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2 of 2



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2 March 2014
Delivered by Email

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

Our Ref.: CC2

Dear Sir/Madam

**REPRESENTATION TO THE SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN
PROPOSED PLAN
EYEMOUTH SERVICES, TOLL BRIDGE ROAD, EYEMOUTH**

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 in Eyemouth that forms part of 'Eyemouth Services' on Toll Bridge Road.

Outlined below is the background to the site and our representations to the relevant parts of the Proposed Plan 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 approximately 500 metres southwest of Eyemouth town centre, located on the north side of Toll Bridge Road, Eyemouth and forms part of the 'Eyemouth Services Area'. A site plan is provided at **Attachment 1**.

The site measures 0.57 hectares (ha) and was last fully occupied by Stuart Nets Ltd some 6 years ago. The site currently accommodates an industrial building, areas of open storage and servicing yards, which supported the former use. The site is partially let on a short term basis at well below market rental valuation with little benefit to the local community or economy.

The site has been widely marketed local agents Edwin Thompson during 2005-2006 and later Ryden during the period 2007 - 2009. There was no sound interest from Class 4-6 Businesses during this time. Tentative interest in the site was shown from only two parties during this four-year period. Crabtree & Crabtree, the current owners, purchased the site in 2009.

As the current owners of the site, Crabtree & Crabtree propose to bring the site back into use for Class 1 (foodstore) use. The applicant currently has a 'live' planning application for a 1,300sqm foodstore (10/00917/PPP).

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, the site has been marketed for a 6 year period. Despite this, there has been no long term interest in the site which, remains 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. The local plan allocates 8.7ha of Employment Land to Eyemouth as follows:

- Hawk’s Ness (zEL6) - 2.4 ha; and
- Gunsgreenhill – (BEyEm001) - 6.3 ha.

In addition, a further 12.7ha of land is allocated across two areas of Employment Land Safeguarding(Policy ED1 applies) in the local plan as follows:

- Acredale Industrial Estate (zEL47) - 8.5 ha; and
- Eyemouth Industrial Estate (zEL63) - 4.2.

The consolidated Local Plan therefore allocates a total of 21.4ha for Employment Land in Eyemouth. Crabtree & Crabtree’s site is situated within the ‘Eyemouth Industrial Estate’ (zEL63) allocation and forms 0.57ha 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 Berwickshire Housing Market Area (HMA), which includes Eyemouth, is 26.6ha, 18.6ha of which is local quality and 8.0ha of regional quality.

The Audit notes that the overall established employment land supply is at it’s highest since the audit began in 2007, with a 2.6% increase since 2011. There are 20 employment sites located within the Berwickshire HMA. 14 of these 20 sites measure between 0.1ha – 1ha, demonstrating not only a high level of supply for sites of a similar size to Crabtree & Crabtree’s site, but also a greater range and supply of these smaller sites.

This is recognised within the conclusions of the Employment Land Audit. The availability of employment land within the Berwickshire HMA is outlined at **Table 1** below.

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)
Berwickshire HMA	15.6	8.8	2.2	0	26.6

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

The figures reflect a high level of immediately available employment land within the Berwickshire HMA (15.6ha) and approximately half this amount of this employment land (8.8ha) is available within 1-5 years time. Notably there is no employment land under construction at the time the audit was carried out.

Table 2 provides a further analysis of the immediately available land (10 sites) by size within the Berwickshire HMA. The majority of immediately available sites at the smaller sites (0.1-1ha) of similar size to Crabtree & Crabtree's site.

Table 2: Immediately Available Land by Size and Area

	Site Area (ha)		
	0.1-1ha	1-5ha	>5ha
Berwickshire HMA	7	2	1

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

Table 3 outlines the annual employment land take up in Eyemouth during the period 2006 – 2012 below. The figures reflect a low level of take-up of employment land within Eyemouth over this recent five year period with zero take up during 2008 – 2012 with a total of only 0.4ha taken up during 2010.

Table 3: Annual employment land take-up (2006–2012)

Year	2008	2009	2010	2011	2012
Eymouth - Employment land take up	0	0	0.4	0	0

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

Scottish Borders Local Development Plan 'Proposed Plan'

Eymouth

The Proposed Plan seeks to ensure that adequate supplies of business and industrial land are retained for business and industrial use. Two areas of Business and Industrial land in Eyemouth are allocated in the Proposed Plan as follows:

- Hawk's Ness (zEL6) - 2.4ha; and
- Gunsgreenhill – (BEyEm001) - 6.3ha.

The Proposed Plan allocates two further areas of Business and Industrial Safeguarding land in Eyemouth (12.7ha):

- Acredale Industrial Estate (zEL47) - 8.5 ha; and
- Eyemouth Industrial Estate (zEL63) - 4.2ha.

The Proposed Plan therefore allocates a total of 21.4ha for Business and Industrial land in

Eyemouth, reflecting the Employment land allocations within the consolidated Local Plan. Crabtree & Crabtree’s site continues to be situated within the ‘Eyemouth Industrial Estate’ (zEL63) allocation.

Eastern (Berwickshire) Borders Strategic Development Area

The Proposed Plan is supported by a number of Background Papers including a Technical Note on Employment Land. Eyemouth is located within the Eastern Borders Strategic Development Area (SDA) as defined by the SESPlan. **Table 3** sets out recent employment land take and land supply for the Eastern Borders SDA.

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

Established employment land supply	19.2ha
Employment land take-up 2006-2010	0.7ha

Source: Scottish Borders Council, Technical Note - Employment Land

Table 3 illustrates that the proposed employment land allocated for the Eastern Borders SDA is considerably higher than the levels of employment land take up over recent years. Based on the employment land take up over this five year period, there is an annual average take up of 0.14 ha per year. On this basis and given the 19.2ha land supply, there is effectively a 137 year supply of employment land within Eyemouth.

Given this, it is considered that the allocations in the Proposed Plan will provide more than enough capacity to accommodate employment land in Eyemouth and the Eastern Borders SDA over the upcoming plan period, and that the loss of 0.57 ha of employment land at Eyemouth 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 significant employment opportunities (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 Eyemouth. A new Class 1 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.

Recommendation:

Whilst we recognise Council's need to identify appropriate employment land opportunities within the Eastern Borders SDA. Notwithstanding this, we wish to raise the following to Council's attention:

- Crabtree & Crabtree's site has been widely marketed, 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 Eastern Borders SDA and at Eyemouth has been limited. There is ample further employment land supply in Eyemouth. Council's own analysis (as outlined above) has clearly demonstrated both these points.
- The removal of Crabtree & Crabtree's site from zEL63 will not prejudice the long-term supply of employment land in Eyemouth.
- SPP requires Local Authorities to 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 carries through the employment land allocations for Eyemouth contained within the consolidated Local Plan and falls short of carrying out the review required by SPP. This is despite the very low level of take-up of employment land within Eyemouth 2006 - 2012, both prior to and post recession.

It is of critical importance that Council re-think their strategy in respect of allocating employment land. Alternative uses for considered surplus land must be taken into account as part of this exercise.

Proposed Modification:

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 located within zEL63 from Policy ED1 and Table 1.

Settlement Profile -Eyemouth

Development and Safeguarding Proposals Table

We seek the deletion of Crabtree & Crabtree's site from the Development and Safeguarding Table contained within the Eyemouth Settlement Profile. We respectfully request that Business and Industrial Safeguarding site allocation zEL63 be amended to remove our Crabtree & Crabtree's 0.57ha site from the allocation in this table.

Eyemouth Settlement Map

Amend allocation zEL63 to remove Crabtree & Crabtree's site from this allocation in the Eyemouth Settlement Map and replace with a retail zoning.

Town Centres and Shopping Development

Retail Provision in Eyemouth

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

“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. The following conclusions in respect of Eyemouth can be drawn from the Study:

- Eyemouth is one of eight important sub regional centres within the Scottish Borders;
- Eyemouth has a total of 2,904 sqm of retail floorspace;
- there is an annual expenditure in Eyemouth of £4m, £1.6m on comparison and £2.3m convenience spending;
- a total of 67 retail units, 27 (40%) of which are Class 1 units;
- 5 vacant units (7%) exist at the time of assessment;
- an 81% leakage in convenience spending and 77.6% leakage in comparison spending; and
- leakage to Berwick accounts for 72% of convenience and 52% of comparison spending.

The Study shows local deficiencies but does not allocate new sites for retail use in key towns such as Eyemouth. As a result, the LDP should go a step further than it currently does to address deficiencies and identify new sites.

Recommendation:
The LDP currently falls short of SPP requirements. It is recommended that a up-to-date, full and proper retail capacity assessment and health check be carried out to understand the vitality and viability of Eyemouth TownCentre and that deficiencies in retail provision be met by the allocation of new retail sites.
Proposed Modification:
<i>Eyemouth Settlement Map</i> Amend allocation zEL63 to remove Crabtree & Crabtree’s site from this allocation in the Eyemouth Settlement Map and replace with a Class 1 Retail allocation.

Sequentially Preferable Sites in Eyemouth

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.

"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 within Eyemouth town centre was carried out in connection with planning application 10/00917/PPP for the development of a foodstore at the Crabtree & Crabtree site. This review revealed there to be no vacant sites within the town centre. Moreover, the review clearly demonstrated there are no sequentially preferable sites in Eyemouth that are available, suitable and viable for the scale and type of development proposed. To demonstrate flexibility in scale and format, the review included smaller sites and sites without any on-site car parking. No possible vacant sites were found. Three possible sites were examined, together with two small vacant shop units in Eyemouth town centre.

Recommendation:
Crabtree & Crabtree Ltd support the requirement for a sequential test to assess any shopping 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 applicant's planning application 10/00917/PPP for the erection of foodstore with associated parking and access infrastructure at the Crabtree & Crabtree site demonstrated there are no sequentially preferable sites in Eyemouth.
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. <i>"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."</i>

Conclusions

The removal of Crabtree & Crabtree's site from Business and Industrial Safeguarding allocation zEL63 will not have a significant impact on employment land supply in Eyemouth. It is considered that the site is in an accessible location and a brownfield site, within a settlement boundary, which is surplus to requirements having been marketed for alternative uses for six+ years.

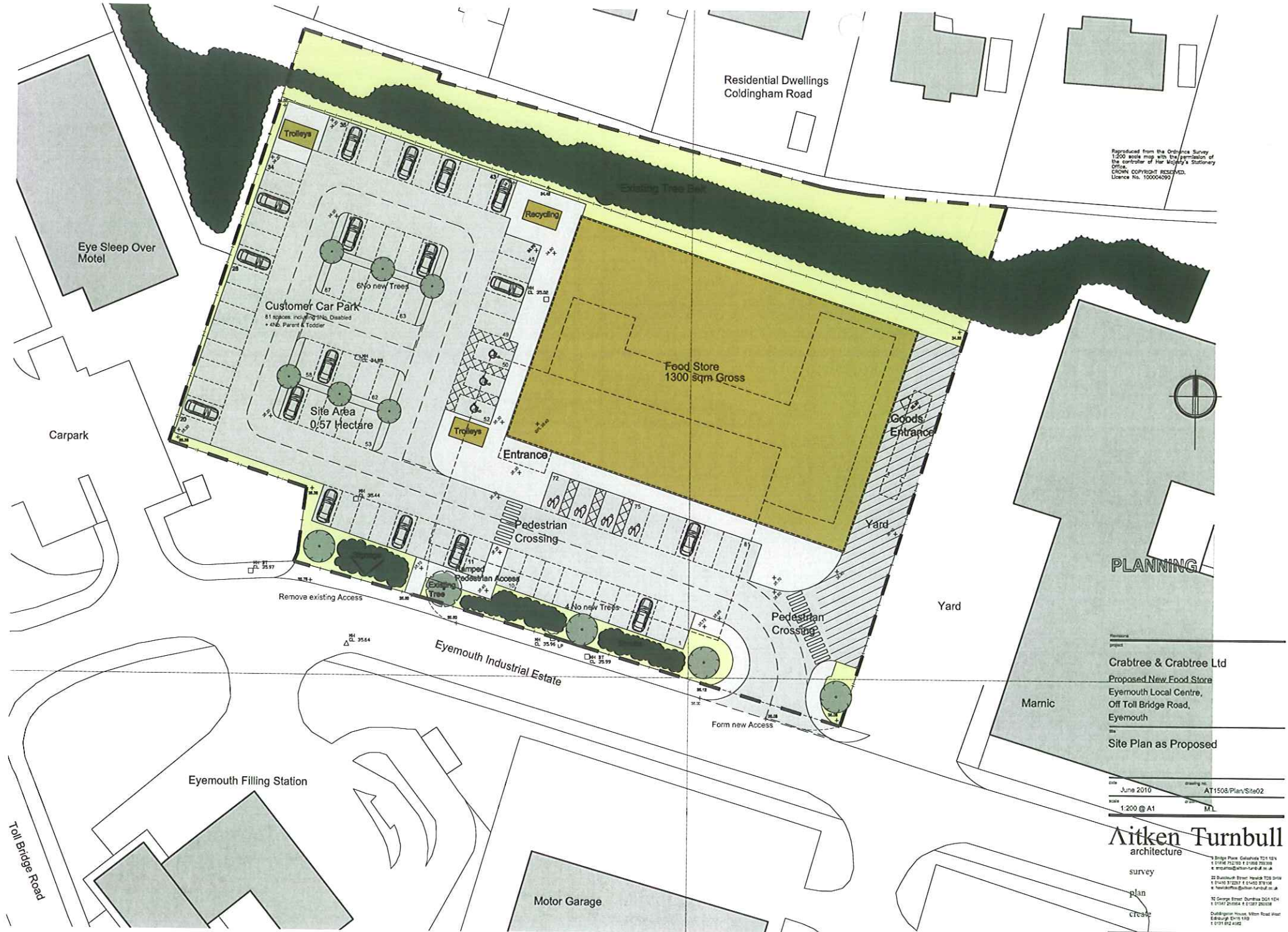
This length of vacancy clearly demonstrates the lack of demand for Class 4-6 uses. Furthermore, the Scottish Borders Employment Land Audit demonstrates there is more than an adequate land supply of employment land within Eyemouth to comfortably meet future demand for the next 20 years (based on historical take up). It is on this basis that Crabtree & Crabtree seek flexibility to enable a new business to locate within Eyemouth and one that will meet identified retail deficiencies and create new employment (a significant material consideration in the determination of all planning applications).

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 plan

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PLANNING

Client
Project
Crabtree & Crabtree Ltd
Proposed New Food Store
Eyemouth Local Centre,
Off Toll Bridge Road,
Eyemouth
Site
Site Plan as Proposed

Date: June 2010
Scale: 1:200 @ A1
Drawing No: AT1508/Plan/Site02
Author: ML

Aitken Turnbull
architecture
survey
plan
cross-section

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