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## **LOCAL DEVELOPMENT PLAN: REPORT ON CONSULTATION RESPONSES TO MAIN ISSUES REPORT**

**Report by Director of Environment & Infrastructure**

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### **SCOTTISH BORDERS COUNCIL**

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**25 October 2012**

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#### **1 PURPOSE AND SUMMARY**

- 1.1 The report seeks agreement to the proposed responses to the consultation comments received on the Local Development Plan (LDP) Main Issues Report (MIR).**
- 1.2 This report considers the consultation responses to the MIR and proposes how these might be taken forward into the LDP Proposed Plan.**
- 1.3 In summary, this report considers the consultation responses to the LDP MIR. The report considers the issues raised by responses in relation to the questions posed by the MIR, and also to the proposed policy and site considerations.**

#### **2 RECOMMENDATION**

##### **2.1 I recommend that the Council**

- (i) agrees the recommended responses to the consultation comments received on the LDP MIR set out in Appendix A and that these are taken forward into the preparation of the LDP Proposed Plan,**
- (ii) delays decisions related to the matters detailed in paragraphs 4.1 to 4.4 and as set out in Appendix A, pending the publication of the SESplan Examination report, and on other key studies currently being undertaken.**

### 3 BACKGROUND

- 3.1 The Council, at its meeting on 26 January 2012 considered a report in relation to the LDP MIR and its Environmental Report (ER).
- 3.2 The Council agreed the MIR as a basis for public consultation for a period of 12 weeks. In parallel, the ER was also subject to public consultation under separate legislative process. Following the printing of the documentation, the MIR and ER were subject to advertisement and consultation took place from 2 April to 25 June 2012. As part of the consultation there were a series of nine drop-in exhibitions held across the council area.
- 3.3 All documentation relating to the consultation was placed on the Council website and made available for public inspection at all public libraries and at the Council contact centres. A summary of the MIR was placed in SB Connect with information on how to respond. The Council sent information to Scottish Ministers, key statutory agencies, neighbouring authorities, SESplan authorities and Community Councils as well as public organisations and businesses and members of the public who have previously expressed an interest in the planning process in the Borders. Finally, although only required by the legislation at the Proposed Plan stage, the Council neighbour notified properties related to development site proposals within the MIR.
- 3.4 This report therefore provides the Council with the opportunity to consider the consultation responses received and the recommended actions to be taken into the LDP Proposed Plan. Once finalised, the LDP Proposed Plan will be brought to Council for its consideration.
- 3.5 Some 278 representations relating to around 1000 issues were received in relation to the MIR. Full copies of the representations are available to view in the members' library, and have been available online since 14 September at <http://www.scotborders.gov.uk/mirrepresentations>. **Appendix A** to this report contains a summary of the issues and proposed council responses.
- 3.6 The ER received positive responses from the three consulting authorities (Historic Scotland, Scottish Environment Protection Agency, Scottish Natural Heritage).

### 4 DISCUSSION

- 4.1 The LDP requires to be developed in a way which is consistent with the strategic approach set out in the SESplan (Strategic Development Plan (SDP) for Edinburgh and the South East of Scotland) Proposed Plan. The SESplan Proposed Plan was submitted for Examination by independent reporters on 10 August 2012. It is anticipated that the Examination Report will be produced in the first half of 2013. It is not intended to finalise the LDP Proposed Plan until the Examination Report on the SDP has been published in order to ensure consistency. This is particularly important in respect of the scale of new housing provision to be brought forward as part of the LDP.

- 4.2 Consequently, it is not proposed to finalise the overall scale or the particular sites to be identified for housing development until the Examination report on the SESplan Proposed Plan is published. This will ensure that the LDP is consistent with the SDP.
- 4.3 The consultation process has also raised significant issues in relation to the policy on wind turbines. There is a strong body of public opinion that considers that the Borders has reached saturation point and would prefer that a 'by exception' policy is taken forward by the Council. In order to test this issue further the Council has commissioned a consultancy study to report by the end of the year that will set out a robust assessment in terms of economic benefit, landscape impact and community perception of current and future potential wind farm proposals.
- 4.4 In relation to economic development, the Council, in conjunction with Scottish Enterprise, is undertaking a study into the potential implications and opportunities arising from the construction of the Borders Railway. In particular, this will look at the potential step change in economic demand, and the land and property requirements associated with that change. Therefore, in the Central Borders it is not proposed to finalise the future land requirements for economic development until the report is finalised later this year.
- 4.5 The following is a summary of the responses to the MIR. **Appendix A** to this report contains a summary of the issues and draft proposed responses. They are ordered to cover-
- responses to the questions on the main issues identified by the MIR
  - responses in relation to sites proposed within the MIR and also sites put forward by consultees for consideration
  - current and proposed policy updates set in Question 18 and Appendix C of the MIR.

### ***Responses to the Questions on the Main Issues***

- 4.6 The representations received on the questions set within the MIR may be summarised as follows-
- *Vision, Aims and Spatial Strategy(Questions 1-3)*
    - The proposed vision is largely supported, with some comment on the need to reference other particular matters including economic development and tourism, future technology, natural environment, and housing supply
    - The proposed aims are largely supported with some commentary on further detailing
    - The proposed spatial strategy is largely supported. There is some comment from the house building sector that market demand is variable across the housing market areas

- *Economic Development (including mixed use) (Questions 4-6)*
  - A majority of contributors support the preferred option for the provision of employment land. There are a number of site specific comments
  - The preferred approach of establishing an employment land hierarchy is broadly supported, but with a strong theme towards the broadening of the approach towards mixed use development emerging
  - There is support for the preferred option on the inclusion of a policy on digital connectivity, with a number of detailed comments on the practical requirements in relation to it
  
- *Housing (Questions 7-9)*
  - There is support preferred option to provide land for housing in line with the SESplan strategic development plan, at the same time there is also concern particularly from the house building industry that the provision of land may not provide an adequate effective supply. The MIR was based upon the SESplan Proposed Plan housing requirement and will be updated in line with the output from the Examination into the SESplan Proposed Plan.
  - Some general support for the preferred option in relation to the housing sites identified in the MIR. A number of comments raise concerns in relation to particular sites, as well as the provision of sites in relation to the overall requirement for land
  - There is support for the preferred option to continue to set the baseline requirement for affordable housing at 25% and also for the alternative option to review the baseline in view of the current economic downturn
  
- *Retail (Questions 10-12)*
  - There is broad support for the preferred option to identify a network of town centres, with some comments on the need to broaden the scope of the definition
  - General support for the preferred option on the proposed revised town centre boundaries
  - There is broad support for the preferred option to broaden the range of uses appropriate in prime retail frontage areas, and to identify prime retail frontages in all town centres with the retail network. There are some detailed comments on the exact definition of the frontage areas in Selkirk and Peebles
  
- *Regeneration (Question 13)*
  - There is broad support for the preferred option to identify and promote redevelopment opportunities and key projects. There are detailed comments in relation to a number of sites.

- *Green Space (Question 14)*
  - There is general support for the identification and protection of key open spaces. There is support for a number of the proposed open spaces and a number of further suggestions within a number of settlements
- *Green Networks (Question 15)*
  - There is general support for the preferred option to identify and promote green networks. There is support for the linking of the Central and Western strategic green networks
- *Climate Change (Questions 16-17)*
  - There is general support for the preferred option to extend the protection of agricultural land to carbon rich soils, and to minimise water use in development
  - There was a significant response on the whole question of wind turbines covering a wide range of material issues. Although there was support for the preferred option to continue the current policy approach there was significant support for the alternative option that considered that the Scottish Borders was at saturation point in terms of wind turbines and that the future approach should be through a 'by exception' policy. This policy area will be further informed by work to assess the potential impact of onshore wind energy proposals in respect of landscape capacity, economic impact and public perception
  - There was general support for the preferred options to include sites designated for waste management within the Plan, and for the need to ensure adequate space for waste management within new developments.

### ***Responses in Relation to Sites***

4.7 There were also representations received on the preferred and potential sites identified in the MIR, as well as a number of alternative suggestions by the respondents put forward for consideration. Members should have the MIR available for details of the sites put forward by the Council for consultation purposes. In addition, **Appendix A1** to this report contains those alternative proposals put forward by consultees. Where practicable, **Appendix A** makes recommendations on those sites that are clearly appropriate for inclusion or exclusion at this stage of the process. However, as noted in paragraph 4.1 above, the decision on whether to include a number of sites is proposed to be delayed particularly in relation to housing, pending the publication of the Examination report on the SESplan Proposed Plan. The most significant sites considered in **Appendix A** are as follows-

### *Comments on Sites Included in the MIR for Consultation*

- Birks Avenue, Galashiels: responses for and against inclusion within Plan
- Netherbarns, Galashiels: responses for and against inclusion within the Plan
- Borders General Hospital West: responses for and against inclusion within Plan
- Nethershot, Kelso: responses for and against inclusion within Plan
- Hendersyde, Kelso: responses for and against inclusion within Plan
- Earlsmeadow, Duns: responses for inclusion within Plan
- South of Church, Hutton: responses against inclusion within the Plan
- Auction Mart, Reston: response proposing mixed use
- Adjacent to Primary School, Swinton: responses for inclusion within the Plan
- North Horsbrugh Bridge, Cardrona: responses for and against inclusion within the Plan
- South Horsbrugh Bridge, Cardrona: responses for and against inclusion within the Plan
- North of Bellfield, Eddleston: responses for and against inclusion within the Plan
- Whitehaugh, Peebles: responses for inclusion within the Plan
- South of South Park, Peebles: responses for and against inclusion within the Plan
- Violet Bank 2, Peebles: responses for and against inclusion within the Plan

### *Additional Sites Proposed by Respondents for Consideration*

- Montgomerie Terrace, Gattonside: response suggesting inclusion within the Plan as a housing site
- Gateside Meadow, Gattonside: response suggesting inclusion within the Plan as a housing site
- Gattonside Mains, Gattonside: response suggesting inclusion within the Plan as a housing site
- Waverley Road, Melrose: response suggesting inclusion within the Plan as a housing site
- Newstead East: response suggesting inclusion within the Plan as a housing site
- Back Road, Newstead: response suggesting inclusion within the Plan as a mixed use site
- Heather Mill, Selkirk: response suggesting inclusion within the Plan as a mixed use site
- Whitfield Mill, Selkirk: response suggesting inclusion within the Plan as a mixed use site
- Dunsdalehaugh, Selkirk: response suggesting inclusion within the Plan as a retail site
- Ednam: response suggesting inclusion within the Plan as a housing site
- Oakieknowe, Jedburgh: response suggesting inclusion within the Plan as a housing/education site
- Peelwalls House, Ayton: response suggesting inclusion within the Plan as a housing/redevelopment site

- Chirnside South East: response suggesting inclusion within the Plan as a longer term housing site
- Kinegar Quarry, Cockburnspath: response suggesting inclusion within the Plan as a housing site
- Duns Road, Coldstream: response suggesting inclusion within the Plan as a redevelopment site
- Langton Glebe, Gavinton: response suggesting inclusion within the Plan as a housing site
- Crimson Hill, Gavinton: response suggesting inclusion within the Plan as a housing site
- Leitholm North: response suggesting inclusion within the Plan as a housing site
- Lennel: response proposing a settlement boundary
- Polwarth: response suggesting inclusion within the Plan as a housing site
- SW Dreva Road, Broughton: response suggesting inclusion within the Plan as a housing site
- Glen Estate: response proposing a settlement boundary
- Glentress, Peebles: response proposing mixed use
- Whim Moss, Lamancha: response proposing allocation for employment use
- Nether Blainslie South: response suggesting inclusion within the Plan as a housing site
- Edinburgh Road, Peebles: response proposing allocation for employment use
- East of Eshiels: response proposing allocation for employment use
- South Park West, Peebles: response proposing allocation for employment use
- East of Cavalry Park, Peebles: response proposing allocation for employment use
- Hunters Park, Peebles: response proposing allocation for employment use
- Rosetta Hoilday Park: response suggesting inclusion within the Plan as a housing site
- Venlaw, Peebles: response suggesting inclusion within the Plan as a housing site
- Tantah, Peebles: response suggesting inclusion within the Plan as a housing site
- South west of Edderston, Peebles: response suggesting inclusion within the Plan as a mixed use site
- Stagehall, Stow: response suggesting inclusion within the Plan as a housing site
- Deanfoot Road, West Linton: response suggesting inclusion within the Plan as a housing site
- Dryburn Brae East, West Linton: response suggesting inclusion within the Plan as a housing site

*Comments on Sites in the Adopted Local Plan*

- Burnfoot, Hawick: response against sites currently allocated in the adopted Local Plan
- Hendersyde, Kelso: response suggesting allocation of current longer term site
- Gunsgreen, Eyemouth: response supporting mixed use

- Halliburton Road, Greenlaw: response proposing mixed use allocation on longer term site
- Main Street, Leitholm: response objecting to exclusion of the site
- Rear of Primary School, Reston: response suggesting education rather than housing on this site
- Dreva Road, Broughton: response suggesting removal from the Plan
- South West of Whitehaugh, Peebles: response suggesting allocation of longer term site for housing
- South Parks, Peebles: response suggesting allocation of employment site for housing
- South west of Whitehaugh, Peebles: response suggesting removal of longer term site
- North west of Hogbridge, Peebles: response suggesting removal of longer term site
- Deanfoot Road, West Linton: response suggesting reallocation of employment land site to another use

### ***Responses to the Current and Proposed Policy Updates***

4.8 The consultation on the MIR also covered the existing suite of policies in the adopted Local Plan with a number of proposed amendments (Question 18). The main comments are as follows, although it should be noted that this area had a lower level of response than the main issues-

- General Policies
  - Support for the policies on quality standards (Policy G1), contaminated land (Policy G2), hazardous developments (Policy G3)
  - Support for the policy on developer contributions (Policy G5) with comments seeking to broaden their scope
  - Noting of policies on railway contributions (Policy G6), infill development (Policy G7)
  - Support for the policy on development outwith boundaries (Policy G8)
- Built Environment
  - Noting of policy on listed buildings, with a comment seeking encouragement of renewable energy measures (Policy BE1)
  - Agreement of policy on archaeological sites (Policy BE2)
  - Support for policy on gardens and designed landscapes (Policy BE3)
  - Noting of policy on conservation areas (Policy BE4), advertisements (Policy BE5), care homes (Policy BE7)
  - Support for policy on camping and caravan sites (Policy BE8)
  - Comment on need for school provision at Peebles and Selkirk (Policy BE9)
  - Noting of policy on housing land safeguarding (Policy BE12)



- Natural Environment
  - Support for policies on international, national and local conservation sites (Policies NE1, NE2, NE3)
  - Support for policies on trees (Policy NE4), water environment (Policy NE5), river engineering (Policy NE6)
- Environmental Protection
  - Support for policies on national scenic areas (Policy EP1), areas of landscape value (Policy EP2)
  - General support for the policy on countryside around towns (Policy EP3) with some suggestions for widening the criteria of acceptable development
  - Support for policy on coastline (Policy EP4)
- Economic Development
  - General support for policies with reference to promoting mixed use further and the safeguarding of land for waste management (Policies ED1-5)
- Housing
  - Support for the policy on residential amenity (Policy H3)
- Infrastructure
  - General support. Issues raised include Transport Scotland's wish for non-funded proposals to be made clear; maximum parking standards to be incorporated; facilitation of access to new rail halts (Policies INF1-12)
- Development in the Countryside
  - Support for the retention of policy on business, tourism and leisure (Policy D1)
  - Support for policy on housing in the countryside with comments related to the cap on the size of new development (Policy D2)
  - Noting of policy on advertisements in the countryside (Policy D3)
  - Support for policy on renewable energy (Policy D4), with some comments on drawing a distinction between commercial and smaller scale development
- Rural Resources
  - General support. Issues raised include the inclusion of areas of search for minerals in the LDP; the safeguarding of coal deposits (Policies R1-R3)

4.9 In conclusion, this report seeks agreement on those matters that can be decided upon at this stage so that the Proposed Plan can be progressed with some confidence. In addition, it seeks to delay decisions on some key matters pending the publication of the SESplan Examination report, and on other key studies currently being undertaken. The Proposed Plan in full will be brought back to Council for its consideration once these additional matters have been finalised.

## **5 IMPLICATIONS**

### **5.1 Financial**

There are no additional costs to the Council arising from this report.

### **5.2 Risk and Mitigations**

- (a) There are minimal risks associated with the proposals in this report. The report proposes that Council agree the recommended responses to the consultation comments received on the MIR. Following this report the Proposed Plan will be prepared taking into account the recommended responses and the Examination Report from the SESplan Proposed Plan, and will then be brought to Council for further consideration.
- (b) There is a risk in terms of the timetable for the preparation of the LDP Proposed Plan in that it is dependent on the production of the Examination Report on the SESplan Proposed Plan being delivered by reporters.

### **5.3 Equalities**

There are no equalities issues arising directly from this report.

### **5.4 Acting Sustainably**

The Development Plan is a key component in the promotion of a sustainable Scottish Borders. It promotes economic development but within the context of the need to conserve the natural environment. The Environmental Report sets out a detailed assessment of the potential impacts of the proposals within the Main Issues Report, and puts forward any necessary mitigation requirements.

### **5.5 Carbon Management**

There are no impacts on the Council's carbon emissions arising directly from this report.

### **5.6 Rural Proofing**

The MIR has been subjected to a rural proofing assessment, and no significant issues were identified.

### **5.7 Changes to Scheme of Administration or Scheme of Delegation**

There are no changes required.

## 6 CONSULTATION

- 6.1 The Heads of Audit and Risk and Legal and Democratic Services, the Chief Financial Officer, the Clerk to the Council, Education and Lifelong Learning, and Social Work and Housing have been consulted on this report and any comments received have been incorporated into the report.

### Approved by

**Director of Environment and Infrastructure Signature .....**

#### Author(s)

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**Background Papers: None**

**Previous Minute Reference: Scottish Borders Council 26 January 2012**

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. J. Whitelaw can also give information on other language translations as well as providing additional copies.

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