

Johnston, Charles

**From:** David Howel [REDACTED]  
**Sent:** 03 March 2014 12:01  
**To:** localplan  
**Cc:** aduthie@clarendonpd.co.uk  
**Subject:** Representation to Proposed LDP  
**Attachments:** SBC Proposed LDP Rep March 2014 - Kelso.pdf

Dear Sirs,

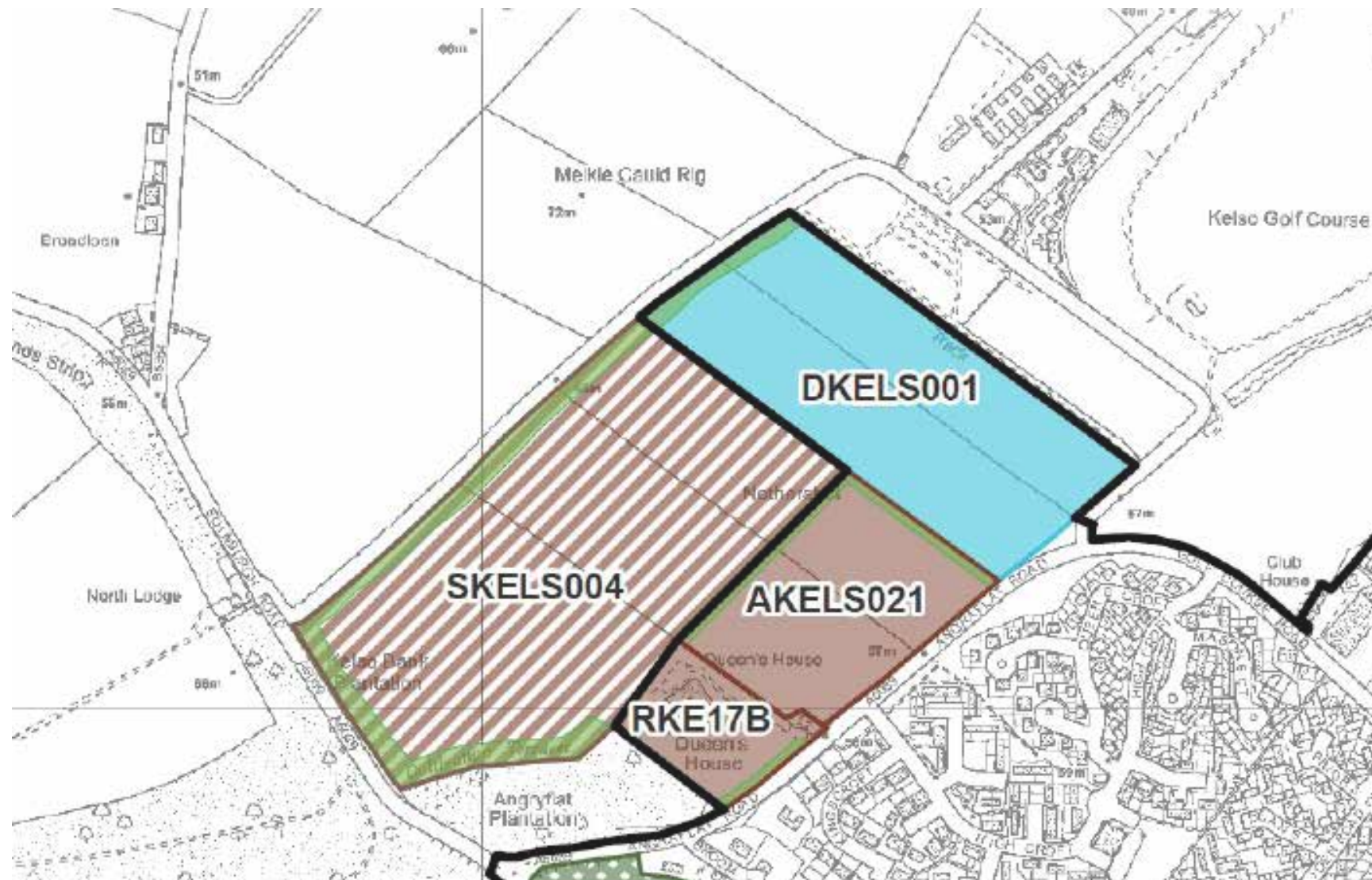
In response to the Proposed LDP consultation, please find attached a representation on behalf of Lord Ralph Kerr, Fernihirst Trust and Roxburghe Estates in relation to Nethershot, Angraflat Road, Kelso.

We look forward to discussing further in due course.

Regards,

David Howel MA Hons MSc MRTPI  
Senior Consultant  
Clarendon Planning & Development Ltd  
Exchange Place 2  
5 Semple Street  
Edinburgh  
EH3 8BL

[REDACTED]



## Nethershot, Angraflat Road, Kelso

Representation to Scottish Borders Proposed Local Development Plan  
on behalf of Lord Ralph Kerr, The Ferniehirst Trust & Roxburghe Estates  
March 2014

## CONTENTS

3. INTRODUCTION
5. MEETING THE HOUSING  
LAND REQUIREMENT
7. HOUSING ALLOCATION  
AKELS021 - NETHERSHOT  
PHASE 1
9. LONGER TERM HOUSING  
SKELS004 - NETHERSHOT  
(LONGER TERM)
11. EDUCATION ALLOCATION  
DKELS001 - NEW KELSO  
HIGH SCHOOL
13. OTHER POLICIES
14. CONCLUSIONS

### **Clarendon Planning and Development Ltd**

**Exchange Place 2**

**5 Semple Street**

**Edinburgh EH3 8BL**

**T/F: 0131 306 0115**

**E: [info@clarendonpd.co.uk](mailto:info@clarendonpd.co.uk)**

**W: [www.clarendonpd.co.uk](http://www.clarendonpd.co.uk)**

# Introduction

This representation responds to the **Scottish Borders Proposed Local Development Plan** and augments previous representations made at pre-Main Issues Report Stage (January 2012) and Main Issues Report Stage (June 2012).

Additionally, the representation relates to the extant application for 'Planning Permission in Principle' on land at Nethershot, Angraflat Road, Kelso (ref. 13/00427/PPP), submitted in April 2013.

Previous representations outlined the site's merits and deliverability in relation to its design context, indicative design solution and effectiveness as a short term housing site.

Subsequent to the June 2012 submission, the merits of the site as a location for a new secondary school were investigated by both the landowners and Scottish Borders Council.

This resulted in the 'in principle' application in April 2013 which included proposed uses as housing and a site for a new school with associated landscaping and access proposals.

Therefore, proposals for land at Nethershot have evolved over the last 2-3 years from a housing-only option to a mixed-use proposal to act as the focus for the town's long term growth.

This is progressively reflected in the emerging Development Plan changes, with the Adopted Local Plan safeguarding the wider site for longer term housing and the LDP Main Issues Report identifying part of the site as an alternative short term housing site. This was then proceeded with

the Proposed LDP now including part of the site as a proposed housing allocation (AKELS021), with the eastern section for a proposed new school (DKELS001) with the remainder retained as safeguarded land for longer term housing (SKELS004).

**As such, the landowners welcome and support the emerging and retained land allocations (AKELS021, DKELS001 and SKELS004) which accord with the current planning application and wish to reiterate the deliverability of this sustainable mixed-use expansion area for Kelso as detailed in *Figure 1* overleaf.**

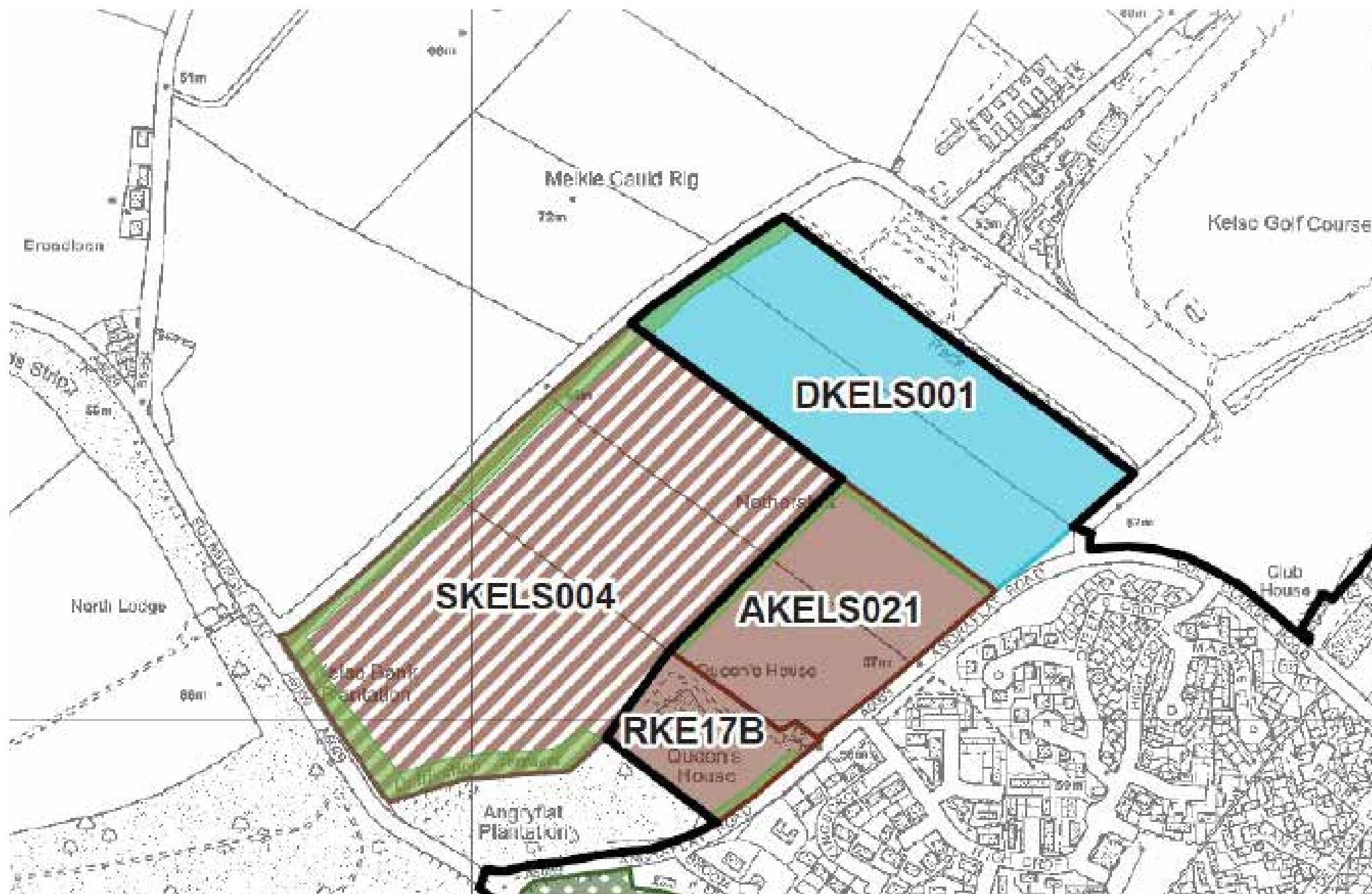


Fig 1 - SBC Proposed LDP - Kelso Settlement Map Extract (courtesy of Scottish Borders Council)

# Meeting the Housing Land Requirement

## Proposed LDP Appendix 2

### *Part 2 - Housing Land Supply Need and Demand Assessment in relation to the LDP Proposed Plan*

It is noted that the publication of the Proposed Local Development Plan for consultation was approved by Council committee on 25th September 2013.

This was in advance of SESplan Joint Committee approval of Draft Supplementary Guidance on 30th September 2013, which outlined additional housing allowances throughout the SESplan area to meet the overall housing land requirement.

In terms of the approved Housing Need and Demand Assessment (HNDA), Scottish Borders provides an adequate 5 year effective land supply (3,816 units supply as against HNDA 5 year requirement of 2,930 units).

However, given the revised requirement set out within the draft SESplan Supplementary Guidance, it is considered that further opportunities for bringing forward short term housing land will need to be considered.

The following summary sets out the housing land calculation based on the draft Supplementary Guidance, which was subject to public consultation between November to December 2013 and is expected to be formally approved by Scottish Government in June 2014.

2009-19 Requirement

**9,650 units**

Completions 2009-12 (2012 HLA)

**1,856 units**

(per 2012 Housing Land Audit)

Net 2012-2019 Requirement

**7,794 units**

Net Annual Average (7794/7)

**1,113 units**

Net 5 Year Requirement (1113x5)

**5,565 units**

5 Year Effective Supply (2012 HLA)

**3,816 units**

Surplus/Shortfall

**-1,749 units**

5 Year Effective Land Supply

**3.4 years or 69%**

As such, a revision to LDP Appendix 1, Table 2 will be required to set out the Council's housing land requirement in relation to SESplan Supplementary Guidance, once finalised.

It is also noted that the Council's calculation of effective land supply within Table 2 includes both the 5 year effective supply (3,816 units) and 'potentially effective' Year 6 & 7 supply (1,963 units) to provide a total of 5,779 units.



The inclusion of Year 6 & 7 supply is questioned relative to the actual ability of completions to be brought forward. PAN2/2010 does indeed state that marketability criteria should be assessed against whether, “the site, or a relevant part of it, can be developed in the period under consideration”. However, the purpose of Housing Land Audits are to confirm site programming based on developer input and site specific issues.

In this regard, the effective land supply should solely be based upon the 5 year supply, i.e. by definition, Year 6 & 7 supply is non-effective.

#### *Part 3 - New Allocations included within the Plan*

The allocation of land at Kelso (AKELS021), with an indicative capacity of 100 units, is noted and fully supported.

Whilst the final site capacity, forming Phase 1 of the Nethershot housing land, will be determined through detailed design, the aforementioned application ‘in principle’ (April 2013) includes a Planning & Design Statement and Indicative Site Layout which indicates scope for c.120 units.

#### *Part 4 - Flexibility*

Table 6 outlines the distribution of new allocations by Strategic Development Area. As per comments on Part 2 of this appendix, it is noted that revisions may be required to accord with emerging SESplan Supplementary Guidance.

# Housing Allocation AKELS021 - Nethershot Ph.1

The allocation of Site AKELS021 (Nethershot Phase 1) is noted and supported, as set out within LDP Appendix 2 (Table 5) and detailed within the Kelso Settlement Profile within LDP Volume 2 (pages 384-393).

As noted above, there is an extant application for planning permission in principle, which addresses the issues set out within the 'site requirements' on pages 325-326. **Figure 2** (overleaf) provides an indicative layout relative to the allocated first phase.

Whilst the first point notes that a Planning Brief is to be prepared (as Supplementary Guidance), it should be noted that urban design and landscape assessment with an indicative masterplan has been developed by the landowners for the wider site. As such, it would be considered beneficial to allow for a **joint-working approach** to any required Brief.

In terms of the remaining issues, we would note the following:

- it is agreed that the site should be masterplanned together with future phases (and adjoining uses) to provide a coherent urban design approach to growth
- vehicular access options have been presented to the Council, which provide deliverable access from Angraflat Road as intimated
- existing hedgerow is to be retained where possible to frame the development area and act as a feature within proposed greenspace
- structure planting is provided on the south-western boundary of Phase 1 and indicated on the wider masterplan area within the application design

and supporting landscape documents

- solar gain is to be maximised through detailed house layout and positioning
- an ecology assessment has been provided addressing existing species on the wider site
- the proposed design is intended to be predominantly 2 storey, which will be elaborated upon through forthcoming detailed design
- a Water Impact Assessment will be undertaken in due course
- pedestrian link design to the new High School can be agreed with the Council, as appropriate.

The landowners, all having a long-term interest and involvement in the local area, have entered into a joint working agreement to allow for delivery of the housing site and ensure its effectiveness in the short term.

Following resolution of land acquisition considerations associated with the school site, a formal agreement between landowners has now been reached and a copy can be made available upon request of the Council, as appropriate.





Fig 2 - Nethershot Phase 1  
Indicative Block, Streets & Greenspace Plan

# Longer Term Housing SKELS004 - Nethershot

The retention of the remainder of land at Nethershot (Site SKELS021) is noted and supported, as set out within the Kelso Settlement Profile within LDP Volume 2 (pages 384-393).

It is appreciated that the definitive boundaries and design of the identified 'longer term housing sites' will be subject to further assessment as part of the next Local Development Plan. However, it is considered that the spatial and landscape assessment has been undertaken (via the adopted Local Plan) which establishes Nethershot as one of the limited areas for longer term expansion.

As such, it is considered unnecessary to attach the caveat, 'subject to review' (page 326) which infers that the location itself is subject to review.

As detailed above, the wider Nethershot site (per **Figure 3** overleaf) has been the subject of urban design and landscape assessment which formed part of submissions to the Council in 2012 and an integral part of the application in principle in 2013. The landowners are therefore fully supportive of the masterplanned approach to development at this location.

The issues noted within the 'site requirements' have been addressed within these previous submissions and are supported. To recapitulate:

- woodland retention and enhancement and new structure planting
- an archaeological assessment was submitted with the PPP application in April 2013 and proposed development will not impact upon identified areas of value

- an ecology assessment also formed part of the April 2013 application

- detailed design can address building positioning and scale

- access to the site will be via Phase 1, as indicated within the April 2013 application

- a Water Impact Assessment will be undertaken in due course

- pedestrian link design to the new High School can be agreed with the Council, as appropriate.

As per Site AKELS021, the landowners have entered into a joint working agreement to allow for delivery of both the short term and longer term housing sites and support the inclusion of this land to be brought forward via the next Local Development Plan (as can be suitably conditioned within the extant PPP application).

# Design Framework - Nethershot, Kelso

April 2013



Fig 3 - Nethershot Design Framework



# Education Allocation DKELS001 - New Kelso HS

The allocation of Site DKELS001 (New Kelso High School) is noted and supported, as set out within the Kelso Settlement Profile within LDP Volume 2 (pages 384-393).

As noted above, the extant PPP application includes the site for a new school alongside residential as per **Figure 4** overleaf.

It is considered that this sustainable approach maximises linkage as a new growth area for the town and allows for safer routes to school between the new housing and new school.

In terms of site requirements, it is considered that the new school can be delivered within the context of the design and landscape framework outlined within the PPP application.

Access is proposed via Angraflat Road - a final access design is being progressed by the Council following agreement of provisional access arrangements for adjoining housing site with the landowners.

Integration of the new school with the wider area including the racecourse, existing and proposed housing can be facilitated in line with the previous design submissions.

Detailed layout and design is being progressed by the Council and the landowners look forward to working together on joint design issues that require to be addressed.

**Notwithstanding the allocation and associated design, Lord Ralph Kerr/Ferniehirst Trust and the Council are now at an advanced stage**

**of legal negotiations to ensure transfer of the school site and allow for the Council's own planning application and subsequent development to proceed in a timely fashion.**



Fig 4 - Nethershot  
Indicative School Site Layout

# Other Policies

## **Policy HD4 - Further Housing Land Safeguarding**

The landowners support the retention of this policy and inclusion of Site SKELS004 (Nethershot) as an identified longer term housing site.

It is considered that, notwithstanding the housing land supply situation outlined on pages 6-7, the Nethershot Phase 1 site will provide for sufficient capacity within the emerging LDP period and the safeguarded land should be phased in order to align with the next LDP period.

## **Appendix 3 Development Briefs**

As noted above, whilst it is appreciated that the Council wish to produce a Development Brief as Supplementary Guidance for Nethershot, the advanced nature of proposals have addressed many of the requisite considerations within the urban design and landscape context.

However, the landowners remain fully committed to work with the Council as required to facilitate a Brief in line with the emerging proposals and PPP application.



# Conclusions

This submission responds to the Scottish Borders Proposed Local Development Plan with particular regard to land at Nethershot, Angraflat Road, Kelso.

The landowners support the Council's overall spatial strategy and focus on Central Borders for significant new development.

It is considered that the Council still have to address the housing land requirements of the emerging SESplan Supplementary Guidance and this only underlines the need to bring forward housing on sites which have been afforded Development Plan support.

As such, the landowners have an extant application for planning permission in principle which covers the majority of the site at Nethershot, which forms a safeguarded site for longer term housing in the adopted Local Plan. The landowners have worked with the Council and continue to do so in respect of the application process with mutual agreement to extend the determination period so as to align with the Development Plan timescales.

The application allows for a Phase 1 housing area of c.120 units, a site for a new high school and a future housing development area which is to be phased to accord with the next LDP period.

As such, the landowners fully support and endorse proposed allocations AKELS021 (Nethershot Phase 1), DKELS001 (new Kelso High School) and SKELS004 (Nethershot - Longer Term Housing).

The representations to the Council in 2012 and in support of the current

application (April 2013) provide urban design and landscape context for the wider Nethershot site to ensure an integrated approach to development.

The agreement between the landowners will ensure delivery of the housing, both in terms of the Phase 1 site in the short term and the future area, which whilst forming part of the PPP application, can be phased to accord with the next LDP period.

A legal agreement between Lord Ralph Kerr/Ferniehirst Trust and the Council is nearing agreement to facilitate delivery of the new High School.

The landowners welcome the opportunity to work with the Council in developing the design and delivery of Nethershot as a sustainable expansion of Kelso's northern settlement boundary.

## Clarendon Planning and Development Ltd

Exchange Place 2  
5 Semple Street  
Edinburgh EH3 8BL  
0131 306 0115  
[info@clarendonpd.co.uk](mailto:info@clarendonpd.co.uk)  
[www.clarendonpd.co.uk](http://www.clarendonpd.co.uk)

