Stow Development Boundary and Housing Site ASTOW029 – West of Cruzie Burn	
Planning authority's summary of the representation(s):		
<p><u>Eve Hartswood (441)</u></p> <ul style="list-style-type: none"> The Contributor states that the character and style of villages should be retained and traffic flow along narrow roads (particularly those with limited or no pavement, those with on-street parking) should not be increased through further development. In Stow, existing development sites (ASTOW027 and MSTOW001) should be utilised before new sites are considered. Additional development (even smaller housing projects) should be rejected if they lie outside the plan. <p><u>Robbie Wilson (770)</u></p> <ul style="list-style-type: none"> The Contributor states that as a neighbour adjacent to the site subject to planning application 20/01620/PPP [ASTOW029], they would object very strongly to inclusion of the site within the Plan. The Contributor makes reference to Policies PMD4, HD3 and EP6 in support of their submission. <p><u>Bruce Weir (821)</u></p> <ul style="list-style-type: none"> The Contributor objects to the Proposed Plan due to the non-inclusion of site ASTOW029 within the Development Boundary. The site has a potential capacity for up to four dwellings and can assist in contributing to the housing land requirement. The Contributor states that a planning application has been submitted for the site and that the site represents a suitable and sustainable form of development that will contribute to the vitality and viability of the local services at Stow. The proposal aligns itself to maximise growth along the new Borders Railway line. Access into the site is from a track off Earlston Road. The Contributor states that through consultation with the Roads Planning section, a proposal of less than five units can be supported and that the road within the site will be a private road. The planning 		

application submitted provides a new pedestrian access link which joins the existing road from Crunzion Cottage. The Contributor states that a number of sites already allocated in the Plan at Stow have not been delivered, whereas site ASTOW029 is free from constraint and would be developed by the Contributor.

Andrew Mackenzie (933)

- The Contributor states that they are currently objecting to the planning application 20/01620/PPP [ASTOW029] that is outwith the Development Boundary. The current Plan clearly states that the other existing sites (ASTOW027 and MSTOW001) in Stow should be developed first and the Contributor agrees with this statement. The Contributor states that the Earlston Road is at capacity and the Town Head Bridge is very narrow and on a blind bend. Furthermore, there may be drainage issues on other properties as a result of the development of the site. This part of Stow is also one of the oldest part of the settlement and any development would need to be sensitive and in keeping. Stow does not need four expensive houses with double garages, it needs accessible affordable family homes to address the growing housing crisis.

Leonie Cairns (979)

- The Contributor states that if site ASTOW022 is to be developed for housing, pedestrian access needs to be improved.

Modifications sought by those submitting representations:

- Seeks no further development outwith that identified within the Proposed Plan. (441)
- Seeks the continued exclusion of site ASTOW029 from the Plan. (770, 933)
- Seeks the inclusion of site ASTOW029 within the Development Boundary to allow it to come forward for residential development. (821)
- Seeks improved pedestrian access along Craigend Road in the development of site ASTOW022. (979)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE STOW SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN, HOWEVER THE REPORTER IS REQUESTED TO CONSIDER THE MATTER FURTHER.

REASONS:

Allocated Site ASTOW022 (979)

- It is noted that the site requirements for site ASTOW022 as contained within the Proposed Local Development Plan includes "*Vehicular access from Craigend Road. Traffic issues to be assessed and mitigated include pinch points in the road, on street parking, carriageway width and footway provision*"; in addition the site requirements also include "*The route of the core path on Craigend Road should be retained*". It is therefore considered that the Proposed Plan already allows provision for the improved pedestrian access in relation to ASTOW022.

Development Boundary and Site ASTOW029 (441, 770, 821, 933)

- Stow is located outwith any Strategic Development Area set out by the SESplan Strategic Development Plan (SDP) (CD001, refer to pages 7 to 20). Appendix 2 contained within the Proposed Plan outlines that the Housing Land Requirement figures are taken from the Proposed SESPlan SDP (CD005, refer to pages 44 to 50) and Housing Background Paper (2016) (CD006, refer to pages 4 to 6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit (HLA) (2019) (CD071, refer to the Introduction, pages 14 to 16) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Issue 6. It is also acknowledged that housing land requirements will be set out at a national level through the forthcoming National Planning Framework.
- The Proposed Local Development Plan already allows for a generous supply of housing land as required by Scottish Planning Policy (SPP) 2014 (CD041, paragraph 110).
- Whilst it is not considered that there is any requirement for additional housing sites in Stow, it is appreciated that SPP 2014 (CD041, paragraph 46) encourages development that: *“considers place and the needs of people before the movement of motor vehicles. It could include using higher densities and a mix of uses that enhance accessibility by reducing reliance on private cars and prioritising sustainable and active travel choices, such as walking, cycling and public transport. It would include paths and routes which connect places directly and which are well-connected with the wider environment beyond the site boundary. This may include providing facilities that link different means of travel”*. As such the Council acknowledges that with the reinstatement of the Borders Railway and the subsequent stop at Stow, in terms of sustainable transport the settlement does appear attractive for development.
- It is noted that contributors 441, 770 and 933 object to the extension of the Development Boundary or to the inclusion of site ASTOW029 within the Plan. It is also accepted that the settlement of Stow already benefits from two housing allocations and a mixed use allocation.
- It is also noted that a planning application was submitted for the erection of four housing units on the site and was subsequently refused (refer to CD133). That application was then referred to the Local Review and was again refused.
- After assessment (refer to CD118, page 322 Site Assessment), the inclusion of site ASTOW029 within the Plan is seen as Doubtful. Development would not be appropriate at this location as the site is constrained within the Development and the Landscape Capacity study for Stow (CD075, PDF page 42), and the Roads Planning Section were unable to support the allocation of this site.
- It should be noted that at the time that site ASTOW029 was submitted, the Roads Planning section of the Council objected to the site. The reasons for their objection was due to a number of issues but primarily related to the number of proposed units on the site. Roads Planning stated: *“Earlston Road is narrow with a considerable level of on-street parking so that single file traffic is forced along significant lengths. The footways in Earlston Road are very narrow to the extent that a person with a pram or wheelchair is forced to use the carriageway and the roadside footway is so*

steep that part of it stepped, so not allowing 'barrier free' access. Furthermore, it is not possible to provide a footway over Townhead Bridge and the public road leading to the site beyond the bridge is narrow and steep with no suitable point of access because of the road gradients". Roads Planning also raised issues in relation to the proposed road junction location on a particularly steep part of the road, and the difficult nature of the site access. Nevertheless, the Roads Planning Section accepted that the site *"stacks up well from a sustainable transport point of view in that public transport is available in reasonably close proximity by bus and by rail and local services are within easy walking distance"*.

- Furthermore, it is noted that when the site assessment was undertaken, the site was assessed as a potential housing allocation of five units. The Local Development Plan 2016 does not allocate sites with fewer than five units. However, it is recognised that Stow is the one of the few settlements in the Scottish Borders that benefits from the recently reinstated railway. Whilst it is acknowledged that finding appropriate land for development at Stow is difficult, and although the Roads Planning Section have clearly stated that they are unable to support an allocation for five units, they have stated that they could accept a minimum housing development. Their preference would be for the site to be included within the Development Boundary for Stow but without a formal allocation.
- It is acknowledged that the Roads Planning section have raised concerns and are only able to support a minimum amount of development. As stated in the current adopted LDP 2016 (CD009, page 166) anything over four units will require the road to be brought up to an adoptable standard and Roads Planning have advised that it is not envisaged that this could be achieved. However, it is should be noted from Volume 1 of the Proposed Plan, page 211, that: *"A private access can serve a maximum of 5 dwelling units. This does not apply to: units consented to prior to 31 October 1984 (enactment of the 1984 Roads Scotland Act), units consented to with economic justification, or to the conversion of farm steading buildings. Other conversions will be considered on a case by case basis, depending on the consequences for the public road network"*. Therefore, a reduction in site capacity allows the proposed development to be served by a private road that can subsequently be supported by Roads Planning.
- As a potential Development Boundary amendment, the inclusion of site ASTOW029 raises concerns for the Council. The site currently forms part of an open field and therefore the suggested new Development Boundary would fail to follow natural elements on the ground such as a tree line or hedgerow. In addition, as a Development Boundary change, the Plan would not be able to set out a series of site requirements as is the case with a formal site allocation within the Plan.
- The Council notes the provisions within paragraph 87 of Circular 6/2013 (refer to CD059) on Development Planning which state that *"The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations."* Although for the reasons above the Council cannot support the proposal, it is acknowledged there are circumstances stated whereby site ASTOW029 could be considered for inclusion within the Stow Development Boundary. Consequently the Council would accept the Reporter's final decision on this matter.

Reporter's conclusions:Allocated Site ASTOW022 (979)

1. Site ASTOW022 sits beyond existing housing at the northern end of Craigend Road. The representation raises concerns regarding pedestrian access to the site due to existing narrow footways and also states that more should be done to promote active travel.
2. The council considers that these matters are already addressed in the site requirements for this housing allocation. I agree that the need to retain the route of the core path would help promote active travel. However, consistent with Policy PMD1: Sustainability, I consider that the first bullet point should also refer to pedestrian access. A modification is recommended.
3. Flood risk matters raised by the Scottish Environment Protection Agency (SEPA) in relation to this site are covered separately in Issue 074: Response to submission made by SEPA. The findings there do not alter my conclusions regarding the allocation of this site in the plan.

Development Boundary and Site ASTOW029 (441, 770, 821, 933)

4. Representation (821) is seeking the inclusion of site ASTOW029 within the Stow development boundary and for the site to be identified as a housing allocation for four homes. The other three representations (441, 770, 933) support the non-inclusion of the site as shown in the proposed plan.
5. The council has indicated that only sites of five or more houses are identified as specific allocations. However, the inclusion of the site within the settlement boundary would allow a future planning application to be assessed in terms of Policy PMD5: Infill Development, rather than Policy PMD4: Development Adjoining Development Boundaries.
6. The council's site assessment report identifies a number of potential constraints in relation to housing development on this site. These include the potential need for bridge and culvert structures which may exacerbate flood risk, topography, and the existing narrow road access.
7. The site is located to the south of the settlement development boundary on the west side of Earlston Road. Approaching the settlement from the south, the road descends through an area of trees and woodland, before reaching a bend which marks the entrance to the village. I do not consider that the inclusion of part of an open field to the west of the tree lined road, where development would sit higher than existing houses, would represent a logical extension to the village. I note that a pedestrian link could be provided. However, the comments from the council, as roads authority, indicate that vehicular access would be problematic due to the geometry of this section of Earlston Road. The council's site assessment report summarises comments from SEPA in relation to potential flood risk from the Crunzie Burn and surface run off. No information has been provided to address these matters.

8. I note that additional housing development in Stow would be accessible by public transport and the site would be conveniently located in relation to the train station and local facilities. However, there are already three allocated sites in Stow. Irrespective of the merits of this site or otherwise of this promoted site, Issue 006 (Chapter 6: Planning for Housing and Appendix 2 Meeting the Housing Land Requirement) concludes that there is no need to allocate any additional land for housing besides what is already set out in the proposed plan.

9. I conclude that the settlement development boundary should not be amended to include this site, nor should it be allocated for housing in the plan. No modification is required.

Reporter's recommendations:

Modify the local development plan by:

1. replacing the first bullet point in the site requirements section for housing allocation ASTOW022 on page 519 with:

“Vehicular and pedestrian access from Craigend Road. Traffic and pedestrian access issues to be assessed and mitigated include pinch points in the road, on street parking, carriageway width and footway provision.”

Issue 69	Swinton	
Development plan reference:	Swinton Settlement Profile and Map (BSW2B – Well Field and MSWIN002 – Land Adjacent to Swinton Primary School) (pages 522-524)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
Julia Morrison (028) J Leeming (755)		
Provision of the development plan to which the issue relates:	Housing Allocation BSW2B – Well Field and Mixed Use Allocation MSWIN002 – Land Adjacent to Swinton Primary School	
Planning authority’s summary of the representation(s):		
<p>Housing Allocation BSW2B – Well Field</p> <p><u>Julia Morrison (028)</u></p> <ul style="list-style-type: none"> • Raised the following issues regarding the allocation. Putting houses there would spoil the countryside, the view and also cause a lot of noise and disruption to the wildlife and local area. The contributor questions whether this piece of land was for sale and whether these houses are really needed in Swinton. It seems a shame to take away land which is used for wildlife and walking and for children to play in. The contributor states that local council housing is better than private builders building houses which people can’t afford, there are so many houses on the market already however couldn’t it be put to use by the school for instance as a playing field seeing as they have expanded the school nursery provision and currently do not have one. Or how about having a nice park area with units to rent out for vendors for dog walkers to grab a coffee or bite to eat that would provide business opportunities and bring people together more in the community. There have been no buses coming through Swinton either so further transport would have to be looked and a new play park also if it was to go ahead. <p>Mixed Use Allocation MSWIN002 – Land Adjacent to Swinton Primary School</p> <p><u>Julia Morrison (028)</u></p> <ul style="list-style-type: none"> • The site would be better used as a school field as they think the children would benefit. <p><u>J Leeming (755)</u></p> <ul style="list-style-type: none"> • There is currently no reason for any more land to be allocated for development, expect in unique circumstances, due to ample site supply and an expected falling off in demand. 		

- This would mar what is currently an open rural view south and west from the school. The compression of outlook must adversely affect the mental wellbeing of the schoolkids once construction is complete, and even more so during the construction phase. The proposal should be removed.

Modifications sought by those submitting representations:

Housing Allocation BSW2B – Well Field

- Consider an alternative use as playing fields or a park with units on the site. (028)
- The contributor raises a number of other concerns regarding the allocation of the site, although not specific modifications. (028)

Mixed Use Allocation MSWIN002 – Land Adjacent to Swinton Primary School

- Consider an alternative use as a school field on the site. (028)
- Removal of the allocation from the Proposed Local Development Plan. (755)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE SWINTON SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

Housing Allocation BSW2B – Well Field

- It should be noted that the site is currently allocated within the adopted Local Development Plan (LDP) 2016 (CD009). The site was first formally allocated within the Berwickshire Local Plan 1994 (CD016) and the site has been carried forward in every subsequent Local Plan since and there are no changes proposed to the site, as part of the Proposed Local Development Plan (LDP). Therefore, it is considered that a housing use on this site is well established given the long standing allocation history. There is no extant planning consent on the site, however it should be noted that there are no constraints which prevent this site from being developed. The site is programmed from Year 5 onwards as part of the Housing Land Audit 2019 (CD071, refer to Appendix 1 – Main Report (with maps), page 57), which follows on from the programming for the adjacent site (MSWIN002), which is currently under construction.
- This site is the only housing allocation in Swinton forming part of the Proposed LDP. The adjacent site to the south (MSWIN002) is allocated for mixed use development. Therefore, the allocation of (BSW2B) is considered important to ensuring that a range and choice of housing sites are provided for within Swinton and the wider Berwickshire Housing Market Area. As part of the pre-MIR process, a review of longstanding allocations was undertaken, including this site. The Council wrote to land owners of long standing sites and in response, correspondence was received on behalf of the land owner for this site (CD172) stating that: *‘there is an excellent prospect of delivering residential development on allocated site BSW2B during the current local plan period or, failing that, during the next local plan period’*. The following site requirement is also attached to the allocation, *‘Vehicular and pedestrian access should link through the site to the mixed use allocation to the*

south'. The site assessment for (BSW2B) sets out the conclusions for the site (CD118, refer to pages 57 - 58). The development of this site for housing would ensure connectivity to the mixed use site (MSWIN002) to the south from Main Street.

- Comments are noted in respect of the loss of walking/wildlife from the site and whether the site could be used as a playing fields/park with units instead. However, it is considered that the allocation (BSW2B) should be retained for housing as part of the Proposed LDP for the above reasons. The site to the south (MSWIN002) is currently under construction, confirming developer interest in Swinton, and it is envisaged that this site would be a natural infill development for the future expansion of Swinton.
- Comments are made in respect of the loss of a view and the sale of the land, however these are not material planning considerations. In respect of noise and disruption to wildlife, any proposal would be assessed against the relevant policies at the planning application stage, including policies covering biodiversity and amenity. Comments are made in respect of the site being developed for Council housing rather than private housing. In response, it should be noted that the Council does not allocate sites specifically for affordable housing. Comments in relation to the public bus service are noted, however this is outwith the remit of the development planning team.
- The contributor requests that the site is used for an alternative use as playing fields or a park with units. It should be noted that community facility provision is a matter that was taken into consideration on the adjacent mixed use allocation (MSWIN002). A site requirement is attached to the allocation (MSWIN002) stating, *'Any proposal must present complimentary uses reflecting the mixed use nature of the allocation, this should include consideration of the provision of community facilities, including playing fields'*. Therefore, it is acknowledged that the provision of playing fields/community facilities has been considered within the wider settlement of Swinton.
- In conclusion, taking the above into consideration, the Council does not agree to modify the Proposed LDP in response to this representation, in respect of the allocation (BSW2B).

Mixed Use Allocation MSWIN002 – Land Adjacent to Swinton Primary School

- The site was allocated as part of the adopted LDP 2016 (CD009) and formed part of the LDP Examination 2015 (CD040, refer to Issue 313, page 1067 - 1069). As part of the Examination, the Reporter states, *'I find the site to be well-related to the village school and do not consider that its development would adversely affect the character of the village to any significant degree. It is important also that the proposal is for mixed use development, with the potential to deliver improved facilities for the village, in addition to contributing towards the continued viability of the school'* and *'do not find the inclusion of this proposal in the plan to be inappropriate'*.
- It is noted that the contributor has requested that the allocation is removed from the Proposed Plan. However, the site (MSWIN002) received planning consent for the first phase of development (18/01540/FUL) for 13 units, which are currently under construction. A planning application (18/01541/FUL) for phase 2 of the development, for the remainder of the site, has recently been approved at the planning committee and is awaiting the conclusion of a legal agreement. Therefore,

given that the site is partially developed, the site will remain allocated until such time it is complete (or near complete).

- Comments are noted in respect of proposing an alternative use for school playing fields on the site. As outlined above, in respect of allocation (BSW2B), the provision of community facilities, including playing fields, has been taken into consideration as part of this allocation and the following site requirement is attached to the allocation, *'Any proposal must present complimentary uses reflecting the mixed use nature of the allocation, this should include consideration of the provision of community facilities, including playing fields'*. The aforesaid planning application has addressed this and an area of land within the site has been set aside for this use.
- In conclusion, given that part of the site is under construction and the remainder of the site has a pending planning application, the Council does not agree to modify the Proposed LDP in response to the representations.

Reporter's conclusions:

Housing Allocation BSW2B – Well Field (028)

1. Well Field is located between Main Street and Swinton Primary School and has an indicative capacity of 25 housing units. It was first allocated in 1994 and has now been rolled forward from the Adopted Local Development Plan (2016). The landowner has confirmed an interest in development within the plan period, and I see that housing development is currently underway on the adjacent mixed-use site, with a requirement to provide access through to the Well Field site.

2. With respect to the potential for play and recreation, the land shows no sign of current recreational use and the adjacent allocated site is already required to include consideration of community facilities, including playing fields. Beyond that, no compelling evidence justifies substituting the site for alternative uses. Development of Well Field is required to retain planting around the edges where appropriate, and it is these hedgerows and trees which constitute the main wildlife habitat on the land. The contributor suggests that if housing is to be built, it should be affordable and preferably council housing. Whilst the council does not indicate any plans to build council housing, Policy HD1: Affordable Housing Delivery of the proposed plan requires a proportion of land for affordable housing on allocated and windfall sites. With regard to spoiling the countryside and the view, the site is surrounded by built development rather than extending into open countryside. Improvements to bus services fall outside the scope of this examination.

3. I therefore have no justification for removing this allocation from the plan. No modifications are required.

Mixed Use Allocation MSWIN002 – Land Adjacent to Swinton Primary School (028, 755)

4. The council informs me that the planning application for phase 2 of the development on site MSWIN002 includes land which satisfies the site requirement for "the provision of community facilities, including playing fields." At my site inspection, I could see that construction was well underway on the housing element of this allocation so the objection regarding open views can no longer be addressed. The argument concerning lack of need for any further land allocations except in unique circumstances is dealt with

separately in Issue 006: Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement. No modifications are required.

Reporter's recommendations:

No modifications.

Issue 70	Tweedbank	
Development plan reference:	Tweedbank Settlement Profile and Map (MTWEE002 – Lowood) (pages 527-530)	Reporter: Alison Kirkwood
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Susan Taylor (483 1 of 2) Ian Lindley (591) Middlemede Properties Ltd (648) J Leeming (755) Scottish Government (847) M Cripps (927)</p>		
Provision of the development plan to which the issue relates:	Mixed Use Allocation: MTWEE002 – Lowood	
Planning authority’s summary of the representation(s):		
<p><u>Susan Taylor (483 1 of 2)</u></p> <ul style="list-style-type: none"> The development includes new cycle and pedestrian paths to provide "effective pedestrian/cycle connectivity". This seems an ideal opportunity to introduce cycle paths that are separate from pedestrian paths as is now seen in other European countries. Pedestrians and cyclists have different needs and multi-use paths don't necessarily satisfy both. Presumably the aim is to encourage more people to use one of these methods and separate paths is a way to give both groups a much safer and more enjoyable experience. With separate paths, divided perhaps by a low hedge, cyclists would also have a more enjoyable experience without having to weave their way round pedestrians, buggies, etc. <p><u>Ian Lindley (591)</u></p> <ul style="list-style-type: none"> The northern boundary planting is on lower levels, whilst the Galashiels-Lowood Road looks down on this land. Effective screening will not be possible or effective even in the long-term. The north eastern extent of the proposed mixed use area breaches existing and even the limited proposed tree screening and extends to the very edge of the Tweed. Why bring mixed use to such a public focus on the edge of land designated of special landscape value and in sight of the iconic listed Lowood Bridge in such a sensitive valley setting, immediately alongside the protected River Tweed and encroach upon an area subject to flooding? Questions where the contingency planning for Climate Change is? This site is visible from the Eildon and Leaderfoot NSA. Its appearance from above is thus of equal sensitivity and would need very careful control throughout the life of any development. The area set aside for ‘High Amenity Business Land’ requires effective controls and management regimes to achieve this. Land-owner controls 		

would enable building-to-contract, (avoiding design etc. substitutes that erode initial Planning intentions) and enable the levy of service fees for landscape management and maintenance whilst affording effective controls over otherwise permitted developments etc. in such a sensitive location. However, given the Council's current use of Simplified Planning Zones, it is very questionable whether this level of on-going engagement for quality will be used. Certainly, reliance upon planning controls will not achieve any required level of sensitivity and, as such, the 'High Amenity Business' uses are likely to remain aspirational.

- Reference is made to a possible replacement for Lowood Bridge and to the alignment of any Waverley route extension, but no clear indication of either is shown. How and where will existing roads link to any new bridge alignment? What are the impacts on the proposed site plot layout, screen planting and future responsibilities? How will buildings be arranged to address the edge of any new road or railway? How will railway land-take affect the above, (including creation of wider embankments to achieve rail headroom clearance over main roads)? How will the impact, on existing or proposed planting, of associated tree-free zones (as required by rail operators to ensure clearance between trees and overhead electric catenary supplies) be assessed/planned and implemented? Without clarity on such issues, a series of uncoordinated 'discoveries' around these related issues is likely which would lead to the development of another low quality/anywhere town industrial site, but in the middle of the Borders scenic gem and tourist hot spots.

Middlemede Properties Ltd (648)

- The site is at odds with the Scottish Government's National Planning Framework 4 (NPF4) and should be de-allocated.
- The Contributor considers that the site is unsuitable for the scale of development sought and has proven to be undeliverable over the plan period in which it was intended to come forward.
- The matters raised by the Contributor in respect of housing land are dealt with within 'Schedule 4 for Unresolved Issue 6' on housing land.
- The Scottish Government has signalled through its National Planning Framework 4 Position Statement, major changes as to how housing is to be delivered - measuring housing delivery with a greater emphasis on net zero, sustainability and an infrastructure first approach. This is coupled with a renewed focus on the use of brownfield and vacant land. Arguably, greenfield release which requires significant new infrastructure, and which would adversely impact 'natural capital' is entirely at odds with that direction of travel.
- The Lowood site has failed the effectiveness test and has not been deliverable within the set SG timeframe for the allocation.
- Whilst the train station at Tweedbank provides rail accessibility, it is clear from the Draft SPG produced for the site (CD091) that the predominant mode of access will be by way of car and other motor vehicles. The site is effectively "cut off" from the remainder of the settlement necessitating pedestrian over-bridges etc. to enable fundamental access provision for non-motorised movement. This cuts across the sustainability and place making objectives currently being set out by the Government which is a significant shift away from the private car.
- One of the fundamental factors is the problem with development viability relative to the considerable infrastructure constraints that exist. There has been a failure to address a delivery mechanism given the considerable infrastructure requirements: namely the cost obligations needed regarding:

- Extension of primary school;
- Full drainage impact assessment;
- No capacity of wastewater treatment works to accommodate development;
- Local wastewater treatment network issues;
- The need for incorporation of affordable housing; and
- Assessment for environmental impact and provision of necessary mitigation.
 - Flood risk assessment and appropriate flood prevention measures;
 - Transportation infrastructure including pedestrian over-bridges; and
 - Extensive high quality public realm contributions.
- The net zero by 2050 targets mean added cost for development as space heating and transport moves to net zero emissions and away from conventional gas boilers within homes together with appropriate electricity charging infrastructure, all adding to the development cost.
- Development would have a detrimental impact upon on the 'natural capital' of the Lowood Estate as it fringes the River Tweed.
- It is presumed a post-Brexit Strategic Environmental Assessment (SEA) will be undertaken. It is considered the Council has failed to carry out a proper Appropriate Assessment of the potential impact of this development on the River Tweed SAC because it had not considered what mitigation measures it proposes to apply. The Council needs to carry out a proper HRA as part of this exercise involved in the promotion of the proposed SGP for this site. This is because of the impact of the Sweetman decision which expects the measures that are intended to be applied to mitigate the impact of a development on a European site, such as the River Tweed SAC, have to be properly identified.
- The need for a new bridge and flood protection works need to be considered and costed. The creation of a new bridge has the potential adverse impact upon habitats.
- Negative impacts of COVID-19 on the housing market underlines the adverse impact that will result on sites such as this where there are considerable infrastructure costs and problematic viability issues.

J Leeming (755)

- The Lowood site, much as the Contributor would wish it to remain undeveloped, would alone supply the alleged Borders' housing demand for a year.

Scottish Government (847)

- The 'Site Requirements' for allocated site MTWEE002 on page 529, should include any required transport interventions that have been identified through a cumulative transport appraisal including sites from within Galashiels that do not have planning permission, to fully understand the potential cumulative impact of the developments
- Information should also be included within the Site Requirements on how any identified transport improvements will be funded and delivered in line with Scottish Planning Policy paragraphs 274 and 275.
- It is not considered appropriate to include a large development site without fully understanding the potential transport implications, how the site can be accessed sustainably and how the site will accord with the National Transport Strategy travel hierarchy.

(Note: the submission refers to MTWEE003 in error, the site code is MTWEE002)

M Cripps (927)

- This site is rich in mature trees and various other habitats, development will narrow the natural land corridor alongside the Tweed, and will squeeze the habitat into a small strip between Tweedbank and Coopersknowe.

Modifications sought by those submitting representations:

- Contributor 483 (1 of 2) requests that there is a stipulation for separate pedestrian and cycle connectivity within the site requirements for MTWEE002 (Lowood) of the Local Development Plan.
- Contributor 591 seeks consideration of comments relating to tree screening, flooding, proximity of development to sensitive boundaries, climate change, view of site from above, landscape management and maintenance and road/railway links.
- Contributor 648 requests that site MTWEE002 (Lowood) be de-allocated for development from the Local Development Plan.
- Contributor 755 seeks consideration that whilst the preference would be to remove the allocation from the Local Development Plan, the site would alone supply the Borders' housing demand for a year.
- Contributor 847 requests a cumulative transport appraisal be undertaken to identify any required transport interventions to fully understand the potential cumulative impact of the development which should be included within the site requirements, including how any transport improvements will be funded and delivered.
- Contributor 927 raises concerns that development will narrow the natural corridor alongside the River Tweed which will have an impact upon natural habitat.

Summary of responses (including reasons) by planning authority:

NO MODIFICATION TO THE TWEEDBANK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

- Tweedbank is located outwith any Strategic Development Area set out by the SESPlan Strategic Development Plan (SDP) 2013 (CD001, refer to pages 7 to 20). Appendix 2 contained within the Proposed Plan outlines that the housing land requirement figures are taken from the SESPlan Proposed SDP (2016) (CD005, refer to pages 44 to 50) and SESplan Housing Background Paper 2016 (CD006, refer to pages 4 to 6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit 2019 (CD071, refer to the Introduction, pages 14 to 16) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Issue 6. It is also acknowledged that housing land requirements will be set out at a national level through the forthcoming National Planning Framework.

Lowood (MTWEE002)

- The site is allocated within the Scottish Borders Local Development Plan 2016 (CD009) for mixed use development. The Local Development Plan 2016 (CD009) examination process required an additional 916 housing units to be identified through Supplementary Guidance on Housing (CD020, pages 29-30). Site MTWEE002 (Lowood) was confirmed as an allocation for mixed use development through this process in November 2017, with an indicative capacity of 300 units.

Site Deliverability/Viability

- The Scottish Government document entitled “Borders Railway - Maximising the Impact: A Blueprint for the Future” identifies the opportunities the railway corridor offers in terms of being a catalyst for new housing developments, businesses or visitor destinations (CD069). It supports the potential of the line in triggering significant economic benefits. Lowood is within a highly accessible and sustainable location given its location on land immediately to the north of the Tweedbank Railway terminus. The site is within the Central Borders Housing Market Area which has a proven record of housing market developer interest and consumer demand. The parkland and woodland setting and its proximity to the scenic River Tweed make the site a highly attractive development opportunity. Whilst it is acknowledged there are some site constraints to be addressed and overcome, none of these are identified as being insurmountable, and the Council has recently approved Supplementary Planning Guidance (SPG) and a Design Guide (DG) (CD090) which increase the effectiveness, promotion and delivery of the site.
- The following was the conclusion of the assessment undertaken for the Draft Housing Supplementary Guidance (CD118, page 359-363), which remains pertinent: *The submission of a Flood Risk Assessment would be required to assess risk from the River Tweed as well as surface water flooding issues. Co-location issues include potential for odour from E Langlee landfill (Pollution, Prevention and Control) and WML (Waste Management Licensing) exempt composting site at Pavillion Farm. There is moderate risk to biodiversity and mitigation would be required to ensure no significant adverse effects on the integrity of the River Tweed SAC. Archaeological investigation would be required. This site is outwith the Tweedbank settlement boundary however it benefits from its close proximity to the station at Tweedbank and business and industrial sites as well as a range of services in Galashiels. The site is entirely enclosed by the River Tweed to the north and by the existing settlement of Tweedbank to the south. The development of the site would not result in settlement coalescence. It is considered that the site offers a strategic opportunity due to its immediate proximity to the railway terminus and its location within the Central Borders. Internally there are a number of constraints which would require to be sensitively addressed. Although lacking in designations, the estate shows clear indications of being a 'designed landscape' with an attractive meandering driveway leading from the gatehouse through parkland to the main house and associated buildings. There is also a significant tree and woodland structure on the estate as well as a pond which is a notable feature. These issues will require careful consideration through the process of the aforesaid masterplan and a tree survey. A Transport Appraisal will be required, with the need for at least two key vehicular access points into the site and effective pedestrian/cycle connectivity. Site access must take cognisance of the possible extension of the Borders Railway and of the potential for a replacement for Lowood Bridge as identified in the Local Access and Transport Strategy. Potential contamination would require investigation/mitigation.*

A full Drainage Impact Assessment would be required. There is currently no capacity at the Waste Water Treatment Works to accommodate development. The site, with its close proximity to the existing business and industrial uses at Tweedbank offers the opportunity for the extension of the Central Borders Business Park. A masterplan for the site is currently being prepared which will address relevant matters in more detail, including taking account of the existing planned landscape and the consideration of appropriate zoning and phasing.

- Overall, Lowood (MTWEE002) is considered to be a prime site with an extremely attractive setting for market interest and was included within the Scottish Borders Local Development Plan 2016 (CD009) (via the Housing Supplementary Guidance (CD020) for the aforesaid reasons.
- It has already been established that the site is deliverable hence its allocation for development with an indicative capacity of 300 units through the process of the Council's Supplementary Guidance on Housing. This was approved by the Scottish Ministers. The allocation of this site for mixed use development has therefore been accepted within the recent past. The SPG confirms adequate infrastructure would require to be provided in order to deliver the site. It is not suggested that the indicative number of units will all be built within a 5-year period. Typically, a site of this size in the Borders may take some time to be completed notwithstanding the fact the Council remains clear the site will be a highly popular option for potential house builders and house purchasers. The Council's Housing Land Audit 2019 programming shows that 30 dwelling units would come forward in 2023, 50 in 2024, 50 in 2025, 50 in 2026 and 120 post 7 years. This is an effective and deliverable site which should remain within the Local Development Plan as a mixed use allocation.
- Issues relating to viability are not a matter for the Planning Authority to consider. There will, however, be a requirement for development to be assessed in line with Policy IS2 – Developer Contributions.

Pedestrian/Cycle Connectivity

- It is considered that the need for sustainable transport is clear within the site requirements contained within the Scottish Borders Local Development Plan 2016 (CD009), as set out within the Supplementary Guidance on Housing (Core Document CD020, pages 29-30) and the subsequent SPG and DG (CD090) produced for the site. Policy PMD1 – Sustainability of the Scottish Borders Local Development Plan 2016 (CD009) encourages walking, cycling and public transport in preference to the private car. This is replicated within the Council's Placemaking and Design SPG (CD084) which encourages the use of sustainable transport modes, and promote healthier, more active lifestyles through improved access to public transport and walking and cycling routes. The site is well placed for access to these modes. The SPG (CD084) notes that the site lies close to existing transport infrastructure with Tweedbank Railway Station located immediately adjacent to the southern boundaries of the site. The Borders Abbeys Way and a Core Path runs through the site, adjacent to the river, and the Southern Upland Way passes to the south of the site. The site, being located adjacent to Tweedbank has potential to be well served by local bus stops located along Tweedbank Drive.
- The comments made by Contributor 483 (1 of 2) in respect of cycle and pedestrian paths are noted. The details of which will be established during the process of any future planning applications in consultation with the Council's Roads Planning Team.

Landscape

- The Council would contest the matters raised by Contributor 591 in respect of ineffective screening due to land levels and the development of land within public focus on the edge of the Tweed. The SPG (CD084) for the site clearly recognises the sensitivities of the site and has intentionally discouraged development at the edge of the Tweed. This is not only due to constraints relating to flood risk but also to ensure a sensitive development given the landscape setting. Existing screening along with compensatory planting along the northern boundaries of the site will provide significant screening. There will be intentional glimpses of development into the site from the north but this is not considered to be a negative matter given the high quality of development being sought. Climate change matters are intrinsic to the policies upon which any applications for this site will be assessed against within the Proposed Plan. Furthermore, the SPG and DG (CD084) refer strongly to the need to consider climate change matters. The site will be visible from points within the Eildon and Leaderfoot National Scenic Area (CD204). Many parts of the central Borders are visible from the Eildon and Leaderfoot NSA. It is for this reason that the need for a high quality development at this location is sought. A Simplified Planning Zone Scheme has not been adopted for this site. Given the Council's ownership of the site it is considered that the Authority is in a particularly strong position to ensure a quality development at this location.

Railway

- The 'Borders Railway Maximising the Impact: A Blueprint for the Future' (CD069) is a strategy to maximise the potential of the railway line. It was launched by the First Minister in November 2014 and aims to capitalise on the transformational impact of the new line in creating new places to 'live, work, visit, learn, play and grow'. From a planning perspective, the site in question was allocated within the Scottish Borders Local Development Plan 2016 (CD009) due to its location immediately adjacent to the railway terminus, directing development towards the railway in line with the Blueprint.
- The Central Borders Business Park Supplementary Guidance (SG)/Simplified Planning Zone (SPZ) (2017) (CD092) states that development must protect the potential future extension of the railway line. This requires the exclusion of development along the potential line as well as the reconfiguration of the entrance into the existing railway station car park. A Rail Route Protection Study (2015) undertaken by Mott MacDonald (CD210) on behalf of Scottish Enterprise found that the extended railway line could extend under the existing road network at Tweedbank Drive/Tweedside Park which would suitably maintain access at this location. A Transport Statement (CD092, Appendix 3, pages 63-64), undertaken by Mott MacDonald in August 2016, recommends that a holistic approach be applied to development of the area, including consideration and implementation of transport measures to facilitate sustainable access, which in turn will support the framework vision of the SG and SPZ Scheme. No development is therefore permitted by the SG/SPZ which might prejudice the future provision of the extension of the Borders Railway from Tweedbank through to Hawick and onwards to Carlisle. This is in line with Policy IS4: Transport Development and Infrastructure of the Scottish Borders Local Development Plan 2016 (CD009, pages 120-121).
- Site MTWEE002 (Lowood) does not impinge upon any potential extension of the railway on to Hawick/Carlisle. The Scottish Borders Local Development Plan 2016

(CD009) confirms the Council's long term aspirations to see the reopening of the Borders Railway southwards to Carlisle.

Lowood Bridge

- The Proposed Plan indicates via Policy IS4 – Transport Development and Infrastructure that the Council supports schemes to provide new and improved transport infrastructure including the supplement/replacement of Lowood Bridge. This infrastructure improvement is not, however, a requirement of the development of this site. The supplement/replacement crossing does not currently have funding and has not had detailed investigatory works undertaken to establish its possible location. It is not considered that the development of this site, in keeping with the indicative layout shown within the Tweedbank Expansion SPG (CD090, page 31), would have future ramifications for the establishment of a suitable bridge location.

Education

- The Proposed Plan sets out a site requirement stating that an extension to the Primary School would potentially be required. The SPG for the site sets out the need for future developers to contact and seek advice from SBC's Education Officer in order to establish availability of primary and secondary school capacity and the need for any developer contributions. The site was allocated through the Housing SG (CD020, pages 29-30), at which time it was considered that an extension to the existing primary school may be required. The forecasting in respect of if and when such extensions are required cannot be confirmed with any certainty at this point in time. As Lowood develops through time, the Council's Education Department will be taking account of other residential developments being implemented in the catchment area and impacts they may be having on school capacities. Any Developer Contributions towards any identified school extensions will be confirmed through this process at the appropriate time.

Drainage

- The site requirements set out within the adopted Scottish Borders Local Development Plan 2016 (CD009) are carried through into the Proposed Plan. These include the need for a Drainage Impact Assessment and contact with Scottish Water in respect of water treatment works and local network issues. The SPG notes the requirement that during the development of designs and prior to any application submission, advice should be sought from Development Management, the Council's Flood and Coastal Management Team and Transport Manager to identify their key requirements for SUDS.
- The SPG also sets out the need for future developers to contact and seek advice from Scottish Water and SEPA on these matter. Scottish Water and SEPA are content with this and have been heavily involved in the allocation of this site and the preparation of the Supplementary Planning Guidance.

Affordable Housing

- The SPG sets out the need to seek advice from SBC to establish the requirement/extent of affordable housing provision. The Council's Affordable Housing Supplementary Guidance sets this at 25%.

Environmental Impact/Mitigation

- The site was considered through the process of the Habitats Regulations Assessment (HRA) undertaken as part of the Housing Supplementary Guidance (CD184, page 21). The HRA concluded the following:
Any housing development taking place on this site would still require to be acceptable under LDP Policy EP15, which confirms that development that would adversely affect the water environment would be refused. Furthermore, the development requirements for this site include a flood risk assessment, mitigation required to ensure that there will be no significant adverse effects on integrity of the River Tweed SAC, possibly an environmental impact assessment, a drainage impact assessment, contact with Scottish Water in respect of water treatment works, and the assessment of ecology impacts and the provision of mitigation. The above is considered sufficient mitigation for any potential minor effects on the SAC.' The SPG sets out the need to establish the requirements and timescales for an HRA. This approach has the agreement of NatureScot who confirm they are content with handling of Habitats Regulations Appraisal (HRA) within the document. When carried out, the HRA Screening of this proposal should consider NatureScot's comments made during the process of the SPG. NatureScot have based their advice on recent case law (the People Over Wind decision in the ECJ) in combination with the proposed standoff from the River Tweed that is already set out within the Draft SG. The case law has changed the application of mitigation in HRA and one thing it does is clarify that provided that mitigation is already an intrinsic part of a proposal, it can be applied as a means of avoiding Likely Significant Effect (LSE). The SPG includes standoff areas from floodplain and river terraces, effectively introducing areas that are not developable. The latter means that NatureScot consider that intrinsic mitigation is in place which, due to its nature, then means that LSE can be avoided.
- Carrying out an HRA at this stage as suggested by Contributor 648 would be of little value and not standard practice. By the time a planning application is submitted the circumstances of a habitat(s) may have changed considerably in the interim period and new issues may need to be addressed. Consequently any planning application must be accompanied by an HRA identifying up to date and relevant matters to be addressed.

Flood Risk

- The Proposed Local Development Plan and the approved Supplementary Planning Guidance (CD090) set out a requirement for Flood Risk Assessments to be undertaken at the planning application stage, where considered necessary. This is in agreement with the Scottish Environment Protection Agency and the Council's Flood and Coastal Management team. It should be noted that development is not proposed within the functional flood plain.

Climate Change

- It is considered that Chapter 8 – Delivering Sustainability and Climate Change Agenda of the Proposed LDP (pages 33-36) adequately sets out these matters, which are intrinsic to the policies contained within the Proposed Plan upon which any future planning applications will be assessed. The development cost implications of implementing net zero technologies should not be a reason to

undermine development at this location. The DG (CD090) sets out a practical approach to achieving the Development Vision of the SPG, which includes a number of strategic objectives including ‘to lead by example implementing the Scottish Government’s and the Council’s commitments to the achievement of net zero carbon emissions and to facilitate the establishment of a responsible, resilient, forward-looking community which responds decisively to the challenges of climate change, employing state-of-art technologies and producing its own renewable energy.

Transport Infrastructure

- It is not considered that the approved SPG for the site prioritises the car and other motor vehicles as a predominant mode of transport. The SPG recognises the key linkages available due to the site’s central location adjacent to the railway terminal with adjacent bus, road, cycle and footpath links. The SPG also recognises that careful consideration with regards to vehicular access will be required with the requirement of a new vehicular access point in the western part of the site by means of a crossing over the railway line. One of the strategic objectives for the development, as set out within the SPG, is to create and complete a coherent, inclusive, well-connected settlement which is fully integrated into Tweedbank and which is readily and conveniently accessible from the surrounding area. The site, developed in line with the requirements set out within the SPG and DG, will be a well-connected place, integrated with the existing settlement of Tweedbank.

Cumulative Transport Impact

- Transport Scotland – via the Scottish Government’s representation (847) requests a cumulative transport appraisal be undertaken to identify any required transport interventions to fully understand the potential cumulative impact of the development which should be included within the site requirements, including how any transport improvements will be funded and delivered. The Council would wish to reiterate that this site is already formally allocated within the Scottish Borders Local Development Plan 2016 (CD009) for mixed use development. The Local Development Plan (CD009) examination process required an additional 916 housing units to be identified through Supplementary Guidance on Housing (CD020). Site MTWEE002 (Lowood) and the related site requirements was confirmed as an allocation for mixed use development through this process in November 2017, with an indicative capacity of 300 units.
- The Council appointed Stantec to undertake a TRICS Assessment (CD078) on behalf of the Council in relation to this site. The Assessment found that the movements associated with the 300 residential units at the site would not be expected to be significant. As an average, the maximum number of 157 two-way vehicles from the development would add less than three vehicles every minute to the road network. This does not assess the cumulative impact in relation to development sites within Galashiels, however, bullet no. 3 of the site requirements set out on page 529 of the Plan states: ‘A comprehensive Transport Appraisal to be undertaken’ and ‘The appraisal, proportionate to the nature and scale of the allocations, and the trunk road network in the area, would be required to determine any potential cumulative impact of the sites, and would identify appropriate and deliverable mitigation measures on the network including on the A6091, A68 and potentially the A7’. This site requirement was accepted by Scottish Ministers through the aforesaid Supplementary Guidance process and is identified within the Action Programme (CD025, page 47).

- In view of the above, the Council is content that cumulative impact will be considered through a comprehensive Transport Appraisal and any appropriate and deliverable mitigation measures on the network will be considered through the process of any planning application. The Council does not therefore consider that any amendments or further work are required to the Plan in this respect at this stage.

Reporter's conclusions:

1. Figure 3 (Strategic Development Plan Spatial Strategy) on proposed plan page 21 suggests that Tweedbank, which is located between Galashiels and Melrose, lies within the Central Strategic Development Area. I therefore disagree with the council's comment above on this matter.
2. Allocation MTWEE002 covers 33.9 hectares of predominantly greenfield land which lies between the River Tweed to the north and the Borders' railway to the south. The site was first allocated for mixed use development, including 300 homes, through the preparation of supplementary guidance in 2017. The council's site assessment report states that "the site offers a strategic opportunity due to its immediate proximity to the railway terminus and its location within the Central Borders".
3. A Masterplan was produced in 2017 to set out some initial ideas which have been developed further through Supplementary Planning Guidance (SPG) and a Design Guide, both approved in June 2021 (after the period for representations on the proposed plan). The proposed plan includes a list of site requirements on page 529.

The principle of development (648)

4. Representation (648) seeks the de-allocation of site MTWEE002. It indicates that the national planning policy context has changed since the site was allocated in 2017. Reference is made to the National Planning Framework 4 (NPF4) position statement which was published just before representations were submitted. As NPF4 was adopted during this examination, those who submitted representations on this matter were given the opportunity to comment on its implications for allocation MTWEE002.
5. The council considers that the development of this site for mixed use purposes will support the national spatial strategy by promoting the planning and delivery of a sustainable, liveable and productive place within the Central Borders. It draws attention to the proximity of Tweedbank Railway Station which makes the site one of the most sustainable locations for development in the Scottish Borders and highlights the progress being made to ensure an "infrastructure first development". The Edinburgh and South East Scotland City Region Deal has provided funding for infrastructure to create a vehicular link from the existing Borders Innovation Park into the site MTWEE002, and this link is the subject of a current planning application.
6. Contributor (648) considers that allocation MTWEE002 would be contrary to a number of policies in NPF4, namely Policy 1 (Climate and nature crisis), Policy 4 (Natural places), Policy 6 (Forestry, woodland and trees), Policy 9 (Brownfield, vacant and derelict land and empty buildings), Policy 13 (Sustainable transport) and Policy 18 (Infrastructure first).

7. Site MTWEE002 is not a new allocation which is being brought forward in the proposed plan. The principle of development has already been established and I note the progress that has been made in terms of the approval of the Tweedbank SPG (2021). I consider below the implications of the SPG for the site requirements listed in the proposed plan, where these are relevant to matters raised in representations. Within the context of NPF4, I note that the SPG includes matters relevant to the climate and nature crisis, such as sustainable transport, landscape impact, protection of trees and woodland, flood risk, biodiversity and delivery of infrastructure.

8. Based on the evidence before me, I do not consider that allocation MTWEE002 presents a conflict with the overall provisions of NPF4 and there is no compelling evidence to justify its deletion. However, I agree with the council that future planning applications on the site would need to be assessed against relevant NPF4 policies. No modifications are required.

Site Deliverability and Viability (648)

9. General matters raised in representation (648) in respect of housing land provision and delivery are addressed under Issue 006 (Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement). The representation questions the effectiveness and viability of allocation MTWEE002 because of significant infrastructure costs.

10. The council points out that the impact of development on local infrastructure and services has been considered through the site assessment process and the preparation of the SPG and Design Guide. These are identified in the site requirements and will continue to be addressed throughout the phasing of this development, working with relevant service providers. The site is now within the ownership of the council which provides opportunities for infrastructure funding to be sought.

11. No specific evidence has been provided to indicate that the list of infrastructure requirements associated with this site would prevent development coming forward. The council's response above provides further information on matters such as education, drainage and affordable housing.

12. The annual housing land audit provides information on the availability and programming of housing land. The 2019 audit (as well as the 2020 and 2021 audits) indicates that 80 homes are expected to be delivered within five years with an average build out rate of 50 homes per year thereafter. Furthermore, the council's Action Programme 2022 indicates that the site is identified in the Strategic Housing Investment Plan 2022 – 27, with a phased approach to the delivery of between 75 and 100 affordable homes by 2027.

13. Based on the information in the audit and the other analysis above, there is no compelling evidence to suggest that the site, and its housing component in particular, could not be developed during the lifetime of the plan. No modifications are required.

Meeting housing requirements (755)

14. Representation (755) considers that this site alone could supply Border's housing demand for a year. Proposed plan Appendix 2 Table 2 indicates that the average annual housing land requirement for the Scottish Borders is 383 homes per year. According to

the housing land audit 2019, site MTWEE002 is programmed to deliver 50 homes per year from 2024 onwards. Notwithstanding any modifications to proposed plan Appendix 2 (covered in Issue 006), I conclude that this site would not meet all the Scottish Borders housing demand on its own. No modification is required.

Site Requirements (483, 591, 648, 847, 927)

15. Representations raise concerns in relation to matters covered in the list of site requirements in the proposed plan. As there is now approved SPG and a Design Guide for the site, the council has suggested that the list of site requirements could be deleted and replaced with “Refer to Supplementary Planning Guidance/Design Guide”. Alternatively, it has suggested that the first site requirement and the fifth paragraph on page 527 be amended to include reference to the Supplementary Planning Guidance/Design Guide.

16. There are no representations seeking the deletion of the proposed plan’s site requirements on page 529. I therefore consider it would be outwith the scope of this examination to recommend that these are removed in their entirety as suggested by the council. However, in response to the concerns raised, I consider it would be appropriate to refer to the SPG and Design Guide in the site requirements and explain that these will be a material consideration in the planning application process. Modifications to the first site requirement and the fifth paragraph on page 527 are recommended, as set out below.

Landscape Impact and Woodland Protection (591)

17. Representation (591) raises concerns about the impact of development on the River Tweed and on views from the road network and the Eildon National Scenic Area.

18. The council states that these matters are addressed in the Tweedbank SPG (2021). A tree and woodland assessment and ecological appraisal were undertaken to support the preparation of this document and have informed an overall site’s natural assets map (page 30) and development zones plan (page 31). I note that these figures show different areas for development and protection than that shown on the Tweedbank settlement map in the proposed plan (page 530).

19. In response to my request for clarification, the council has suggested that the settlement map be modified to reflect the areas of woodland protection, new planting and compensatory planting identified in the SPG. It provided an alternative version of the Tweedbank map on 16 December 2022 (Appendix A) and a subsequent version on 3 March 2023 to correct some errors. It also suggests that bullet points 8 to 9 in the list of site requirements be amended to refer to the ‘Site’s natural assets’ map on page 30 of the SPG, with a further consequential modification to bullet point 7.

20. Contributor (591) does not consider that either version of the revised settlement map provides sufficient clarity on matters such as the extent of tree removal, future meadow management or views into the site from the north of the river.

21. I consider that amending the Tweedbank settlement map as suggested by the council in Appendix A of its email dated 3 March 2023, would be appropriate to provide consistency with the provisions of the SPG and Design Guide. I also agree that the suggested changes to bullet points 8 and 9 would be necessary to provide clarity on tree

protection and planting requirements. Modifications to this effect are recommended below.

22. The SPG and Design Guide require further site assessment work to be undertaken in support of planning applications, such as an appraisal of landscape and visual effects, and an up-to-date tree survey. This approach would provide more detailed information as sought in representation (591) and interested parties would have the opportunity to submit representations at planning application stage. No further modifications are required on this matter.

Environmental Impact/Mitigation (648, 927)

23. Representations have raised concerns about the impact of development on the River Tweed Special Area of Conservation (SAC) and the natural land corridor along its banks.

24. The council has indicated that the site was considered through the process of the Habitats Regulations Appraisal (HRA) when it was first allocated. The need to establish the requirements and timescales for a further HRA are set out in the SPG and Design Guide, an approach which is supported by NatureScot.

25. The SPG includes standoff areas from the floodplain and river terraces, effectively introducing areas that are not developable. As a result, NatureScot considers that intrinsic mitigation is in place which means that likely significant effects on the SAC can be avoided.

26. The river terraces and the indicative line of the 1 to 200 year flood extent are not shown on the Tweedbank settlement map in the proposed plan. However, this information is provided on the "Overall Site Constraints" plan on SPG page 23 and is reflected in the "Establishing the Developable Areas" map on SPG page 31. This map indicates that built development is to be pulled back from the edge of the River Tweed. In addition to areas of protected woodland and compensatory planting, land in the northeast part of the site is to be retained as open parkland.

27. As this information may be subject to change, I agree with the council that it would not be appropriate to show details of the river terraces and indicative line of the 1 to 200 flood extent on the Tweedbank settlement map. However, to address concerns regarding the effects of development on the River Tweed SAC and the natural land corridor along its banks, I recommend that bullet point 7 in the list of site requirements is amended to include a reference to the "Establishing the Developable Areas" map on SPG page 31. I recommend a modification on this matter below.

Lowood Bridge and extension of Borders Railway (591, 648)

28. Policy IS4 (Transport Development and Infrastructure) states that development that could prejudice the delivery of new and improved transport schemes, including Lowood Bridge and the extension of the Borders Railway, will not be permitted. Representations on Policy IS4 are covered separately in Issue 016: Infrastructure and Standards Policies: Policies IS2 to IS17 & Policy Maps.

29. The list of site requirements for allocation MTWEE002 states that "the site access must take cognisance of the possible extension of the Borders Railway and of the

potential for a replacement Lowood Bridge”. The council has clarified that the provision of a replacement Lowood Bridge is not required in conjunction with allocation MTWEE002. The wording in the site requirements is to ensure that development does not prejudice the opportunity to replace the bridge, if required in future. I note that the site access arrangements shown in the SPG and Design Guide are not located in the vicinity of the bridge. The council has also confirmed that the site does not impinge upon any potential extension of the railway on to Hawick/Carlisle.

30. I conclude that allocation MTWEE002 would not conflict with the intentions of Policy IS4. No modifications are required.

Climate Change, Flood Risk and Net Zero (591, 648)

31. Representation (591) questions why development is being proposed on an area subject to flooding. Whilst the site requirements in the proposed plan state that the site is at risk from a 1:200 year flood event, the overall site constraints map on SPG page 23 shows that only parts of the site adjacent to the River Tweed lie within the indicative line of the 1 in 200 year flood extent. The parts of the site which are at risk of flooding lie outwith the development zones shown on SPG page 31.

32. This site was not amongst those which SEPA seeks removal from the proposed plan in Issue 074: Response to Submissions by SEPA. Nor is it one of those for which SEPA seeks additional or improved site requirements to cover flood risk matters. To provide clarity on this matter, I agree with the council that the sixth site requirement should be modified to indicate that only part of the site is at risk of flooding. My recommended modification below adjusts the wording suggested by the council as a flood risk assessment may be required in circumstances other than just detailed planning applications.

33. Representations have raised concerns regarding how the effects of climate change and net zero emission targets will be addressed. Whilst the site requirements state that “development must be high quality and sustainable”, there is no specific reference to climate change or net zero.

34. However, further details on these matters are provided in the SPG and Design Guide. For example, the strategic objectives for the development set out on SPG page 28 include leading by example in relation to the achievement of net zero carbon emissions and facilitating a responsible, resilient, forward-looking community which responds decisively to the challenges of climate change. Where a flood risk assessment is required, the appropriate climate change uplifts for the River Tweed catchment should be applied (SPG page 40). Furthermore, proposals would require to be assessed against relevant policies such as Policy PMD1 Sustainability and Policy PMD2 Quality Standards. No modifications are required.

Pedestrian and cycle connectivity (483, 648)

35. Representation (648) considers the predominant form of access to the development will be by car. The Council’s response points out that the site requirements highlight the need for sustainable transport within the site and highlights the proximity of the site to existing public transport services and strategic footpaths. I consider that this matter is adequately addressed in the site requirements for allocation MTWEE002, with

further detail on proposed pedestrian and cycle routes provided in the SPG and design guide.

36. The detailed nature of pedestrian and cycle paths to be created within the site and to provide connections to Tweedbank and Galashiels would be a matter for future planning applications. I am not aware of any policy or guidance which would require the local development plan to specify the need for segregated pedestrian and cycle paths as requested in representation (483).

37. I do not consider that any modifications are required on this matter.

Cumulative impact of Transport Infrastructure (847)

38. Following Transport Scotland's objection, the council commissioned a Trip Rate Information Computer System (TRICS) assessment for Tweedbank and other locations where Transport Scotland also objected on similar grounds. Those other locations are covered separately by Issue 040 (Hawick) and Issue 043 (Jedburgh).

39. We invited Transport Scotland to comment on that TRICS analysis, including whether its methodology was satisfactory and what that meant for its original objection. Transport Scotland considers the TRICS analysis to be insufficient and to include errors. However, the council disputes this and the significance of those errors.

40. The council provides Transport Scotland's views at Main Issues Report stage. Those demonstrate that Transport Scotland was content that the council proposed to roll forward sites that are already allocated in the Adopted Local Development Plan (2016) and the Supplementary Guidance on Housing (2017), including MTWEE002 in Tweedbank. In particular, it recognises that the council was not planning for a significant amount of new development besides what is already allocated. Transport Scotland stated that it had no significant concerns with the spatial strategy options and the potential for any cumulative impact on the strategic road network.

41. The council points out that this site is not a new allocation. Furthermore, its TRICS assessment indicates that the proposed 300 homes which form part of the allocation would add less than three vehicles a minute to the road network.

42. Transport Scotland is not seeking the removal of the allocation and has not provided any evidence to suggest that any impact on the trunk road network could not be mitigated. The third site requirement on proposed plan page 529 requires a comprehensive transport appraisal to be undertaken. It also states that the appraisal, appropriate to the nature and scale of the allocations, and the trunk road network in the area, would be required to determine any potential cumulative impact and mitigation measures.

43. Additional information provided by the council indicates that there are only four other safeguarded / allocated sites in Tweedbank which do not yet have planning permission. Each of these covers less than 0.7 hectares which does not suggest that the scale of development would be likely to have a significant impact on the trunk road network.

44. I am satisfied that the principle of allocation MTWEE002 has already been established through the Supplementary Guidance on Housing (2017) and the site

requirement in relation to a transport appraisal would address the need to assess any cumulative impact on the trunk road network and identify mitigation measures. No modifications are required.

Reporter's recommendations:

Modify the local development plan by:

1. replacing the last sentence in the fifth paragraph of the "Placemaking Considerations" section on proposed plan page 527 with:

"A masterplan, produced in 2017, sets out some initial ideas which have been developed further through supplementary planning guidance and a design guide, approved in June 2021."

2. replacing the first bullet point in the list of site requirements for allocation MTWEE002 on proposed plan page 529 with:

"This is a mixed use site which will incorporate a mixture of uses including housing and employment. Supplementary planning guidance and design guidance entitled 'Tweedbank – Vision for Growth and Sustainability, a Community for the Future' (June 2021) provides more detail and will be a material consideration in the determination of planning applications. A minimum of 2.3 hectares of high amenity business land to be provided in line with Policy ED1: Protection of Business and Industrial Land."

3. replacing the first sentence in the sixth bullet point of the list of site requirements for allocation MTWEE002 on proposed plan page 529 with:

"A Flood Risk Assessment(s) will be required (where relevant) as parts of the site are at risk from a 1:200 year flood event from fluvial and surface water flooding."

4. replacing the seventh bullet point in the list of site requirements for allocation MTWEE002 on proposed plan page 529 with:

"Mitigation is required to ensure no significant adverse effects on the integrity of the River Tweed SAC/SSSI. Built development should be pulled back from the banks of the River Tweed as shown indicatively on the "Establishing the Developable Areas" plan on page 31 of the Supplementary Planning Guidance (June 2021)."

5. replacing the eighth and ninth bullet points in the list of site requirements for allocation MTWEE002 on proposed plan page 529 with the following single bullet point:

"There is a significant tree and woodland structure on the site. Woodland and tree protection, new tree planting and compensatory planting to be guided by the 'site's natural assets' map on page 30 of the Supplementary Planning Guidance (June 2021). Tree survey(s) to BS5837 to be undertaken to inform areas of development."

6. replacing the Tweedbank settlement map on proposed plan page 530 with the revised version entitled "Updated Settlement Map – Appendix A" submitted by the council in an email dated 3 March 2023 (CD216).

Issue 71	Westruther	
Development plan reference:	Westruther Settlement Profile and Map (AWESR005 – East of Kirkpark, AWESR010 - Land to North of Westruther and Development Boundary Amendment SBWES002) (pages 538-540)	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
Douglas Virtue (820)		
Provision of the development plan to which the issue relates:	Housing Allocation AWESR005 – East of Kirkpark, Housing Site AWESR010 – Land to North of Westruther and Development Boundary Amendment SBWES002	
Planning authority's summary of the representation(s):		
<p>Housing Allocation AWESR005 – East of Kirkpark</p> <ul style="list-style-type: none"> The contributor states that, by way of background, the adopted 2016 LDP allocates land to the south east of Westruther for residential development. The LDP2 Proposed Plan carries forward this extant allocation (AWESR005, East of Kirkpark). In this respect, the site measures 0.6ha and has an indicative site capacity of 5 units. The contributor advises that the site to the south east of Westruther was granted planning permission in principle for 6 units in December 2017 (16/01458/PPP). This planning permission had been due to expire, however, the Scottish Government recognised that the current Covid-19 pandemic affects the ability of both Planning Authorities and developers to deal with planning permissions that are due to expire immediately. For existing planning permissions that have/or about to expire during the period from 6 April 2020 to 31 March 2021 therefore, the Scottish Government has brought forward temporary legislation such that they are automatically extended to 30 September 2021. Notwithstanding, it is considered that there is a real possibility that the allocation (AWESR005) will not come forward for the number of residential units previously envisaged. In this respect, an application for planning permission in principle to erect a single house with associated garden ground on the site was submitted to the Council (20/01266/PPP). The supporting documentation provided by Savills indicates that the site has been actively marketed for 6 units since June 2015 without success. It is not therefore considered to be deliverable. <p>Housing Allocation AWESR010 – Land to North of Westruther</p> <ul style="list-style-type: none"> Eildon Housing Association secured planning permission for 10 residential units on land north of Edgar Road in February 2020 (19/01491/FUL). Mr Virtue sold this land to Eildon Housing Association. This planning permission is reflected in the LDP2 Proposed Plan through a new housing allocation (AWESR002). The contributor states that, in terms of future development in Westruther, the LDP2 Proposed Plan advises that <i>'once the allocated sites are developed the preferred area for future expansion is to the north of the current allocation (AWESR002) beyond Edgar</i> 		

Road. This land (edged in red) falls within the ownership of Mr Virtue and its location relative to (AWESR002 and AWESR005) is indicated within the submission (Figure 3).

- For the reasons outlined below, the contributor remains of the opinion that his land should be specifically allocated for residential development within the adopted Local Development Plan 2.
- As there is the real possibility that site (AWESR005) is developed for only 1 property during the Plan period, there will be a resulting housing land shortfall amounting to 5 units in Westruther. On the basis that the Council's preferred direction for future growth is to the north of the site to be developed by Eildon Housing Association, it is considered that this field (or part thereof) should be specifically allocated for residential development within the adopted Local Development Plan 2 to compensate for the anticipated housing land shortfall arising from the likely development of (AWESR005) for a single property.

Development Boundary Amendment (SBWES002)

- The contributor objects to the exclusion of a small area of 'brownfield' land under his ownership as denoted within the submission (Figure 1). The developed nature of the site is illustrated within the submission (Figure 2) and it is currently occupied by outbuildings and hardstanding last used for storage and workshop purposes. The site's relationship to the settlement boundary and the public road running north-south through the settlement, coupled with its brownfield status, would lend itself to a future development opportunity. For these reasons, the contributor states, it is considered that a modest extension to the settlement boundary to include the subject land is justified in this instance.

Modifications sought by those submitting representations:

- Seeks the inclusion of the site (AWESR010) for housing, as part of the Proposed Local Development Plan. (820)
- Amendment to the Westruther Development Boundary (SBWES002), to include an additional parcel of land. (820)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE WESTRUTHER SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

Housing allocation (AWESR005) (820)

- The comments above in respect of the allocation (AWESR005) are noted. The site is currently allocated within the adopted Local Development Plan 2016 (CD009) and is included within the Proposed Local Development Plan. The site has an indicative site capacity for 5 units. There is extant planning consent on the site for 6 units, approved as part of planning application (16/01458/PPP), however no detailed planning application has been submitted to date. It should be noted that a planning application has been granted consent (20/01266/PPP) for a single house within the site. The contributor indicates within their submission, that as a result of the recent

consent for a single house, the site is not deliverable for the allocated number of 5 units.

- The number of units associated with an allocation is indicative only. Both applications outlined above are for housing within the allocated site (AWESR005) and the use complies with the allocation on the site. Therefore, there is no reason why this site should not continue as a housing allocation within the Proposed LDP, given that there is extant planning consent for housing. The site is currently programmed within the Housing Land Audit 2019 (CD071, refer to Appendix 1 – Main Report (with maps), page 60 - 61) for 6 units, in Years 4 & 5. Therefore, it is considered that the site is likely to be developed for housing and either consents could still be implemented.
- Taking into consideration the above, the housing allocation (AWESR005) will remain allocated within the Proposed LDP, with an indicative site capacity for 5 units.

Inclusion of housing allocation (AWESR010) (820)

- The contributor seeks the inclusion of an additional housing allocation (AWESR010) within Westruther, as part of the Proposed LDP. The contributor argues that the site being proposed for inclusion within the Proposed LDP (AWESR002) already has extant planning consent and has been sold to a developer, Rented Social Landlord (RSL) in this instance. Therefore, they argue that an additional site to the north of this (AWESR010) should also be included. Furthermore, the contributor argues that as a result of the site (AWESR005) potentially not being delivered for 6 units, rather 1 unit, there is an argument for allocating the site (AWESR010) to compensate for the potential loss of units and any shortfall.
- As background context (AWESR002) was submitted for consideration at the 'Pre MIR' stage of the Proposed LDP process. A consultation and site assessment (CD118, refer to pages 57 - 58) was undertaken for the site and it was ultimately included within the Main Issues Report 2018 (CD008) as a preferred housing site for 10 units. It was considered that there were no insurmountable constraints to the development of housing on this site and that it would provide an opportunity for range of housing opportunities within a smaller settlement, such as Westruther. Therefore, the site was ultimately included within the Proposed LDP. However, the site has since received planning consent for 10 units for affordable housing. There were a number of housing sites submitted by the same contributor, at the 'Pre MIR' stage for consideration (AWESR010, AWESR011 and AWESR012). However, it was considered that (AWESR002) would be sufficient for the Proposed Plan period, along with the proposed business and industrial allocation, also put forward by the contributor (BWESR001). Together the allocations (BWESR001 and AWESR002) will provide housing and employment opportunities within Westruther. It is acknowledged that the preferred area for future housing growth is the area in question, which lies to the north of (AWESR002).
- The housing site (AWESR010) was also submitted for consideration at the 'Pre MIR' stage of the Proposed LDP process and was subject to consultation and a site assessment (CD118, refer to pages 66 - 68). It was concluded that there are no insurmountable constraints to the development of the site (AWESR010) for housing. However, this site does rely on the site to the south (AWESR002) being developed first. Therefore, the site (AWESR002) was taken forward as a first initial phase within the Proposed LDP for 10 units. It is acknowledged however that this site (AWESR010) could be taken forward in a future Plan for housing and the site would

form a logical extension to Westruther once (AWESR002) is developed. It is considered that two housing allocations within the Proposed LDP are considered sufficient for a small settlement the size of Westruther.

- It is worth noting however that should the site be proposed for affordable housing without a formal allocation, this could be tested against the criteria within Policy PMD4: Development Adjoining Development Boundaries and Policy HD1: Affordable Housing Delivery, through the planning application process. It could also be released in the event of there not being an effective housing land supply.
- Furthermore, Westruther is located outwith any Strategic Development Area set out by the SESplan Strategic Development Plan (SDP) 2013 (CD001, refer to pages 7 to 20). Appendix 2 contained within the Proposed Plan outlines that the housing land requirement figures are taken from the SESplan Proposed SDP 2016 (CD005, refer to pages 44 to 50) and SESplan Housing Background Paper 2016 (CD006, refer to pages 4 to 6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit 2019 (CD071, refer to the Introduction, pages 14 to 16) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Issue 6. It is also acknowledged that housing land requirements will be set out at a national level through the forthcoming National Planning Framework.
- In conclusion, taking into consideration the above, the Council does not agree to modify the Proposed LDP in response to this representation.

Development Boundary Amendment (SBWES002) (820)

- The contributor requests that the Development Boundary for Westruther is amended to take into account an additional parcel of land, situated to the north of Westruther (SBWES002). The site has been subject to consultation and a site assessment (CD118, refer to pages 59 - 61). It should be noted that this Development Boundary Amendment has not been previously assessed as part of the Proposed LDP process and was submitted at the Proposed Plan consultation stage.
- The site assessment conclusion is 'doubtful' for this proposal. The submission states that the site could be considered as a future development opportunity and does not include an indicative site capacity. It is acknowledged that the site is brownfield land, which is currently occupied by redundant outbuildings and mature trees (both within and along the boundaries). These buildings occupy a large part of the site, which are surrounded by mature trees. On the approach road to Westruther from the north, the site is screened by mature trees along the northern boundary. One of the buildings fronts the roadside to the east, along with established hedging and mature trees. The mature trees also form the boundary to the south of the site. As part of the consultation, the Landscape Officer responded and advised that they consider the site to be unsuitable for development, due to the wooded nature of the site that makes an important contribution to the village and streetscape character. Given the former use of the site there is also the potential for contamination.
- Furthermore, it is not considered appropriate to expand a Development Boundary merely in order to provide infill opportunities within the settlement itself, without a formal allocation. The site assessment concludes that the amendment is not

considered to be an acceptable inclusion within the Proposed LDP and that there is sufficient housing land within Westruther for the Proposed LDP period.

- In conclusion, taking into consideration the above, it is not considered that it would be appropriate to include the site as an addition to the Westruther Development Boundary and the Council does not agree to modify the Proposed LDP in response to this representation.

Reporter's conclusions:

Housing allocation (AWESR005) (820)

1. Site AWESR005 (East of Kirkpark) is being rolled forward from the Adopted Local Development Plan (2016) with an indicative capacity of five units. Planning permission in principle for six residential units on land which includes the site was approved in 2017 but has not progressed. In the interim, planning permission in principle has been approved for a single dwelling occupying the same area of land, and an application for the approval of matters specified in that permission has been submitted. I have not been informed that the latter application has been determined. At my site inspection, it was evident that no development has commenced on the land. It follows that, under planning legislation, there is no impediment to development of site AWESR005 for the indicative capacity of five units as stated in the proposed plan.

2. A supporting document provided by Savills indicates that the site has been actively marketed for six units since June 2015, without success. However, I am not persuaded that this necessarily indicates a lack of effectiveness or deliverability rather than (as the council argues elsewhere and as covered in Issue 006) reflecting a wider issue in the Scottish Borders arising from a downturn in the housing market since the post-2008 financial crisis, subsequent recession and the impact of the Covid Pandemic and its restrictions. Moreover, Westruther is a relatively small settlement outwith any of the Strategic Development Areas and consequently development interest may vary over time. I note that the site is programmed in the 2019, 2020 and 2021 Housing Land Audits for six units over years 4 and 5. No modification is therefore required.

Inclusion of housing allocation (AWESR010) (820)

3. Promoted site AWESR010 comprises a 0.5 hectare field to the north of allocated housing site AWESR002, whose development is nearing completion. Westruther is a small village (population 153) located some 13, 18 and 27 kilometres from Lauder, Duns and Coldstream, respectively. It has few local facilities and limited public transport. With these points in mind, I agree with the council that the two sites allocated in the proposed plan are sufficient and proportionate within the plan period.

4. I deal with the matter of development on site AWESR005 above. However, separately from that finding, the contributor's agent incorrectly assumes that the proposed plan is required to meet a target number of housing units for Westruther. In fact, the targets are set not for single settlements but at a council-wide level. Irrespective of the merits or otherwise of this promoted site, Issue 006: Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement concludes that there is no need to allocate any additional land for housing besides what is already set out in the proposed plan. No modifications are required.

Development Boundary Amendment (SBWES002) (820)

5. The promoted amendment would extend the development boundary of the village to incorporate a small area of brownfield land as a potential development opportunity. The land is occupied by small outbuildings and hardstanding last used for storage and workshop purposes and is surrounded by mature trees and hedging. I agree with the council's view that an extension of the boundary simply to provide an infill opportunity is not appropriate. Moreover, the vegetation on site makes a contribution to the setting of this part of the village. No modification is required.

Reporter's recommendations:

No modifications.

Issue 72	West Linton	
Development plan reference:	West Linton Settlement Profile and Map (AWEST019 – North East of Robinsland Farm) (pages 535-537)	Reporter: Philip Barton
Body or person(s) submitting a representation raising the issue (including reference number):		
Springfield Properties PLC (481)		
Provision of the development plan to which the issue relates:	Housing Site AWEST019 – North East of Robinsland Farm	
Planning authority’s summary of the representation(s):		
<ul style="list-style-type: none"> The Contributor states that they control approximately 23ha of land at West Linton, and seek the allocation of around 4ha. The site, once developed, will be roughly split into 1ha employment uses and 3ha housing. They state that Springfield Properties intention is to develop the proposed site for housing and employment uses and would be in a position to submit a planning application at an early date. The delivery of the 100 plots would be managed in a 3 year period. The Contributor submits their own site assessment that they produced for the site [based on their submission to the SPG on Housing that was adopted in 2017]. A landscape impact assessment has also been submitted for an enlarged area. The Contributor states that land at Robinsland, West Linton has the potential to provide housing for an established community that is close to all services and amenities. 		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> Seeks the allocation of site AWEST019 – North East of Robinsland Farm. (481) 		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE WEST LINTON SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS:</p> <ul style="list-style-type: none"> It is noted that the area of land to the north as identified within the Contributor’s submission is already allocated for Business and Industrial Use within the Proposed Local Development Plan – site zEL18 Deanfoot Road. In respect to site AWEST019, after assessment (refer to CD118 Site Assessment, page 325), the inclusion of this site within the Plan is seen as Unacceptable. It is considered that development of the site would have a moderate impact on the local ecology. The allocation of the site cannot be supported by Roads Planning due to congestion in the village centre. The site is also constrained within the Development and Landscape Capacity Study undertaken for the settlement (CD076, PDF page 29). There is also no requirement for a site this size to be allocated at this time within West Linton. 		

It should be noted that not all of the issues identified within the site assessment would prevent the site coming forward in the future as mitigation can often assist.

- Furthermore, it is noted that significant development has taken place in recent years within the settlement.
- It should be noted that at the previous Local Development Plan Examination (CD40, Local Development Plan Examination Reporters Report (Issue 319, page 1085)) into the 2013 Proposed Local Development Plan, an objection was made to identify an enlarged site at this location for housing (AWEST012). The Reporter recommended against that objection. The Reporter stated: “... *The planning authority indicates that Main Street is congested and that this restricts further development. While this difficulty could potentially be overcome by providing a vehicular link between Deanfoot Road and Station Road, I consider that it is important that development of the scale proposed comes forward within a properly planned, agreed framework for the longer term. This would allow an orderly and measured, rather than a piecemeal, approach to development, taking account of all the implications of more housing growth for infrastructure, services, the form and fabric of the village, and the environment. Such a context is not in place. ...*”. It is therefore considered that whilst site AWEST019 is not considered appropriate for allocation at this time, there may be the potential for further development to take place at West Linton in the future provided that a vehicular connection with Station Road is achieved. As noted by the Reporter, a properly planned and agreed framework is preferred rather than piecemeal proposals as that which has come forward.
- The Proposed Local Development Plan already allows for a generous supply of housing land as required by Scottish Planning Policy (SPP) 2014 (CD41, paragraph 110).
- West Linton is located outwith any Strategic Development Area set out by the SESplan Strategic Development Plan (SDP) (CD001, refer to pages 7 to 20). Appendix 2 contained within the Proposed Plan outlines that the Housing Land Requirement figures are taken from the Proposed SESPlan SDP (CD005, refer to pages 44 to 50) and Housing Background Paper (2016) (CD006, refer to pages 4 to 6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit (HLA) (2019) (CD071, refer to the Introduction, pages 14 to 16) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Issue 6. It is also acknowledged that housing land requirements will be set out at a national level through the forthcoming National Planning Framework.
- As a result it is not considered that there is any requirement for additional housing sites in West Linton as more appropriate sites are available within the Housing Market Area and wider Scottish Borders.
- It is contended that site AWEST019 is not appropriate and should not be allocated within the Local Development Plan.

Reporter’s conclusions:

1. The principal site constraint identified by the council is the likely effect of development upon traffic congestion; a matter raised by the roads planning team. In

addition, AWEST019 is located outside the settlement boundary and is not within a strategic development area.

2. Irrespective of any merits or otherwise of this promoted site, Issue 006 – Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement concludes that there is no need to allocate any additional land for housing besides what is already set out in the proposed plan.

3. I also note that there is an existing employment land allocation (zEL18) adjacent to AWEST019. I have seen no evidence to suggest that there is a need for more employment land (as part of a mixed-use site) to be identified in addition to the existing allocation zEL18, which is itself yet to be developed. No modifications are required.

Reporter’s recommendations:

No modifications.

Issue 73	Yetholm	
Development plan reference:	Yetholm Settlement Profile and Map (RY1B – Deanfield Court and RY4B – Morebattle Road, AYETH001 – Morebattle Road II and AYETH002 – Land West of Deanfield Place, BYETH001 – Land North West of Deanfield Place and BYETH002 – Deanfield Court (Business and Industrial) and GSYETH003 – Kirk Yetholm Allotments) (pages 546-549)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Kristoffer Smith (037) Thomas Broad (1 of 2) and (2 of 2) (071) Hywel James (198) Martin Drummond (665) Margaret and Michael Rustad (738) James Wauchope (1 of 3) and (2 of 3) (831) David Morrison (880) Gordon McInally (1012) Heather McInally (1013)</p>		
Provision of the development plan to which the issue relates:	Housing Allocations RY1B – Deanfield Court and RY4B – Morebattle Road, Housing Sites AYETH001 – Morebattle Road II and AYETH002 – Land West of Deanfield Place, Business and Industrial Allocation BYETH001 – Land North West of Deanfield Place and BYETH002 – Deanfield Court (Business and Industrial) Key Greenspace GSYETH003 – Kirk Yetholm Allotments	
Planning authority's summary of the representation(s):		
<p><u>Kristoffer Smith (037)</u></p> <ul style="list-style-type: none"> The contributor states that Key Greenspace GSYETH003 – Kirk Yetholm Allotments are not allotments but gardens used for growing vegetable and fruits. The contributor notes that whilst the greenspace is not used for community purposes it is a historic space that is integral to the story and development of Kirk Yetholm. The contributor states that despite not being communal space, the gardens provide an important space for people to meet and interact. <p><u>Tom Broad (071) - 1 of 2</u></p> <ul style="list-style-type: none"> The contributor has concerns about the lack of communication with the residents of Town Yetholm and states property owners in the immediate vicinity have not been advised of the proposal. They also raise issues with consultation of the plan and how it predominately online due to COVID-19. 		

- The contributor makes reference to comments made by a Councillor that the “Local Development Plan has been approved including the business land next to Yetholm Hall. He also states that the plan is with the Secretary of State for approval”.
- The current Yetholm Settlement Profile, and earlier versions, acknowledge the unique character of the village and its layout and the need for it to be protected. An industrial estate situated on the principal approach road on a highly visible rising site will hardly contribute to the general ambience. A major attraction when approaching Town Yetholm from Kelso, is the immediacy of entry into the village's broad, tree lined Main Street. An approach unspoilt by either industrial or urban sprawl.
- Yetholm is a residential village, not an industrial one, and fully justifies protection. Not only is this important for its residents (who have chosen to make it their home) but also for the attraction of visitors. Visitors who wish to enjoy the overall ambience of the two villages and who also make an important contribution to the wider local economy. There is an underutilised and serviced business and industrial estate close to Kelso, one conveniently located on the Kelso/Yetholm (B6352) road.
- The contributor questions if the project has been approved what consideration has been given to visibility, access, infrastructure, jobs, pollution and traffic generation.

Tom Broad (071) – 2 of 2

- The contributor raises concerns in relation to the allocated housing site RY1B. The contributor questions if there is a local need for an additional 14 houses or is this purely to meet a Government demand to allocate such a site?
- The contributor makes a number of objections regarding site access and road safety concerns in relation to RY1B.

Hywel James (198)

- The contributor does not oppose the proposals for additional housing and provision of a site which could offer employment for people in the immediate locality. The contributor believes there needs to be more detailed and firm guarantees on the part of the Council regarding the quality, appearance and safe traffic management of these proposals.
- Kirk Yetholm and Town Yetholm are popular with tourists throughout the year, offer a variety of accommodation for tourists as well as for permanent and occasional residents; there is a garage, butcher, shop, two pubs and several thriving community venues. The villages are situated on the Pennine Way and St Cuthbert's Way.
- Within the 'Placemaking Considerations', appears to make a tacit assumption that while Kirk Yetholm has some historic features and an amenity value which need to be respected, the same factors do not seem to be applied to Town Yetholm. I would argue strongly that this assumption is mistaken and that on the contrary the two communities should be treated as a single entity in planning and development terms.
- In relation to quality and appearance, whatever their undoubted merits in providing homes the existing housing developments at Woodbank Road and the Deanfield area in Town Yetholm are severely regimented in design, constructed along a terrace traversing a steep gradient, and offer virtually no off-road parking. Any new housing development in Yetholm must avoid repeating these mistakes.
- Regarding access and traffic management, the clustering of existing houses at Woodbank and Deanfield leaves no space other than for parking of residents' vehicles on both sides of the narrow roads.

- Thus the same issues of quality, appearance, and access apply to any further housing development and to the proposal for a linked business/industrial unit. While Pinnaclehill in Kelso is in many ways a model of its kind for an industrial estate, the yard tacked on to Morebattle is unsightly, and (by extending the point) how SBC can countenance the current appearance of the car breaker, 'Proctor Smiddy' (on the B6352) is beyond belief. The authority needs to be more vigilant over the appearance of industrial units in the region if the statement in 'Site Requirements' is to have any credibility with the community.
- The contributor earlier referred to access and parking, and these concerns apply sharply to the impact of increased traffic on nearby areas of Town Yetholm by new housing and a business/industrial unit as currently proposed. While the LDP makes reference to strategies for dealing with traffic flow, further attention needs to be paid to how, precisely, the Council would ensure in advance an increase in the volume of traffic would be managed both safely and without detriment to the amenity of existing properties.

Martin Drummond (665)

- The contributor objects to the inclusion of BYETH001 within the Proposed Plan.
- The Council will be aware of its statutory responsibility to prepare a reasoned justification for the inclusion of land for development in any Local Plan. The contributor would normally expect an allocation such as BYETH001 to arise from a carefully considered examination of supply and demand for such use in the wider area and in particular, an assessment of industrial land supply in the market area. It is not clear which Use Classes it is intended to accommodate within BYETH001.
- A strong underpinning argument, in planning terms, for the allocation of the site does not appear to exist. If the justification for the allocation is that the Council has received "notice" that there is demand for such a use in Yetholm, then a proper comparison of potential sites in Yetholm, Morebattle, and Kelso, for example, should be undertaken.
- The existing land use is agricultural, loss of agricultural land is strongly opposed generally in planning policy. There are other more suitable brownfield sites in the locality.
- It is proposed to take an access to/from the proposed site via the Council owned site at Deanfield Lane. On 2 November 2020, the Contributor received a notification from the Council, for information only, that site RY1B remained allocated in the new draft plan. The notification in respect of RY1B makes no reference to its proposed integrated development with site BYETH001. As they understand it, this integration would relate to a new footpath, cycle way, vehicular link as well as possible joint sewerage and drainage.
- The proposed integration of the long undeveloped and infrastructure constrained site RY1B with proposed site BYETH001 does appear to be unusual, given that the Council only became aware of the latter site during the consultation phase of the plan.
- The contributors states that RY1B has lain vacant for many years. It is not an attractive housing site and has not been developed during the timescale of the last development plan. Accordingly, it should be deleted from the effective housing land supply and, as such would then become a potential candidate site to be considered for other uses, possibly including light industrial, agricultural, horticultural etc.
- In relation to planning history, there has never been any development within BYETH001 or RY1B. The allocation of the Council's housing site for only 7 units

appears to recognise that this is an undeveloped and unspoilt part of the Village. The intensification of use arising from the simultaneous development of these 2 sites would introduce an urbanisation into this corner of the Village which would be incongruent and completely out of character with the current scale and nature of development.

- The allocation of sites is normally based on a thorough criteria based assessment, including National and Local Planning Policies, general development control criteria and any other material considerations. In this case, a non-statutory environmental assessment, including a full landscape assessment would be expected and prepared by the landowner and then assessed by the Council.

Margaret and Michael Rustad (738)

- The contributors strongly object to site BYETH001 and expect Councils to encourage their respective districts to capitalise on their natural, physical and geographic advantages. In the case of Yetholm this would, apart from agriculture, be to encourage tourism, which is a major contributor to the local economy.
- For walkers Yetholm could justifiably be called the capital of the Cheviot Hills on their Scottish side, with both the end of the Pennine Way and St. Cuthbert's Way coming together. Such walkers patronise the above-mentioned facilities and discover what a beautiful place Yetholm is – nestling within the equally attractive Bowmont Valley. Local & national authorities have also recognised Yetholm's unique beauty and long cultural history, which has caused the whole village to be designated a Conservation Area, with listed buildings.
- To be seen in this context the Business/Industrial development proposed to be situated right at the entrance to Town Yetholm on the approach from Kelso would be totally out of character with the village and would immediately destroy the ambience and general visual appeal which has helped to justify its Conservation status. It would of course very seriously impact on the tourism which is the mainstay of so many in the village. The contributors question how thoroughly has this option been investigated?
- Having only by chance been made aware of the proposed Business & Industrial Park for the local plan, we approached a landscape architect with a view to clarifying better options, but the shortness of time before the SBC deadline did not make an alternative study possible; were the deadline to be extended in order to give the opportunity for such a study, to be considered later.
- The proposal to bolt onto a clearly defined conservation village an area of business and industry represents a clear reversal of previous planning for Yetholm. It would in planning terms be very difficult to prevent Yetholm being surrounded by similar bolt-on developments on all sides, destroying many of the features already alluded to, prized by Yetholm residents and visitors alike.
- As long-term residents of Yetholm, active in many spheres of local life over many years, we have not been made aware of an acute need for such a provision. We therefore believe that, unless evidence is to the contrary, because the Local Plan has a relatively short time-call of only five years a considered decision should be postponed until then.
- In your letter dated November 2nd, 2020 to us as residents with property adjoining the lower part of Deanfield, you notified us that this area continued to be allocated for housing. This situation has not changed in over forty years, and we are very positive towards this kind of development. However, it is apparent that when you sent out that letter on November 2nd, 2020, you were already in the process of proposing to

allocate land for business and industry, also adjoining our garden, which you did not consider relevant information to include in that letter. This resulted in us being given misinformation by you: partial information which was misleading because it was incomplete. We are elderly, with one of us being disabled, and so we have not been monitoring local government plans as closely as we might because of lockdown and shielding; we had trusted SBC to give us correct information already circulated in a letter.

- Given that access to the proposed business/industrial area is thought to run through the lower part of Deanfield, this will undoubtedly change the nature of any residential housing, which would now inevitably be grouped around a through road carrying commercial traffic. It will also have a major effect on the use of the Back Lane, which is quite narrow, steep and has bends in several places.
- The part of our garden adjoining the land which you wish to allocate for business and industry has at various times been given planning permission for a residential property. A stone wall over 3 metres high divides our garden from the land in question, but with the considerable rise of the terrain beyond our wall the garden is overlooked from quite a height, and screening for privacy would be an issue.

James Wauchope (831) – 1 of 3

- It is noted that the contributor supports the allocation of RY4B. The contributor also seeks an extension of RY4B to incorporate additional residential dwellings increasing the potential site capacity from 18 to 25 dwellings.
- The contributor states the site represents a logical and natural extension of the Town Yetholm development boundary to the south. They note the site has been partially allocated for residential use within the existing and proposed location plan, with the north part of the site benefitting from the allocation. They consider the extension of the settlement boundary to the south will optimise the sites potential for providing a strong mix of residential accommodation.
- The contributor states that there are no constraints associated within the site and consider an extension of the existing allocation and settlement to the south would enable a stronger mix of quality mainstream and affordable housing units and provide a more marketable and viable development prospect. They state there is a market demand for housing in Town Yetholm and due to the unconstrained nature of the subject site, it is an attractive prospect to a developer.
- It should be noted that Contributor 831 (Submissions 1 of 3 and 2 of 3) makes further comment and analysis of the housing land supply in the Scottish Borders however this is addressed as part of Unresolved Issue 6.

James Wauchope (831) – 2 of 3

- The contributor has submitted two sites for inclusion in the Local Development Plan. And states their proposal represents an opportunity to provide the sufficient housing numbers for the expansion of the settlement along with accommodation for business uses. They state that the site represents a logical and natural extension of Town Yetholm development boundary to the west.
- The first site is a housing site with a site capacity of at least 40 units and second is the adjacent site which is proposed for business and industrial use.
- The contributor states that two allocations within the LDP do not benefit from planning consent. They also state the current housing allocation RY1B is land locked with no access rights. The Contributor states their proposal will provide access to the

existing allocated site (RY1B) enabling it to come forward for development within a cohesive manner.

- The contributor notes part of the site is allocated for business and industrial use within the Proposed LDP and they consider the extension off the allocated boundary to the west and south will optimize the sites potential for providing both residential and business use.
- The contributor has submitted an indicative site plan identifying potential site access, landscaping and a pedestrian footpath. They state that there is market demand for housing in Yetholm and their site is free from constraints.

David Morrison (880)

- The contributor seeks a correction to key greenspace GSYETH003. They recently submitted a planning application to demolish a garage and build a house in their garden which was refused (20/00453/FUL). The officer report stated the following regarding GSYETH003 "this specific site has been allocated as a Key Greenspace in the LDP. The designation given arises from the Green Space SPG, Oct 2009 where the site was identified in an Audit by Halcrow consultants as "Functional green space". This is significant. The LDP policy seeks to offer protection to two typologies - functional green spaces and amenity green spaces.
- GSYETH003 was identified as meeting the criteria defined as B2 Allotments within Appendix D of the SPG the Green Space Strategy for the Borders, Page 19 defines quality and value. In Appendix G (Page 5) the area in question is outlined in black, shaded red and coded 606. The red shade signifies Low Quality and Low Value. Within Appendix I there was further assessment of the site where quality and value of this site were assigned 55%. There has been a clear and methodical process of identifying and assessing this Key Greenspace which now appears in the LDP.
- The SPG identifies "Detailed Provision Standards" for considering "B2 Allotments". The contributor has concerns that this site does not fit the definition of "B2 Allotment"; "Land laid out and managed as a statutory or non-statutory allotment site". The contributor has received representations and consultations that both confirm that these "Allotments" are owner/occupied private gardens.
- The contributor concludes that the SPG and Policy EP11 are erroneous in this designation in that this Key Greenspace is neither a statutory or non-statutory allotment site. The contributor suspects the "allotment" designation has been derived directly from OS mapping data which places a label; "Allot Gdns" over the site. The contributor's inspection of photos, streetview and aerial images all confirm that several owners are using the land for agricultural production but this private use does not constitute "Allotment" as defined by Oxford Dictionaries. These are gardens and not allotments - there is no manager or committee and there is no evidence presented that a consideration payment can be made for a third party to use the land for production.
- The Contributors submission makes reference to a Title Plan which confirms the land belongs Clifton Cottage however this does not form part of their submission.

Gordon McInally (1012)

- The contributor objects to the allocation of BYETH001. The contributor states that the creation of such an industrial park, albeit on the fringes of the village just outside of the Conservation Area, would fundamentally alter the nature of Town Yetholm.

- Kirk Yetholm and Town Yetholm have developed in recent years as villages that are popular with tourists throughout the year, offering a variety of accommodation for tourists. The villages are situated on the Pennine Way and St Cuthbert's Way. In this connection, I note that the Development Plan, in 'Placemaking Considerations', appears to assume that while Kirk Yetholm has some historic features and an amenity value which need to be respected, the same factors do not seem to be applied to Town Yetholm. I would suggest that this assumption is mistaken and that the two communities should be treated as one in planning and development terms, since what affects one, affects the other. Indeed, Scottish Borders Council clearly considers them one when they talk about the "Yetholm" Settlement Plan in one of the appendices to the Development Plan.
- Any proposed access road to the Industrial Park from the B6352 would create a dangerous junction on what is already a dangerous section of road which, despite the recent introduction of the trial 20 mph speed limit, regularly sees vehicles travelling either to or from Kelso at speed. As I am sure the Council's Roads Planning Team will be aware, there have been a number of accidents on, or around, the bend in the B6352 adjacent to the site.
- The proposed new footpath on the northern verge of the B6352 will run parallel to our property and, because of the position of our house, will have a direct line of sight into our main, first floor bedroom.
- The Contributor does not accept the statement in the Placemaking Considerations section of the Yetholm Settlement Profile that: "Within the Yetholm area there is a need for business and industrial land for small scale business located in the local area". A development on the scale proposed would not benefit residents of Yetholm and, realistically, would see an influx of workers from areas such as Kelso and other, larger, communities. Given the transport links, I am at a loss to see why an Industrial Park in Town Yetholm would be more appealing to any business than, for example, that at Pinnaclehill Industrial Estate on the outskirts of Kelso which I note is not fully utilised and where several plots are currently on the market. I believe any Industrial Park will, very much, be a blot on the landscape of Yetholm. Whilst I recognise that the Council have a duty to ensure maintenance of these sort of installations, you will be aware of the dangerous eyesore that is Proctor's Smiddy on the B6352 between Yetholm and Kelso and I have real concerns that units in the proposed Industrial Park could degenerate into something similar.
- The contributor has further concerns about the way the consultation process for the amendment to the Development Plan has been handled, including but not limited to the fact that they did not receive a neighbour notification letter despite the proposed footpath running within 20m of my property and the confusing minutes of the Yetholm Community Council.

Heather McNally (1013)

- The contributor objects to the allocation of BYETH001. I understand the need to try to provide areas of local employment, but I believe the proposals as they stand will not benefit the villages of Yetholm and Kirk Yetholm in any way. The villages are principally residential, with the other main attraction being as a tourist destination.
- The proposal to build a business/industrial park at the entrance to Yetholm will both cause severe traffic problems which the road cannot take and will detract from the rural appeal of the village which is the very thing tourists come to find. Any jobs created in this area could be outnumbered by jobs lost in the tourism sector due to the appeal of the villages being spoiled by the proposed development. A small

industrial area will only benefit small businesses with very few employees, not local start-ups with staffing requirements.

- The Contributor raises concerns regarding the possibility of noise pollution and the water and sewage system being able to cope – it is not fit for purpose as it is.
- An expansion of the Pinnaclehill Estate at the other end of the B6352 would be a much better option, with perhaps any jobs being created in this way being ring fenced so they can be offered locally first, before general advertising. A better option than major work could be arranging a more regular bus service to encourage people to use public transport.
- I am very disappointed to hear of this proposal so late in the process. I do live outside the 20m notification boundary (although only by metres), but have heard and seen no mention of the plan, either from social media, newspapers, posters, or more importantly, the local Community Council. I would have thought that the 20m boundary would include anyone impacted by the proposal, and the pavement which is mentioned connecting site BYETH001 with the village, along the north side of the B6352 not only runs along our property boundary, but would have a very detrimental effect on our lives. The proposed pavement would necessarily be at road level, which is at the level of the two main bedrooms of our house, which sits at a level below the road. At the moment there is very little footfall along the road, but a pavement from an industrial site would mean a great many more pedestrians, with a direct line of sight straight into our bedroom, and that of our daughter. The road traffic would also be more, with vans and lorries all having a high enough driving position to see straight in these windows.
- The access to the village along the B6352 is already a very dangerous route. I cannot see any way that an entrance could be brought onto the B6352 at the site – it is already an extremely tight blind bend, and adding another junction would be irresponsible in the extreme.
- The consultation period has been rushed, especially given that during the current pandemic, local people cannot be allowed to properly question and understand what is being proposed. The majority of the village know little about the plan and have no way of submitting their objections within the time frame.

Modifications sought by those submitting representations:

- The contributor requests that Key Greenspace - GSYETH003 is renamed to Kirk Yetholm Gardens. (037)
- The contributors seek the removal of RY1B from the Proposed Local Development Plan. (071, 665)
- The contributor seeks more detailed and firm guarantees on the part of the Council regarding the quality, appearance and safe traffic management in relation to RY1B, RY4B and BYETH001. (198)
- The contributors seek the removal of BYETH001 from the Proposed Local Development Plan. (071, 665, 738, 1012 and 1013)
- The contributor seeks the allocation of housing site AYETH002, business and industrial site BYETH002 and an extension to the allocated housing site RY4B. (831 - 1 of 3 and 2 of 3)
- The contributor seeks an amendment to the boundary of the Key Green Space – GSYETH003 to exclude the private garden ground of Clifton Cottage. (880)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE YETHOLM SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

- It is noted that James Wauchope (831 – 2 of 3) supports the continued allocation Morebattle Road (RY4B) for housing within the Local Development Plan (CD183, page 254).

Name of Key Greenspace – GSYETH003 (037 and 880)

- Comments noted. The name of the site has been carried over from current adopted LDP 2016.
- The aim of the identification of key greenspaces in the LDP is to protect and safeguard the most important open/green spaces within settlements. This is in line with Planning Advice Note (PAN) 65: Planning and Open Space (CD060, page 5) which states: “Development plans should safeguard important open spaces from development in the long term”. PAN 65 sets out the 11 different types of open space (greenspace). It is noted that within PAN 65, *‘Allotments and community growing spaces’ are described as “Areas of land for growing fruit, vegetables and other plants, either in individual allotments or as a community activity”*. Contributor 037 states that GSYETH003 is not allotments but gardens used for growing vegetable and fruits however it is considered that the definition within PAN 65 reflects the existing use of the site and therefore the site does not need to be renamed.
- All allocations within the Plan are given site names and site codes for future reference. As annotated on the OS Base Map 2021 (CD119, page 51) the site is named as ‘Allot Gdns’ which is where the name for GSYETH003 originally came from and is the historical use of the site. It may be the case that sites have a separate title or a local name however there is no justification to change the name for the purposes and references within the LDP. It is therefore contended that Key Greenspace GSYETH003 should continue to retain the name - Kirk Yetholm Allotments.

Boundary of Key Greenspace – GSYETH003 (880)

- The Contributor refers to a planning application on the site which they submitted for the demolition of garage and erection of dwellinghouse’ (20/00453/FUL) which was refused. The proposal was refused by the Council’s Local Review Body as the site was considered a key component and part of the setting of the Conservation Area. Ultimately, the proposal represented overdevelopment and was of excessive scale and mass on a constrained site. Members were also concerned that site was allocated as Key greenspace and the proposal resulted in the loss of open space without adequate or acceptable replacement of the space.
- The Contributor makes reference to a Title Plan which confirms the land belongs Clifton Cottage however this does not form part of their submission so has not been taken into consideration.
- The Key Greenspaces within the LDP have been agreed following consultation with Community Councils when the sites were first allocated and no objection was received. It is not considered any amendments to the site should be done via the LDP process. Development proposals on such sites can be tested via the

development management process. This process would take into account ownership issues and any other uses on the land.

Housing Allocation RY1B – Deanfield Court (071, 665, 831 – 2 of 3)

- Deanfield Court (RY1B) is a longstanding allocation in the Local Plan, it was allocated for housing in the Roxburgh Local Plan 1996 and has been carried forward into each subsequent Plan. The site was subject to Examination as part of the Local Plan in 2006, and no changes were made to the allocation by the Reporter.
- Due to the site being a long standing allocation, there are no recent records of the site assessment however it has been through the proper process at each local plan stage and the site requirements address any site constraints or issues to be considered.
- The Council are required to provide a range and choice of housing sites throughout the Scottish Borders. The established housing need is identified through the Housing Needs and Demands Assessment (HNDA) this is then used to help set out the Housing Land Requirement for the region. It is important that the Council ensure that housing allocations are available across the settlements in the Borders including smaller settlements such as Yetholm. (071)
- This allocation has remained undeveloped for a number of years, the site has not been subject to a planning application however it is not considered to be constrained. There is no reason the site could not be developed within the next five years and consequently the site has been programmed as effective within the Housing Land Audit 2019 (CD071, Appendix 1 – page 156) with the site being programmed from Year 5 onwards. (665)
- It is acknowledged that this site does have limitations regarding site access although there are no objections to the site being allocated for development from the Council's Roads Planning section. It is considered that development of the site for residential use would be of benefit to purchasers and the general amenity of the area. Any proposals for the site would be assessed under the relevant planning policies and the Council's Placemaking and Design SPG which aims to further improve the design quality of new developments in the Scottish Borders. (198)
- Regarding the comments made by Contributor 831 (2 of 3) in relation to the housing allocation RY1B being landlocked, this is not the case. The site can be accessed via Deanfield Court subject to improvements in discussion with the Council's Roads Planning Team.

Business and Industrial Allocation BYETH001 (071, 665, 738, 1012, 1013)

- Question 4 of the Main Issues Report 2018 (CD008, page 27) asked for suggested sites for business and industrial uses within Yetholm. Following consultation on the Main Issues Report no submissions were received proposing any new sites.
- The Council carried out an internal consultation to identify potential options and following discussions with internal SBC consultees, this site was identified for further consideration. BYETH001 has been through the site assessment process and it considered 'acceptable' for business and industrial use to help meet local demand (CD118, page 196). The Council's Economic Development Team state that whilst recognising that current demand for businesses land is predominantly for Kelso, there is increasing interest in business space in smaller settlements, working closer to home and reducing travel mileage. The Economic Development Team would support the proposed business and industrial allocation (BYETH001).

- The Roads Planning Team were consulted on the site and they raised no objections but requested specific site requirements were included within the LDP, notably site requirement numbers 2, 3, 9 and 10.
- Given the proximity of the site to existing residential properties the development management process would ensure the uses allowed on the site would be compatible and would not conflict with the amenity of nearby residential properties.
- The Council are aware that Kirk Yetholm and Town Yetholm are attractive and worthy of Conservation Area status and have a number of attractive features. However this does not mean that new development cannot take place and cannot be satisfactorily incorporated into the settlement and it is considered that with the appropriate scrutiny of any planning application by the Development Management Team this site can be developed in an appropriate manner for the setting of the village.
- It is appreciated some business and industrial estates are better designed, laid out and screened than others, though it is considered the poorer examples are longer standing sites. It is considered new sites are now developed to a much higher and satisfactory standard. It is confirmed special care would be taken with this particular site to ensure the site design and site layout is appropriate within this rural setting adjoining the Conservation Village of Yetholm. (665)
- As stated within Policy ED1 – Protection of Business and Industrial Land, use classes 4, 5 and 6 would be allowed on the site but again great care will be taken to ensure whatever uses are on the site that these are compatible with the adjoining uses including residential as part of the Development Management process. Any potential associated noise pollution would be taken into account by the Environmental Health – Amenity and Pollution Team who would be consulted on any planning application received for the site. (665 and 1013)
- Regarding the loss of agricultural land, the site only takes up part of a larger field and the land is not designated as Prime Quality Agricultural Land and consequently it is not considered that the loss of agricultural land at this location is a major issue. (665)
- It should be noted that there is an allocated business and industrial site on the approach to Morebattle which is four miles from Yetholm. It is not felt that this site detracts from the sense of arrival to Morebattle nor does it create a commercial or industrial setting for the village. The site in Morebattle provides an opportunity for small, local businesses to operate and it is anticipated that BYETH001 would do the same. (071, 198)
- It is not considered that tourists would be put off visiting Yetholm due to the allocation and development of this site. The site requirements state the need for structure planting and screening within the site with existing boundary features being conserved and enhance where possible. Such landscaping and planting would limit the impact of the site on the approach to Yetholm, reinforce the settlement edge and protect the residential amenity of adjacent properties. (071, 738, 1013)
- When a planning application is submitted on the site, it is at this point further specific details will need to be supplied by the applicant in terms of, for example, the dimension of buildings, finishing materials, site layout, parking / access details, landscaping proposals, etc. This process involves consultation with various Teams within the Council including Roads Planning, Landscape and Environmental Health in addition to any others that are considered appropriate. (665)
- The business and industrial estate at Pinnaclehill, Kelso (zEL206) is a popular site for local businesses to locate. Although the site is not fully developed there is planning consent for the majority of the site. This shows the level of demand for business and industrial sites within the local Kelso area. There are two further sites

adjacent to zEL206 allocated for business and industrial use for future expansion of the Industrial Estate. (071, 198, 738, 1012 and 1013)

- It is acknowledged that 'Proctors Smiddy' located on the B6352, is not an attractive business premises however it should be noted that this is not a formal business and industrial allocation. The site has been a long standing established commercial site used for vehicle repairs/workshop. A formal business industrial allocation for site BYETH001 within the LDP would aim to create a high quality commercial site and any proposal would need to comply with planning policies and adhere to the site requirements in the LDP. These include the need for structure planting, conservation and enhancement of existing boundary features and pedestrian links. (198, 1012)
- In terms of the LDP being approved, the Proposed Plan was agreed by the Council and was then subject to public representation. Following this the Plan will be subject to Examination by the Department for Planning and Environmental Appeals where an Examination is carried out by an independent Reporter. The Reporter's recommendations are largely binding and will lead on to the formal adoption process of the Plan. (071)
- Scottish Water are consulted on each site proposal throughout the LDP process. As part of the site assessment for BYETH001 Scottish Water stated '*Early engagement with Scottish Water is recommended to discuss build out rates and to establish any potential investment at the WwTW. Please note there are foul and surface sewers within site. Depending on how many units will determine if further investigation is required*'. Therefore it is not considered that there are any insurmountable constraints relating to wastewater infrastructure for BYETH001. (1013)

Road Safety Concerns – RY1B and BYETH001 (071, 198 and 738)

- When allocating sites and identifying site requirements there is discussion with various internal and external stakeholders and consultees. This includes the Council's Roads Planning Team. Throughout the LDP process there have been discussions with the Roads Planning Team who did not object to either of the sites being allocated and identified a number of site requirements to be included within the Plan to ensure mitigation measures are put in place to address any road safety issues.
- In relation to RY1B, the Plan includes two site requirements which are aimed at alleviating any road safety concerns with the site. Firstly it is intended that the access from Deanfield Court is to be widened following further discussion with the Roads Planning Team. Secondly, there is a requirement for a vehicular link to be incorporated within the site to link to BYETH001. This will provide an opportunity for an access/ secondary access to the west which will reduce the number of vehicles using Deanfield Court.
- Regarding parking issues along Woodbank Road and the Deanfield area, it is acknowledged that this area can become congested at times. However when a planning application is submitted for RY1B, the proposal will be assessed against Policy IS7 Parking Provision and Standards which ensures any development proposal makes suitable provision for car and cycle parking. (198)
- Whilst there are potential access constraints with BYETH001, following a site visit by the Roads Planning Team it is felt that these can be overcome. The comments included in the site assessment from the Team state '*in summary, although the provision of a junction from the B6352 to serve this site and a footway along the B6352 to connect with the village would be challenging to achieve it does seem*

possible and if there is strong justification for the site being developed then the Roads Planning Team on balance are able to offer support'. (1012 and 1013)

Housing Allocation RY4B and Proposed Housing Site AYETH001 (831) 1 of 3

- Support noted. The housing site RY4B is allocated within the Proposed LDP for 18 units. The site was allocated by the Reporter as part of the Examination of the Local Plan Inquiry in 2006. The site has been carried forward into each subsequent Plan and was subject to Examination again as part of the previous LDP in 2015. As part of this Examination, the Reporter considered the site to be 'a reasonable housing allocation, which would relate well to, and naturally extend, the built up area of the village' and concluded that the site was an 'acceptable allocation'.
- The housing proposal AYETH001 was assessed and considered acceptable for development (CD118, page 167). Although the site is considered an acceptable housing site with no significant constraints identified, the inclusion of this site would involve developing into part of an open field with no defined boundary on the southern side. It may be that the site could be considered further as part of a future LDP review and be brought forward when RY4B was developed.
- It is not considered necessary to increase the size or site capacity of RY4B. There are two housing allocations within Yetholm including this site and both remain allocated in the LDP. These two sites provide range and choice within the settlement and are considered sufficient to meet local demand.
- Consequently there is no justification for increasing the site size or site capacity at this point in time and therefore the Council do not support making any changes to the housing allocation RY4B within the Proposed Local Development Plan.

General comments on allocations in Yetholm

- Regarding comments made by Contributor 198 in relation to firm guarantees by the Council regarding the quality, appearance and safe traffic management of these proposals. As part of the development management process all proposals are assessed against the necessary planning policies and Supplementary Planning Guidance. There is also significant consultation with various stakeholders and internal and external consultees. This consultation process ensures that any concerns relating to the site are addressed and any necessary mitigation measures put in place. When a planning application is submitted on any of these sites this allows further consultation with the local community and allows further opportunity to comment on more specific sites details such as site design, layout and access. (198)

Impact on tourism in the local area

- The Council acknowledge the tourism value of both Yetholm and Kirk Yetholm especially its attraction to walkers. There are a number of shops and facilities within the settlement which are supported and frequented by tourists. It is not felt that any of the sites allocated within the Proposed Plan would affect this. On the contrary, a small increase in the number of residents within the local area would potentially provide additional support for local businesses. (198 and 1013)

Proposed Housing Site AYETH002 (831) 2 of 3

- The contributor has submitted AYETH002 as a proposed housing site for inclusion within the Local Development Plan. The site has been through the site assessment process and which concluded the site is 'doubtful' (CD118, page 203).
- The site has been submitted with an indicative site capacity of 40 units and the majority of the site is outwith the Yetholm development boundary. The north-eastern part of the site is allocated for business and industrial use within the Proposed Local Development Plan.
- The site currently contributes to the rural setting of the Conservation Area and its listed buildings. It is considered that development of the site would present a considerable expansion of the village and has the potential to impact on its historic character although it is felt that this could be mitigated by structure planting and screening. The Roads Planning Team stated that the size of the site allows for reasonable external street connectivity with links possible directly to the B6352 to the north and indirectly to the B6401. It appears development in this area may be challenging and will require extensive engineering works due to the difference in levels however this is not considered insurmountable. It is felt that the large size of the site and high proposed number of houses would be out of scale with the settlement. It is also considered that there are better sites within the Central Housing Market Area to help meet the housing land requirement.
- If the proposed housing site AYETH002 was incorporated within the Plan this would result in the loss of the proposed business and industrial allocation BYETH001. The Council's Economic Development Team are reluctant to relinquish the business land proposed to be allocated within the Proposed LDP and remain of the view that site BYETH001 is the most appropriate location for this use in the village.
- It should be noted that there are also two existing housing sites within Yetholm. Although the sites are undeveloped and do not have planning consent, they are considered effective and could be developed within the next five years.
- Yetholm is located outwith any Strategic Development Area set out by the SESplan Strategic Development Plan (SDP) (CD001, pages 7-20). Appendix 2 contained within the Proposed Plan outlines that the Housing Land Requirement figures are taken from the Proposed SESplan SDP (CD005, pages 44-50) and Housing Background Paper 2016 (CD006, pages 4-6) and demonstrates that the Proposed LDP meets the provisions in providing sufficient land to meet the housing land requirement throughout the Scottish Borders. The Housing Land Audit 2019 (CD071 (Introduction), pages 14-16) shows that there is a generous and effective five year housing land supply within the Scottish Borders. Furthermore there is the potential flexibility through the allocation of redevelopment and mixed use sites, which do not have indicative site capacities but may have housing potential. It should be noted that housing matters are addressed as part of Unresolved Issue 6. It is also acknowledged that housing land requirements will be set out at a national level through the forthcoming National Planning Framework.

Proposed Business and Industrial Site BYETH002 (831) 2 of 3

- The contributor has submitted BYETH002 for inclusion within the Local Development Plan as a business and industrial site. The site has been through the full site assessment process and was considered 'doubtful'. (CD118, page 199)
- The site is considered acceptable for housing development (RY1B) however it is not considered appropriate to reallocate the site as a business and industrial site. The surrounding land uses are predominantly residential and development of this site for housing would relate well to the adjacent housing at Deanfield Place. Commercial

use on this site would be less desirable in amenity terms and less compatible with the surrounding uses. It is considered the adjacent site (BYETH001) is a more suitable site for business and industrial use and would be sufficient to meet any local need.

- It is considered that the long standing housing site RY1B and proposed business and industrial site BYETH001 are the most appropriate allocations to develop the village and are supported by internal Council bodies. Substituting site RY1B to become a business and industrial site would effectively only be done in order that the contributor can obtain 40 houses on the eastern part of the village. As stated previously it is considered the large scale of this proposal would be inappropriate in relation to the existing village.

Neighbour Notification and Public Consultation 071, 665, 738, 1012 and 1013

- Statutory neighbour notification letters were sent to all owners/occupiers and lessees of properties within 20 metres of an allocated site included within the LDP. In addition to this, extensive public consultation has been undertaken throughout the Local Development Plan process. This is detailed within Appendix 3 of the Proposed LDP.
- It should be noted that as stated within Section 5 of Appendix 3 (page 223) the COVID-19 pandemic had a direct impact on the engagement of the Proposed Plan and no face-to-face meetings or workshops were able to be held. Alternative methods of engagement were used including online storyboards, mail outs, social media and press releases in the local newspapers. A poster was distributed which provided details of the Proposed Plan, the consultation dates and also included the website details, email address and a QR code for further information. Each Community Council was requested to display the poster within their local area to publicise the consultation process. It should also be noted that the period for making representations to the Proposed Local Development Plan was 12 weeks, this is six weeks longer than the statutory minimum.
- Each neighbour notification letter only refers to one site, therefore a letter received in relation to RY1B would not make reference to any adjacent sites including BYETH001. The allocation of BYETH001 provided the opportunity to establish a vehicular link between the two sites and increase connectivity in any area with access constraints. (665 and 738)
- In terms of the neighbour notification matter raised by contributors 1012 and 1013, there are no specific details as yet as to any new public footpath link and therefore it is not part of the site allocation at this LDP stage. However, if the site is allocated following the Examination, at some further point a planning application may be submitted. As part of any application, the applicant would be required to include full details of the access route, its exact location, dimensions, construction etc. Consequently the Contributor would be formally neighbour notified at that stage as part of the Development Management planning application process. (1012 and 1013)

Yetholm Settlement Profile - Placemaking Considerations (198 and 1012)

- In relation to comments stating that this section of the Settlement Profile appears to assume that while Kirk Yetholm has some historic features and an amenity value which need to be respected, the same factors do not seem to be applied to Town Yetholm, it is not considered that this is the case. Neither Kirk Yetholm nor Yetholm are considered to have any historic nor amenity superiority over the other. As

previously mentioned, the Council are aware that both Kirk Yetholm and Town Yetholm are worthy of Conservation Area status and have a number of attractive features. Kirk Yetholm and Town Yetholm are dealt with under one settlement profile due to their close proximity and need to avoid development within the Haugh between the two settlements. (198 and 1012).

- The contributor refers to paragraph five of the Placemaking Considerations section which states “Within the Yetholm area there is a need for business and industrial land for small scale business located in the local area” and raises concerns that a development on the scale proposed would not benefit residents of Yetholm and, realistically, would see an influx of workers from areas such as Kelso and other, larger, communities. However the Council have been made aware of local demand which is currently unmet. The proposed allocation of BYETH001 would provide an opportunity for local businesses to expand or potentially new businesses to be created within the local area. (1012)

Reporter’s conclusions:

Name of Key Greenspace – GSYETH003 (037 and 880)

1. The evidence above and my site visit confirm that the land in question appears to be used for what Planning Advice Note 65 describes as ‘allotments and community growing spaces’ whether on a private or a community basis. The name Kirk Yetholm Allotment Gardens therefore seems appropriately descriptive. No modifications are required.

Boundary of Key Greenspace – GSYETH003 (880)

2. Part of the motivation for changing the key greenspace boundary is to facilitate development. However, the purpose of the designation is to prevent development, or at least to limit what can occur and the circumstances in which it could occur. No compelling evidence persuades me that the wishes for development override the community benefit that the council has identified. No modifications are required.

Housing Allocation RY1B – Deanfield Court (071, 665, 831 – 2 of 3)

3. Site RY1B has an indicative capacity for seven homes. My site visit confirmed that the site is not landlocked, as some representations suggest. I can appreciate that this site has been in the development plan for the best part of 25 years without development. However, no evidence persuades me that it is incapable of delivering homes during the plan period. Settlements in rural areas often contain one or more sites for the long-term growth of the settlement and this may not always be needed or developed immediately during the comparatively limited timeframe of a plan. That does not always mean it should not be allocated or that it would not come forward during that same plan period. On the evidence before me, I have no reason to conclude that the site should be deallocated. No modifications are required.

Business and Industrial Allocation BYETH001 (071, 665, 738, 1012, 1013)

4. Allocation BYETH001 is the consequence of the Main Issues Report process seeking sites for local employment. This is, at least in part, aimed at reducing the need to travel to settlements such as Kelso for employment. I also note the council’s point that this site is not prime agricultural land, which suggests that agricultural land quality is

unlikely to be a constraining factor in policy terms. The type, size, design, layout and nature of development and its associated impacts could be addressed at planning application stage.

5. None of the above factors or my visit to Town Yetholm, Kirk Yetholm and nearby Morebattle convince me that site BYETH001 would adversely affect the setting of or arrival into Morebattle. I consider tourism matters separately (below) but the provision of local employment offers some potential to broaden the economy of the village.

6. I understand reference to 'Proctors Smiddy' in one representation to be a concern that similar development would occur on site BYETH001. The council appears to acknowledge that development of that kind is not what it seeks. As noted above, detailed matters of design etc. could be considered at planning application stage.

7. No evidence suggests that Scottish Water objects to site BYETH001 or that any issues of water supply or wastewater could not be addressed. That would also be a matter for planning application stage. No modifications are required.

Road Safety Concerns – RY1B and BYETH001 (071, 198 and 738)

8. The council, as roads authority, has not objected to either RY1B or BYETH001 being allocated, provided that the site requirements include road safety measures. The proposed plan site requirements for both allocations incorporate various traffic and access requirements which reflect the comments of the roads authority. The roads authority is also content that access issues at BYETH001 could be overcome. No evidence persuades me to conclude differently. Parking would be a matter for the design and layout of both sites. Those matters could be appropriately addressed at planning application stage. No modifications are required.

Housing Allocation RY4B and Proposed Housing Site AYETH001 (831) 1 of 3

9. Promoted site AYETH001 incorporates all of existing allocation RY4B as well as land to the south in a more open part of the same field. The council's point about field boundaries would be apparent with either site, albeit that RY4B would utilise the northern-most element of the field up to where it opens out into a wider space.

10. Irrespective of the merits or otherwise of this promoted site (in relation to the additional part of it), Issue 006 (Chapter 6 Planning for Housing and Appendix 2 Meeting the Housing Land Requirement) concludes that there is no need to allocate more land for housing besides what is already set out in the proposed plan. No modifications are required.

General comments on allocations in Yetholm

11. Representation (198) appears to be concerned that the development of allocated sites is of sufficient quality and appearance and has in place safe traffic management. In my considerations above, I am content that these matters could form part of the design and layout of proposed development and could be appropriately considered at planning application stage. No modifications are required.

Impact on tourism in the local area

12. I can appreciate that there is some concern to ensure that additional development does not bring about adverse effects on the tourism economy. However, I tend to agree with the council that development could provide some additional support for local businesses rather than the opposite. That could contribute to sustaining and/or improving the offer of the settlement to the tourism sector. As noted above, I am content that the design and implications of development proposals for allocated sites could be appropriately considered at planning application stage. No modifications are required.

Proposed Housing Site AYETH002 (831) 2 of 3

13. Promoted site AYETH002 incorporates proposed allocation BYETH001 and a larger area of land on the northwest side of the village. Its estimated capacity would be around 40 homes. That is nearly twice the indicative capacity of the two existing proposed plan housing allocations in Yetholm. It would also remove the existing proposed employment allocation BYETH001 in favour of housing. I have already accepted (above) the principle of some employment land in the village.

14 Irrespective of the merits or otherwise of this promoted site (in relation to the additional part of it), Issue 006 concludes that there is no need to allocate more land for housing besides what is already set out in the proposed plan. No modifications are required.

Proposed Business and Industrial Site BYETH002 (831) 2 of 3

15. Site BYETH002 is already allocated for housing as site RY1B. The council considers that employment uses would not be desirable on amenity grounds and due to its proximity to residential uses. I saw that the adjacent street is narrow with a mixture of commercial and residential uses. On balance, no evidence suggests a need for additional employment land besides BYETH001. I have also accepted the principle of allocating this site for housing (above). No modifications are required.

Neighbour Notification and Public Consultation 071, 665, 738, 1012 and 1013

16. I have already concluded that the council acted in conformity with the participation statement. No modifications are required.

Yetholm Settlement Profile - Placemaking Considerations (198 and 1012)

17. I do not read the proposed plan settlement profile for Yetholm to be describing the historic or amenity value of either Kirk Yetholm or Town Yetholm as being inferior or superior to that of the other. I see nothing to suggest that reference to one is at the expense of how the other is treated. Both contain conservation areas and development proposals in either would be considered against the same policies in the proposed plan. No modifications are required.

Reporter's recommendations:

No modifications.

Issue 74	Response to submission made by SEPA	
Development plan reference:	Volume 2: Settlements (pages 235-549)	Reporter: Nick Smith
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Environmental Protection Agency (SEPA) (1043 - 2 of 2)		
Provision of the development plan to which the issue relates:	Settlement Profiles	
Planning authority's summary of the representation(s):		
<p><i>Note: The Main Issues Report 2018 was based on the SEPA Flood Hazard Maps available at that time. Since this date new flooding information may have been made available and forms the basis of the SEPA response. Due to copyright, the Council is unable to reproduce SEPA flood maps. However this information can be found on the SEPA website using the following link: https://map.sepa.org.uk/floodmaps</i></p> <p><u>Scottish Environmental Protection Agency (SEPA) 2 of 2 (Volume 2) (1043 – 2 of 2)</u></p> <ul style="list-style-type: none"> • The response from SEPA is contained within Appendix 1 of their submission. This is split into four sections; <ol style="list-style-type: none"> 1. Sites to be removed (4 sites) 2. Sites where SEPA require a modification to the developer requirement, asking for a Flood Risk Assessment, further flood risk investigation or text changes (61 sites) 3. Sites where a developer requirement already considers flood risk but where SEPA recommend a modification to be more specific (32 sites) 4. Sites for which SEPA do not require modifications to the developer requirement, but for which they have additional information that the Council may find useful (157 sites) • It should be noted that this Schedule 4 sets out the three sections separately which request modifications to the Proposed Plan, as stated above. <p>Sites for removal (4 sites)</p> <ul style="list-style-type: none"> • Require 4 sites to be removed from the plan. Based on the information SEPA hold, these sites are at significant risk of flooding and are not suitable for development. SEPA consider avoidance the most sustainable option and recommend that the sites are removed from the plan. 		

- EC2, Clovenfords: Due to the site being in a sparsely developed area, within the functional floodplain, and a proposed increase in sensitivity from no classification to residential, SEPA do not consider that it meets with the requirements of Scottish Planning Policy and our position is unlikely to change. SEPA have a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. The cornerstone of sustainable flood risk management is the avoidance of flood risk in the first instance. Therefore, SEPA require that this site is removed from the Local Development Plan. SEPA provide a Technical Appendix to this response.
- SPEEB005, Peebles: Please refer to Issue 61.
- ASELK040, Selkirk: In their MIR response SEPA asked for this site to be removed, but note that this has not been done and the site is in the Proposed Plan. Due to the site being in a sparsely developed area and a proposed increase in land use vulnerability from commercial to residential, SEPA do not consider that it meets with the requirements of Scottish Planning Policy and our position is unlikely to change. SEPA have a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. The cornerstone of sustainable flood risk management is the avoidance of flood risk in the first instance. Therefore, SEPA recommend that this site is removed from the Local Development Plan. SEPA provide a Technical Appendix to this response.
- EY5B, Yarrowford: Due to the site being in a sparsely developed area, entirely within the functional floodplain, and a proposed increase in land use vulnerability from greenfield to residential, SEPA do not consider that it meets with the requirements of Scottish Planning Policy and our position is unlikely to change. SEPA have a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. The cornerstone of sustainable flood risk management is the avoidance of flood risk in the first instance. Therefore, SEPA require that this site is removed from the Local Development Plan. SEPA provide a Technical Appendix to this response.

Sites where SEPA require a modification to the developer requirement, to ask for a Flood Risk Assessment (FRA) or further flood risk investigation (62 sites including zEL24)

- These sites are located in or adjacent to the functional flood plain or an area potentially at flood risk from any source. We therefore require that a development requirement is attached to these sites for a FRA to be undertaken prior to any development occurring on the site and that the findings are used to inform the scale, layout and form of development. This is necessary to ensure that development is avoided within areas at medium to high risk (unless they accord with the risk framework in paragraph 263 of SPP) and there is safe dry pedestrian access and egress at times of flood. The capacity of these sites to provide deliverable development land may be reduced due to flood risk and we recommend that you contact your flood protection/management colleagues to discuss this further. Potential flood risk constraints should be taken into account when defining the number of units/areas of deliverable development land available on these sites. If a development requirement addressing this issue is not attached to each of the sites we would object and seek a modification to the proposed plan.

- AAYTO004, Ayton: SEPA require an FRA which assesses the risk from the small watercourse adjacent to the site.
- TB200, Broughton: A FRA which assesses the risk from the small watercourses which flow along the perimeter of the site is required. Consideration should be given to whether there are any culverted watercourses within the site. Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage, in addition SEPA also state that Broughton Flood Study undertaken 2018 may provide additional information.
- zEL43, Broughton: There is no mention of flood risk in the Proposed Plan. SEPA state that they would support similar/ less sensitive development of this site in line with their land use vulnerability guidance, and that they would not support residential development at this site. A FRA to assess the risk from the Biggar Water and small watercourse which flows along the perimeter of the site would be required. Broughton Flood Study undertaken 2018 may provide additional information.
- BCL2B, Coldingham: The Proposed Plan refers to the Planning Brief, which says that a FRA would not be required. SEPA disagree. SEPA require an FRA which assesses the risk from the Hill Burn and Bogan Burn which flow along the perimeters of the site. Consideration should be given to whether there are any culverted watercourses within the site. There is a culvert along the Hill Burn that will need to be taken into account in any FRA.
- BCOLD001, Coldstream: There is no mention of flood risk in the Proposed Plan. A FRA is required. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues adjacent or encroaching onto the northern perimeter of the site. This should be investigated further and it is recommended that contact is made with the flood prevention officer for more information on surface water.
- ACRAI001, Crailing: SEPA require a FRA which assesses the risk from the small watercourse which potentially is culverted within or adjacent to the site. Information should also be provided relating site levels to historic flood levels in the Teviot.
- BD200, Duns: SEPA require an FRA which assesses the risk from the Pouterlynie Burn which flows along the southern boundary. There is a record of flowing in 2000 at Longformacus Road. No further information on source.
- BD20B, Duns: Review of the surface water 1 in 200 year flood map indicates that there may be flooding issues to the north of the site. This should be investigated further and it is recommended that contact is made with the flood protection officer.
- RDUNS003, Duns: SEPA require an FRA which assesses the risk from the small watercourse which flows along the western and southern boundaries of the site. Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage. Consideration should be given to whether there are any culverted watercourses within/near the site.
- zEL26, Duns: There is no mention of flood risk in the Proposed Plan. SEPA require an FRA which assesses the risk from the small watercourse which flows along the northern and western boundaries of the site. Also review of the surface water 1 in 200 year flood map shows that there may be flooding issues on the site. This should be investigated further and it is recommended that contact is made with the flood prevention officer. Consideration should be given to whether there are any culverted watercourses within/nearby the site.
- BEARL002, Earlston: SEPA require a FRA which assesses the risk from the small watercourses which flow along the boundary of the site. There is a Flood Protection Scheme (FPS) downstream of this reach but it offers a limited standard of protection. Surface water runoff from the nearby hills may be an issue. May require mitigation

measures during design stage. Consideration should be given to whether there are any culverted watercourses within/ near the site.

- zEL56, Earlston: SEPA require a FRA which assesses the risk from the Turfford Burn. The FRA is required to inform the area of redevelopment, type of development, and finished floor levels. It is important to consider sensitivity of use in line with SEPA's land use vulnerability guidance. Re-development should not increase flood risk elsewhere. Development will likely be constrained due to flood risk.
- zEL57, Earlston: SEPA require a FRA which assesses the risk from the Leader Water. The FRA is required to inform the area of redevelopment, type of development, and finished floor levels. It is important to consider sensitivity of use in line with SEPA's land use vulnerability guidance. Re-development should not increase flood risk elsewhere. Development may be heavily constrained due to flood risk.
- TE6B, Eddleston: A FRA which assesses the risk from the Longcote Burn and small watercourse which flows along the eastern perimeter would be required. Surface water runoff from the nearby hills may be an issue. SEPA note that a FRA is mentioned in the Planning Brief. Mitigation measures during design stage may be required. Site will likely be constrained due to flood risk.
- AEYEM006, Eyemouth: The Planning Brief states no FRA required. SEPA disagree and request a FRA or, at very minimum, topographic information. SEPA require an FRA which assesses the risk from the small watercourses which flow through and on the boundary of the site.
- AEYEM007, Eyemouth: The Planning Brief states no FRA required. SEPA disagree and request a FRA or, at very minimum topographical information. SEPA require an FRA which assesses the risk from the small watercourses which flow through the site.
- BEY2B, Eyemouth: SEPA have commented on part of this site. Part was built without SEPA consultation. For any further development SEPA require a detailed FRA which assesses the risk from the North Burn. SEPA would not support any further development which increases the flood risk to existing/proposed development. Any further development will likely be heavily constrained as a result of the current development.
- AGALA024, Galashiels: SEPA require a FRA which assesses the risk from the small watercourse which flows through the western side of the allocation. Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage.
- BGALA002, Galashiels: As this allocation is for business/industry SEPA require a FRA which assesses the flood risk from the Gala and Tweed. The FRA is required to inform the area of redevelopment, type of development, and finished floor levels. It is important to consider sensitivity of use in line with SEPA's land use vulnerability guidance. SEPA would not support any development which increases the flood risk to existing/proposed development. Any further development will likely be heavily constrained as a result of the current development. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues on the site. This should be investigated further and it is recommended that contact is made with the flood prevention officer.
- EGL13B, Galashiels: There is a pond upstream but no evidence there is a small watercourse through the site. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues at this site. This should be investigated further and it is recommended that contact is made with the flood prevention officer.

- EGL17B, Galashiels: SEPA require an FRA which assesses the risk from the small watercourse which flows through the site. Consideration will need to be given to bridge and culvert structures within and adjacent to the site. SEPA do not support development over culverts that are to remain active. Review of the surface water 1 in 200 year flood map and steep topography nearby indicates that there may be flooding issues within this site. This should be investigated further and it is recommended that contact is made with the flood prevention officer. Site will need careful design to ensure there is no increase in flood risk elsewhere and proposed housing is not affected by surface runoff.
- EGL19B, Galashiels: Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage. There is a small watercourse part culverted downhill of the site. Historic maps indicate that the Lint Burn may be culverted through or adjacent to the site. Buildings must not be constructed over an existing drain (including a field drain) that is to remain active. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues at this site. This should be investigated further and it is recommended that contact is made with the flood prevention officer.
- EGL32B, Galashiels: SEPA require a FRA which assesses the risk from the Gala Water and the small watercourse which flows along the eastern boundary. Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage. There is also a mill lade (disused) along the southern boundary which will require investigation.
- EGL41, Galashiels: Although SEPA cannot find any evidence on historic maps, there may be a culverted watercourse through the site. Buildings must not be constructed over an existing drain (including a field drain) that is to remain active. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues at this site. SEPA request basic further information in the form of a culvert survey to determine the presence/location/condition of a culverted watercourse through the site. This should be investigated further and it is recommended that contact is made with the flood prevention officer.
- EGL43, Galashiels: SEPA require an FRA which assesses the risk from Mossilee Burn which flows along the boundary of the site. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues at this site. This should be investigated further and it is recommended that contact is made with the flood prevention officer.
- RGALA001, Galashiels: The Proposed Plan says that an FRA may be required. SEPA do require one to assess the risk from the Mossilee Burn. The updated SEPA Floodmap indicates a flow path along Livingstone Place, St Andrews Street and St John Street.
- RGALA002, Galashiels: FRA required. There is a small watercourse shown to be located on the opposite side of the road to the development. SEPA would recommend that flood resistant/resilient materials are considered during the construction.
- zCR3, Galashiels: SEPA require a FRA which assesses the risk from the Gala Water. In addition, review of the surface water 1 in 200 year flood map shows that there may be flooding issues at this site. This should be investigated further and it is recommended that contact is made with the flood prevention officer.
- zED2, Galashiels: As the allocation is for education safeguarding SEPA require an FRA which assesses the risk from the Gala Water. The FRA is required to inform the area of redevelopment, type of development, and finished floor levels. It is important to consider sensitivity of use in line with SEPA's land use vulnerability guidance.

SEPA would not support any development which increases the flood risk to existing/proposed development.

- AGREE009, Greenlaw: Should the layout or land-use differ from what was previously agreed SEPA would require an FRA which assesses the risk from the Blackadder Water and small watercourse along the eastern boundary. Due to the steepness of the adjacent hill slopes SEPA would also recommend that consideration is given to surface water runoff to ensure the site is not at risk of flooding and nearby development and infrastructure are not at increased risk of flooding.
- AHAWI006, Hawick: SEPA requires an FRA of the small watercourse which flows through/adjacent to the site, including consideration of any culverts/bridges nearby/within the site which may exacerbate flooding. Surface water runoff from the nearby hills may be an issue. Mitigation measures may be required during design stage.
- AHAWI013, Hawick: SEPA requires an FRA of small watercourse which flows along the site boundary, including consideration of any culverts/bridges nearby/ within the site which may exacerbate flooding. Surface water runoff from the nearby hills may be an issue. Mitigation measures may be required during design stage.
- RHA12B, Hawick: SEPA disagrees with advice of the Planning Brief (CD117; page 50) that no FRA is required, and seeks an FRA of the small watercourse which flows along the site boundary. Surface water runoff from the nearby hills may be an issue. Mitigation measures may be required during the design stage.
- RHA13B, Hawick: SEPA disagrees with advice of the Planning Brief (CD117; page 50) that no FRA is required, and seeks an FRA of the small watercourse which flows along the site boundary. Surface water runoff from the nearby hills may be an issue. Mitigation measures may be required during the design stage.
- RHA25B, Hawick: SEPA requires an FRA of small watercourse which flows along the site boundary, including consideration of any culverts/bridges nearby/within the site which may exacerbate flooding. Surface water runoff from the nearby hills may be an issue. Mitigation measures may be required during design stage.
- RHAWI016, Hawick: SEPA seeks an FRA to inform the area of redevelopment, type of development, access/egress, and finished floor levels, considering sensitivity of use, in line with SEPA's land use vulnerability guidance. Re-development should not increase flood risk elsewhere. It anticipates that development may be heavily constrained due to flood risk, and advises that investigation of potential lade structures should be considered. Surface water runoff from the nearby hills may be an issue. Mitigation measures may be required during the design stage. They recommend that consideration be given to the inclusion of flood resistant/resilient materials, included in the design.
- zEL49, Hawick: SEPA seeks an FRA of the River Teviot and Boonraw Burn to inform the area of redevelopment, type of development, and finished floor levels, considering sensitivity of use, in line with SEPA's land use vulnerability guidance. Re-development should not increase flood risk elsewhere. Surface water runoff from the nearby hills may be an issue. Mitigation measures may be required during design stage
- zEL51, Hawick: An FRA is not required, but SEPA has reviewed the surface water 1 in 200 year flood map for this site, and advises that there may be flooding issues, and this needs to be investigated further. Surface water runoff from the nearby hills may be an issue.
- zEL52, Hawick: SEPA identifies the need for an FRA of Slitrig Water and any potential mill lades flowing through or adjacent to the site. Any nearby bridges

should also be considered as the Slitrig has mobilised large amounts of woody debris in the past.

- TI200, Innerleithen: SEPA state that should the application change from previously agreed they would require an FRA which assesses the risk from the small watercourses, mill lade, and interaction with the Leithen Water. This should take into account all their latest guidance. Consideration will need to be given to any culverts/ bridges which may exacerbate flood risk. Review of the surface water 1 in 200 year flood map and steep topography indicates that there may be flooding issues at this site or immediately adjacent. This should be investigated further and it is recommended that contact is made with the flood prevention officer. Site will need careful design to ensure there is no increase in flood risk elsewhere and proposed housing is not affected by surface runoff. Site will likely be constrained due to flood risk.
- AJEDB005, Jedburgh: The area along the southern boundary of the site is shown to be at pluvial flood risk which has picked up the route of the small watercourse. FRA is required to assess the risk of flooding.
- RJ27D, Jedburgh: Small watercourse flows along western boundary and is culverted beneath Wildcatcleugh road and should be assessed within any FRA.
- zEL33 and zEL34, Jedburgh: As the area is at significant flood risk, it is essential that any new development will have a neutral impact on flood risk. SEPA would only support redevelopment of a similar use in line with their land use vulnerability guidance. The FRA is required to inform the area of redevelopment, type of development, finished floor levels and ensure that the development has a neutral impact on flood risk. Furthermore flood resilient and resistant materials should be used.
- zEL35 and zEL37, Jedburgh: As the area is at significant flood risk, it is essential that any new development will have a neutral impact on flood risk. SEPA would only support redevelopment of a similar use in line with their land use vulnerability guidance. The FRA is required to inform the area of redevelopment, type of development, finished floor levels and ensure that the development has a neutral impact on flood risk. Sensitivity of use should be considered. Furthermore flood resilient and resistant materials should be used. SEPA maintain a gauging station adjacent to zEL37.
- BKELS005, Kelso: Small watercourse/drain showing to be located within development site and is culverted partially through development site. FRA required to assess the risk of flooding.
- zEL206, Kelso: Small watercourse flows along southern boundary. The surface water flood map picks up this low lying area.
- BLAUD002, Lauder: A FRA would have to assess the risk of flooding from all sources and ensure that development has a neutral impact on flood risk and doesn't affect the flood protection scheme.
- RLAUD002, Lauder: A FRA would have to assess the risk of blockage of the culvert running below the road. The site will be significantly constraint by flooding but note only 5 houses are proposed.
- zEL61, Lauder: A FRA is required. There are two sources of flood risk. One from the flood protection scheme and the associated culvert and also the small unnamed watercourse which flows along the southern boundary of the site and is also culverted beneath the development site. SEPA are unsure whether the two culverts join beneath the site.
- EM32B, Melrose: Number of watercourses flowing through the site, some of them culverted. Any new development in this area would have to be supported by a FRA.

- EM4B, Melrose: Small watercourse flows along northern boundary. The surface water flood map picks up this low lying area. Also, another small watercourse flowing through the middle of the site. FRA would be required to assess all flood risk sources to the site.
- ENT4B, Newtown St Boswells: Very small portion of site shown to be at risk of flooding. Recommend that a FRA is carried out if any development within the vicinity of the flood envelope. Vast majority of site developable.
- MREST001, Reston: Should the application differ from what has been previously agreed then SEPA would object and request the submission of an updated FRA to assess the flood risk from the Briery Burn.
- SREST001, Reston: SEPA will require a FRA to assess flood risk from the small watercourse which is located within the site and another small watercourse may be culverted through the site. There should be no built development over an active culvert.
- zRS3, Reston: SEPA require an FRA to assess flood risk from the small watercourse which may be culverted through the site. There should be no built development over an active culvert.
- AROBE003, Robertson: SEPA requires an FRA. A watercourse may be culverted through the site and as such this should be investigated as part of any development proposal. Buildings must not be constructed over an existing drain (including a field drain) that is to remain active. Surface water runoff from the nearby hills may be an issue. Mitigation measures may be required during design stage.
- BSELK002, Selkirk: Site is behind FPS to an appropriate standard. The surface water ponding should be discussed with the flood protection officer.
- BSELK003, Selkirk: Site is behind FPS to an appropriate standard. The surface water ponding should be discussed with the flood protection officer.
- RSP3B, Sprouston: SEPA require a FRA which assesses the flood risk from the small watercourse in order to inform the design and finished floor levels. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues. This should be investigated further and it is recommended that contact is made with the Flood Prevention Officer.
- zEL18, West Linton: A FRA which assesses the flood risk from the small watercourse which enters a culvert adjacent to the site will be required. Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage.
- zEL24, Whitsome: SEPA require a FRA which assesses the flood risk from the small watercourse. Consideration should be given to the downstream culvert or structure which may exacerbate flood levels.

Sites where the developer requirement already considers flood risk but where SEPA recommend a modification to be more specific. (34 Sites including APEEB044 & REYEM005)

- ADENH001, Denholm: SEPA require a FRA to assess the risk from the small watercourse along the western boundary. Consideration should be given to any culverts/bridges that may exacerbate flood risk. No built development on any active culverts. Due to the steep hill slope adjacent to the site consideration should be given to surface water runoff during site layout design. It is recommended that contact is made with the flood prevention officer.
- RD4B, Denholm: SEPA are satisfied that the developer requirements are sufficient to address flood risk at the site. SEPA require a FRA to assess the risk from the

small watercourse along the western boundary. Consideration should be given to any culverts/bridges that may exacerbate flood risk. No built development on any active culverts. Due to the steep hill slope adjacent to the site consideration should be given to surface water runoff during site layout design. It is recommended that contact is made with the flood prevention officer.

- ADUNS023, Duns: SEPA require a modification to the text of the developer requirement to request an FRA which assesses the risk from the small watercourse. Consideration should be given to any culverts/bridges which might exacerbate flood risk. There should be no build development over an active culvert. Review of the surface water 1 in 200 year flood maps shows that there may be flooding issues on the site. This should be investigated further and it is recommended that contact is made with the flood prevention officer.
- AEARL002, Earlston: SEPA require a FRA which assesses the risk from the Turfford Burn as well as the small offtake. The FRA is required to inform the area of redevelopment, type of development, and finished floor levels. It is important to consider sensitivity of use in line with SEPA's land use vulnerability guidance. Redevelopment should not increase flood risk elsewhere.
- AEARL010, Earlston: SEPA require a FRA which assesses the risk from the Turfford Burn and small watercourse near the site. There is a FPS downstream of this reach but it offers a limited standard of protection. The site will likely be constrained due to flood risk.
- AEARL011, Earlston: SEPA require a FRA which assesses the risk from the Turfford Burn and small watercourses which flow along the boundary of the site. There is a FPS downstream of this reach but it offers a limited standard of protection. The site will likely be constrained due to flood risk.
- REARL001, Earlston: SEPA require a FRA which informs the area of redevelopment, type of development, and finished floor levels. It is important to consider sensitivity of use in line with SEPA's land use vulnerability guidance. Redevelopment should not increase flood risk elsewhere. Development may be heavily constrained due to flood risk.
- SEARL006, Earlston: SEPA require a FRA which assesses the risk from the Turfford Burn and small tributaries which flows through the site. Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage. Consideration should be given to whether there are any culvert/bridges near the site.
- zEL55, Earlston: SEPA require a FRA which assesses the risk from the Turfford Burn as well as the small offtake. The FRA is required to inform the area of redevelopment, type of development, and finished floor levels. It is important to consider sensitivity of use in line with SEPA's land use vulnerability guidance. Redevelopment should not increase flood risk elsewhere. Development may be heavily constrained due to flood risk.
- zRO12, Earlston: Modification to the existing site requirement to require a FRA which assesses the risk from the Turfford Burn and small tributaries which flows through the site. Surface water runoff from the nearby hills may be an issue. Site will likely be constrained due to flood risk.
- AETTR003, Ettrick (Hopehouse): SEPA require an FRA which assesses the flood risk from the Ettrick Water, Hopehouse Burn and small watercourse which flows along the western perimeter. Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage.
- REYEM005: SEPA disagree with the developer requirement comments and require a modification. Flood risk should be assessed for site as risk is not just coastal but fluvial risk from the Eye Water. SEPA have no reviewed Eyemouth Flood Study but

this does include coastal and fluvial flood risk. This would be the best source of information.

- BGALA003, Galashiels: SEPA require the developer requirement to be more specific as follows. We require an FRA which assesses the risk from the Gala Water. In addition, review of the surface water 1 in 200 year flood map shows that there may be flooding issues at this site. This should be investigated further and it is recommended that contact is made with the flood prevention officer.
- SGALA005, Galashiels: The developer requirement says that a FRA may be required but SEPA actually need one and investigation into culverted watercourse. There is a small watercourse adjacent to the site which may require consideration. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues at this site. This should be investigated further and it is recommended that contact is made with the flood prevention officer. Potentially culverted water through site rather than adjacent to site.
- SGALA016, Galashiels: The developer requirement says that a FRA may be required but SEPA actually need one and investigation into culverted watercourse. SEPA require an FRA which assesses the risk from Stannis Burn and small watercourses which flow through/adjacent to the site. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues at this site. This should be investigated further and it is recommended that contact is made with the flood prevention officer.
- zRO4, Galashiels: The developer requirement says FRA may be required whereas SEPA do require one. SEPA require an FRA which assesses the risk from the Gala Water. Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage.
- zRO6, Galashiels: SEPA require a modification in the developer requirement to update the text. As the allocation is for redevelopment, SEPA require an FRA which assesses the risk from the Gala Water, mill lade and small watercourse. The FRA is required to inform the area of redevelopment, type of development, and finished floor levels. It is important to consider sensitivity of use in line with our land use vulnerability guidance. SEPA would not support any development which increases the flood risk to existing/proposed development. The site will likely be constrained due to flood risk.
- RHAWI001, Hawick: SEPA notes developer requirement for a FRA, however, additionally advises that an FRA is needed to assess the risk from the Slitrig Water. Due to the historic records of flooding downstream exacerbated by bridge blockage, SEPA strongly recommends consideration of the inclusion of flood resistant/resilient materials, included in the design. Surface water runoff from nearby land may be an issue. Mitigation measures maybe required during design stage.
- RHAWI014, Hawick: SEPA notes that the developer requirement asks for a FRA, however they seek a modification that this FRA is required to inform the area of redevelopment, type of development, access/ egress, and finished floor levels. Sensitivity of use should be considered in line with SEPA's land use vulnerability guidance. Re-development should not increase flood risk elsewhere. Development may be constrained due to flood risk.
- RHAWI015, Hawick: SEPA notes that the developer requirement asks for a FRA, however they seek a modification that this FRA is required to inform the area of redevelopment, type of development, access/ egress, and finished floor levels. Sensitivity of use should be considered in line with SEPA's land use vulnerability guidance. Re-development should not increase flood risk elsewhere. Development

may be heavily constrained due to flood risk. Investigation of potential lade structures beneath the site should be considered.

- RHAWI017, Hawick: SEPA notes that the developer requirement asks for a FRA, however they seek a modification that this FRA assess the risk from the River Teviot and Slitrig Water. Redevelopment to a similar or less sensitive use would be supported by SEPA. An increase in vulnerability would only be supported by SEPA if a detailed FRA can demonstrate the site is free from flood risk and there is safe access/egress available. Review of the surface water 1 in 200 year flood map indicates that there may be flooding issues within this site. This should be investigated further and SEPA recommends that contact is made with the flood prevention officer. Site will likely be constrained due to flood risk.
- RHAWI018, Hawick: SEPA notes that the developer requirement asks for a FRA, however SEPA seeks a modification that the FRA assess the risk from the River Teviot. Redevelopment to a similar or less sensitive use would be supported by SEPA. An increase in vulnerability would only be supported by SEPA if a detailed FRA can demonstrate the site is free from flood risk and there is safe access/egress available. Review of the surface water 1 in 200 year flood map indicates that there may be flooding issues within this site. This should be investigated further and SEPA recommends that contact is made with the flood prevention officer. Site will likely be constrained due to flood risk.
- zEL50, Hawick: SEPA notes that a FRA is already mentioned in the developer requirement, however they specify that they require an FRA which assesses the risk from the River Teviot and small watercourse which flows along the boundary of the site, which may be culverted in parts. A FRA is required to inform the area of redevelopment, type of development, and finished floor levels. Sensitivity of use should be considered in line with SEPA's land use vulnerability guidance. Re-development should not increase flood risk elsewhere. Surface water runoff from the nearby hills may be an issue. Mitigation measures may be required during design stage.
- zEL62, Hawick: SEPA notes that the developer requirement asks for a FRA, however they seek a modification that the FRA assess the risk from the River Teviot and mill lade which flows through the site, which may be culverted in parts. A FRA is required to inform the area of redevelopment, type of development, and finished floor levels. Sensitivity of use should be considered in line with SEPA's land use vulnerability guidance. Re-development should not increase flood risk elsewhere. The site will likely be heavily constrained due to flood risk. Surface water runoff from the nearby hills may be an issue. Mitigation measures may be required during the design stage.
- zRO8, Hawick: SEPA notes that the developer requirement asks for a FRA, however they seek a modification that an FRA to assess the risk from the River Teviot and mill lades which flow through the site, which may be culverted in parts/entirety. (This has been flagged during previous consultations for this area). A FRA is required to inform the area of redevelopment, type of development, and finished floor levels. Sensitivity of use should be considered in line with SEPA's land use vulnerability guidance. Re-development should not increase flood risk elsewhere. The site will likely be heavily constrained due to flood risk. Surface water runoff from the nearby hills may be an issue. Mitigation measures may be required during design stage.
- ANEWT005, Newtown St Boswells: SEPA note that the developer requirement asks for a FRA, however SEPA require a modification as follows. SEPA require an FRA which assess the flood risk from the small watercourse along the southern boundary which may be culverted and the Bowden Burn to the north for the southern

allocation site. For the northern allocation site a culverted watercourse may be through the site and further investigation is required. Consideration should be given to any culverts and bridges that may exacerbate flood risk. There should be no built development over an active culvert. Due to the steep hill slope adjacent to the site consideration should be given to surface water runoff during site layout design.

- APEEB021, Peebles: The settlement profile states that a FRA will be required to inform development at this site which SEPA are satisfied with. No built development should take place on functional floodplain or over existing culverts (this should include proposed culverts as well). Edderston Burn Flood Study (2018) may provide further information to support FRA.
- APEEB044, Peebles: The Contributor states that the FRA for 13/00444/PPP is dated Oct 2014. They therefore require a modification to the developer requirement. They require an updated FRA which assesses the risk from the Gill Burn and other small watercourses which flow through and adjacent to the site. Consideration will need to be given to bridge and culvert structures within and adjacent to the site. Review of the surface water 1 in 200 year flood map and steep topography indicates that there may be flooding issues at this site. This should be investigated further and it is recommended that contact is made with the flood prevention officer. Site will need careful design to ensure there is no increase in flood risk elsewhere and the proposed development is not affected by surface runoff.
- AREST004, Reston: SEPA require a modification to the development requirement as follows. SEPA require a FRA which assesses the risk from the small watercourse which potentially flows through the site. Consideration should be given to whether there are any culvert/bridges within or nearby which may exacerbate flood risk. There should be no built development over an active culvert. Review of the surface water 1 in 200 year flood map indicates that there may be flooding issues within the site. This should be investigated further and it is recommended that contact is made with the flood prevention officer.
- BR6, Reston: SEPA require a modification to the developer requirement as follows. SEPA require a FRA which assesses the flood risk from the small watercourse. Consideration should be given to the downstream culvert or structure which may exacerbate flood levels. Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage.
- ASELK042, Selkirk: SEPA require an FRA which assesses the risk from the Long Philip Burn. SEPA are aware that significant earth works have been undertaken on this site which should be taken into account during any future assessment. Consideration will need to be given to bridges and culverts which are known to block in this area due to volume of debris that the burn can transport during high flows. Based on the information available as part of the Flood Scheme works, the site maybe constrained due to flood risk. Due to steep topography above the allocation site, consideration should be given to surface runoff issues to ensure adequate mitigation is implemented. Site will need careful design to ensure there is no increase in flood risk elsewhere and proposed housing is not affected by surface runoff.
- ASTOW022, Stow: Flood risk is mentioned in the Proposed Plan but SEPA require a modification to the developer requirement as follows. SEPA will require a FRA which assesses the risk of flooding from the small watercourse which is located within the eastern part of the site, south of the Craigend Road. Consideration should be given to any upstream or downstream culverts or structures. Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage.

- MSTOW001, Stow: SEPA will require a FRA which assesses the risk of flooding from the Crunzie Burn. Consideration should be given to any upstream and downstream bridges and structures which may exacerbate flood levels. Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage.
- zR200, Walkerburn: The developer requirement asks for a FRA but SEPA require a modification as follows: Should the application differ from what has been previously agreed then SEPA would object and request the submission of a FRA which assesses the flood risk from the Walker Burn which flows through the site. Consideration should be given to any upstream and downstream bridges and structures which may exacerbate flood levels. It is important to consider sensitivity of use in line with SEPA's land use vulnerability guidance. Re-development should not increase flood risk elsewhere. Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage.

Modifications sought by those submitting representations:

Request sites to be removed from the Proposed Plan (4 sites)

- EC2, Clovenfords: Contributor requests the removal of the housing allocation from the Plan.
- SPEEB005, Peebles: As noted above refer to Issue 61.
- ASELK040, Selkirk: Contributor requests the removal of the housing allocation from the Plan.
- EY5B, Yarrowford: Contributor requests the removal of the housing allocation from the Plan.

Require a modification to the developer requirement, for a Flood Risk Assessment or further flood risk investigation (62 sites including zEL24)

- AAYTO004, Ayton: Modification to the site requirement for an FRA to assess the risk from the small watercourse adjacent to the site.
- TB200, Broughton: Modification to include a site requirement for a FRA which assesses the risk from the small watercourses which flow along the perimeter of the site, and for consideration to be given to whether there are any culverted watercourses within the site. Mitigation measures may be required during design stage.
- zEL43, Broughton: Modification to include a site requirement for a FRA which assesses the risk from the Biggar Water and small watercourse which flows along the perimeter of the site.
- BCL2B, Coldingham: Modification to the site requirement for a FRA which assesses the risk from the Hill Burn and Bogon Burn and consideration of any culverted watercourses within the site.
- BCOLD001, Coldstream: Inclusion of an additional site requirement for a FRA to investigate potential flooding issues adjacent or encroaching onto the northern perimeter of the site. Recommend that contact is made with the Flood Prevention Officer for more information on surface water.
- ACRAI001, Crailing: Inclusion of a site requirement for a FRA which assesses the risk from the small watercourse which potentially is culverted within or adjacent to the site. Information should also be provided relating site levels to historic flood levels in the Teviot.

- BD200, Duns: Modification to the site requirement for a FRA which assesses the risk from the Pouterlynie Burn.
- BD20B, Duns: Inclusion of a site requirement to investigate flood risk and recommend that contact is made with the Flood Prevention Officer.
- RDUNS003, Duns: Modification to the site requirement for a FRA to assess the flood risk from the small watercourse which flows along the western and southern boundaries of the site. Consideration should be given to whether there are any culverted watercourses within/nearby the site.
- zEL26, Duns: Inclusion of a site requirement for a FRA to assess the risk from the small watercourse which flows along the northern and western boundaries of the site. Consideration should be given to whether there are any culverted watercourses within/near the site. Recommend that contact is made with the Flood Prevention Officer.
- BEARL002, Earlston: Inclusion of a site requirement for a FRA which assesses the risk from the small watercourses which flow along the boundary of the site.
- zEL56, Earlston: Inclusion of a site requirement for a FRA which assesses the risk from the Turfford Burn. The FRA is required to inform the area of redevelopment, type of development, and finished floor levels.
- zEL57, Earlston: Inclusion of a site requirement for a FRA which assesses the risk from the Leader Water. The FRA is required to inform the area of redevelopment, type of development, and finished floor levels.
- TE6B, Eddleston: Modification to include a site requirement for a FRA which assesses the risk from the Longcote Burn and small watercourse which flows along the eastern perimeter. Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage.
- AEYEM006, Eyemouth: Modification to the site requirement for a FRA, or at very minimum topographic information, to assess the risk from the small watercourses which flow through and on the boundary of the site.
- AEYEM007, Eyemouth: Modification to the site requirement for a FRA to assess the risk from the small watercourses which flow through the site.
- BEY2B, Eyemouth: Modification to the site requirement for a FRA to assess the risk from the North Burn.
- AGALA024, Galashiels: Inclusion of a site requirement for a FRA and for consideration of surface water runoff from the nearby hills. Mitigation measures may be required during design stage.
- BGALA002, Galashiels: Modification to site requirement to stipulate that the FRA must assess flood risk from the Gala Water and Tweed and that the FRA is required to inform the area of redevelopment, type of development and finished floor levels. Surface water flooding issues require investigation and contact should be made with the Flood Prevention Officer.
- EGL13B, Galashiels: Inclusion of a site requirement stating surface water flooding issues require investigation and recommend that contact is made with the Flood Prevention Officer.
- EGL17B, Galashiels: Inclusion of a site requirement for a FRA to assess risk from small watercourse, consideration to be given to bridge/culvert structures, investigation of surface water flooding issues and contact should be made with the Flood Prevention Officer.
- EGL19B, Galashiels: Inclusion of a site requirement for the investigation of surface water runoff, potential mitigation measures during design stage, no buildings to be constructed over an existing drain and contact should be made with the Flood Prevention Officer.

- EGL32B, Galashiels: Inclusion of a site requirement for a FRA to assess risk from Gala Water and small watercourse. Surface water runoff may be an issue and may require mitigation measures during design stage. A disused mill lade will require investigation.
- EGL41, Galashiels: Inclusion of a site requirement stating need for investigation of culverted watercourses and surface water flooding. A culvert survey to be submitted to determine the presence/location/condition of a culverted watercourse through the site and contact should be made with the Flood Prevention Officer.
- EGL43, Galashiels: Inclusion of a site requirement for a FRA to assess risk from Mossilee Burn. Surface water flooding issues should be investigated and contact should be made with the Flood Prevention Officer.
- RGALA001, Galashiels: Modification to site requirement to state FRA is (not 'may be') required to assess the risk from the Mossilee Burn.
- RGALA002, Galashiels: Inclusion of a site requirement for a FRA and the recommendation that flood resistant/resilient materials are considered during construction.
- zCR3, Galashiels: Inclusion of a site requirement for FRA which assesses risk from Gala Water. Surface water flooding issues would require to be investigated and contact should be made with the Flood Prevention Officer.
- zED2, Galashiels: Inclusion of a site requirement for FRA which assesses risk from Gala Water. This would inform the area of redevelopment, type of development and finished floor levels. Sensitivity of use would require to be considered in line with SEPA's land use vulnerability guidance.
- AGREE009, Greenlaw: Modification to the site requirement stating that should the layout or land-use differ from what was previously agreed SEPA, a FRA would be required to assess the risk from the Blackadder Water and small watercourse along the eastern boundary. Consideration should be given to surface water runoff to ensure the site is not at risk of flooding and nearby development and infrastructure are not at increased risk of flooding.
- AHAWI006, Hawick: Inclusion of a site requirement for FRA of the small watercourse which flows through/adjacent to the site, including consideration of any culverts/bridges nearby/within the site which may exacerbate flooding. Surface water runoff issues would need to be investigated and mitigation measures may be required during design stage.
- AHAWI013, Hawick: Inclusion of a site requirement for FRA of the small watercourse which flows along the site boundary, including consideration of any culverts/bridges nearby/ within the site which may exacerbate flooding. Surface water runoff issues would require to be investigated, and mitigation measures may be required during design stage.
- RHA12B, Hawick: Deletion of advice that no FRA is required, and inclusion of a site requirement for FRA of the small watercourse which flows along the site boundary. Surface water runoff issues would require to be investigated, and mitigation measures may be required during design stage.
- RHA13B, Hawick: Deletion of advice that no FRA is required, and inclusion of a site requirement for FRA of the small watercourse which flows along the site boundary. Surface water runoff issues would require to be investigated, and mitigation measures may be required during design stage.
- RHA25B, Hawick: Inclusion of a site requirement for FRA of the small watercourse which flows along the site boundary, including consideration of any culverts/bridges nearby/within the site which may exacerbate flooding. Surface water runoff issues

would require to be investigated, and mitigation measures may be required during design stage.

- RHAWI016, Hawick: Inclusion of a site requirement for FRA to inform the area of redevelopment, type of development, access/egress, and finished floor levels, considering sensitivity of use, in line with SEPA's land use vulnerability guidance. Re-development should not increase flood risk elsewhere. It is anticipated that development may be heavily constrained due to flood risk, and advised that investigation of potential lade structures should be considered. Surface water runoff issues would require to be investigated, and mitigation measures may be required during design stage. Advice should be given to consider inclusion of flood resistant/resilient materials, included in the design.
- zEL49, Hawick: Inclusion of a site requirement for FRA of the River Teviot and Boonraw Burn to inform the area of redevelopment, type of development, and finished floor levels, which takes account of sensitivity of use, in line with SEPA's land use vulnerability guidance. Re-development should not increase flood risk elsewhere. Surface water runoff issues would require to be investigated, and mitigation measures may be required during design stage.
- zEL51, Hawick: Inclusion of a requirement that the potential for surface water flooding at the site requires further investigation, based on the surface water 1 in 200 year flood map for this site.
- zEL52, Hawick: Inclusion of a site requirement for FRA of Slitrig Water and any potential mill lades flowing through or adjacent to the site. Advice should be included that any nearby bridges should also be considered as the Slitrig has mobilised large amounts of woody debris in the past.
- TI200, Innerleithen: Modification to include a site requirement for a FRA which assesses the risk from the small watercourses, mill lade, and interaction with the Leithen Water. This should take into account all SEPA's latest guidance. Consideration will need to be given to any culverts/ bridges which may exacerbate flood risk. Review of the surface water 1 in 200 year flood map and steep topography indicates that there may be flooding issues at this site or immediately adjacent. This should be investigated further and it is recommended that contact is made with the flood prevention officer. Site will need careful design to ensure there is no increase in flood risk elsewhere and proposed housing is not affected by surface runoff.
- AJEDB005, Jedburgh: Inclusion of a site requirement for a FRA to assess the risk of flooding.
- RJ27D, Jedburgh: Inclusion of a site requirement for a FRA to include assessment of the small watercourse along the western boundary which is culverted beneath Wildcatcleugh road.
- zEL33, zEL34, zEL35 and zEL37, Jedburgh: Inclusion of a site requirement for a FRA to inform the area of redevelopment, type of development, finished floor levels and ensure that the development has a neutral impact on flood risk. Inclusion of a site requirement stating flood resilient and resistant materials should be used.
- BKELS005, Kelso: Inclusion of a site requirement for a FRA to assess the risk of flooding.
- zEL206, Kelso: Inclusion of a site requirement for a FRA to assess risk of flooding.
- BLAUD002, Lauder: Modification to include a site requirement for a FRA which assesses the risk from all sources and ensure that development has a neutral impact on flood risk and doesn't affect the flood protection scheme.
- RLAUD002, Lauder: Modification to include a site requirement for a FRA which assesses the risk of blockage of the culvert running below the road.

- zEL61, Lauder: Modification to include a site requirement for a FRA which assesses the two sources of flood risk, one from the flood protection scheme and the associated culvert and also the small unnamed watercourse which flows along the southern boundary of the site and is also culverted beneath the development site.
- EM32B, Melrose: Inclusion of a site requirement for FRA due to number of small watercourses flowing through the site, some of them culverted.
- EM4B, Melrose: Inclusion of a site requirement for FRA to assess all flood risk sources to site.
- ENT4B, Newtown St Boswells: Inclusion of a site requirement for a FRA for any development within the vicinity of the flood envelope.
- MREST001, Reston: Modification to the site requirement stating that should the application differ from what has been previously agreed, a FRA to assess the flood risk from the Briery Burn would be required.
- SREST001, Reston: Modification to the site requirement for a FRA to assess flood risk from the small watercourse which is located within the site and another small watercourse may be culverted through the site. There should be no built development over an active culvert.
- zRS3, Reston: Modification to the site requirement for a FRA to assess the flood risk from the small watercourse which may be culverted through the site.
- AROBE003, Robertson: Inclusion of a site requirement for FRA given that a watercourse may be culverted through the site. This should be investigated as part of any development proposal. Buildings must not be constructed over an existing drain (including a field drain) that is to remain active. Surface water runoff issues would require to be investigated, and mitigation measures may be required during design stage.
- BSELK002, Selkirk: Inclusion of a site requirement that surface water ponding be discussed with the Flood Prevention Officer.
- BSELK003, Selkirk: Inclusion of a site requirement that surface water ponding be discussed with the Flood Prevention Officer.
- RSP3B, Sprouston: Inclusion of a site requirement for a FRA to assess the flood risk from the small watercourse in order to inform the design and finished floor levels. Potential flooding issues to be discussed with the Flood Prevention Officer.
- zEL18, West Linton: Modification to include a site requirement for a FRA which assesses the flood risk from the small watercourse which enters a culvert adjacent to the site. Mitigation measures may be required during design stage.
- zEL24, Whitsome: Inclusion of a site requirement for a FRA which assesses the flood risk from the small watercourse. Consideration should be given to the downstream culvert or structure which may exacerbate flood levels.

Recommend a modification to be more specific, where a developer requirement already considers flood risk (34 including APEEB044 & REYEM005)

- ADENH001, Denholm: Modification to the site requirement to require a FRA to assess the risk from the small watercourse along the western boundary. Consideration should be given to any culverts/bridges that may exacerbate flood risk. No built development on any active culverts. Consideration should be given to surface water runoff during site layout design. It is recommended that contact is made with the Flood Prevention Officer.
- RD4B, Denholm: Modification to the site requirement to require a FRA to assess the risk from the small watercourse along the western boundary. Consideration should be given to any culverts/bridges that may exacerbate flood risk. No built

development on any active culverts. Consideration should be given to surface water runoff during site layout design. It is recommended that contact is made with the Flood Prevention Officer.

- ADUNS023, Duns: Modification to the site requirement to require a FRA to assess the risk from the small watercourse. Consideration should be given to any culverts/bridges which might exacerbate flood risk. There should be no built development over an active culvert. Recommend that contact is made with the Council's Flood Prevention Officer.
- AEARL002, Earlston: Modification to the existing site requirement to require a FRA which assesses the risk from the Turfford Burn as well as the small offtake. The FRA is required to inform the area of redevelopment, type of development, and finished floor levels. It is important to consider sensitivity of use in line with SEPA's land use vulnerability guidance. Redevelopment should not increase flood risk elsewhere.
- AEARL010, Earlston: Modification to the existing site requirement to require a FRA which assesses the risk from the Turfford Burn and small watercourse near the site. There is a FPS downstream of this reach but it offers a limited standard of protection. The site will likely be constrained due to flood risk.
- AEARL011, Earlston: Modification to the existing site requirement to require a FRA which assesses the risk from the Turfford Burn and small watercourses which flow along the boundary of the site. There is a FPS downstream of this reach but it offers a limited standard of protection. The site will likely be constrained due to flood risk.
- REARL001, Earlston: Modification to the existing site requirement to require a FRA to inform the area of redevelopment, type of development, and finished floor levels. It is important to consider sensitivity of use in line with SEPA's land use vulnerability guidance. Redevelopment should not increase flood risk elsewhere. Development may be heavily constrained due to flood risk.
- SEARL006, Earlston: Modification to the existing site requirement to require a FRA which assesses the risk from the Turfford Burn and small tributaries which flows through the site. Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage. Consideration should be given to whether there are any culvert/bridges near the site.
- zEL55, Earlston: Modification to the existing site requirement to require a FRA which assesses the risk from the Turfford Burn as well as the small offtake. The FRA is required to inform the area of redevelopment, type of development, and finished floor levels. It is important to consider sensitivity of use in line with SEPA's land use vulnerability guidance. Redevelopment should not increase flood risk elsewhere. Development may be heavily constrained due to flood risk.
- zRO12, Earlston: Modification to the existing site requirement to require a FRA which assesses the risk from the Turfford Burn and small tributaries which flows through the site. Surface water runoff from the nearby hills may be an issue. Site will likely be constrained due to flood risk.
- AETTR003, Ettrick (Hopehouse): Modification to the site requirement to require FRA which assesses the flood risk from the Ettrick Water, Hopehouse Burn and small watercourse which flows along the western perimeter. Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage.
- REYEM005: Modification to the site requirement to consider all flood risk and not just coastal flood risk for the site.
- BGALA003, Galashiels: Modification to the site requirement to require a FRA which assesses the risk from the Gala Water as well as an investigation of surface water flooding. Recommend that contact is made with the Flood Prevention Officer.

- SGALA005, Galashiels: Modification to site requirement to state FRA is (not 'may be') required. Investigation into culverted watercourse required and a small watercourse adjacent to the site. Surface water flooding issues require investigation and it is recommended that contact is made with the Flood Prevention Officer. There is potentially culverted water through site rather than adjacent to site.
- SGALA016, Galashiels: Modification to site requirement to state FRA is (not 'may be') required and an investigation into culverted watercourse. The FRA must assess the risk from Stannis Burn and small watercourses which flow through/adjacent to the site. Surface water flooding issues require investigation and it is recommended that contact is made with the Flood Prevention Officer.
- zRO4, Galashiels: Modification to site requirement to state FRA is (not 'may be') required which assesses the risk from Gala Water. Surface water runoff from the nearby hills may be an issue which may require mitigation measures during the design stage.
- zRO6, Galashiels: Modification to site requirement to require an FRA which assesses the risk from the Gala Water, mill lade and small watercourse. This will inform the area of redevelopment, type of development and finished floor levels. It is important to consider sensitivity of use in line with SEPA's land use vulnerability guidance.
- RHAWI001, Hawick: Modification to site requirement to require FRA to assess the risk from the Slitrig Water, and inclusion of advice that in light of the historic records of flooding downstream exacerbated by bridge blockage, SEPA strongly recommends consideration of the inclusion of flood resistant/resilient materials, included in the design. Surface water runoff issues would require to be investigated, and mitigation measures may be required during design stage.
- RHAWI014, Hawick: Modification to site requirement to require FRA to inform the area of redevelopment, type of development, access/ egress, and finished floor levels. Sensitivity of use should be considered in line with SEPA's land use vulnerability guidance. Re-development should not increase flood risk elsewhere. Development may be constrained due to flood risk.
- RHAWI015, Hawick: Modification to site requirement to require FRA to inform the area of redevelopment, type of development, access/egress, and finished floor levels. Sensitivity of use should be considered in line with SEPA's land use vulnerability guidance. Re-development should not increase flood risk elsewhere. Development may be heavily constrained due to flood risk. Investigation of potential lade structures beneath the site should be considered.
- RHAWI017, Hawick: Modification to site requirement to require FRA to assess the risk from the River Teviot and Slitrig Water. Advice to effect that redevelopment to a similar or less sensitive use, would be supported by SEPA, while an increase in vulnerability would only be supported by SEPA, if a detailed FRA can demonstrate that the site is free from flood risk and there is safe access/egress available. Modification to require that surface water flooding issues within this site should be investigated further. Advice that since the development of the site will likely be constrained due to flood risk, contact should be made with the flood prevention officer.
- RHAWI018, Hawick: Modification to site requirement to require FRA to assess the risk from the River Teviot. Advice to effect that redevelopment to a similar or less sensitive use would be supported by SEPA, while an increase in vulnerability would only be supported by SEPA if a detailed FRA can demonstrate the site is free from flood risk and there is safe access/egress available. Modification to require that surface water flooding issues within this site should be investigated further. Advice

that since the development of the site will likely be constrained due to flood risk, contact should be made with the flood prevention officer.

- zEL50, Hawick: Modification to site requirement to require FRA to assess the risk from the River Teviot and small watercourse which flows along the boundary of the site, which may be culverted in parts, and to inform the area of redevelopment, type of development, and finished floor levels. Sensitivity of use should be considered in line with SEPA's land use vulnerability guidance. Re-development should not increase flood risk elsewhere. Surface water runoff issues would require to be investigated, and mitigation measures may be required during design stage.
- zEL62, Hawick: Modification to site requirement to require FRA to assess the risk from the River Teviot and mill lade which flows through the site, which may be culverted in parts and to inform the area of redevelopment, type of development, and finished floor levels. Sensitivity of use should be considered in line with SEPA's land use vulnerability guidance. Re-development should not increase flood risk elsewhere. The site will likely be heavily constrained due to flood risk. Surface water runoff issues would require to be investigated, and mitigation measures may be required during design stage.
- zRO8, Hawick: Modification to site requirement to require FRA to assess the risk from the River Teviot and mill lades which flow through the site, which may be culverted in parts/entirety. (This has been flagged during previous consultations for this area) and to inform the area of redevelopment, type of development, and finished floor levels. Sensitivity of use should be considered in line with SEPA's land use vulnerability guidance. Re-development should not increase flood risk elsewhere. The site will likely be heavily constrained due to flood risk. Surface water runoff issues would require to be investigated, and mitigation measures may be required during design stage.
- ANEWT005, Newtown St Boswells: Modification to site requirement to require an FRA which assess the flood risk from the small watercourse along the southern boundary which may be culverted and the Bowden Burn to the north for the southern allocation site. For the northern allocation site a culverted watercourse may be through the site and further investigation is required. Consideration should be given to any culverts and bridges that may exacerbate flood risk. There should be no built development over an active culvert. Due to the steep hill slope adjacent to the site consideration should be given to surface water runoff during site layout design.
- APEEB021, Peebles: Modification to amend the site requirement for a FRA to also include that no built development should take place over any proposed culverts.
- APEEB044, Peebles: Modification to amend the site requirement for an updated FRA which assesses the risk from the Gill Burn and other small watercourses which flow through and adjacent to the site. Consideration will need to be given to bridge and culvert structures within and adjacent to the site. Review of the surface water 1 in 200 year flood map and steep topography indicates that there may be flooding issues at this site. This should be investigated further and it is recommended that contact is made with the flood prevention officer. Site will need careful design to ensure there is no increase in flood risk elsewhere and the proposed development is not affected by surface runoff.
- AREST004, Reston: Modification to the site requirement to require a FRA to assess the risk from the small watercourse which potentially flows through the site. Consideration should be given to whether there are any culvert/bridges within or nearby which may exacerbate flood risk. Recommend that contact is made with the Council's Flood Prevention Officer.

- BR6, Reston: Modification to the site requirement to require a FRA to assess the flood risk from the small watercourse. Consideration should be given to the downstream culvert or structure which may exacerbate flood levels.
- ASELK042, Selkirk: Modification to site requirement to require an FRA which assesses risk from the Long Philip Burn. The earthworks which have been undertaken on site should be taken into account. Consideration will need to be given to bridges and culverts in this area. The site may be constrained due to flood risk. Surface runoff issues must be considered to ensure adequate mitigation is implemented.
- ASTOW022, Stow: Modification to amend the site requirement for a FRA to assess the risk of flooding from the small watercourse which is located within the eastern part of the site, south of the Craigend Road. Consideration should be given to any upstream or downstream culverts or structures. Surface water runoff from the nearby hills may be an issue. Mitigation measures may be required during design stage.
- MSTOW001, Stow: Modification to amend the site requirement for a FRA to assess the risk of flooding from the Crunzie Burn. Consideration should be given to any upstream and downstream bridges and structures which may exacerbate flood levels. Surface water runoff from the nearby hills may be an issue. Mitigation measures may be required during design stage.
- zR200, Walkerburn: Modification to amend the site requirement for a FRA to assess the flood risk from the Walker Burn which flows through the site. Consideration should be given to any upstream and downstream bridges and structures which may exacerbate flood levels. It is important to consider sensitivity of use in line with SEPA's land use vulnerability guidance. Re-development should not increase flood risk elsewhere. Surface water runoff from the nearby hills may be an issue. Mitigation measures may be required during design stage.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE SETTLEMENT PROFILES AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN WITH THE EXCEPTION OF THE FOLLOWING WHICH ARE DETAILED FURTHER IN THE SECTIONS BELOW:

- EY5B, YARROWFORD – MODIFICATION TO SITE REQUIREMENT;
- AAYTO004, AYTON – MODIFICATION TO SITE REQUIREMENT;
- TB200, BROUGHTON – INCLUSION OF SITE REQUIREMENT;
- zEL43, BROUGHTON – INCLUSION OF SITE REQUIREMENT;
- BCL2B, COLDINGHAM – MODIFICATION TO SITE REQUIREMENT;
- BCOLD001, COLDSTREAM – INCLUSION OF SITE REQUIREMENT;
- ACRAI001, CRAILING – INCLUSION OF SITE REQUIREMENT;
- BD200, DUNS – MODIFICATION TO SITE REQUIREMENT;
- RDUNS003, DUNS – MODIFICATION TO SITE REQUIREMENT;
- zEL26, DUNS – INCLUSION OF SITE REQUIREMENT;
- ADUNS023, DUNS – MODIFICATION TO SITE REQUIREMENT;
- BEARL002, EARLSTON – INCLUSION OF SITE REQUIREMENT;
- zEL56, EARLSTON – INCLUSION OF SITE REQUIREMENT;
- AEARL010, EARLSTON – MODIFICATION TO SITE REQUIREMENT;
- AEARL011, EARLSTON – MODIFICATION TO SITE REQUIREMENT;
- SEARL006, EARLSTON – MODIFICATION TO SITE REQUIREMENT;
- zEL55, EARLSTON – MODIFICATION TO SITE REQUIREMENT;

- zRO12, EARLSTON – MODIFICATION TO SITE REQUIREMENT;
- TE6B, EDDLESTON – INCLUSION OF SITE REQUIREMENT;
- AEYEM006, EYEMOUTH – MODIFICATION TO SITE REQUIREMENT;
- AEYEM007, EYEMOUTH – MODIFICATION TO SITE REQUIREMENT;
- REYEM005, EYEMOUTH – MODIFICATION TO SITE REQUIREMENT;
- BEY2B, EYEMOUTH – MODIFICATION TO SITE REQUIREMENT;
- BGALA002, GALASHIELS – MODIFICATION OF SITE REQUIREMENT;
- EGL19, GALASHIELS – INCLUSION OF SITE REQUIREMENT;
- EGL41, GALASHIELS - MODIFICATION OF SITE REQUIREMENT;
- EGL43, GALASHIELS – INCLUSION OF SITE REQUIREMENT;
- zED2, GALASHIELS – NEW SITE REQUIREMENT;
- SGALA005, GALASHIELS – MODIFICATION OF SITE REQUIREMENT;
- SGALA016, GALASHIELS – MODIFICATION OF SITE REQUIREMENT;
- RHAWI016, HAWICK – INCLUSION OF SITE REQUIREMENT;
- TI200, INNERLEITHEN – MODIFICATION OF SITE REQUIREMENT;
- RJ27D, JEDBURGH – MODIFICATION TO SITE REQUIREMENT;
- zEL33, JEDBURGH – INCLUSION OF SITE REQUIREMENT;
- zEL34, JEDBURGH – INCLUSION OF SITE REQUIREMENT;
- zEL35, JEDBURGH – INCLUSION OF SITE REQUIREMENT;
- zEL37, JEDBURGH – INCLUSION OF SITE REQUIREMENT;
- BKELS005, KELSO – INCLUSION OF SITE REQUIREMENT;
- zEL206, KELSO – INCLUSION OF SITE REQUIREMENT;
- BLAUD002, LAUDER – INCLUSION OF SITE REQUIREMENT;
- RLAUDER, LAUDER – MODIFICATION TO SITE REQUIREMENT;
- zEL61, LAUDER – INCLUSION OF SITE REQUIREMENT;
- ANEWT005, NEWTOWN ST BOSWELLS – MODIFICATION OF SITE REQUIREMENT;
- APEEB044, PEEBLES – INCLUSION OF SITE REQUIREMENT;
- SREST001, RESTON – MODIFICATION TO SITE REQUIREMENT;
- AREST004, RESTON – MODIFICATION TO SITE REQUIREMENT;
- ASELK042, SELKIRK – MODIFICATION OF SITE REQUIREMENT;
- BSELK002, SELKIRK – NEW SITE REQUIREMENT;
- BSELK003, SELKIRK – NEW SITE REQUIREMENT;
- ASTOW022, STOW – MODIFICATION TO SITE REQUIREMENT;
- MSTOW001, STOW – MODIFICATION TO SITE REQUIREMENT;
- zR200, WALKERBURN – MODIFICATION TO SITE REQUIREMENT;
- zEL18, WEST LINTON – INCLUSION OF SITE REQUIREMENT;
- zEL24, WHITSOME – INCLUSION OF SITE REQUIREMENT.

REASONS:

In addition to the text below which responds to the Contributor's submission on a site by site basis, the Council would highlight that the Plan makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 - Flooding in its preamble sets out the intention to discourage development that may be, or may become, subject to flood risk. It is confirmed that when it was considered necessary, the representations from SEPA were discussed with the Council's Flood Risk and Coastal Management Team where required and this helped guide the Councils' proposed courses of action. It is acknowledged that whilst the Council consider the actions recommended to be appropriate at this moment in time, it is

possible that when applications are submitted on particular sites new updated maps and information on potential flood risk may have been produced. This updated information and any consequent implications would require to be addressed at that stage.

Request 4 sites to be removed from the Plan

EC2, Clovenfords (CD121, refer to page 4)

The site was originally allocated for housing development within the Local Plan 2008 (CD011, V2, pages 226-228). The site was also considered through the Examination process of the Scottish Borders Local Plan 2016 as the Contributor sought the removal of the allocation (CD040, pages 438-440). The Reporter concluded that the site should remain within the Plan primarily due to an extant planning consent relating to the site. Previous consents for the site have now expired, there are therefore no extant planning consents in place.

This site lies near the confluence of the Caddon Water and the Meigle Burn. Within SEPA's Flood Hazard Mapping, the site is estimated to be at risk of flooding at 1 in 200 year flood event, with a flow path shown from the Meigle Burn running directly through the middle of the site – the Meigle Burn is shown to come out of bank then flow through the properties at Caddon Haugh towards the site.

A detailed Flood Risk Assessment of the Meigle Burn and Caddon Water would be required to detail the flood risk and any potential mitigation options required, through the process of any planning application.

SEPA's Flood Hazard Mapping shows the eastern and western extremities of the site to be free of flood risk. The Council is of the view that the site should remain as a housing allocation within the Plan, on the basis that a Flood Risk Assessment is carried out to assess whether housing is appropriate, and what mitigation would be required if so. The Council, in consultation with its own Flood Risk and Coastal Management Team, is content that this matter is suitably highlighted within the site requirement (bullet point no.1) on page 270 of the Plan.

SPEEB005, Peebles

As noted above, refer to Issue 61.

ASELK040, Selkirk (CD121, refer to page 90)

The Council can confirm that the site has been located within the settlement boundary of Selkirk as far back as at least the Ettrick and Lauderdale Local Plan 1995 (CD019). The site has been allocated in previous years for redevelopment given its former use as a fish farm and the Council's desire to see the site regenerated. The development of the site for residential development is regarded as acceptable in principle. The site is located immediately adjacent to existing residential properties and is accessed along Ettrickhaugh Road which is residential in character. It is noted that planning permission in principle has recently been granted for a residential development (planning application reference no. 19/01687/PPP) on land adjoining ASELK040 to the east (CD150). The Council refutes the view that the site is within a 'sparsely developed area'.

The site is protected from flood risk as a result of the Selkirk Flood Protection Scheme which was completed in February 2017. The scheme provides protection to a 1 in 200

year event plus climate change. The presence of the scheme and the level of protection it affords complies with SEPA Planning Information Note 4 (CD207) and also SEPA Flood Risk and Land Use Vulnerability Guidance (CD208) in relation to development behind flood defences in a built up area.

It is not therefore considered that a modification should be made to the Plan.

EY5B, Yarrowford (CD121, refer to page 100)

This site is a longstanding housing allocation, having been allocated originally through the process of the Scottish Borders Local Plan 2008 (CD011, pages 438-439). There is no planning application history related to the site.

The Council has clearly come to the view previously that this site has a suitable relationship with the settlement of Yarrowford and would therefore question the Contributor's statement that the site is within a 'sparsely developed area'.

Within SEPA's Flood Hazard Mapping, the site is estimated to be at risk of flooding at 1 in 200 year flood event. The site is at risk from the Yarrow Water and Gruntly Burn and is on the outer edge of the estimated 1 in 200 year flood plain, with depths across the site shown to range from between 0 – 0.8m.

A detailed Flood Risk Assessment of the site would be required to detail the flood risk and any potential mitigation options required.

Given that some sections of the site may be developable after an FRA, the Council is of the view that the site should remain within the Plan. The existing site requirement set out on page 543 (bullet point 1) states that the site is located within a 1:200 flood risk area and that a FRA will be required. It would be considered appropriate to amend this site requirement to highlight that a FRA may find that the site is undevelopable. The Council would not be opposed to the aforesaid site requirement being replaced with the following: *'The site is located within a 1 in 200 year flood plain and a Flood Risk Assessment (FRA) will be required. It is noted that there is a risk that the FRA shows the site to be at risk and undevelopable'*.

The Council, in consultation with its own Flood Risk and Coastal Management Team, considers that the site should remain within the Plan with the aforesaid amended site requirement being included as a non-significant change.

Require a modification to the developer requirement, for a Flood Risk Assessment or further flood risk investigation (62 sites including zEL24)

- The following responses relate to the 61 sites contained within Table 2 of SEPA's response. It should be noted that an additional site has been included below (zEL24), which is contained within Table 4 of SEPA's response. However, the comments in relation to (zEL24) state that SEPA require a FRA, therefore it has been included within this section instead.

AAYTO004: Ayton (CD121, refer to page 1)

- The site is allocated for housing within the Proposed Plan and has an indicative capacity for 6 units. It should be noted that the site has extant planning consent for

the erection of 9 units in principle, however no detailed application has been submitted to date. An amendment is sought to the first site requirement, to include the requirement for a FRA. Therefore, the site requirement could be updated to read: *'A Flood Risk Assessment is required to assess the risk from the small watercourse adjacent to the site, which should be taken into consideration in the detailed design of the site'*. The amended wording to the site requirement is considered an acceptable non-significant change to the Proposed Local Development Plan and the Council would be agreeable to this amendment. However, whilst not opposing SEPA's amended text, the Council's Flood Prevention Officer feels that the requirement for a FRA is perhaps too onerous in the circumstances and have suggested the following alternative site requirement wording: *'Consideration should be given to the watercourse to the south west of the site and it is recommended that contact is made with the Council's Flood Officer'*. Whilst the Council would prefer the latter option, the Council is happy for the Reporter to decide the most suitable text.

TB200, Broughton (CD121, refer to page 2)

- The site is an allocated housing site within the Proposed Plan and the existing site requirements do not make reference to the need for a FRA. Therefore, the following site requirement could be added to the Plan: *"A Flood Risk Assessment is required to assess the risk from the small watercourses which flow along the perimeter of the site, and for consideration to be given to whether there are any culverted watercourses within the site. Mitigation measures may be required during design stage."* This is considered an acceptable non-significant change to the Proposed Local Development Plan.

zEL43, Broughton (CD121, refer to page 3)

- The site is a safeguarded business and industrial site within the Proposed Plan and the existing site requirements do not make reference to the need for a FRA. Therefore, the following site requirement could be added to the Plan: *"A Flood Risk Assessment is required to assess the risk from the Biggar Water and small watercourse which flows along the perimeter of the site."* This is considered an acceptable non-significant change to the Proposed Local Development Plan.

BCL2B, Coldingham (CD121, refer to page 5)

- The site is allocated for housing within the Proposed Plan, with an indicative site capacity for 36 units. It is acknowledged that the Planning Brief (Bogangreen) (CD100, page 5) for the site (BCL2B) states that a FRA will not be required. It is considered that the current wording of the Planning Brief does not take on board the most up to date comments from SEPA. Therefore, the following site requirement could be added: *'Refer to approved Planning Brief, which shall be updated to require a FRA to assess the risk from the Hill Burn and Bogan Burn and that consideration must be given to whether there are any culverted watercourses within the site'*. This is considered an acceptable non-significant change to the Proposed Local Development Plan.

BCOLD001, Coldstream (CD121, refer to page 6)

- The site is allocated for business and industrial use within the Proposed Plan and the existing site requirements do not make reference to the need for a FRA. Therefore, the following site requirement could be added to read: *'A FRA is required to investigate flood risk and it is recommended that contact should be made with the Council's Flood Prevention Officer, for more information on surface water'*. This is considered an acceptable non-significant change to the Proposed Local Development Plan and the Council would be agreeable to this amendment. However, whilst not opposing SEPA's amended text, the Council's Flood Prevention Officer feels that the requirement for a FRA is perhaps too onerous in the circumstances and have suggested the following alternative site requirement wording: *'It is recommended that contact is made with the Council's Flood Officer, in respect of potential surface water flood risk'*. The Council is happy for the Reporter to decide the most suitable option.

ACRAI001, Crailing (CD121, refer to page 7)

- This site is allocated for housing within the Proposed Local Development Plan. The existing site requirements do not make reference to the need for a FRA therefore the following site requirement should be added: *'A FRA is required to assess the risk from the small watercourse which potentially is culverted within or adjacent to the site. Information should also be provided relating site levels to historic flood levels in the Teviot'*. This is considered a non-significant change to the Proposed Local Development Plan.

BD200, Duns (CD121, refer to page 11)

- The site is allocated for housing within the Proposed Plan, with an indicative site capacity for 20 units. The existing site requirement does not make reference to the need for a FRA. Therefore, the site requirement could be updated to read *'Refer to Planning Brief, which shall be updated to consider the need for a flood risk assessment'*. This is considered an acceptable non-significant change to the Proposed Local Development Plan.

BD20B, Duns (CD121, refer to page 12)

- The site is allocated for housing within the Proposed Plan, with an indicative site capacity for 58 units. The existing site requirements do not make reference to the need for a FRA. However, it should be noted that the site has extant planning consent for housing and construction has commenced on the site. Therefore, it is not considered necessary to amend the site requirement for (BD20B) as set out in the Proposed Plan.

RDUNS003, Duns (CD121, refer to page 13)

- The site is allocated for redevelopment within the Proposed Plan and has an indicative site capacity for 20 units. The existing site requirements do not make reference to the need for a FRA, however they do currently include the wording *'Investigate potential flood risk'*. The contributor seeks an amendment to the first site requirement, to include the requirement for a FRA. The site has no extant planning consent. Therefore, the site requirement could be amended to read: *'A FRA is required to assess the risk from the small watercourse which flows along the*

western and southern boundaries of the site. Consideration should be given to whether there are any culverted watercourses within/near the site. The Council's Flood Prevention Officer raised no issues with the inclusion of the additional wording and noted that the Bluidy Burn runs near the site and its line is culverted and unknown. Therefore, this is considered an acceptable non-significant change to the Proposed Local Development Plan.

zEL26, Duns (CD121, refer to page 14)

- The site is allocated for business and industrial safeguarding within the Proposed Plan. The existing site requirements do make reference to the need for a FRA. Therefore, an additional site requirement could be included to read: *'A FRA is required to assess the risk from the small watercourses which flow along the northern and western boundaries of the site. Consideration should be given to whether there are any culverted watercourses within/near the site and it is recommended that contact is made with the Council's Flood Officer'*. The Council's Flood Prevention Officer raised no concerns in amending the site requirement to make reference to the need for a FRA. However, they suggested that the text *'to surface water flood risk and'* is inserted between *'given'* and *'whether'* in the second sentence. These amendments are considered acceptable non-significant changes to the Proposed Local Development Plan.

BEARL002, Earlston (CD121, refer to page 18)

- This site is allocated for business and industrial use within the Proposed Local Development Plan and it is intended that a Planning Brief will be produced for the site. The existing site requirements do not make reference to the need for a FRA therefore the following site requirement should be added: *'A FRA is required to assess the risk from the small watercourses which flow along the boundary of the site. Surface water runoff from the nearby hills may be an issue and may require mitigation measures. Consideration should also be given to whether there are any culverted watercourses within/ near the site'*. This is considered a non-significant change to the Proposed Local Development Plan.

zEL56, Earlston (CD121, refer to page 22)

- This site is a safeguarded business and industrial site within the Proposed Local Development Plan. The site requirements within the Proposed Plan do not make reference to the need for a FRA therefore it is considered appropriate to insert an additional site requirement stating the need for a FRA for any future development on the site. The proposed site requirement should read *'In the event of further proposed development or redevelopment, a flood risk assessment will be required'*. This is considered a non-significant change to the Proposed Local Development Plan.

zEL57, Earlston (CD121, refer to page 23)

- This site is a safeguarded business and industrial site within the Proposed Local Development Plan. There is an existing site requirement within the Plan for zEL57 which states to the need for a FRA should the site be redeveloped or any further development be proposed. Therefore it is not considered that there is any requirement to add or modify the site requirements for zEL57.

TE6B, Eddleston (CD121, refer to page 25)

- The site is an allocated housing site within the Proposed Plan and the existing site requirements do not make reference to the need for a FRA. Therefore, the following site requirement could be added to the Plan: *“A Flood Risk Assessment is required to assess the risk from the Longcote Burn and small watercourse which flows along the eastern perimeter. Surface water runoff from the nearby hills may be an issue. Mitigation measures may be required during design stage.”* This is considered an acceptable non-significant change to the Proposed Local Development Plan.

AEYEM006, Eyemouth (CD121, refer to page 27)

- The site is allocated for housing within the Proposed Plan and the existing site requirements do not make reference to the need for a FRA. It is acknowledged that the Planning Brief for Gunsgreenhill (CD104, page 30) for the site (AEYEM006) states that a FRA would not be required. It is considered that the current wording of the Planning Brief does not take on board the most up to date comments from SEPA. Therefore, the site requirement could be updated to read: *‘Refer to approved Planning Brief, which shall be updated to require a FRA or, at very minimum topographic information, to assess the risk from the small watercourses which flow through and on the boundary of the site’*. This is considered an acceptable non-significant change to the Proposed Local Development Plan.

AEYEM007, Eyemouth (CD121, refer to page 28)

- The site is allocated for housing within the Proposed Plan and the existing site requirements do not make reference to the need for a FRA. It is acknowledged that the Planning Brief for Gunsgreenhill (CD104, page 30) for the site (AEYEM007) states that a FRA would not be required. It is considered that the current wording of the Planning Brief does not take on board the most up to date comments from SEPA. Therefore, the site requirement could be updated to read: *‘Refer to approved Planning Brief, which shall be updated to require a FRA or, at very minimum topographic information to assess the risk from the small watercourses which flow through the site’*. This is considered to be an acceptable non-significant change by the Council.

BEY2B, Eyemouth (CD121, refer to page 29)

- The site is allocated for housing within the Proposed Plan and it is noted that a large proportion of the site is already complete. The existing site requirements do not make reference to the need for a FRA. It is acknowledged that the Planning Brief for Acredale Farm (CD105, page 11) for the site (BEY2B) states that is unlikely that a FRA would be necessary. It is considered that the current wording of the Planning Brief does not take on board the most up to date comments from SEPA. Therefore, the site requirement could be updated to read: *‘Refer to approved Planning Brief, which shall be updated to require a FRA to assess the risk from the North Burn’*. The Flood Prevention Officer did not raise any concerns with the inclusion of a site requirement for a FRA. This is considered to be an acceptable non-significant change by the Council.

AGALA024, Galashiels (CD121, refer to page 31)

- The Plan sets out within the site requirements on page 345 the following: ‘Refer to approved Planning Brief and Masterplan for the site as well as the existing planning permission’. The Planning Brief (CD107, page 4), which was approved in February 2006, states *‘The site is located in an elevated position above existing water courses. It is unlikely that a Flood Risk Assessment will be required. A Drainage Impact Assessment will be required for this site’*. The current wording of the Planning Brief does not therefore accord with SEPA’s latest advice for the development of this site. It is, however, highlighted that the development of this site is well underway with 340 units complete, at the time of the Housing Land Audit 2019, and extant planning consents in place. During the process of the Examination of the Scottish Borders Local Development Plan 2016 (CD040, pages 625-626), the Reporter considered a request from SEPA for a modification of the developer requirements/Planning Brief to require a FRA for the site. The Reporter concluded that no modifications should be made as *‘The potential for the residential development of the site has been considered at a previous local plan inquiry and the site is allocated in the current local plan. Even more significantly, in addition to the houses that have been built, detailed planning permission has been granted for the balance of the site’* and *‘Under these circumstances it is not appropriate to stipulate any further site requirements’*. It is not therefore considered that a modification should be made to the Plan.

BGALA002, Galashiels (CD121, refer to page 32)

- The Plan sets out within the site requirements for this site on page 346 the following (bullet no. 6): ‘A flood risk assessment is required for the site’. In order to provide clarity, the Council would accept this site requirement being replaced with the following as a non-significant change to the Plan: *‘A Flood Risk Assessment is required to assess flood risk from the Gala Water and Tweed to inform the area of redevelopment, type of development and finished floor levels. Surface water flooding issues require investigation’*.

EGL13B, Galashiels (CD121, refer to page 34)

- The Plan sets out within the site requirements on page 344 the following: ‘Refer to approved Planning Brief’. The Planning Brief (CD108), which was approved in February 2006, states on page 5 *‘The site is elevated above existing water courses. No formal Flood Risk Assessment is required however the risks of overland flooding should be assessed within a Drainage Impact Assessment for the site’*. The Council is satisfied that the issues raised by SEPA regarding surface water flooding would be assessed through the Drainage Impact Assessment and do not therefore consider that an amendment is required to the Plan/Planning Brief.

EGL17B, Galashiels (CD121, refer to page 35)

- The Plan sets out within the site requirements on page 344 the following: ‘Refer to approved Planning Brief’ and ‘Consider the potential for culvert removal and channel restoration’. The Planning Brief (CD109) states on page 25: *‘The site is in an elevated position above existing watercourses and it is unlikely that it will be liable to flooding: in these circumstances a Flood Risk Assessment will not be required.’*

However, flood risk from Buckholm Burn must be addressed, and areas of the site on steeply sloping ground require protection from runoff during intense rainfall. It is considered that the text within the existing site requirements and Planning Brief adequately address the issues related to flooding at this site, the only anomaly being that SEPA request a FRA which is a requirement not currently stipulated. The site has recently been the subject of a full planning application for a residential development comprising 69 units with associated access, parking, landscaping and servicing (Reference No. 21/00417/FUL) (CD148), the development of which has commenced on site. Through the process of this planning application it was acknowledged that there is a burn running to the West and a pond to the North West of what is referred to as the Phase 1 site; this burn lies at a far lower height than the site. Likewise, it is a steep site so surface water may impact the site, as shown in SEPA's flood risk mapping. However, this surface water risk, and low risk from the burn can be suitably managed through a drainage strategy (or similar) document; it is noted that this type of document has been submitted through the planning process and accepted. The Council does not therefore agree with the Contributor's stance that a FRA should be required for this site.

EGL19B, Galashiels (CD121, refer to page 36)

- The Plan sets out a number of site requirements relating to this site on page 344, the final bullet point requires the following: 'Consider the potential for culvert removal and channel restoration'. The developable area of the site is significantly reduced as residential development has taken place within the eastern portion. The SEPA Flood Hazard – River Flood Extents Maps show parts of the site to be at medium (1 in 200 year) risk. It is considered that a site requirement could be added to the existing site requirements already set out requiring the following: 'Investigation of surface water runoff required with potential mitigation measures during design stage'. It is not considered that the information related to construction of an existing drain and contact being made with the Flood Prevention Officer needs to be explicitly set out as these are matters which would be established through the planning application process or happen as a matter of course.

EGL32B, Galashiels (CD121, refer to page 37)

- The Plan sets out a number of site requirements relating to this site on page 344, none of these cover the matters raised by the Contributor. The same comments were raised by the Contributor through the process of the Scottish Borders Local Development Plan 2016 and were considered by the Reporter through the Examination process (CD040, pages 656-657). The Reporter agreed with the Council's position that *'The SEPA flood map does not show the site to be at risk of flooding although the Gala Water flows close to part of the southern boundary. The Council's Flood Protection Officer is aware of the proposal but has not stipulated a requirement for a flood risk assessment. Under the circumstances I accept the Council's argument that Policy IS8, Flooding, provides an adequate basis for development management should any proposals be brought forward'*. The SEPA flood map has not changed since this position was taken. It is not therefore considered that the Plan should be modified in line with the Contributor's comments in this instance.

EGL41, Galashiels (CD121, refer to page 38)

- The Plan sets out within the site requirements on page 345 the following: ‘Refer to approved Planning Brief’ and ‘Consider the potential for culvert removal and channel restoration’. The Planning Brief (CD109) states on page 25: *‘The site is in an elevated position above existing watercourses and it is unlikely that it will be liable to flooding: in these circumstances a Flood Risk Assessment will not be required. However, flood risk from Buckholm Burn must be addressed, and areas of the site on steeply sloping ground require protection from runoff during intense rainfall’*. It is considered that the text within the existing site requirements and Planning Brief adequately address the issues related to flooding at this site, with the exception of the specific reference to the need for a culvert survey and the investigation of surface water flooding. It is therefore suggested that the existing site requirement (bullet no.2 on page 345) is amended as follows as a non-significant change to the Plan: ‘Investigation of culverted watercourses and surface water flooding required. A culvert survey to be undertaken and submitted to determine the presence/location/condition’.

EGL43, Galashiels (CD121, refer to page 39)

- The Plan sets out a number of site requirements relating to this site on page 345, none of these cover the matters raised by the Contributor. It is noted that the Contributor raised the same comments through the Examination process of the Scottish Borders Local Development Plan 2016 (CD040, pages 661-662) and the Reporter concluded the following: ‘I note from the Scottish Environment Protection Agency flood maps that land close to the southern part of the site is identified as being at medium risk of surface water flooding. A very limited area is shown to be at high risk. The council’s Flood Prevention Officer is aware of the proposed development and recognises the risk of pluvial flooding during a 1:200 year flood event. However, a requirement for a flood risk assessment has not been stipulated although surface water run-off management should be considered. Under these circumstances I accept the council’s argument that Policy IS8, Flooding, provides an adequate basis for the development management of any proposals that might come forward for the site.’ SEPA Flood Maps currently show surface water flooding within the eastern part of the site. It is therefore the case that flooding information at this site has changed since this previous Examination decision. The Council’s Flood Risk and Coastal Management Team has advised that the Mossilee Burn does run to the eastern boundary of the site, into the Gala Policies. The burn is, however, below the site in question and would therefore pose no flood risk. However, there does appear to be a small surface water flow path running from the south east towards the Mossilee Burn which may impact on a small part of the very eastern corner of the site at the contour below 145m at the 1 in 200 year flood even (Medium Risk). The Council remains of the view that a FRA is not required but would not be opposed to the addition of a site requirement stating that ‘surface water runoff will require to be considered’ as a non-significant addition to the Plan.

RGALA001, Galashiels (CD121, refer to page 40)

- The Plan sets out site requirements relating to this site on page 349, the second of which stipulates that a ‘Flood Risk Assessment may be required’. This site requirement was included through the process of the Examination of the Scottish Borders Local Development Plan 2016 (CD040, pages 665-666). The Reporter concluded: ‘I note the Scottish Environment Protection Agency flood maps show the streets surrounding this town centre site to be subject to a medium risk of river

flooding. Indeed, the Agency has explained that these are flow paths resulting from flooding of the Mossilee Burn. 3. In this case, I do not have comments from the council's Flood Protection Officer. Despite the provisions of Policy IS8, Flooding, it appears to me that it would be prudent to specify the possible need for a flood risk assessment as a site requirement'. The Reporter stipulated the wording of the site requirement and the Council is not of the view that this should change. The site is currently the subject of a planning application for the erection of 20 no. residential apartments and associated works and parking (Planning Ref. No. 20/01121/FUL) and it is noted that a FRA has not been required as all residential accommodation is set outwith the flood plain and the accommodation finished floor levels guard against flood risk. This confirms that the wording of the existing site requirement is appropriate.

RGALA002, Galashiels (CD121, refer to page 41)

- The Plan sets out a number of site requirements relating to this site on page 349, none of these cover the matters raised by the Contributor. It is noted that the Contributor raised the same comments through the Examination process of the Scottish Borders Local Development Plan 2016 (CD040, pages 667-668) and the Reporter concluded the following: *'I note the Scottish Environment Protection Agency flood map indicates that low or medium risk of surface water flooding in the proximity of the site. The council's Flood Prevention Officer does not object to the proposal and I therefore accept that the provisions of Policy IS8, Flooding, provide a basis for the development management of any proposals that might come forward.'* The Council is of the view that this position is still relevant and does not consider that the suggested site requirement should be included.

zCR3, Galashiels (CD121, refer to page 44)

- The Plan sets out within the site requirements on page 350 the following: 'Refer to approved Planning Brief'. The Planning Brief (Urban Design Framework) (CD110), approved in 2012, sets out advice relating to Flooding on page 16 and states the need for a Flood Risk Assessment to be provided by the developer. The Council is of the view that this matter is adequately addressed through the aforesaid Planning Brief and does not consider that an additional site requirement is necessary in this instance.

zED2, Galashiels (CD121, refer to page 45)

- The Plan does not currently set out a site requirement relating to flood risk at this site although it is clear from the SEPA Flood Risk Maps that the site is at risk of both river and surface water flooding. The Council is content for the following site requirement to be added as a non-significant change to the Plan: 'Flood Risk Assessment required which assesses risk from Gala Water to inform area, type and finished floor levels of development'. The Council is content that SEPA's land use vulnerability guidance is included within Policy IS8: Flooding of the Plan and does not therefore require to be specifically referred to within the site requirements.

AGREE009, Greenlaw (CD121, refer to page 48)

- The site is allocated for housing within the Proposed Plan, with an indicative site capacity for 38 units. The comments from SEPA are noted, however there is an existing site requirement attached to the allocation which reads: '*Flood Risk Assessment is required and consideration must be given to any surface water runoff*'. Therefore, it is considered that the existing site requirement satisfies the comments from SEPA. In conclusion, the Council does not agree to modify the Proposed Plan in response to this representation.

AHAWI006, Hawick (CD121, refer to page 49)

- This site is allocated for housing within the Proposed Local Development Plan. SEPA's comments with regard to this existing allocated housing site are noted, but its concerns are similar to those they raised at the time of the Examination of the Adopted Scottish Borders Council Local Development Plan 2016, when the Reporter concurred with the Council's assessment that a Flood Risk Assessment should not be made a specific site requirement (CD040; page 724). At that time, the Reporter noted that there was a medium and high risk of surface water flooding along the burn that crosses the site diagonally, but considered that the affected areas were closely confined to the line of the burn itself. Moreover, the Reporter also concurred with the Council that Policy IS8, Flooding, provides a sound basis for development management in respect of any flood risk issues that might arise, which would still allow a FRA to be required at the planning application stage, should any such need be identified at that time. The position at this site, and in relation to surface water flooding, is considered to be essentially the same as at the time of the Examination of the Adopted Local Development Plan, and the Council does not agree to modify the Proposed LDP in response to this representation.

AHAWI013, Hawick (CD121, refer to page 50)

- This site is allocated for housing within the Proposed Local Development Plan. SEPA's comments with regard to this existing allocated housing site are noted, but its concerns are similar to those they raised at the time of the Examination of the Adopted Scottish Borders Council Local Development Plan 2016, when the Reporter concurred with the Council's assessment that a Flood Risk Assessment should not be made a specific site requirement (CD040; page 726). At that time, the Reporter noted that there was a medium and high risk of surface water flooding along the burn that follows the western boundary of the site, but concurred with the Council that Policy IS8, Flooding, provides a sound basis for development management in respect of any flood risk issues that might arise, which would still allow a FRA to be required at the planning application stage, should any such need be identified at that time. The position at this site, and in relation to surface water flooding, is considered to be essentially the same as at the time of the Examination of the Adopted Local Development Plan, and the Council does not agree to modify the Proposed LDP in response to this representation.

RHA12B, Hawick (CD121, refer to page 51)

- This site is allocated for housing within the Proposed Local Development Plan. SEPA's comments with regard to this existing allocated housing site are noted, but its concerns are similar to those they raised at the time of the Examination of the Adopted Scottish Borders Council Local Development Plan 2016, when the Reporter

concluded with the Council's assessment that a Flood Risk Assessment should not be made a specific site requirement (CD040; page 728). At that time, the Reporter noted that there was an area of high risk of surface water flooding along the line of the burn in the northern part of the site, but concluded with the Council that Policy IS8, Flooding, provides a sound basis for development management in respect of any flood risk issues that might arise, which would still allow a FRA to be required at the planning application stage, should any such need be identified at that time. The position at this site, and in relation to surface water flooding, is considered to be essentially the same as at the time of the Examination of the Adopted Local Development Plan, and the Council does not agree to modify the Proposed LDP in response to this representation.

RHA13B, Hawick (CD121, refer to page 52)

- This site is allocated for housing within the Proposed Local Development Plan. SEPA's comments with regard to this existing allocated housing site are noted, but its concerns are similar to those they raised at the time of the Examination of the Adopted Scottish Borders Council Local Development Plan 2016, when the Reporter concluded with the Council's assessment that a Flood Risk Assessment should not be made a specific site requirement (CD040; page 731). At that time, the Reporter noted that there was a very limited area of medium risk of surface water flooding along the line of the burn in the north-east extremity of the site, but concluded with the Council that Policy IS8, Flooding, provides a sound basis for development management in respect of any flood risk issues that might arise, which would still allow a FRA to be required at the planning application stage, should any such need be identified at that time. The position at this site, and in relation to surface water flooding, is considered to be essentially the same as at the time of the Examination of the Adopted Local Development Plan, and the Council does not agree to modify the Proposed LDP in response to this representation.

RHA25B, Hawick (CD121, refer to page 53)

- This site is allocated for housing within the Proposed Local Development Plan. SEPA's comments with regard to this existing allocated housing site are noted, but its concerns are similar to those they raised at the time of the Examination of the Adopted Scottish Borders Council Local Development Plan 2016, when the Reporter concluded with the Council's assessment that a Flood Risk Assessment should not be made a specific site requirement (CD040; at page 733). At that time, the Reporter noted that there was a small water course flowing along the side of the site, but noted no areas at risk of flooding within the site, based on SEPA's flood maps. The Reporter concluded with the Council that Policy IS8, Flooding, provides a sound basis for development management in respect of any flood risk issues that might arise, which would still allow a FRA to be required at the planning application stage, should any such need be identified at that time. The position at this site, and in relation to surface water flooding, is considered to be essentially the same as at the time of the Examination of the Adopted Local Development Plan, and the Council does not agree to modify the Proposed LDP in response to this representation. As at the time of the previous Examination, there is a Planning Brief for the site (CD112), which advises (at page 50) that a flood risk assessment will not be required.

RHAWI016, Hawick (CD121, refer to page 57)

- This site is allocated for redevelopment within the Proposed Local Development Plan. SEPA seeks the addition of a site requirement for a Flood Risk Assessment at this site to inform redevelopment. It is acknowledged that the site is at risk of flooding; and that this risk is in places, high. The Council's Flood Prevention Section has confirmed that it also considers this site to be at risk of flooding; a risk that will continue even after the completion of the Hawick Flood Protection Scheme, as such, it supports SEPA's request that a FRA should be made a site requirement for this site. Accordingly, the Council would consider it appropriate to add a bullet-point to the list of site requirements on page 379 for RHAWI016: Former N Peal Factory, Carnarvon Street, in the same terms as the neighbouring site (RHAWI015) which has a bullet-point requirement within its list of Site Requirement stating "*A flood risk assessment is required and design and layout of the site should mitigate flood risk*". However, advice with respect to using water resilient materials and such, is not reasonably included amongst site requirements. SEPA and Flood Prevention usually identify such requirements in their consultation responses to planning applications, and it is considered that that is the more appropriate context for such advice. This is considered to be a non-significant change to the Proposed Local Development Plan.

zEL49, Hawick (CD121, refer to page 60)

- This site is safeguarded for Business and Industrial Use in the Proposed Local Development Plan. SEPA's comments with regard to this existing allocated housing site are noted, but its concerns are similar to those they raised at the time of the Examination of the Adopted Scottish Borders Council Local Development Plan 2016, when the Reporter concurred with the Council's assessment that a Flood Risk Assessment should not be made a specific site requirement (CD040). At that time, the Reporter considered on page 712 (points 4 and 5), that: "*The emphasis of the proposed plan is to safeguard this existing business and industrial site. Clearly there is a potential for property to be redeveloped or for changes of use. In such instances, account would require to be taken of the particular site conditions, including the potential for flooding. This consideration would be particularly important in the proximity of the River Teviot and Boonraw Burn and to the limited areas within the site subject to surface water flooding ... Under the circumstances, particularly in view of the established character of the Burnfoot business and industrial area, I consider the threat from flood risk to be tangible but not significant to the extent that a specific reference is necessary as a site requirement. I share the opinion of the council that Policy IS8, Flooding, provides an adequate basis for development management within this area*". The position at this site, and in relation to surface water flooding, is considered to be essentially the same as at the time of the Examination of the Adopted Local Development Plan. The Council's Flood Prevention team was consulted, and it has reiterated that most of the site is well out with the one in two hundred year flood plain. The lower western section of the site next to the river is an exception to this, but it is considered that any planning application for development in this area, would still be appropriately considered on its own merits, and a FRA sought in accordance with Policy IS8. Accordingly, the Council does not agree to modify the Proposed LDP in response to this representation.

zEL51, Hawick (CD121, refer to page 62)

- This site is safeguarded for Business and Industrial Use in the Proposed Local Development Plan. While it would not seek to require an FRA, SEPA has reviewed the surface water 1 in 200 year flood map for this site, and advises that there may be flooding issues, and this needs to be investigated further. SEPA's recommendation has been referred to the Council's Flood Prevention team, which has reiterated that the site is well out with the one in two hundred year flood plain, and that it expects that any localised site specific issues could be addressed through the planning application process. Accordingly, the Council considers that a position in line with the view of the Reporter relative to zEL49 already noted above, applies here too, since this is also a safeguarded business and industrial site and therefore while tangible, the risk is considered not to be significant to the extent that flood risk should be referred to within a new site requirement. Policy IS8, Flooding, provides an adequate basis for development management within this area. Accordingly, the Council does not agree to modify the Proposed LDP in response to this representation.

zEL52, Hawick (CD121, refer to page 63)

- This site is safeguarded for Business and Industrial Use in the Proposed Local Development Plan. SEPA identifies the need for an FRA of Slitrig Water and any potential mill lades flowing through or adjacent to the site. Any nearby bridges should also be considered as the Slitrig has mobilised large amounts of woody debris in the past. The Council's Flood Prevention Section has been consulted, and has advised that it has recently had a study on the Slitrig Water (late 2021) carried out, which has shown that there is no risk to this site at a 1 in 200 year flood event. As such, Flood Prevention does not consider that there is a need to identify a new site requirement for a FRA in association with this site. As such, and notwithstanding SEPA's concern for a new site requirement for an FRA for this site, it is considered that a position in line with the view of the Reporter relative to zEL49 above, again applies, since this is also an established safeguarded business and industrial site and Policy IS8, Flooding, provides an adequate basis for development management within this area. Accordingly, the Council does not agree to modify the Proposed LDP in response to this representation.

TI200, Innerleithen (CD121, refer to page 66)

- The site is an allocated housing site within the Proposed Plan and the existing site requirement do not make reference to the need for a FRA but does refer to an approved Planning Brief for the site. Therefore, it is considered that the site requirement could be amended to read: "Refer to the approved Planning Brief, which shall be updated". The following text could therefore be included within the updated Planning Brief: "*A Flood Risk Assessment is required to assess the risk from the small watercourses, mill lade, and interaction with the Leithen Water. Consideration will need to be given to any culverts/bridges which may exacerbate flood risk. The site will need careful design to ensure there is no increase in flood risk elsewhere and proposed housing is not affected by surface runoff.*" This is considered an acceptable non-significant change to the Proposed Local Development Plan.

AJEDB005, Jedburgh (CD121, refer to page 67)

- This is site allocated for housing within the Proposed Local Development Plan and there is an approved Planning Brief for the Wildcat Gate South site (CD113). SEPA have identified flood risk to a small part of the site along the southern boundary. However, as shown within the Planning Brief, the southern part of the site is designated as ancient woodland and this area is to be retained and remain undeveloped. Consequently it is not considered necessary that a modification should be made to the Plan to stipulate any further site requirements.

RJ27D, Jedburgh (CD121, refer to page 68)

- This is site allocated for housing within the Proposed Local Development Plan. There is an existing site requirement for RJ27D which refers to potential culvert removal and channel restoration. Following the comments made by the Contributor it is considered appropriate to update the existing site requirement to make reference to the need for a FRA. Therefore the final site requirement for RJ27D should be replaced with the following text: *'A small watercourse flows along the western site boundary and is culverted beneath Wildcatcleugh road and should be assessed within any FRA. Consideration should be given to the potential for culvert removal and channel restoration'*. This is considered a non-significant change to the Proposed Local Development Plan.

zEL33, zEL34, zEL35 and zEL37, Jedburgh (CD121, refer to pages 69, 70, 71 and 72)

- These sites are safeguarded business and industrial sites within the Proposed Local Development Plan. These sites do not include the need for a FRA with their site requirements in the Proposed Plan therefore it is considered appropriate to insert an additional site requirement or each of these sites relating to the need for a FRA for any future development on the site. The proposed site requirement should read *'A FRA is required to inform the area of redevelopment, type of development, finished floor levels and ensure that the development has a neutral impact on flood risk'*. This is considered a non-significant change to the Proposed Local Development Plan.

BKELS005, Kelso (CD121, refer to page 73)

- This site is a safeguarded business and industrial site within the Proposed Local Development Plan however it is considered appropriate to insert an additional site requirement relating to the need for a FRA for any future development on the site. The proposed site requirement should read *'A small watercourse/drain is located within the site and is culverted partially through the development site. A FRA is required to assess the risk of flooding'*.

zEL206, Kelso (CD121, refer to page 74)

- The site is allocated for business and industrial use within the Local Development Plan and the majority of the site has planning consent with units either developed or under construction. The existing site requirements state that consideration must be given to the potential for culvert removal and channel restoration however there is no reference to the need for a FRA therefore an additional site requirement should be added to read: *'A FRA is required as a small watercourse flows along the southern*

site boundary and the low lying part of the site may be subject to surface water flooding'. This is considered a non-significant change to the Proposed Local Development Plan.

BLAUD002, Lauder (CD121, refer to page 75)

- The site is an allocated business and industrial site within the Proposed Plan and the existing site requirements do not make reference to the need for a FRA. Therefore, the following site requirement could be added to the Plan: *“A Flood Risk Assessment is required to assess the risk from all sources and ensure that development has a neutral impact on flood risk and doesn't affect the flood protection scheme.”* This is considered an acceptable non-significant change to the Proposed Local Development Plan.

RLAUD002, Lauder (CD121, refer to page 76)

- The site is an allocated redevelopment site within the Proposed Plan and the existing site requirements make reference to the need for a FRA to assess flood risk in the northern part of the site. Therefore, the current site requirement could be amended to the Plan to state: *“A Flood Risk Assessment is required to assess flood risk of the northern part of the site and to assess the risk of blockage of the culvert running below the road.”* This is considered an acceptable non-significant change to the Proposed Local Development Plan.

zEL61, Lauder (CD121, refer to page 77)

- The site is a safeguarded business and industrial site within the Proposed Plan and the existing site requirements do not make reference to the need for a FRA. Therefore, the following site requirement could be added to the Plan: *“A Flood Risk Assessment is required. There are two sources of flood risk. One from the flood protection scheme and the associated culvert and also the small unnamed watercourse which flows along the southern boundary of the site and is also culverted beneath the development site. SEPA are unsure whether the two culverts join beneath the site.”* This is considered an acceptable non-significant change to the Proposed Local Development Plan.

EM32B, Melrose (CD121, refer to page 78)

- The Plan sets out a number of site requirements relating to this site on page 433, none of these cover the matters raised by the Contributor. The developable area of the site is now significantly smaller as large parts of the site have been developed with the development of the site having extant planning permissions. The remaining part of the site to be developed, aside from any infill proposals, has extant planning permission under planning application reference no. 06/00097/FUL (Plot layout and erection of 114 dwellinghouses) (CD149). This consent has been partially implemented. The SEPA Flood Maps show a small area of low surface water flood hazard (1 in 200 year plus climate change) within the eastern boundary of the area in question. A further area of medium/low surface water flooding is shown in the north eastern part of the site which is now a SUDS area. Under the aforesaid circumstances it is not considered that a modification should be made to the Plan to stipulate any further site requirements.

EM4B, Melrose (CD121, refer to page 79)

- The Plan sets out two site requirements on page 433 for this site as follows: ‘Refer to approved planning brief’ and ‘Consider the potential for culvert removal and channel restoration’. Full planning consent was granted in July 2019 (subject to the conclusion of a legal agreement) for the erection of 28 dwellinghouses with associated parking, roads and landscaping on the site (Ref no. 18/01385/FUL) (CD139). This planning application was the subject of a Flood Risk Assessment. Policy IS8 - Flooding, provides an adequate basis for the development management of any further proposals that might come forward for the site, were this consent to lapse. Under these circumstances it is not considered that a modification should be made to the Plan to stipulate any further site requirements.

ENT4B, Newtown St Boswells (CD121, refer to page 81)

- The Plan sets out a number of site requirements relating to this site on page 453, none of these cover the matters raised by the Contributor. The boundaries of the site are located outwith the flood envelope, as indicated within SEPA’s Flood Maps. It is not therefore considered that a modification should be made to the Plan to stipulate the requirement for a FRA.

MREST001, Reston (CD121, refer to page 86)

- The site is currently allocated for mix use development within the Proposed Plan, with an indicative site capacity for 100 units. SEPA request a modification to the site requirement, to include the requirement for an updated FRA to assess the flood risk from the Briery Burn, should the application differ from what has been previously agreed. It should be noted that planning application (08/01531/FUL) remains pending consideration for 111 houses on the site. SEPA raised the same point as part of the Local Development Plan 2016 Examination and the Reporter concluded within the Examination Report (CD040, refer to Issue 288, page 981) that ‘*Such a change in circumstances would be properly addressed at the development management stage, in the context of the earlier flood risk assessment and the wider policies of the plan, principally Policy IS8: Flooding*’. It should be noted that there has been no change in circumstance to this site, the proposed allocation remains the same and the planning applications remains pending. Therefore, it is considered that the previous conclusion from the Reporter as part of the LDP Examination remains valid. As a result, it is not considered that a modification should be made to the Plan. It should be noted that the site (MREST001) is also dealt with as part of Issue 64.

SREST001, Reston (CD121, refer to page 87)

- The site is identified for potential longer term housing within the Proposed Plan. SEPA request a modification to the site requirement, to include the requirement for a FRA to assess the flood risk. It is acknowledged that the Planning Brief for Reston Auction Mart (CD097, page 14) for the site (SREST001) states that it is unlikely that a Flood Risk Assessment would be required. It is considered that the current wording of the Planning Brief does not take on board the most up to date comments from SEPA. Furthermore, it is acknowledged that the western part of the site will likely be developed as part of the wider Reston Station development proposals.

Therefore, the site requirement could be updated to read '*Refer to approved Planning Brief, which shall be updated to require a FRA to assess the flood risk from the small watercourse which is located within the site and another small watercourse may be culverted through the site. There should be no built development over an active culvert*'. This is considered an acceptable non-significant change to the Proposed Local Development Plan. It should be noted that the site (SREST001) is also dealt with as part of Issue 64.

zRS3, Reston (CD121, refer to page 88)

- The site is a transportation allocation within the Proposed Plan, for the proposed Reston Station. SEPA request a modification to the site requirement, to include the requirement for a FRA to assess the flood risk. It is acknowledged that the Planning Brief for Reston Auction Mart (CD097, page 14) for the site (zRS3) states that it is unlikely that a Flood Risk Assessment would be required. Furthermore, it is acknowledged that this site forms part of a larger site with planning consent for the erection of Railway Station and associated works. Given that this site has extant planning consent for the railway station, it is considered that should there be any changes in circumstances, these would be addressed at the development management stage, in respect of flood risk and the wider policies of the plan, principally Policy IS8: Flooding. Therefore, it is not considered necessary to amend the site requirement for (zRS3) as set out in the Proposed Plan.

AROB003, Roberton (CD121, refer to page 89)

- This is site allocated for housing within the Proposed Local Development Plan. With respect to SEPA's concern that development should not take place over the culverted watercourse through the site; it is considered that this point is addressed in the current Site Requirements for the site on page 488. This took account of the Reporter's concern at the time of the Examination of the Scottish Borders Council Local Development Plan 2016 that advice should be included to this effect (CD040). This advice, set out on page 988 of the aforementioned Report, states specifically: "*Consider the potential for culvert removal and channel restoration*". It also includes a Site Requirement that "*mitigation measures should be carried out to address drainage into the nearby burn*". With respect to the concern that the development of the site should be informed by a Flood Risk Assessment, the site does not include any area that is identified as being at risk of river flooding or surface water flooding. According to the Council's Flood Prevention Section, there is no risk shown on SEPA's mapping. There is a burn to the west of the site, but this is a reasonable distance away. As such, Flood Prevention would not seek any new site requirement for a FRA, considering that any development specific flood concerns could be considered and addressed in accordance with the provisions of Policy IS8. Accordingly, the Council does not agree to modify the Proposed LDP in response to this representation.

BSELK002, Selkirk (CD121, refer to page 92)

- The Plan sets out two site requirement relating to this site on page 498, neither of these relate to the matter raised by the Contributor. The Council is satisfied to add a further site requirement stating the following: 'Surface water ponding to be discussed with the Council's Flood Protection Officer'. This is considered a non-significant change to the Proposed Local Development Plan.

BSELK003, Selkirk (CD121, refer to page 93)

- The Plan sets out one site requirement relating to this site on page 453, which does not relate to the matter raised by the Contributor. The Council is satisfied to add a further site requirement stating the following: 'Surface water ponding to be discussed with the Council's Flood Protection Officer'. This is considered a non-significant change to the Proposed Local Development Plan.

RSP3B, Sprouston (CD121, refer to page 94)

- The site is allocated for housing within the Local Development Plan. The existing site requirements do not make reference to the need for a FRA therefore an additional site requirement should be added to read: '*A FRA is required to assess the flood risk from the small watercourse in order to inform the design and finished floor levels. Any flooding issues should be investigated further and discussed with the Flood Prevention Officer*'. This is considered a non-significant change to the Proposed Local Development Plan.

zEL18, West Linton (CD121, refer to page 98)

- The site is an allocated business and industrial site within the Proposed Plan and the existing site requirements do not make reference to the need for a FRA. Therefore, the following site requirement could be added to the Plan: "*A Flood Risk Assessment is required to assess the risk from the small watercourse which enters a culvert adjacent to the site will be required. Surface water runoff from the nearby hills may be an issue. Mitigation measures may be required during design stage.*" This is considered an acceptable non-significant change to the Proposed Local Development Plan.

zEL24, Whitsome (CD121, refer to page 99)

- The site is allocated for business and industrial safeguarding within the Proposed Plan and the existing site requirements do not make reference to the need for a FRA. An additional site requirement could be included within the Proposed Plan and this would be considered an acceptable non-significant change to the Proposed Local Development Plan and the Council would be agreeable to this amendment. The Council's Flood Protection Officer advised that there is a small burn that seems to start at the south of the site and it appears to run away from the site, however notes that they do not have a requirement for a FRA for the site and would be comfortable if SEPA's suggestions were not included. It should be noted that this site is a safeguarded business and industrial site and is currently safeguarded within the adopted LDP 2016 (CD009). The site is currently developed and is brownfield land. The Council note the comments of both SEPA and the Council's Flood Prevention Officer and would be happy for the Reporter to agree the most suitable option, in respect of the site requirement.

Recommend a modification to be more specific, where a developer requirement already considers flood risk (34 sites including APEEB044 & REYEM005)

The following responses relate to the 32 sites contained within Table 3 of SEPA's response. It should be noted that an additional two sites have been included below

(APEEB044 & REYEM005), which are both contained within Table 4 of SEPA's response. However, these comments either request a FRA or request a modification to the site requirements. Therefore, they have both been included within this section instead.

AEARL002, Earlston (CD121, refer to page 15)

- This site is allocated for housing in the Proposed Local Development Plan. There is an approved Planning Brief for the site (CD102) of which, page 12 which makes reference to flooding issues within the area. The Planning Brief states the requirement for a Flood Risk Assessment and the need for SEPA to be satisfied that any changes to the flood plain will not lead to any corruption of the flood plain function.
- Within the Proposed LDP, the site has an existing site requirement which states '*A flood risk assessment will be required due to potential flood risk to the south east of the site*'. It is felt that this sufficiently covers the need to address potential flood risk at this location. SEPA also seek additional advice that sensitivity of any proposed use should be considered in line with SEPA's land use vulnerability guidance and that redevelopment should not increase flood risk elsewhere. However the purpose of the 'Site Requirements' is to ensure they identify the key issues/constraints relating to the site and are not an exhaustive list of informatives anticipating what may or may not be brought forward in any specific proposal. It is considered that the existing site requirement within the Proposed Plan is sufficient and does not require any further qualification or additional information. SEPA will have the opportunity to comment further at the planning application stage. Accordingly, it is not considered that there is any requirement to add or modify the site requirements for AEARL002.

AEARL010 and AEARL011, Earlston (CD121, refer to pages 16 and 17)

- These sites are allocated for housing in the Proposed Local Development Plan. The sites have an existing site requirement stating the need for a FRA however following comments made by the Contributor it is considered appropriate to amend the site requirement for both sites as follows: '*A FRA is required which assesses the risk from the Turfford Burn and small watercourse(s) near the site. The flood risk area should be landscaped as wetland with tree planting and recreational open space. This should serve as a central focal point between AEARL010 and AEARL011*'. This is considered a non-significant change to the Proposed Local Development Plan.

REARL001, Earlston (CD121, refer to page 19)

- This site is currently in use and is allocated as a redevelopment opportunity in the Proposed Local Development Plan. The site has an existing site requirement within the Proposed Plan which states '*A flood risk assessment is required to inform the design along with possible mitigation and resilience measures*' it is felt that this sufficiently covers the need to address potential flood risk at this location. SEPA also seek additional advice that sensitivity of any proposed use should be considered in line with SEPA's land use vulnerability guidance; that redevelopment should not increase flood risk elsewhere; and that development may be constrained due to flood risk. The concern in providing a brief list of 'Site Requirements' is that these should be the most salient points, and not an exhaustive list of informatives anticipating what may or may not be brought forward in any specific proposal. It is

considered that the existing bullet which maintains the salience of the FRA requirement is appropriately maintained without any further qualification or additional information. Accordingly, it is not considered that there is any requirement to add or modify the site requirements for REARL001.

SEARL006, Earlston (CD121, refer to page 20)

- This site is identified as a potential longer term mixed use site in the Proposed Local Development Plan. The site has an existing site requirement stating the need for a FRA however following comments made by the Contributor it is considered appropriate to amend the fifth site requirement to read as follows: *'A FRA is required which assesses the risk from the Turfford Burn and small tributaries which flow through the site. Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage. Consideration should be given to whether there are any culvert/bridges near the site'*. This is considered a non-significant change to the Proposed Local Development Plan.

zEL55, Earlston (CD121, refer to page 21)

- The site is safeguarded for business and industrial use within the Proposed Local Development Plan. The site has an existing site requirement stating the need for a FRA. It is felt that this sufficiently covers the need to address potential flood risk at this location. SEPA also seek additional advice that sensitivity of any proposed use should be considered in line with SEPA's land use vulnerability guidance; that re-development should not increase flood risk elsewhere; and that development may be constrained due to flood risk. The concern in providing a brief list of 'Site Requirements' is that these should be the most salient points, and not an exhaustive list of informatives anticipating what may or may not be brought forward in any specific proposal. It is considered that the existing bullet which maintains the salience of the FRA requirement is appropriately maintained without any further qualification or additional information. Accordingly, it is not considered that there is any requirement to add or modify the site requirements for zEL55.

zRO12, Earlston (CD121, refer to page 24)

- This site is allocated as a redevelopment opportunity in the Proposed Local Development Plan. The site has partly been developed for housing however the site stalled following the economic downturn with only 7 out of 30 units being completed. The site has an existing site requirement stating the need for a FRA however following comments made by the Contributor it is considered appropriate to amend the third site requirement as follows; *'A FRA is required to assess the risk from the Turfford Burn and small tributaries which flows through the site. The FRA will inform the site design along with possible mitigation and resilience measures. Surface water runoff from the nearby hills may be an issue'*. This is considered a non-significant change to the Proposed Local Development Plan.

REYEM005, Eyemouth (CD121, refer to page 30)

- The site is allocated for redevelopment within the Proposed Plan, with no indicative site capacity. The existing site requirement reads: *'Consideration of potential coastal flood risk'*. SEPA have requested a modification to the existing site requirement to

take account of flood risk for the whole site, which includes fluvial flooding risk and not just coastal flood risk. Therefore, the site requirement could be updated to read: '*Consideration of potential flood risk*'. This is considered an acceptable non-significant change to the Proposed Local Development Plan.

ADENH001, Denholm and RD4B, Denholm (CD121, refer to pages 8 and 9)

- Both these sites are allocated for housing development in the Proposed Local Development Plan. SEPA identifies the same requirement in both cases, which is that any proposed development(s) should be the subject of a Flood Risk Assessment. However, both sites are the subject of a Planning Brief (Denholm Hall Farm, Denholm) of June 2013 (CD101), which already identifies a requirement for a Flood Risk Assessment (at page 12). SEPA would however seek explicit requirements that the FRA should assess the risk from the small watercourse along the western boundary, and advice that culverts or bridges may exacerbate flood risk; that no building should take place over any active culverts; and that surface water should be considered during the site layout design. Ultimately it is considered that the requirements of the Planning Brief are sufficiently clear, while the Site Requirements are not reasonably any exhaustive list of informatives for applicants and developers. SEPA and the Council's own Flood Prevention team are able to provide more specific advice in relation to planning proposals being assessed through the development management process, and therefore it is not considered that there is any reasonable need to provide this level of detail and depth of information, particularly if other aspects besides flood risk, were to be addressed in any equivalent level of detail. As it stands, it is considered that reference to the Planning Brief is sufficient. Accordingly, it is not considered that there is any requirement to add or modify any site requirements in relation to either, provided the reference to the aforementioned Planning Brief is maintained.

ADUNS023, Duns (CD121, refer to page 10)

- The site is allocated for housing within the Proposed Plan, with an indicative site capacity for 60 units. The existing site requirement does not make reference to the need for a FRA. An amendment is sought to the existing site requirement, to include the requirement for a FRA. Therefore, the site requirement could be updated to read: '*A FRA is required to assess the risk from the small watercourse. Consideration should be given to any culverts and bridges which might exacerbate flood risk. There should be no built development over an active culvert. It is recommended that contact is made with the Council's Flood Officer, in respect of potential surface water flood risk*'. The Council's Flood Prevention Officer raised no concerns regarding the proposed wording of the site requirement. The amended wording is considered an acceptable non-significant change to the Proposed Local Development Plan.

AETTR003, Ettrick (Hopehouse) (CD121, refer to page 26)

- The Plan sets out within the site requirements on page 327 the following: 'Refer to approved Planning Brief'. The Council is therefore unclear in respect of the Contributor's reference to an existing site requirement for this site. The Planning Brief (CD103), approved in 2011, sets out advice relating to Flooding on page 4 as follows:

- *‘Consideration must be given to flood risk and where necessary a flood risk assessment carried out. If a Flood Risk Assessment identifies a risk of flooding, development should be avoided in those areas;*
- *Pluvial flooding should be considered in the design and layout of development.’*

The Council is of the view that this matter is adequately addressed through the aforesaid Planning Brief and does not consider that an additional site requirement is necessary in this instance.

BGALA003, Galashiels (CD121, refer to page 33)

- The Plan sets out two site requirements relating to this site on page 347, the second of which states: *‘In the event of further proposed development or redevelopment, a flood risk assessment is required’*. It is noted that the Contributor raised the same comments through the Examination process of the Scottish Borders Local Development Plan 2016 (CD040, pages 608-609) and it was the Reporter that recommended the aforesaid site requirement. The Council is content that the current site requirement suitably addresses the matter and does not therefore consider that a modification is necessary in this instance.

SGALA005, Galashiels (CD121, refer to page 42)

- This site is identified within the Plan as a potential longer term mixed use site. The site is therefore indicative at this stage and merely intends to show the potential future direction of growth for Galashiels. It is highlighted that the site has not gone through a formal site assessment which would be necessary before it could be formally allocated as a mixed use site within any future Local Development Plan. The Plan sets out a number of site requirements on page 348 including the following (bullet no. 3): *‘A flood risk assessment may be required because a small area in the east of the Hollybush site is in a flood risk area’*. The Council is content for the word ‘may’ to be retained within this site requirement as there are vast areas of the site which are not subject to flood risk and would not therefore require a FRA. The Council would, however, be content for the existing site requirement to be extended with the following text: *‘Investigation into culverted watercourse required and a small watercourse adjacent to the site. Surface water flooding issues would require to be investigated’*. This is considered a non-significant change to the Proposed Local Development Plan.

SGALA016, Galashiels (CD121, refer to page 43)

- This site is identified within the Plan as a potential longer term mixed use site. The site is therefore indicative at this stage and merely intends to show the potential future direction of growth for Galashiels. It is highlighted that the site has not gone through a formal site assessment which would be necessary before it could be formally allocated as a mixed use site within any future Local Development Plan. The Plan sets out a number of site requirements on page 348 including the following (bullet no. 3): *‘A flood risk assessment may be required because a small area in the east of the Hollybush site is in a flood risk area’*. The Council is content for the word ‘may’ to be retained within this site requirement as there are vast areas of the site which are not subject to flood risk and would not therefore require a FRA. The Council would, however, be content for the existing site requirement to be extended

with the following text: *‘Investigation into culverted watercourse required and a small watercourse adjacent to the site. Surface water flooding issues would require to be investigated’*. This is considered a non-significant change to the Proposed Local Development Plan.

zRO4, Galashiels (CD121, refer to page 46)

- The Plan sets out two site requirements relating to this site on page 349, the second of which states: *‘Flood risk assessment may be required’*. This site requirement was added by the Reporter through the Examination process of the Scottish Borders Local Development Plan 2016 (CD040, pages 675-677). The Reporter noted that a *‘Flood Risk Assessment may be required depending on the location within the site’*. The Council is content that the current site requirement suitably addresses the matter and does not therefore consider that a modification is necessary in this instance.

zRO6, Galashiels (CD121, refer to page 47)

- The Plan sets out four site requirements relating to this site on page 349, the first bullet point states the following: *‘A flood risk assessment is required and design and layout of the site should mitigate flood risk on the site’*. This site requirement was supported by SEPA through the process of the Scottish Borders Local Development Plan 2016. It is considered that the existing site requirement adequately addresses the Contributor’s comments in this case. The Council is content that SEPA’s land use vulnerability guidance is included within Policy IS8: Flooding of the Plan and does not therefore require to be specifically referred to within the site requirements.

RHAWI001, Hawick (CD121, refer to page 54)

- This site is allocated for redevelopment within the Proposed Local Development Plan. The Site Requirements already include a FRA, but SEPA seeks a more precise requirement that the FRA is to assess the risk from the Slitrig Water, and inclusion of advice that in light of the historic records of flooding downstream exacerbated by bridge blockage, SEPA strongly recommends consideration of the inclusion of flood resistant/resilient materials, included in the design. Surface water runoff issues would require to be investigated, and mitigation measures may be required during design stage. Within the Site Requirements however, it is considered sufficient to identify the need for the FRA. A critical concern is that Site Requirements are a brief bulleted list. They are not intended to be exhaustive, and were every possible aspect of any proposed development to be anticipated and detailed to this level, it would make a clear and helpful list, unwieldy, and potentially relegate the most salient points – including in this case, the actual requirement for a FRA. Accordingly, it is not considered that there is any requirement to add or modify any site requirements.

RHAWI014, Hawick (CD121, refer to page 55)

- This site is allocated for redevelopment within the Proposed Local Development Plan. The Site Requirements already include a FRA, but SEPA seeks a more precise requirement that the FRA is to inform the area of redevelopment, type of development, access/egress, and finished floor levels. However, it is considered that

this reasonably implicit in the current bullet, which states: “A flood risk assessment is required and design and layout of the site should mitigate flood risk”. SEPA also seek additional advice that sensitivity of any proposed use should be considered in line with SEPA’s land use vulnerability guidance; that re-development should not increase flood risk elsewhere; and that development may be constrained due to flood risk. Again, the concern in providing a brief list of Site Requirements is that these should be the most salient points, and not an exhaustive list of informatives anticipating what may or may not be brought forward in any specific proposal. It is considered that the existing bullet which maintains the salience of the FRA requirement is appropriately maintained without any further qualification or additional information. Accordingly, it is not considered that there is any requirement to add or modify any site requirements.

RHAWI015, Hawick (CD121, refer to page 56)

- This site is allocated for redevelopment within the Proposed Local Development Plan. The Site Requirements already include a FRA, but SEPA seeks a more precise requirement that the FRA is to inform the area of redevelopment, type of development, access/egress, and finished floor levels. However, it is considered that this reasonably implicit in the current bullet, which states: “*A flood risk assessment is required and design and layout of the site should mitigate flood risk*”. SEPA also seek additional advice that sensitivity of any proposed use should be considered in line with SEPA’s land use vulnerability guidance; that re-development should not increase flood risk elsewhere; that development may be constrained due to flood risk; and that investigation of potential lade structures beneath the site should be considered. Again, the concern in providing a brief list of Site Requirements is that these should be the most salient points, and not an exhaustive list of informatives anticipating what may or may not be brought forward in any specific proposal. It is considered that the existing bullet which maintains the salience of the FRA requirement is appropriately maintained without any further qualification or additional information. Accordingly, it is not considered that there is any requirement to add or modify any site requirements.

RHAWI017, Hawick (CD121, refer to page 58)

- This site is allocated for redevelopment within the Proposed Local Development Plan; it is also partly the subject of consented developments. The Site Requirements already include a FRA, but SEPA seeks a more precise requirement that the FRA is to assess the risk from the River Teviot and Slitrig Water. However, it is considered that this is reasonably implicit in the current bullet, which states: “*The submission of a Flood Risk Assessment would be required*”. SEPA also seek some additional advice but it is largely of a nature that could, and likely would be provided in response to specific development proposals within the planning system. Again, the concern in providing a brief bulleted list of Site Requirements is that these should be the most salient points, and not intended as, or capable of being taken to be, any exhaustive list of informatives anticipating what may or may not be brought forward in any specific development proposal. It is considered that the existing bullet which maintains the salience of the FRA requirement is appropriately maintained without any further qualification or additional information. Accordingly, it is not considered that there is any requirement to add or modify any site requirements.

RHAWI018, Hawick (CD121, refer to page 59)

- This site is allocated for redevelopment within the Proposed Local Development Plan. The Site Requirements already include a FRA, but SEPA seeks a more precise requirement that the FRA is to assess the risk from the River Teviot. However, it is considered that this is reasonably implicit in the current bullet, which states: "*The submission of a Flood Risk Assessment would be required*". SEPA also seek some additional advice but it is largely of a nature that could, and likely would be provided in response to specific development proposals within the planning system. Again, the concern in providing a brief bulleted list of Site Requirements is that these should be the most salient points, and not intended as, or capable of being taken to be, any exhaustive list of informatives anticipating what may or may not be brought forward in any specific development proposal. It is considered that the existing bullet which maintains the salience of the FRA requirement is appropriately maintained without any further qualification or additional information. Accordingly, it is not considered that there is any requirement to add or modify any site requirements.

zEL50, Hawick (CD121, refer to page 61)

- This site is safeguarded for business and industrial use within the Proposed Local Development Plan. The Site Requirements already include a FRA, but SEPA seeks a more precise requirement that the FRA is to assess the risk from the River Teviot and small watercourse which flows along the boundary of the site, and to inform the area of redevelopment, type of development, and finished floor levels. However, it is considered that this is reasonably implicit in the current bullet, which states: "*A flood risk assessment is required for proposed development within this area*". SEPA also seek some additional advice but it is largely of a nature that could, and likely would be provided in response to specific development proposals within the planning system. Again, the concern in providing a brief bulleted list of Site Requirements is that these should be the most salient points for applicants' consideration. These are not intended as, or capable of being taken to be, any exhaustive list of informatives anticipating what may or may not be brought forward in any specific development proposal. It is considered that the existing bullet which maintains the salience of the FRA requirement, is appropriately maintained without any further qualification or additional information. Accordingly, it is not considered that there is any requirement to add or modify any site requirements.

zEL62, Hawick (CD121, refer to page 64)

- This site is safeguarded for business and industrial use within the Proposed Local Development Plan. The Site Requirements already include a FRA, but SEPA seeks a more precise requirement that the FRA is from the River Teviot and mill lade which flows through the site, and to inform the area of redevelopment, type of development, and finished floor levels. However, it is considered that this is reasonably implicit in the current bullet, which states: "*A flood risk assessment is required for proposed development within this area*". SEPA also seek some additional advice but it is largely of a nature that could, and likely would be provided in response to specific development proposals within the planning system. Again, the concern in providing a brief bulleted list of Site Requirements is that these should be the most salient points for applicants' consideration. They are not intended as, or capable of being taken to be, any exhaustive list of informatives anticipating what

may or may not be brought forward in any specific development proposal. It is considered that the existing bullet which maintains the salience of the FRA requirement is appropriately maintained without any further qualification or additional information. Accordingly, it is not considered that there is any requirement to add or modify any site requirements.

zRO8, Hawick (CD121, refer to page 65)

- This site is allocated for redevelopment within the Proposed Local Development Plan. The Planning Brief (CD106) advises on page 20, of the need for a FRA, but SEPA seeks a more precise requirement on page 377 of the Plan, that the FRA is to assess the risk from the River Teviot and mill lades which flow through the site. However, it is considered that this is reasonably implicit in the requirement set out in the Planning Brief. Moreover, the site is currently the subject, firstly, of works in relation to the Hawick Flood Protection Scheme; and secondly, there is a current planning consent for a retail development on the site, to which SEPA responded at the time of the planning application. As such, it is not considered that there is any need to revise the site requirements relating to the site. Again, the concern in providing a brief bulleted list of Site Requirements is that these should be the most salient points for applicants' consideration while referral to a Planning Brief is an appropriate way to make applicants and developers aware of more detailed information. The bullets are not intended as, nor should they be capable of being taken to be, any exhaustive list of informatives anticipating what may or may not be brought forward in any specific development proposal. It is considered that the existing bullet referring applicants and developers to the Planning Brief is sufficient at this stage. Accordingly, it is not considered that there is any requirement to add or modify any site requirements in relation to either, provided the reference to the aforementioned Planning Brief is maintained.

ANEWT005, Newtown St Boswells (CD121, refer to page 80)

- The Plan sets out a number of site requirements relating to this site on page 454 of the Plan, the final bullet point states '*Flood risk assessment is recommended to inform site layout*'. The SEPA Flood Maps show that there are significant portions of the site which are not at risk of flooding. It would be considered misleading to require a Flood Risk Assessment for the entirety of the site. The Council is of the view that the following site requirement would be most appropriate in this instance: '*A Flood Risk Assessment may be required. Further investigation of culverts within the site and surface water run-off is required*'. This is considered a non-significant change to the Proposed Local Development Plan.

APEEB021, Peebles (CD121, refer to page 82)

- This site is allocated for housing in the Proposed Local Development Plan. The site has an existing site requirement stating the need for a FRA. However, it should be noted that the site benefits from planning permission and construction has commenced on site. It is therefore not considered necessary to amend the site requirement for site APEEB021 as set out in the Proposed Plan.

APEEB044, Peebles (CD121, refer to page 83)

- This site is allocated for housing in the Proposed Local Development Plan. Currently there is no site requirement that relates to flood risk. Therefore, the following site requirement could be added to the Plan: *“A Flood Risk Assessment is required to assess the risk from the Gill Burn and other small watercourses which flow through and adjacent to the site. Consideration will need to be given to bridge and culvert structures within and adjacent to the site. Site will need careful design to ensure there is no increase in flood risk elsewhere and the proposed development is not affected by surface runoff.* This is considered an acceptable non-significant change to the Proposed Local Development Plan.

AREST004, Reston (CD121, refer to page 84)

- The site is allocated for housing within the Proposed Plan, with an indicative site capacity for 38 units. The comments from SEPA are noted, however there is an existing site requirement which states: *‘A Flood Risk Assessment is required to assess the risk from the small watercourse which potentially flows through the site. Consideration should be given to whether there are any culverted/bridges within or nearby which may exacerbate flood risk. In addition, investigation of the possibility for de-culverting should also be undertaken’.* It is considered that the existing site requirement satisfies the comments from SEPA in respect of flood risk. However, an additional sentence could be included after the above, to read: *‘Recommend that contact is made with the Council’s Flood Officer.* This is considered an acceptable non-significant change to the Proposed Local Development Plan.

BR6, Reston (CD121, refer to page 85)

- The site is allocated for housing within the Proposed Plan, with an indicative site capacity for 16 units. The comments from SEPA are noted, however there is an existing site requirement which states *‘A Flood Risk Assessment is required to inform the site layout, design and mitigation’.* SEPA previously made similar comments as part of the Local Development Plan 2016 consultation (CD009). The wording of the site requirement contained within the Proposed Plan was added by the Reporter as part of the adopted Local Development Plan 2016 Examination for site (BR6) (CD040, refer to Issue 286, pages 976 - 977), in response to the comments from SEPA. Therefore, it is considered that the existing site requirement still satisfies the comments from SEPA in respect of flood risk. In conclusion, the Council does not agree to modify the Proposed LDP in response to this representation.

ASELK042, Selkirk (CD121, refer to page 91)

- The Plan sets out six site requirements relating to this site on page 496 of the Plan, the fifth bullet point states: *‘Part of the site is at flood risk during the 1 in 200 year flood event. A flood risk assessment is required to inform site layout, design and mitigation. Potential developers should be aware of the provisions of the Selkirk Flood Protection Scheme (FPS). Any land raising would need to take the FPS into account.’* The sixth bullet point states: *No built development should take place on the functional flood plain; this area should be safeguarded as open space’.* The Council is of the view that the existing site requirements are adequate but would not object to the text being amended to include the need for consideration of bridges

and culverts in the area and surface water run-off. This could be added to aforementioned fifth bullet point as a non-significant modification to the Plan.

ASTOW022, Stow (CD121, refer to page 95)

- This site is allocated for housing in the Proposed Local Development Plan and has an existing site requirement. However, following comments made by the Contributor it is considered that it may be appropriate to replace the second site requirement with the following text: *“A Flood Risk Assessment is required to assess the risk from the from the small watercourse which is located within the eastern part of the site, south of the Craighend Road. Consideration should be given to any upstream or downstream culverts or structures. Surface water runoff from the nearby hills may be an issue. Mitigation measure may be required during design stage.”* This is considered an acceptable non-significant change to the Proposed Local Development Plan.

MSTOW001, Stow (CD121, refer to page 96)

- This site is allocated for mixed use in the Proposed Local Development Plan and has an existing site requirement. However, following comments made by the Contributor it is considered that it may be appropriate to replace the second site requirement with the following text: *“A Flood Risk Assessment is required to assess the risk of flooding from the Crunzie Burn. Consideration should be given to any upstream and downstream bridges and structures which may exacerbate flood levels. Surface water runoff from the nearby hills may be an issue. Mitigation measures may be required during design stage.”* This is considered an acceptable non-significant change to the Proposed Local Development Plan.

zR200, Walkerburn (CD121, refer to page 97)

- This site is allocated for redevelopment in the Proposed Local Development Plan and has an existing site requirement. However, following comments made by the Contributor it is considered that it may be appropriate to replace the fourth site requirement with the following text: *“A Flood Risk Assessment is required to assess the risk of flooding from the Walker Burn which flows through the site. Consideration should be given to any upstream and downstream bridges and structures which may exacerbate flood levels. Surface water runoff from the nearby hills may be an issue. Mitigation measures may be required during design stage.”* This is considered an acceptable non-significant change to the Proposed Local Development Plan. The vulnerability guidance is addressed within Policy IS8: Flooding and would be considered through the process of any future planning application.

Sites for which SEPA do not require modifications to the developer requirement, but for which they have additional information that the Council may find useful (157 sites)

It should be noted that the 157 sites are included within Table 4 of SEPA’s response as additional information and do not propose any modifications. However, upon reading the table, three sites do propose modifications (zEL24, APEEB044 & REYEM005) and these have been included above with responses.

Reporter's conclusions:

1. The council separates the modifications sought by SEPA into three categories (above). These are site removal, additional site requirements to include a flood risk assessment, and modifications to add detail where flood risk matters are already covered by the site requirements.
2. There are often similarities in SEPA's motivation for seeking modifications and/or in the council's response for sites that are near to one another or within the same settlement. Many of these same sites are also the subject of other unresolved issues that are considered separately in settlement-based Issues 018 to 073. Therefore, I find it simpler to consider the above comments on a settlement basis. That offers clearer read across with Issues 018 to 073.
3. In some instances the council argues that proposed plan Policy IS8: Flooding is satisfactory without the need to add a site requirement for a flood risk assessment. Proposed plan Policy IS8 does indeed require a competent flood risk assessment and a report of measures to mitigate flood risk. However, the council also specifies the need for such an assessment in some site requirements and accepts SEPA's recommendations in other instances. The justification for these distinctions appears to be site specific. I am content that modifications to Policy IS8 recommended in Issue 016 would not alter this.
4. SEPA also seeks specificity by, in some cases, referencing its vulnerability guidance. However, proposed plan Policy IS8 (as recommended to be modified in Issue 016) already references SEPA guidance. I therefore decline to make any modifications seeking inclusion of that.
5. On balance I favour specificity, particularly where this would reduce the risk of problems later. I also favour it for consistency purposes. Indeed, the existing site requirements are specific in the manner that SEPA asks for in other instances, or, where the council accepts that they should be. Again, I make such judgements on the matters before me.
6. When the proposed plan was prepared and submitted, the strategic development plan was SESplan 1 (2013) and national planning policy included National Planning Framework 3 (NPF3) and Scottish Planning Policy (2014). However, NPF4 was adopted in February 2023 and replaced previous national policy documents. It also became part of the statutory development plan and strategic development plans ceased to be. I invited SEPA and the council to comment on whether NPF4 altered any of their previous comments. It is disappointing that neither organisation offered a fuller response. However, I accept that each party believes that NPF4 reinforces their previously stated positions (as set out above).

Ayton

7. Despite preferring a less onerous means of considering the watercourse near site AAYTO004 than a flood risk assessment, the council accepts SEPA's proposed modification. I saw that the southwestern part of the site is previously developed but the northern part is in agricultural use. I was not able to see the watercourse in question but

neither party disputes its presence. The proposed modification would offer appropriate information for developers and decision makers. Modifications are set out below.

Broughton

8. The watercourses close to the boundaries of sites zEL43 and TB200, suggest the need to add a flood risk assessment to the site requirements for each site, as agreed by the council and SEPA. Modifications are set out below.

Clovenfords

9. Site EC2 Caddonhaugh has been allocated in development plans since 2008. Therefore, its continued allocation in the proposed plan is not a planning change. However, the basis for its current allocation in the Adopted Local Development Plan (2016) was an extant planning permission that I understand to have now expired.

10. SEPA partly relies on concluding that this site is in a “sparsely developed area”. However, that term is used in SEPA Planning Information Note 4 to determine whether a site is within a built-up area or not. I find that to be different from whether a site is located within a remote settlement in a rural area. Site EC2 is within the settlement boundary of Clovenfords in both the Adopted Local Development Plan (2016) and the proposed plan. I am therefore content that it forms part of the built-up area in terms of SEPA Planning Information Note 4, contrary to SEPA’s stated view.

11. Both SEPA and the council agree that site EC2 is within the functional flood plain and is at risk of a 1 in 200-year flood event. However, the council argues that the eastern and western extremities of the site are free from flood risk. It favours using a flood risk assessment at planning application stage to determine how to mitigate any flood risk, as presently stated in the site requirements on proposed plan page 270. Both parties confirm that NPF4 does not alter their respective positions.

12. Site EC2 is a 0.8 ha site with an indicative capacity for 6 homes. That size of site would give some freedom of layout and design for that number of homes. However, the proposal is not for essential infrastructure, water compatible uses, redevelopment of an existing building/site for an equal or less vulnerable use and is not on previously developed land. There is no formal flood protection scheme in place for this site. Therefore, the council proposes to allocate a greenfield site for housing that is presently at risk of flooding. That is contrary to national planning policy. Issue 006 also concludes that there is more than sufficient housing land and that removal of this site from the proposed plan, as sought by SEPA, would have no impact on that conclusion. Therefore, there is no overriding housing need to justify the site. Modifications are set out below.

Coldingham

13. Site BCL2B is covered by a planning brief which states that no flood risk assessment is needed. SEPA asks for modifications to that planning brief to require such an assessment given the proximity of the Hill Burn and Brogan Burn. It also asks for consideration to be given to whether there is any culverted watercourse on the site. The council accepts this.

14. It is not my role to examine the contents of planning briefs, that is a separate matter for the council. However, the council proposes wording to reference that the planning brief will be updated to require a flood risk assessment and consideration of the matters sought by SEPA. I agree that such a modification could be made to the proposed plan. Doing so would alert developers to the matter and prompt the council to carry out the requisite processes. Modifications are set out below.

Coldstream

15. The site requirements for BCOLD001 do not currently mention any need for a flood risk assessment. However, SEPA argues that its flood maps indicate some risk of surface water flooding adjacent or encroaching onto the northern perimeter of the site. The council suggests that a flood risk assessment may be too onerous. However, the absence of information to substantiate that prevents me from finding the same. The council also accepts this and agrees to modifications to include site requirements for a flood risk assessment. I conclude that a flood risk assessment is needed. Modifications are set out below.

Crailing

16. The council and SEPA agree that a site requirement for a flood risk assessment for site ACRAI001 is needed. This is on account of the potential risk from a small water course that may be culverted within or adjacent to the site. I was not able to see a watercourse on or adjacent to the site but both parties agree the potential for this to be so. Modifications are set out below.

Denholm

17. The site requirements for sites ADENH001 and RD4B on proposed plan page 291 refer to a planning brief covering both sites. That planning brief already states the need for a flood risk assessment and appropriate mitigation. It also specifically references the presence of a culvert. The planning brief includes a site layout with sustainable drainage systems which it states will be for surface runoff. No specific reference is made to the watercourse to the west. However, I am content that this could form part of any flood risk assessment work. No modifications are necessary.

Duns

18. There are presently no site requirements for a flood risk assessment on sites ADUNS023, zEL26, RDUNS003, BD20B or BD200. The council agrees with SEPA that there is a need to rectify this for sites ADUNS023, zEL26, RDUNS003 and BD200. The water courses on those sites or close to them persuade me that the risk of flooding should be explored. Modifications to that effect are set out below.

19. However, I saw that site BD20B is at a very advanced stage of development. Therefore, no flood risk assessment could be required. No modifications are necessary.

Earlston

20. The proximity of the Turfford Burn to sites BEARL002 and zEL56 persuades me to agree with the council and SEPA that the site requirements for both sites should make reference to the need for a flood risk assessment. Modifications are set out below.

21. Adjoining sites AEARL010 and AEARL011 already have the same site requirement for a flood risk assessment. However, I agree with SEPA's and the council's reasoning for more specificity. Modifications are set out below.

22. Site SEARL006 is a potential longer-term mixed-use site. Although the existing site requirements already include a flood risk assessment, the more specific wording proposed by the council and SEPA would assist in determining whether this site should be allocated in the future. Modifications are set out below.

23. Site zRO12 already has some homes developed but the southern and eastern parts of the site remain undeveloped. The council and SEPA agree that the third site requirement, which already covers the need for a flood risk assessment, should be modified to be more specific. I accept this and modifications are set out below.

24. The site requirements for sites zEL55 and zEL57 on proposed plan page 307, and for site REARL001 on proposed plan page 308 already refer to a flood risk assessment. The site requirements for site AEARL002 on proposed plan page 305 already refer to the need for a flood risk assessment and there is already an approved planning brief. The planning brief contains consideration of flood risk and the need for a flood risk assessment. In each instance, the site requirements already do what SEPA seeks. No modifications are required.

Eddleston

25. The proximity of Longcote Burn adjacent to site TE6B persuade me that it would be prudent to amend the site requirements on proposed plan page 317 to include the need for a flood risk assessment, as sought by the council and SEPA. Modifications are set out below.

Ettrick

26. The site AETTR003 site requirements on proposed plan page 327 refer to an approved planning brief, which states that 'where necessary, a flood risk assessment should be carried out'. That is not the same as what SEPA asks for. SEPA asks that a flood risk assessment is a requirement. Neither party disputes the presence of watercourses nearby. On balance, I find it to be prudent to include the modification sought by SEPA, as set out below.

Eyemouth

27. The council and SEPA agree on the need to amend/update the planning briefs for sites BEY2B, AEYEM006 and AEYEM007, which either do not require or do not acknowledge the need for a flood risk assessment for those respective sites. It is not my role to examine the contents of planning briefs. That is a separate process. However, I agree that the site requirements could be modified to reference a need to update those briefs, accordingly, as suggested by the council. That would resolve those aspects of SEPA's representation. Modifications are set out below.

28. The council and SEPA agree that the current site requirements for site REYEM005 should refer to all types of flood risk and not just coastal flooding. I agree that the present wording could be read to dismiss other sources which may be unintentional. Irrespective, I agree that a modification should be made, as set out below.

Galashiels

29. Site AGALA024 is at an advanced stage of development with many of the homes being completed and occupied, with extant planning permission granted for the remainder. Similarly, development of site EGL17B has also commenced and is at an advanced stage. Therefore, the modifications to the site requirements sought by SEPA would have no impact on development. No modifications are required.

30. The council and SEPA agree that site requirement six for site BGALA002 should be modified to specifically reference the need for the flood risk assessment to assess the flood risk from Gala Water and the River Tweed. I agree. Modifications are set out below.

31. The approved planning brief for site EL13B already refers to the need for a drainage impact assessment to consider overland flooding. I tend to agree with the council that this would be the most appropriate mechanism rather than a flood risk assessment. As such, the existing planning brief is sufficient to ensure that the matters of concern to SEPA are adequately considered in the design of a proposal and the decision-making process. No modifications are necessary.

32. The final site requirement for site EGL19B on proposed plan page 344 already requires consideration of potential culvert removal and channel restoration. However, the council and SEPA agree on the need for an additional site requirement to ensure investigation of surface water runoff with potential mitigation measures during design stage. The sloped nature of the site persuades me that such modifications would be prudent. I agree with the council that it is not essential to explicitly state the need to contact the Flood Prevention Officer. Modifications are set out below.

33. The council refers me to the previous reporters' conclusions for site EGL32B from the examination of the now Adopted Local Development Plan (2016). Since the SEPA flood risk maps have not changed since that time there is no compelling new evidence for me to reach a different conclusion on the flood risk posed to the site. No modifications are necessary.

34. The council and SEPA agree a need to modify the second site requirement for site EGL41 in order to be more specific about a culvert survey. I agree that such specificity is prudent. Modifications are set out below.

35. The council and SEPA agree that a new site requirement should be added for site EGL43 to require a flood risk assessment. This is due to a change in circumstances since the examination of the Adopted Local Development Plan (2016). On that basis, I would have recommended the appropriate modification. However, we recommend the deletion of site EGL43 from the proposed plan (see Issue 034: Galashiels). Therefore, no modifications are required.

36. For site RGALA001 and site zRO4, SEPA seeks modification of site requirement two in each instance on proposed plan page 349 to state that a flood risk assessment 'is' required, rather than 'may be required', as presently stated. The council disagrees in both instances.

37. For site RGALA001, it argues that a planning application has been submitted

for 20 residential apartments on part of the site outwith the flood plain. On my site visit no construction had begun and no compelling evidence confirms whether or not approval has been granted. Therefore, the modification sought by SEPA could still have the desired impact. On balance, it is more likely than not that a flood risk assessment is required and so I agree with SEPA. Modifications are set out below.

38. For site zRO4, the council argues that the current wording was the consequence of the examination for the now Adopted Local Development Plan (2016). That, it argues, was because the reporters considered that the need for a flood risk assessment would depend on where on the site development took place. No compelling evidence suggests that circumstances have changed. I therefore conclude that the current wording of site requirement two for site zRO4 on proposed plan page 347 is sufficient. No modifications are required.

39. For site RGALA002, the council advises that the reporters at the examination for the Adopted Local Development Plan (2016) considered the same comments from SEPA at that stage but dismissed them. This was on account of the site being at medium to low flood risk and the provisions of Policy IS8: Flooding being sufficient. No compelling evidence suggests a change in circumstances and so I reach the same conclusion. No modifications are required.

40. The site requirements for site zCR3 on proposed plan page 350 already reference a planning brief. That planning brief states the need for a flood risk assessment and mapping that references the flood extent of Gala Water. It therefore already does as SEPA wishes. No modifications are required.

41. The council and SEPA agree that there is presently no site requirement for a flood risk assessment for site zED2, despite the site being at risk of flooding from Gala Water. I saw that there is already relatively modern development on that site. It is also adjacent to what appears to be a flood defence wall. However, the site could be redeveloped or densified in the future, and I therefore agree that modifications should be made to address this, as set out below. Otherwise, I am content that proposed plan Policy IS8: Flooding references SEPA's land use vulnerability guidance.

42. I note that similar comments in 2015 led the reporters to recommend the addition of site requirement two for BGALA003 which is stated on proposed plan page 347. That already requires a flood risk assessment in the event of further development or redevelopment of the site. By my reading this already does what SEPA seeks. No modifications are required.

43. Sites SGALA005 and SGALA016 are adjoining longer-term mixed-use sites that are identified but not allocated in the proposed plan. Therefore, the site requirements for each on proposed plan page 348 include matters that would need to be assessed before a decision on whether or not to formally allocate either site.

44. Site requirement three already states that flood risk assessments may be required. That reflects the nature of neither site yet being allocated in a plan. It also reflects the sites' gradients and the council's point that not all parts of the sites are likely to be at flood risk or to require a flood risk assessment.

45. The council and SEPA agree on the need to reference a culverted watercourse and a small watercourse adjacent the site as well as surface water flooding. I agree that such

modifications would be prudent and accept the council's proposed modification to site requirement three. Modifications are set out below.

46. Matters relating to SEPA's land use vulnerability guidance are already covered by proposed plan Policy IS8: Flooding. Otherwise, site requirement one for site zRO6 on proposed plan page 349 already requires a flood risk assessment. However, it makes no specific reference to Gala Water, the mill lade or the small watercourse. I consider it to be prudent for such detailed matters to be referenced in order that they are not overlooked. Modifications are set out below.

Greenlaw

47. Site requirement one for site AGREE009 on proposed plan page 366 already requires a flood risk assessment and covers surface water runoff. However, it does not specifically reference Blackadder Water, as sought by SEPA. Given that the site is close to Blackadder Water, I consider it prudent to specifically reference that watercourse. Modifications are set out below.

Hawick

48. The council disagrees on whether the specificity sought by SEPA should be added to the existing site requirements for a flood risk assessment at sites RHAWI001, RHAWI014, RHAWI015, RHAWI017, RHAWI018, zEL50, zEL62 and zRO8 on proposed plan pages 376 to 379.

49. The council is correct that the function of site requirements is not to be an exhaustive list of matters. However, this appears to form the sole basis for the council's opposition to modifications. That contradicts its acceptance of similar detail elsewhere (above and below). As noted above, I prefer consistent specificity and recognise that setting out such matters now could help to reduce the potential for problems later.

50. SEPA's remarks about not increasing flood risk elsewhere are valid but these are policy matters covered adequately by proposed plan Policy IS8: Flooding. They are not site requirements. Similarly, matters relating to SEPA's land use vulnerability guidance are covered by Policy IS8: Flooding. Therefore, there is no need to add these matters.

51. Site RHAWI017 is already at an advanced stage of development and so the modifications sought by SEPA are unlikely to have any bearing on how the site is developed. For site zRO8, the planning brief already specifies the matters sought by SEPA and, in any event, there is an extant planning permission on the site and it is behind the Hawick Flood Protection Scheme. No modifications are required for sites RHAWI017 and zRO8.

52. I saw that the Hawick Flood Protection Scheme was under construction adjacent site zEL50 and was at an advanced stage near to RHAWI015. Whilst I acknowledge that this may diminish the present flood risk, that does not mean that the above sites could never flood. However, for these reasons I do not see it as helpful for the site requirements to comment on how heavily or not flood risk may constrain development. That would be a conclusion from a flood risk assessment and so I omit those remarks from the modifications to site requirements below.

53. I recommend modifications to the site requirements for sites RHAWI001, RHAWI014, RHAWI015, RHAWI018, zEL50, and zEL62, as set out below.

54. No evidence suggests that circumstances for sites AHAWI006, AHAWI013, RHA12B, RHA13B and RHA25B have changed since the reporters' findings on these sites for the examination of the now Adopted Local Development Plan (2016). Since that is so, I reach the same conclusions as the previous reporter with regard to the need for flood risk assessments for these sites. Policy IS8: Flooding adequately covers the relevant matters. No modifications are required.

55. The council and SEPA agree that the site requirements for site RHAWI016 on proposed plan page 379 do not currently require a flood risk assessment but should. This is on account of the fact that there is flood risk to the site. I agree that such modifications would be prudent in these circumstances. Modifications are set out below.

56. Site zEL49 is a sloped site that is already home to established businesses and premises. I also note the relationship of the site to both the River Teviot and to the Boonraw Burn. In particular, I saw that the southern-most premises are adjacent to the River Teviot but I agree with the council that matters relating to this site could be considered at planning application stage. On my site visit I saw that the Hawick Flood Protection Scheme was in the early stages of construction adjacent site zEL49. Whilst that will not make flooding impossible, it persuades me that there is no reason to find differently to the previous reporter for site zEL49. On that basis, I conclude that proposed plan Policy IS8: Flooding is adequate for development management purposes in relation to this site. No modifications are required.

57. Site zEL51 includes existing development and is located on the crest of a hill. SEPA does not ask for a flood risk assessment but does seek a site requirement to investigate the potential for surface water flooding on the site. The council concludes the site to be outwith the 1 in 200-year flood plain. I agree with the council that the provisions of proposed plan Policy IS8: Flooding are sufficient in the circumstances. No modifications are required.

58. Site zEL52 is already developed and is located immediately adjacent Slitrig Water. However, the council states that its recent study on Slitrig Water (late 2021) concluded that site zEL52 is not at risk of a 1 in 200-year flood event. Therefore, it disagrees with SEPA's request for a new site requirement to include a flood risk assessment. I am content that these matters confirm that Policy IS8: Flooding would be adequate for development management purposes. No modifications are required.

Innerleithen

59. The council and SEPA agree that the site requirements for site TI200 on proposed plan page 391 could be modified to take account of what SEPA asks for. I agree with the council that the appropriate modifications would be to direct the reader to an updated planning brief. That would also prompt the council to act to undertake the necessary modifications to the planning brief. Although the preparation of a planning brief is a separate process to this examination, I note that the text proposed by the council reflects what SEPA asks for. Modifications are set out below.

Jedburgh

60. The council and SEPA disagree about the need for a new site requirement or planning brief amendment for site AJED005 to include a flood risk assessment. The site allocation on proposed plan page 405 shows the retention of the ancient woodland area covering the south and east of the site, which adjoins Howden Burn to the south. Although much of the site was screened from view, I was able to see that it sloped down toward Howden Burn to the south. I also note that the planning brief includes a requirement for a drainage impact assessment. On balance, these factors persuade me that a flood risk assessment is not necessary. Proposed plan Policy IS8: Flooding would apply to any proposal. No modifications are required.

61. The acknowledged presence of a culvert persuades me that it is prudent to modify site RJ27D site requirement four to reference the need for a flood risk assessment, as the council and SEPA propose. Modifications are set out below.

62. The council and SEPA agree that there is presently no site requirement for a flood risk assessment on sites zEL33, zEL34, zEL35 and zEL37 but that these are at risk of flooding. Having visited all four sites, I noted their proximity to Jed Water. This persuades me that it would be prudent to make this modification, as set out below.

Kelso

63. The council and SEPA agree the need for an additional site requirement for sites BKELS005 and zEL206. For site BKELS005, this would relate to the need for a flood risk assessment to assess a small watercourse/drain located within the site that is culverted partially through that same site. For site zEL206, this would cover the need for a flood risk assessment on account of a small watercourse that flows along the southern boundary of the site. It would also cover the low-lying part of the site, which may be subject to surface water flooding. In both instances, the proposed modifications are prudent. Modifications are set out below.

Lauder

64. There is presently no site requirement covering the need for a flood risk assessment for sites BLAUD002, RLAUD002 and zEL61. In all three instances, the council and SEPA agree that there is a watercourse (in some instances culverted) which has flood risk potential that would need to be understood to inform development. In those circumstances, modifications to require a flood risk assessment would be prudent. Modifications are set out below.

Melrose

65. The council is correct that the site requirements for site EM32B on proposed plan page 433 do not presently cover the matters sought by SEPA. However, I saw that large parts of the site have been developed already. I understand that the residual area to be developed is already subject of an extant planning permission that has been partly implemented. This means that there would be no opportunity to implement what SEPA asks for as part of any development. No modifications are required.

66. I understand that site EM4B has full planning permission, which was subject of a flood risk assessment. Therefore, what SEPA seeks has already occurred. No modifications are required.

Newton St Boswells

67. The council and SEPA disagree on the need for a site requirement stipulating the need for a flood risk assessment for site ENT4B. The council argues this site to be outwith the flood envelope. However, SEPA argues that a small part of the site is within the flood risk envelope. I note the presence of the Sprouston Burn on the south and western boundaries of the site. On balance, the above factors persuade me that it is prudent to modify the site requirements to include the need for a flood risk assessment as SEPA requests. Modifications are set out below.

68. The council and SEPA agree that there is presently a site requirement for site ANEWT005 on proposed plan page 454 that seeks a flood risk assessment to inform site layout. However, they disagree on the matters of detail that SEPA wishes to be added. Site ANEWT005 is spread across two adjacent but separate, large parcels of land. One is to the south and one to the west of Newton St Boswells.

69. I understand that there is a small water course along the southern boundary. SEPA believes that this may be culverted. I also saw the Bowden Burn, which runs along the north of the southern part of the allocation. Although I am prepared to accept the council's point about much of the site not being at flood risk the uncertainty regarding the culvert suggests that no party is fully aware of the circumstances. The only way to be sure would be to carry out the necessary flood risk assessment. On balance, I consider the council's proposed modification to offer acceptable wording that reflects the above. Modifications are set out below.

Peebles

70. On my site visit I saw that development on site APEEB021 is either complete or at a very advanced stage. Therefore, the modification that SEPA seeks could not be delivered upon. No modifications are required.

71. I saw Gill Burn adjacent to the northern end of site APEEB044, and that the terrain slopes downward to the south across the site. I did not see other water courses but am prepared to accept that there are others either nearby or on site. The council agrees with the need to make modifications as sought by SEPA. The proximity of Gill Burn and the gradient persuade me that the modification sought by SEPA is necessary. However, I also agree with the council's proposed omission of the sentence "Review of the surface water 1 in 200-year flood map and steep topography indicates that there may be flooding issues at this site" that SEPA proposes. I would expect the appropriate conclusions to be drawn from that assessment. Modifications are set out below.

Reston

72. Site zRS3 is for Reston rail station, which I saw is now largely completed. Accordingly, recommendations in Issue 064: Reston propose deletion of the allocation. Therefore, what SEPA seeks would not be required. No modifications are required.

73. For site MREST001, the council refers me to the reporters' findings in the examination report for the Adopted Local Development Plan (2016). There, the reporter was faced with a similar situation, in that SEPA was stating that an updated flood risk assessment would be required to assess the risk from the Briery Burn. The reporter concluded that such a change in circumstances would be properly addressed at development management stage, in the context of earlier flood risk assessment and wider policies of the proposed plan. The council argues the same in this instance and I agree. Proposed plan Policy IS8: Flooding would form an appropriate decision-making basis. No modifications are required.

74. Site SREST001 is proposed as a long-term housing site. Therefore, it is not a formal allocation in the proposed plan. The site requirements refer to the approved planning brief for the auction mart. However, the council acknowledges that the wording of that document does not include the most recent SEPA advice. I found that to be so. Therefore, the council and SEPA agree that modifications could be made to the site requirements on proposed plan page 484. The council proposes that the site requirement refers the reader to an updated planning brief. That is a reasonable approach given the circumstances. Modifications are set out below.

75. For site AREST004, I agree with the council that existing site requirement two on proposed plan page 484, along with the council's proposed additional sentence would resolve SEPA's representation. I recommend modifications to add the extra sentence to the site requirements, as set out below.

76. The council and SEPA disagree on the need for SEPA's proposed modification to site requirement seven for site BR6 on proposed plan page 483. The council wishes me to conclude that the present site requirement is sufficient – itself a modification made following the examination of the now Adopted Local Development Plan (2016). Although the present site requirement is broadly sufficient, it is general and SEPA's proposed modification offers site specificity. I favour specificity over vagueness as it provides certainty to developers about the expectations upon them. Modifications are set out below.

Roberton

77. The council and SEPA disagree about the sufficiency of the current site requirement for site AROBE003 on proposed plan page 488. SEPA proposes modifications that specifically cover matters including avoiding building over an existing drain and consideration of surface water runoff from the nearby hills. The council considers the existing site requirements to be sufficient.

78. On my site inspection, I saw a sunken area with vegetation on the south side of the road opposite the southern boundary of site AROBE003. I understand that to be Cuddle Sike, a land drain referenced on proposed plan page 489 map. The vegetation prevented me from seeing whether there is a culvert beneath the road, but some large stones were evident at the southern road edge close to where I consider Cuddle Sike to be. Either way, I am content that the detailed matters covered by SEPA's proposed modification are clearer than the existing site requirement. I therefore recommend modifications to that effect below.

Selkirk

79. The council and SEPA agree that a new site requirement should be added for sites BSELK002 and BSELK003 to discuss surface water ponding. Although I did not see any ponding on my site visit, I am content to accept that such a risk exists and that the proposed modification would assist in ensuring that these matters can be explored and resolved. Modifications are set out below.

80. For site ASELK042, the respective positions outlined by SEPA and the council are similar. SEPA references specific matters including consideration of Long Philip Burn and bridges and culverts in this area. It also states that surface runoff issues must be considered to ensure adequate mitigation is implemented. I agree with the council that the flood risk assessment identified in the site requirements on proposed plan page 496 would provide a mechanism to understand those matters. However, for completeness, I consider that it would be valuable to explicitly state the need for that flood risk assessment to consider Long Philip Burn and bridges and culverts in this area. Modifications are set out below.

81. The dispute between the council and SEPA, with regard to ASELK040, is essentially about how the Selkirk Flood Protection Scheme is treated. SEPA relies on having concluded that the site is in a “sparsely developed area”. Using SEPA Planning Information Note 4 (which is before me), that would mean that it is not within a built-up area and its flood risk credentials would be judged as if the Selkirk Flood Protection Scheme was not there. If SEPA is correct, then the proposal would place residential uses, a highly vulnerable use (and more vulnerable than the present commercial use) at flood risk. If that is correct, then I would find as SEPA does and recommend deleting the site.

82. However, on my site visit I saw that site ASELK040 is part of a mature neighbourhood of Selkirk. Opposite and adjacent to it are residential properties whose character and materials suggest they date from the late 19th or early 20th century. The buildings I saw on the site appear to date from a similar era. The Adopted Local Development Plan (2016) includes the site and the adjacent neighbourhood within the Selkirk settlement boundary. The proposed plan continues this. Therefore, by either measure, site ASELK040 is part of the settlement of Selkirk and is within its settlement boundary.

83. The above paragraph confirms that site ASELK040 is within a built-up area. The Strategic Flood Risk Assessment (2020) states that the Selkirk Flood Protection Scheme provides protection equal to or greater than a 1 in 200-year event plus climate change standard. However, for the Philiphaugh area, where site ASELK040 is located, it provides a 1 in 100-year protection. Using SEPA’s Planning Information Note 4, this standard of formal flood protection scheme in this type of location means that highly vulnerable developments (including residential) are acceptable.

84. Therefore, allocation of site ASELK040 would comply with SEPA Planning Information Note 4 and SEPA Flood Risk and Land Use Vulnerability Guidance in relation to development behind flood defences in a built-up area. This does not suggest a conflict with national planning policy and I recommend retaining the site in the proposed plan.

Sprouston

85. The council and SEPA agree that an additional site requirement should be included for site RSP3B that requires a flood risk assessment to assess the flood risk from the small watercourse in order to inform the design and finished floor levels. I understand the small watercourse in question to be to the southwest of site RSP3B on the opposite side of the narrow road that runs from Dean Road southeastwards along the southwest boundary of the site. I am content that such a requirement would ensure that the appropriate matters are explored to inform any proposal. Modifications are set out below.

Stow

86. The council and SEPA agree that the site requirements for sites ASTOW022 and MSTOW001 should be modified to explain more specifically what each respective flood risk assessment should cover. I saw watercourses on and/or close to both sites and agree it would offer clarity to include both proposed modifications. Modifications are set out below.

Walkerburn

87. The council and SEPA agree that the existing site requirement covering site zR200 should be modified to assess the flood risk from the Walker Burn, which flows through the site, and various detailed matters relating to structures up and down stream, land use vulnerability, runoff and mitigation. I saw this to be so on my site visit and I agree that such consideration should form part of the site requirements. I agree with the council that proposed plan Policy IS8: Flooding considers vulnerability. Accordingly, I recommend the proposed modifications below.

West Linton

88. The council and SEPA agree that a new site requirement should be added for site zEL18 to require a flood risk assessment which assesses the flood risk from the small watercourse which enters a culvert adjacent to the site and to state that mitigation measures may be required during design stage. I noted the presence of what appeared to be a ditch running northwest to southeast that feeds beneath Deanfoot Road. It appears to emerge along a continuation of the same ditch along the eastern edge of site zEL18. I am prepared to accept that this may be the watercourse in question. I am content that the modifications suggested would ensure that the implications of this watercourse are assessed to enable potential mitigation measures to be identified at the appropriate stage. Modifications are set out below.

Whitsome

89. The council and SEPA agree that a new site requirement should be added for site zEL24 to require a flood risk assessment that assesses the flood risk from the small watercourse and that consideration should be given to the downstream culvert or structure which may exacerbate flood levels. I saw that site zEL24 is presently in use as a skip hire location. I also noted the presence of a watercourse (perhaps a land drain) to its south. I did not see the downstream culvert referenced. However, I am content to accept the need for such an additional site requirement to ensure that future uses of the

site are properly informed by an understanding of these matters. Modifications are set out below.

Yarrowford

90. The council and SEPA disagree on whether site EY5B in Yarrowford should be removed from the proposed plan. Neither party disputes that site EY5B has been allocated in the development plan since 2008. The site is presently allocated in the Adopted Local Development Plan (2016). Therefore, its continued allocation in the proposed plan is not a planning change.

91. SEPA's argument partly relies on concluding that this is a site in a "sparsely developed area". However, that term is used in SEPA Planning Information Note 4 to determine whether a site is within a built-up area or not. I find that to be different from whether a site is located within a remote settlement in a rural area. Site EY5B is located within the settlement boundary of Yarrowford as set out in the Adopted Local Development Plan (2016) and the proposed plan. I am therefore content that it would form part of the built-up area in terms of SEPA Planning Information Note 4.

92. Neither party disputes that the site is in the 1 in 200-year functional flood plain (the council argues it to be on the edge). This is acknowledged in the site requirements on proposed plan page 543, which require a flood risk assessment to be provided. The council considers that to be sufficient to understand any potential mitigation required. SEPA argues that the proposal fails Scottish Planning Policy (2014), and more recently, NPF4. The council disagrees.

93. Site EY5B is for development of a 0.2 ha site for five homes on land presently used for agriculture. The proposal is not for essential infrastructure, water compatible uses, redevelopment of an existing building/site for an equal or less vulnerable use and is not on previously developed land. There is no formal flood protection scheme in place for this site. Therefore, the council proposes to allocate a greenfield site for housing that is presently at risk of flooding. That is contrary to national planning policy. Issue 006 also concludes that there is more than sufficient housing land and that removal of this site from the proposed plan, as sought by SEPA, would have no impact on that conclusion. Therefore, there is no overriding housing need to justify the site. Accordingly, I recommend deletion of site EY5B. Modifications are set out below.

Reporter's recommendations:

Modify the local development plan by:

1. adding a new site requirement to site AAYTO004, Ayton, on proposed plan page 242 to read:

"A flood risk assessment is required to assess the risk from the small watercourse adjacent to the site, which should be taken into consideration in the detailed design of the site."

2. adding a new site requirement to site TB200, Broughton, on proposed plan page 253 to read:

“A flood risk assessment is required to assess the risk from the small watercourses which flow along the perimeter of the site, and for consideration to be given to whether there are any culverted watercourses within the site. Mitigation measures may be required during design stage.”

3. adding a new site requirement to site zEL43, Broughton, on proposed plan page 253 to read:

“A flood risk assessment is required to assess the risk from the Biggar Water and small watercourse which flows along the perimeter of the site.”

4. removing site EC2, Caddonhaugh, from proposed plan page 270 and from the Clovenfords map on proposed plan page 271. Any consequential modifications should also be made.

5. modifying the site requirement for site BCL2B, Coldingham, on proposed plan page 276 to read:

“Refer to approved planning brief, which shall be updated to require a flood risk assessment to assess the risk from the Hill Burn and Bogan Burn and that consideration must be given to whether there are any culverted watercourses within the site.”

6. adding a new site requirement to site BCOLD001, Coldstream, on proposed plan page 281 to read:

“A flood risk assessment is required to investigate flood risk and it is recommended that contact should be made with the council’s Flood Prevention Officer, for more information on surface water.”

7. adding a new site requirement to site ACRAI001, Crailing, on proposed plan page 285 to read:

“A flood risk assessment is required to assess the risk from the small watercourse which potentially is culverted within or adjacent to the site. Information should also be provided relating site levels to historic flood levels in the Teviot.”

8. adding a site requirement to site BD200, Duns, on proposed plan page 298 to read:

“Refer to planning brief, which shall be updated to consider the need for a flood risk assessment.”

9. adding a site requirement to site zEL26, Duns, on proposed plan page 299 to read:

“A flood risk assessment is required to assess the risk from the small watercourses which flow along the northern and western boundaries of the site. Consideration should be given to surface water flood risk and whether there are any culverted watercourses within/near the site and it is recommended that contact is made with the council’s Flood Officer.”

10. modifying site requirement four for site ADUNS023, Duns on proposed plan page 299 to read:

“A flood risk assessment is required to assess the risk from the small watercourse. Consideration should be given to any culverts and bridges which might exacerbate flood risk. There should be no built development over an active culvert. It is recommended that contact is made with the council’s Flood Officer, in respect of potential surface water flood risk.”

11. adding a site requirement to site RDUNS003, Duns on proposed plan page 300 to read:

“A flood risk assessment is required to assess the risk from the small watercourse which flows along the western and southern boundaries of the site. Consideration should be given to whether there are any culverted watercourses within/near the site.”

12. modifying the third site requirement for site AEARL010, Earlston, on proposed plan page 305 to read:

“A flood risk assessment is required which assesses the risk from the Turfford Burn and small watercourse(s) near the site. The flood risk area should be landscaped as wetland with tree planting and recreational open space. This should serve as a central focal point between AEARL010 and AEARL011.”

13. adding a new site requirement for site BEARL002, Earlston, on proposed plan page 306 to read:

“A flood risk assessment is required to assess the risk from the small watercourses which flow along the boundary of the site. Surface water runoff from the nearby hills may be an issue and may require mitigation measures. Consideration should also be given to whether there are any culverted watercourses within/ near the site.”

14. adding a new site requirement for site zEL56, Earlston, on proposed plan page 306 to read:

“In the event of further proposed development or redevelopment, a flood risk assessment will be required.”

15. modifying the third site requirement for site AEARL011, Earlston, on proposed plan page 306 to read:

“A flood risk assessment is required which assesses the risk from the Turfford Burn and small watercourse(s) near the site. The flood risk area should be landscaped as wetland with tree planting and recreational open space. This should serve as a central focal point between AEARL010 and AEARL011.”

16. modifying the fifth site requirement for site SEARL006, Earlston, on proposed plan page 307 to read:

“A flood risk assessment is required which assesses the risk from the Turfford Burn and small tributaries which flow through the site. Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage. Consideration should be given to whether there are any culvert/bridges near the site.”

17. modifying the site requirement three for site zRO12, Earlston, on proposed plan page 308 to read:

“A flood risk assessment is required to assess the risk from the Turfford Burn and small tributaries which flows through the site. The flood risk assessment will inform the site design along with possible mitigation and resilience measures. Surface water runoff from the nearby hills may be an issue.”

18. adding a new site requirement for site TE6B, Eddleston, on proposed plan page 317 to read:

“A flood risk assessment is required to assess the risk from the Longcote Burn and small watercourse which flows along the eastern perimeter. Surface water runoff from the nearby hills may be an issue. Mitigation measures may be required during design stage.”

19. adding a new site requirement for site AETTR003, Ettrick (Hopehouse), on proposed plan page 327 to read:

“A flood risk assessment will be required to assess the flood risk from the Ettrick Water, Hopehouse Burn and small watercourse which flows along the western perimeter. Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage.”

20. modifying the site requirements for site BEY2B, Eyemouth, on proposed plan page 332 to read:

“Refer to approved planning brief, which shall be updated to require a flood risk assessment to assess the risk from the North Burn.”

21. modifying the site requirements for site AEYEM006, Eyemouth, on proposed plan page 332 to read:

“Refer to approved planning brief, which shall be updated to require a flood risk assessment, or at very minimum topographic information, to assess the risk from the small watercourses which flow through and on the boundary of the site.”

22. modifying the site requirements for site AEYEM007, Eyemouth on proposed plan page 332 to read:

“Refer to approved planning brief, which shall be updated to require a flood risk assessment or, at very minimum topographic information to assess the risk from the small watercourses which flow through the site.”

23. modifying the site requirement one for site REYEM005, Eyemouth, on proposed plan page 334 to read:

“Consideration of potential flood risk.”

24. adding a new site requirement for site EGL19B, Galashiels, on proposed plan page 344 to read:

“Investigation of surface water runoff required with potential mitigation measures during design stage.”

25. modifying site requirement two for site EGL41, Galashiels, on proposed plan pages 344 and 345 to read:

“Investigation of culverted watercourses and surface water flooding required. A culvert survey to be undertaken and submitted to determine the presence/location/condition.”

26. modifying site requirement six for site BGALA002, Galashiels, on proposed plan page 346, to read:

“A flood risk assessment is required to assess flood risk from the Gala Water and River Tweed to inform the area of redevelopment, type of development and finished floor levels. Surface water flooding issues require investigation.”

27. adding a new sentence to the end of site requirement three for sites SGALA005 and SGALA016, Galashiels, on proposed plan page 348 to read:

“Investigation into culverted watercourse required and a small watercourse adjacent to the site. Surface water flooding issues would require to be investigated.”

28. modifying site requirement one for site zRO6, Galashiels, on proposed plan page 349 to read:

“A flood risk assessment is required to assess flood risk from the Gala Water, the mill lade or the small watercourse, and design and layout of the site should mitigate flood risk on the site.”

29. modifying the second site requirement for site RGALA001, Galashiels, on proposed plan page 349 to read:

“Flood risk assessment is required.”

30. adding a new site requirement to site zED2, Galashiels, on proposed plan page 350 to read:

“Flood risk assessment required which assesses risk from the Gala Water to inform area, type and finished floor levels of development.”

31. modifying site requirement one for site AGREE009, Greenlaw, on proposed plan page 366 to read:

“A flood risk assessment is required to assess the risk from the Blackadder Water and small watercourse along the eastern boundary. Consideration should be given to surface water runoff to ensure the site is not at risk of flooding and nearby development and infrastructure are not at increased risk of flooding.”

32. modifying site requirement two for site zEL50, Hawick, on proposed plan page 376 to read:

“A flood risk assessment is required to assess the risk from the River Teviot and small watercourse which flows along the boundary of the site, which may be culverted in parts, and to inform the area of redevelopment, type of development, and finished floor levels. Surface water runoff issues would require to be investigated, and mitigation measures may be required during design stage.”

33. modifying site requirement two for site zEL62, Hawick, on proposed plan page 376 to read:

“A flood risk assessment is required to assess the risk from the River Teviot and mill lade which flows through the site, which may be culverted in parts, and to inform the area of redevelopment, type of development, and finished floor levels. Surface water runoff issues would require to be investigated, and mitigation measures may be required during design stage.”

34. modifying site requirement one for site RHAWI014, Hawick, on proposed plan page 378 to read:

“A flood risk assessment is required to inform the area of redevelopment, type of development, access/ egress, and finished floor levels.”

35. modifying site requirement two for site RHAWI015, Hawick, on proposed plan page 378 to read:

“A flood risk assessment is required to inform the area of redevelopment, type of development, access/egress, and finished floor levels. Investigation of potential lade structures beneath the site should be considered.”

36. modifying site requirement one for site RHAWI018, Hawick, on proposed plan page 379 to read:

“A flood risk assessment is required to assess the risk from the River Teviot. “

37. adding a new site requirement for site RHAWI016, Hawick, on proposed plan page 379 to read:

“A flood risk assessment is required and design and layout of the site should mitigate flood risk.”

38. modifying the site requirement for site TI200, Innerleithen, on proposed plan page 391 to read:

“Refer to the approved planning brief, which shall be updated.”

39. modifying site requirement four for site RJ27D, Jedburgh on proposed plan page 400 to read:

“A small watercourse flows along the western site boundary and is culverted beneath Wildcatcleugh Road and should be assessed within any flood risk assessment. Consideration should be given to the potential for culvert removal and channel restoration.”

40. adding a new site requirement for site zEL33, Jedburgh, on proposed plan page 401 to read:

“A flood risk assessment will be required to inform the area of redevelopment, type of development, finished floor levels and ensure that the development has a neutral impact on flood risk. Flood resilient and resistant materials should be used.”

41. adding a new site requirement for site zEL34, Jedburgh, on proposed plan page 401 to read:

“A flood risk assessment will be required to inform the area of redevelopment, type of development, finished floor levels and ensure that the development has a neutral impact on flood risk. Flood resilient and resistant materials should be used.”

42. adding a new site requirement for site zEL35, Jedburgh, on proposed plan page 401 to read:

“A flood risk assessment will be required to inform the area of redevelopment, type of development, finished floor levels and ensure that the development has a neutral impact on flood risk. Flood resilient and resistant materials should be used.”

43. adding a new site requirement for site zEL37, Jedburgh, on proposed plan page 401 to read:

“A flood risk assessment will be required to inform the area of redevelopment, type of development, finished floor levels and ensure that the development has a neutral impact on flood risk. Flood resilient and resistant materials should be used.”

44. adding a new site requirement for site BKELS005, Kelso, on proposed plan page 412 to read:

“A small watercourse/drain is located within the site and is culverted partially through the development site. A flood risk assessment is required to assess the risk of flooding.”

45. adding a new site requirement for site zEL206, Kelso, on proposed plan page 412 to read:

“A flood risk assessment is required as a small watercourse flows along the southern site boundary and the low lying part of the site may be subject to surface water flooding.”

46. adding a new site requirement to site BLAUD002, Lauder, on proposed plan page 420 to read:

“A flood risk assessment is required to assess the risk from all sources and ensure that development has a neutral impact on flood risk and does not affect the flood protection scheme.”

47. adding a new site requirement to site RLAUD002, Lauder, on proposed plan page 420 to read:

“A flood risk assessment is required to assess flood risk of the northern part of the site and to assess the risk of blockage of the culvert running below the road.”

48. adding a new site requirement to site zEL61, Lauder, on proposed plan page 420 to read:

“A flood risk assessment is required. There are two sources of flood risk. One from the flood protection scheme and the associated culvert and also the small unnamed watercourse which flows along the southern boundary of the site and is also culverted

beneath the development site. SEPA is unsure whether the two culverts join beneath the site.”

49. adding a new site requirement for site EN4TB, Newton St Boswells, on proposed plan page 453 to read:

“A flood risk assessment is required to assess the flood risks from the Sprouston Burn and the parts of the site within the flood risk envelope.”

50. modifying the final site requirement for site ANEWT005, Newtown St Boswells, on proposed plan page 454 to read:

“A flood risk assessment may be required. Further investigation of culverts within the site and surface water run-off is required.”

51. adding a new site requirement to site APEEB044, Peebles, on proposed plan page 468 to read:

“A flood risk assessment is required to assess the risk from the Gill Burn and other small watercourses which flow through and adjacent to the site. Consideration will need to be given to bridge and culvert structures within and adjacent to the site. The site will need careful design to ensure there is no increase in flood risk elsewhere and the proposed development is not affected by surface runoff.”

52. replacing site requirement seven for site BR6, Reston, on proposed plan 483 so that it reads:

“A flood risk assessment is required to assess the flood risk from the small watercourse. Consideration should be given to the downstream culvert or structure which may exacerbate flood levels.”

53. replacing the site requirements for site SREST001, Reston, on proposed plan page 484 so that it reads:

“Refer to approved planning brief, which shall be updated to require a flood risk assessment to assess the flood risk from the small watercourse which is located within the site and another small watercourse may be culverted through the site. There should be no built development over an active culvert.”

54. adding a new sentence to the end of site requirement two for site AREST004, Reston, on proposed plan page 484 to read:

“Recommend that contact is made with the council’s Flood Officer.”

55. replacing site requirement bullets five and six for site AROBE003, Roberton, on proposed plan page 488 with a single site requirement to read:

“A flood risk assessment is required given that a watercourse may be culverted through the site. This should be investigated as part of any development proposal. Buildings must not be constructed over an existing drain (including a field drain) that is to remain active. Surface water runoff issues would require to be investigated, and mitigation measures may be required during design stage.”

56. modifying the site requirement bullet five for site ASELK042, Selkirk, on proposed plan page 496 to read:

“A flood risk assessment will be required to assess risk from the Long Philip Burn. The earthworks which have been undertaken on site should be taken into account. Consideration will need to be given to bridges and culverts in this area. The site may be constrained due to flood risk. Surface runoff issues must be considered to ensure adequate mitigation is implemented.”

57. adding a new site requirement for site BSELK002, Selkirk, on proposed plan page 498 stating that:

“Surface water ponding should be discussed with the Flood Prevention Officer.”

58. adding a new site requirement for site BSELK003, Selkirk, on proposed plan page 498 stating that:

“Surface water ponding should be discussed with the Flood Prevention Officer.”

59. adding a new site requirement for site RSP3B, Sprouston, on proposed plan page 509 to read:

“A flood risk assessment will be required to assess the flood risk from the small watercourse in order to inform the design and finished floor levels. Any flooding issues should be investigated further and discussed with the Flood Prevention Officer.”

60. modifying the second site requirement for site ASTOW022, Stow, on proposed plan page 519 to read:

“A flood risk assessment is required to assess the risk from the from the small watercourse which is located within the eastern part of the site, south of the Craigend Road. Consideration should be given to any upstream or downstream culverts or structures. Surface water runoff from the nearby hills may be an issue. Mitigation measures may be required during design stage.”

61. modifying the second site requirement for site MSTOW001, Stow, on proposed plan page 520 to read:

“A flood risk assessment is required to assess the risk of flooding from the Crunzie Burn. Consideration should be given to any upstream and downstream bridges and structures which may exacerbate flood levels. Surface water runoff from the nearby hills may be an issue. Mitigation measures may be required during design stage.”

62. modifying site requirement bullet four for site zR200, Walkerburn, on proposed plan page 533 to read:

“A flood risk assessment is required to assess the risk of flooding from the Walker Burn which flows through the site. Consideration should be given to any upstream and downstream bridges and structures which may exacerbate flood levels. Surface water runoff from the nearby hills may be an issue. Mitigation measures may be required during design stage.”

63. adding a new site requirement to site zEL18, West Linton, on proposed plan page 536 stating:

“A flood risk assessment is required to assess the risk from the small watercourse which enters a culvert adjacent to the site will be required. Surface water runoff from the nearby hills may be an issue. Mitigation measures may be required during the design stage.”

64. adding a new site requirement for site zEL24, Whitsome, on proposed plan page 541 to read:

“A flood risk assessment which assesses the flood risk from the small watercourse. Consideration should be given to the downstream culvert or structure which may exacerbate flood levels”.

65. deleting site EY5B Minchmoor Road East from proposed plan page 543 and from the Yarrowford settlement map on proposed plan page 545. Any consequential modifications should also be made.

Issue 75	Local Biodiversity Sites	
Development plan reference:	Volume 1 Policies – Local Biodiversity Sites (Policy EP3 Local Biodiversity and Geodiversity (Technical Note: Local Biodiversity Sites))	Reporter: Malcolm Mahony
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Torwoodlee & Buckholm Estates Co Ltd (005) (1 of 2 & 2 of 2) John Nichol (011) A & A Walker (013) J S Crawford Estates (018) Alexander Hay (019) Roger & Ann Herbert (023) Sheena Thomson (046) Keith Howell (060) Margaret Dickson (118) Byron Bell (218) Scott Holmes (219) James Morton & Son (220) (1 of 2 & 2 of 2) William Staempfli (348) Willis Family (587) Peter Leggate (588) Ian & Sarah Russell (599) Messrs Logan (614) Andrew Dobie (630) J McDougal (668)</p>	<p>J & T MacFarlane Ltd (669) (1 of 2 & 2 of 2) G Millar (670) WH Sharp & Son (671) Ledgerwood Farming Partnership (716) Cranshaws Ltd (801) Balgonie Estates Ltd (825) Mertoun Estates (832) Scottish Land & Estates (833) Gregor Barr (837) Anthony Barlow (838) James W Fullerton (839) James Fullerton (840) Mellerstain Estate (844) (1 of 2 & 2 of 2) J S Crawford Partnership (846) Northumberland Estates (877) SF Usher (989) Roxburghe Estates (992) Alister Laird (1033) Mark Hendrie and Michael Baum (1042)</p>	
Provision of the development plan to which the issue relates:	Local Biodiversity Sites	
Planning authority’s summary of the representation(s):		
<p><u>Torwoodlee & Buckholm Estates Co Ltd (005)</u></p> <p>LBS 48: The Whin</p> <ul style="list-style-type: none"> Support the Local Biodiversity Site. However, it has long been known as the William Law Wood by the family and other locals and the contributor would prefer it to continue with that name regardless of more modern instances if it being referred to as The Whin. They also noted in the Site Description under Notable Species that there is a typo: the poor Anguis fragilis has an ‘n’ rather than an ‘m’ at the end making it a slow worn: query that perhaps it should be altered at this stage before it becomes permanent. <p><u>John Nichol (011)</u></p>		

LBS 19: Haining Loch

- Support the Local Biodiversity Site.
- Contributor made comments to add to the list of notable water fowl species; Great Crested Grebe, Little Grebe and Cormorant.

A & A Walker (013)

LBS 7: Cloich Bog

- The contributor states that they want to leave things the way they are and there is no wildlife on the hill at all.

J S Crawford Estates (018)

LBS 11: Ellwyn Wood and Meadow

- The contributor proposes a boundary amendment to the site.
- Part of the site is currently used for agricultural and industrial use. It has planning use for industrial use and currently used as a green waste and recycling centre.
- The site boundary is proposed to be moved approximately 50-75 metres to the south, removing the concrete yards and building from the proposed area.
- For the remainder of the site, they are currently working with Scottish Borders Council and Border Forest Trust to increase the benefit of the woodland to the local community.

Alexander Hay (019)

LBS 82: Duns Castle

- Raised concerns regarding the engagement with land owners prior to proposed designations.
- The area of the proposed site is all commercial woodland and as such long term forest plans have been in place for many years and the contributor does not see what this designation is going to bring.
- An area close to the Castle is private.
- The contributor proposes an amendment to the boundary of the site. The contributor has provided a map indicating the amended proposed boundary.

Roger & Ann Herbert (023)

LBS 181: Tandlaw Moss

- Question the inclusion of the areas coloured green on the plan adjacent to Tandlaw Steading. They are in fact an extension of our garden containing non-native flowers, non-native trees and shrubs, specimen rhododendrons as well as mature Scots pine trees and some other native trees. As such they do not fit the habitats set out in the proposal and we would ask that the boundary be amended to follow the moss proper.

Sheena Thomson (046)

LBS 74: Cockburn Mill Woodlands

- Strongly object to the proposal of a Local Biodiversity Site at Cockburn. The land which is marked goes through fields and Gardens. It is very poorly explained what the short term and long term implications are for this land.

Keith Howell (060)

LBS 54: White Moss

- Provides comments in respect of land ownership and property names.
- The contributor agrees with the broad objectives of the local biodiversity site to protect natural biodiversity and in particular to ensure the benefits to the environment of the raised peat bog continue into the future.
- Contributor has concerns that within the Site Statement under the heading of 'Management Summary', it says 'blocking of drains would be desirable'. They state that there should not be any need to 'block' drains, the White Moss peat bog is always wet and never in danger of drying out. The specific concerns of any active blocking of drains to alter the local water table would be the potential damage of all the four homes situated along the southern edge of the proposed site. They suggest that no changes are needed to the drainage of the peat bog to retain its biodiversity and natural environmental benefits.
- Contributor provides land ownership information.
- Proposes an amendment to the proposed site boundary.

Margaret Dickson (118)

LBS 69: Buskin Burn

- Object to the proposed site for adoption on the grounds that they require this area for future carbon offset for their holding. The contributor has no intention for conferring any rights over this land to the Local Biodiversity Site at Buskin Burn.

Byron Bell (218)

LBS 136: Bitchlaw Moss

LBS 142: Cavers Knowe (Little Moss and Long Moss)

- The contributor provides information regarding the notable species within these Local Biodiversity Sites.

Scott Holmes (219)

LBS 79: Cumledge Wood

- States that the area to the south and east of Cumledge House forms part of the grounds/garden of Cumledge House (as it has always done) and it continues to be managed as a garden and includes both rear and front drives to Cumledge House.

The contributor is curious as to how that sits alongside a designation as a Local Biodiversity Site.

- Considered putting a duck pond and/or a micro-hydro installation on Cumledge Burn to the south of Cumledge House, so wish to understand the implications of the LBS designation on such plans.
- Do not think the site would qualify as ancient woodland, as described in the Biodiversity Features section of the Site Statement.
- In the Notable Species section of the Site Statement, red squirrel is mentioned, but there have been no red squirrel locally for a number of years now.
- It says under Access and Use in the Site Statement that “BSBI undertake regular systematic biodiversity recording on site”. We would object to this, we do not want people in our garden and we would not want the LBS designation impacting our gardening activities.

James Morton and Son (220)

LBS 1: Abbotsford

- Object to the proposed Local Biodiversity Site.

William Staempfli (348)

LBS 27: Kilburn

LBS 14: Fethan Wood

- The contributor states that they support this initiative, however there are a number of mapping issues that need to be addressed. Requests to speak directly to someone informed about why the boundaries have been proposed as shown and perhaps to offer some suggestions on how to correct them.
- For example, on the proposed Killburn (LBS 27: Kilburn) site plan, an occupied cottage and its curtilage have been included in addition to the head-pond associated with a disused hydro-electric scheme. The plan also includes the works associated with Estate’s main water supply.
- At the Fethan Wood (LBS 14: Fethan Wood) site, the majority of the proposed lands are part of the commercial forestry plantations of the Estate. I refer you to IACS Location Code 640/0002. Much of this area would be subject to periodic clear felling.

Willis Family (587)

LBS 113: Ninewells

- Raised a number of concerns regarding the proposals and it is essential that a site meeting is held once lockdown restrictions allow. Please take this as formal notification that nothing should be designated without prior discussion with my clients.

Peter Leggate (588)

LBS 93: Greenlaw Dean

- Contributor thanks the Council for the consideration of the site and are in support of the proposed plans as marked in the letter from TWIC.
- Whilst they are in favour of the Council's approach to designating important areas of land in the Scottish Borders for biodiversity protection, they feel that consultation with the landowners and farmers concerned would have provided you with a huge amount of information which would have contributed in no small way to the proposals. It would also have given the landowners a feeling of involvement with the proposal rather than the feeling of being dictated to, which seems to be the currently prevailing attitude.
- Contributor is in support of the proposed Local Biodiversity Site and suggests that landowners/community groups are informed more. This could be done by involving all the landowners and community groups of proposed and potentially existing sites. Propose that the Council communicate and involve them all, providing zoom conferences between all relevant parties to discuss; why sites have been chosen, how each farmer could support the biodiversity within their site, the benefits this recognition could bring to each farmer and or local community, what everyone could do working together as a whole and what additional surveys and reports are proposed to be undertaken or how the Council to propose to continued monitoring of these sites.

Ian & Sarah Russell (599)

LBS 110: Lumsdaine Deane and Dowlaw Moss

- Object to the proposed site.
- Their clients were not notified that the site was being considered at an early stage and therefore were not able to discuss or agree on proposed boundaries.
- The designation coverage appears broad brush with inclusion of areas of land that they consider of less ecological value for example strips of woodland planted by their clients around 15 years ago. This is a huge significance to this farming business and consider that this proposal requires to be discussed in more detail with our client and specific areas of the farm considered on their own merits rather than what we consider a much broader approach for inclusion.
- Have not been provided with any evidence or survey results supporting the inclusion and extent of the BDS area proposed in the LDP.
- Would like to see copies of the recent plant survey which they understand is necessary for a full assessment of the site to be made. Their clients are not aware of any recent surveys being carried out and have not agreed access for this.
- Their client is very appreciative of the important ecological value of the farm, but such a widespread area of inclusion is deemed unnecessary and they wish to see the analysis and justification for all those areas included.
- It is possible that this designation could deter their clients from undertaking additional ecological enhancement works in the future. Our clients do have concerns as to how the designation could impact on future farm developments such as new farm buildings and woodland planting. In addition, diversified projects such as short term holiday lets or wind turbines as examples.
- Inclusion of areas of land that have less environmental value and with greater scope for future development should not be included wherever possible to enable future sustainability of the business.

- Acknowledge the ecological value of parts of the farm however would like to rationalise the areas covered and would suggest direct engagement with their client along with provision of copies of supporting evidence.

Messrs Logan (614)

LBS 96: Hareheugh Craigs and Sweethope Hill

- The contributor provides ownership details for the site and confirms that they are the landowners for two areas of the overall site (Harehaugh Craigs and Langshaw Braes). This is shown on the plan attached within the contributors' submission.
- Harehaugh Craigs: This site is a geographical SSSI and also has a scheduled fort and settlement designation by Historic Scotland, additional it was awarded Local Wildlife Site Status in 2005. Adding this area to the Local Biodiversity Site will be unlikely to impact a change in management on the site and will continue to benefit this unique site.
- Langshaw Braes: This site is an area of grassland including a steep bank. Unlike the above site, this site has not previously had any designations nor does the client have any record of there being any surveys of the land, for example a wildlife survey or a bird survey. As this site has not been previously flagged as having a biodiversity value, the contributor requests information is provided around this sites value to biodiversity. The land on this site consists of a flat area (a) and steep slope (b). Area (a) has poor drainage system which has resulted in there being of little grazing value. The intention is to improve drainage in the field to bring it back into productive agricultural use. Area (b) currently consists of grassland and whins. There is potential in the future to plant trees on this site. With the proposed Local Biodiversity Site there is concern there will be limitations on what may be done on the site following adoption.
- In summary the contributor requests an amendment to the records to reflect the ownership of site 1. Also, requests the reasoning for the designation of site 3 and confirmation that drainage and woodland planting would still be possible.

Andrew Dobie (630)

LBS 64: Boondreigh Water, Dod Mill

- Object to the inclusion of the LBS No.64 as currently proposed and suggests a reduced designation boundary for the area within the contributors' ownership, required in order to ensure that land that is used for agricultural purposes is excluded from the proposed designation. A map is attached showing this area within the submission.
- Client has sought independent ecological advice from LUC, who have reviewed both the methodology adopted by the Council for the purposes of site selection, and the extent of the designation proposed at Boondreigh Water in terms of its potential adverse impacts on future land use operations. In this latter regard, their client is concerned that the proposed designation includes productive grassland and that confirmation of the site's designation as a LBS will negatively impact agricultural operations.
- LUC raise concerns in relation to the methodology and that the proposed allocations have not been informed by any field work or site visits. They consider data that is 15 years old should not be treated as 'current' and consider that recent site visits are

essential for gaining 'current' baseline data and, where this is not possible, data no older than five years is recommended.

- No landowners represented by Galbraith were approached regarding site visits therefore it is assumed none were conducted. Concerns regarding the lack of engagement with landowners.
- Raise concerns that the condition of important habitats on sites is taken from The Berwickshire BSBI Botanical Site Register where possible. The contributor states that many of the surveys informing this were conducted a number of years prior to its publication in 2011 and are therefore not within the 15 year timescale. Using habitat quality data inferred from results of this age is not appropriate for this selection methodology.
- Raise concerns regarding the lack of transparency and detail in the communication of the selection process.
- No details of the completed assessment for each site has been included in the documents made available by Scottish Borders Council as part of the consultation process.
- The contributor understands that landowners have received letters from TWIC, advising them of the proposed designation, but again, other than general statements about broad biodiversity and social value, there are no further details.
- As far as LUC is aware, a record for the reasons for selection and a note on outcomes sought for biodiversity, have not been made available, either publicly or to affected landowners.
- The Council does not appear to have published their selection assessments and the process has not been transparent or accountable.

Mrs J McDougal (668)

LBS 62: Blythe Water

LBS 120: Pyatshaw Meadow, by Brunta Burn

- Object to the inclusion of the LBS No.62 & 120.
- Raise concerns regarding the lack of engagement, stating that their clients were not notified that the site was being considered at an early stage and therefore were not able to discuss or agree on proposed boundaries. This is a huge significance to this farming business and they consider that this proposal requires to be discussed in more detail with their client and specific areas of the farm considered on their own justifiable merits.
- Raise concerns that they have not been provided with any evidence or survey results supporting the inclusion and extend of the BDS area proposed in the LDP. The contributor would like to see copies of the recent plant survey which we understood is necessary for a full assessment of the site to be made. They are not aware of any recent surveys being carried out and have not granted access for this. If historical data has been used we would wish to see copies and the results of the overall scoring system. The contributor is very appreciative of the important ecological value of areas of the farm, but inclusion of this area is deemed unnecessary and they wish to see the analysis and justification for all those areas included.
- The contributor states that their clients are particularly conscious of the value of the ecological habitat they farm within. They consider that such control measures could disincentivise them from carrying out further environmental work as it may in turn create further restrictions. Contributor raises concerns as to how such restrictions

may prevent them from developing other projects on the farm such as construction of new farm buildings or diversified projects such as tourist accommodation.

- Inclusion of areas of land that have less environmental value and with greater scope for future development should not be included wherever possible to enable future sustainability of the business.
- Acknowledge the ecological value of parts of the farm however would like to rationalise the areas covered and would suggest direct engagement with our client along with provision of copies of supporting evidence.

J & T MacFarlane Ltd (669)

LBS 63: Boondreigh Burn and Raecleugh

- Object to the inclusion of the LBS No.63.
- State that whilst they appreciate that this is a consultation process their clients were not notified that the site was being considered at an early stage and therefore were not able to discuss or agree on proposed boundaries. The designation coverage appears broad brush with inclusion of areas of land that they consider of less ecological value. This is of huge significance to this farming business and consider that this proposal requires to be discussed in more detail with our client and specific areas of the farm considered on their own merits rather than what is considered a much broader approach for inclusion.
- Not been provided with any evidence or survey results supporting the inclusion and extent of the BDS area proposed in the LDP.
- Would like to see copies of the recent plant survey which they understand is necessary for a full assessment of the site to be made. Their clients are not aware of any recent surveys being carried out and have not granted access for this. If historical data has been used they would wish to see copies and the results of the overall scoring system. Their client is very appreciative of the important ecological value of areas of the farm, but such a widespread area of inclusion is deemed unnecessary and they wish to see the analysis and justification for all those areas included.
- Such designations will exert more control over what can be done on the farm and this could disincentivise the landowner from undertaking additional ecological work in the future. Their clients have concerns as to how the designation could impact on future farm developments such as new farm buildings and woodland planting. In addition, diversified projects such as short term holiday lets or wind turbines for example.
- Inclusion of areas of land that have less environmental value and with greater scope for future development should not be included wherever possible to enable future sustainability of the business.

G Millar (670)

LBS 107: Leet Water - Leitholm to Chaterpath

- Object to the inclusion of the LBS No.107.
- The contributor states that whilst they appreciate this is a consultation process their clients were not notified that the site was being considered at an early stage and therefore were not able to discuss or agree on proposed boundaries. This is a huge significance to the farming business and they consider that this proposal requires to

be discussed in more detail with their client and specific areas of the farm considered on their own justifiable merits.

- Raises concerns that they have not been provided with any evidence or survey results supporting the inclusion and extent of the site proposed within the LDP. They would like to see copies of the recent plant survey which they understand is necessary for a full assessment of the site to be made. Their clients are not aware of any recent surveys being carried out and have not granted access for this. If historical data has been used they would wish to see copies and the results of the overall scoring system. Their client is very appreciative of the important ecological value of areas of the farm, but inclusion of this area is deemed unnecessary and we wish to see the analysis and justification for all those areas included.
- They consider that such control measures could deter them from carrying out further environmental work as it may in turn create further restrictions. Their clients are concerned as to how such restrictions may prevent them from developing other projects on the farm such as construction of new farm buildings or diversified projects such as tourist accommodation.
- Inclusion of areas of land that have less environmental value and with greater scope for future development should not be included wherever possible to enable future sustainability of the business.

WH Sharp & Son (671)

LBS 53: Whaplaw Burn (Lower)

LBS 132: Whaplaw Burn (Upper)

- Raise concerns in respect of the value of the Technical Note on local biodiversity sites. Furthermore, given there are so many, question the biodiversity value of land not designated.
- Raises concerns to the inclusion of the local biodiversity sites contained within the Technical Note and object to the inclusion of LBS No.53 & No.132.
- Object to a fixed Biodiversity Technical Note, particularly when the information collated for the proposed sites is inconsistent and in most cases no specific surveys were commissioned. Further, not all landowners have been traced or contacted to highlight the significance of the proposed designations on their land. If this is the case, this is a fundamental flaw in the notification procedures for the Proposed Plan – as all owners and neighbours of land with specific proposals are required to be notified.

Ledgerwood Farming Partnership (716)

LBS 118: Pickie Moss

- Their client has sought independent ecological advice from LUC. As detailed in the appended assessment, ecologists at LUC have reviewed both the methodology adopted by the Council for the purposes of the site selection, and the extent of the designation proposed at Pickie Moss in terms of its potential adverse impacts on future land use operations. In this latter regard, their client is concerned that confirmation of the site's designation as a local biodiversity sites coupled with the extent of land affected will negatively impact on agricultural, game shooting and forestry operations.

- Object to the proposed designation of the site and suggests a reduced designation boundary with the commercial forestry excluded. The contributor states that the proposed designation of all of the land at Pickie Moss is not appropriate.
- LUC has raised a number of issues and concerns in relation to the methodology. Specifically, the extent of the field work undertaken as part of the designation process. No details of the completed assessments for each site have been included in the documents made available to the Council as part of the consultation process.
- In the absence of any field work and surveys, the Council's methodology states that an assessment of a particular site's suitability to be designated as a local biodiversity site was made by TWIC, provided that sufficient current data was available.
- Other than the proposed boundaries, there is no record for the selection of the sites or a note on outcomes sought for biodiversity.
- Concerns that historic data has been used in the approach to designating the sites.
- Concerns raised regarding the lack of site visits carried out for the sites and engagement with landowners.
- Concerns that the identification of the proposed sites has been informed by a 'desk top' review utilising historic data and without the benefit of a recent site visit. Their client has no record of any site visit having been undertaken.
- There is no rationale for the inclusion of the plantation woodland and the area of conifer could be excluded relatively simply as there is a straight border separating the important natural habitats and man planted conifer plantation.

Cranshaws Ltd (801)

LBS 103: Killmade Burn and Rough Cleugh

- Object to the site's inclusion in the proposed LDP on the basis of the methodology employed to assess the site.
- The principal guidance on establishment criteria for Local Biodiversity Sites appears to be the 2006 Scottish Natural Heritage publication, "Guidance on Establishing and Managing Local Nature Conservation Sites in Scotland". Within this guidance document, it clearly sets out a list of groups of persons/groups/organisations should be considered for consultation.
- Within the Scottish Borders Local Biodiversity Action Plan 2018-2028 Draft Supplementary Guidance, it clearly states that Scottish Borders Council, "has worked with local partners and landowners to identify potential for new Local Biodiversity Sites". The contributor is somewhat surprised to learn about the extent of the site selection criteria.
- Strongly disagree that there are no implications for the management of land. The designation places their client at considerable disadvantage, for instance any application to improve access through agricultural permitted development rights are likely to be denied or conditions imposed rendering unviable on the basis of the LBS status.
- Request that this site be removed from the proposed Scottish Borders LDP until such time as there has been opportunity for the Wildlife Information Centre/Borders Council to consult with their client and their tenant to ensure that the validity of the data, based on volunteer records at an unknown date has been reviewed and the site formally re-assessed to determine if the notable habitat features remain relevant.

Balgonie Estates Ltd (825)

LBS 112: Newton Don

- The contributor objects to the inclusion of LBS No.112.
- The objection highlights the weaknesses in the process used to designate the site, the implications for the landowner, and the potential for undue weight to be given to such sites in the development management, and other process such as assessments for suitability for Woodland Grant Schemes.
- The contributor does not own all of the site, this is confirmed within an attached map.
- The approach taken in this instance to the selection of the sites concerned has not involved land managers sufficiently. It has taken the form of notification rather than consultation. Concerns raised regarding the lack of engagement and consultation with land owners.
- Notes that the guidance states that work should be carried out with the help of a panel of advisors comprising relevant interests and expertise. Their client was not included in any discussions about the site selection process and they understand that the representative body for landowners in Scotland was not involved either. It is their understanding that land owners first became aware of the proposed designations through correspondence from the Wildlife Information Centre (TWIC).
- Raise concerns regarding the methodology for the site selection process and state that their client was not approached to allow the site to be accessed to assess its importance.
- Raise concerns that the site has not been surveyed.
- Objects to the process by which the selection of this site for designation was undertaken and that it is contrary to NatureScot Guidance as well as Scottish Government requirements for consultation as part of the Local Development Plan process.
- The restrictions of the policy could be given unwarranted weight in the planning process, if formally adopted.

Mertoun Estates (832)**LBS 70: Buthcercote Craigs**

- Their client has sought independent ecological advice from LUC. As detailed in the appended assessment, ecologists at LUC have reviewed both the methodology adopted by the Council for the purposes of site selection, and the extent of the designation proposed at the site in terms of its potential adverse impacts on current and future land use operations. In regard to the latter, their client is concerned that confirmation of the sites designation as a local biodiversity site coupled with the extent of the land affected will negatively impact on the existing small stone quarry which provides bottoming for estate use.
- Object to the designation of the site, as currently proposed and suggests a reduced designation with the quarrying operations, improved grassland and scrub all excluded. In particular it is not considered appropriate for the quarry to be included within the proposed designation due to it being an essential estate resource.
- LUC has raised a number of issues and concerns in relation to the associated methodology. Specifically, the extent of the field work undertaken as part of the designation process.
- The proposed allocations have not been informed by any recent field work or site surveys. There are no records of any site visits having been undertaken.

- Concerns raised regarding the use of historic data to inform the designation of the sites.
- The boundary includes an area from which stone for estate use is recovered. Given the proposed boundary includes the area which is worked stone, it is considered that such a designation is not appropriate in light of the existing land use in place. The boundary also appears to encompass an area of land which is improved grassland. This is not semi-natural habitat and should be removed from the site boundary following the methodology.
- With the exception of the map of the proposed boundary, a record for the reasons for selection or a note on outcomes sought for biodiversity have been provided to landowners.
- Concerns regarding the engagement with landowners.

Scottish Land & Estates (833)

- Raised concerns around the process undertaken in developing the proposed local biodiversity sites.
- The contributor was not asked to participate in any group (panel of advisors), and their landowner members were not consulted during the identification and selection process. Their members, first became aware of the proposed designations has been through correspondence from TWIC highlighting the proposed in the LDP.
- In one proposal, 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.
- The contributor notes that in the technical note on the methodology used to identify sites states that, 'no specific surveys were commissioned' and there is no mention of contacting landowners who would have been able to offer data.
- Given that such implications may have implications regarding woodland creation through the Forestry Grant Scheme or renewables, the contributor considers these proposals should have been brought to the attention of landowners at an earlier stage. Therefore, the contributor strongly urges the Planning Authority to give proper and careful consideration to representations made on behalf of landowners relating to any proposed local biodiversity sites.

Gregor Barr (837)

LBS 62: Blythe Water

LBS 64: Boondreigh Water, Dod Mill

- The contributor raises concerns regarding land being proposed as a local biodiversity sites (Blythe Water and Boondreigh near the Dodd Mill).
- Concerns that no one informed them about this proposed designation.
- States that they have taken the environment and biodiversity very seriously in the way they farm. They have spent a lot of time and money planning a 10 year plan with planting trees on the farm which is at Blythe Water and Boondreigh. This benefits the environment and future proofs the farm from some income from forestry. It is also a great way for the business off setting their carbon footprint.
- Query the impact that the designations will have on the rearing of game birds.

Anthony Barlow (838)

LBS 122: Redpath Moss

- Raise a number of significant challenges to the proposal. Feels passionately that this is not the way forward and would ask for a complete change of approach.
- Suggests that the Borders moves to a new model where the foundations are partnership, support, encouragement and reward.
- Strongly believe that the approach of TWIC and SBC directly undermines the goodwill, support and investment of a business like The Park Farm.
- Raise a number of significant issues with the proposal as presented by TWIC and SBC, most of these are relevant to all farmers affected by the proposal, as well as their own situation. The proposal for adoption;
 - Has no legal standing
 - Was presented without any consultation
 - Has significant Health and Safety issues associated with it
 - Was without consideration for the rights of the farmer
 - Is based on the SNH guidance that is over 15 years old
 - Is not based on accurate information
 - Demonstrates a lack of understanding of the whole effort required to ensure the long term environmental success of the proposed site, it is part of a larger ecosystem
 - Does not demonstrate any financial model that would enable such a proposal to be of benefit to Park Farm
 - Undermines and puts at significant risk, the positive environmental partnerships that already exist
 - Has already created significant cost and stress for the farmer
 - Shows no understanding of the emerging carbon economy and as such could result in future claims for loss against Scottish Borders Council
 - Does not support farmers who have developed, invested and protected biodiversity
 - Has no consideration for the farming business.

James W Fullerton (839)

LBS 85: Everett Moss

- Raises concerns regarding the way in which they have been informed of the proposed local biodiversity site and lack of engagement/explanation about the proposal and potential future restrictions.
- They were unaware of this and worried that these further proposals may restrict environmental management opportunities and scheme memberships that arise in the future.

James Fullerton (840)

LBS 118: Pickie Moss

- Objects to the inclusion of the site and proposed a reduction in the site boundary.
- Their client has sought independent ecological advice from LUC. Ecologists at LUC have reviewed both the methodology adopted by the Council for the purposes of the site selection, and the extent of the designation proposed at Pickie Moss in terms of

its potential adverse impacts on future land use operations. In this latter regard, their client is concerned that confirmation of the sites designation as a local biodiversity site coupled with the extent of land affected will negatively impact on agricultural operations.

- Raise a number of concerns regarding the associated methodology. Specifically, the extent of field work undertaken as part of the designation process. The proposed allocations have not been informed by any recent field work or site surveys.
- Concerns raised regarding the use of historic data to inform the designation of sites.
- Landowners and land managers were not made aware of any site visits carried out on potential local biodiversity sites. It is therefore assumed that no site visits were undertaken.
- With the exception of the site boundary, a record of the reasons for selection and a note on outcomes sought for biodiversity have not been made available.
- The proposed designation includes part of a productive field of temporary grassland which has been managed as part of the commercial farming enterprise. This area is within the south eastern corner of the proposed designation and contains few ecological features or biodiversity qualities. As such, it is considered that this area should be excluded from the proposed designation.

Mellerstain Estate (844)

LBS 111: Mincie Moss

LBS 95: Hareford

- Their client sought independent ecological advice from LUC. LUC have reviewed both the methodology adopted by the Council and the extent of the designation proposed at Mincie Moss and Hareford in terms of its potential adverse impacts on existing and future land use operations.
- Concerns that the designation at Mincie Moss will negatively impact on existing commercial forestry, sporting and surrounding agricultural operations and that the designation at Hareford will negatively impact upon the agricultural operations.
- Object to the proposed designation of LBS 111: Mincie Moss.
- Object to the proposed designation of LBS 95: Hareford. States that a revision is sought to exclude productive commercial agricultural land to ensure that farming operations on site remain unaffected by the proposed designation.
- LUC has undertaken a review of the methodology and they raise a number of issues and concerns in relation to the associated methodology. Specifically, the extent of field work undertaken.
- Concerns that the identification of the proposed sites has been informed by a desktop review utilising historic data and without the benefit of a recent site visit.
- Concerns regarding the procedural issues noted within the designation process for the site.
- Lack of engagement and communication with landowners. There were no coordinated efforts to engage in light of multiple landholding being subject to the proposed designations.
- With the exception of a map of the proposed boundary, there was no record for the reasons for selection or any note on outcomes sought for biodiversity.

J S Crawford Partnership (846)

LBS 11: Ellwynd Wood and Meadow

- The contributor objects to the proposed designation, specifically the extent of the proposed designation, given this would cover land currently in use as both an outdoor activity facility and a biomass transfer and processing plant, both of these land uses are as shown on the map submitted by the contributor. It is considered that that part of the site is not appropriate in light of the current operations taking place on site. The contributor proposes a reduction in the proposed site boundary.
- The contributor has sought to discuss matters further with the Council. Dialogue was sought to review the extent of the designation proposed at Ellwynd Wood and Meadow, in terms of its potential adverse impacts on current land use operations. In terms of land use issues, their client is concerned that confirmation of the sites designation as a Local Biodiversity Site coupled with the extent of land affected (over 20 hectares) will negatively impact on leisure/tourism and renewable energy operations.
- Concerns concerning the methodology in the site selection. The identification of the proposed site has been informed by a 'desk top' review utilising historic data and without the benefit of a recent site visit. Both factors raise serious concerns over the suitability, appropriateness and extent of all of the local biodiversity site designations in the Proposed Plan given the potential implications of Policy EP3 on land use activities.
- It is considered that the site selection criteria used in the local biodiversity sites review are robust and align with good practice generally adopted across Scotland. However, there are a number of issues and concerns in relation to the associated methodology used. Specifically the extent of field work undertaken as part of the designation process. The proposed allocations have not been informed by any recent field work or site surveys.
- Concerns regarding a number of procedural issues regarding the approach adopted by the Council and TWIC in the designation of the site, the use of historic data, and the lack of any recent on-site survey work is also noted in relation to the site proposed.

Northumberland Estates (877)

LBS 51: Upper Kelphope Burn

LBS 133: Wheel Burn and Blythe Water

LBS 44: Soonhope Burn Upper and Longformacus Burn

LBS 45: Soonhope Burn Upper, The Howe

LBS 9: Crib Law

- The contributor objects to the inclusion of the sites (9, 44, 45, 51 & 133).
- Their clients were not notified that the site was being considered at an early stage and therefore were not able to discuss or agree on proposed boundaries.
- The designation coverage appears broad brush with inclusion of areas of land they consider of less ecological value for example strips of woodland planted by their clients around 15 years ago.
- They consider that this proposal requires further detailed discussion with their clients and specific area of the farm considered on their own merits.
- Raise concerns that they have not been provided with any evidence or survey result supporting the inclusion and extent of the BDS area proposed in the Proposed Plan.
- Request to view copies of the recent plant survey which they understand is necessary for a full assessment of the site to be made. Their clients are not aware of any recent surveys being carried out and have not granted access for this. If

historical data has been used they would like to see copies and the results of the overall scoring system.

- They client is very appreciative of the important ecological value of areas of the farm, but such widespread area of inclusion is deemed unnecessary and they wish to see the analysis and justification for all those areas included.
- Concerns that with such controls imposed, it is possible that this designation could deter them from undertaking additional ecological enhancement works in the future. Their clients need to be able to run their farming business to make a profit so that they can continue to manage the holding as they do.
- Concerns as to how the designation could impact on future farm developments such as new farm buildings and woodland planting. In addition, diversified projects such as short term holiday lets or renewable energy schemes.
- Areas of land with less environmental value and with greater scope for future development should not be included wherever possible to enable future sustainability of the business.
- Acknowledge the ecological value of parts of the farm however would like to rationalise the areas covered and would suggest direct engagement with their clients along with provision of copies of supporting evidence.

SF Usher (989)

LBS 81: Dunglass Dean and Berwick Burn

- The contributor objects to the inclusion of the site.
- They state that they have not been provided with sufficient information to fully consider the reason for the designation or formation of the proposed site boundary. Furthermore, there has been very little communication between the Local Authority and their client during the designation process and they would welcome the chance for constructive consultation.
- If designated, they seek that there will be no impact on their clients practices on the site which includes sporting, agriculture and woodland management.

Roxburghe Estates (992)

- The contributor does not make reference to a specific site, however raises a number of concerns regarding the process, as outlined below;
 - Has no legal standing
 - Was presented without any consultation
 - The proposal was aggressive and without the consideration for the rights of the farmer
 - Does not demonstrate any financial model that would enable such a proposal to be successful
 - Has allowed and encouraged unauthorised activity to occur
 - Has significant Health and Safety issues associated with it
 - Should not be included within the Proposed Plan
 - Has created stress at a time of great uncertainty
 - Penalises farmers who have developed and protected the environment
 - Ignores the time and money many farmers have invested in developing and protecting the environment and its biodiversity
 - Undermines and puts a significant risk to the positive environmental partnerships that already exist

- Demonstrates a lack of understanding of the whole effort required to ensure the long term environmental success of the proposed site, it is part of a larger ecosystem
- Has already created significant cost for the farmer
- Does not compensate the farmer for the carbon offset
- Shows no understanding of the emerging carbon economy and as such is likely to result in significant claims for damage against Scottish Borders Council
- Has no consideration for the farming business
- Has already done damage to the standing of Scottish Borders Council and eroded the trust between business and the Council. It threatens the investment and support that farmers, landowners and business owners put in the Borders economy.
- The sites will impact on future tree planting and other development including renewables.

Alister Laird (1033)

LBS 3: Blythe Muir Moss & Blyth Dean

- The contributor objects to the inclusion of the site.

Mark Hendrie and Michael Baum (1042)

LBS 54: White Moss

- Provide land ownership information.
- State that they were going to use the land for rough grazing and keep sheep or deer.
- In no way does the contributor want the land restricted or made liable for any costs.
- Propose an amendment to the site boundary to remove their house and the surrounding gardens. They have provided a map showing this within the submission.

Modifications sought by those submitting representations:

- Remove Local Biodiversity Site No.7: Cloich Bog from the Proposed Plan. (013)
- Amendment to the boundary of Local Biodiversity Site No.11: Ellwynd Wood and Meadow within the Proposed Plan. (018 & 846)
- Amendment to the boundary of Local Biodiversity Site No.82 Duns Castle within the Proposed Plan. (019)
- Amendment to the boundary of Local Biodiversity Site No.181 Tandlaw Moss within the Proposed Plan. (023)
- Remove Local Biodiversity Site No.74: Cockburn Mill Woodlands from the Proposed Plan. (046)
- Amendment to the boundary of Local Biodiversity Site No.54: White Moss within the Proposed Plan. (060)
- Remove Local Biodiversity Site No.69: Buskin Burn from the Proposed Plan. (118)
- Amendment to the boundary of Local Biodiversity Site No.79: Cumledge Wood within the Proposed Plan. (219)
- Remove Local Biodiversity Site No.1: Abbotsford from the Proposed Plan. (220)

- Amendment to the boundary of Local Biodiversity Site No.14: Fethan Wood within the Proposed Plan. (348)
- Amendment to the boundary of Local Biodiversity Site No. 27: Killburn within the Proposed Plan (348)
- Remove Local Biodiversity Site No.113: Ninewells from the Proposed Plan. (587)
- Remove Local Biodiversity Site No.110: Lumsdaine Deane & Dowlaw Moss from the Proposed Plan. (599)
- Amendment to the boundary of Local Biodiversity Site No.64: Bonndreigh Water Dod Mill within the Proposed Plan. (630)
- Remove Local Biodiversity Site No.62: Blythe Water from the Proposed Plan. (668)
- Remove Local Biodiversity Site No.120: Pyathshaw Meadow, by Brunta Burn from the Proposed Plan. (668)
- Remove Local Biodiversity Sites No.63: Boondreigh Burn and Raecleugh from the Proposed Plan. (669)
- Remove Local Biodiversity Site No. 107: Leet Water – Lietholm to Chaterpath from the Proposed Plan. (670)
- Remove Local Biodiversity Site No.53: Whaplaw Burn (Lower) from the Proposed Plan. (671)
- Remove Local Biodiversity Site No.132: Whaplaw Burn (Upper) from the Proposed Plan. (671)
- Remove Local Biodiversity Site No.103: Killmade Burn and Rough Cleugh from the Proposed Plan. (801)
- Remove Local Biodiversity Site No.112: Newton Don from the Proposed Plan. (825)
- Amendment to the boundary of Local Biodiversity Site No.70: Butchercote Craigs within the Proposed Plan. (832)
- Remove Local Biodiversity Site No.111: Mincie Moss from the Proposed Plan. (844)
- Amendment to the boundary of Local Biodiversity Site No.95: Hareford within the Proposed Plan. (844)
- Remove Local Biodiversity Site No.51: Upper Kelphope Burn from the Proposed Plan. (877)
- Remove Local Biodiversity Site No.133: Wheel Burn and Blythe Water from the Proposed Plan. (877)
- Remove Local Biodiversity Site No.44: Soonhope Burn Upper and Longformacus Burn from the Proposed Plan. (877)
- Remove Local Biodiversity Site No.45: Soonhope Burn Upper, The Howe from the Proposed Plan. (877)
- Remove Local Biodiversity Site No.9: Crib Law from the Proposed Plan. (877)
- Remove Local Biodiversity Site No.81: Dunglass Dean and Berwick Burn from the Proposed Plan. (989)
- Remove the Local Biodiversity Site No.3: Blyth Muir Moss & Blyth Dean from the Proposed Plan. (1033)
- Amendment to the boundary of Local Biodiversity Site No.54: White Moss from the Proposed Plan. (1042)
- Amendment to the boundary of Local Biodiversity Site No.118: Pickie Moss from the Proposed Plan. (716)
- Amendment to the boundary of Local Biodiversity Site No.118: Pickie Moss from the Proposed Plan. (840)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE POLICY AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REDUCTION TO LBS NO.11: ELLWYND WOOD LOCAL BIODIVERSITY SITE BOUNDARY. THIS IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL.

REDUCTION TO LBS NO.14: FETHAN WOOD LOCAL BIODIVERSITY SITE BOUNDARY. THIS IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL.

REDUCTION TO LBS NO.27: KILLBURN LOCAL BIODIVERSITY SITE BOUNDARY. THIS IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL.

REDUCTION TO LBS NO.74: COCKBURN MILL WOODLANDS LOCAL BIODIVERSITY SITE BOUNDARY. THIS IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL.

REDUCTION TO LBS NO.79: CUMLEDGE WOOD LOCAL BIODIVERSITY SITE BOUNDARY. THIS IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL.

REDUCTION TO LBS NO.82: DUNS CASTLE LOCAL BIODIVERSITY SITE BOUNDARY. THIS IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL.

REDUCTION TO LBS NO.111: MINCIE MOSS LOCAL BIODIVERSITY SITE BOUNDARY. THIS IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL.

REDUCTION TO LBS NO.118: PICKIE MOSS LOCAL BIODIVERSITY SITE BOUNDARY. THIS IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL.

REASONS:

It is noted that Contributor 012 (James Wauchope) supports the Local Biodiversity Site allocation (No.171 Romany Marsh) (CD183, refer to page 4).

It is noted that Contributor 119 (Giles Brooksbank) supports the Local Biodiversity Site allocation (No.25 Ingrastron Moss) (CD183, refer to page 33).

It should be noted that this Schedule 4 should be cross referenced with Issue No.14, which includes Policy EP3. Policy EP3: Local Biodiversity and Geodiversity sets out the policy, which aims to safeguard and enhance local biodiversity, including the proposed Local Biodiversity Sites. The proposed sites are set out within the Technical Note: Local Biodiversity Sites (CD037). This Schedule responds specifically to unresolved issues relating to the sites themselves, whereas Issue No.14 responds to the policy content.

Name of LBS No.48 'The Whin' (005)

- Although not a proposed modification, the contributor raises concerns regarding the name of Local Biodiversity Site No.48 'The Whin' and states that it has long been known as the 'William Law Wood' by the family.
- The site names have been chosen based on OS maps or where sites were a former Wildlife Site, the name has been carried forward.
- The contributors' comments are noted, however it is acknowledged that the site name is only a reference used by the Council for the site. It does not alter any other names that the site may be referred to as.
- However, the suggestion by the contributor could be passed onto the Steering Group when they meet in the future. Therefore, the comments will be passed onto The Wildlife Information Centre (TWIC) for their information.

Site Statements (005, 060, 011, 218, 219)

- Although not proposed modifications, there are a number of concerns raised regarding the information contained within the background 'Site Statements' for a number of the Local Biodiversity Sites.
- Comments are noted from contributor (005) raising concerns regarding a typo under '*Notable species*' within the Site Statement for Local Biodiversity Site No.48: The Whin (CD173, refer to pages 20 - 22).
- Comments are noted from contributor (011) stating that Great Crested Grebe, Little Grebe and Cormorant should be added to the list of '*Notable water fowl species*' within the Site Statement for Local Biodiversity Site No.19: Haining Loch (CD173, refer to pages 11 - 13)
- Comments are noted from contributor (218) highlighting information regarding the '*Notable species*' within the Site Statements for Local Biodiversity Site No.136: Bitchlaw Moss (CD173, refer to pages 1 - 2) and No.142: Cavers Knowe (Little Moss and Long Moss) (CD173, refer to pages 5 - 7).
- Comments are noted from contributor (060) raising concerns regarding the reference to drainage within the Site Statement for Local Biodiversity Site No.54: White Moss (CD173, refer to pages 23 - 25).
- Comments are noted from contributor (219) in respect of the '*Notable species*' within the Site Statement for Local Biodiversity Site No.79: Cumledge Wood (CD173, refer to pages 8 - 10). The contributor states that no red squirrel has been seen locally for a number of years now. Furthermore, the contributor states that they do not think the site would qualify as ancient woodland, as described in the '*Biodiversity Features*' section of the Site Statement. The contributor also raises concerns regarding people accessing their garden, in respect of the statement contained within the Site Statement.
- In response to the above contributors, it should be noted that the Site Statements do not form part of the Development Plan, rather they are background evidence documents produced by The Wildlife Information Centre (TWIC). Therefore, the above concerns are not matters to be raised as part of the Examination. The Site Statements contain a summary of biodiversity interest for each Local Biodiversity Site proposed and pull together the information from the respective site assessments. It should be noted that the Site Statements are public documents and were included within the neighbour notification letters and were also available upon request by land owners throughout the Proposed Plan consultation.

- Furthermore, it is unlikely that the above proposed changes/additional information would have impacted upon the overall outcomes for the proposed Local Biodiversity Sites. TWIC encourage land owners to submit their own information records and it should be noted that the contributors' comments will be passed to TWIC for their attention.
- In respect of the comments regarding the Ancient Woodland Inventory, this is based on the layer and information from NatureScot.
- In respect of concerns regarding access, it should be noted that the proposed Local Biodiversity Site designations do not affect existing access arrangements.
- Overall, it is not considered that these are matters for consideration as part of the Examination process. However, the contributors' comments in respect of the Site Statements will be forwarded to TWIC for their information.

Reason for designation of LBS No.96 (614)

- The contributor (614) does not object or propose any modification, however requests the reasoning for the designation of an area within their ownership, noted as site 3 within the map forming part of their submission.
- It should be noted that the Site Statement for the Local Biodiversity Site No.96: Hareheugh Craigs and Sweethope Hill (CD173, refer to pages 17 - 19) contains a summary for the proposed designation. This includes; site description, boundary statement, assessment and status. The Site Statements are available to the public upon request.

Provision of information/surveys (599, 630, 668, 669, 670, 671, 716, 801, 825, 832, 833, 838, 840, 844, 846, 877, 989)

- A number of contributors raised concerns regarding; lack of evidence, no site selection assessments being published and the surveys/field work undertaken as part of the process in identifying the proposed Local Biodiversity Sites. Furthermore, there are a number of requests to view copies of the recent plant survey which contributors understand is necessary for a full assessment of the site to be made. Concerns were also raised regarding the analysis, reasons and justification for the proposed sites.
- In response, it should be noted that the Council's methodology for identifying and assessing Local Biodiversity Sites, is set out within the '*Local Biodiversity Sites System Methodology*' document (CD174) and this includes the survey process.
- Land Use Consultants on behalf of Galbraith provided a similar response for a number of sites and contributors, questioning the extent to which information has been provided to landowners and the transparency of the process. (3. The LBS Register) within the methodology (CD174) states that 'Once a site has been assessed as a LBS, a site statement will be prepared for each LBS. This will include;
 - Site summary describing the site and its interest,
 - Site map showing the boundary,
 - Date of assessment,
 - Assessment notes (these include decision on boundaries),
 - Previous status relating to site, and a
 - List of notable biodiversity features (if this includes sensitive species then this will be referred to although details of the species may be omitted, with a recommendation that further details be requested from TWIC)'.

- It is considered that the information provided within the Site Statements meet the terms of the criteria set out above.
- As set out in the methodology (CD174) (2.5 Site assessment process), 'Once a site has been assessed by the LBS Steering Group as being of LBS quality, TWIC will on behalf of the Group, take the following action;
 - Advise the landowner/manager/occupier of the Group's decision,
 - Add the full details of the site to the LBS register and digital layer of LBS boundaries,
 - Copy the updated LBS register and digital boundaries to the Scottish Borders Council Planning Information Officer, and
 - Advise relevant parties of the addition to the LBS register through issue of an LBS bulletin'.
- It is noted that whilst the process may not have fully met all the requirements set out above, it was agreed with the Local Development Plan team in 2015 that the mechanism to notify landowners would be in parallel with the process to consult on the sites as either Supplementary Planning Guidance or, as has turned out to be the case, through the Proposed Plan consultation process. A considerable desktop effort was required to identify the relevant landowners and it was considered, with the resources available, to be a more efficient process to notify them through the Proposed Plan process, which provided sufficient time for land owners to comment on the proposed Local Biodiversity Sites.

Methodology Process (599, 630, 669, 670, 671, 716, 801, 825, 832, 833, 838, 840, 844, 846, 877, 989, 992)

- A number of contributors raised concerns regarding the methodology process undertaken, to identify the Local Biodiversity Sites included within the Proposed Plan. This includes reference to using out of date SNH Guidance and that the proposed Local Biodiversity Sites should not be included within the Proposed Plan.
- Again, it is re-iterated that the Council's methodology for identifying and assessing Local Biodiversity Sites, is set out within the '*Local Biodiversity Sites System Methodology*' document (CD174).
- A number of contributors raised concerns regarding the use of historic data, including LUC who responded on behalf of Galbraith for a number of sites and contributors, questioning the age of data used in the assessment. LUC stated that '*Habitat and species distribution and abundance are highly dynamic and change constantly. We consider data that is 15 years old should not be treated as 'current'. In LUCs considerable experience with environmental data collection and interpretation, we consider recent site visits are essential for gaining 'current' baseline data and, where this is not possible, data no older than five years is recommended. We highlight that many planning authorities in Scotland take a similar position and routinely appoint professional ecologists to undertake the necessary habitat and vegetation surveys to inform LNCS allocations, as part of wider evidence collation for Local Development Plans*'.
- In response, the methodology adopted is one developed by TWIC for Local Authorities in central and south-eastern Scotland. Of these, only one has routinely appointed ecologists to undertake surveys in advance of such designations.
- The approach to include botanical records up to 15 years old has been employed by five neighbouring Local Authorities in their first round of Local Biodiversity Site assessments, who have successfully adopted Local Biodiversity Sites under their Local Development Plans. In the context of developments and desktop record

searches, good practice guidance states that there is no definable cut-off for determining that desk study records of a certain age are no longer valid. Each record will need to be considered on its own merits. Unless there is evidence to suggest that a species is no longer present, the record should be considered to be relevant.

- Whilst recent site survey data would potentially provide a more robust evidence basis from which to inform the assessment, the methodology adopted makes best use of existing data, including from BSBI Vice County recorders and from some excursion visit organised by TWIC, and is considered robust.
- It should be noted that the NatureScot Guidance on Local Nature Conservation Sites (LNCS) (CD169) remains the most up to date guidance.
- It should be noted that there is an additional level of scrutiny through the Steering Group, to highlight sites that have changed since the survey work was undertaken and to recommend further survey work if required. It should be noted that all of the proposed Local Biodiversity Sites have been subject to this Steering Group, which includes a number of local expert naturalists, in line with the methodology.

Amendment to boundaries (018, 019, 023, 060, 219, 348, 630, 716, 832, 840, 844, 846, 1042)

- A number of contributors have proposed amendments to the proposed Local Biodiversity Site boundaries.
- In respect of any proposed increases to site boundaries, it was determined that these increases would require further site assessments and potential land owner notification. It should be noted that these proposed increases to boundaries should only be considered when the sites are re-assessed in the future, as it is too late to consider them as part of the Proposed Plan at this late stage. Therefore, such modifications have not been included within the Proposed Plan in respect of the Local Biodiversity Sites.
- In respect of the proposed reductions to site boundaries, these were initially reviewed by the Council's Ecology Officer and TWIC and they concluded for a number of sites that there was sufficient information to defend their decision to designate the site. However, for a number of sites, where there were unresolved issues, these were presented to the Steering Group for their consideration/comment. This ensured that the process was in line with the methodology (CD174). The conclusions of the Steering Group are contained within their minutes from the meeting on the 14th September 2021 (CD175).
- It should be noted as background context, boundaries of Local Biodiversity Sites will normally only include those areas of land that either meet the criteria for LBS or make a coherent unit with the other habitats. These boundaries will normally be set by defining the unit of semi-natural or natural habitats or, where the semi-natural habitats are more widespread, will include all the habitat that plays an integral part in the ecology of the site. Areas of land not comprising natural or semi-natural habitats will normally be excluded.
- When boundaries are set consideration will also be given to features on the ground making it easy to identify where boundaries have been set (e.g. using roads, river, fence line and other permanent features).
- Boundaries might be extended to include areas that do not in themselves meet the full criteria for designation as a LBS but:
 - are of moderate value to biodiversity but with high social value; or
 - are of moderate current value to biodiversity but with high potential.
- In setting boundaries the following additional guidelines should be considered:

- LBS may include short breaks or gaps within the site to accommodate roads, buildings and other small features that may need to be excluded from the site
- Individual LBS cannot include large breaks or gaps between sections. These would constitute separate sites
- boundaries of separate LBS may abut each other
- boundaries of individual LBS may not overlap.
- Some LBS may be associated with each other or with other statutorily designated sites, for examples separate sections of rivers, parts of woodlands. These associations should be recorded in the site statements and will be considered in assessments through the connectivity criterion.
- Where very small areas of non-biodiverse habitats (such as amenity grasslands, cultivated land, recently planted woods, conifer plantations) have to be included within a site because they are too small or too integrated into the site to be excluded, a clear rationale for including these areas must be given at the time of assessment.
- The conclusions are outlined below for each site where a proposed amendment was considered.

LBS 79: Cumledge Wood (219)

- The owner sought an amendment to the boundary of the LBS No.79.
- The owner sought the removal of garden ground/curtilage to the south and east of Cumledge House. It should be noted that no map was attached as part of the submission.
- TWIC produced a map (CD176, refer to page 1) outlining the proposed boundary amendments for consideration at the Steering Group, taking on board the comments from the contributor.
- The Steering Group agreed that the area identified by the owners did appear to be curtilage to the property and/or modified habitats. No specific species records related to this area and the land did not form part of the site described in the Berwickshire BSBI Botanical Site Register (sites identified for their botanical interest).
- Therefore, the group approved the boundary redaction to remove the curtilage ground near Cumledge House.
- In conclusion, taking on board the comments from the Steering Group, the Council consider the proposed reduction in the boundary to be a non-significant change.

LBS 082: Duns Castle (019)

- The contributor sought an amendment to the boundary of the LBS No.82.
- The owner sought the removal of private areas near the Castle and included an annotated map within their submission indicating the area.
- TWIC produced map (CD176, refer to page 2) outlining the proposed boundary amendments for consideration at the Steering Group, taking on board the comments from the contributor.
- The Steering Group agreed that the ancient semi-natural woodland on the west side of the Loch and policy woodlands (mixed plantation) on the south east side of the Loch should be retained within the site boundary. While the owner considers these area 'private' they do not obviously appear to be garden ground or curtilage and merit inclusion in this site on habitat grounds.

- The proposal to remove a small area of mown grass, mapped as improved grassland (B4) near the Castle (CD176, refer to page 3) was agreed by the Steering Group, as improved grassland is of limited biodiversity interest.
- In conclusion, taking on board the comments of the Steering Group, the Council consider the proposed reduction in the boundary to remove the small area of mown grass to be non-significant. The Council does not agree to remove any other parts of the proposed designation in response to this representation.

LBS 181: Tandlaw Moss (023)

- The contributor sought an amendment to the boundary of the LBS No.23.
- The owner sought the removal of two woodland areas which are considered garden grounds.
- TWIC produced a map (CD176, refer to page 4) outlining the proposed boundary amendments for consideration at the Steering Group, taking on board the comments from the contributor.
- The group concluded that these areas were not obviously curtilage or garden ground. Furthermore these woodlands, although mixed woodlands, were semi-natural in character, contiguous with the wetland habitats on site and added to overall habitat diversity on site. It was therefore agreed that the proposed boundary redaction should be rejected and the woodlands retained in the LBS site boundary.
- It was noted that the site centroid grid reference shown on the LBS assessment was incorrect and should be amended (AP1: Action TWIC).
- In conclusion, taking on board the comments from the Steering Group, the Council does not agree to modify the Proposed LDP in response to this representation.

LBS 14: Fethan Wood (348)

- The contributor sought an amendment to the boundary of the LBS No.14.
- The owner suggested that the majority of the proposed LBS is part of commercial forestry plantation.
- TWIC produced a map (CD176, refer to page 5) outlining the proposed boundary amendments for consideration at the Steering Group, taking on board the comments from the contributor.
- The Steering Group agreed that ancient woodland alongside the burn and the native Birch woodland to the south should be retained in the LBS boundary, as these were semi-natural woodlands.
- The Steering Group conceded that the larger area of conifer plantation (commercial non-native forestry) did not meet the criteria for inclusion in an LBS and should be removed from the site boundary.
- It was noted that there was potential for habitat restoration when re-stocking occurred, as part of the site is identified as a plantation on ancient woodland. However, based on the extant habitats rather than future potential, the larger area of conifer plantation should be excluded from the site.
- In conclusion, taking on board the comments from the Steering Group, the Council consider the proposed reduction in the boundary to remove the larger area of conifer plantation to be a non-significant change. The Council does not agree to remove any other parts of the proposed designation in response to this representation.

LBS 27: Killburn (348)

- The contributor sought an amendment to the boundary of the LBS No.27.
- The owner sought the removal of property and associated curtilage and head-pond to a disused hydro-electric scheme.
- TWIC produced a map (CD176, refer to page 6) outlining the proposed boundary amendments for consideration at the Steering Group, taking on board the comments from the contributor.
- The Steering Group agreed that the cottage and associated garden/curtilage apparently included in the site in error should be removed from the site boundary.
- The head pond to the disused hydro-electric station was open water habitat but an artificial pond. There were discussions as to whether this pond had biodiversity interest on habitat grounds. There were no species records specific to the feature. The group agreed that it should be removed from the site boundary as a precaution. Should future information/ records indicate that the pond had biodiversity interest, it could be re-added to the site boundary. Other LBS include reservoirs for example, which although human-constructed can be of importance for biodiversity e.g. wintering wildfowl.
- In conclusion, taking on board the comments from the Steering Group, the Council consider the proposed reduction in the boundary to be a non-significant change.

LBS 95: Hareford (844)

- The contributor (844) objects to the proposed designation of LBS No.95 and requests a revision is sought to exclude productive commercial agricultural land to ensure that farming operations on the site remain unaffected by the proposed designation.
- This comments were considered by the Council's Ecology Officer and TWIC, who considered that there was sufficient information to defend the designation of the site. They considered that the site assessment was robust at the time of assessment. The Site Statement (CD173, refer to pages 14 - 16) provides details in respect of the designation.
- In conclusion, the Council do not agree to modify the boundary in response to the contributor.

LBS 70: Butchercote Craigs (832)

- The contributor sought an amendment to the boundary of the LBS No.70.
- The owner sought the removal of the quarry, improved grassland and scrub habitats from the site.
- TWIC produced a map (CD176, refer to page 7) outlining the proposed boundary amendments for consideration at the Steering Group, taking on board the comments from the contributor.
- The Steering Group agreed that the habitats to the NE of the site including the quarry area included rare/ valuable habitats and rare plants. The active quarry area may be too small or integrated into the site to be practically removed from the site boundary. However, if the owner was able to provide a map delineating the active quarry area it could be considered.
- The grassland to the SW of the site occurs on steep slopes on thin, more neutral soils but is thought not to be improved grassland. Hawthorn scrub is colonising the area. Both are semi-natural habitats worthy of retention in the LBS boundary. Therefore, the group rejected the owner's proposed boundary redaction.

- It was acknowledged that the Phase 1 Habitat map used in the LBS assessment showed this grassland as poor semi-improved grassland (B6) – grassland of low biodiversity interest. However, the Phase 1 Habitat data for the site was based on aerial photograph interpretation which was known to be less reliable than field survey.
- The Site Statement (CD173, refer to pages 3 - 4) provides details in respect of the designation.
- In conclusion, taking on board the comments from the Steering Group, the Council does not agree to modify the Proposed LDP in response to this representation.

LBS 54: White Moss (060 & 1042)

- The contributor (060) seeks an amendment to the boundary of LBS No.54, stating that the southern most line of the LBS to follow the dotted red line to reflect the reality of the site and not so closely wrapping round the existing home and outbuildings, or encompassing the woods and small area of rough pasture as though it were part of a biodiversity site which it is not.
- The contributor (1042) seeks an amendment to the boundary of LBS No. 54, to exclude their house and surrounding gardens from the site boundary.
- The owner sought the removal of grassland (the 'donkey field') and woodland habitats near their house.
- TWIC produced a map (CD176, refer to page 8) outlining the proposed boundary amendments for consideration at the Steering Group, taking on board the comments from the contributors.
- The woodland area is semi-natural broadleaved woodland and TWIC/SBC recommended this area was retained in the LBS. The Steering Group agreed.
- The Steering Group also rejected the proposal to remove the 'donkey field' (enclosed grassland) from the LBS to be adopted, as this comprised semi-natural habitats - unimproved acid grassland (B1.1). This habitat forms part of the transition zone on the edge of the moss.
- The Steering Group noted that the new property and associated curtilage at Hunter's Keep that has been built since the site was assessed as an LBS should be removed from the site. However, it should be noted that this was not raised by the contributors as part of the Proposed Plan.
- The Site Statement (CD173, refer to pages 23 – 25) provides details in respect of the designation.
- In conclusion, taking on board the comments from the Steering Group, the Council does not agree to modify the Proposed LDP in response to this representation. In terms of the new property and associated curtilage at Hunter's Keep, it is acknowledged that any amendment to remove the property and curtilage from the designation has not been consulted upon. However, it would appear logical that it should be removed and the Council would be happy for the Reporter to decide the appropriate course of action to address this matter.

LBS 118: Pickie Moss (716 & 840)

- The contributor (716) seeks an amendment to the boundary of LBS No.118, suggesting a reduction in the boundary with the commercial forestry excluded.
- The contributor (840) seeks an amendment to the boundary of LBS No.118 and states that the proposed designation includes part of a productive field of temporary

grassland which has been managed as part of the commercial farming enterprise. This area contains few ecological features or biodiversity qualities.

- The owner sought the removal of the conifer plantation used for timber production from the site and had provided an amended site boundary for consideration.
- TWIC produced a map (CD176, refer to page 9) outlining the proposed boundary amendments for consideration at the Steering Group, taking on board the comments from the contributors.
- The LBS for adoption site boundary included grassland and mire habitats of biodiversity interest as well as semi-natural broadleaved woodland. The proposed boundary reduction by the owner in its entirety was therefore rejected as it would include the removal of semi-natural habitats.
- There were however some areas of conifer plantation (A1.2.2) and mixed plantation (A1.3.2) in the southern part of the site that were presently being managed as commercial forestry (CD176, refer to page 10).
- There was discussion over the possibility of retaining the entirety of the site including the forestry plantations on the grounds of retaining the hydrological or ecological integrity of the site. However, it was conceded that some of the habitats present within the site do not merit inclusion in the LBS on biodiversity grounds as they were not semi-natural habitats. Therefore, it was agreed that the conifer and mixed plantations identified in the southern edge of the site could be removed from the site boundary on that basis.
- It was noted that there was potential for these areas to revert to biodiverse semi-natural habitats in future should the decision be made not to restock these areas with conifers. This would also have benefits for the biodiversity interest of adjoining wetland habitats.
- In conclusion, taking on board the comments from the Steering Group, the Council consider the proposed reduction in the boundary to remove the conifer and mixed plantations identified in the southern edge of the site to be a non-significant change. The Council does not agree to remove any other parts of the proposed designation in response to this representation.

LBS 11: Ellwynd Wood (018 & 846)

- It should be noted that both contributors are on behalf of the land owner of the site.
- The contributor seeks an amendment to the boundary of Local Biodiversity Site No.11: Ellwynd Wood.
- The owner sought the removal of the waste recycling and outdoor activity areas from the site.
- TWIC produced a map (CD176, refer to page 11) outlining the proposed boundary amendments for consideration at the Steering Group, taking on board the comments from the contributors.
- The Steering Group agreed that the recycling area (developed land) that abuts woodland and the outdoor activity area which does not form part of the ancient woodland site should be removed from the site boundary.
- A correction to the site boundary was also proposed – to remove the River Tweed Special Area of Conservation (SAC) from the LBS in its entirety.
- In conclusion, taking on board the comments from the Steering Group, the Council consider the proposed reduction in the boundary to be a non-significant change.

LBS 64: Boondreigh Water, Dod Mill (630, 837)

- The contributor (630) objects to the designation of the site and suggests a reduced designation boundary for the area within the contributors' ownership, required in order to ensure that land that is used for agricultural purposes is excluded from the proposed designation. The contributor attached a map indicating this area within their submission.
- The contributor (837) does not object to the designation of the site, however raises concerns regarding the lack of engagement and the potential impact upon their business and future plans for the land.
- TWIC produced a map (CD176, refer to page 12) outlining the proposed boundary amendments for consideration. The contributors' comments were considered by the Council's Ecology Officer and TWIC, who considered that there was sufficient information to defend the designation of the site. In response, it is noted that the site was initially proposed on the advice of the local expert botanist and the site was surveyed. The boundary followed their recommendation based on the botanical interest. Some sections of the boundary follow the fence line, therefore some areas may have less biodiverse habitat included. However, this is in line with the methodology.
- In conclusion, taking on board the above comments, the Council does not agree to modify the Proposed LDP in response to this representation.

Removal of Local Biodiversity Sites (013, 046, 118, 220, 587, 599, 668, 669, 670, 671, 801, 825, 837, 844, 877, 989, 1033)

- A number of contributors objected to the inclusion of proposed Local Biodiversity Sites within the Proposed Plan. In many instances, the contributors do not raise any specific reasons or modifications, however state they would like the site removed from the Proposed Plan. These sites are outlined below.
- It should be noted that for all of these sites, they have been subject to the appropriate methodology process (CD174) and site assessment. All the sites meet the criteria for Local Biodiversity Site designation.
- Therefore, it is not recommended that any of these sites will be removed from the Proposed Plan.

LBS 7: Cloich Bog (013)

- The contributor seeks the removal of Local Biodiversity Site No.7: Cloich Bog from the Proposed Plan. The contributor does not raise any specific objections or modifications, however states that they would like things left the way they currently are.

LBS 113: Ninewells (587)

- The contributor seeks the removal of Local Biodiversity Site No.113: Ninewells from the Proposed Plan. The contributor does not raise any specific objections or modifications, however states that nothing should be designated without further discussions with the land owner.

LBS 9: Crib Law (877)

- The contributor seeks the removal of Local Biodiversity Site No.9: Crib Law from the Proposed Plan.

- The designation coverage appears broad brush with inclusion of areas of land they consider of less ecological value for example strips of woodland planted by their clients around 15 years ago.
- These comments were considered by the Council's Ecology Officer and TWIC, who considered that there was sufficient information to defend the designation of the site.

LBS 44: Soonhope Burn Upper & Longformacus Burn (877)

- The contributor seeks the removal of Local Biodiversity Site No.44: Soonhope Burn Upper & Longformacus Burn from the Proposed Plan.
- The designation coverage appears broad brush with inclusion of areas of land they consider of less ecological value for example strips of woodland planted by their clients around 15 years ago.
- These comments were considered by the Council's Ecology Officer and TWIC, who considered that there was sufficient information to defend the designation of the site.

LBS 45: Soonhope Burn Upper, The Howe (877)

- The contributor seeks the removal of Local Biodiversity Site No.45: Soonhope Burn Upper, The Howe from the Proposed Plan.
- The designation coverage appears broad brush with inclusion of areas of land they consider of less ecological value for example strips of woodland planted by their clients around 15 years ago.
- These comments were considered by the Council's Ecology Officer and TWIC, who considered that there was sufficient information to defend the designation of the site.

LBS 51: Upper Kelphope Burn (877)

- The contributor seeks the removal of Local Biodiversity Site No.51: Upper Kelphope Burn from the Proposed Plan.
- The designation coverage appears broad brush with inclusion of areas of land they consider of less ecological value for example strips of woodland planted by their clients around 15 years ago.
- These comments were considered by the Council's Ecology Officer and TWIC, who considered that there was sufficient information to defend the designation of the site.

LBS 63: Boondreigh Burn and Raecleugh (669)

- The contributor seeks the removal of Local Biodiversity Site No.63: Bonndreigh Burn and Raecleugh from the Proposed Plan.
- These comments were considered by the Council's Ecology Officer and TWIC, who considered that there was sufficient information to defend the designation of the site.

LBS 69: Buskin Burn (118)

- The contributor seeks the removal of Local Biodiversity Site No.69: Buskin Burn from the Proposed Local Development Plan.
- The contributor states that they require this land for future carbon offset.

LBS 1: Abbotsford (220)

- The contributor seeks the removal of Local Biodiversity Site No.1: Abbotsford from the Proposed Local Development Plan.
- The contributor does not raise any specific objections or modifications, however object to the inclusion of the entire site.

LBS 62: Blythe Water (668, 837)

- The contributor (668) seeks the removal of Local Biodiversity Site No.62: Blythe Water from the Proposed Plan.
- The contributor (837) does not object to the designation of the site, however raises concerns regarding the lack of engagement and the potential impact upon their business and future plans for the land.

LBS 120: Pyatshaw Meadow, by Brunta Burn (668)

- The contributor seeks the removal of Local Biodiversity Site No.120: Pyatshaw Meadow, by Brunta Burn from the Proposed Plan.

LBS 107: Leet Water – Leitholm to Chaterpath (670)

- The contributor seeks the removal of Local Biodiversity Site No.107: Leet Water from the Proposed Plan.

LBS 53: Whaplaw Burn (Lower) (671)

- The contributor seeks the removal of Local Biodiversity Site No.53: Whaplaw Burn from the Proposed Plan.

LBS 132: Whaplaw Burn (Upper) (671)

- The contributor seeks the removal of Local Biodiversity Sites No.132: Whaplaw Burn from the Proposed Plan.

LBS 103: Killmade Burn and Rough Cleugh (801)

- The contributor seeks the removal of Local Biodiversity Sites No.103: Killmade Burn and Rough Cleugh from the Proposed Plan.

LBS 112: Newton Don (825)

- The contributor seeks the removal of Local Biodiversity Site No.112: Newton Don from the Proposed Plan.

LBS 81: Dunglass Dean and Berwick Burn (989)

- The contributor seeks the removal of Local Biodiversity Site No.81: Dunglass Dean and Berwick Burn from the Proposed Plan.

LBS 3: Blythe Muir Moss & Blyth Dean (1033)

- The contributor seeks the removal of Local Biodiversity Site No.3: Blythe Muir Moss & Blyth Dean from the Proposed Plan.

LBS 110: Lumsdaine Deane and Dowlaw Moss (599)

- The contributor seeks the removal of Local Biodiversity Site No.110: Lumsdaine Deane and Dowlaw Moss from the Proposed Plan.
- The contributor states that the site boundary includes areas of land that they consider of less ecological value.
- These comments were considered by the Council's Ecology Officer and TWIC, who considered that there was sufficient information to defend the designation of the site.

LBS 133: Wheel Burn and Blythe Water (877)

- The contributor seeks the removal of Local Biodiversity Site No.133: Wheel Burn and Blythe Water from the Proposed Plan.
- The designation coverage appears broad brush with inclusion of areas of land they consider of less ecological value for example strips of woodland planted by their clients around 15 years ago.
- These comments were considered by the Council's Ecology Officer and TWIC, who considered that there was sufficient information to defend the designation of the site.

LBS 074: Cockburn Mill Woodlands (046)

- The contributor objects to the Local Biodiversity Site No.74: Cockburn Mill Woodlands and sought the removal of the fields and garden from the site, contained within the Proposed Plan.
- Although the contributor sought the removal of the entire site, it was considered that the site would benefit from being reviewed by the Steering Group.
- TWIC produced a map (CD176, refer to page 13) outlining the proposed boundary amendments for consideration at the Steering Group, taking on board the comments from the contributors.
- This site was reviewed by the Steering Group and they agreed that garden ground west of track at (NT768587) should be removed from the site boundary as per the boundary methodology (areas of land that are not natural or semi-natural habitat are not normally included in LBS).
- The 'fields' identified by the owner for removal from the site comprised semi-improved acid grassland (B1.2) and were also included in the site boundary in the Berwickshire BSBI Botanical Site Register. It was agreed that as a semi-natural habitat this grassland habitat should be retained in the LBS site boundary.
- In conclusion, taking on board the comments from the Steering Group, the Council consider the proposed reduction in the boundary to remove the area of garden ground west of the track to be a non-significant change. The Council does not agree to remove any other parts of the proposed designation in response to this representation.

LBS 111: Mincie Moss (844)

- The contributor seeks the removal of Local Biodiversity Site No.111: Mincie Moss from the Proposed Plan.

- The owner considered the designation of entire site inappropriate as it is commercial forestry.
- TWIC produced a map (CD176, refer to page 14) outlining the proposed boundary amendments for consideration at the Steering Group, taking on board the comments from the contributors.
- Habitats on site included valuable wetland habitats including carr woodland and fen habitat with associated nationally scarce or locally rare plants, but these habitats adjoined areas of forestry plantation. The semi-natural habitats on site were worthy of inclusion in the LBS and should be retained in the site.
- Whilst the overall integrity of the site may be better protected by treating the entire site, including any areas of commercial forestry areas as a single management unit, it was conceded that there were two larger areas of non-semi-natural habitat included in the site boundary. These included the Spruce plantation (A1.2.2) to the south and recently felled woodland (A1.4) to the north. It was known that the felled area had been re-planted with conifers. The Steering Group agreed that the larger areas of conifer plantation did not in themselves meet the criteria for LBS and should be removed from the site boundary.
- Confirming peat depths on site may be useful in informing appropriate future site management.
- In conclusion, taking on board the comments from the Steering Group, the Council consider the proposed reduction in the boundary to be a non-significant change.

Other Sites - General concerns (837)

LBS 122: Redpath Moss (838)

- Although the contributor (838) does not specifically state that they object to the allocation, they raise a number of concerns regarding the process and allocation of the site. These issues have been addressed elsewhere within this Sch4 under the relevant headings.

Potential impacts as a result of the designation on future land use/management & impact on farming business (219, 599, 614, 668, 669, 670, 716, 801, 825, 832, 833, 837, 838, 839, 840, 844, 877, 989, 992 1042)

- A number of contributors have raised concerns regarding the implications of such a designation upon the future land use management and the impact upon the farming business, including the following;
 - Such designations do not support farmers or the farming business.
 - Submissions include specific proposals of examples of future land use proposals.
 - Concerns that such designations could deter land owners from undertaking additional ecological enhancement works in the future.
 - Concerns that the land would be restricted and the land owners made liable for costs.
 - Confirmation that drainage and woodland planting would still be possible within the designation site.
 - Concerns were raised regarding how such a designation might prevent land owners from developing other projects on the farm such as new farm buildings or diversification projects.

- Concerns raised that the proposals demonstrate a lack of understanding of the whole effort required to ensure the long term environmental success of the proposed site, it is part of a larger ecosystem.
- Concerns were raised that the proposals give no understanding of the emerging carbon economy.
- Concerns raised that further proposals may restrict environmental management opportunities and scheme memberships that arise in the future.
- The proposals penalise farmers who have endeavoured to protect the environment.
- Impact upon future tree planting and other development including renewables.
- The comments from the contributors are noted. In response, it should be noted that the designations do not impact upon the day to day management and may be favourable in respect of grant applications. Local Authorities have a duty to identify Local Nature Conservation Sites, including Local Biodiversity Sites and this has to be balanced against other land uses. In respect of future tree planting, there is a requirement to ensure that this is in the correct place and that it does not impact upon habitat conservation interest. At this stage, it is not possible to comment on each individual potential proposal on sites. This process is solely concerned with the identification and designation of the Local Biodiversity Sites.

No legal standing (838, 992)

- The contributor (838 & 992) raises concerns that the proposed local biodiversity sites have no legal standing.
- In response, it is noted that Local Biodiversity Sites are not statutory designations. However, these are local designations within the Proposed Plan, which would be a material consideration in the decision making process.

Significant Health and Safety issues (838, 992)

- The contributor (838 & 992) raises concerns that the proposed designation will result in health and safety concerns.
- In response, it should be noted that health and safety concerns are not a matter to be dealt with through the Proposed Plan Examination process. It is not entirely clear what the health and safety implications are that the contributors refer to either. However, these are not matters to be addressed as part of this process.

Request for site visits/further discussions/lack of engagement (019, 587, 588, 599, 630, 668, 669, 670, 671, 716, 801, 825, 832, 833, 837, 838, 839, 840, 844, 877, 989, 992)

- A number of contributors have raised concerns regarding the lack of engagement, consultation and discussions with land owners prior to the proposed designation of the Local Biodiversity Sites. Furthermore, a number of contributors request site visits and further discussions prior to the sites being designated as part of the Proposed Plan.
- Comments are noted from contributor (588) in respect of proposals and suggestions for future engagement with land owners and community groups.
- Comments are noted from contributor (838) raises concerns that the Borders needs to move to a new model where the foundations are partnership, support, encouragement and reward.

- Comments are noted from contributor (833) raised concerns that they were not part of the panel of advisors and engaged with earlier in the process.
- The above concerns and comments are noted, however it is acknowledged that the Proposed Plan consultation process provided landowners with the opportunity to forward any comments onto the Council, which could be considered as part of the Proposed Plan process.
- As part of the Proposed Plan consultation, the Site Statements for each respective site were attached with the land owner notification letters. These were also available upon request.
- It should be noted that the site assessment and selection process, as outlined above, was based on the methodology (CD174). Given the large number of proposed Local Biodiversity Sites, the Council did not have the resources to undertake site visits with every single landowner for every single proposed site. The Council endeavoured to notify as many landowners as possible as part of the process, based on the information available and it is acknowledged that it was difficult to gather all landowner information, given the lack of resources available. However, it should be noted that 293 letters/emails were sent out. It should also be noted that for long periods Covid-19 restricted and prevented the carrying out of site visits.
- It should be noted that it is the intention to take forward additional Local Biodiversity Sites as part of Supplementary Planning Guidance, as part of the Proposed Plan. There will be an opportunity for further engagement at that point in time.

Financial model (838 & 992)

- The contributor (838 & 992) raises concerns regarding the financial modelling.
- The comments are noted, however this is not a matter to be dealt with as part of the Proposed Plan Examination process.

Environmental Partnerships/Partnership working (838 & 992)

- The contributor (838 & 992) raises concerns that the proposal undermines and puts at risk the positive environmental partnership which already exist.
- The contributor (992) raises concerns that the process has already done damage to the standing of Scottish Borders Council and eroded the trust between business and the Council. It threatens the investment and support that farmers, landowners and business owners put in the Borders economy.
- The comments are noted, however this is not a matter to be dealt with as part of the Proposed Plan Examination process.

Cost, right and stress to the farmer (838 & 992)

- Contributor (838 & 992) raises concerns in respect of the cost and stress impact of the designation upon the farmer.
- Whilst the comments are noted and it is obviously regretted if any parties have suffered any stress regarding the designation process, this is not a matter to be dealt with as part of the Proposed Plan Examination process.

Does not compensate the farmer for the carbon offset (992)

- The contributor raises concerns regarding the compensation for the carbon offset and shows no understanding of the emerging carbon economy and as such is likely to result in significant claims for damage against Scottish Borders Council.
- The comments are noted, however this is not a matter to be dealt with as part of the Proposed Plan Examination process.

Encouraged and allowed unauthorised activity to occur (992)

- The contributor raises concerns that the process has encouraged and allowed unauthorised activity to occur.
- This is considered to be an incorrect statement. Arranged access for group outings and volunteers would follow the outdoor access code.
- The comments are noted, however this is not a matter to be dealt with as part of the Proposed Plan Examination process.

Biodiversity value/environmental value (614, 669, 671, 877)

- A number of contributors raised concerns regarding the biodiversity and environmental value of sites.
- Contributor (614) requested information regarding the sites value to biodiversity, in respect of LBS No.96.
- Contributor (669) states that the inclusion of areas of land that have less environmental value and with greater scope for future development should not be included wherever possible to enable future sustainability of the business.
- The contributor (671) questions the biodiversity value on non-designated sites, given the large number of local biodiversity sites being included within the Proposed Plan.
- In response, it should be noted that the site assessment process was in line with the methodology. Furthermore, the Site Statements contain information for each site. It is considered that the appropriate methodology process has been followed and that the Site Statements set out the biodiversity and environmental value for each site.

Land Ownership information

- A large number of contributors have provided land ownership information and up to date maps showing land ownership. It should be noted that the Council's records will be updated accordingly and forwarded onto TWIC for their future records too. TWIC are a contractor to the Council and hold the information in accordance with the GDPR privacy notice.

Reporter's conclusions:

1. In Issue 075: Local Biodiversity Sites, the council responds specifically to unresolved representations relating to the designation of individual Local Biodiversity Sites (LBS), whereas within Issue 014: Environmental Promotion and Protection Policies, Introductory Text and Policies EP1-EP6 it responds to unresolved representations on the content of Policy EP3: Biodiversity and Geodiversity, which refers to LBS.
2. To meet the requirements of Scottish Planning Policy (2014) for the protection of biodiversity and geodiversity, the council has drawn up a schedule of 188 LBS and a number of Local Geodiversity Sites (LGS) throughout the council area which it

considers to be of value in enhancing local biodiversity and geodiversity. The schedule of LBS has been prepared in accordance with a methodology which is set out in Technical Note 4: Local Biodiversity Sites. It is stated that the system aims to follow national guidance for Local Nature Conservation Sites as closely as is reasonable and possible.

3. Scottish Planning Policy (2014) has now been superseded by National Planning Framework 4 (NPF4). The latter requires local development plans to identify and protect locally important natural assets on land and along coasts. Therefore, this does not suggest there to be a conflict with NPF4.

4. Many representations have been received, some of which seek removal of specific sites from the schedule of LBS and some of which seek amendments to their boundaries. The representations have been scrutinised by the LBS Steering Group and a number of the boundary amendments have been accepted as justified, but none of the requests for sites to be removed have been accepted.

5. Neither the locations nor the boundaries of the sites are identified on the Policy Maps of the proposed plan. (See Issue 014 for my further consideration of this matter.)

6. The sites form the third (local) tier in a hierarchy of designations, the first and second tiers being international and national designations, respectively. In Policy EP3: Local Biodiversity and Geodiversity, LBS are identified as non-statutory designations. As such, the technical note represents non-statutory guidance and would constitute a material consideration in any planning application affecting the site. However, since this guidance does not form part of the local development plan, which is a statutory document, the detailed content of the guidance, including whether any particular site should be included or excluded or have its boundaries amended, is not a matter for this examination.

7. By way of comparison, supplementary guidance is included in the statutory definition of the development plan. However, until after the plan is formally adopted, it only exists in draft form and can therefore be changed after the plan examination and following adoption of the plan. Its detailed content is therefore not a matter for the reporters conducting the examination.

8. The representation from Balgonie Estates Ltd (825) expresses concern that the policy could be excessively restrictive on developments which they might wish to propose on land designated as a LBS, namely: "restrictions of policy could be given unwarranted weight in the planning process, if formally adopted." This is a policy matter which I discuss under Issue 014: Environmental Promotion and Protection Policies, Policy EP3: Local Biodiversity and Geodiversity.

Reporter's recommendations:

No modifications.

Issue 76	General and Miscellaneous	
Development plan reference:	Volume 1 Policies and Volume 2 Settlements – General and Miscellaneous	Reporter: Alison Kirkwood
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Eddie Yarrow (014) Elaine Williams (022) Donald Muir (036) Charles Shelbourne (038) Susan Gilbert (042) Tracey Barkwill (043) Pete Ritchie (053) Ian Lones (350) Tom Douglas (515) NHS Borders (589) J Leeming (755) Scottish Government (847) South of Scotland Enterprise (883) St Boswells Parish CC (1032)</p>		
Provision of the development plan to which the issue relates:	Volume 1 Policies and Volume 2 Settlements – General and Miscellaneous	
Planning authority’s summary of the representation(s):		
<p>Parking for Motorhomes/Motor Caravan Tourism Sector</p> <p><u>Eddie Yarrow (014)</u></p> <ul style="list-style-type: none"> The Contributor objects to the omission of any reference to improvements for parking of motorhomes in the Scottish Borders. <p><u>Elaine Williams (022)</u></p> <ul style="list-style-type: none"> The Contributor objects to the omission of provision of stop overs for the motorhome community in the Scottish Borders. <p><u>Donald Muir (036)</u></p> <ul style="list-style-type: none"> The Contributor objects to the omission of any reference to improvements for officially approved overnight stopping areas for motorhomes in the Scottish Borders. The contributor states that all that is needed is a freshwater tap and a normal street drain for grey water, and a flushing toilet bowl or similar for emptying black (chemical toilet) waste. 		

Charles Shelbourne (038)

- The Contributor objects to the omission of any reference to improvements for parking of motorhomes in the Scottish Borders. They state that the Council must consider all forms of transport groups and that there is parking provision for all groups except for motorhomes. The contributor states that at least one service point with a drive-over drain and taps should be installed. Allocating parking spaces for motorhomes as has been done in Hawick will be appreciated by local businesses.

Susan Gilbert (042)

- The Contributor objects to the omission of any reference to improvements for parking of motorhomes in the Scottish Borders. Signs in car parks displaying “no overnight parking” is unwelcoming. Motorhome owners should be encouraged to stop and spend time and money in our communities. The Council should provide a space, a tap and black waste disposal for visitors and charge a small fee.

Tracey Barkwill (043)

- The Contributor requests that “no overnight parking” signs are removed from the Borders car parks. They also state that as motorhome owners, they would not choose any other form of accommodation (including expensive campsites with facilities they do not need). If the same provision as in Hawick could be provided elsewhere in the Borders they would visit several times a year, if not they will just transit through to other areas that do provide facilities.

Ian Lones (350)

- The Contributor objects to the omission of a policy in the Proposed Local Development Plan that would promote managed routes and appropriate facilities for the motor caravan tourism sector. The contributor states that they are a member of the leadership group CAMpRA (Campaign for Real Aires), a growing group of 15,000 that are actively campaigning for proper facilities such as have existed in the rest of Europe for many years. The contributor notes that many European countries have developed “Themed and Scenic Touring Routes” that are very popular with motor caravanners, and which bring international visitors and substantial revenue to local businesses. Such routes often attract visitors to stay in places that they would not have otherwise visited as destinations. The contributor states that it became apparent that apart from the Borders Historic Route (Langholm to Edinburgh) and takes in only three towns, there is no comparable tourism equivalent on offer to show case the Borders. The contributor has compiled a Scottish Borders Tour and has included it within their submission. It is a framework around which to establish a network of overnight stopping places and service facilities for motor caravans.

General and MiscellaneousPete Ritchie (053)

- Contributor does not mention any particular policies, proposals or chapters in the Plan. They are however concerned to provide general, high-level criticism of the Plan, and provide a proposed alternative vision (or visions) for it. Their primary

concern is that the plan is too limited and reactive in its scope and vision, and that it should instead seek to respond more proactively and decisively to the biggest issues of our time - climate change, pandemic recovery and social justice - making and taking opportunities to re-structure the energy sector, kick-start the local economy, repopulate local communities and revive local services. However, a number of their concerns (e.g. retrofitting housing stock and giving interest-free loans to residents to help purchase electric cars) are not directly planning matters, and are therefore not considered any further here.

- Contributor advises that serious consideration should be given to the creation of one or more zero carbon new towns, as well as boosting the population of existing settlements to make them more economically and socially sustainable. This, they advise, is because there has been a shift in working patterns due to the pandemic which means that there is greater interest in living in, and working from, rural areas. They consider that there is within this, an opportunity for a 'rural renaissance', reversing decades of population decline.
- Contributor considers that the Plan has almost nothing on land use; or almost nothing about 95% of land in the Borders which is not within settlements. However, excepting perhaps their view that this land is 'a massive untapped energy resource', most of the points they raise about this land, relate to general land uses that do not directly, or do not necessarily, require planning approval, such as forestry, estate management, food growing and farming. Again, it is not considered that these points require any further consideration; while the Council considers that the Plan is self-evidently about land use.

Tom Douglas (515)

- Contributor has supplied a representation which is largely a critique of previous planning decisions in the Melrose and Galashiels areas, mainly focussing on concerns about the development management process, and the procedure, principles and ethics (or lack of) which they consider have informed the Local Planning Authority's decisions. As such, and as the contributor themselves acknowledge, their representation is substantially not about the Plan. However, concerns with regard to specific matters relating to future transport planning, are dealt with under the Schedule 4 on Policy IS4 (Issue 16).

NHS Borders (589)

- Contributor would welcome the opportunity to work closely, and at an early stage, with the Council on the planning and development of housing sites. They recognise that identification of sites within the Development Plan does not necessarily mean that these sites will be developed, or developed to the density identified, but advise that long-term planning of health service delivery to best meet the needs of the population of the Borders, requires their early involvement and a coordinated approach.
- Based on the information in the Proposed Local Development Plan, contributor considers that there are three areas where they would welcome guidance or early involvement in developments:
 1. Developments that are likely to attract specific groups who may have particular health care needs (e.g. older people, those of child-bearing age or with children, and [those] with specific health needs);
 2. Specific known developments or land allocations that will generate Planning

- Briefs, where they can assess the potential impact on health services and start any required planning at an early stage to address these; and
3. Based on the numbers of units identified within Volume 2: Settlements, the locations of which, they would wish to review in terms of likely potential for development and current health service provision, based on the size of potential developments or the proportion of the local population that developments would represent; namely,

- Newtown St Boswells
- Reston
- Eddleston
- Greenlaw
- Tweedbank
- Swinton
- Cockburnspath
- Walkerburn
- Coldstream

They would also seek to assess the impact of the size of development in the following locations on current health service capacity:

- Gala
- Kelso
- Hawick
- Peebles
- Eyemouth
- Tweedbank

Scottish Government (847)

- Contributor seeks a more proactive policy approach for Brownfield/Vacant Derelict Land, with a dedicated policy and a clearer focus on promoting the reuse of brownfield, vacant or derelict land and buildings, in order that redundant/latent assets are brought back into productive use as speedily as possible.
- Contributor advises that this is because SPP Para 40 states that when directing the right development to the right place, the planning system should consider the re-use or re-development of brownfield land before new development takes place on greenfield sites.
- They advise that there is evidence that the proposed plan recognises and references a requirement to consider the re-use or re-development of brownfield land before new development takes place on greenfield sites. However, they advise, whilst “*remote development of brownfield sites*” (para 4.8, page 21) is a clear commitment amongst the aims to deliver the vision, they find that only two (semi/rural: Dolphinton and Greenlaw) settlements feature brownfield allocations. As such, they consider that the extent to which opportunities to proactively promote the re-use of brownfield, vacant and/or derelict land and buildings in other (more ‘urban’, and/or at larger scale) locations, could be more strongly considered and promoted.
- Such an approach, they suggest, might include the proactive preparation of development/design briefs for sites and buildings. They consider that there may be scope to develop such an initiative in relation to Council owned property such as former school buildings or other public estate that is being disposed/marketed.
- They add that: “(It is not clear if development/site briefs have been prepared for property that is in Council ownership and listed on pages 225-230.)”.

South of Scotland Enterprise (883)

- Contributor welcomes the process to develop the Plan and considers that its focus, in terms of key objectives, is generally responsive to the area's needs and opportunities. However, in terms of strategic context, they consider that within the Plan, there is too much emphasis on the Edinburgh City Region, and not enough on the Scottish Borders within the wider Borderlands, and as a core component of the South of Scotland region. They advise that initiatives to develop and empower the South of Scotland as a coherent region within Scotland and the UK, should be embraced and amplified at every possible opportunity.
- Contributor advises that the Plan must strike an appropriate balance between affording the certainty needed to aid investment and other decisions, while at the same time allowing for flexibility and agility within the region's recovery from the global COVID-19 pandemic; within the adjustment to the impact of Brexit; and within adaption to the pace of change needed to ensure a just transition to net zero. In this context, the contributor encourages pragmatism and a can-do attitude, particularly within the promotion of the region for economic growth and business. As it is drafted though, the contributor is pleased to note and welcomes that such commitments are explicit within the Plan. If necessary or helpful, the contributor would be happy to discuss and elaborate on any matters or issues it has raised.
- Contributor anticipates that greater flexibility in comparison to previous LDPs will likely be required, particularly in relation to ensuring the sustainability, vitality and attractiveness of more remote rural and some coastal communities. Such an approach, they advise, will be critical to ensuring future housing and economic growth are genuinely inclusive with all communities across the area afforded the opportunity to benefit from proportionate future investments.
- Contributor advises that it is important that the Plan should acknowledge the need for a Just Transition to Net Zero; and acknowledge beyond this, that flexibility may be required with respect to facilitating a just transition to net zero, recognising the pace and nature of change required. In particular, they note emerging ambitious Government targets relating to decarbonising heat in residential properties require timely and significant upgrades to the existing electricity network to facilitate, as do the roll out of electric charging points. Adding that it is important the principle of such upgrades are supported by the LDP to provide the required confidence for providers to invest in developing and deploying plans. This, they advise, will support the realisation of significant growth opportunities associated with, for example, the roll out of air and ground heat pumps, for which they advise, the South of Scotland is well positioned to be a national leader.

National Park in the Scottish BordersJ Leeming (755)

- Referring to Paragraph 8.15, the contributor considers SBC to be lukewarm to unsympathetic to a proposed Borders National Park, and the process to lack impetus.
- Contributor supports a National Park, because this would encourage tourists to the region, and, they advise, would have prevented some of the more egregious developments in recent times.
- Contributor urges SBC to be more supportive.

St Boswells Parish CC (1032)

- Contributor considers that the candidate National Park proposal should be mentioned within Paragraph 4.8 because this recognises that high landscape values sometimes cross national boundaries.
- With regard to Paragraph 5.8, the contributor considers that the proposed National Park incorporating the northern Cheviots, is a project which would benefit the centre of Jedburgh; particularly if a National Park Centre were located there.
- In relation to Paragraph 8.15, the contributor advises that a National Park in the northern Cheviots would have a logical centre in Jedburgh, which would help repair recent damage to the economy of the town centre there.
- In relation to the third paragraph ("Paragraph C") on page 103 under heading 'Environmental Promotion and Protection', the contributor advises that this should mention any candidate designations such as the proposed National Park.

Modifications sought by those submitting representations:**Parking for Motorhomes/Motor Caravan Tourism Sector**

- Inclusion of opportunities for improvements or identification of parking opportunities for the motorhome community. (014, 022, 036, 038, 042, 043)
- Inclusion of a policy to promote managed routes and appropriate facilities for the motor caravan tourism sector. (350)

General and MiscellaneousZero Carbon New Towns

- State support or interest in Plan in one or more 'Zero Carbon New Towns' as a way to accommodate population growth (due to changing working practices) in a way that incorporates an effective response to the Climate Emergency (integration of zero carbon technologies), while simultaneously arresting rural depopulation in the area. (053)

Health Services

- State commitment to involve NHS from the outset in development planning, specifically housing, in the communities they identify, or in general. (589)

Identification and Promotion of Brownfield Land Redevelopment Opportunities

- Introduce or strengthen support for the redevelopment of brownfield, vacant and derelict land, and review to ensure that every viable specific potential opportunity to do so in settlements, is being taken. (847)

National Park in the Scottish BordersParagraph 4.8

- Insert mention of Candidate National Park proposal. (1032)

Paragraph 5.8

- Insert mention that the proposed National Park incorporating the northern Cheviots is a project that would benefit the centre of Jedburgh, particularly if a National Park Centre were located there. (1032)

Paragraph 8.15

- Make text here more supportive of a National Park proposal for the Borders. (755)
- Insert mention that a National Park in the northern Cheviots would have a logical centre in Jedburgh, which would help repair recent damage to economy of the town centre there. (1032)

3rd Paragraph, page 103, under heading 'Environmental Promotion and Protection'

- Mention any candidate designations such as the proposed National Park. (1032)

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE PLAN

REASONS:

Parking for Motorhomes/Motor Caravan Tourism Sector (014, 022, 036, 038, 042, 043, 350)

- Proposed Plan Policy ED8: Caravan and Camping Sites sets out the criteria which applications for new or extended caravan and camping sites must meet. However, it is noted that the Contributors seek provision of parking facilities within existing car parks or similar provision within the Scottish Borders. An example of such a provision in Hawick has been raised by a number of the Contributors.
- As noted above, provision of motorhome parking is available within The Haugh car park in Hawick, and additional information on it is provided on the Council's website at: https://www.scotborders.gov.uk/info/20029/parking/195/motorhome_parking
- It should be noted that in line with Policy ED8, the Council supports both the protection of existing caravan and camping sites, and the provision of new and extended caravan and camping sites. In addition, the Council realises the contribution they make to the economy of the Scottish Borders. In that respect, it is noted that in seeking the provision of additional parking facilities as requested by the Contributors, this may in turn result in diverting demand and revenue away from new or established caravan and camping site businesses. That would be something that the Council would need to consider carefully.
- Furthermore, many of the Councils car parks within the Borders towns are well used and re-designating sections of car parks for motorhome vehicles only, has the potential to negatively impact car park provision in places where there is high demand.
- In practice, informal off-road parking takes place by motor homes in many parts of rural Scotland, often in well-established places, without causing undue concern. Whilst parking at the roadside or in a layby to stay overnight is not against the law, as part of the highway the police have the right to move vehicles on.

- However, to formalise off-road parking as requested by the Contributors, the amenity for the motorhome community and the amenity and/or compatibility of the surrounding area and community would require consideration.
- It is noted that the Scottish Government are aware of the increased popularity of motorhoming, and in the letter dated 22 March 2020 from the Chief Planner and the Minister for Local Government, Housing and Planning (refer to CD061) they state that: “... *There could be some further circumstances in which this relaxation in planning can help as we emerge from current restrictions while moving into springtime, as people become able to move around more freely and as businesses and services look to re-start and re-gain some lost ground. As one example, we are aware that some authorities have been exploring scope for the temporary use of car parks or other appropriate locations for overnight stops in campervans and motorhomes if that is safe and reasonable, to address some anticipated pressures during the coming season. We ask again that the broad approach of relaxing control where reasonable and appropriate continues for now to support the national response to COVID-19. ...*”
- The Proposed Plan also recognises that one of its main challenges to take account of is the COVID-19 pandemic. Paragraph 2.7 states: “... *The virus has dramatically changed the way we live and work and raises a number of uncertainties for the future. The virus will continue to have a substantial negative impact on the UK economy including retailing, business operations, town centres, rates of housebuilding and demand, the desire to travel on public transport and social distancing. Recovery will take place once all lockdown restrictions are lifted, although the exact long term impacts and timescales are unknown at this stage. Uncertainties will continue into the LDP adoption period and, at this stage, it is difficult to accurately forecast the full implications of the virus and what actions are necessary to mitigate its impacts. ...*”. For these reasons, now it is even more important for the Council to work alongside its partners, both the South of Scotland Enterprise and Visit Scotland to ensure that decisions made now do not jeopardise the recovery from the COVID-19 pandemic.
- The Council alongside an Economic Infrastructure Development Specialist (with an interest in tourism related matters) from the South of Scotland Enterprise (SOSE) were involved in taking forward a pilot scheme in 2021, to accommodate motorhomes within a number of car parks in the Scottish Borders. The pilot was scheme was run in Galashiels (Currie Road Car Park), Jedburgh (Canongate Car Park), Eyemouth (Harbour View Car Park) and Coldstream (Hillview Car Park) and took place during the high season from 19 June 2021 to 31 October 2021. To undertake this pilot, Roads colleagues within the Council were involved in undertaking a Temporary Traffic Regulation Order to allow motorhome parking overnight to be undertaken (refer to CD028). Furthermore, at the time that the pilot was undertaken, it was advertised on the South of Scotland Destination Alliance website. It is also noted that SOSE are also considering undertaking a wider scoping project in 2022 in association with Forestry and Land Scotland.
- In respect to the request by Contributor 350 for the identification of “Themed and Scenic Touring Routes”, this is not a Local Development Plan matter. However, the Council are aware that this would be something that would require to be done with a bottom-up approach. A bottom-up approach would ensure that adequate infrastructure is in place such as roads, in advance of any promotion/advertisement of such a route. This approach would also assist in ensuring community support and prevent future conflicts between residents and visitors/tourists. For the above reasons, it is not proposed to amend the Proposed Plan in respect to the

representations received and many of the points raised would be addressed by the wider Council in due course.

General and Miscellaneous

Zero Carbon New Towns (053)

- Contributor advises that serious consideration should be given to the creation of one or more 'zero carbon new towns' in the Borders, as well as boosting the population of existing settlements to make them more economically and socially sustainable; thereby responding to changing working patterns due to the pandemic, and delivering a 'rural renaissance', reversing decades of population decline.
- The Council has considered its housing needs going forward, and the most appropriate places in which to accommodate new housing, specifically responding to where these are needed, and most appropriately accommodated relative to existing infrastructure and services. Within this assessment, it has determined that it has no requirement at this time, for any new settlements, and is content that accommodating new housing in existing settlements remain the most appropriate and most sustainable option. However, as per Paragraph 6.10 of the Plan, it nonetheless recognises that in the longer term, it may be that proposals come forward for new 'stand-alone' settlements in high demand areas. The Council is open to considered and evidenced proposals of this kind, being put forward by developers or land owners so that early consideration can begin.
- While it may be that new settlements might provide an opportunity to factor in energy generation needs along the lines envisaged by the contributor; with the opportunity to meet these needs on-site; it is also the case that new settlements would still require new and upgraded infrastructure, including roads, and new services. Moreover, in order to be the most appropriate and viable option, it would need a certain level of population, which is not met or needed at this time. Accordingly, the Council does not concur that new towns would be the most effective or efficient way to address the region's current housing needs. It might be added that any such proposals would now be beyond the scope of the current proposed Local Development Plan, because the identification of any new sites would require appropriate consideration and consultation with the public from the outset of the development plan process.
- To another one of the contributor's points, it may be that new working arrangements are attracting people to consider relocating to more remote areas. However, at this early stage, it is not clear how large or sustained such interest might be in the longer-term, while there is no particular reason to suppose that even if this is substantial and sustained, new towns would be any more appropriate an answer than seeking to augment existing towns and settlements. On the contrary, the latter approach is more likely to benefit both existing and new residents in the area, by strengthening existing communities, bolstering their local services and the local economy; rather than diverting such potential to new places.

Consultation with NHS (589)

- The contributor seeks greater involvement in planning decision-making with respect to the accommodation of development in general and specific terms within the Borders, and Border towns and villages. This is in the interests of ensuring that medical facilities provision can keep pace with the growth and needs of local communities.

- While the Council does take account of existing provision in consultation with service providers, including the NHS, it is also the responsibility of services and healthcare providers to ensure that their provision is maintained or enhanced to meet the current needs of the local community. Allowing for this, it is not considered that there is any need to review or reset the proposals of the Plan to address the contributor's concerns.

Brownfield/Vacant Derelict Land (847)

- The contributor seeks a more direct and positive context of support for the redevelopment of brownfield, vacant and derelict land, and they appear concerned that opportunities for such redevelopment may be being, or have been, missed.
- The Council has considered all such opportunities within development boundaries, and wherever possible and practical, has actively identified and is promoting such sites for redevelopment. It is the case that in many instances, a settlement's development needs are not able to be met from the redevelopment of brownfield sites alone. Therefore, it has also been necessary in many cases, to identify provision in areas currently outwith, but adjoining, Development Boundaries. However, it is considered that this is in line with the approach of SPP; and that the Council is making, and has made, every reasonable effort to promote the reuse of brownfield, vacant and derelict land, wherever that has been possible and appropriate.
- Policies ED5, PMD3, PMD5 all promote opportunities to redevelop brownfield sites, and it is not considered that any new or additional provisions are required in policy.
- While the contributor appears to understand that there are only two examples of the allocation of brownfield sites within Border settlements, there are in fact many others, including the former Kelso High School site in Kelso; the March Street Mills site in Peebles; Riverside in Selkirk; and various sites in Galashiels (such as at Kirk Brae and Roxburgh Street) and in Hawick (such as the former N Peal Factory and Peter Scott Building), among others.
- To the contributor's concern that planning briefs could be prepared for brownfield site opportunities, the Council would point out that it already has Planning Briefs relating to a number of brownfield sites amongst those listed on page 209 of the Plan, and is looking at the production of others, going forward, as per the advice of pages 205 and 206.
- It is therefore not considered that any new policies or proposals are required to address the contributor's concerns.

Strategic Level Planning and South of Scotland Region (883)

- Contributor considers that there is an imbalance in the presentation of the strategic planning context of Scottish Borders, with too much emphasis being given to its involvement within the Edinburgh City Region, as opposed to the South of Scotland.
- The Scottish Borders does prevail within overlapping larger strategic, regional contexts, and it is considered that this is fairly reflected within the presentation of the Plan. It is ultimately the case that the Plan is a Local Development Plan for this specific local authority area, and does not set or inform strategic level planning.
- As such, while the Council may need to update its introductory text to describe any change in the context of strategic planning for the area, specifically once NPF4 and the Regional Spatial Strategies are approved, these have yet to occur, and as such, this is not yet the strategic planning context in which the region prevails. Accordingly,

and ahead of such developments, the Council would not consider it appropriate to assume or pre-empt the approval of NPF4 or either of the Regional Spatial Strategies for the Southeast or South of Scotland. As such, it would not at this time, consider revising or updating the text to address the contributor's concerns.

National Park in the Scottish Borders

It is noted that Contributor 057 (Scottish National Parks Strategy Project) provides support for the Plan's position with respect to consideration of a Scottish Borders National Park, and provides advice to the Council in the following terms:

- Representation is made on behalf of the Scottish Campaign for National Parks (SCNP) and the Association for the Protection of Rural Scotland (APRS).
- Contributor fully supports the statement at Paragraph 8.15 (Chapter 8) that the Council will further consider the proposal for a Scottish Borders National Park, including investigating what would be involved in establishing a designation and considering site options.
- Contributor provides general advice with respect to the potential benefits to the local environment, local communities and the local economy from the designation of a National Park, but advises that it has identified specifically, particular potential in the Scottish Borders within a proposed Cheviots National Park.
- Contributor outlines the process of identifying and establishing a National Park, should such a proposal be taken forward. (CD183, pages 23-24).

National Park Designation (755, 1032)

- Para 8.15 within the Proposed LDP, sets out clearly the Council's current position regarding the designation of a National Park within the Scottish Borders.
- As part of the consultation on the Main Issues Report (MIR), a question - specifically Question 14 on page 87 and page 103, of the MIR (CD008) - sought public opinion on such a proposal; its possible location; and an operational model. There were mixed responses to the proposal, although more were in favour than against, and a range of potential sites were identified.
- The LDP text confirms the Council will take on board the findings of the responses to the MIR and carry out further work. This will include completing analysis of the case and options for a National Park, and setting out a programme (project plan) for that work, including timescales; how we will interact with the group supporting the National Park and the wider community; and what further studies will be required. Ultimately the Council will take a view on deciding whether or not to support a National Park, and if so, where such a designation should be.
- While the designation of a National Park presents opportunities to safeguard landscapes and the natural environment, and to promote the region as a high quality visitor and tourist destination, other matters must also be considered. These include the management of development; governance; implications including financial burdens on the Council; and discussions with land owners who submitted an objection to such a designation as part of the MIR consultation.
- Accordingly, while the Council is open to considering a National Park designation, and is aware of the advantages and benefits such a designation can bring to the local area, this must be considered against many other factors. In short, at this stage, we are dealing with a general principle rather than a specific detailed proposal.

- The Council is content that its current acknowledgement and description of the potential for a National Park within the Proposed Local Development Plan is sufficient and appropriate in the form it appears in the PLDP. This allows the matter to be considered in accordance with due process, and not to be pre-judged ahead of any specific proposal on the basis of limited information. It must be stressed again that the Proposed LDP is not the vehicle for making this designation. The designation is ultimately a matter for the Scottish Ministers to decide, following an assessment and recommendation by NatureScot.

Additional Text in PLDP to Support Delivery of National Park (755, 1032)

- In light of the position set out above, it is not considered that there is any requirement to adopt any more defined or supportive position than is currently set out in Paragraphs 4.8, 5.8, and 8.15, as well as under the heading 'Environmental Promotion and Protection'. Accordingly, it is considered that the current text would suffice.

Jedburgh as Centre of new National Park (1032)

- This point substantially follows on from the previous one, and references a feasibility study produced by the Scottish Campaign for National Parks and its identification of a part of the northern Cheviots as one potential site for a new National Park in Scotland (CD203). The contributor considers that any such Park could be administered and centred on Jedburgh, and that this offers opportunities to the town, with potential to support (revive) the local economy.
- Again, however, the selection and promotion of any specific National Park at this stage, let alone deciding how it would be defined and operated, would be premature, ahead of full and appropriate consultation on all such matters. As such, it is not considered that new or revised text is required at either Paragraph 5.8 or Paragraph 8.15, to address these matters in the way that the contributor is seeking.

Reporter's conclusions:

Parking for Motorhomes/Motor Caravan Tourism Sector (014, 022, 036, 038, 042, 043, 350)

1. The representations on this matter state that Policy ED7: Business, Tourism and Leisure Development in the Countryside and ED8: Caravan and Camping Sites do not address the particular needs of motorhome and campervan users.
2. It would have been open to the council to identify new allocations for caravan and camping sites in the proposed plan, including sites suitable for motorhomes and campervans. However, there is no requirement in legislation or national planning policy for it to do so.
3. Policy ED8 sets out the criteria for assessing proposals for new caravan and camping sites, which include being in accordance with the Scottish Borders Tourism Strategy and Action Plan. Sites in proximity to settlements that can help support local shops and services are favoured over isolated countryside locations.

4. A number of the points raised are not land use matters of direct relevance to the local development plan, for example restrictions on the use of existing car parks, the provision of chemical waste facilities and the promotion of a Scottish Borders tour circuit. However, should these matters be addressed in future versions of the Scottish Borders Tourism Strategy and Action Plan, the wording of Policies ED7 and ED8 would allow them to be taken into account in the determination of relevant planning applications.

5. Whilst acknowledging the increased popularity of motorhomes and campervans, I do not consider that any changes are required to the proposed plan. No modifications are required.

Zero Carbon New Towns and other matters (053)

6. Representation (053) considers that the proposed plan is insufficiently proactive in addressing the challenges and opportunities for the Scottish Borders in a net-zero Scotland. A number of the points raised and suggested alternative approaches relate to matters addressed in Issue 002 (Changing Context and Meeting the Challenges for the Scottish Borders), Issue 004 (Vision, Aims and Spatial Strategy) and Issue 006 (Chapter 6: Planning for Housing and Appendix 2: Meeting the Housing Land Requirement).

7. The council's response above sets out some of the advantages and disadvantages that the creation of new towns would bring. Issue 006 concludes that there is no need to allocate any more land for housing besides what is set out in the proposed plan. Therefore, there is no justification to identify major new housing allocations at this time.

8. The proposed plan includes a range of policies which relate to land outwith the settlement boundaries, for example Business, Tourism and Leisure Development in the Countryside (Policy ED7), Renewable Energy (Policy ED9), Carbon Rich Soils (Policy ED10), and Trees and Woodlands (Policy EP13). Matters relating to low-carbon mobility and the efficient use of energy and resources are addressed in Policy PMD1 (Sustainability).

9. I agree with the council that no modifications are required in response to this representation.

Consultation with NHS (589)

10. NHS Borders would welcome cross references between development proposals and the health agenda, with specific reference to strategic planning in health and social care partner organisations. However, no evidence has been provided to explain how documents such as the NHS Clinical Strategy and the Integrated Joint Boards' Commissioning and Implementation Plan relate to the Local Development Plan. Whether beneficial or not, in the absence of compelling evidence, I am not persuaded that any modifications are required on this matter.

11. NHS Borders has identified three main areas where it would like early involvement in emerging development proposals. These include a wish to review the impact of development on current health service provision and capacity in a number of settlements. It has not suggested any specific modifications in relation to any of the settlement profiles.

12. Chapter 2 in the proposed plan includes a section on health and wellbeing and paragraph 2.10 highlights the importance of continued and strengthened communications between the council and NHS Borders.

13. Proposed plan paragraph 2.10 also states that the plan has been prepared in consultation with NHS Borders. However, the wording of representation (589) suggests that the impact of development allocations on healthcare infrastructure has not been fully assessed during the plan preparation process. The council's response is that it is the responsibility of services and healthcare providers to ensure that their provision is maintained or enhanced to meet the current needs of the local community. Irrespective, assessing the need for additional or enhanced healthcare provision is not a matter that can be addressed retrospectively through this examination.

14. I am aware that some planning authorities in Scotland seek developer contributions towards healthcare infrastructure. However, for the reasons set out in Issue 016 (Infrastructure and Standards Policies), we have concluded that no modifications are required in response to NHS Borders' representation in relation to policy IS2: Developer Contributions. Notwithstanding this conclusion, there may be opportunities for NHS Borders to provide input to the Local Development Plan Delivery Programme (formerly known as action programmes), the preparation of development briefs and masterplans, and at planning application stage.

15. Whilst there would appear to be a need for better collaborative working between the council and NHS Borders at plan preparation stage, I do not consider this can be addressed through any modifications to the proposed plan.

Brownfield/Vacant Derelict Land (847)

16. The Scottish Government states that a more proactive policy approach for brownfield, vacant and derelict Land is required with a dedicated policy and a clearer focus on promoting the reuse of brownfield, vacant or derelict land and buildings in order that redundant/latent assets are brought back into productive use as speedily as possible.

17. The council indicates that it considered all opportunities for the redevelopment of brownfield, vacant and derelict land though the preparation of the plan, consistent with Scottish Planning Policy (2014) paragraph 40, which was extant at that time. The Scottish Government has not identified any additional brownfield sites which it considers should have been included as a development opportunity in the proposed plan.

18. There was no requirement in Scottish Planning Policy (2014) and is no requirement now in National Planning Framework 4 (NPF4) for local development plans to include a standalone policy which promotes brownfield, vacant and derelict land. The council points out various policies, allocations and planning briefs which support and promote redevelopment opportunities for brownfield land, including vacant and derelict land and empty buildings.

19. Within this context, I do not consider that any changes are required to make the plan consistent with national policy on this matter. No modifications are required.

Strategic Level Planning and South of Scotland Region (883)

20. Proposed plan paragraph 5.10 on page 25 refers to the creation of the new South of Scotland Enterprise Agency covering Dumfries and Galloway and the Scottish Borders, which reflects the geographical extent of this agency. A modification is already recommended in Issue 005 (Growing Our Economy) to clarify that the agency is now operational.

21. In the period since the proposed plan was published and the council prepared its responses to representations, the strategic planning context in the Scottish Borders has changed. Strategic development plans, including SESplan 1 (2013) are now no longer part of the statutory development plan. Local development plans are, therefore, no longer obliged to be consistent with them. As far as I am aware, the regional spatial strategies referred to in the council's response have not yet been approved.

22. We recommend modifications in Issue 003 (Chapter 3: Policy Background) to explain the implications of the abolition of strategic development plans for this local development plan. Whilst I recognise that strategic economic partnerships operate on a different geographical basis, I do not consider that any further modifications are required.

National Park in the Scottish Borders

23. St Boswells Parish Community Council seeks additional references to a potential national park in paragraphs 4.8 and 5.8 and the introduction to the environmental promotion and protection section. Representations also wish the text in paragraph 8.15 to be more supportive of a proposed national park designation, including recognition of the benefits it could bring to Jedburgh.

24. Proposed plan paragraph 8.15 explains the council's current position in relation to the potential designation of a national park in the Scottish Borders. It points out that responses to a question on this matter at main issues report stage were mixed. Furthermore, the designation of a national park is a decision for Scottish Ministers in due course and not a matter that can be addressed through this examination. No modifications are necessary.

Reporter's recommendations:

No modifications.