

Johnston, Charles

To: Philip Neaves
Subject: RE: Scottish Borders Local Development Plan

From: Philip Neaves [REDACTED]
Sent: 20 March 2014 12:25
To: Johnston, Charles
Cc: Hill, Laura (Planning HQ)
Subject: RE: Scottish Borders Local Development Plan

Charles,

We would like to include the two sites mentioned in your quote below and the two plots that form part of a current development site but which have no consent and are currently unallocated.

ny thanks

Philip

Philip Neaves
Principal
Felsham Planning and Development
1 Western Terrace
Edinburgh
EH12 5QF



Planning and Development

VAT Registration No 152 7435 14
Company Registration Number SC267721

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From: Johnston, Charles [REDACTED]
Sent: 20 March 2014 10:30
To: Phillip Neaves
Cc: Hill, Laura (Planning HQ)
Subject: FW: Scottish Borders Local Development Plan

Hi Philip

Sorry to bother you again but we're now logging in all the sites received with a view to carrying out consultations on them. I thought our last discussion sorted things out but the sites at Gattonside are causing confusion.

Following our discussion I understood that the attachment for the Gattonside field was to be proposed for a formal allocation even although it is currently within the development boundary and only identifies 2no plots. However, the text half way down the second last page in the first attachment states

"Action – include the following sites, which were not included in the Local Plan, within the schedule of allocated sites:

- *Gateside Meadow/Castlefield. 7.0 hectares, capacity 35 units. Site to be identified as a housing allocation.*
- *Gattonside Mains. 8.4 hectares, capacity 10 units. Site to be identified as a medium term housing allocation."*

The titles of the maps cause confusion with the text cross ref - I assume the Gattonside field attachment map is perhaps not correct ? and I notice the text relating to Gattonside Mains refers to an 8.4ha site with a capacity for only 10no unts.

Please clarify the exact position on this.

I tried to contact you via the listed tel nos (and your web page no) but for some reason they are not connecting

Thank-you

Charles

From: Philip Neaves [REDACTED]
Sent: 03 March 2014 07:54
To: localplan
Cc: Johnston, Charles
Subject: Scottish Borders Local Development Plan

Dear Sirs,

Please see attached representation on behalf of JS Crawford and Rural Renaissance. Please acknowledge receipt.

Many thanks

Philip Neaves
Principal
Felsham Planning and Development
1 Western Terrace
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EH12 5QF





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Scottish Borders Council Local Development Plan Consultation

Submission on behalf of J S Crawford and Rural Renaissance Limited

March 2014

Felsham Planning and Development is planning adviser to J S Crawford and Rural Renaissance Ltd. We are instructed to submit a representation to the LDP consultation.

Our clients are members of Homes for Scotland. Our clients have contributed to the Homes for Scotland LDP submission and support that submission. The purpose of this representation is to reiterate the points made by Homes for Scotland and to draw out issues of particular importance to our clients.

As well as commenting on policy this representation also makes reference to land at Earlston and Gattonside, which our clients wish to ensure are allocated in the LDP.

Section 2 Meeting the Challenge

Our clients generally support the key outcomes, including:

Key outcome 1 – *the continued provision of a generous supply of housing land*. We comment on this below and support the submissions made by Homes for Scotland. The Council's assessment of a generous and flexible housing land supply does not reflect that of the house building industry.

Key outcome 2 – *the encouragement of opportunities for affordable housing*. The demand for all types of housing remains strong in the Borders. Market demand should not be ignored. The focus should be on affordability in all its forms. This is particularly important given the lack of Housing Association Grant and lack of housing association funding, which means that the traditional means of providing affordable housing are drying up and alternative solutions are necessary.

Section 3 Vision Aims and Spatial Strategy

Paragraph 3.6 states that

The provision of a generous supply of land for housing is a core ingredient of the plan. There is currently a generous supply of land identified through the plan process.

This statement does not reflect the views of the industry, in particular the need to look beyond 2018 and to allow a generous flexibility allowance. We believe that the aim should be simplified and any inference that the land supply is adequate should be deleted. We suggest that the aim should be re-stated as follows:

To meet housing need and demand by allocating a generous supply of land in appropriate locations

Paragraphs 3.10 – 3.14 discuss the Spatial Strategy. While it is agreed that the Central Area is a key focus for growth, it is wrong to imply that all the towns within it are equally-capable of growth. We believe that the area defined is too large. There are quite distinct and localised markets within the SDA, and demand in towns such as Jedburgh and Hawick is markedly-weaker than in the stronger settlements such as Melrose. The fine grain of land allocations within the SDA is crucial to ensure that an effective land supply will be available to meet future needs. The Council has already, in its last Structure and Local Plans, begun to allocate more land in weak market areas than the market can sustain; it will be important to maintain a focus on the strongest market locations in the LDP.

We consider that the Central Borders Housing Market Area is too large and needs to be reconsidered. It contains large, historically self-contained, towns such as Hawick, Galashiels, Newtown St Boswells and Melrose. People are loyal to their towns and we do not believe that people will move from one town to another. In addition, there is evidence from across Scotland that prospective buyers do not choose secondary locations over other alternatives. A number of the towns in Central Borders HMA may be considered secondary in comparison to other towns in that area. Such secondary locations will not attract demand unless they are subject to major allocations that will draw in occupiers from outside the HMA. There is a need to breakdown the Central Borders HMA to give an accurate analysis of the likely demand arising in each of the main towns, rather than assuming that demand arising in Central Borders HMA will be met anywhere across the HMA

Action – Central Borders Housing Market Area should be broken down to consider demand and appropriate allocations arising in each of the major towns.

Our clients welcome the expansion of Earlston, and the limited expansion of existing settlements. Such expansion must include the settlement of Melrose which is located within walking distance of the stations and the major employer the Borders General Hospital. We comment below about the need to include land at Earlston and Gattonside within the housing allocations.

Comments on Specific Policies

Principle of Development

Policy PMD1 Sustainability and PMD 2 are overly detailed and prescriptive and should be deleted. Sustainability, prosperity and conserving the natural environment can be conflicting aims. A process must be devised and articulated which will enable planners and developers to evaluate these criteria on the occasion when they do conflict. This process must enable objective comparison. This would ensure that the development plan only promotes development allocations which are effective, under the planning legislation.

The provisions of policies PMD1 and PMD2 should be simplified and incorporated into a reworded policy PMD 3 (re-numbered PMD1), which should make reference to the need to adhere to the principles of sustainable development. The policy should be worded as follows:

Action - Delete policies PMD1 and PMD 2 and insert new policy PMD1

PMD1 all new development will be expected to be of high quality in accordance with sustainability principles and designed to fit into Scottish Borders townscapes and integrate into the landscape

Economic Development

Policy ED6 on digital connectivity is unclear. The infrastructure is the property and the responsibility of telecommunications providers such as BT and others; it is not clear how a developer can provide for a specific development, especially if the main trunk infrastructure is not immediately available locally. The policy seeks to regulate matters that a developer does not control and it is hard to see how this policy could be anything other than a piecemeal approach.

Delete policy ED6 because its principles are covered in policy PMD1

Housing

Appendix 2 *Meeting the Housing Land Requirement* is based on the provisions of the proposed SESPlan. Homes for Scotland objected to SESPlan, and our clients endorse that objection on the basis that:

- SESPlan gives no consideration to flexibility, generosity as required by SPP
- It takes no account of market demand factors or of the land requirements for affordable housing alongside market housing in an all-tenure requirement
- It expresses housing requirements in net terms by deducting assumed land supply for the next 20 years
- It does not identify requirements by LDP areas
- It should, to accord with SPP, identify requirements as gross figures by LDP area
- It should only identify the known effective supply to 2019; all other land to meet requirements should be subject to testing and verification by the LDPs

Homes for Scotland made identical objections to the Proposed Glasgow and Clyde Valley SDP, and the Reporters at Examination agreed with our position. The GCV SDP has now been adopted by the Authority with the Reporters' changes, which have the effect of setting out gross housing requirements for all tenures by LDP area, and treating land supply from the most recent audits as "preliminary and indicative" indications of supply to be verified in the LDPs. The Reporters also made it clear that generosity and flexibility were required, and that on top of that the mechanism for keeping an adequate supply at all times is the availability at all times of a minimum 5-year effective supply of land. Should the supply fall below that level, then land from later time periods could be brought forward or additional sites identified.

The Council should be prepared for similar changes to SESPlan's housing section. This would mean using the HoNDA gross demand figures set against only the known effective supply from the most recent audit plus appropriate completions from 2009. In Homes for Scotland's estimation, that would show only a marginal surplus of sites over requirement to 2019, based on its view of the 2011 audit. It is of course unfortunate that the Council continues to disregard the industry's input into the audit, resulting in substantial differences in view as to the effective supply. This position contrasts with the broad agreement reached with the five other SESPlan authorities. The Council's comments on market conditions in paragraph 5.22 are irrelevant in the context of a 20-year strategic plan and a 10-year LDP. The issues remain planning for the SDP requirement by identifying a generous land supply.

Our clients believe that the housing land supply has been understated and have previously advocated that the preferred strategy should be to plan for recovery but with a flexibility allowance of a further 30%. This means further consideration needs to be given to:

- Overall housing land supply target for the Borders
- Appropriate locations for development
- The criteria for selecting and assessing alternative sites to ensure a mechanism to allow additional land to come forward without requiring a review of the CDP.
- The need to support and expand the rural economy and to ensure that housing policy identifies land supply in all the locations where people want to live. This means that some consideration needs to be given to housing in the countryside, beyond agricultural need. In line with the SPP paragraphs 63 policy should direct such development to established clusters and contain a target limiting new development to not more than 100% of the existing.

The recession's impact on the supply of finance to the house building industry will impact on development particularly on sites which have high or front loaded developer contributions and those requiring large amounts of off-site infrastructure. We reiterate that the Council must consider in conjunction with the industry how to manage these problems and seek alternative methodologies which will produce housing completions.

Any 20 year strategy will have to allow for 1 or 2 recessions; therefore developer contributions over the long term can be achieved. However in the short term in order to facilitate development, alternative funding mechanisms must be sought in consultation with the industry, and sites which will not incur prohibitive infrastructure or developer contributions should be allocated and promoted. This means smaller sites in or on the edge of existing settlements.

The Waverley Railway is a key component in the LDP and driver of a sustainable future for the Scottish Borders. It is important that the evolving plan is clear how it will support the tenants of the business case underpinning the line and as led in evidence to Parliament in support of the Bill. The concern is that the redefinition of the SB's HMA, the draft SPG 'Countryside Around Towns', pressure from the anti-development lobby and a political desire to use housing to stabilise towns out with the travel distance to the stations will result in land allocations being made too far from the rail stations to benefit from it or support it.

Action - Revise Appendix 2 to take account of submissions of Homes for Scotland

Our comments on specific housing policies are as follows:

HD1 Affordable and Special Needs Housing - contributions need to be agreed on a site by site basis. The House of Lords' 2008 determination in the Blythe Valley case makes it clear that it is not possible to consider affordable housing without assessing viability. The viability question means that contributions may have to be reduced. This flexibility is especially important when it is known that there are growth areas within Scottish Borders with high infrastructure costs. The policy should make clear that reference to 25% contribution is a maximum and the LDP should set an affordable housing figure for each HMA based on an up to date housing needs assessment. In line with Circular 2/2010 the LDP should make clear that all the 9 Scottish Government approved methods of affordable housing can be used to deliver this policy requirement. Criteria (d), (e) and (f) of the policy should be deleted and a new criterion inserted to state:

Action - delete HD1 criterion (d), (e) and (f) and replace with new criterion (d)

(d) Scottish Borders Council will consider provision of affordable housing using any of the 9 mechanisms set out in Scottish Government Circular 2/2010

This change is essential because the lack of Housing Association Grant and the difficulties housing associations have raising funds means threat the traditional registered social landlord model is becoming redundant and new and more flexible means of provision are required.

Policy HD4 Further Housing Land Safeguarded – the policy deals with longer term needs and states that such sites coming forward before there is a demonstrable housing land shortfall will be considered to be premature. This policy is unnecessarily prescriptive and the reference to prematurity should be deleted. Land has been safeguarded because it represents the obvious next phase for settlement expansion. In making that allocation it has been judged as suitable for development. Having judged development as suitable it is wrong to then restrain it with a time constraint. The legal requirement is to maintain an effective 5-year land supply. There is no prohibition on land available for development exceeding that 5 year land supply. If land comes forward earlier than expected it relieves pressure on future land supply and smooth the peaks and troughs in activity caused by economic conditions.

Action – delete reference to early development of HD4 sites being premature

Countryside Around Towns

Policy EP6 Countryside Around Towns should be deleted. There is a significant risk that Scottish Borders Council's approach to development around settlements will be detrimental to the economic, social and sustainability aims of SESPlan and the LDP. The policy seeks to draw boundaries too tightly without proper

allowance for growth. This is a significant failure, particularly in relation to settlements in Central Borders, close to main transport routes and the Waverley Line. It is important that policies and supplementary guidance do not draw boundaries so tightly that there is no scope for future growth. This is particularly important in the Central Borders where the currently proposed approach is unnecessarily restrictive. The SPG 'Countryside Around Towns' already provides controls that are too onerous and there is no need for this policy.

If the Central Borders is taken as a whole it will never be the case that all the land around the various towns cannot be developed. That is not a realistic approach and takes no account for the fact that sites identified in the strategic housing land supply may not come forward within the required timeframe or may not be developed at all. Alternatives will inevitably be needed and SPP make it clear that settlement expansion is a realistic alternative. The policy leaves no scope for expansion and does not fit with the requirement that Galashiels, Melrose and Newtown St Boswell's should be a development corridor.

Action – delete policy EP6 because the existing SPG Countryside Around Towns provides sufficient controls

Developer Contributions

Policy IS2 Developer Contributions reads as a shopping list and is not in line with recent LDP Reporters' recommendations at Perth and Kinross and East Ayrshire. Section 75 of the Planning Act seeks to mitigate impacts attributable to a specific development. It should be a last resort, used only where it is judged that planning conditions will not provide appropriate controls. Until an application is assessed any impacts will not be known and it is wrong to have a generic checklist. The danger with this policy is that it will be used instead of conditions, creating unnecessary complexity and imposing unjustified constraints.

Action – delete policy IS2 and replace with the following:

Any matter judged during the planning application process to give rise to an impact that requires mitigation in order for planning permission to be granted, and which cannot be satisfactorily addressed by a planning condition, will be subject to a section 75 agreement.

Policy IS3 Borders Railway developer contributions makes reference to development that *will benefit from or be enhanced by* the railway. This is too vague and it is not in line with the approach adopted in Edinburgh to deal with tram contributions. The policy should apply set-off distances from the stations, with increasing distance reducing the extent of the contribution.

Action – amend wording to IS3 to make reference to set-off distances and extent of contribution sought within those set-off distances

Site Assessments

We have previously submitted representations to the Scottish Borders Council Local Development Plan call for sites in respect of land in our clients' ownership at Georgefield, Earlston and Gattonside.

The site at Georgefield, Earlston is allocated in the Scottish Borders Local Plan for 250 units. The purpose of this submission is to re-iterate the case in support of that allocation and to set out the argument to ensure that this site is developed to its fullest extent as a priority within the Local Development Plan.

The Georgefield sites lie to the south of the A6105; the high street which runs through Earlston. Earlston itself lies within the primary development hub as defined by the Structure Plan Development Strategy. The settlement form is typical of a side valley settlement, extending away from the River Leader and into a valley side along a tributary (Turfford Burn).

The Georgefield sites comprise 2 discreet areas; one immediately to the south of the existing High School, consisting in part of playing fields; and in part of mixed open space and pasture (approximately 9 hectares).

The other, larger area, occupies land further east, beyond the settlement edge but continuous with the new High School development site. These fields are currently used as pasture and for growing silage and extend to approximately 35 hectares.

Previous submissions made by Rural Renaissance Limited have set out the case to support development in this location. A number of key development considerations have been identified:

- Development to the north of the A6105 would be conspicuous and is therefore not promoted.
- Development below the 125.0AOD contour could be achieved without detriment. The narrow valley would provide a strong defensible edge against any future expansion to the east.
- A strong edge can be created by a belt of new woodland planting, linking established vegetation surrounding Georgefield with trees along the burn to the east.
- Development of a western portion of Georgefield can be developed without significant adverse impact and should be considered as part of any wider redevelopment for the redundant High School site.
- The part of development of the Georgefield sites, situated to the south of A6105 could be accommodated without changing the character of the settlement and will assist integration of the new High School within a more cohesive urban environment.

The area has been judged suitable for development. That 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.

The site needs to be confirmed in the Local Development Plan to allow certainty and to install sustainable infrastructure.

Action – include the following sites, which were not included in the Local Plan, within the schedule of allocated sites:

- ***Gateside Meadow/Castlefield. 7.0 hectares, capacity 35 units. Site to be identified as a housing allocation.***
- ***Gattonside Mains. 8.4 hectares, capacity 10 units. Site to be identified as a medium term housing allocation.***

Gateside Meadow/Castlefield was included in the second stage Consultative Draft Local Plan 2005 as a site allocated under H1 – Housing Land.

Gattonside lies within the central Borders hub, where land supply is predicated upon development at Newtown St Boswells. This has an allocation of 900 units out of a possible 1,800 units. Past experience shows that strategic sites are always slow to be developed. This indicates a requirement to ensure that there is sufficient land identified to cover slow delivery of the main strategic housing land site and also failure of other identified sites to deliver the capacity anticipated.

The Local Plan Inquiry Reporter supported the principle of development at Gattonside but preferred development of site Gattonside Mains. The Local Plan Proposed Modifications, October 2007 identified this site as a Housing Addition EGT200.

Gattonside is a linear settlement which is densely developed at the centre and thins towards the edges. The main components of the settlement are:

- A transition from the countryside to a densely built core.
- The visually dominating line of the main road that bi-sects the village.
- Mixed building forms on the flat land south of the B6360.
- Tight mixed building on the north of the B6365 rising into the hillside.

- Visible new development, largely to the west of the settlement which has a more ordered suburban form.
- Large and substantial buildings and groups of buildings on the village periphery or below the settlement boundary.

It is clearly the case that the land at Gateside Meadows and Gattonside Mains has at one time had policy support:

1. Second Draft Local Plan, July 2005 – Gateside Meadow/Castlefield RRL1.
2. Local Plan Reporters Findings – Land adjacent to Montgomerie Terrace. RRL2
3. Scottish Borders Council – Landscape Capacity Study supported Gateside Meadow/Castlefield RRL1.
4. Scottish Borders Council – Consultative Draft Local Plan allocated Castlefield.

Sites at Gateside Meadow and Gattonside Mains have previously been judged both by the Local Plan Reporter and by Scottish Borders Council as suitable for development, available and viable. The sites are a natural further phase to our client's very successful development at Monkwood. They adjoin Monkwood and are the obvious location for further settlement growth.

Our client is not asking Scottish Borders Council to set aside the provisions of the adopted development plan but there is a need for the Council to recognise that it should ensure that allocations are identified in sustainable locations that continue the existing pattern of land use.

In addition to the above, the case in support of Gateside Meadow/Castlefield can be summarised as follows:

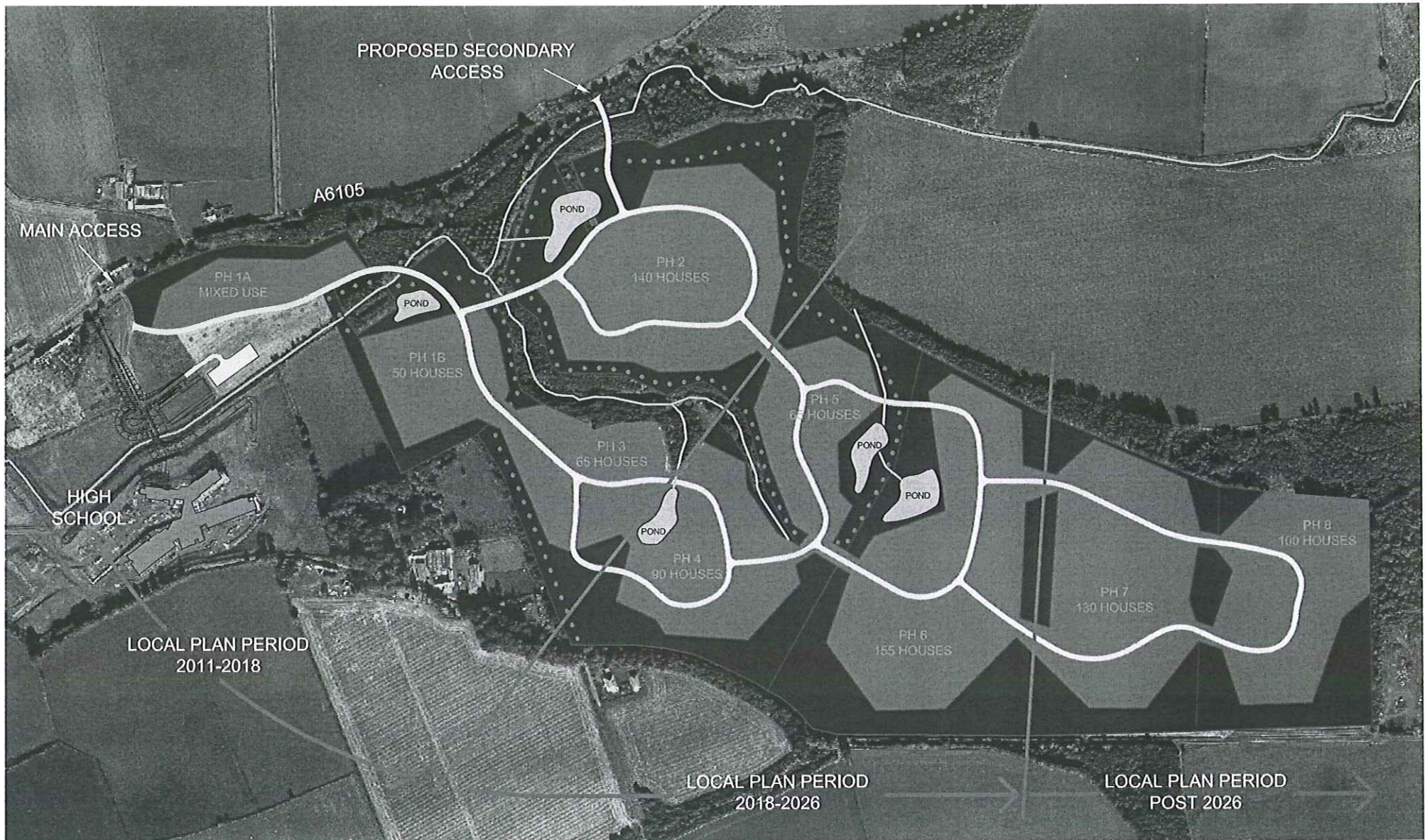
- a) Improves market choice, no development in the Borders is providing for large houses on average 0.84 hectare plots within walking distance of the railway station.
- b) Assisting in diversifying the community, this is the only location which will attract the affluent entrepreneurs.
- c) Economic benefits from attracting the above.
- d) Development will support the railway patronage. Having made the major investment in the Waverley Line it is essential that allocations that are well related to the railway are given priority
- e) Part of the site was supported by SBC in 2005 Draft Local Plan, which confirmed the site's suitability for development. The site's relationship to Gattonside means that it will inevitably be a development site because it is an obvious location for expansion. There is a need for the LDP to allocate a range of sites in different locations. Given these circumstances the site should be allocated in the LDP.
- f) Part of site was recommended for inclusion by the Reporter in his Local Plan findings in 2009. This corroborates our analysis given at point (e) above.

Our client believes that Gateside Meadow/Castlefield, should be included as an allocation to cover the potential failure of St Aidens to deliver all or part of its allocation and if the strategic site does not come forward within the Local Plan time period and to contribute to the wider housing land supply.

Finally, we request the inclusion of field 4838, plan attached, in addition to land identified in our previous submissions, which is a logical additional area of land that should be included in the allocation.

EARLSTON: GEORGEFIELD EAST

PROPOSED DEVELOPMENT FRAMEWORK

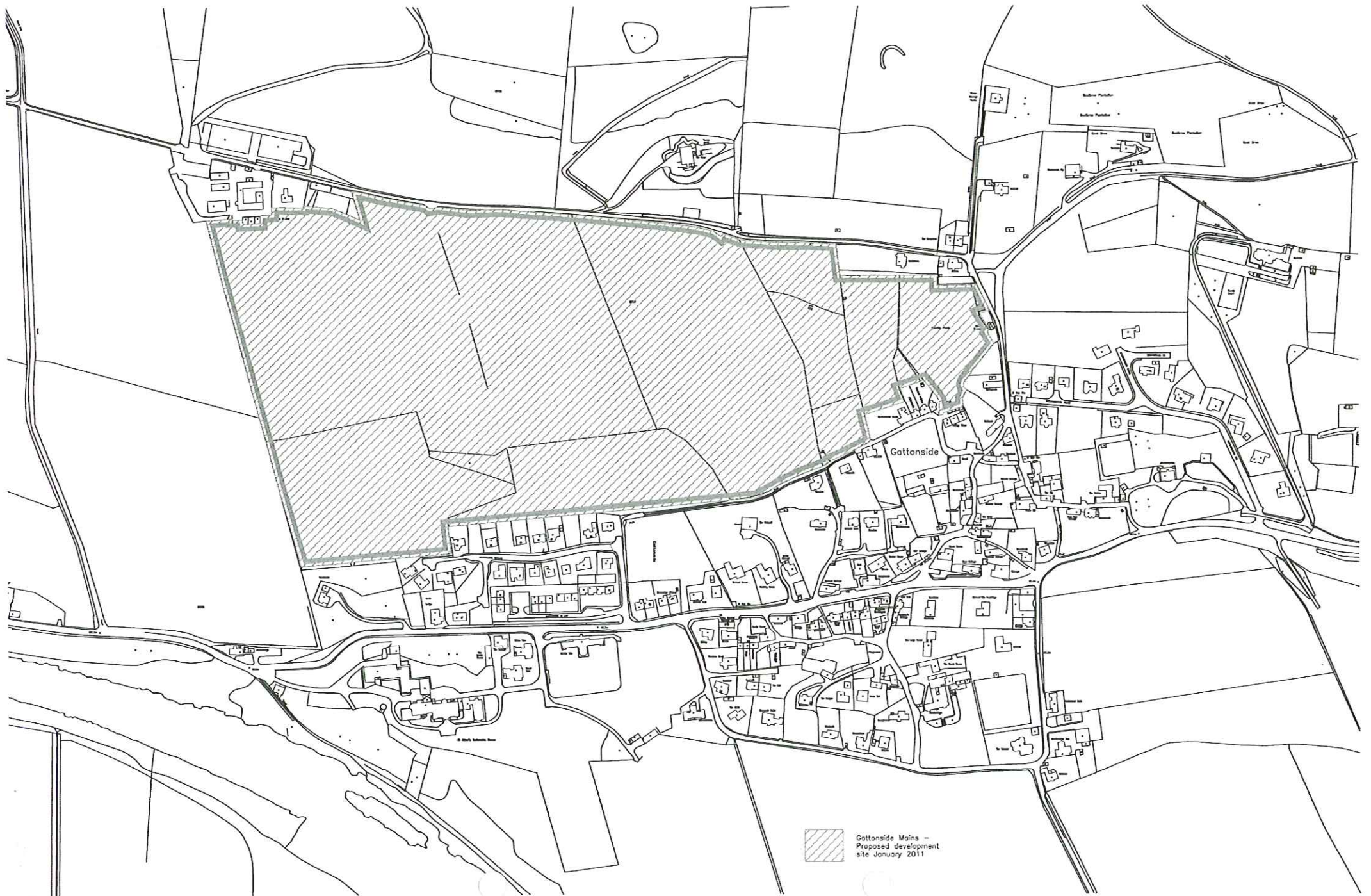


SCALE 1:5000 @ A3

DEVELOPMENT MASTERPLAN
JANUARY 2009

Hirst
LANDSCAPE ARCHITECTS

AGATTO 13



■ Gattonside Mains -
Proposed development
site January 2011

