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Delivered by Email

Forward Planning Team
Planning Department
Scottish Borders Council
Council Headquarters
Newtown St Boswells
Melrose TD6 0SA

Our Ref: CC1

Dear Sir/Madam

**REPRESENTATION TO THE SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN
PROPOSED PLAN**

CRABTREE & CRABTREE LTD: STATION YARD, EDINBURGH ROAD, JEDBURGH

We write on behalf of our client Crabtree & Crabtree Ltd who would like to take this opportunity to make representations in respect of their site at Station Yard, Edinburgh Road, Jedburgh.

Outlined below is the background to this submission and representations to the relevant parts of the Proposed Plan with our recommended modifications, which we respectfully request be taken into consideration in advance of Examination of the Proposed Local Development Plan (LDP).

The Site

Crabtree & Crabtree Ltd has ownership of land approximately 0.8 miles north of Jedburgh town centre, located on the eastern side of the A68 trunk road (Edinburgh Road). A site location plan is provided at **Attachment 1**.

The site measures circa. 0.63 hectares (ha), is largely vacant (one internal unit-short term let/well under market value) and was previously occupied by Oregon Timber. Currently, the site includes a number of warehouse structures together with a substantial area of hardstanding.

The site has been marketed by local agents and in publications such as the Estates Gazette for over two years and there has been no sound interest from Class 4-6 Businesses during this time.

Crabtree & Crabtree Ltd now propose to bring the vacant brownfield site back into use for Class 1 Retail and one that would relate well to surrounding uses such as Edinburgh Woollen Mill. It is expected that the proposal would create up to 20 new jobs for the town of Jedburgh.

Employment Land Supply

Scottish Planning Policy (February 2010)

We recognise that Scottish Planning Policy (SPP) requires Local Authorities to ensure that there is a range and choice of sites available for businesses, specifically paragraph 46 of SPP states:

“Planning authorities should ensure that there is a range and choice of marketable sites and locations for businesses allocated in development plans, including opportunities for mixed use development, to meet anticipated requirements and a variety of size and quality requirements. Marketable land should meet business requirements, be serviced or serviceable within 5 years, be accessible by walking, cycling and public transport, and have a secure planning status.....”

As outlined above, Crabtree & Crabtree have marketed their site for some considerable time and during the lifespan of the current Local Plan. Despite this, there has been no interest in the site which, remains redundant and surplus to requirements.

Paragraph 46 of SPP also requires a regular review of sites and reallocation for other uses through development plans where sites do not meet anticipated market expectations:

“The supply of marketable sites should be regularly reviewed. New sites should be brought forward where existing allocations do not meet current and anticipated market expectations. Where identified sites are no longer considered appropriate or marketable, they should be reallocated for another use through the development plan....”

Consolidated Scottish Borders Local Plan (2010)

The consolidated Scottish Borders Local Plan (approved 2010) seeks to provide for future economic development within the area by ensuring that an adequate supply of land is available to accommodate current and future demand. One area of Employment Land is allocated in the local plan as follows:

- Wildcat Wood (BJEDB001) – 8.0ha

In addition, 19.5ha of land is allocated across five areas of Employment Land (Policy ED1 applies) in the local plan as follows:

- Edinburgh Road (zEL33) – 2.3ha
- Bankend South Industrial Estate (zEL34) – 3.2ha
- Bongate South (zEL35) – 0.9ha
- Bongate North (zEL37) – 1.3ha
- Hartrigge Park (zEL32) – 9.8ha
- Wildcat Gate (zEL31) – 2.0ha

The consolidated Local Plan therefore allocates a total of 27.5ha for Employment Land in Jedburgh. Crabtree & Crabtree’s site is situated within the ‘Edinburgh Road’ (zEL33) allocation and forms 0.63ha of the overall site.

Scottish Borders Council Employment Land Audit (December 2012)

Scottish Borders Council Employment Land Audit (December 2012) provides the most recent position on employment land supply, take up and status within the region. The established employment land supply in the Central Housing Market Area (HMA), which includes Jedburgh, is 86.7ha, 40.1ha of which is local quality and 46.6ha of regional quality.

The Audit notes that the overall established employment land supply is at its highest since the audit began in 2007, with a 2.6% increase since 2011. The majority of sites are located within the Central area. This is recognised within the conclusions of the Employment Land Audit. The availability of employment land within the Central HMA is identified as follows:

Table 1: Availability of Established Land Supply categorised by area (ha)

Area	Immediate (ha)	1-5 Years (ha)	Beyond 5 Years (ha)	Under Construction (ha)	Total (ha)
Central HMA	21.4	58.7	6.2	0.4	86.7

Source: Scottish Borders Council Employment Land Audit (December 2012)

The figures reflect a high level of immediately available employment land within the Central HMA (21.4ha) and over double this amount of this employment land (58.7ha) is available within 1-5 years time.

Employment land take up in Jedburgh during the period 2006 – 2012 is identified as follows:

Table 2: Annual employment land take-up (2006—2012)

Year	2006	2007	2008	2009	2010	2011	2012
Jedburgh - Employment land take up	0.2	0	0	0	0	0	0.2

Source: Scottish Borders Council Employment Land Audit (December 2012) & Scottish Borders Council Employment Land Technical Note

The figures reflect a very low level of take-up of employment land within Jedburgh over this recent seven year period with nothing taken up during 2007 – 2011 and a total of only 0.4ha taken up during 2006 and 2012.

Scottish Borders Local Development Plan 'Proposed Plan'

Jedburgh

The Proposed Plan seeks to ensure that adequate supplies of business and industrial land are retained for business and industrial use. One area of Business and Industrial land in Jedburgh is allocated in the Proposed Plan as follows:

- Wildcat Wood and extension (BJEDB001) - 8.0ha

The Proposed Plan allocates six further areas of Business and Industrial Safeguarding land in Jedburgh (19.5ha):

- Wildcat Gate (zEL31) - 2.0ha
- Hartrigge Park (zEL32) - 9.8ha
- Edinburgh Road (zEL33) - 2.3ha

- Bankend South Industrial Estate (zEL34) - 3.2ha
- Bongate South (zEL35) - 0.9ha
- Bongate North (zEL37) - 1.3ha

The Proposed Plan therefore allocates a total of 27.5ha for Business and Industrial land in Jedburgh, reflecting the Employment land allocations within the consolidated Local Plan. Crabtree & Crabtree’s site continues to be situated within the ‘Edinburgh Road’ (zEL33) allocation.

Central Borders

The Proposed Plan is supported by a number of Background Papers including a Technical Note on Employment Land. **Table 3** sets out recent employment land take and land supply for the Central Borders SDA.

Table 3: Employment land take up and allocations for Central Borders SDA

Established employment land supply	83.9ha
Employment land take-up 2006-2010	5.4ha

Source: Scottish Borders Council, Technical Note - Employment Land

Table 3 illustrates that the proposed employment land allocated for the Central Borders SDA is considerably higher than the levels of employment land take up over recent years with trends showing this set to continue over the lifespan of the next local plan.

It is considered that the allocations in the Proposed Plan will provide more than enough capacity to accommodate employment land in Jedburgh and the Central SDA over the upcoming plan period, and that the loss of 0.63ha of employment land at Jedburgh through the redevelopment of Crabtree & Crabtree’s site would not have an adverse impact on overall employment land supply in the area.

Job Creation

The SESplan Strategic Development Plan (Approved) 2013 supports the need for flexibility and support for mixed communities on employment land particularly those that are compatible and that create employment (Policy 2, Supply and Location of Employment Land).

The development of Crabtree & Crabtree’s site for Class 1 use will provide a significant contribution to the local economy via the creation of new jobs in Jedburgh. A new retail business will also retain and bring trade into the town, which is likely to lead to linked trips with other existing business, including the town centre. Moreover, it is intended that the end user would be complimentary to existing local businesses, so again having a net benefit to the local business environment.

Recommendation:

Whilst we recognise the Council needs to identify appropriate employment land opportunities within the Central Borders SDA it must also be recognised that there is currently an over supply which is leading to large amounts of brownfield land lying dormant for significant periods of time (ie. 5+ years).

We wish to bring to the Council's attention:

- Crabtree & Crabtree have widely marketed their site, however the site continues to lie vacant to no benefit of the local community or economy. Demand does not therefore exist.
- Employment land take up and demand within the Central Borders SDA and Jedburgh has been extremely low. There is ample further employment land supply in Jedburgh. Council's own analysis (as outlined above) has clearly demonstrated both these points.
- The removal of Crabtree & Crabtree's site from zEL33 will not prejudice the long-term supply of employment land in Jedburgh.
- SPP requires Local Authorities review sites through the development plan and reallocate them for another use where existing allocations do not meet current and anticipated market expectations.
- The Proposed Plan simply seeks to carry through the employment land allocations for Jedburgh contained within the consolidated Local Plan and, in our mind, falls short of carrying out the review required by SPP. This is despite the very low level of take-up of employment land within Jedburgh over a seven-year period, both prior to and post recession.

It is of critical importance that the Council re-think their strategy in respect of the allocation and related restrictions regarding employment land.

It is recommended that a full and proper review of employment land within Jedburgh should be carried out and steps taken to reallocate employment land surplus to requirements and where there are proposals for other uses that will create new employment over the lifespan of the proposed LDP and can meet other related set policy criteria.

Proposed Modification:

Section 6.1 Policy ED1: Protection of Business and Industrial Land & Table 1

In line with the comments outlined above, we seek the deletion of Crabtree & Crabtree's site zEL33 from Policy ED1 and Table 1.

Section 10.48.15 Table - Development and Safeguarding Proposals

We seek the deletion of Crabtree & Crabtree's site from the Development and Safeguarding Table contained within the Jedburgh Settlement Profile. We respectfully request that Business and Industrial Safeguarding site allocation zEL33 be deleted from this table.

Section 10.48.15 Jedburgh Settlement Map

Delete the subject site from ZEL33 on the Jedburgh Settlement Map.

Town Centres and Shopping Development

Retail Provision in Jedburgh

A key aspect of Scottish Planning Policy (SPP) requires development plans to identify deficiencies in shopping provision and to identify appropriate locations for new retail. SPP states:

“The development plan should enable gaps and deficiencies in provision of shopping, leisure and other services to be remedied by identifying appropriate locations for new development and regeneration....” (SPP, paragraph 56)

SPP also requires Local Authorities to be commercially minded in the preparation of development plans:

“Commercial realities should be taken into account when development plans are prepared. Planning authorities should be responsive to the needs of town centre uses, identifying suitable and viable sites in terms of size, location and availability within a reasonable time period, indicating how and when constraints could be resolved.” (SPP, paragraph 56)

Scottish Borders Retail Study (September 2011) provides the most recent position on shopping patterns, retail expenditure, shopping trends and capacity within the region. The Study is informed by a retail floorspace review. The analysis for the floorspace review relied primarily on the Scottish Borders Council's June 2010 retail survey which we consider to be somewhat dated.

The following conclusions in respect of Jedburgh can be drawn from the Study:

- Jedburgh is one of eight important sub regional centres within the Scottish Borders;
- Jedburgh has a total of 4,454 sqm of retail floorspace;
- there is an annual expenditure in Jedburgh of £9.8m, £4m on comparison and £5.9m convenience spending;
- a total of 93 retail units, 49 of which are Class 1 units;
- 9 vacant units (10%) exist at the time of assessment;
- a 66% leakage level in convenience spending;
- a 84% leakage level in comparison spending;
- a significant amount of comparison spending is exported to Galashiels, despite travel distance. 37% of comparison spending exported to Galashiels (£7.2m); and
- all of Jedburgh's comparison retail floorspace that is currently located outside of the town centre is accounted for by the Edinburgh Woollen Mill.

It should be noted that our own recent visit to the town centre shows the vacancy level within Jedburgh town centre to be well below 10% and with strong levels of footfall shown both of which indicate an improvement to the situation outlined in the 2011 Retail Study.

The Study, while identifying retail deficiencies in Jedburgh, appears to underplay the meaning of this at a local level with greater concentration or concern related more with leakage beyond the region as a whole.

It also does not identify new sites to address the local shortfall. This also appears to be the case with regard to the proposed LDP.

It is therefore considered that the proposed LDP has failed to meet policy requirements outlined by SPP in terms of identifying appropriate local sites to meet a growing retail deficiency and local consumer demand in Jedburgh.

Sequentially Preferable Sites in Jedburgh

SPP also requires the sequential approach be used when selecting locations. This ensures that the first preference for retail development is given to town centres followed by edge-of-centre and only then by out-of-centre locations. SPP states:

"The sequential approach should be used when selecting locations for all retail and commercial leisure uses unless the development plan identifies an exception. It should also apply to proposals to expand or change the use of existing developments where proposals are of a scale or form sufficient to change their role and function. The sequential approach requires that locations are considered in the following order:

- *town centre,*
- *edge of town centre,*
- *other commercial centres identified in the development plan,*
- *out of centre locations that are or can be made easily accessible by a choice of transport modes."* (Paragraph 62)

Notably, the sequential approach is to be applied in a realistic manner to enable different types of retail are developed in the right location:

"The sequential approach requires flexibility and realism from planning authorities, developers, owners and occupiers to ensure that different types of retail and commercial uses are developed in the most appropriate location." (SPP, paragraph 63)

SPP also requires that out-of-centre locations should only be considered when:

- *"all town centre, edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable,*
- *development of the scale proposed is appropriate, and*
- *there will be no significant adverse effect on the vitality and viability of existing centres."* (paragraph 63)

A recent review of retail units/sites within Jedburgh town centre was carried out in connection with planning application 13/01048/FUL for the change of use from warehouse (Class 4-6) to outdoor retail outlet (Class 1) at the Riverside Works site, also covered by Business and Industrial Safeguarding site allocation zEL33.

This review revealed that of the approximately 85 units around the main retail area, only two small units were recorded as vacant, both of which were located on the High Street. Two additional sites on the edge of the town centre were reviewed but both discounted for a variety of availability and suitability reasons.

This position was accepted by the Council in its consideration of the application. This successful planning application for (restricted) Class 1 (retail) clearly demonstrates that there are no sequentially preferable sites either within the town centre or edge-of-centre sites.

Recommendation:

The LDP currently falls short of SPP requirements in terms of addressing local deficiency by introducing new local retail provision. It is recommended that to meet SPP requirements an up to date, full and proper retail capacity assessment should be undertaken together with a detailed health check. This would then provide the evidence on which to fully understand the vitality and viability of Jedburgh town centre and deficiencies in both convenience (food) and comparison (non-food) shopping provision. Subsequent to this then appropriate retail sites should be identified in the LDP.

Proposed Modification:

That the subject site be deleted from the current employment land allocation and identified as a site suitable for Class 1 Retail.

Section 10.48.15 *Jedburgh Settlement Map*
Delete zEL33 from the Jedburgh Settlement Map.

Recommendation:

Crabtree & Crabtree support the requirement for a sequential test to assess any retail proposals coming forward. Notwithstanding this, Policy ED3 (Town Centres and Shopping Development) should not preclude out-of-centre retail development where proposals successfully comply with and demonstrate the sequential approach.

The recent planning application 13/01048/FUL for the change of use from warehouse (Class 4-6) to outdoor retail outlet (Class 1) at the Riverside Works site demonstrated there are no sequentially preferable sites in Jedburgh.

Proposed Modification:

Section 6.3 *Policy ED3: Town Centres and Shopping Development*
Crabtree & Crabtree therefore request the following changes to paragraph 3 of Policy ED3.

“To protect town centres, town centre locations will be preferred to edge-of-centre locations which, in turn, will be preferred to out-of-centre locations. An out-of-centre location will only be considered ~~in exceptional circumstances and~~ where there is no suitable site available in a town centre or edge-of-centre location.”

Conclusion

The allocation of the subject site for retail use is recommended and deemed acceptable as:

- it falls within the settlement boundary and is accessible by sustainable forms of transport
- is a longstanding vacant and brownfield site in need of redevelopment
- is surplus to requirements having been marketed as employment land for over two years
- is not critical in local employment provision (the Scottish Borders Employment Land Audit demonstrates there is more than an adequate land supply)
- there is no alternative scaled site available or suitable within Jedburgh town centre
- it will assist in addressing growing retail deficiencies within Jedburgh
- it will bring new economic investment to Jedburgh and create up to 20 new jobs within the town.

Should you wish to discuss any aspect of this representation in greater detail then please do not hesitate to contact Tim Ferguson [REDACTED]

FERGUSON PLANNING

Enc. Attachment 1 - Site location plan

Crabtree & Crabtree Ltd: Edinburgh Road, Jedburgh - Site Plan

