

Mr M Wanless
Scottish Borders Council
Sent By E-mail

Our ref: LDP-140-2

30 October 2015

Dear Mr Wanless

**PROPOSED SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANNING)
(SCOTLAND) REGULATIONS 2008
SUBMISSION OF THE REPORT OF THE EXAMINATION**

We refer to our appointment by the Scottish Ministers to conduct the examination of the above plan. Having satisfied ourselves that the council's consultation and engagement exercises conformed with their participation statement, our examination of the plan commenced on 26 November 2014. We have completed the examination, and now submit our report.

In our examination, we considered all 329 issues arising from 500 unresolved representations which were identified by the council. In each case, we have taken account of the original representations, as well as the council's summaries of the representations and the responses, and we have set out our conclusions and recommendations in relation to each issue in our report.

The examination process also included a comprehensive series of unaccompanied site inspections and, for some issues we requested additional information from the council and other parties. We held a one day hearing session regarding Issue 080 Appendix 2 – Meeting the Housing Land Requirement.

Subject to the limited exceptions as set out in Section 19 of the Town and Country Planning (Scotland) Act 1997 (as amended) and in the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009, the council is now required to make the modifications to the plan as set out in our recommendations.

The council should also make any consequential modifications to the text or maps which arise from these modifications. Separately, the council will require to make any necessary adjustments to the final environmental report and to the report on the appropriate assessment of the plan.

All those who submitted representations will be informed that the examination has been completed and that the report has been submitted to the council. It will advise them when the report will be available to view on the DPEA website at:

<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=115370>

The documents relating to the examination should be retained on the council's website for a period of six weeks following the adoption of the plan by the authority.

It would also be helpful to know when the plan has been adopted and would appreciate being sent confirmation of this in due course.

Yours sincerely

Richard G Dent
Reporter

Scott Ferrie
Reporter

Dilwyn Thomas
Reporter





REPORT TO SCOTTISH BORDERS COUNCIL

PROPOSED SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN EXAMINATION

Reporters: Richard G Dent BA(Hons) DipTP
Scott Ferrie MSc MRTPI
Dilwyn Thomas BSc(Hons) MBA MRTPI

Date of Report: 30 October 2015

CONTENTS**Page No**

Examination of Conformity with Participation Statement

1

Issue

001	Chapter 2: Meeting the Challenges for the Scottish Borders: Section on Demographics	3
002	Chapter 2: Meeting the Challenges for the Scottish Borders: Infrastructure	6
003	Chapter 2: Meeting the Challenges for the Scottish Borders: Section on Climate Change	8
004	Chapter 2: Meeting the Challenges for the Scottish Borders: Section on Environment	18
005	General: Increased Flood Risk	22
006	General: Critique of Housing Land Position and Central Strategic Development Area: Spatial Strategy	24
007	General: Eastern Strategic Development Area/Eastern Hub/Eastern Spatial Strategy	28
008	General: Environment and Climate Change Issues within the Vision, Aims and Spatial Strategy section	30
009	General: Longer Term Mixed Use Development within Central SDA	34
010	General: Omission of Newcastleton from Central Spatial Strategy (and Central Strategic Development Area)	37
011	General: Quality and Quantity of Business and Industrial Land at Tweedbank	39
012	General: Reference to Green Networks within the Vision Statement	41
013	Chapter 3: Vision, Aims and Spatial Strategy (page 17)	43
014	Chapter 3: Vision, Aims and Spatial Strategy (page 19)	45
015	Chapter 3: Vision, Aims and Spatial Strategy	47
016	Policy PMD1: Sustainability	50
017	Policy PMD2: Quality Standards	57
018	Policy PMD3: Land Use Allocations	62
019	Policy PMD4: Development outwith Development Boundaries	65
020	Policy ED1: Protection of Business and Industrial Land	71
021	Policy ED3: Town Centres and Shopping Development	78
022	Policy ED5: Regeneration	89
023	Policy ED6: Digital Connectivity	93
024	Policy ED7: Business, Tourism and Leisure in the Countryside	98
025	Policy ED8: Caravan and Camping Sites	103
026	Policy ED9: Renewable Energy Development Policy: General	107

027	Policy ED9: Renewable Energy Development: Policy Maps	136
028	Policy ED9: Renewable Energy Development: Reference to SPP/Draft SPP	153
029	Policy ED9: Renewable Energy Development: Consultants Studies	159
030	Policy ED9: Renewable Energy Development: Introductory Text	169
031	Policy ED9: Renewable Energy Development: Opening Paragraph	180
032	Policy ED9: Renewable Energy Development: Text Relating to Renewable Energy Developments	183
033	Policy ED9: Renewable Energy Development: Policy Text Relating to paragraph on Wind Turbine Proposals	189
034	Policy ED9: Renewable Energy Development: Policy Text Relating to Wind Turbine Proposals (General)	191
035	Policy ED9: Renewable Energy Development: Policy Text Relating to Wind Turbine Proposals (Landscape)	194
036	Policy ED9: Renewable Energy Development: Policy Text Relating to Wind Turbine Proposals (Visual Impact)	200
037	Policy ED9: Renewable Energy Development: Policy Text Relating to Wind Turbine Proposals (Cumulative Landscape and Visual Impacts)	205
038	Policy ED9: Renewable Energy Development: Policy Text Relating to Wind Turbine Proposals (Biodiversity)	211
039	Policy ED9: Renewable Energy Development: Text Relating to Wind Turbine Proposals (Historic Environment)	213
040	Policy ED9: Renewable Energy Development: Policy Text Relating to Wind Turbine Proposals (Other Considerations)	215
041	Policy ED9: Renewable Energy Development: Policy Text Relating to Other Renewable Energy Development	218
042	Policy ED9: Renewable Energy Development: Section Relating to Key Policies to which this Policy should be Cross Referenced	220
043	Policy ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils	222
044	Policy ED11: Safeguarding of Mineral Deposits	229
045	Policy ED12: Minerals and Coal Extraction	232
046	Policy HD1: Affordable and Special Needs Housing	242
047	Policy HD2: Housing in the Countryside	249
048	Policy HD3: Protection of Residential Amenity	260
049	Policy HD4: Further Housing Land Safeguarding	262
050	Policy HD5: Care and Retirement Homes	271
051	Policy EP2: National Nature Conservation Sites and Protected Species: Social or Economic Benefits and National Importance	272
052	Policy EP3: Local Biodiversity: Ecosystems Approach and Cross-referencing	274
053	Policy EP4: National Scenic Areas: Initiatives to Extend the Number of National Scenic Areas	278
054	Policy EP5: Existing and Proposed Special Landscape Areas	280

055	Policy EP6: Countryside Around Towns: Selkirk	285
056	Policy EP7: Listed Buildings	289
057	Policy EP9: Conservation Areas	294
058	Policy EP10: Garden and Designed Landscapes	296
059	Policy EP11: Protection of Greenspace	298
060	Policy EP13: Trees, Woodland and Hedgerows: Traffic Proposals as Affecting Trees, Hedgerows etc	302
061	Policy EP13: Trees, Woodland and Hedgerows: Tree Planting to Increase and Enhance the Asset	304
062	Policy EP14: Coastline: Amendment to the Policy	307
063	Policy EP15: Development Affecting the Water Environment: Clarification of Wording within the Policy	309
064	Policy IS1: Public Infrastructure and Local Service Provision	313
065	Policy IS2: Developer Contributions	315
066	Policy IS3: Developer Contributions to the Borders Railway	323
067	Policy IS4: Transport Development and Infrastructure	325
068	Policy IS4: Transport Development and Infrastructure	328
069	Policy IS4: Transport Development and Infrastructure	331
070	Policy IS4: Transport Development and Infrastructure	333
071	Policy IS6: Road Adoption Standards	335
072	Policy IS7: Parking Provision and Standards	329
073	Policy IS8: Flooding	341
074	Policy IS9: Waste Water Treatment Standards and Sustainable Urban Drainage	347
075	Policy IS10: Waste Management Facilities	349
076	Policy IS12: Development within Exclusion Zones	356
077	Policy IS13: Contaminated Land	359
078	Policy IS15: Radio Telecommunications	362
079	Policy IS16: Advertisements	367
080	Appendix 2: Meeting the Housing Land Requirement	370
081	Appendix 3: Supplementary Guidance and Standards	391
082	Appendix 3: Supplementary Guidance and Standards	394
085	Housing within Central Strategic Development Area: Ashkirk (EA200 Cransfield)	396
086	Housing within Eastern Strategic Development Area: Ayton (AAYTO003 Lawfield)	398

087	Housing within Eastern Strategic Development Area: Ayton (AY1A Beanburn)	401
088	Housing outwith Strategic Development Area: Bonchester Bridge (SRB5B Caravan Site)	403
089	Development within Central Strategic Development Areas: Bowden (new sites ABOWD008 Bothendene House II; ABOWD009 south of Morven II; ABOWD010 south of Cross II; amendment of Settlement Boundary to take account of land west of Quarry Green)	406
090	Business and Industrial Safeguarding outwith Strategic Development Areas: Broughton (zEL43 former station yard)	410
091	Broughton Settlement Profile (Development Contribution Text)	413
092	Broughton Settlement Profile (Longer Term Development Text)	415
093	Development outwith Strategic Development Areas: Broughton Development Boundary	418
094	Housing outwith Strategic Development Areas: Broughton (TB10B Springwell Brae)	422
095	Housing outwith Strategic Development Areas: Broughton (TB200 Dreva Road)	425
096	Longer Term Housing with Western Strategic Development Area: Cardrona (SCARD001 south of Cardrona Mains)	429
097	Mixed Use with Western Strategic Development Area: Cardrona (MCARD007 south of Horsbrugh Bridge)	432
098	Housing within Eastern Strategic Development Area: Chirnside (SCHIR004 East of Crosshill)	435
099	Housing within Central Strategic Development Area: Clovenfords (EC2 Caddonhaugh)	438
100	Housing within Central Strategic Development Area: Clovenfords (EC13B Meigle)	441
101	Housing outwith Strategic Development Areas: Cockburnspath (BC01B Burnwood)	443
102	Housing within Eastern Strategic Development Area: Coldingham (BCL2B Bogangreen)	445
103	Settlements within Eastern Strategic Development Area: Potential Settlement Boundary at Coldingham Sands	449
104	Redevelopment outwith Strategic Development Areas: Coldstream (RCOLD001 Lennel Cottages II)	452
105	Redevelopment outwith Strategic Development Areas: Coldstream (zRO17 Duns Road)	456
106	Redevelopment outwith Strategic Development Areas: Coldstream (zRO18 Lees Farm Mill)	458
107	Development outwith Strategic Development Areas: Lennel (FCOLD001 Lennel and FCOLD002 Lennel II)	460
108	Housing within Central Strategic Development Area: Crailing (ACRAI001 Crailing Toll)	462
109	Development outwith Strategic Development Areas: Cranshaws: proposed Settlement Boundary (SBCRAN001)	465
110	Development within Central Strategic Development Area: General: Darnick Coalescence	467
111	Housing within Central Strategic Development Area: Darnick (EM9B Chiefswood Road)	469

112	Housing within Central Strategic Development Area: Darnick (EM35D Broomilees Road)	471
113	Housing outhwith Strategic Development Areas: Dolphinton (ADOLP003 south of Sandy Hill)	474
114	Housing within Eastern Strategic Development Area: Duns (ADUNS010 Todlaw Playing Fields)	479
115	Development within Eastern Strategic Development Area: Duns (ADUNS023 south of Earlsmeadow; potential replacement MDUNS002 south of Earlsmeadow II)	481
116	Housing within Eastern Strategic Development Area: Duns (BD200 Langton Edge)	486
117	Housing within Strategic Development Area: Duns (BD4B Todlaw Road)	489
118	Redevelopment within Eastern Strategic Development Areas: Duns (RDUNS002 Duns Primary School)	491
119	Redevelopment within Eastern Strategic Development Area: Duns (RDUNS003 disused Chicken Hatchery, Clockmill)	493
120	Development within Eastern Strategic Development Area: Duns (SDUNS001 south of Earlsmeadow; zEL8 Peelrig Farm; new site MDUNS001 Cheeklaw Farm)	495
121	Business and Industrial Safeguarding within Eastern Strategic Development Area: Duns (zEL26 Berwick Road)	500
122	Business and Industrial Safeguarding within Central Strategic Development Area: Earlston (zEL57 Mill Road)	503
123	Business and Industrial Safeguarding within Central Strategic Development Area: Earlston (zEL56 Station Road)	505
124	Business and Industrial Safeguarding within Central Strategic Development Area: Earlston (zEL55 Turfford Park)	509
125	Business and Industrial within Central Strategic Development Area: Earlston (BEARL002 Townhead)	511
126	Earlston Settlement Profile and Map	513
127	Housing within Central Strategic Development Area: Earlston (EEA12B Earlston Glebe)	516
128	Housing within Central Strategic Development Area: Earlston (EEA101 Mill Road)	520
129	Housing within Central Strategic Development Area: Earlston (EEA200 Earlston Mill)	523
130	Housing within Central Strategic Development Area: Earlston (AEARL013 east of Georgefield)	527
131	Housing within Central Strategic Development Area: Earlston (AEARL002 surplus land at Earlston High School)	530
132	Housing within Central Strategic Development Area: Earlston (AEARL010 East Turrford)	532
133	Housing within Central Strategic Development Area: Earlston (AEARL011 Georgefield Site)	535
134	Redevelopment within Central Strategic Development Area: Earlston (zRO12 Brownlie Yard)	538
135	Redevelopment within Central Strategic Development Area: Earlston (REARL001 Halcombe Fields)	541
136	Eckford Settlement Profile	543

137	Housing outwith Strategic Development Areas: Eddleston (TE6B Burnside)	545
138	Housing within Central Strategic Development Area: Ednam (AEDNA002 West Mill)	548
139	Housing within Central Strategic Development Area: Ednam (EDNA008 site NE of War Memorial)	551
140	Housing within Central Strategic Development Area: Ednam (EDNA009 site NE of War Memorial - Large)	555
141	Housing within Central Strategic Development Area: Eildon (AEILD002 West Eildon)	558
142	Development outwith Strategic Development Areas: proposed Settlement Boundary - Ellemford (SBELL001)	559
143	Ettrick (Hopehouse) Settlement Profile	561
144	Housing outwith Strategic Development Areas: Ettrick (Hopehouse) (AETTR002 Hopehouse East)	563
145	Housing outwith Strategic Development Areas: Ettrick (Hopehouse) (AETTR003 Hopehouse West)	569
146	Housing outwith Strategic Development Areas: Ettrick (Hopehouse) (AETTR004 Hopehouse North East)	575
147	Housing outwith Strategic Development Areas: Ettrickbridge (METTB001 Woodend Extension)	581
148	Housing within Eastern Strategic Development Area: Eyemouth (AEYEM006 Gunsgreenhill Site C)	585
149	Housing within Eastern Strategic Development Area: Eyemouth (AEYEM007 Gunsgreenhill Site B)	588
150	Housing within Eastern Strategic Development Area: Eyemouth (BEY2B Acredale Farm Cottages)	590
151	Mixed Use Development within Eastern Strategic Development Area: Eyemouth (MEYEM001 Gunsgreen Mixed Use)	593
152	Development within Eastern Strategic Development Area: Eyemouth (zEL63 Eyemouth Industrial Estate; new site GEYEM002 Eyemouth Services (Retail))	595
153	Redevelopment within Eastern Strategic Development Area: Eyemouth (REYEM005 Whale Hotel)	600
154	Housing outwith Strategic Development Areas: Fountainhall (AFOUN005 South Fountainhall)	602
155	Business and Industrial within Central Strategic Development Area: Galashiels (BGALA002 Galafoot)	605
156	Business and Industrial Safeguarding within Central Strategic Development Area: Galashiels (BGALA003 Langhaugh)	608
157	Business and Industrial within Central Strategic Development Area: Galashiels (BGALA005 Easter Langlee)	610
158	Business and Industrial Safeguarding within Central Strategic Development Area: Galashiels (zEL40 Netherdale Industrial Estate)	613
159	Business and Industrial Safeguarding within Central Strategic Development Area: Galashiels (zEL41 Huddersfield Street Mill)	616
160	Business and Industrial Safeguarding within Central Strategic Development Area: Galashiels (zEL42 Wheatlands Road)	618
161	Education within Central Strategic Development Area: Galashiels (zED2 Heriot Watt University, Netherdale Campus)	620

162	Galashiels Settlement Profile	622
163	Housing within Central Strategic Development Area: Galashiels (AGALA024 Easter Langlee Expansion Area)	624
164	Housing within Central Strategic Development Area: Galashiels (AGALA027 expansion of Birks View)	627
165	Housing within Central Strategic Development Area: Galashiels (AGALA029 Netherbarns)	633
166	Housing within Central Strategic Development Area: Galashiels (AGALA030 Hawthorn Road)	642
167	Housing within Central Strategic Development Area: Galashiels (AGALA031 Damhead, King Street)	646
168	Housing within Central Strategic Development Area: Galashiels (EGL17B Buckholm Corner)	649
169	Housing within the Central Strategic Development Area: Galashiels (EGL19B Mossilee)	653
170	Housing within Central Strategic Development Area: Galashiels (EGL32B Ryehaugh)	656
171	Housing within Central Strategic Development Area: Galashiels (EGL41 Buckholm North)	658
172	Housing within Central Strategic Development Area: Galashiels (EGL43 Balmoral Avenue)	661
173	Redevelopment within Central Strategic Development Area: Galashiels (RGALA004 Bylands)	663
174	Redevelopment within Central Strategic Development Area: Galashiels (RGALA001 St Aidans Church)	665
175	Redevelopment within Central Strategic Development Area: Galashiels (RGALA002 vacant buildings at Kirk Brae)	667
176	Redevelopment within Central Strategic Development Area: Galashiels (zCR2 Huddersfield Street/Hill Street)	669
177	Redevelopment within Central Strategic Development Area: Galashiels (zCR3 Stirling Street)	671
178	Redevelopment within Central Strategic Development Area: Galashiels (zRO202 Melrose Road)	673
179	Redevelopment within Central Strategic Development Area: Galashiels (zRO4 Plumbtreehall Brae)	675
180	Redevelopment within Central Strategic Development Area: Galashiels (zRO6 Roxburgh Street)	678
181	Transportation within Central Strategic Development Area: Galashiels (zTI1 Galashiels Interchange)	680
182	Housing within Central Strategic Development Area: Gattonside (AGATT007 St Aidans)	682
183	Housing within Central Strategic Development Area: Gattonside (AGATT011 site north of Montgomerie Terrace)	685
184	Housing within Central Strategic Development Area: Gattonside (AGATT010 Monkswood Extension)	688
185	Housing within Central Strategic Development Area: Gattonside (AGATT013 Castlefield/Gateside Meadow)	690
186	Development outwith Strategic Development Areas: Proposed Development Boundary (SBGLE001 Glen Estate)	695
187	Development outwith Strategic Development Areas: Gordon (AGORD003 Kelso Road West; RGORD001 east of Station Road)	698

188	Housing outwith Strategic Development Areas: Greenlaw (AGREE007 Greenlaw Poultry Farm)	701
189	Housing outwith Strategic Development Areas: Greenlaw (AGREE006 Marchmont Road II)	703
190	Development outwith Strategic Development Areas: Greenlaw (MGREE001 south of Edinburgh Road; SGREE003 Halliburton Road)	705
191	Mixed Use outwith Strategic Development Areas: Greenlaw (MGREE003 extension to former Duns Road Industrial Site)	708
192	Key Greenspace: Greenlaw	710
193	Business and Industrial Safeguarding within Central Strategic Development Area: Hawick (zEL49 Burnfoot)	711
194	Business and Industrial Safeguarding within Central Strategic Development Area: Hawick (zEL50 Mansfield Road)	713
195	Business and Industrial Safeguarding within Central Strategic Development Area: Hawick (zEL52 Liddesdale Road)	715
196	Business and Industrial Safeguarding within Central Strategic Development Area: Hawick (zEL62 Weensland)	717
197	Redevelopment within Central Strategic Development Area: Hawick (zRO8 Commercial Road)	719
198	Housing within Central Strategic Development Area: Hawick (AHAWI006 Guthrie Drive)	723
199	Housing within Central Strategic Development Area: Hawick (AHAWI013 Gala Law)	725
200	Housing within Central Strategic Development Area: Hawick (RHA12B Summerfield 1)	727
201	Housing within Central Strategic Development Area: Hawick (RHA13B Summerfield 2)	729
202	Housing within Central Strategic Development Area: Hawick (RHA25B Stirches 2)	732
203	Longer Term Housing within Central Strategic Development Area: Hawick (SHAWI003 Burnfoot Phase 1)	734
204	Housing within Central Strategic Development Area: Hawick (AHAWI024 former Stonefield Quarry)	736
205	Redevelopment within Central Strategic Development Area: Hawick (RHAWI009 Knitwear Factory)	738
206	Housing within Western Strategic Development Area: Innerleithen (AINNE004 Kirklands/Willowbank II)	740
207	Housing within Western Strategic Development Area: Innerleithen (TI200 Kirklands/Willowbank)	744
208	Business and Industrial within Western Strategic Development Area: Innerleithen (zEL16 Traquair Road East)	746
209	Business and Industrial Safeguarding within Western Strategic Development Area: Innerleithen (zEL200 Traquair Road)	749
210	Redevelopment within Western Strategic Development Area: Innerleithen (RINNE002 Caerlee Mill)	751
211	Redevelopment within Western Strategic Development Area: Innerleithen (zRO9 High Street Gap Site)	756
212	Longer Term Housing within Western Strategic Development Area: Innerleithen (SINNE001 Kirklands II)	758
213	Redevelopment within Western Strategic Development Area: Innerleithen (RINNE001 former gas works)	760

214	Business and Industrial Safeguarding within Central Strategic Development Area: Jedburgh (zEL34 Bankend South Industrial Estate)	763
215	Business and Industrial Safeguarding within Central Strategic Development Area: Jedburgh (zEL37 Bongate North)	765
216	Business and Industrial Safeguarding within Central Strategic Development Area: Jedburgh (zEL35 Bongate South)	767
217	Business and Industrial Safeguarding within Central Strategic Development Area: Jedburgh (zEL33 Edinburgh Road)	769
218	Housing within Central Strategic Development Area: Jedburgh (AJEDB013 Oakieknowe)	771
219	Housing within Central Strategic Development Area: Jedburgh (AJEDB014 Riverside Mill 2)	773
220	Housing within Central Strategic Development Area: Jedburgh (RJ14B Oxnam Road)	776
221	Redevelopment within Central Strategic Development Area: Jedburgh (RJEDB001 The Anna)	778
222	Housing within Central Strategic Development Area: Jedburgh (RJ27D Wildcat Cleuch)	780
223	Housing within Central Strategic Development Area: Jedburgh (AJEDB005 Wildcat Gate South)	783
224	Retail within Central Strategic Development Area: Jedburgh (GJEDB001 Edinburgh Road Retail - large)	785
225	Retail within Central Strategic Development Area: Jedburgh (GJEDB002 Bankend South Retail)	789
226	Development within Central Strategic Development Area: Jedburgh (zEL33 Edinburgh Road, GJEDB003 Edinburgh Road Retail - small)	793
227	Business and Industrial Safeguarding in Central Strategic Development Area: Kelso (BKELS005 Pinnaclehill Industrial Estate)	798
228	Business and Industrial in Central Strategic Development Area: Kelso (zEL206 extension to Pinnaclehill Industrial Estate)	800
229	Business and Industrial in Central Strategic Development Area: Kelso (BKELS003 Wooden Linn)	803
230	Housing within Central Strategic Development Area: Kelso (AKELS021 Development Brief – Nethershot)	805
231	Longer Term Housing within Central Strategic Development Area: Kelso (SKELS004 Nethershot - longer term)	808
232	Housing within Central Strategic Development Area: Kelso (RKE12B Rosebank 2)	811
233	Redevelopment within Central Strategic Development Area: Kelso (RKELS002 former Kelso High School)	813
234	Housing outwith Strategic Development Areas: Lauder (ALAUD001 West Allanbank)	816
235	Housing outwith Strategic Development Areas: Lauder (ELA12B Wyndhead II)	819
236	Business and Industrial Safeguarding outwith Strategic Development Areas: Lauder (zEL61 Lauder Industrial Estate)	823
237	Business and Industrial outwith Strategic Development Areas: Lauder (BLAUD002 North Lauder Industrial Estate)	825
238	Redevelopment outwith Strategic Development Areas: Lauder (RLAUD002 Burnmill)	828

239	Longer Term Housing outwith Strategic Development Areas: Lauder (SLAUD001 Lauder South)	831
240	Housing outwith Strategic Development Areas: Leitholm (BLE2B Main Street)	834
241	Development outwith Strategic Development Areas: Lennel (ALENN001 land north west of A6112; proposed Lennel Settlement Boundary)	836
242	Housing within Central Strategic Development Area: Lilliesleaf (EL16B Muselie Drive)	838
243	Development outwith Strategic Development Areas: Longformacus (conservation area; number of listed buildings; potential limited housing; flood risk of Dye Water)	840
244	Key Greenspace: Longformacus	843
245	Housing within Central Strategic Development Area: Melrose (EM32B Dingleton Hospital)	846
246	Housing within Central Strategic Development Area: Melrose (EM4B The Croft)	849
247	Development within Central Strategic Development Area: Midlem (AMIDL003 Townhead; amendment of Settlement Boundary to the west; amendment of Settlement Boundary to north)	852
248	Housing outwith Strategic Development Areas: Newcastleton (ANEWC010 Newcastleton West)	856
249	Housing outwith Strategic Development Areas: Newcastleton (RNE2B South of Holmhead)	860
250	Development within Central Strategic Development Area: Newstead (MNEWS001 Newstead East)	862
251	Business and Industrial within Central Strategic Development Area: Newtown St Boswells (BNEWT001 Tweed Horizons Expansion)	865
252	Housing in Central Strategic Development Area: Newtown St Boswells (ENT4B Melrose Road)	869
253	Mixed Use in Central Strategic Development Area: Newtown St Boswells (MNEWT001 Auction Mart)	871
254	Newtown St Boswells Settlement Profile	873
255	Housing in Central Strategic Development Area: Newtown St Boswells (ANEWT008 Newtown Expansion 2)	878
256	Mixed Use in Central Strategic Development Area: Newtown St Boswells (MNEWT003 Borders Rural Centre)	882
257	Housing outwith Strategic Development Areas: Oxton (AOXTO001 station yard)	884
258	Housing outwith Strategic Development Areas: Oxton (AOXTO005 Nether Howden)	889
259	Peebles Settlement Profile: Affordable Housing	892
260	Peebles Settlement Profile and Map: Core Activity Area	894
261	Business and Industrial within Western Strategic Development Area: Peebles	896
262	Business and Industrial Safeguarding within Western Strategic Development Area: Peebles (zEL2 Cavalry Park)	898
263	Peebles Settlement Profile and Map: Future Development of Peebles	900

264	Housing within Western Strategic Development Area: Peebles (APEEB021 housing south of South Park)	904
265	Housing within Western Strategic Development Area: Peebles (APEEB031 George Place)	911
266	Housing within Western Strategic Development Area: Peebles (APEEB041 Violet Bank II)	915
267	Housing within Western Strategic Development Area: Peebles (APEEB042 South Parks)	920
268	Housing within Western Strategic Development Area: Peebles (APEEB043 Tantah)	924
269	Housing within Western Strategic Development Area: Peebles (APEEB044 Rosetta Road)	926
270	Housing within Western Strategic Development Area: Peebles (APEEB045 Venlaw)	930
271	Housing within Western Strategic Development Area: Peebles (TP7B Whitehaugh)	934
272	Longer Term Housing within Western Strategic Development Area: Peebles	937
273	Longer Term Housing within Western Strategic Development Area: Peebles (SPEEB003 south west of Whitehaugh)	939
274	Longer Term Mixed Use within Western Strategic Development Area: Peebles (SPEEB005 Peebles East - south of river)	941
275	Longer Term Housing within Western Strategic Development Area: Peebles (SPEEB006 south west of Peebles)	946
276	Mixed Use within Western Strategic Development Area: Peebles (MPEEB006 Rosetta Road)	948
277	Peebles Settlement Profile: Education Text	952
278	Peebles Whole Town Masterplan	954
279	Redevelopment within Western Strategic Development Area: Peebles (RPEEB001 Dovecot Road)	956
280	Redevelopment within Western Strategic Development Area: Peebles (RPEEB002 George Street)	958
281	Redevelopment within Western Strategic Development Area: Peebles (RPEEB003 Tweedbridge Court)	962
282	Key Greenspace: Peebles	966
283	Development outwith Strategic Development Areas: Polwarth (APOLW001 land north and west of Cheviot View)	969
284	Redpath Settlement Profile	971
285	Key Greenspace: Redpath	973
286	Housing within Eastern Strategic Development Area: Reston (BR6 rear of primary school)	976
287	Development outwith Strategic Development Areas: Reston (FREST001 Houndwood - cemetery)	978
288	Mixed Use within Eastern Strategic Development Area: Reston (MREST001 Auction Mart)	980
289	Longer Term Mixed Use within Eastern Strategic Development Area: Reston (SREST001 Reston Long Term 1)	982

290	Longer Term Mixed Use within Eastern Strategic Development Area: Reston (SREST002 Reston Long Term 2)	984
290a	Housing within Central Strategic Development Area: Robertson (AROB003 site adjacent to Kirk'oer)	986
291	Development within Central Strategic Development Area: Roxburgh Development Boundary (SBROX001)	989
292	Business and Industrial within Central Strategic Development Area: Selkirk (BSELK002 Riverside 5)	992
293	Redevelopment within Central Strategic Development Area: Selkirk (zRO200 Philiphaugh Mill)	996
294	Business and Industrial within Central Strategic Development Area: Selkirk (BSELK003 Riverside 8)	1003
295	Business and Industrial within Central Strategic Development Area: Selkirk (zEL11 Riverside 2)	1008
296	Business and Industrial within Central Strategic Development Area: Selkirk (zEL15 Riverside 6)	1013
297	Business and Industrial Safeguarding within Central Strategic Development Area: Selkirk (BSELK001 Riverside 7)	1016
298	Housing within Central Strategic Development Area: Selkirk (ASELK006 Philiphaugh Steading)	1020
299	Housing within Central Strategic Development Area: Selkirk (ASELK021 Philiphaugh North)	1023
300	Housing within Central Strategic Development Area: Selkirk (ESE10B Linglie Road)	1026
301	Housing within Central Strategic Development Area: Selkirk (ESE2 Kerr's Land)	1030
302	Redevelopment within Central Strategic Development Area: Selkirk (RSELK004 Souter Court)	1033
303	Redevelopment within Central Strategic Development Area: Selkirk (RSELK002 St Marys Church)	1036
304	Selkirk Settlement Profile and Map	1038
305	Key Greenspace: Selkirk	1041
306	Housing within Central Strategic Development Area: Sprouston (RSP3B Teasel Bank)	1044
307	Business and Industrial Safeguarding within Central Strategic Development Area: St Boswells (zEL3 Charlesfield)	1047
308	Development within Central Strategic Development Area: Stichill Development Boundary (SBSTI001)	1049
309	Housing outwith Strategic Development Areas: Stow (ASTOW002 Craigend Road)	1052
310	Housing outwith Strategic Development Areas: Stow (ASTOW027 Stagehall II)	1055
311	Mixed Use outwith Strategic Development Areas: Stow (MSTOW001 Royal Hotel)	1062
312	Development outwith Strategic Development Areas: Swinton (ASWIN001 east of Coldstream Road 1; GSWIN001 east of Coldstream Road 2; BSWIN002 land north of Wellfield; zEL45 Coldstream Road)	1064
313	Development outwith Strategic Development Areas: Swinton (MSWIN002 land adjacent to Swinton Primary School; new proposed longer term site Coldstream Road II)	1067

314	Key Greenspace: Tweedbank	1070
315	Housing within Western Strategic Development Area: Walkerburn (TW200 Caberston Farm Land)	1072
316	Walkerburn Settlement Profile: Longer Term Development Text	1075
317	Business and Industrial outwith Strategic Development Areas: West Linton (zEL18 Deanfoot Road)	1077
318	Housing outwith Strategic Development Areas: West Linton (AWEST009 Robinsland Steading)	1083
319	Housing outwith Strategic Development Areas: West Linton (AWEST012 farm east; AWEST013 South Robinsland; AWEST014 extended South Robinsland)	1085
320	Housing outwith Strategic Development Areas: West Linton (AWEST015 east of Dryburn Brae)	1089
321	Development outwith Strategic Development Areas: Westruther (MWESR001 Greenlees I; AWESR008 Greenlees II; AWESR007 north of Edgar Road)	1092
322	Housing outwith Strategic Development Areas: Yetholm (RY4B Morebattle Road)	1095
323	Policy Maps and Settlement Profiles with Maps: extension of Borders Rail Project	1097
324	General Criticism and Support of the Production of the Proposed Local Development Plan	1100
325	General: Consideration of Core Areas of Wild Land	1102
326	General: Progress of Habitats Regulations Appraisal and Inclusion of Consideration of European Sites	1104
327	General: Reference to Strategic High Amenity Business and Industrial Site at Cavalry Park in Peebles	1106
328	General: Safeguarding Existing and Promoting New Railway Routes	1108
329	General: Short-term Parking Provision for Visitor Spend in Established Town Centres	1110
330	Renewable Energy: General	1112

Annex A

Appendix 2 – Meeting the Housing Land Requirement

1114

Examination of Conformity with the Participation Statement

1. Section 19(4) of the Town and Country Planning (Scotland) Act 1997 (as amended) states that a person appointed to examine a proposed local development plan “is firstly to examine ... the extent to which the planning authority’s actions with regard to consultation and the involvement with the public at large as respects the proposed plan have conformed with (or have been beyond the requirements of) the participation statement of the authority which was current when the proposed plan was published under Section 18(1)(a).”

2. Paragraph 110 of Circular 6/2013: *Development Planning* indicates that in this assessment the appointed person is only expected to refer to existing published documents such as the participation statement, the report on conformity and any representations relating to the authority’s consultation and public involvement activities.

3. The Proposed Scottish Borders Council Local Development Plan was published in December 2013. Development Plan Scheme 5, then current, was published in April 2013. The participation statement is included at pages 4 to 5 of that development plan scheme. In that section are included the measures the council proposed to take to involve councillors, community councils, key agencies and other stakeholders, including businesses and the general public, at the various stages of plan preparation. The participation statement includes measures already taken at the main issues report stage, but our examination is limited to a consideration of conformity with what was proposed for the proposed plan stage. The participation statement sets out both a number of particular actions that the authority would carry out at this stage, and some more general actions applying to the plan preparation period as a whole. These included:

- a) We will notify interested parties and stakeholders at periodic stages throughout the LDP process, but we want to do more than that and maintain a flow of project information. The main home for this real time information will be our website...This lets you register your details on the website, and then be notified of any up and coming developments or events;
- b) We will try to accommodate the range of consultees and interests with an interest in the future of the Borders, including agencies and organisations, community councils, businesses and the general public;

We plan to use a range of techniques, including:

- c) publicising an email address where you can ask questions about the LDP process and get a personal response;
- d) keeping a record of everyone who responds in a database for newsletters or up and coming events;
- e) publishing key documents on our website;
- f) providing paper copies of key plan stage documents at libraries and council area offices;
- g) press releases and awareness-raising publicity at each key stage of the SDP process; and

h) making translations of key documents into the main community languages available on request.

4. The council's stand-alone 'Participation Statement', in effect its report of conformity with its participation statement, was submitted to Ministers along with the proposed plan. Section 5: *Engagement on the Proposed Plan* sets out the manner in which the council's actions in regard to consultation on the proposed plan conformed with, or went beyond the requirements of, the proposals (listed above) contained in Development Plan Scheme 5.

5. Having considered the Statement of Consultation, we sought clarification from the council on two points. The council's response, dated 12 November 2014, provided us with assurances that all the actions proposed in the participation statement had been carried out, or equivalent actions achieving the same outcome had been carried out.

6. Having reviewed the Development Plan Scheme and the supporting documentation submitted by the council, we are satisfied that Scottish Borders Council conducted a wide-ranging consultation exercise on the proposed plan, as envisaged by Scottish Ministers, and in accordance with the terms of the participation statement. On this basis we found that the council had acted in accordance with Section 19(4) of the Act. Being satisfied, we therefore proceeded to examine the proposed local development plan.

Issue 001	Chapter 2. Meeting the Challenges for the Scottish Borders Section on “Demographics”, issue regarding paragraph 2.3	
Development plan reference:	Chapter 2. Meeting the Challenges for the Scottish Borders Section on “Demographics”, paragraph 2.3 and Key Outcomes 1 (Proposed Local Development Plan, page 10)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
483 David Wilson Homes 485 Geddes Consulting		
Provision of the development plan to which the issue relates:	Chapter 2. Meeting the Challenges for the Scottish Borders Section on “Demographics” (page 10)	
Planning authority’s summary of the representation(s):		
<p><u>483 David Wilson Homes and 485 Geddes Consulting</u></p> <p>Quote paragraph 2.3 of the Proposed Local Development Plan and state that the subsequent Key Outcome 1 “<i>continued provision of a generous housing land supply</i>” is not in accordance with SESplan Policy 6 <i>Housing Land Flexibility or SPP (2010) (paragraph 72)</i>.</p> <p>Propose a wording amendment to the sentence to add “effective housing land supply” before “to ensure a generous supply of land for housing...” (paragraph 2.3) and at Key Outcome 1 to add “an effective housing land supply to ensure a” before “generous housing land supply.”</p>		
Modifications sought by those submitting representations:		
<p><u>483 David Wilson Homes and 485 Geddes Consulting</u></p> <p>Propose a wording amendment to the sentence to add “effective housing land supply” before “to ensure a generous supply of land for housing...” (paragraph 2.3) and at Key Outcome 1 to add “an effective housing land supply to ensure a” before “generous housing land supply.”</p>		
Summary of responses (including reasons) by planning authority:		
<p>AN ALTERNATIVE AMENDMENT TO PARAGRAPH 2.3 AS DETAILED IN THE RESPONSE TO THE OBJECTORS BELOW IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL.</p> <p>THE AMENDMENT TO KEY OUTCOME 1 IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL.</p> <p><i>N.B. These representations also relate to Schedule 4 080 Appendix 2 - Meeting the Housing Land Requirement</i></p>		

It is considered that paragraph 2.3 is an accurate summary of the housing land position, particularly as this section of the plan is intended to be relatively high level, introducing elements which are then explained in more detail in other relevant parts of the plan. However, it is considered that an amendment to introduce the effective nature of the Borders housing land supply would be appropriate.

The text put forward by the objectors is not judged to read well and instead the following text is suggested, where the additional text is underlined:

“The Council has prepared an update to its Housing Needs and Demand Assessment and this has been accepted by the Scottish Government. The assessment identifies a continued need for affordable housing in the Scottish Borders amounting to some 100 houses per annum over the next 5 years. This Plan is focused on the period to 2024 which is ten years beyond the anticipated year of adoption. The combination of an up to date development plan with an effective and generous supply of land for housing, and the current economic downturn means that the land requirement to deal with future housing need is modest”

The Council is content that the additional text to Key Outcome 1, as suggested by the Objectors, gives an increase in detail in terms of the Council’s housing land aspiration that is factual but which remains at a relatively high level, in accordance with this part of the Proposed Local Development Plan. As a result the Council considers this to be a non-significant change to the Proposed Local Development Plan.

The Council would be content for the revised amendment to paragraph 2.3 as proposed by the Council and the amendment to Key Outcome 1 as proposed by the Objectors to be inserted into the Proposed Local Development Plan as non-significant changes.

Reporter’s conclusions:

1. The first section of chapter 2 of the proposed plan deals with demographics and sets out 2 key outcomes relating to the provision of housing land and affordable housing, along with 2 supporting paragraphs. Adjustments are sought to supporting paragraph 2.3, and key outcome 1. The planning authority accepts the change proposed in the representations to key outcome 1, and puts forward an alternative to the change proposed in paragraph 2.3.
2. Scottish Planning Policy indicates that local development plans in city regions should allocate a range of sites which are effective or are expected to become effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption. It also indicates that they should provide for a minimum of 5 years effective land supply at all times.
3. Policy 5 of SESplan requires local development plans to allocate sufficient land which is capable of becoming effective and delivering the scale of the housing requirement for each period. Policy 6 requires each planning authority to maintain a 5 year effective housing land supply at all times. The supporting text states that most of the new houses required are expected to be built on land which is already committed for housing development either because it is already allocated for that purpose in the existing local plans, or because planning permission has been granted.
4. Scottish Planning Policy and SESplan both clearly regard the existence of an

appropriate housing land supply which is effective or capable of becoming effective over the plan period as important factors in ensuring that housing needs and demand in an area are met. Chapter 2 of the proposed plan is titled meeting the challenges for the Scottish Borders. While it is part of the general introduction to the proposed plan and is only setting a context for the more detailed chapters, policies and appendices which follow, I consider that it is reasonable and appropriate to adjust paragraph 2.3 and key outcome 1 to refer to an effective supply in order to properly reflect the importance Scottish Planning Policy and SESplan place on delivering sufficient housing land in the plan period to meet the housing land requirement.

5. The change in wording proposed to key outcome 1 is appropriate in so far as it goes, because it would mean that reference is now made to the continued provision of an effective supply. This change should also mean that a generous housing land supply is maintained, and this should be added to key outcome 1. I prefer the wording proposed in paragraph 2.3 by the planning authority, which adds a straightforward reference to an effective and generous supply. This is both clearer and reads better than the wording proposed in the representations.

6. Additionally, in the interests of clarity and the improved reading of paragraph 2.3, a further linked change is required. This would replace the reference to the land requirement (to deal with future housing need) in the last sentence of the paragraph to the land required.

7. Overall, adjustments are required to the proposed plan as set out below.

Reporter’s recommendations:

I recommend that the following modifications be made:

1. On page 10 of Volume 1 Policies, adjust the last sentence of paragraph 2.3 so that it reads:

“The combination of an up to date development plan with an effective and generous supply of land for housing, and the current economic downturn means that the land required to deal with future housing need is modest.”

2. On page 10 of Volume 1 Policies, adjust key outcome 1 so that it reads:

“Key Outcome 1: The continued provision of an effective housing land supply to ensure that a generous housing land supply is maintained.”

Issue 002	Chapter 2: Meeting the Challenges for the Scottish Borders – Infrastructure	
Development plan reference:	Meeting the Challenges for the Scottish Borders (Page 12, paragraph 2.9)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
339 Scottish Government		
Provision of the development plan to which the issue relates:	Proposed change to wording of Paragraph 2.9	
Planning authority’s summary of the representation(s):		
<p>The contributor suggests that paragraph 2.9 (p12) be amended to read:</p> <p>The potential for a better rail service for the Berwickshire communities with a rail halt at Reston has been the subject of further study by SEStran. Transport Scotland has included improved rail services between Edinburgh and Berwick-upon-Tweed, incorporating a potential halt at Reston, as a priced option within the Invitation to tender for the next ScotRail Franchise.</p>		
Modifications sought by those submitting representations:		
<p>Paragraph 2.9 to be amended to read:</p> <p>The potential for a better rail service for the Berwickshire communities with a rail halt at Reston has been the subject of further study by SEStran. Transport Scotland has included improved rail services between Edinburgh and Berwick-upon-Tweed, incorporating a potential halt at Reston, as a priced option within the Invitation to tender for the next ScotRail Franchise.</p>		
Summary of responses (including reasons) by planning authority:		
<p>THIS IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL</p> <p>Suggested wording as follows:</p> <p>The potential for a better rail service for the Berwickshire communities with a rail halt at Reston has been the subject of further study by SEStran. Transport Scotland has included improved rail services between Edinburgh and Berwick-upon-Tweed, incorporating a potential halt at Reston, as a priced option within the Invitation to tender for the next ScotRail Franchise.</p>		
Reporter’s conclusions:		
1. The third section of chapter 2 of the proposed plan deals with infrastructure and sets		

out 2 key outcomes, one of which includes reference to improvements to the rail network. Supporting paragraph 2.9 refers to the potential for a better rail service for the Berwickshire communities. The planning authority accepts the change proposed in the Scottish Government’s representation to paragraph 2.9.

2. Scottish Planning Policy indicates that development plans should identify any required transport infrastructure or public transport services, including rail infrastructure. It also indicates that funding partners should be identified, and that agreement should be reached with Transport Scotland and Network Rail before rail proposals are included in a development plan. SESplan identifies improvements to East Coast Rail Services, including a station at Reston, as a key strategic infrastructure improvement.

3. The change proposed builds on the reference at paragraph 2.9 to a better rail service for Berwickshire. It would indicate that such a service, including a rail halt at Reston, has been the subject of a further study by SEStran, and that Transport Scotland included it as a priced option within the invitation to tender for the next Scotrail franchise. The change proposed is relevant, factual, and sets out a more up to date position on the progress of this proposal. It provides a sound justification for referring to this proposal in the development plan. In the circumstances, I consider that the change would be both appropriate and reasonable.

4. An adjustment is required to the proposed plan as set out below.

Reporter’s recommendations:

I recommend that the following modification be made:

1. On page 12 of Volume 1 Policies, adjust the last sentence of paragraph 2.9 so that it reads:

“The potential for a better rail service for the Berwickshire communities with a rail halt at Reston has been the subject of further study by SEStran. Transport Scotland has included improved rail services between Edinburgh and Berwick-upon-Tweed, incorporating a potential halt at Reston, as a priced option within the Invitation to tender for the next Scotrail franchise.”

Issue 003	Chapter 2: Meeting the Challenges for the Scottish Borders - Section on Climate Change	
Development plan reference:	Chapter 2 Meeting the Challenges for the Scottish Borders Section on Climate Change (pages 13 – 14)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
391 Mountaineering Council of Scotland 463 Coriolis 428 Fred Olsen 432 Infinis 492 EDF 130 Oakes	423 Southdean CC 438 Hunter 339 Scottish Government 286 RES 447 Lilliesleaf, Ashkirk and Midlem CC	
Provision of the development plan to which the issue relates:	Chapter 2 Meeting the Challenges for the Scottish Borders Section on Climate Change	
Planning authority's summary of the representation(s):		
<p><u>391 Mountaineering Council of Scotland</u></p> <p>In the absence of a strategic national plan for the siting of wind power stations, and given relentless developer pressure on Scottish Borders Council area - promoted by excessive UK government market incentives and Scottish Government political ambition - the proposed LDP does its best and we support it in that.</p> <p><u>463 Coriolis</u></p> <p>The use of the words - sustainable locations/sustainable - as a preface to renewable energy production in the Proposed LDP is confusing. What does this really mean? What merits a sustainable location? What factors must a renewable energy generator demonstrate to be considered sustainable? This statement requires to be justified by Scottish Borders Council. If the statement is intended to mean a 'sustainable location' in terms of landscape capacity then this needs to be detailed. The relationship of this wording to national planning policy guidance is unclear.</p> <p><u>428 Fred Olsen</u></p> <p>Para 2.18 – Concern over the negative stance toward future onshore wind energy development</p> <p><u>432 Infinis & 492 EDF</u></p> <p>SBC must acknowledge the importance of encouraging the development of renewable energy, and specifically encouraging mature and viable technologies such a wind energy generation. The supporting text at section 2.18 of the PLDP refers specifically to wind energy and suggests a 'precautionary approach' is undertaken to wind energy development. The wording is overtly negative and unsupportive of wind energy</p>		

development within the SBC area, which is contrary to national policy

State that respondents are pleased to note that climate change is listed as one of the five topics within which key outcomes have been identified. Furthermore it is encouraging that SBC has acknowledged the Scottish Government's targets to reduce greenhouse gas emissions by 42% by 2020 & 80% by 2050, from 2009 levels

State that 'Key Outcome 10' of the PLDP promotes "*The encouragement of renewable energy only in sustainable locations where adverse potential cumulative impact can be avoided*". This Key Outcome in itself is contrary to the advice set out in SPP which states "*Planning authorities should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed*". Recommend therefore that SBC amend this Key Outcome to ensure it is positively aligned with and accurately reflects the relevant provisions of SPP

130 Oakes

On-shore wind turbines are technically well suited to much of Scottish Borders, subject to two constraints. Firstly there is the requirement to meet the demands of the Eskdalemuir Test Ban Treaty monitoring facility. I understand that efforts are being made to minimise the restrictions that this very important facility needs to impose. Secondly on-shore wind turbines are very obtrusive in landscape areas considered by much of the public to be "unspoilt". This landscape is not in any way "natural" or "wild", it is in fact rather bleak, having had centuries of over grazing by sheep. However, it still makes for very good recreational walking, providing some degree of a feeling of remoteness. There is urgent need to do what can be done to ensure security of electrical energy supplies and on-shore wind farms can make a useful contribution. Thus we have a conflict between on one hand an extremely vocal and well supported set of people who object to on-shore wind farms wherever they arise and on the other hand the need for reliable non-fossil electricity supplies. The tone of this paragraph, together with the map figure ED9a, suggest that for the identification of acceptable sites the objectors have the upper hand. It would be nice if off-shore wind farms could be substituted for on-shore. However, the economics of off-shore electricity generation appear to be unsatisfactory, it being three or more times as expensive to install and maintain the turbines. There are possible severe detrimental maritime environmental consequences from off-shore wind farms.

Pleased to see that SBC is going to take the potential problems of flood plains seriously

423 Southdean CC

Southdean CC totally agrees with para 2.22 (considered to be para 2.18) and fully supports the inclusion of this robust and structured background study in formulating renewables policy

Para 2.21 (considered to be para 2.17) The community council are acutely aware of increased flood risk; run off to fields is a major contributor to local issues and the community council would like to see increased clearance of drains, and below hedgerows which would alleviate the issues. Liaison with farmers in high risk areas is also suggested

438 Hunter

Regarding Climate Change in parts 2.18 - 2.20 it talks about the reduction of greenhouse

gas emissions targets of 42% reduction by 2020 & 80% by 2050. There is acknowledgement that the Borders is largely rural & that households have access to one or more cars. So the rate of petrol or diesel consumption per head is some 46% higher than the Scottish average. It finishes by saying: However, the promotion of development in sustainable locations will support the public transport network and contribute to climate change objectives. What public transport network? and contribute to climate change objectives how? as there would potentially be an increase of 15-30 or more cars.

339 Scottish Government

As set out in our response to the Main Issues Report, Section 3F of the Planning Act requires local development plans to include policies requiring developments to avoid a specified and rising proportion of projected greenhouse gas emissions through the installation and operation of low and zero carbon generating technologies. This is a legislative requirement of Section 3F of the Town and Country Planning (Scotland) Act 1997.

The LDP should include a policy that addresses these issues. Examples of such policies are contained within the Dundee LDP and the Perth and Kinross LDP. The Adopted Dundee LDP, Policy 29, states that "Proposals for all new buildings will be required to demonstrate that at least 10% of the carbon emissions reductions standard set by Scottish Building Standards (2007) will be met through the installation and operation of zero-carbon generating technologies. This percentage will increase to 15% from the beginning of 2016 and will be reviewed in 2018".

An alternative example is based on the Perth and Kinross plan, which takes a more detailed approach, specifying time periods and appropriate emissions abatement for domestic and non-domestic buildings.

We recommend that either approach could be applied to the LDP, however, the first approach is in keeping with the general style and tone of the remainder of the proposed Plan

286 RES

RES welcomes the issue of Climate Change as one of the five key challenges to be faced within the Scottish Borders over the lifetime of the emerging local development plan. In particular within paragraph 2.18 the acknowledgement that the encouragement of renewable energy is seen to be a key part of the Governments response to climate change and that this also supports the Scottish Borders Council's emphasis towards a low carbon economy.

The Council further contend however, that due to the potential for adverse and cumulative impact from wind turbines a precautionary approach has been adopted to further onshore wind energy development using landscape capacity as a measure to inform this approach. There is no national planning guidance support for any such precautionary approach, indeed Scottish Planning Policy (SPP) confirms planning authorities should support wind farms in appropriate locations, and that spatial frameworks directing such development should be set out in development plans. Further detailed guidance is provided in SPP, and the relevant online renewable guidance, on how such matters should be achieved. Nothing within this policy guidance suggests the use of landscape capacity as a methodology for such a precautionary approach. If the Council wish to avoid unacceptable impacts,

including cumulative impacts, they should propose clear and concise generic development policies together with a spatial framework developed in cognisance with national guidance as a basis to their development management function. Such an approach would be supportive of onshore wind development in accordance with national policy, but would still safeguard against inappropriate development. RES would further guard against the Council's reliance on offshore energy to meet the Scottish Government's renewable energy generation targets, and in turn climate change reduction. While offshore renewable energy projects are rightly promoted by Scottish Government, offshore technologies' maturity and cost may preclude significant generation contributions to the 2020 targets. As highlighted in RES' response to the consultation on the Main Issues Report to the emerging LDP (dated 9th May 2012) sufficient offshore development is unlikely to be achieved in time to meet the 100% target in 2020. Onshore wind energy development is currently the most advanced, cost effective and quickest way to achieve these national targets and accordingly the emerging LDP is required to be more positive regarding the support for onshore wind energy development. RES requests that Paragraph 2.18 is reworded to recognise the contribution that onshore wind energy development has made and can continue to make in achieving the key climate change outcome, as part of a mix of other more established and emerging renewable technologies, in achieving a sustainable and secure mix of future energy generation.

Key Outcome 10 requires the wording to be amended through the deletion of the word "only" and insertion of the word "unacceptable" to provide a less restrictive and negative stance to renewable energy development. RES therefore request Key Outcome 10 to be reworded to read "The encouragement of renewable energy in sustainable locations where unacceptable adverse potential cumulative impact can be avoided"

RES would further contend that the valuable contribution of renewable energy development in supporting the rural economy and providing better energy security to businesses should be made within the section relating to the Key Issue of the Economy. Inward investment in often more remote rural areas, from wind farm development in particular, can significantly benefit local economies by the provision of jobs and use of local services during the construction stage of development. Renewable energy will also provide more energy security with resultant economic benefits to business and industry and social benefits to residents. An acknowledgment of this contribution as suggested in our above mentioned response to the MIR, under the Heading "Vision" should be made within the Economy Key Issue in Chapter 2.

447 Lilliesleaf, Ashkirk & Midlem Community Council

Para 2.18 - State that some members would like to see the Council only support forms of renewable energy which do not rely on subsidy

Modifications sought by those submitting representations:

463 Coriolis

Reference to words such as sustainable location/sustainable should be clarified

428 Fred Olsen

Text has a negative stance toward wind energy development in para 2.18

432 Infinis & 492 EDF

The supporting text at section 2.18 of the PLDP refers specifically to wind energy and suggests a 'precautionary approach' is undertaken to wind energy development. The wording is overtly negative and unsupportive of wind energy development within the SBC area, which is contrary to national policy

Recommend that SBC amend Key Outcome 10 to ensure it is positively aligned with and accurately reflects the relevant provisions of SPP

423 Southdean Community Council

Changes to paragraph 2.17 to refer to increased clearance of drains, below hedgerows, and to refer to liaison with farmers in high risk areas

339 Scottish Government

As set out in our response to the Main Issues Report, Section 3F of the Planning Act requires local development plans to include policies requiring developments to avoid a specified and rising proportion of projected greenhouse gas emissions through the installation and operation of low and zero carbon generating technologies. This is a legislative requirement of Section 3F of the Town and Country Planning (Scotland) Act 1997.

The LDP should include a policy that addresses these issues. Examples of such policies are contained within the Dundee LDP and the Perth and Kinross LDP. The Adopted Dundee LDP, Policy 29, states that "Proposals for all new buildings will be required to demonstrate that at least 10% of the carbon emissions reductions standard set by Scottish Building Standards (2007) will be met through the installation and operation of zero-carbon generating technologies. This percentage will increase to 15% from the beginning of 2016 and will be reviewed in 2018".

An alternative example is based on the Perth and Kinross plan, which takes a more detailed approach, specifying time periods and appropriate emissions abatement for domestic and non-domestic buildings.

We recommend that either approach could be applied to the LDP, however, the first approach is in keeping with the general style and tone of the remainder of the proposed Plan

286 RES

If the Council wish to avoid unacceptable impacts, including cumulative impacts, they should propose clear and concise generic development policies together with a spatial framework developed in cognisance with national guidance as a basis to their development management function. RES requests that Paragraph 2.18 is reworded to recognise the contribution that onshore wind energy development has made and can continue to make in achieving the key climate change outcome, as part of a mix of other more established and emerging renewable technologies, in achieving a sustainable and secure mix of future energy generation.

RES request Key Outcome 10 to be reworded to read "The encouragement of renewable

energy in sustainable locations where unacceptable adverse potential cumulative impact can be avoided”

RES contend that the valuable contribution of renewable energy development in supporting the rural economy and providing better energy security to businesses should be made within the section relating to the Key Issue of the Economy. An acknowledgment of this contribution under the Heading “Vision” should be made within the Economy Key Issue in Chapter 2.

447 Lilliesleaf, Ashkirk & Midlem Community Council

Para 2.18 - State that some members would like to see the Council only support forms of renewable energy which do not rely on subsidy

Summary of responses (including reasons) by planning authority:

NO CHANGE TO TEXT WITHIN SECTION ON CLIMATE CHANGE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN

REASONS

391 Mountaineering Council of Scotland

Support of LDP in relation to wind power stations is noted

463 Coriolis

Scottish Planning Policy 2010 sets out broad sustainability principles (Core Document 024 paras 34 – 40). The proposed Plan embraces these principles and is founded on the premise of supporting and encouraging sustainable development. All policies within the proposed Plan should be read against Policy PMD1: Sustainability (page 23).

428 Fred Olsen

Scottish Borders Council does not have a negative stance towards turbines and continues to support many proposals where they are considered appropriate (Supporting Document 003 - 01). It is not considered para 2.18 has a negative stance, only referring to the fact that in order to address landscape capacity a consultants study was carried out. This is considered a justifiable and competent exercise which will help to give guidance to Development Management at the planning application stage.

432 Infinis and 492 EDF

It is not considered the approach in para 2.18 is overtly negative and unsupportive of wind energy as it accurately reflects potential landscape capacity and cumulative impact issues to be addressed as a result of the high number of approved turbines in the Scottish Borders.

Support of climate change being one of the 5no topics which key outcomes have been identified is noted.

Reference to “encouragement” of renewable energy in Key Outcome 10 is the Council’s

preference in that it is considered better to avoid rather than to mitigate which is seen as a key part of the Government response to climate change and reflects Government policy of ensuring “the right development in the right place” (Core Document 024 para 35)

130 Oakes

General comments on wind turbines are noted

Support of Council taking potential problems of flood plains seriously is noted

423 Southdean CC

General comments and support of para 2.18 is noted

The LDP policy - IS8 Flooding deals with flood risk explicitly and flood risk is also a criterion within policy EP15 - Development Affecting the Water Environment. These policies are part of wider Council work which aims to reduce the impact of increased flood risk associated with climate change, for example, flood protection schemes and the Pilot Land Use Strategy.

438 Hunter

Although the public transport system in the Scottish Borders is limited the Council continues to promote it where possible. Support of the Borders railway and the new railway station in Reston are examples of this. Planning proposals often raise conflicting issues between planning objectives. For example the proposals for rural housing can help stimulate rural communities and their facilities although that invariably means the generation of more vehicles on country roads which is at odds with some sustainability objectives. On dealing with such applications a balanced judgement must be made.

339 Scottish Government

It is considered Building Control Regulations provide the basis for addressing these comments. The inclusion of a policy on this matter would simply relate to matters already covered by legislation. It should be noted that part e) of policy PMD1: Sustainability (page 23) and part a) of policy PMD2 : Quality Standards (page 24) provide the policy context for the consideration of these matters in planning applications. Consequently it is considered the points raised by the respondent will be addressed in practice and no change is required to the Plan in this respect.

RES

Support of climate change as one of the key 5no challenges is noted.

The Council is supportive of wind turbines in appropriate areas and has consequently approved many proposals (Supporting Document 003-01). As a result of these approvals there are several areas where cumulative impact and landscape capacity issues must be addressed (see fig ED9b page 56 in proposed Plan). The LDP does not state that this will prevent any further proposals being granted in such areas in the area, but that a precautionary approach should be taken. Cumulative impact is recognised as a material consideration within Scottish Planning Policy 2010 (Core Document 024 para 187) and it is therefore considered correct that the Council takes a precautionary approach regarding this

matter. The Council must take cognisance of many issues to be addressed when considering wind turbine proposals and must make a balanced judgement on all issues, including the support of renewable energy proposals. It is considered para 2.18 is fair in acknowledging main issues to be addressed.

The wording in Key Outcome 10 is carefully chosen reflecting the considerable amount of wind energy proposals already approved within the Scottish Borders, and the need to ensure that future development takes place in sustainable locations.

It is acknowledged there are economic benefits from turbines including for rural areas. These economic benefits are the main thrust behind the Government's response to climate change and the promotion of renewable energy and it is considered policy ED9 gives clear support to this within appropriate locations.

447 Lilliesleaf, Ashkirk & Midlem Community Council

The Council has no remit to determine planning applications on renewable energy in terms of giving weighting to whether or not the proposal type is subsidised.

Reporter's conclusions:

1. The climate change section in the introductory part of the proposed plan (chapter 2, pages 13-14) contains 2 key outcomes and supporting text. Amongst other things, it covers renewable energy, and sets a context for the more detailed parts of the plan. A number of the representations listed in this issue relate to renewable energy matters. I have dealt with these at issue 26. The following representations are affected: the Mountaineering Council of Scotland; Fred Olsen; EDF; Lilliesleaf, Ashkirk and Midlem Community Council; Coriolis; Infinis; RES; Oakes (in part); and Southdean Community Council (in part).
2. The remaining representations seek to adjust this part of the proposed plan to take greater account of water "run off" from upland fields, and to satisfy the requirement of section 3F of the 1997 Town and Country Planning (Scotland) Act (as amended). Concern is also expressed about the inadequate public transport network and the resulting difficulty in meeting climate change objectives. The other representation supports the reference to flooding, and it is unnecessary to consider its terms any further.
3. It is unnecessary to highlight an existing localised flooding issue caused by run off in this introductory section of the proposed plan, which is setting a broad context for the detailed policies, proposals and appendices that follow. Such an existing flooding management issue also falls outwith the scope of the proposed plan. Flooding and surface water management for proposed development are dealt with adequately in the proposed plan (subject to the recommended modifications) in policies EP15, IS8 and IS9. Regarding climate change objectives and the provision of public transport, I note that the Scottish Borders is large and predominantly rural. I agree that public transport can be limited in rural areas, particularly remoter rural ones. This means that there can be a conflict between the objectives of reducing the need to travel and car use, and encouraging rural development that supports and sustains fragile and dispersed communities. This introductory section of the proposed plan recognises this conflict, and it is followed up by detailed policies promoting both public transport (policy IS4) and development to sustain rural communities, including remote ones. In principle, this approach is consistent with the thrust of Scottish Planning Policy, and I consider it reasonable and appropriate. These

matters therefore do not require any change to be made to the introductory section of the proposed plan.

4. Section 3F of the 1997 Town and Country Planning (Scotland) Act (as amended) requires local development plans to include policies designed “to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use... through the installation and operation of low and zero carbon generating technologies.” Scottish Planning Policy has introduced a presumption in favour of development that contributes to sustainable development, and it has set an outcome of achieving a low carbon place through reducing carbon emissions and adapting to climate change.

5. In response to a further information request, the planning authority proposes to change policy PMD2 and its supporting text to recognise the requirements of section 3F. Policy PMD2 (at criterion [a] in the section on sustainability) would be changed to indicate that planning applications must demonstrate that the current carbon dioxide emissions target has been met, with at least half of this target met through the use of low or zero carbon technology. The proposed supporting text indicates that at March 2013 the Building Standards target is a 30% carbon dioxide reduction from 2007 levels, and it provides further explanation of the Building Standards system. On the face of it, the proposed changes appear to meet the requirements of section 3F by referring in the policy to the current carbon dioxide emissions reduction target being met and to the proportion of the target that has to be met by low and zero carbon technology, and by giving in the supporting text, the target itself, based on the Building Standards. In the circumstances, and in the absence of anything drawn to my attention that suggests otherwise, I consider the proposed changes to be reasonable and acceptable.

6. Overall, adjustments are required to the proposed plan as set out below. Policy PMD2 is also dealt with at issue 17.

Reporter’s recommendations:

I recommend that the following modifications be made (see also issue 17):

1. On page 24 of Volume 1 Policies, adjust paragraph 1.1 so that it reads:

“The aim of the policy is to ensure that all new development, not just housing, is of a high quality and respects the environment in which it is contained. The policy does not aim to restrict good quality modern or innovative design but does aim to ensure that it does not negatively impact on the existing buildings, or surrounding landscape and visual amenity of the area. In some locations, the local environment will be more sensitive to change than in others. The policy aims to help tackle the causes and impacts of climate change, reduce resource use and moderate the impact of development on the environment.”

2. On page 24 of Volume 1 Policies, add 2 paragraphs at the end of the supporting text, after paragraph 1.4, to read:

“...1.5 Local authorities, particularly via Building Standards, have a key role in helping to meet the Scottish Government’s target for nearly carbon zero homes and buildings by 2016. At March 2013, the Buildings Standards target is a 30% carbon dioxide reduction from 2007 levels. The 2003 Building (Scotland) Act allows Scottish Ministers to regulate for the purpose of furthering the achievement of sustainable development. This is achieved

through the Building Standards system whereby sustainability is embedded into the Technical Standards. Mandatory parts of the standards deliver sustainability in a number of areas such as energy efficiency, surface water drainage, sound insulation, durability and protection of buildings, access and water saving measures.

1.6 The standards also offer the possibility for developers to go beyond these minimum standards and obtain recognition for achieving higher performance standards in areas such as further reduction of carbon dioxide levels, low and zero carbon technologies, grey water recycling, smart heating controls, building flexibility and adaptability, enhanced sound insulation, recycling facilities and security. Low and zero carbon technologies can be renewable energy sources such as solar panels and micro wind, heat pumps, combined heat and power and district heating infrastructure, and equipment such as mechanical ventilation and heat recovery which uses fossil fuels but results in significantly lower carbon dioxide emissions overall. The Building Standards application forms request confirmation of the levels of higher performance sustainability standards the applicant wishes to achieve.”

3. On page 24 of Volume 1 Policies, adjust policy PMD2 so that it reads:

“All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

SUSTAINABILITY

(a) In terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,... “

Issue 004	Chapter 2: Meeting the Challenges for the Scottish Borders Section on “Environment”, issues regarding paragraphs 2.11 to 2.14 and Key Outcomes 7 and 8	
Development plan reference:	Chapter 2: Meeting the Challenges for the Scottish Borders Section on “Environment”, paragraphs 2.11 to 2.14 and Key Outcomes 7 and 8 (Proposed Local Development Plan, page 12);	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
463 Coriolis 353 RSPB 110 Quarries Action Group		
Provision of the development plan to which the issue relates:	Chapter 2: Meeting the Challenges for the Scottish Borders Section on “Environment” (page 12)	
Planning authority’s summary of the representation(s):		
<p><u>463 Coriolis</u></p> <p>The Proposed Plan’s negativity continues in 2.13 ‘Environment’ stating that, ‘<i>A particular challenge to the continued attractiveness of the area for residents, visitors, tourists and visitors is the potential for wind energy generation, which, if not carefully managed and controlled, could have an adverse impact on this fundamental attribute.</i>’ The Scottish Borders should be striving to offset the poor low carbon indicator through increased policy support for sustainable development and renewable energy developments.</p> <p><u>353 RSPB</u></p> <p>States that biodiversity, as well as landscape aesthetics, is important when considering planning applications (in relation to paragraph 2.13).</p> <p>State that they commend the Council’s ecosystem approach to biodiversity priorities as plant and animal species cannot live isolated from their broader habitats. Nevertheless there will always be certain species that require individual, dedicated conservation measures if they are to persist. Therefore an ecosystems approach cannot hope to maintain all components of biodiversity and should work in conjunction with specifically targeted measures for certain species and habitats (paragraph 2.14)</p> <p><u>110 Quarries Action Group</u></p> <p>State that they strongly support paragraphs 2.11-2.14 including Key Outcome 7 (which deals with improved place making and design, and regeneration) and Key Outcome 8 (which deals with protection and enhancement of the Borders natural and built heritage for the benefit of residents, visitors, tourists and business)</p>		

Modifications sought by those submitting representations:

463 Coriolis

Amendment to text in paragraph 2.13 which should give more thrust to supporting sustainable and renewable developments

353 RSPB

Mention of biodiversity specifically within the Environment section of the Meeting the Challenges for the Scottish Borders section of the LDP.

Mention of specifically targeted measures for certain species and habitats related to the ecosystems approach

Summary of responses (including reasons) by planning authority:

NO CHANGE TO TEXT REFERENCE RELATING TO THE ENVIRONMENT IN PARA 2.13 or 2.14 OF THE PROPOSED PLAN

REASONS

463 Coriolis

It is not considered the statement referred to in para 2.13 is negative but realistic. Whilst there are various papers, references, objections to planning applications in the public domain giving conflicting advice on any perceived implications turbines have on tourism, it is wrong to conclude categorically that turbines have no adverse impact. It is considered correct that the policy reflects this and it should be noted that the text states "...*could* have an adverse impact..."

The Council continues to be supportive of renewable energy and sustainable development and supports wind turbine proposals in what are considered to be appropriate locations. However, such proposals must be weighed up against many other constraints and issues the Council also has a statutory duty to consider.

110 Quarries Action Group

Support noted.

353 RSPB

Commendation, comments and support on paragraphs 2.11 to 2.14, environment section of Meeting the Challenges for the Scottish Borders are noted.

It is considered that "environment" is a holistic term that refers to all elements of the natural heritage of the Borders, including its biodiversity.

The Environment section within the Meeting the Challenges for the Scottish Borders section of the LDP states at paragraph 2.13 on page 12, that "The Scottish Borders has a number of policies relating to the natural and built environment. This helps to direct potentially adverse development away from locations whose intrinsic value might be

affected, but also acts as a signpost to direct resources towards the improved management of these areas”. In addition, within the same section, paragraph 2.14 on page 12 states that “The Council is also looking to adopt an ecosystems approach to the identification of important sites for biodiversity, and this will help to build resilience to climate change in the Borders”. As a result, Key Outcome 8, page 12, states: “The protection and enhancement of the area’s natural and built heritage for the benefit of residents, visitors, tourists and business”.

It is considered that an ecosystems approach and more targeted measures can work in conjunction. The Council has programmed a review of the Local Biodiversity Action Plan and the Biodiversity SPG and these documents can be informed by the Pilot Land Use Strategy that is currently being undertaken. The Pilot LUS identifies areas of opportunity and constraint in terms of certain environmental factors and it should be able to inform where robust action could benefit the environment in terms of multiple benefits across the spectrum of these factors, this is considered a potentially robust approach to improve elements of the Borders environment.

It is not considered necessary to amend the wording within the Meeting the Challenges section as a result of the representations.

Reporter’s conclusions:

1. The fourth section of chapter 2 deals with the environment and sets out 2 key outcomes, one of which is concerned with protecting and enhancing the area’s natural and built heritage for the benefit of residents, visitors, tourists and business. Supporting paragraph 2.13 refers to a particular challenge for the area being the potential for wind energy, and supporting paragraph 2.14 mentions the ecosystem approach to identifying important sites for biodiversity. The planning authority proposes no change to this part of the proposed plan. One representation expresses support for the proposed plan, and requires no further consideration.
2. The 2004 Nature Conservation (Scotland) Act places a duty on all public bodies, including planning authorities, to further the conservation of biodiversity. Scottish Planning Policy indicates that this duty must be reflected in development plans, and it indicates that the planning system should seek benefits for biodiversity from new development. Scottish Planning Policy also explains that the planning system supports the development of a diverse range of electricity generation from renewable energy technologies, including onshore wind, guiding development to appropriate locations and advising on the issues that will be taken into account when specific proposals are being assessed.
3. Chapter 2 of the proposed plan is titled meeting the challenges for the Scottish Borders. It is part of the general introduction to the proposed plan and is setting a context for the more detailed chapters, policies and appendices which follow.
4. I am concerned that the last sentence of paragraph 2.13 does not properly reflect the overall support in Scottish Planning Policy for the development of renewable energy technologies, including onshore wind. Such technologies would be best addressed in the climate change section of chapter 2, where this support can be properly reflected, and the need to guide such developments to appropriate locations referred to. In this introductory, overarching part of the plan, it is unnecessary to highlight any challenge arising from one particular type of development. The reference in the sentence in paragraph 2.13 to wind energy generation and the potential challenge it represents to the continued attractiveness

of the area therefore requires to be deleted. Instead, it should be replaced by a revised sentence, which relates the area’s continued attractiveness to the careful management and control of development through policies relating to the natural and built environment. This would form an appropriate link to the key outcomes (in particular outcome 8, which covers the protection and enhancement of the area’s natural and built heritage).

5. At paragraph 2.14 of the proposed plan, reference is made to adopting an ecosystem approach to the identification of important sites for biodiversity. Paragraph 2.13 refers to directing development away from locations whose intrinsic value might be affected. Taking this together with the planning authority’s programmed review of the Local Biodiversity Action Plan and its biodiversity planning guidance, and the suite of detailed policies which cover designated areas, protected species and local biodiversity, I am satisfied that biodiversity has been adequately covered in the development planning process, and that no further explicit reference to it is required in this general introduction.

6. Overall, adjustments are required to the proposed plan as set out below.

Reporter’s recommendations:

I recommend that the following modification be made:

1. On page 12 of Volume 1 Policies, delete the last sentence of paragraph 2.13, and replace it with a new sentence which reads:

“The careful management and control of development through the policies in place helps to ensure the continued attractiveness of the area for residents, visitors, tourists, and business.”

Issue 005	General: Increased Flood Risk	
Development plan reference:	Chapter 2: Meeting the Challenges for the Scottish Borders, paragraph 2.17, Climate Change section (Proposed Local Development Plan, page 13)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
423 Southdean Community Council 130 Roger Oakes		
Provision of the development plan to which the issue relates:	Meeting the Challenges for the Scottish Borders, Climate Change Section paragraph 2.17	
Planning authority's summary of the representation(s):		
<p><u>423 Southdean Community Council</u></p> <p><i>N.B. Please note the representation refers to paragraph 2.21; however paragraph 2.17 is considered the correct paragraph.</i></p> <p>Stated that the community council are acutely aware of increased flood risk; run off from upland fields is a major contributor to local issues and the community council would like to see increased clearance of drains, and below hedgerows which would alleviate the issues. Liaison with farmers in high risk areas is also suggested.</p> <p><u>130 Roger Oakes</u></p> <p>The respondent is pleased to see that SBC is going to take the potential problems of flood plains seriously</p>		
Modifications sought by those submitting representations:		
<p><u>423 Southdean Community Council</u></p> <p>Changes to paragraph 2.17 to refer to increased clearance of drains, below hedgerows, and to refer to liaison with farmers in high risk areas</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED REASONS</p> <p><u>130 Roger Oakes</u></p> <p>Comments and support noted.</p>		

423 Southdean Community Council

The Meeting the Challenges for the Scottish Borders section is a summary of the challenges facing the Borders that have influenced the Key Outcomes. Detail on the action to meet the Key Outcomes is provided within the policies and the Action Programme.

The LDP policy, IS8 flooding deals with flood risk explicitly and flood risk is also a criterion within policy, EP15 Development Affecting the Water Environment. These policies are part of wider Council work which aims to reduce the impact of increased flood risk associated with climate change, for example flood protection schemes and the Pilot Land Use Strategy.

As a result of the discussion above no change to the Local Development Plan from that proposed is necessary.

Reporter's conclusions:

1. The fifth section of chapter 2 of the proposed plan deals with climate change and one of the 2 key outcomes relates to focussing development on sustainable locations. Supporting paragraph 2.17 deals with flood risk, and the preparation of a strategic flood risk assessment. The planning authority proposes no change to this part of the plan. One representation expresses support for the reference to flooding, and it is unnecessary to consider its terms any further.
2. Scottish Planning Policy indicates that the planning system should take a precautionary approach to flood risk from all sources. Policy 15 of SESplan deals with water and flooding, and its supporting text indicates that the management of water resources is a key infrastructure issue, and that the cornerstone of sustainable flood management is the avoidance of flood risk in the first instance.
3. Chapter 2 of the proposed plan is titled meeting the challenges for the Scottish Borders. It is part of the general introduction to the proposed plan and is setting a broad context for the more detailed chapters, policies and appendices which follow. It is reasonable and appropriate for this part of the proposed plan to highlight the issue of flood risk, and to have a key outcome which focusses development on sustainable locations. It is unnecessary to highlight an existing localised flooding issue and detailed matters such as the regular clearance of drains and below hedgerows in this chapter which overarches the plan. Such an existing flooding management issue also falls outwith the scope of the proposed plan. Flooding and surface water management for proposed development are dealt with adequately in the proposed plan (subject to the recommended modifications) in policies EP15, IS8 and IS9.
4. Overall, no adjustment to the proposed plan is required.

Reporter's recommendations:

No modifications.

Issue 006	General: Critique of Housing Land Position and Central Strategic Development Area, Spatial Strategy	
Development plan reference:	Chapter 3: Vision, Aims and Spatial Strategy, paragraphs 3.11 to 3.17, Spatial Strategy section (Proposed Local Development Plan, pages 16-17)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
130 Roger Oakes 483 David Wilson Homes 485 Geddes Consulting		
Provision of the development plan to which the issue relates:	Visions, Aims and Spatial Strategy, paragraphs 3.11 to 3.17, Spatial Strategy section	
Planning authority's summary of the representation(s):		
<p><u>130 Roger Oakes</u></p> <p>States the paragraph could be the key element of the LDP. States that much is hung on trying to make something of developing the central Borders towns. States that for an urban area to succeed requires particular locational advantages, states that it is unclear what these advantages may be. States new railway may have limited effect in encouraging Stow, Galashiels, and Tweedbank to become dormitory towns for Edinburgh. States can think of no significant industries which might find a lasting home in central Borders. States railway is now too far on its way to be abandoned and that the project owes far more to romanticism than economic realism.</p> <p>Finds the aspiration to continue the Borders railway onto Carlisle ridiculous.</p> <p><u>483 David Wilson Homes and 485 Geddes Consulting</u></p> <p>State that the LDP is not in accordance with the SDP or its Supplementary Guidance and suggest an amendment to the paragraph 3.13, where the red text is additional to that shown in paragraph 3.13 of the Proposed LDP and that scored out has been removed: <i>"The Plan seeks to identify a generous land supply to maintain a 5 year effective housing land supply at all times meeting the housing land requirement for the Scottish Borders as set by the SESplan Housing Needs and Demand Assessment Strategic Development Plan and Supplementary Guidance on Housing Land. and the The detail of this approach is set out in Appendix 2."</i></p>		
Modifications sought by those submitting representations:		
<p><u>483 David Wilson Homes and 485 Geddes Consulting</u></p> <p>Amend paragraph 3.13 as follows:</p> <p><i>"The Plan seeks to identify a generous land supply to maintain a 5 year effective housing</i></p>		

land supply at all times meeting the housing land requirement for the Scottish Borders as set by the SESplan ~~Housing Needs and Demand Assessment Strategic Development Plan and Supplementary Guidance on Housing Land.~~ ~~and t.~~ The detail of this approach is set out in Appendix 2.”

Summary of responses (including reasons) by planning authority:

NO CHANGE TO CHAPTER 3 AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN. HOWEVER AN ALTERNATIVE AMENDMENT TO PARAGRAPH 3.13 AS DETAILED BELOW IN RESPONSE TO 483 DAVID WILSON HOMES AND 485 GEDDES CONSULTING IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL

N.B. The representations 483 and 485 also relate to Schedule 4 080 Appendix 2- Meeting the Housing Land Requirement

Reasons

130 Roger Oakes

Comments noted.

The Borders Railway is expected to provide a step change in the accessibility and therefore marketability of the Central Borders Strategic Development Area. The Council also sets out its aspiration to extend the Borders Railway to Carlisle. This would benefit all of the Borders is providing direct access to the south, and provide for improved accessibility in the south central and southern Borders.

483 David Wilson Homes and 485 Geddes Consulting

It is considered that paragraph 3.13 is at the appropriate level of detail given that this is a strategic section of the plan, which introduces elements that are then discussed in greater detail in other relevant sections. A factual update to reflect the approved status of the SESplan Housing Land Supplementary Guidance, and to refer to the 5 year effective land supply is appropriate. However, the text proposed by the objectors is not judged to be precisely correct because it does not differentiate between the effective housing land supply and the housing land requirement. As a result the following amendment is put forward by the Council, where additional text is underlined:

“Future development is focused on the extension of the main towns of the SDAs and they will continue to be the main focus for housing growth within the Borders through the identification of potential areas for longer term growth. The Plan seeks to identify a generous land supply at all times and meets the housing land requirement for the Scottish Borders as set out by the SESplan Strategic Development Plan and Supplementary Guidance on Housing Land. The detail of this approach is set out in Appendix 2. Opportunities are identified across the whole area, but there is recognition that there are limitations to further development in the inner core area, where substantial housing development has been previously planned”

It is therefore considered that the update to paragraph 3.13 should be the only change to the Proposed Local Development Plan as a result of the representations.

Reporter's conclusions:

1. Chapter 3, paragraphs 3.10-3.32, of the proposed plan provide an explanation of the spatial strategy. Paragraph 3.11 indicates that the Central Borders Strategic Development Area is the primary centre of population, and other paragraphs (3.14, 3.16 and 3.17) refer to the Borders Railway. Paragraph 3.13 indicates that the proposed plan seeks to identify a generous land supply to meet the requirement for the Scottish Borders set by the SESplan Housing Needs and Demand Assessment, and it explains that the detail of the approach is set out in appendix 2. The planning authority accepts that a factual update is required to paragraph 3.13, but proposes alternative wording to that put forward in the representations. In response to a further information request, it suggests a possible further change to the wording.
2. Scottish Planning Policy indicates that the planning system should identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures. It also indicates that development plans should identify any required transport infrastructure or public transport services, including rail infrastructure.
3. Policy 5 of SESplan identifies the housing land requirement for the SESplan area, and indicates that supplementary guidance will be prepared to provide detailed further information for local development plans on how much of that requirement should be met in each of those 6 areas in the periods 2009-2019 and 2019-2024. The supplementary guidance was adopted in October 2014. Policy 6 requires each planning authority to maintain a 5 year effective housing land supply at all times. Figure 1 of SESplan shows the spatial strategy for the region. Figure 2 identifies key strategic improvements to transport and other infrastructure, and includes the reopening of the Borders railway line, phase 1, Edinburgh to Tweedbank. While it also refers to the longer term reopening of the railway line between Tweedbank and Carlisle, it states that this is a long term aspiration which does not have Government support.
4. Paragraph 3.13 is part of a chapter which outlines the vision, aims, and overall spatial strategy for the proposed plan. While the paragraph deals with housing land, in an introductory section which, as a whole, is predominantly focussed on the general strategy for the strategic development areas, I consider that it is unnecessary to refer to maintaining a 5 year effective housing land supply at all times in the manner proposed in 2 of the representations, and suggested by the council in response to the further information request. This is particularly so when it is recommended at issue 1, which relates to another introductory part of the proposed plan (paragraph 2.3 and key outcome 1), that a general reference is made to an effective, as well as a generous, housing land supply. Additionally, I note that the matter of the 5 year housing land supply is dealt with in detail in updated appendix 2 of the proposed plan (the representations on this are considered at issue 80). I have also borne in mind that the planning authority wishes this introductory part of the plan to be more readable for all users, and not "policy heavy."
5. I consider that it is reasonable to indicate at paragraph 3.13 that a generous housing land supply should be identified at all times, and to factually update the paragraph by referring to SESplan and its associated supplementary guidance, all as proposed by the planning authority in the schedule 4. However, rather than state that the proposed plan meets the housing land requirement for the area, I believe that it is more appropriate in this introductory section, to indicate that it is only seeking to meet the requirement. The matter of whether the housing land requirement is met is dealt with in the updated appendix 2 (and

at issue 80).

6. SESplan's spatial strategy indicates that further development will be focussed on 13 strategic development areas across the region, which will act as the primary locations for growth and investment. One of these areas is the Central Borders Strategic Development Area. I consider that paragraph 3.11 of the proposed plan reasonably reflects the strategic development plan by referring to this area and its main towns. It also briefly explains the reasons for selecting the strategic development area, ie it is the primary centre of population, it contains a significant part of the business base, it is the main administrative centre, it contains the key facilities, and it is at the centre of the transportation network. I believe that these can also reasonably be regarded as some of the area's locational advantages, which can help the marketing of it to businesses and industry.

7. Regarding the reopening of the Borders railway line, this is a key strategic transport improvement. By improving accessibility, the phase 1 railway line will help reinforce this strategic development area's position at the centre of the transportation network for the wider area, and some of the benefits of this are identified in this section of the proposed plan. I find the reference at paragraph 3.17 to the further extension of the railway from Tweedbank to Carlisle reasonable because it is referred to in SESplan, albeit as a long term aspiration which does not have Government support.

8. An adjustment is required to the proposed plan as set out below.

Reporter's recommendations:

I recommend that the following modification be made:

1. On page 17 of Volume 1 Policies, adjust paragraph 3.13 so that it reads:

"3.13 Future development is focussed on the extension of the main towns of the strategic development areas and they will continue to be the main focus for housing growth within the Borders through the identification of potential areas for longer term growth. The plan seeks to identify a generous land supply at all times, and to meet the housing land requirement for the Scottish Borders as set by the SESplan Strategic Development Plan and Supplementary Guidance on Housing Land. The detail of this approach is set out in Appendix 2. Opportunities are identified across the whole area, but there is recognition that there are limitations to further development in the inner core area, where substantial housing development has been previously planned."

Issue 007	General: Eastern Strategic Development Area/Eastern Hub/Eastern Spatial Strategy	
Development plan reference:	Chapter 3: Visions, Aims and Spatial Strategy, paragraphs 3.27 to 3.33 and Figure 10 'Eastern Spatial Strategy' (Proposed Local Development Plan, pages 19-20)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
102 Dr Fenton Robb		
Provision of the development plan to which the issue relates:	Visions, Aims and Spatial Strategy, paragraphs 3.27 to 3.33 and Figure 10 'Eastern Spatial Strategy'	
Planning authority's summary of the representation(s):		
<p>States that the SESplan correctly locates the Eastern Borders with East Lothian, however states that this is at odds with administrative responsibilities. States that significant savings could be achieved by aligning public services with north/south road and rail infrastructure. Also states, traditional administrative arrangements may be undermining the drive for efficiency and excellence.</p> <p>States that the determination of the independence vote could affect long term plans. A policed national border separating Berwick from its hinterland could have profound effects; it could also affect the prospects of Border towns (Aytoun, Coldstream and Eyemouth)</p> <p>States the SESplan notes a capital to capital high speed train link may be built. Such a development could make the existing line unviable with profound consequences for the Eastern Hub.</p>		
Modifications sought by those submitting representations:		
N/A		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO CHAPTER 3 AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>The comments are noted.</p> <p>The LDP has been developed in the context of existing administrative arrangements where there is a relationship of constructive joint working. This is strongest on the Scottish side of the Border, although there are links to partners to the south.</p> <p>SESplan (Core Document 001) states that the Eastern Borders has long-term potential for improved local rail commuter services including a new station at Reston (page 22). Both</p>		

Scottish Borders Council and East Lothian Council are promoting a rail service between Edinburgh and Berwick incorporating a new station at Reston and at East Linton. If successful this will bring significant economic and social benefits to the East Coast Strategic Development Area.

Reporter's conclusions:

1. Chapter 3, paragraphs 3.27-3.32, of the proposed plan set out the spatial strategy for the Eastern Strategic Development Area. The representation dealt with here raises general matters relating to the administrative responsibilities of authorities, and the implications of introducing high speed rail links to the south. I consider that the planning authority has reasonably based the proposed plan on the administrative responsibilities in place when it was prepared.

2. National Planning Framework 3 explains that high speed rail is needed to improve Scotland's connection to the rest of the United Kingdom and Europe. It indicates that the Scottish Government is assessing the case for bringing forward a link between Edinburgh and Glasgow in anticipation of the subsequent link to the rest of the United Kingdom. National Planning Framework 3 highlights this as a national development, and SESplan refers to a high speed rail link to London. The project is still clearly at a very early stage, and no routes have been defined. I consider that the proposed plan adequately takes account of SESplan's references to the lack of passenger capacity and the low frequency of existing local passenger services on the East Coast Main Line and North Berwick branch, and to the requirement for improved rail services, including a station at Reston. In the absence of any further details, I am satisfied that it would have been difficult and premature for the proposed plan to set out the consequences of any future high speed rail link for the Eastern Spatial Strategy.

3. Overall, no adjustment is required to the proposed plan.

Reporter's recommendations:

No modifications.

Issue 008	General: Environment and Climate Change Issues within the Vision, Aims and Spatial Strategy Section	
Development plan reference:	Chapter 3: Vision, Aims and Spatial Strategy general and Paragraph 3.7, Main Aims section (pages 15-20 and page 16 respectively)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>353 RSPB 462 Cranshaws, Ellemford and Longformacus Community Council 423 Southdean Community Council 432 Infinis</p>		
Provision of the development plan to which the issue relates:	Chapter 3, Vision, Aims and Spatial Strategy general and Paragraph 3.7, Main Aims section	
Planning authority's summary of the representation(s):		
<p><u>353 RSPB</u></p> <p>State they commend Scottish Borders Council's strong emphasis on the protection and enhancement of the environment</p> <p>State that whilst they are mindful of the pressures the Council faces, particularly promoting economic regeneration and improving the amenity value of residential areas, that they are also aware that the region retains a number of high quality biodiversity assets of local, regional and international importance and that the Nature Conservation (Scotland) Act 2004 requires " all public bodies to further conservation of biodiversity, having regard to a) the Scottish Biodiversity Strategy and b) the UNEP Convention on Biological Diversity". State the planning system is an important way to meet this obligation, and the Local Plan should reflect this duty through a suitably detailed policy, making specific reference to biodiversity in designated sites and the wider countryside (Vision and aims general)</p> <p>State that at paragraph 3.7 that protection and enhancement of the Borders' natural environment should not be coupled solely to promoting economic investment. The natural environment and its constituent species and assemblages should be conserved and enhanced for their own sake. State it would be difficult to identify an economic justification for conserving a significant proportion of the region's wildlife and habitats, apart from the general well-being and enjoyment that they contribute to people's quality of life (paragraph 3.7)</p> <p><u>462 Cranshaws, Ellemford and Longformacus Community Council</u></p> <p>State they endorse the aim to protect built and natural heritage. Urge a robust approach to protecting the Borders' environment in locations close to where existing damage has been done</p> <p><u>423 Southdean Community Council</u></p> <p>State that they are fully supportive of the comments here (paragraph 3.7) in protecting the</p>		

environment and leaving a legacy.

432 Infinis

State that Infinis is of the view that in order to meet Scottish Government targets for reducing greenhouse gas emissions and to ensure consistency with national policy, more needs to be done at the local level to encourage and provide support for renewable energy and the LDP should be prepared with a more positive policy emphasis on planning for renewable energy development.

State that Infinis do not agree with the Vision as it lacks sufficient reference to the importance of tackling climate change in line with national policy and indeed as it is set out in the main aims of the PLDP.

Modifications sought by those submitting representations:

353 RSPB

An addition or change of wording to paragraph 3.7 to state the natural environment should be conserved for its own sake and to employ a robust approach to protecting the Borders' environment in locations close to where existing damage has been done.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE LOCAL DEVELOPMENT PLAN FROM THAT PRESENTED

REASONS

423 Southdean Community Council, 462 Cranshaws, Ellemford and Longformacus Community Council

Support and endorsement noted.

353 RSPB

The Proposed LDP provides policies to robustly protect the natural environment, which will assist in the determination of planning applications, in particular policies EP1 International Nature Conservation Sites and Protected Species, EP2 National Nature Conservation and Protected Species and EP3 Local Biodiversity. Supplementary Planning Guidance on Biodiversity is also a material consideration in the determination of planning applications and this is programmed for review as detailed at Appendix 3 Supplementary Guidance and Standards, pages 161-163 of the Local Development Plan.

The Council has biodiversity duties to meet under the Nature Conservation (Scotland) Act 2004 and the Water Environment and Water Services (Scotland) Act 2003 and the Council has appropriate measures to ensure these requirements are met, including relevant policies within the Proposed LDP.

Paragraph 3.7 of the Vision, Aims and Spatial Strategy of the Plan is clear in recognising that the Borders environment is its special quality. It goes on to state that the protection and improvement of the environment is a key aspect in relation to inward investment, tourism, recreation and quality of life. It is therefore not solely concerned with economic

investment.

432 Infinis

Within the ‘Meeting the Challenges’ chapter of the Proposed LDP ‘Climate Change’ is identified and the Plan provides Key Outcomes to help the Borders respond to this challenge. In addition under the Plan Aims (page 16) paragraph 3.8 states how the plan can provide action on climate change, in particular “the promotion of renewable electricity as heat and power generation from renewable sources will help to address the effects of climate change and encourage the adaptation to a low carbon economy...by promoting new development in areas not impacted by flood risk...the provision of land to deal with waste”. These actions are set against an overall backdrop where “Development will be sustainable and meet the challenges of a changing climate” (as stated in the Vision). It is therefore considered that the Plan has a positive policy emphasis on planning for renewable energy development and planning for a changing climate.

It is noted that the Vision is a short, strategic statement and that the Main Aims, Spatial Strategy and policies of the Proposed LDP provide the detail to substantiate the Vision statement.

In summary it is considered that no change to the Local Development Plan as presented is necessary.

Reporter’s conclusions:

1. Chapter 3, paragraphs 3.1-3.9 set out the vision and main aims for the proposed plan.
2. In broad terms national guidance, including National Planning Framework 3, Scottish Planning Policy and Circular 6/2013, highlights the importance of addressing climate change in local development plans, and expresses its support for renewable energy. This is also a feature of SESplan, which includes an aim and a policy (policy 1B) of contributing to the response to climate change through mitigation and adaptation, and a further policy (policy 10) that requires local development plans to set a framework for the encouragement of renewable energy proposals that aims to contribute towards achieving national targets for electricity and heat.
3. I note that the proposed plan refers to: climate change (including renewable energy) in chapter 2 (meeting the challenges for the Scottish Borders); to meeting the challenges of a changing climate in the vision; and to integrating climate change adaptation requirements, such as sustainable renewable energy production, in the aims. Renewable energy is also dealt with in detail at policy ED9. The vision statement is intended to be short, and to set a broad, overarching context for other more detailed parts of the plan, particularly the policies and proposals, and the planning authority’s proposed approach to its development planning and development management functions. I am satisfied, overall, that the proposed plan adequately deals with the challenge of addressing climate change, subject to the recommendations set out under other issues in this report being followed. I therefore consider that it is unnecessary to expand on the reference made to a changing climate in the vision.
4. Scottish Planning Policy indicates that the environment is a valued national asset, and that the planning system should conserve and enhance protected sites and species, taking account of the need to maintain healthy ecosystems and work with the natural processes

which provide important services to communities. SESplan includes an aim of conserving and enhancing the natural environment, and this also forms a part of one of the development principles (policy 1B).

5. Paragraph 3.7 of the proposed plan provides an overview of the planning authority's aims for the environment. The planning authority points out that the proposed plan contains a number of policies to protect the natural environment, including policies EP1, EP2, and EP3. It also refers to protecting and enhancing the natural environment in chapter 2 and in the proposed plan's aims, and it has supplementary planning guidance on biodiversity, and proposes to prepare supplementary guidance. At paragraph 3.7, the link between protecting and improving the natural environment and attracting inward investment and tourism are not the only links mentioned. Other links referred to are recreation and the quality of life in general. I believe that the first 2 sentences of paragraph 3.7 taken together and, in particular, the link made between the natural environment and the quality of life, broadly cover the concern expressed that the constituent parts of the natural environment should be conserved and enhanced for their own sake.

6. Furthermore, I consider that when the proposed plan and its policies are taken as a whole, it adequately reflects the requirements of Scottish Planning Policy and SESplan in so far as they relate to the natural environment. On the same basis, I am also generally satisfied that the planning authority has properly taken account of the specific duty placed on it (amongst other public bodies) by the 2004 Nature Conservation (Scotland) Act to further the conservation of biodiversity. In the circumstances, I am not persuaded that a further separate policy expressing this duty for designated sites and the wider countryside is required. Additionally, I believe that the proposed plan through its policy framework and guidance adequately recognises the statutory duties placed on the planning authority to protect and safeguard biodiversity under other legislation, such as the 2003 Water Environment and Water Services (Scotland) Act.

7. Overall, no adjustments are required to the proposed plan.

Reporter's recommendations:

No modifications.

Issue 009	General: Longer Term Mixed Use Development within Central SDA	
Development plan reference:	Chapter 3: Vision, Aims and Spatial Strategy, paragraph 3.14, Spatial Strategy section (Proposed Local Development Plan, page 17)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
482 N Watson		
Provision of the development plan to which the issue relates:	Vision, Aims and Spatial Strategy, paragraph 3.14, Spatial Strategy section	
Planning authority's summary of the representation(s):		
<p>States there is no potential for mixed use (or other employment use) development on the Broomilees Site. Contributor objects to its mention and asks that it be removed from the plan.</p> <p>Reference is made to an extract from the Reporters decision on the Local Plan Inquiry where it is considered that concerns expressed about landscape, settlement coalescence etc remain valid today. These matters should be carefully reconsidered.</p> <p>In addition, stated there is an assumption that it would be good to have business and industrial land available close to the railway, but this has not been justified. There is no evidence supporting the view that economic development on land near this railhead will be of particular benefit to the Borders. Furthermore, the bulk of the traffic related to Broomilees would be by road, to the detriment of what is already the most crowded and congested parts of the Borders.</p> <p>Also stated it does not benefit the wider Borders to have such a concentration of economic activity in the Gala/Melrose area. There are areas that would benefit significantly more than Gala/Melrose and economic benefits need to be spread.</p>		
Modifications sought by those submitting representations:		
<p>The contributor seeks the removal of the wording “potential for a longer term mixed use site, incorporating business and industrial land, exists on land to the south west of Borders General Hospital. This would require further assessment during the process of the next Local Development Plan” from paragraph 3.14 of the Proposed Local Development Plan (LDP).</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED REASONS</p> <p>It is noted that the Main Issues Report (MIR) considered an alternative option for</p>		

employment land “within a small search area at Broomilees” (Core Document 006). However, in the intervening period between the MIR and the Proposed Plan the findings of a ‘Economic and Market Assessment for New Business Space- Tweedbank/Tweedside Park/ Broomilees, Melrose’ (Core Document 058) were made known. In summary the Study suggested “that there is no current short term demand for development land at Broomilees and with medium/long term trends difficult to predict, significant input to the site at this stage is unlikely to be required”. As a result there is no allocation at Broomilees identified in the Proposed LDP.

Reference is made within the Spatial Strategy for potential longer term mixed use on a site south west of Borders General Hospital but this is tempered by wording which refers to a requirement for further assessment during the process of the next LDP.

The Council would like the statement to remain because it is considered a number of options will be looked at, including at Broomilees, to try to provide further business and industrial land if there is a demand identified at the time of the next LDP, particularly if the re-opened Borders Railway brings an increase in interest.

As a result of the discussion above no amendment to the Local Development Plan from that proposed is considered necessary.

Reporter’s conclusions:

1. Chapter 3, paragraphs 3.11-3.20, of the proposed plan set out the spatial strategy for the Central Strategic Development Area. This issue deals with the requested removal from the proposed plan of the reference to the potential for mixed use (or other employment use) development on the Broomilees site.
2. The proposed plan refers at paragraph 3.14 to a potential opportunity for a longer term mixed use site, incorporating business and industrial uses, on land to the south west of Borders General Hospital, which would require further assessment during the process of the next local development plan. A site was considered for a proposed business park on this land at Broomilees at the inquiry into the 2005 finalised Scottish Borders Local Plan, and was deleted prior to the adoption of the plan. It was clear from the conclusions of the report on the inquiry that this was a sensitive location, and that development of the land would result in very serious negative environmental effects.
3. The 2012 main issues report for the proposed plan promoted in preference to Broomilees, the restructuring of existing land holdings at Tweedbank Industrial Estate in order to create a high amenity estate, but it also proposed a small search area at Broomilees as an alternative option. In 2013, a report was produced on economic and market assessment for new business space – Tweedbank/Tweedside Park/Broomilees, Melrose. It identified a potential development option at Broomilees, did not preclude development in the future, but did not consider it worthwhile pursuing in the short term because of lack of demand, costs relative to other sites, and likely objections due to landscape and visual issues.
4. No specific development opportunity is identified at Broomilees in the proposed plan. I also note that the plan makes no specific commitment to pursuing development to the south west of Borders General Hospital in the future. Instead, the plan indicates that further assessment of the potential opportunity would be required as part of the process of the next local development plan. The planning authority has made clear in its response to

the representation that a number of other options would be considered as well as Broomilees, and that there would have to be an identified demand for further business and industrial land. There is no doubt that there are significant landscape and visual issues that would have to be taken into account by the planning authority at Broomilees, along with the conclusions of the previous reporters. However, the planning authority would not necessarily put forward the same site as that proposed for the 2005 finalised local plan, but could consider a reduced site as shown in the 2013 report. I believe that it is reasonable for the planning authority to consider an option for development at this location, which would allow it to assess whether there had been a sufficient change in circumstances to justify bringing forward a proposal. This is particularly so bearing in mind the lengthy period of time that has elapsed since the inquiry for the 2005 finalised local plan.

5. If following further consideration by the planning authority, a site was to be proposed for mixed use development at Broomilees in the next local development plan, there would be an opportunity to make representations and, if representations are made, the allocation would be considered further at an examination. I consider that the planning authority has acted appropriately and properly in highlighting this potential opportunity, which is only at a very preliminary stage and may not proceed any further. I am not persuaded that there is a sound basis for removing this reference from the proposed plan. Even if it was to be removed, there would be nothing to prevent the planning authority considering further proposals for development at this location in preparing the next local development plan.

6. Overall, no adjustments are required to the proposed plan.

Reporter's recommendations:

No modifications.

Issue 010	General: Omission of Newcastleton from Central Spatial Strategy (and Central Strategic Development Area)	
Development plan reference:	Proposed Local Development Plan, Spatial Strategy section (Proposed Local Development Plan, pages 16 to 18)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
489 Newcastleton and District Community Council		
Provision of the development plan to which the issue relates:	Proposed Local Development Plan, Spatial Strategy section	
Planning authority's summary of the representation(s):		
General omission of Newcastleton e.g. Central Spatial Strategy		
Modifications sought by those submitting representations:		
Inclusion of Newcastleton within Central Spatial Strategy		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE LOCAL DEVELOPMENT PLAN AS PROPOSED</p> <p>REASONS</p> <p>The Central Spatial Strategy relates to the Central Strategic Development Area (SDA). The SDA was identified in the SESplan following a Spatial Strategy Assessment (Core Document 005) which examined areas within south east Scotland against a number of constraints (for example designations, access to public transport etc.) to identify suitable areas for substantive development.</p> <p>Newcastleton lies outwith the Central SDA; however it is considered within the Proposed Local Development Plan at pages 432 to 436 of Volume 2, Settlements.</p> <p>As a result of the discussion above it is not considered necessary to change the Local Development Plan from that proposed.</p>		
Reporter's conclusions:		
<ol style="list-style-type: none"> Chapter 3, paragraphs 3.11-3.20, of the proposed plan set out the spatial strategy for the Central Strategic Development Area. This issue deals with the possible inclusion of Newcastleton in this designated area. Newcastleton is located towards the southernmost tip of the Scottish Borders on the B6357 which, at this point, runs parallel to the A7. It is approximately 32 kilometres south of Hawick. Indicative boundaries are established in SESplan for all the strategic development areas. The southern boundary for the Central Strategic Development Area is 		

shown extending to the south of Hawick, and the text of SESplan refers to it including the principal towns. It is clear that the boundary of the strategic development area is not intended to extend as far south as Newcastleton, which is in a relatively remote location. The proposed plan is consistent with, and properly reflects the approach in the strategic development plan to the Central Strategic Development Area by including within it the principal towns in the more central part of the Scottish Borders. While I acknowledge that Newcastleton is the main settlement in the southern part of the Scottish Borders, and that this role requires to be recognised, and the town's consequent development requirements to be addressed, there is no sound policy basis for doing this by including it in the Central Strategic Development Area. In the circumstances, I consider that it would be inappropriate to change the boundary of this strategic development area in the manner requested.

3. Overall, no adjustment is required to the proposed plan.

Reporter's recommendations:

No modifications.

Issue 011	General: Quality and Quantity of Business and Industrial Land at Tweedbank	
Development plan reference:	Chapter 3, Vision, Aims and Spatial Strategy, paragraph 3.14, Spatial Strategy section (Proposed Local Development Plan, page 17)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
487 Network Rail		
Provision of the development plan to which the issue relates:	Visions, Aims and Spatial Strategy, paragraph 3.14, Spatial Strategy section	
Planning authority's summary of the representation(s):		
<p>State that the paragraph refers to proposing to <i>enhance the <u>quality</u> of the existing supply of industrial and business land at Tweedbank to provide for the anticipated demand in industrial land.</i> Ask if it is also intended that this means quantity?</p>		
Modifications sought by those submitting representations:		
Confirmation on whether the paragraph also means quantity in addition to reference to quality.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>It is proposed that significant redevelopment of the land at Tweedbank will result in a more efficient lay out which could release more space and increase the quantity of tenants. In addition, the LDP puts forward an additional mixed use site at Tweedbank.</p> <p>No change to the Local Development Plan from that proposed is considered to be required.</p>		
Reporter's conclusions:		
<p>1. Chapter 3, paragraphs 3.11-3.20, of the proposed plan set out the spatial strategy for the Central Strategic Development Area. Paragraph 3.14 indicates that it is proposed to enhance the quality of the existing supply of industrial and business land at Tweedbank. While the proposed plan will enhance the quantity as well as the quality of the land supply at Tweedbank, taking the first part of paragraph 3.14 as a whole, it is clear that the main factor underpinning the proposed increase in the land supply is the need to enhance its quality rather than its quantity. In these circumstances, I am satisfied that it is unnecessary to refer to the quantity of the supply as suggested in the representation.</p> <p>2. Overall, no adjustment is required to the proposed plan.</p>		

Reporter's recommendations:

No modifications.

Issue 012	General: Reference to Green Networks within the Vision Statement	
Development plan reference:	Chapter 3: Vision, Aims and Spatial Strategy, general (Proposed Local Development Plan, pages 15-20)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
327 Scottish Natural Heritage		
Provision of the development plan to which the issue relates:	Vision, Aims and Spatial Strategy, general	
Planning authority's summary of the representation(s):		
State support for Vision, Aims and Spatial Strategy. Suggest a more general reference to green networks would be appropriate as is contained in the Green Networks policy		
Modifications sought by those submitting representations:		
A general reference to green networks within the Vision, Aims and Spatial Strategy section		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>Comments noted.</p> <p>It is considered that each part of the Spatial Strategy section (for the Central, Eastern and Western Strategic Development Areas) has reference to the green network, as it is included on each respective Figure. The green network is also mentioned within discussion of the LDP Aims (including as a bulleted Aim). It is mentioned indirectly within the Vision statement, through reference to connectivity.</p> <p>Due to the reasoning above it is not considered necessary to amend the Local Development Plan from that proposed.</p>		
Reporter's conclusions:		
<p>1. Chapter 3, paragraphs 3.11-3.20, of the proposed plan set out the spatial strategy for the Central Strategic Development Area. Paragraph 3.12 refers to the green network in this area. This issue is concerned with whether a more general reference should be made in the proposed plan to the importance of green networks to all of the Scottish Borders. In this introductory chapter of the proposed plan, green networks are highlighted for each strategic development area. They are also generally promoted in the section of chapter 3 dealing with the main aims of the proposed plan, with specific references to them at paragraph 3.7 and the list of aims at paragraph 3.9. Additionally, green networks are the</p>		

subject of policy EP12. In light of all the references in the proposed plan to green networks, I am satisfied that their importance to the Scottish Borders has been appropriately recognised and emphasised.

2. Overall, no adjustment is required to the proposed plan.

Reporter's recommendations:

No modifications.

Issue 013	Chapter 3: Vision, Aims and Spatial Strategy	
Development plan reference:	Vision, Aims and Spatial Strategy (Page 17, paragraph 3.17)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
339 Scottish Government		
Provision of the development plan to which the issue relates:	Proposed change to wording of Paragraph 3.17 (p17)	
Planning authority's summary of the representation(s):		
The contributor suggests that paragraph 3.17 (p17) should explicitly state that there are no Transport Scotland proposals to deliver an A7 Selkirk bypass or plans to consider providing a rail link from Tweedbank to Carlisle.		
Modifications sought by those submitting representations:		
The contributor suggests that paragraph 3.17 (p17) should explicitly state that there are no Transport Scotland proposals to deliver an A7 Selkirk bypass or plans to consider providing a rail link from Tweedbank to Carlisle.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>Reference to the potential development of an A7 bypass for Selkirk and a potential extension of the Borders Rail Project to Hawick and Carlisle has been provided in the response to Scottish Government comments in relation to Policy IS4. Whilst the Council notes the current stance of Scottish Government in terms of delivering upgraded road infrastructure in the A7 corridor and extended rail provision in the south of Scotland and Cumbria, the Council do not believe that this information is a valid inclusion in terms of setting the overall spatial strategy agenda for the Local Development Plan.</p> <p>It must be noted that Scottish Government has previously provided funding to Scottish Borders Council to undertake feasibility work on an A7 Selkirk Bypass and included within a recent speech by the First Minister in Carlisle was reference to the need to undertake feasibility work on an extension of the Borders Rail Project to Cumbria.</p> <p>Therefore it is submitted that there should be no change to the Proposed Development Plan.</p>		

Reporter's conclusions:

1. Chapter 3, paragraphs 3.11-3.20, of the proposed plan set out the spatial strategy for the Central Strategic Development Area. Paragraph 3.17 deals with transport infrastructure improvements sought in this area. The representation requests that it be made clear in the proposed plan that the Selkirk by-pass is not a Transport Scotland proposal, and that the proposed future extension of the Borders railway to Carlisle has had no appropriate appraisal undertaken, has no Transport Scotland/Scottish Government approval, and does not form part of the Ministers' Infrastructure Investment Plan. I note that similar representations are considered in relation to issue 68 (policy IS4).

2. This introductory part of the proposed plan is general in nature, and is setting out the overall strategy for each strategic development area. It would be expected that many of the proposals referred to would be delivered in the short term over the period of the plan. However, I also consider that it is reasonable to include longer term aspirations for improvements in the area in this part of the plan even if they are not formal proposals, have no Government support, and do not have all the approvals, provided that their current position is made clear in the proposed plan, when taken as a whole. I note that SESplan refers to the 2 projects, and indicates that they are longer term aspirations which do not have Government support. Bearing these factors in mind, I believe that it would be reasonable to indicate in this introductory part of the proposed plan that the Selkirk by-pass, and the southwards extension of the Borders railway towards Carlisle, are long term council aspirations, with more details on their current status being provided at policy IS4, particularly the lack of Transport Scotland/Government support.

3. Overall, an adjustment is required to the proposed plan as set out below.

Reporter's recommendations:

I recommend that the following modification be made:

1. On page 17 of Volume 1 Policies, adjust the first and last sentences of paragraph 3.17 so that they read:

"3.17. The roads infrastructure will require further improvement, particularly the A7 (including the provision of a Selkirk By-pass, which is a long term council aspiration), and A68. With the addition of the new Borders railway, the Galashiels Transport Interchange and the new stations at Tweedbank and Stow there will be excellent connection to business and employment markets in the Central Belt. The council also has a long term aspiration to see the future extension of the Borders Railway from Tweedbank to Carlisle via Hawick."

Issue 014	Chapter 3: Vision, Aims and Spatial Strategy	
Development plan reference:	Vision, Aims and Spatial Strategy (Page 19, paragraph 3.32)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
339 Scottish Government		
Provision of the development plan to which the issue relates:	Proposed change to wording of Paragraph 3.32 (p19)	
Planning authority's summary of the representation(s):		
The contributor suggests that paragraph 3.32 (p19) should explicitly state that there are no current Transport Scotland proposals to upgrade the A1 Trunk Road to dual carriageway.		
Modifications sought by those submitting representations:		
The contributor suggests that paragraph 3.32 (p19) should explicitly state that there are no Transport Scotland proposals to upgrade the A1 Trunk Road to dual carriageway.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>Reference to the potential upgrading of the A1 has been provided in the response to Scottish Government comments in relation to Policy IS4. Whilst the Council notes the current stance of Scottish Government in terms of delivering upgraded road infrastructure in the A1 corridor, we do not believe that this information is a valid inclusion in terms of setting the overall spatial strategy agenda for the Local Development Plan.</p> <p>As previously noted in response to Scottish Government comments to Policy IS4, the UK Government has recently allocated funding to initiate a feasibility study into upgrading the A1 between Newcastle and the Border to dual carriageway status. There is also an established cross-boundary working group currently lobbying the UK and Scottish Governments in relation to the upgrading of the A1 to dual carriageway status.</p> <p>Therefore it is submitted that there should be no change to the Proposed Development Plan.</p>		
Reporter's conclusions:		
<p>1. Chapter 3, paragraphs 3.27-3.32, of the proposed plan set out the spatial strategy for the Eastern Strategic Development Area. Paragraph 3.32 deals with transport infrastructure improvements sought in this area. The representation requests that it be</p>		

made clear in the proposed plan that the reference to the dualling of the A1 is not a Transport Scotland proposal. I note that similar representations are considered in relation to issue 68 (policy IS4).

2. This introductory part of the proposed plan is general in nature, and is setting out the overall strategy for each strategic development area. It would be expected that many of the proposals referred to would be delivered in the short term over the period of the plan. However, I also consider that it is reasonable to include longer term aspirations for improvements in the area in this part of the plan even if they are not formal proposals, and have no Government support, provided that their current position is made clear in the proposed plan, when taken as a whole. I note that SESplan refers to this project, and indicates that it is a longer term aspiration which does not have Government support. Bearing these factors in mind, I believe that it would be reasonable to indicate in this introductory part of the proposed plan that the dualling of the A1 is a long term council aspiration, with more details on its current status being provided at policy IS4, particularly the lack of Transport Scotland/Government support. Additionally, it would be appropriate in the diagram for the eastern strategic development area to refer to the future dualling of the A1, rather than the dualling of it.

3. Overall, adjustments are required to the proposed plan as set out below.

Reporter's recommendations:

I recommend that the following modifications be made:

1. On page 19 of Volume 1 Policies, adjust the first sentence of paragraph 3.32 so that it reads:

“The council has a long term aspiration for the dualling of the A1 to enhance connectivity to Edinburgh and Newcastle and beyond. This would provide considerable benefit to a number of local businesses in Berwickshire that are involved with fresh, perishable produce that requires to reach market quickly. Future development potential would be further enhanced if a rail station was delivered on the East Coast Mainline to serve the Berwickshire area at Reston.”

2. On page 20 of Volume 1 Policies, adjust the key of the Eastern Spatial Strategy diagram (figure 10) by replacing the reference to the “dualling of A1,” with the words *“Future dualling of A1.”*

Issue 015	Chapter 3: Vision, Aims and Spatial Strategy	
Development plan reference:	Vision, Aims and Spatial Strategy	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>135 Midlothian Council 394 City of Edinburgh Council 411 Cumbria County Council</p>		
Provision of the development plan to which the issue relates:	Cross Boundary Transport Issues	
Planning authority's summary of the representation(s):		
<p><u>135 Midlothian Council</u></p> <p>Midlothian Council indicates that the plan should make direct reference to current cross-border working with adjacent local authorities and other stakeholders such as Transport Scotland, SEStran and SESplan.</p> <p>The contributor requests that the LDP be amended to make reference to the cross-border impacts of traffic generated by new development In Midlothian and the wider SESplan area, and provision for developer contributions towards addressing cross-border impacts on the strategic transport infrastructure.</p> <p>The contributor states that the main reason for this contribution is to try and help reduce congestion levels on roads within and passing through Midlothian and other nearby Council areas.</p> <p><u>394 City of Edinburgh Council and 411 Cumbria County Council</u></p> <p>Cumbria County Council and The City of Edinburgh Council did not have any specific issues in relation to cross boundary travel between the authorities.</p>		
Modifications sought by those submitting representations:		
<p><u>135 Midlothian Council</u></p> <p>Midlothian Council indicates that the plan should make direct reference to current cross-border working with adjacent local authorities and other stakeholders such as Transport Scotland, SEStran and SESplan. The contributor also requests that provision for developer contributions should be addressed within the LDP.</p>		

Summary of responses (including reasons) by planning authority:

NO CHANGE TO PROPOSED LOCAL DEVELOPMENT PLAN

REASONS

135 Midlothian Council

The issue of developing a sustainable transport network is detailed in the SESplan Strategic Development Plan (p46-p47) and concentrates on reducing the need to travel and enhanced accessibility throughout all Local Authority areas within the SESplan area.

Policy 8 (part f) of this document asks for Local Development Plans to take account of cross-boundary transport implications and Policy 9 (part c) of the same document asks for Local Development Plans to pursue the delivery of developer contributions, including the promotion of alternative delivery mechanisms.

It must be noted that a working group looking specifically at cross boundary issues and potential developer contributions has been initiated by SESplan, chaired by Transport Scotland and containing representatives from all of the SESplan Local Authority areas. It is acknowledged that these issues deliver a certain level of complexity and it is likely that any outputs from this working group will be forthcoming over the medium to longer term.

In terms of the proposed LDP, the document highlights key proposals which will help to provide improvements to sustainable transport infrastructure and cross border connectivity. One of the key projects to help provide improvements to existing infrastructure, including the development of the Borders Rail Project which will provide sustainable cross boundary links between the Scottish Borders, Midlothian, the City of Edinburgh and potentially to Carlisle and Cumbria in the future.

Other key proposals contained within the proposed plan include proposals to improve key north to south transport corridors such as the A7 and A68 Trunk Roads, although it must be noted that trunk roads are a national resource funded and controlled by Scottish Government and transport interconnectivity between Local Authorities normally relies on Government intervention. Another key intervention noted in the Local Development Plan in terms of developing sustainable transport is the continued development of digital connectivity.

Therefore it is submitted that the issues of cross boundary transport implications and developer contributions will be dealt with by the SESplan working group and a combined response will be forthcoming over the medium to longer term.

Reporter's conclusions:

1. The planning authority has referenced this issue to chapter 3, Vision, Aims, and Spatial Strategy. The schedule 4 refers to 3 representations, 2 of which raise no matters that require to be addressed in this examination, and one of which is concerned with cross boundary working for transportation. A further representation (339) has been included at issue 18 (Policy PMD3: Land Use Allocations) which is also concerned with cross boundary working for transportation, and I deal with that here.
2. SESplan policy 8(f) requires account to be taken of the cross boundary transportation

implications of all policies and proposals including implications for the transport network outwith the SESplan area. Policy 9(c) is concerned with developer contributions, and places particular emphasis on the delivery of strategic infrastructure requirements. Scottish Planning Policy implicitly recognises the importance of cross boundary working.

3. The planning authority accepts that cross boundary issues require to be addressed, and points towards a working group which has been established by SESplan to consider cross boundary transport issues and developer contributions. The group contains representatives from Scottish Borders, and the other authorities in the SESplan area. I consider that this group is best placed to deal with cross boundary transport issues arising from development proposals. I also note that the proposed plan refers to whole transport corridors, for example, the Borders Rail Project and the A7 trunk road, and to requiring developer contributions for transport development and infrastructure where appropriate. The proposed plan and current working arrangements therefore both take into account the possibility of cross boundary transport implications arising from development proposals.

4. However, I am of the view that it would be helpful, and consistent with SESplan and national policy, if the proposed plan explicitly recognised that development proposals could have cross boundary transport implications, including cumulative impacts, and impacts outwith the SESplan area. I believe that this can be adequately achieved by adding a further short paragraph to the supporting text of policy IS4, which focuses on transport development and infrastructure, rather than adding a reference in the more general, introductory part of the proposed plan, dealing with the vision, aims and spatial strategy. It is unnecessary to refer specifically to cross boundary transport issues in a policy in the proposed plan.

5. Overall, an adjustment is required to the proposed plan as set out below.

Reporter’s recommendations:

I recommend that the following modification be made:

1. On page 127 of Volume 1 Policies, add a paragraph after paragraph 1.4 of the supporting text for Policy IS4, Transport Development and Infrastructure, which reads:

“1.5 In dealing with development proposals, account will be taken of cross boundary transport implications, including the implications for cumulative impacts, and the implications arising outwith the SESplan authority area.”

Issue 016	Policy PMD1: Sustainability	
Development plan reference:	Policy PMD1: Sustainability (page 23)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>110 Quarries Action Group 162 Coal Authority 327 Scottish Natural Heritage 130 Roger Oakes 447 Lilliesleaf, Ashkirk and Midlem CC 342 Royal Burgh of Selkirk CC 122 The Theatres Trust 350 Homes for Scotland 286 RES 487 Network Rail 446 Wind Energy (Earlshaugh) Ltd 496 J S Crawford & Rural Renaissance Ltd</p>		
Provision of the development plan to which the issue relates:	Policy PMD1: Sustainability	
Planning authority's summary of the representation(s):		
<p><u>110 Quarries Action Group</u></p> <p>Strongly support para C which seeks the protection of natural resources, landscapes, habitats and species</p> <p><u>162 Coal Authority</u></p> <p>The Coal Authority welcomes the recognition in the LDP highlighting the importance of protecting natural resources as one of the sustainability principles underpinning all the plan's policies.</p> <p><u>327 Scottish Natural Heritage</u></p> <p>The inclusion of an over-arching sustainability policy, against which all policies are to be read, is a welcome retention of Principle 1 from the current consolidated Local Plan. The addition of the new green network policy (EP12) in the Proposed Plan further secures an overall approach to place making and design which should help Scottish Borders meet the vision of '<i>an excellent place in which to live and work</i>'.</p> <p><u>130 Roger Oakes</u></p> <p>In this worthy list of intentions item (g) should imply rigorous rejection of sporadic developments in the countryside, in particular large houses likely to be occupied by commuters. The respondent is doubtful whether item (k) is consistent with the overall aims of this policy</p>		

447 Lilliesleaf, Ashkirk and Midlem CC

Part (g) - We agree that, where it can be, walking and cycling and public transport should be preferred to travel by private cars. However this is not generally applicable in rural areas where weather conditions, long distances, demographics, and seasonal changes make this impossible and sometimes even dangerous. Policies must positively encourage the attraction of using public transport. If people are to be weaned off using cars it must be made easy to park close to bus stops and at rail stops and other measures taken to address the attitudes and satisfy the needs of customers. Part (h) - We agree and suggest that Dark Sky areas equivalent to those in Dumfriesshire and Keilder be sought and supported. Ideally they might be linked. Minimising light pollution would be easier to implement if the Council created lighting strategies which, inter alia, incorporated this requirement.

342 Royal Burgh of Selkirk CC

Principles noted and agreed with the following comments;

- b) air quality: SBC should be mindful of the pollution caused by emissions especially from traffic and where constraints such as Selkirk town centre where the A7 alignment causes hgv's to manoeuvre with difficulty through 2 right angled bends.
- d) Similarly the built heritage is put at risk by vibration and axle weight
- l) the mechanisms whereby community involvement may be achieved should explained

122 The Theatres Trust

Policy PMD1 does not deal with cultural facilities e.g. theatres and cinemas, which it should

350 Homes for Scotland

HFS understands mainline gas supply in some parts of the rural areas of the Scottish Borders is limited or not available and therefore suggests that these policies be flexible to take account of reducing fuel poverty rather than seeking to reduce the carbon requirement of new housing developments in these areas. Its felt there is greater benefit for occupiers in the reduction of fuel bills and addressing fuel poverty than there is in reducing the carbon effects of a development.

286 RES

At para 1.1 in this policy it acknowledges that the LDP is founded on the premise of supporting and encouraging sustainable development in accordance with the Council's Environmental Strategy and the need for action on climate change. Para 37 of SPP recognises that in order to achieve a reduction in greenhouse gas emissions, the planning system in terms of decision making should reduce energy consumption and promote renewable energy generation opportunities. Policy PMD1 requires that in decision making and the preparation of development briefs the stated sustainability criteria should be adhered to. Criteria (e) requires the efficient use of energy and resources, particularly non-renewable resources, but does not go beyond this to lend support to the incorporation of renewable energy generation opportunities within development. As highlighted above SPP clearly states that in terms of sustainability, both the reduction in energy consumption and the promotion of renewable energy should be used to achieve sustainability. RES would therefore require further wording to support renewable energy development in accordance with SPP to be added to policy PMD1 and would suggest the wording in criteria (e) of the

policy be reworded as follows: “e) *The efficient use of energy and resources, particularly non-renewable resources and the promotion of renewable energy development opportunities where practicable*”

487 Network Rail

Policy PMD1 – Sustainability seeks to ensure;
 d) the protection of built and cultural resources; and
 e) the efficient use of energy and resources, particularly non- renewable resources
 Network Rail considers that the development, maintenance and enhancement of its railway infrastructure is included in this overarching objective to the extent that its built form, function and the need for its efficient development is supported by these policies

446 Wind Energy (Earlshaugh) Ltd

The aspirations of policy PMD1 are well supported. However, it must be recognised that many developments promoted in planning applications will not be able to meet all of the aspirations of this policy

496 JS Crawford & Rural Renaissance Ltd

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

Modifications sought by those submitting representations:

130 Roger Oakes

Item (g) should imply rigorous rejection of sporadic developments in the countryside, in particular large houses likely to be occupied by commuters. The respondent is doubtful whether item (k) is consistent with the overall aims of this policy

447 Lilliesleaf, Ashkirk & Midlem CC

Part (g) - Policies must positively encourage the attraction of using public transport. Part (h) - We agree and suggest that Dark Sky areas equivalent to those in Dumfriesshire and Keilder be sought and supported. Ideally they might be linked. Minimising light pollution would be easier to implement if the Council created lighting strategies which, inter alia, incorporated this requirement.

342 Royal Burgh of Selkirk CC

Part I) the mechanisms whereby community involvement may be achieved should be explained

122 The Theatres Trust

Policy PMD1 does not deal with cultural facilities e.g. theatres and cinemas, which it should

350 Homes for Scotland

HFS understands mainline gas supply in some parts of the rural areas of the Scottish Borders is limited or not available and therefore suggests that these policies be flexible to take account of reducing fuel poverty rather than seeking to reduce the carbon requirement of new housing developments in these areas.

286 RES

RES would require further wording to support renewable energy development in accordance with SPP to be added to policy PMD1 and would suggest the wording in criteria (e) of the policy be reworded as follows: *“e) The efficient use of energy and resources, particularly non-renewable resources and the promotion of renewable energy development opportunities where practicable”*

487 Network Rail

Network Rail considers that the development, maintenance and enhancement of its railway infrastructure is included in this overarching objective to the extent that its built form, function and the need for its efficient development is supported by these policies

496 JS Crawford & Rural Renaissance

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

Summary of responses (including reasons) by planning authority:

NO CHANGE TO POLICY PMD1 AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN

REASONS

110 Quarries Action Group, 162 Coal Authority and 327 Scottish Natural Heritage

General support of the policy is noted.

130 Roger Oakes

The Council has a remit to stimulate rural development and policy HD2 in the proposed Plan (page 75 - 79) lays down criteria for testing applications for housing in the countryside.

The policy allows consideration of the scale of proposed houses in order to ascertain whether they are appropriate within the setting, but cannot refuse proposals on the grounds that they are likely to be occupied by commuters. It is considered part k) is a relevant inclusion in order to support new jobs and the local economy, although these considerations must be weighed up against all other relevant issues to be addressed.

447 Lilliesleaf, Ashkirk & Midlem CC

With reference to part (g) it is acknowledged that public transport to rural areas is limited in places, although the Council will continue to support and improve these services where possible.

In relation to part (h) the Council is aware of the promotion of dark skies and may give more detailed guidance in due course, also giving consideration to issues such as, for example, public safety and Council liability.

342 Royal Burgh of Selkirk CC

Comments regarding parts b) and d) are noted. In relation to part l) the council will continue to consult CC's at relevant stages of the LDP process, including invitations to workshops and seminars and the attendance at CC meetings when requested. The Plans and Research team continue to regularly give advice and meet CC's whenever requested relating to a wide range of matters including consultation timescales and procedures for specific projects.

122 Theatre Trust

Policy PMD1 supports cultural facilities such as protected heritage sites but does not extend to cover theatres and cinemas. Whilst the loss of a theatre or cinema within any settlement would be regrettable, market forces would determine their fate and the planning system has no remit to prevent their loss or applications being submitted for alternative uses from these premises.

350 Homes for Scotland

Policy PMD1 is broad ranging and aspirational and it is appreciated that when being applied to planning applications on a case by case basis in some instances it is not always reasonable nor practical to insist on some actions. The reference to the lack of mains gas in some areas and consequent fuel poverty issues is an example of this, and due weight would be given to this issue at the planning application stage.

286 RES

The Council is aware of the requirements of SPP 2010 and the promotion of renewable energy and recognises this within the proposed Plan (e.g. para 1.3 on page 55)

It is considered that the proposed text currently within the proposed Plan in part e) is sufficient. It is a broad statement which encapsulates the proposed addition and a wide range of other matters. Renewable energy is covered in more detail elsewhere in the Plan.

487 Network Rail

The Plan must include reference to a very wide range of issues and requirements. Policy PMD1 is general and relatively high level and part g) makes reference to the encouragement of public transport. The promotion of the railway is highly important to the Scottish Borders and this is recognised within the proposed Plan (e.g. para 1.2 page 127).

446 Wind Energy (Earlshaugh) Ltd

It is not the intention that a proposal must be able to meet all the requirements within policy PMD1. Proposals cover a very wide range of issues and not all those identified in policy PMD1 will be relevant to all applications. Certainly those which are relevant must be adequately addressed.

496 JS Crawford & Rural Renaissance Ltd

It is considered that the policies on Sustainability and Quality Standards in the proposed Plan (pages 23 and 24 -25) have operated well in practice previously and have been useful and informative to a range of users. Policies PMD1 and PMD2 on Sustainability and Quality Standards respectively have updated these policies but retain the same principles and are considered important and stand alone policies to be retained within the proposed Plan. All criteria references within it are considered relevant and justified.

Reporter's conclusions:

1. Policy PMD1 and its supporting text at paragraph 1.1 set out 12 principles of sustainability which underpin the proposed plan and its policies. Policy PMD1 requires to be considered alongside the more detailed policies of the proposed plan.
2. The policy reflects the underlying thrust of SESplan's approach, and that of Scottish Planning Policy. It is a continuation of principle 1 on sustainability in both the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Scottish Borders Consolidated Local Plan.
3. In essence, the representations seek to add further detail to policy PMD1, but this is at odds with the general nature of its principles, and its purpose. Other parts of the proposed plan properly deal in more detail with many of the matters referred to. I note that development in the countryside is covered by a variety of policies, including policy ED7 (Business, Tourism and Leisure Development in the Countryside), policy HD2 (Housing in the Countryside), and policy EP6 (Countryside Around Towns). Proposals for houses cannot be rejected on the basis that commuters would occupy them, and Scottish Planning Policy encourages rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality. Scottish Planning Policy also sets an order for promoting opportunities for travel by different modes in all areas with walking being the preferred option followed by cycling, public transport, and then cars. This order is properly reflected in principle (g). No change to the principles in policy PMD1 to better deal with rural development and areas is therefore required.
4. The planning authority acknowledges that public transport can be limited in rural areas. The principles seek to encourage it, and this approach is realistic and reasonable. The policy refers to minimising light pollution at principle (h). While I consider that it is

unnecessary to expand on this in the plan, it would be helpful if the planning authority produced non-statutory guidance on its approach to dark skies. The principles recognise the need to preserve air quality and to protect built heritage, and I consider that the introduction of further detail on these matters into this overarching policy is unnecessary. The principles recognise the importance of community involvement in planning decisions. The planning authority outlines in the schedule 4 the steps it takes to involve community councils in the planning process, and it would be helpful if it produced non-statutory guidance so that all parties were aware of the level and type of involvement that could be expected when planning decisions are taken.

5. It is unnecessary for policy PMD1 to highlight cultural facilities (theatres and cinemas). The supporting text for policy ED3 of the proposed plan refers to commercial leisure and entertainment, including cinemas and theatres, as being appropriate development for town centres. The policy itself indicates that the planning authority will support a wide range of uses appropriate to a town centre, and that proposals for appropriate town centre developments will generally be approved in defined town centres. This is a reasonable and sufficient approach to cultural facilities. The lack of mainline gas supply in some areas, and the consequent need to take account of reducing fuel poverty are more detailed matters that may apply in certain cases. I agree with the planning authority that this is best dealt with at the development management stage, and I am satisfied that no change to the principles is required.

6. Renewable energy is dealt with in the main in policy ED9 and, on the basis of the recommendations made at issue 26, I am satisfied that the proposed plan gives appropriate support to it, and that there is no need to adjust the broad ranging principles contained in policy PMD1 to promote its development. The principles underpin the policies of the proposed plan, and I therefore agree with the planning authority that, where they are relevant, they should be adequately addressed by development proposals. I am not persuaded that the alternative policy wording put forward is appropriate for policy PMD1 (or policy PMD2) because it omits important details and, most importantly, for policy PMD1, it omits the principles themselves, which offer guidance and a suitable broad framework for preparing and assessing development proposals. I believe that the framework should be capable of dealing satisfactorily with conflicting aims and objectives.

7. Overall, no adjustments are required to the policy.

Reporter's recommendations:

No modifications.

Issue 017	Policy PMD2: Quality Standards	
Development plan reference:	Policy PMD2: Quality Standards (Pages 24 – 26)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>110 Quarries Action Group 130 Oakes 327 Scottish Natural Heritage 342 The Royal Burgh of Selkirk and District Community Council 350 Homes for Scotland 353 RSPB Scotland 357 Scottish Environment Protection Agency 446 Wind Energy (Earlshaugh) Limited 447 Lilliesleaf, Ashkirk and Midlem Community Council 496 JS Crawford & Rural Renaissance</p>		
Provision of the development plan to which the issue relates:	Policy PMD2: Quality Standards	
Planning authority's summary of the representation(s):		
<p><u>110 Quarries Action Group</u></p> <p>The contributor strongly supports criteria (k), (m) and (u) of the policy.</p> <p><u>130 Oakes</u></p> <p>The contributor is pleased the policy is aimed at not just housing. The contributor states that if the focus is to have people walk or cycle to local destinations then speed limits, wherever practical need to be reduced, traffic calming measures should be taken and there should be plenty of useful places to park and secure bicycles. Plans should include convenient, suitably surfaced and safe connectivity for pedestrians within settlements.</p> <p><u>327 Scottish Natural Heritage</u></p> <p>The contributor looks forward to inputting into the planned Supplementary Guidance. The contributor does not propose a change to the reasoning set out in the policy but suggests that the following Scottish Government policy documents and statements will be relevant to the proposed Supplementary Guidance - Green Infrastructure – Design and Placemaking, Creating Places, Scottish Planning Policy – Placemaking policies from the revised SPP.</p> <p>The contributor also notes the Scottish Government will be producing a 'Place Standard' later this year which the contributor anticipates will be very relevant to this LDP topic.</p> <p>The principles set out in the policy take the scope of placemaking beyond residential. Whilst the policy does not refer directly to the six qualities of successful places (paragraph 37, draft revised SPP; page 9, Designing Places) the principles set out under the sub</p>		

headings clearly relate back to this.

The contributor welcomes the inclusion of principles (t) and (u) under sub-heading 'Green Space, Open Space and Biodiversity' and recognises the role that such assets play in creating successful places.

342 The Royal Burgh of Selkirk and District Community Council

The contributor notes and agrees the policy. The contributor encourages the Council to continue setting a good example for achieving good design proactively, especially by the preparation of design briefs and detailed supporting guidance.

350 Homes for Scotland

The contributor understands mainline gas supply in some parts of the rural areas of the Scottish Borders is limited or not available and therefore suggests that these policies be flexible to take account of reducing fuel poverty rather than seeking to reduce the carbon requirement of new housing developments in these areas. It is felt there is greater benefit for occupiers in the reduction of fuel bills and addressing fuel poverty than there is in reducing the carbon effects of a development.

353 RSPB Scotland

The contributor commends the quality standards in respect of sustainability. The contributor states that the retention of existing natural features and habitats should be aimed for (u). New features should not be created at the expenses of existing ones as the former can take a long time to research the ecological richness and productivity of old, well-established features. Nevertheless, new natural features should be created whenever the opportunity arises.

357 Scottish Environment Protection Agency

The contributor welcomes and supports the continuation and updating of this policy. The contributor supports the inclusion in the Sustainability subsection criterion a). The contributor would like it noted they would object to any proposed development that had not been designed to be capable of connection to existing, or new, district heating networks or providers. The contributor notes and welcomes the reference to the production of Supplementary Guidance on waste and would welcome the opportunity to assist in the production of this. The contributor welcomes the reference to Green Infrastructure within criterion c) of the policy and notes that this policy is considered relevant to most other policies in the Plan.

446 Wind Energy (Earlshaugh) Limited

The contributor supports the aspirations of the policy however states it must be recognised that many developments promoted in planning applications will not be able to meet all of the aspirations of this policy.

447 Lilliesleaf, Ashkirk and Midlem Community Council

The contributor would like to see the Council encourage designs which respond to the unique qualities of a site and create delight. Rather than import ready-made solutions many

of which show poor understanding of the qualities of traditional buildings, are pastiches, or show little skill in composing with modern material and components. Designs for efficient energy use, such as Passivhaus, which once were innovative are now well understood and set benchmarks.

496 JS Crawford & Rural Renaissance

The contributor considers the policy 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 the development only promotes development allocations which are effective, under the planning legislation.

The contributor suggests the provisions of the policy along with policy PMD1 should be simplified and both policies incorporated into a reworded new policy which should make reference to the need to adhere to the principles of sustainable development. The contributor suggests the replacement policy to be worded as follows: *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.*

Modifications sought by those submitting representations:

350 Homes for Scotland

The contributor understands mainline gas supply in some parts of the rural areas of the Scottish Borders is limited or not available and therefore suggests that this policy be flexible to take account of reducing fuel poverty rather than seeking to reduce the carbon requirement of new housing developments in these areas.

496 JS Crawford & Rural Renaissance

The contributor suggests the provisions of the policy along with policy PMD1 should be simplified and both policies incorporated into a reworded new policy which should make reference to the need to adhere to the principles of sustainable development. The contributor suggests the replacement policy to be worded as follows: *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.*

Summary of responses (including reasons) by planning authority:

NO CHANGE TO POLICY PMD2 QUALITY STANDARDS AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN

REASONS

110 Quarries Action Group - Support noted.

130 Oakes

Support and comments noted. The policy addresses accessibility issues mentioned by the contributor within criteria (o) – (s).

327 Scottish Natural Heritage

Support and comments noted.

342 The Royal Burgh of Selkirk and District Community Council

Support and comments noted.

350 Homes for Scotland

Policy PMD2 is broad ranging and aspirational and it is appreciated that when being applied to planning applications on a case by case basis in some instances it is not always reasonable nor practical to insist on some actions. The reference to the lack of mains gas in some areas and consequent fuel poverty issues is an example of this, and due weight would be given to this issue at the planning application stage.

353 RSPB Scotland

Comments noted.

357 Scottish Environment Protection Agency

Support and comments noted.

446 Wind Energy (Earlshaugh) Limited

Comments noted.

447 Lilliesleaf, Ashkirk and Midlem Community Council

Comments noted, regarding quality of design, criteria (h) – (n) of the policy sets out key principle aimed at encouraging better design related to the site context.

496 JS Crawford & Rural Renaissance

The Council's Placemaking and Design SPG (Core Document 059) builds on the principles of policy PMD2 and ensures that the Scottish Borders provides attractive, sustainable towns and villages that are distinct and diverse. This policy and the SPG develop the Government's policy intentions as set out in 'Designing Places' (Core Document 033) and Scottish Planning Policy 2014 (Core Document 026).

Reporter's conclusions:

1. Policy PMD2 and its supporting text at paragraphs 1.1-1.4 make clear that all new development should be of a high quality and respect its environment. Policy PMD2 is a general policy setting out the sustainability, placemaking and design, accessibility, and green space, open space and biodiversity standards to be applied to all development. It requires to be considered alongside the more detailed policies of the proposed plan.
2. The policy is broadly consistent with the thrust of SESplan's approach, and that of Scottish Planning Policy. It further develops the quality standards set out for new development in policy G1 of both the adopted 2008 Scottish Borders Local Plan and the

adopted 2011 Scottish Borders Consolidated Local Plan.

3. In essence, many of the representations are supportive of the nature of the policy, and make no more than passing comment. This general policy and its supporting text set out a reasonable approach to accessibility issues, with more detailed guidance being provided on various matters, including traffic calming, in policies IS6 and IS7, and appendix 3. There is therefore no need for this policy to explicitly refer to traffic calming. I consider that the standards as a whole contained within the policy, particularly those relating to placemaking and design, properly embrace the 6 qualities of successful places referred to at paragraphs 41-46 of Scottish Planning Policy. The framework provided by the policy also provides a reasonable basis for securing good quality design in development, which properly responds to and reflects local circumstances and site conditions.

4. The lack of mainline gas supply in some areas, and the consequent need to take account of reducing fuel poverty are more detailed matters that may apply in certain cases. I agree with the planning authority that this is best dealt with at the development management stage, and I am satisfied that no change to the general standards promoted in policy PMD2 is required. The policy is wide ranging, and it is inevitable that not all of the standards it contains will apply to all developments. Where they do apply, I believe that they should be taken into account in the assessment of development proposals, along with the terms of other relevant detailed policies, and other material considerations, which may justify an exception being made to the standards of policy PMD2.

5. I am not persuaded that the alternative policy wording put forward is appropriate for policy PMD2 (or policy PMD1) because it omits important details, most notably, for policy PMD2, it omits the standards themselves, which offer guidance and a suitable framework for preparing and assessing development proposals. I believe that the framework provided by the policy should be capable of dealing satisfactorily with conflicting aims and objectives.

6. Overall, no adjustments are required to the proposed plan in relation to these particular representations. Adjustments are required to policy PMD2 and its supporting text as a result of a representation dealt with at issue 3.

Reporter's recommendations:

No modifications (but see issue 3 where adjustments are recommended to policy PMD2 and its supporting text).

Issue 018	Policy PMD3: Land Use Allocations	
Development plan reference:	Policy PMD3: Land Use Allocations (Pages 27 – 28)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>327 Scottish Natural Heritage 339 Scottish Government 342 The Royal Burgh of Selkirk and District Community Council</p>		
Provision of the development plan to which the issue relates:	Policy PMD3: Land Use Allocations	
Planning authority's summary of the representation(s):		
<p><u>327 Scottish Natural Heritage</u></p> <p>The contributor suggests it would be useful for the policy reasoning to refer readers to the site requirements of the allocations within Volume 2 (Settlements) of the LDP. In the case of allocations where site requirements include mitigation to avoid likely significant effect on Natura sites, this cross-reference would provide additional certainty to developers alongside the policy cross-reference to policy EP1 (International Nature Conservation Sites and Protected Species) which is already included.</p> <p><u>339 Scottish Government</u></p> <p>The contributor states the LDP should take due cognisance of policy 8 (f) of the SESplan Strategic Development Plan and 'take into account the cross-boundary transport implications of all policies and proposals including implications for the transport network outwith the SESplan area' and the implications for cumulative impacts of the Plan on cross-boundary transport matters including those arising from the cross-boundary transport study associated with the SESplan Action Programme Action 112.</p> <p><u>342 The Royal Burgh of Selkirk and District Community Council</u></p> <p>The contributor requests that the line of a future Selkirk by-pass be investigated and agreed, in order that appropriate land allocations may be made – for the future benefit of Selkirk and the Borders region.</p>		
Modifications sought by those submitting representations:		
<p><u>327 Scottish Natural Heritage</u></p> <p>The contributor requests within the policy reasoning reference is made to the site requirements of the allocations within Volume 2 (Settlements) of the LDP.</p>		

339 Scottish Government

The contributor requests the LDP take due cognisance of policy 8 (f) of the SESplan Strategic Development Plan and ‘take into account the cross-boundary transport implications of all policies and proposals including implications for the transport network outwith the SESplan area’ and the implications for cumulative impacts of the Plan on cross-boundary transport matters including those arising from the cross-boundary transport study associated with the SESplan Action Programme Action 112.

342 The Royal Burgh of Selkirk and District Community Council

The contributor requests that the line of a future Selkirk by-pass be investigated and agreed, in order that appropriate land allocations may be made – for the future benefit of Selkirk and the Borders region.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO POLICY PMD3 LAND USE ALLOCATIONS AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN

Note: This Schedule 4 should be cross-referenced with the Schedule 4 for Policy IS4 Transport Development and Infrastructure.

REASONS

It is not felt that it is necessary to update the policy to include additional text within the policy reasoning to refer readers to the site requirements within Volume 2 of the LDP. The policy currently makes reference to the land use proposals tables, planning briefs and site requirements for each site.

It is considered that the Plan does take due cognisance of policy 8(f) of the SESplan Strategic Development Plan. The key improvements for transport infrastructure are detailed within policy IS4 Transport Development and Infrastructure which includes reference to cross-boundary transport proposals.

In relation to the Selkirk bypass, the comments are noted however the Scottish Government have concerns regarding funding for the bypass, but the Plan identifies the bypass for sound planning reasons.

It is therefore contended that policy PMD3 is suitable in its current form and should remain within the Proposed Local Development Plan.

Reporter’s conclusions:

1. Policy PMD3 and its supporting text at paragraphs 1.1-1.4 make clear that allocated land use proposals in the proposed plan should be developed for their intended purpose, and sets out the approach to be taken to alternative proposals for an allocated site.
2. The policy will help ensure the proper implementation of SESplan’s spatial strategy. It is also largely a continuation of policy H3 on land use allocations in both the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Scottish Borders Consolidated Local Plan.

3. This issue concerns 3 representations. Representation 339 concerns cross boundary transport implications of policies and proposals, and it is dealt with at issue 15 where it is recommended that a further paragraph be added to the supporting text of Policy IS4 to take account of this matter. Regarding representation 342, the current status of the proposed Selkirk by pass is dealt with at issues 13 and 68, where it is recommended that the proposed plan identify the project as a long term aspiration. Given my conclusions on issues 13 and 68, I am satisfied that there is no sound basis for the proposed plan supporting any investigation into the line of the by pass.

4. The remaining representation seeks, in essence, a reference in the supporting text of policy PMD3, to volume 2 of the proposed plan, which contains the site requirements for allocations. I consider this to be unnecessary, and agree with the planning authority that this matter is already adequately covered by policy PMD3 itself, which refers to land use proposals tables, planning briefs, and site requirements. I also note that the policy is helpfully cross referenced to a number of other key policies in the proposed plan, which identify factors that could be relevant in the assessment of development proposals for allocated sites.

5. Overall, no adjustment is required to policy PMD3 or its supporting text. Adjustments are required to other parts of the proposed plan regarding the matters raised in representations 339 and 342.

Reporter's recommendations:

No modifications (but see issue 15 where an adjustment is recommended regarding the matters raised in representation 339, and issues 13 and 68 where adjustments are recommended regarding the matters raised in representation 342).

Issue 019	Policy PMD4: Development Outwith Development Boundaries	
Development plan reference:	Policy PMD4: Development Outwith Development Boundaries (Pages 29– 30)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>202 sportscotland (1 of 2) 300 Smith & Garratt 302 David Wilson Homes 350 Homes for Scotland 407 Millar 445 Suzanne McIntosh Planning Limited (1 of 2) 471 Miller Partnership 487 Network Rail</p>		
Provision of the development plan to which the issue relates:	Policy PMD4: Development Outwith Development Boundaries	
Planning authority’s summary of the representation(s):		
<p><u>202 sportscotland</u></p> <p>The contributor notes the policy makes provision for certain form of development outwith established settlement boundaries, including proposals related to economic development; and supported under policy ED7. The contributor notes that policy PMD4 only provides support where the site represents a logical extension of the built-up area. There are no other policies which support development in countryside location. As a consequence, the contributors concern is that a proposal could come forward for an outdoor sports use; the location of which may well be dictated by the nature of the proposal eg: near to cycle tracks or a watercourse. This may be located outwith a settlement and outwith the area immediately surrounding a settlement and such a proposal may therefore fall foul of policy PMD4, irrespective of whether there is a justification for a countryside location; and other matters are addressed eg: access, design etc.</p> <p>To redress this concern the contributor suggests:</p> <ul style="list-style-type: none"> • A separate clause is inserted into the policy enabling certain forms of development in the wider countryside area provided there is a locational justification and no conflict with other policies; • Or a separate policy is introduced to deal with development proposals in the wider countryside area; <p>Or, if policy ED7 is intended to deal with such proposals; then the relationship between the two policies is clarified, since at present there seems to be a contradiction between the two policies in terms of the support or otherwise afforded to certain proposals in countryside locations removed from settlement boundaries.</p>		

300 Smith & Garratt, 471 Miller Partnership, 302 David Wilson Homes

The contributor requests criterion (c) of the policy be amended to read:

c) There is a shortfall identified by Scottish Borders Council through the housing land audit with regard to the provision of an effective 5 year housing land supply, *which may be due to constraints acting to inhibit development of consented sites, allocated sites or safeguarded land*, OR

350 Homes for Scotland

The contributor states criterion c) refers to a shortfall identified by SBC only. It does not appear independent to us with solely the Council to judge whether there is a shortfall but the presumption HfS have taken is that if Reporters identify a shortfall then the Council would have to acquiesce. If this is not the case then HfS request the point is amended to clarify.

407 Millar

The contributor generally supports the terms of the policy.

445 Suzanne McIntosh Planning Limited (1 of 2)

The contributor suggests there are other exceptions that should be considered and included in the policy. These should reflect changes in government policy relating to sustainable housing design and issues of sustainability relating to social capital and housing provision. For example retention of a family within a community where there is no other housing stock available to meet their needs eg: where a member of the family is disabled and the Equalities Act has come into play. The Planning Authority is to take into account requirements of other legislation and not operate in a vacuum.

The contributor would like an additional criterion to be added to the policy in relation to a person(s) retiring and scaling down their home but finding nothing appropriate within the settlement. A net gain of freeing up a family sized homes within the settlement boundary may be incorporated within the criteria as the level of new build would be less onerous in spatial terms to provide a retirement homes than to provide a larger family home.

487 Network Rail

The contributor states one of the criteria for 'exemptions' within the policy should be the functional and operational requirements of providers of linear land based infrastructure. The Plan's key objective to 'increase connectivity' should ensure that development needed to support linear infrastructure, including for transport purposes such as a railway is an anticipated exemption provided there is a functional and justifiable need. While any works associated with protecting a corridor are arguably provided for under criterion d within the policy it may not be significant enough to qualify here and the clause should be amended to read:

d) It is a development that it is considered would offer significant community benefits or *maintains a strategic connected network (or similar wording)* that outweighs the need to protect the Development Boundary.

Modifications sought by those submitting representations:202 sportscotland

The contributor requests:

- A separate clause is inserted into the policy enabling certain forms of development in the wider countryside area provided there is a locational justification and no conflict with other policies;
- Or a separate policy is introduced to deal with development proposals in the wider countryside area;

Or, if policy ED7 is intended to deal with such proposals; then the relationship between the two policies is clarified, since at present there seems to be a contradiction between the two policies in terms of the support or otherwise afforded to certain proposals in countryside locations removed from settlement boundaries.

300 Smith & Garratt, 471 Miller Partnership, 302 David Wilson Homes

The contributors request criterion c) of the policy is amended as follows:

c) There is a shortfall identified by Scottish Borders Council through the housing land audit with regard to the provision of an effective 5 year housing land supply, *which may be due to constraints acting to inhibit development of consented sites, allocated sites or safeguard land*, OR

350 Homes for Scotland

The contributor requests that if the Reporter identifies a shortfall in the housing land supply then the Council would have to acquiesce. If this is not the case then the contributor requests criterion (c) is amended to clarify.

407 Millar - N/A445 Suzanne McIntosh Planning Limited (1 of 2)

The contributor seeks the inclusion of other exceptions within the policy which reflect changes in government policy relating to sustainable housing design and issues of sustainability relating to social capital and housing provision.

The contributor would also like an additional criterion to be added to the policy in relation to a person(s) retiring and scaling down their home but finding nothing appropriate within the settlement. A net gain of freeing up a family sized homes within the settlement boundary may be incorporated within the criteria as the level of new build would be less onerous in spatial terms to provide a retirement homes than to provide a larger family home.

487 Network Rail

The contributor requests criterion d) of the policy is amended as follows:

d) It is a development that it is considered would offer significant community benefits or *maintains a strategic connected network (or similar wording)* that outweighs the need to protect the Development Boundary.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO POLICY PMD4 DEVELOPMENT OUTWITH DEVELOPMENT BOUNDARIES AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN

REASONS

202 sportscotland

The Council considers opportunities exist at appropriate locations outwith settlements where economic activity and diversification can take place. The Council also recognises that not all tourism or recreational related developments can be accommodated within settlement boundaries. Criterion (b) of policy ED7 Business, Tourism and Leisure Development in the Countryside which refers to development to be used directly for leisure, recreation or tourism appropriate to a countryside location would meet this eventuality.

Within policy PMD4 the emphasis is on development immediately attached to the settlement. Paragraph 1.2 refers to development immediately outwith development a boundary and paragraph 1.4 refers to expansions to existing settlements. The aim of this policy is to ensure development is focused into development boundaries of established settlements and not the wider countryside area.

It should be noted that within the Plan the text following the policy states that policies PMD4 and policy ED7 should be cross referenced.

300 Smith & Garratt, 471 Miller Partnership, 302 David Wilson Homes

The approach used by the Council to undertake the Housing Land Audit (HLA) is in accordance with PAN 2/2010 (Core Document CD034, paragraph 55) which states under the marketability criteria that the test to identify if a site is effective is whether 'the site, or a relevant part of it, can be developed in the period under consideration'. The Council therefore considers a site to be effective if there is a reasonable prospect that it could be developed within the 5 year period. In addition, in order to clarify the position within the audit, all sites have been categorised to distinguish between those sites that are subject to a known developer programme and those yet to be programmed.

Constrained units are included within the established housing land supply in the audit and are reviewed annually. Constrained units are seen as non-effective at the time of the audit due to ownership, physical, contamination, deficit funding, marketability, infrastructure, or land use constraints.

350 Homes for Scotland

The Housing Land Audit is undertaken on an annual basis and is subject to consultation with Homes for Scotland, Scottish Water, Scottish Environmental Protection Agency, Communities Scotland, Scottish Rural Property and Business Association, local housing associations and relevant internal consultees from Scottish Borders Council.

Scottish Planning Policy 2014 (Core Document CD026, paragraph 123) requires Local Authorities to undertake an audit to monitor the availability of effective sites, the progress of sites through the planning process, and housing completions.

407 Millar

Support noted.

445 Suzanne McIntosh Planning Limited (1 of 2)

Comments noted. Exemptions such as those referred to by the contributor would be dealt with on a case by case basis should this be a material consideration. If there was a suitable justification then an exceptional approval can be granted.

487 Network Rail

Comments noted, this would be assessed on a case by case basis. It is not appropriate to amend in the context of this policy. Criterion (d) of the policy would be adequate to deal with the matter referred to by the contributor.

It is contended that policy PMD4 Development Outwith Development Boundaries is suitable in its current form and should remain unchanged within the Proposed Local Development Plan.

Reporter's conclusions:

1. Policy PMD4 and its supporting text at paragraphs 1.1-1.4 seek to ensure that most development is located within defined development boundaries as shown on the settlement plans contained in Volume 2 of the proposed plan. It also sets out the circumstances in which exceptional approvals may be granted planning permission.
2. The policy will help ensure the proper implementation of SESplan's spatial strategy, and it is broadly consistent with the thrust of Scottish Planning Policy. It is also a continuation of policy G8 in both the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Scottish Borders Consolidated Local Plan.
3. In essence, the representations seek changes to the circumstances in which exceptional approvals may be justified. I do not consider that it is necessary to change the circumstances to specifically mention that outdoor sport uses should be allowed in the wider countryside area as an exception. I believe that such uses are already adequately covered by policies in the proposed plan. In particular, policy ED7, which deals with business, tourism and leisure development in the countryside, allows development for leisure, recreation and tourism appropriate to a countryside location. While policy PMD4 is more concerned with development adjacent to a settlement, I am satisfied that outdoor sports uses could be covered either by circumstance (a) which refers to policy ED7, or circumstance (d) which allows development that would offer significant community benefits which outweigh the need to protect a development boundary. I also note that policies PMD4 and ED7 are cross referenced as key policies, and consider that their relationship is reasonably clear, and does not require greater clarification.
4. Additionally, I am not persuaded that any change is required to circumstance (c) which allows an exceptional approval to be granted where there is a shortfall identified by the council through the housing land audit with regard to the provision of an effective 5 year housing land supply. It is appropriate for the council, as the planning authority, to be referred to in circumstance (c). Under Scottish Planning Policy, planning authorities should actively manage the housing supply, and they should work together with housing and

infrastructure providers to prepare an audit, and to ensure a continuing supply of effective land. Provision is made in the development plan process for planning authorities to take into account the conclusions and recommendations of reporters on the housing land supply where representations are made and, in this case, these are set out at issue 80. It would serve no useful purpose to add to circumstance (c) a reference to constraints inhibiting the prospect of the development of sites and the land supply because site constraints require to be considered both as a part of the audit process, and in assessing whether proper provision has been made for a 5 year effective housing land supply.

5. I do not believe that further changes are required to the circumstances set out. I agree with the council that possible additional exceptions, such as a need to retain families/retirees within a community where no other suitable housing stock is available, can reasonably be dealt with as a material consideration at the development management stage. Furthermore, it may also be possible to deal with such cases under circumstance (b) relating to affordable housing, or circumstance (d) relating to community benefits. I also do not regard this policy as a barrier to the functional and operational requirements of “linear land based infrastructure” (eg railways), and I accept the planning authority’s view that it could deal with such proposals under circumstance (d) as it stands. In the circumstances, I am not satisfied that additional wording, referring to “maintaining a strategic connected network”, is needed.

6. Overall, no adjustments are required to the proposed plan.

Reporter’s recommendations:

No modifications.

Issue 020	Policy ED1: Protection of Business and Industrial Land	
Development plan reference:	Policy ED1: Protection of Business and Industrial Land (page 33 – 37)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>335 Edinburgh Woollen Mill Group 342 The Royal Burgh of Selkirk and District Community Council 357 Scottish Environment Protection Agency 454 Royal Mail Group Ltd 478 Warren Consultants 482 N Watson 489 Newcastleton and District Community Council 490 Crabtree and Crabtree 494 Tom Leddy</p>		
Provision of the development plan to which the issue relates:	Policy ED1 - Protection of Business and Industrial Land	
Planning authority's summary of the representation(s):		
<p><u>335 Edinburgh Woollen Mill Group</u></p> <p>The proposed plan allocates sites zEL11 (Riverside 2) and BSELK003 (Riverside8) under Policy ED1 which retains a general presumption in favour of business and industrial uses. The proposed new allocations also permit “mixed uses” which provides scope for the range of other uses on the sites. The main part of Edinburgh Woollen Mill’s (EWM) land-holding is allocated as Site BSELK003 which is classed as a local site and specifically permits a range of mixed uses. The northern part of EWM’s land holding is retained as a District Employment Site (eZL11) and has a preferred use for business and industry, but the ED1 Policy acknowledges that mixed uses may also be appropriate on this site subject to certain criteria.</p> <p>The contributor requests that both sites are identified as a specific redevelopment opportunity with scope for redevelopment of a range of mixed uses to include residential, nursing home, tourism, office, retail, leisure and commercial uses as well as the existing business and employment uses.</p> <p>The contributor requests that the proposed plan is amended to make reference to a single new allocation which would include both of these sites as a mixed use redevelopment opportunity.</p> <p><u>342 The Royal Burgh of Selkirk and District Community Council</u></p> <p>The inclusion of sites at Selkirk Riverside are noted and agreed. Economic development opportunities are available for Selkirk and the Borders by defining and including additional strategic sites when the line of the Selkirk by-pass is established and protected.</p>		

357 Scottish Environment Protection Agency

The contributor supports the inclusion of ED1 which allows for waste management activity in line with the Zero Waste Plan 2010. They support the statement in para 1.4 that waste management and small scale renewable energy developments are appropriate land uses within ED1. This position is in line with paragraph 216 of SPP and Annexe B (paragraph 4.3) of the Zero Waste Plan.

454 Royal Mail Group Ltd

The contributor considers that the criteria listed at point 2 of Policy ED1 does not give sufficient protection to existing business uses from the introduction of potentially incompatible new uses. The introduction of noise sensitive development such as residential development in close proximity to a delivery office may result in noise complaints. The following criterion should be added:

“Development proposals will be resisted where these may be incompatible with existing uses, particularly in relation to their sensitivity to noise”.

This will ensure Royal mail’s operations are not prejudiced.

478 Warren Consultants

Policy ED1 protects strategic industrial sites but not ‘Local Sites’ which although allocated for industry, are sites where alternative uses, such as residential, may be supported provided other criteria are met. This approach perhaps reflects an over-supply of industrial land in relation to demand. The ‘local sites’ in the LDP are mostly large sites (relative to the objection site) whereas zEL18 in West Linton is small in comparison. It is close to housing in a peripheral village with a long history of lack of interest in industrial or employment development. The site is constrained by an historical legal agreement restricting use of the site to Class 4 of the Use Classes Order and is contained on 3 sides by residential development. It is considered that the inclusion of the site as a “District Site” is illogical and the site should be allocated for residential use. Failing that, the site should be characterised as a “Local Site” given that it is of a lower order than some of the other sites includes as “Local” within the LDP.

482 N Watson

The contributor agrees with the sentiment in Point 3 of Policy ED1, but the last sentence may be too lenient. Suggest amendment to read “...*alternative uses may be supported*”.

489 Newcastleton and District Community Council

The contributor is concerned that Newcastleton is not mentioned in Policy ED1 and is missing out on long term opportunities.

490 Crabtree and Crabtree

The contributor seeks the deletion of site zEL33 from Table 1 within Policy ED1. They recognise the Council need to identify appropriate employment land opportunities but it must also be recognised that there is currently an over supply leading to brownfield land lying dormant.

- Site zEL33 has been widely marketed but continues to lie vacant with no benefit to community or economy.
- Employment land take up in Central Borders SDA and Jedburgh has been extremely low.
- Removal of site zEL33 will not prejudice long term supply of employment land in Jedburgh.
- SPP requires local authorities to review sites through the development plan and reallocate then for another use where existing allocations do not meet current and anticipated market expectations.
- The proposed plan carries through employment land allocations for Jedburgh and falls short of the review required by SPP, despite very low take-up of employment land within Jedburgh both prior and post recession.

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

494 Tom Leddy

The policy recognises that there are certain uses that can co-exist on an industrial estate. Acceptable uses are associated facilities related to other uses on the site and would include those that are complimentary but would not conflict with existing employment uses. Retail is not an acceptable use but may be appropriate within the local category classification. It should be acceptable for retail units to be approved if it can be shown that there are no other local amenity units within a practical distance.

Modifications sought by those submitting representations:

335 Edinburgh Woollen Mill Group

The contributors seek a modification of the plan to make reference to a single new allocation which would include allocated sites zEL11 (Riverside 2) and BSELK003 (Riverside 8) as a mixed use redevelopment opportunity.

454 Royal Mail Group Ltd

The contributor seeks a modification of the policy to include an additional criterion that will resist development proposals that may be incompatible with existing uses, particularly in relation to their sensitivity to noise.

478 Warren Consultants

The contributor seeks a modification of the allocation from business and industrial land to housing. If this is not acceptable, the land should be reclassified as a 'Local Site' as opposed to 'District Site' within policy ED1.

482 N Watson

The contributor agrees with the sentiment in Point 3 of Policy ED1, but the last sentence may be too lenient. Suggest amendment to read "...*alternative uses may be supported*".

489 Newcastleton and District Community Council

The contributor seeks a modification of Table 1 within Policy ED1 to include Newcastleton.

490 Crabtree and Crabtree

The contributor seeks the deletion of site zEL63 from Table 1 of Policy ED1.

494 Tom Leddy

The contributor seeks a modification of the policy to include retail units within the Local Sites classification if it can be shown that there are no other local amenity units within a practical distance as opposed to sites located within or adjacent to town centres.

Summary of responses (including reasons) by planning authority:

NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL PROPOSED IN RELATION TO CORRECTION OF OMISSION OF NEWCASTLETON IN TABLE 1 ON PAGE 36

NO CHANGE PROPOSED IN RESPECT OF THE REMAINING REPRESENTATIONS

REASONS

335 Edinburgh Woollen Mill Group

This representation also relates to Schedule 4 Nos 294 and 295 on Business and Industrial sites BSELK003 and zEL11 in Selkirk.

Policy ED1 seeks to provide the appropriate balance between the maintenance of an adequate supply of employment land, and promoting appropriate mixed use development. The sites in question are within an area that has been predominantly industrial, although there are some small examples of other uses. Therefore, it is important that the move towards a more mixed use within the area is subject to the appropriate tests as set out within the policy. The Council has sought to give promotion to mixed uses within site BSELK003 through its designation as a local site within the hierarchy as set out within Table 1. However, there remain large employment users within the area related to both of the sites which need to be considered in relation to potential alternative uses. Therefore, the criteria set out within the policy are proportionate in the assessment process.

In conclusion, it is concluded that the proper planning of the area is best served by retaining employment use allocations on both sites as set out in the Proposed LDP.

342 The Royal Burgh of Selkirk and District Community Council

Support noted, the confirmation of the bypass by the Scottish Government will be important in the future growth of Selkirk.

357 Scottish Environment Protection Agency

The contributors support comments are noted.

454 Royal Mail Group Ltd

Policy ED1 states in relation to all sites within the hierarchy that “In all business and land site categories development must: a) respect the character and amenity of the surrounding area, and be landscaped accordingly, and b) be compatible with neighbouring business and industrial uses”. Therefore, potential uses require to be compatible with neighbouring business and industrial uses which addresses the concern of the representation.

In conclusion, it is considered that the representation is adequately addressed by the policy as currently worded.

478 Warren Consultants

This representation also relates to Schedule 4 No 317 on site zEL18 in West Linton.

The site in question is the only allocated employment land serving the wider West Linton area. Therefore it performs a District role given its strategic importance. The Council operates within an area of market failure in relation to the provision of employment land in that the costs of provision are greater than the resultant market value. Therefore, it is important to retain existing industrial land provision for the longer term prosperity of the area. This particularly applies where there is a limited amount of available employment land.

The site is subject to a section 75 for the delivery of employment development. Therefore, the site should be retained within Table 1 as a District site with the enhanced level of protection.

In conclusion, the site should be retained as a District site within the business and industrial land hierarchy set out in Table 1 on page 35 of the Plan.

482 N Watson

The policy intention is to promote the re-use of non-effective local sites. The policy does however retain the potential to prevent alternative uses that may be deemed to be unacceptable following particular consideration of the circumstances of a particular proposal. The policy as currently framed therefore provides direction and protection in terms of potential alternative uses. Therefore, no change is deemed to be necessary.

489 Newcastleton and District Community Council

There is a typographical error in the omission of the settlement name of Newcastleton alongside the site identified in Table 1 for Moss Road (zEL44), in the Landward section of the table of Policy ED1 (page 36). This can be addressed as a non-significant change.

490 Crabtree and Crabtree

This representation also relates to Schedule 4 No 152 on site zEL63 in Eyemouth.

The site is positioned on a longstanding industrial estate and the premises are currently in use. The site is well located in terms of roads infrastructure with good access to the A1 trunk road. The area benefits from the availability of European funding which is targeted at the transition from fisheries towards a more widely based economy.

The Council operates within an area of market failure in relation to the provision of employment land in that the costs of provision are greater than the resultant market value. Therefore, it is important to retain existing industrial land provision for the longer term prosperity of the area.

Therefore, it is concluded that the site should be retained within Table 1 of Policy ED1.

494 Tom Leddy

The principal objective of policy ED1 is to maintain a supply of business and industrial land for the future growth of the Borders. Therefore, there is a balance to be drawn between seeking the development of this land by allowing flexibility in compatible use types and preventing non-compatible uses. The policy accepts that in the case of retail that this may be acceptable where it is an ancillary use up to 10% of total floor area, and that, in addition, that retail may be acceptable on designated local sites where the site is within or adjacent to a town centre. This is considered to be an appropriate response in policy terms in relation to employment land.

The change proposed by the representation may in certain circumstances also run counter to Scottish Planning Policy and the sequential approach towards retail development.

In conclusion, it is considered that the policy provides appropriate guidance in relation to retail development within employment land areas.

Reporter's conclusions:

1. Policy ED1 and its supporting text at paragraphs 1.1-1.4 seek to ensure that there is a sufficient supply of business and industrial land, which is properly protected, and not inappropriately diluted by other uses. Table 1 at the end of the policy sets out the sites which are included in the business and industrial land supply. It identifies a strategic high amenity site, strategic business and industrial sites, district sites, and local sites.
2. The policy will help ensure the proper implementation of SESplan's spatial strategy, is broadly consistent with SESplan policy 2 on the supply and location of employment land, and generally reflects the thrust of Scottish Planning Policy in supporting business and employment. It also further develops policy ED1 on the protection of employment land in both the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Scottish Borders Consolidated Local Plan.
3. In essence, some representations seek changes to the detail of policy ED1, and others seek changes to the sites identified in table 1. The representations make reference to proposed business and industrial sites at Selkirk (BSELK003 and zEL11), West Linton (zEL18), Jedburgh (zEL33), and Eyemouth (zEL63). Sites at Selkirk (zEL11), West Linton (zEL18), Jedburgh (zEL33), and Eyemouth (zEL63) are included in table 1 as district sites, and the remaining site at Selkirk (BSELK003) is identified as a local site. The merits of changing the proposed plan's approach to these sites and allowing other uses are considered at issue 294 (BSELK003), issue 295 (zEL11), issue 317 (zEL18), issue 226 (zEL33), and issue 152 (zEL63). In light of the conclusions and recommendations of the reporters dealing with each of these issues, I am satisfied that the sites should all be retained in table 1 with their current status, and that it would be inappropriate to alter the table's terms.

4. A minor correction is required to table 1. The list of district sites includes Moss Road (zEL44), but omits the name of the settlement in which it is located. The site is in Newcastleton, and this should be included in the table. This change is supported by the planning authority.
5. There is no need at this stage for the planning authority to identify further economic and development opportunities within the line of a by-pass at Selkirk. No line for the Selkirk by-pass has been set, and its current status is that of a long term aspiration of the planning authority. The Selkirk by-pass is dealt with in more detail in issues 68, 13 and 15.
6. Turning to the terms of the policy itself, I do not consider that there is a need to introduce a further criterion, which restricts the use of district sites to only those uses which are compatible with existing business and industrial uses. As the planning authority points out, policy ED1 already covers this concern by stating in the penultimate paragraph of the policy that “in all business and industrial land site categories development must: (a) respect the character and amenity of the surrounding area, and be landscaped accordingly, and (b) be compatible with neighbouring business and industrial uses.” I am not persuaded that the approach to local sites in the policy requires to be changed to make it less lenient by referring to alternative uses “may be” being supported, rather than being “likely to be” supported. I note that the planning authority’s aim is to promote the reuse of non-effective sites, and consider that the current wording of the policy satisfactorily achieves this end. I also note that this approach is in line with Scottish Planning Policy which encourages planning authorities to consider alternative uses on underused business sites. Furthermore, I accept the planning authority’s view that the policy’s current wording would still allow it to reject unacceptable uses.
7. I can see no sound justification for changing policy ED1 to allow retail units to be approved if there are no such facilities within a practical distance. It appears that this change has been requested in the context of a specific proposal for a retail unit alongside other uses on a local business and industrial site at Swinton (zEL45). To change a general policy, which could affect proposals throughout the whole of the planning authority’s area, on the basis of one development proposal would be inappropriate, potentially giving rise to unintended consequences. The policy indicates that retail uses may be acceptable on local sites where they are located within or adjacent to town centres. It also indicates that on strategic and district sites the only retailing allowed will be that which is ancillary to an acceptable activity (ie linked to the existing use and comprising no more than 10% of the total floor area). I consider that this approach would properly protect the business and industrial land supply, take account of the sequential approach to retail proposals as highlighted in Scottish Planning Policy, and be reasonable and flexible.
8. The remaining representations support the approach in the policy, and raise no matters which require to be considered under this issue.
9. Overall, an adjustment is required to the proposed plan as set out below.

Reporter’s recommendations:

I recommend that the following modification be made:

1. On page 36 of Volume 1 Policies, adjust table 1 by inserting on the third last line, under the settlement column for district sites, and in front of the site name Moss Road (zEL44), the settlement name “*Newcastleton.*”

Issue 021	Policy ED3: Town Centres and Shopping Development	
Development plan reference:	Policy ED3 Town Centres and Shopping Development (pages 39 – 41)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>33 CWP Property Development & Investment 122 The Theatres Trust 236 ASDA 342 The Royal Burgh of Selkirk and District Community Council 423 Southdean Community Council 454 Royal Mail Group Ltd 477 Wilton Mills Ltd 486 The Co-operative Group 490 Crabtree and Crabtree (1 of 2) 490 Crabtree and Crabtree (2 of 2)</p>		
Provision of the development plan to which the issue relates:	Policy ED3 Town Centres and Shopping Development	
Planning authority's summary of the representation(s):		
<p><u>33 CWP Property Development & Investment</u></p> <p>The contributor objects to Paragraph 6.3.2 (Paragraph 1.2) of Policy ED3: Town Centres and Shopping Development. The Proposed LDP identifies no new retail development sites within the Borders area, and considers that there is no need to identify any of the existing commercial centres within a hierarchy or network of retail centres. Disagree with this approach which conflicts with the findings of the Council's Retail Study, and fails to comply with the requirements of the SPP. The Council's Retail Study (September 2011) has been used to inform the preparation of the Proposed LDP. The Study identifies both a quantitative and qualitative deficiency in the existing retail offer in Selkirk. The level of retail leakage is very significant – 60% for convenience shopping and 82% for comparison shopping. Where such deficiencies are identified, the SPP (para 56) clearly advises that: <i>"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. 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. Opportunities for improving the physical quality and sustainability of town and commercial centres should also be identified in the development plan, providing the framework for the development of town centre strategies"</i>. There are therefore flaws in the proposed retail strategy as set out in the Council's Retail Technical Note and the Proposed LDP. Consider that there is a need for a proper network of retail centres, and would request that this should be widened to include other retail centres, including commercial centres, and not solely restricted to town centres. This would be consistent with the advice contained within the SPP which requires LDP's to set out a network of centres, including</p>		

town and commercial centres.

122 The Theatres Trust

Pleased that para 1.4 refers to appropriate uses other than shops in town centres although most of the policy provides guidance for retail matters. However, these other uses contribute mainly to the evening economy whereas shops relate to the daytime economy. When internet shopping gradually replaces town centre shops, it will be the cinemas, theatres, restaurants and tourist-related venues that will predominate. Out of town or edge of town shopping centres/malls with good parking is the way forward. Suggest that the Town Centres policy deals only with retail matters and that another policy should provide guidance for the community, leisure and cultural facilities which have no relevance to retail.

236 ASDA

Supports the mix of uses listed in para 1.4 as being appropriate developments for the town centres. The recent draft SPP, due to be finalised in Summer 2014, advocates the widening out of the sequential approach to the location of retail and leisure developments to include "all uses which generate significant footfall, including retail and leisure uses and public buildings such as offices, libraries and education and healthcare facilities". Given the likelihood of the new SPP being finalised during the preparation of this LDP, it is appropriate for this paragraph and policy to reflect this position. This can be achieved by amending the third paragraph of Policy ED3 as follows: "*To protect town centres, town centre locations will be preferred to edge-of-centre locations for all uses which generate significant footfall. Edge of centre locations which, in turn, will be preferred to out-of-centre locations...*".

342 The Royal Burgh of Selkirk and District Community Council

Noted and agreed. Suggests that town centre diversity is encouraged by initiatives such as pop-up shops as temporary use for otherwise vacant premises.

423 Southdean Community Council

Supports and encourages town centre development in both Hawick and Jedburgh, which are both main shopping destinations for local residents.

454 Royal Mail Group Ltd

Do not consider that the policy will give sufficient protection to existing business uses located in town centres from the introduction of potentially incompatible new uses. The following criterion should be included in the policy:

Development proposals will be resisted where these may be incompatible with existing uses, particularly in relation to their sensitivity to noise".

This will ensure Royal mail's operations are not prejudiced.

477 Wilton Mills Ltd

Representations are made for the inclusion of redevelopment opportunity zRO8 (northern most part) within the Hawick town centre boundary for the following reasons:

- It would help find a viable regeneration solution by widening the range of land uses that would be supported in principle.

- The site could function as part of the town centre.
- Site is well connected to town centre.
- The quality of space is already in place and the inclusion of the site within the town centre would offer a natural extension.
- Extensions to town centres should be confined to reactive changes. An extension of the town centre boundary can be justified in anticipation of, and to encourage new land uses that could make a positive contribution to the vitality and viability of Hawick Town Centre.
- Part of development site zRO8 is located within the extended town centre boundary and there is nothing material to distinguish this land from the subject site. Both sites have the same edge of centre status and strong pedestrian links with the town centre. There does not appear to be any reason when the subject site is not included especially as the entire site is covered by the same approved SPG.

The inclusion of the site within the town centre would increase the ability to deliver viable regeneration of the site and with it, make a positive contribution to the conservation area.

486 The Co-operative Group

Policy ED3 does not give coverage to retail proposals outwith defined town centres particularly in respect of proposals in important rural communities. Policy ED3 should be amended to acknowledge the role which small retail stores play in serving rural communities, particularly in helping to reduce the need to travel and creating local employment opportunities.

Policy ED3 would benefit from taking a similar approach to that set out in Argyll and Bute Council proposed LDP Policy 7 which states:

“Small shops intended to serve the day to day needs of local communities, as well as those associated with recognised tourist facilities, farm shops and factory shops, will be exempt from the requirement to adopt a sequential approach, but may when required by the planning authority, be required to provide evidence that they will not have an adverse effect on the vitality and viability of existing town centres”.

This acknowledges the importance that small stores play in serving rural communities and offering support to proposals which serve local communities.

A revision to Policy ED3 would increase its relevance to the Scottish Borders as the proposed LDP is silent on proposals for retail development outwith the district centres. Such a revision would also assist with the proposed plans sustainability objectives.

490 Crabtree and Crabtree (1 of 2)

Support the requirement for sequential testing to assess retail proposals. Policy ED3 should not preclude out-of-centre retail development where proposals successfully comply with and demonstrate the sequential approach. Recent decisions at the Riverside Works site demonstrate there are no sequentially preferable sites in Jedburgh. Request the following changes to para 3 of Policy ED3:

“To protect town centres, town centre locations will be preferred to edge-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”.

490 Crabtree and Crabtree (2 of 2)

Support the requirement for sequential testing to assess shopping proposals. Policy ED3 should not preclude out-of-centre retail development where proposals successfully comply with and demonstrate the sequential approach. Application 10/00917/PPP demonstrates there are no sequentially preferable sites in Eyemouth.

Request the following changes to para 3 of Policy ED3:

“To protect town centres, town centre locations will be preferred to edge-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”.

Modifications sought by those submitting representations:

33 CWP Property Development & Investment

The contributor seeks a modification of Policy ED3 to include a proper network of retail centres. The contributor requests that this should be widened to include other retail centres, including commercial centres, and not solely restricted to town centres.

122 The Theatres Trust

The contributor suggests that the Town Centres policy deals only with retail matters and that another policy should provide guidance for the community, leisure and cultural facilities which have no relevance to retail.

236 ASDA

The contributor seeks a modification of Policy ED3 to read as follows: *“To protect town centres, town centre locations will be preferred to edge-of-centre locations for all uses which generate significant footfall. Edge of centre locations which, in turn, will be preferred to out-of-centre locations...”*.

342 The Royal Burgh of Selkirk and District Community Council

Noted and agreed. Suggests that town centre diversity is encouraged by initiatives such as pop-up shops as temporary use for otherwise vacant premises.

454 Royal Mail Group Ltd

The contributor seeks a modification of the policy to include the following criterion: *Development proposals will be resisted where these may be incompatible with existing uses, particularly in relation to their sensitivity to noise”.*

477 Wilton Mills Ltd

The contributor seeks a modification of the settlement map to include redevelopment opportunity zRO8 (northern most part) within the Hawick town centre boundary.

486 The Co-operative Group

Policy ED3 should be amended to acknowledge the role which small retail stores play in

serving rural communities, particularly in helping to reduce the need to travel and creating local employment opportunities. A similar approach to that set out in Argyll and Bute Council proposed LDP Policy 7 should be taken:

“Small shops intended to serve the day to day needs of local communities, as well as those associated with recognised tourist facilities, farm shops and factory shops, will be exempt from the requirement to adopt a sequential approach, but may when required by the planning authority, be required to provide evidence that they will not have an adverse effect on the vitality and viability of existing town centres”.

490 Crabtree and Crabtree (1 of 2) and (2 of 2)

The contributor seeks modification of paragraph 3 of policy ED3: *“To protect town centres, town centre locations will be preferred to edge-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~~”.*

Summary of responses (including reasons) by planning authority:

NO CHANGE PROPOSED IN RESPECT OF THE REPRESENTATIONS

This representation also relates to Schedule 4 152 Development in Strategic Development Areas: Eyemouth (zEL63- Eyemouth Industrial Estate and New Site: GEYEM002- Eyemouth Services (Retail)) and Schedule 4 115 Development in Strategic Development Areas: Duns (ADUNS023- South of Earlsmeadow and potential replacement MDUNS002- South of Earlsmeadow II)

33 CWP Property Development & Investment

The Council strongly refutes the interpretation put on its work in terms of retail and town centres.

The policy identifies a network of town centres appropriate to a rural area such as the Scottish Borders. The main district centres are set out in paragraph 2 of the policy, and the town centres are identified on the settlement maps. The network was informed by the work undertaken by the Robert Drysdale Consultancy in their work on retail capacity for the Council (Core Document 050), and the detailed data that was provided as part of that work.

Amongst the key findings from that study was that with the exception of Galashiels, there was limited capacity for further retail floor space. In particular, although it found that it would be desirable to reduce leakage in some centres such as Selkirk, Jedburgh and Eyemouth, it concluded that there was not enough spare capacity to support new stores in these locations or elsewhere within the Scottish Borders. Therefore, the LDP has responded appropriately in terms of site allocation, providing a number of key redevelopment opportunities within the Galashiels town centre including Huddersfield St/Hill Street (zCR2) and Stirling Street (zCR3). These sites are/will be promoted by the Council for commercial development.

In conclusion, it is submitted that the Council has taken an appropriate approach to its policies on retail and town centres, and that this has been based upon the findings of recent research undertaken by a retailing expert.

122 The Theatres Trust

Policy ED2 focuses on retail and town centre development, but not to the exclusion of other town centre uses. Paragraph 1.4 refers to appropriate uses including entertainment, cinemas, theatres and residential. The policy wording in paragraph 4 refers to the support for a wide range of uses.

It is therefore concluded that the policy and its introductory text make appropriate reference to the support for a wide range of uses within a town centre.

236 ASDA

Support noted. Whilst, Policy ED2 focuses on retail and town centre development, this is not to the exclusion of other town centre uses. Paragraph 1.4 refers to appropriate uses including entertainment, cinemas, theatres and residential. The policy wording in paragraph 4 refers to the support for a wide range of uses.

This is consistent with Scottish Planning Policy 2010 (Core Document 024) and Paragraph 67 of Scottish Planning Policy 2014 (Core Document 026) which states that “Plans should include policies to support an appropriate mix of uses in town centres, local centres and high streets. The policy provides support to the development of other appropriate uses within town centres.

342 The Royal Burgh of Selkirk and District Community Council

The contributors support comments are noted.

454 Royal Mail Group Ltd

Policy PMD2 would be used in the assessment of planning applications. In particular, criteria k) would apply in terms of the circumstances raised in the representation in that the proposal requires to be “compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form”. There is a cross reference within the policy to PMD2.

It is concluded that the representation is adequately covered by policy provision within the Plan.

477 Wilton Mills Ltd

This representation relates to Schedule 4 No 197 on the redevelopment opportunity zRO8 (northern most part).

The policy was developed alongside work undertaken for the council by Robert Drysdale Consultancy on retail capacity (Core Document 050). Amongst the key findings from that study was that with the exception of Galashiels, there was limited capacity for further retail floor space. In particular, it found that there would be no spare capacity to support new stores in Hawick.

This finding confirmed previous work undertaken for the Council by Roderick MacLean Consultancy (Core Document 049) prior to the development of the Sainsbury store on Commercial Road.

It is therefore concluded that it would be inappropriate to extend the town centre boundary so that further retail development could be accommodated within Hawick.

486 The Co-operative Group

The policy allows the consideration of small retail stores serving rural communities. Where the proposal is within a centre then the provisions of Policy ED3 will apply, and would generally be approved. For out of centre development, the criteria set out within paragraph 6 of the policy would be taken into consideration. Clearly, for small scale provision the criteria would allow appropriate retail development. It is therefore considered that the application of the sequential test in terms of small scale out-of-centre or rural development would not present a significant burden to the applicant, but would ensure that inappropriate development could be prevented.

In conclusion, it is submitted that the policy adequately deals with the matter of small scale and rural retail development.

490 Crabtree and Crabtree (1 of 2), and 490 Crabtree and Crabtree (2 of 2)

The policy seeks to protect and maintain the town centre hierarchy within the Borders. It acknowledges that there may be opportunities outwith the town centres that require to be considered, and sets out the sequential preference in terms of town centre/edge of centre/out of centre.

The policy was developed alongside work undertaken for the council on retail capacity (Core Document 050). Amongst the key findings from that study was that with the exception of Galashiels, there was limited capacity for further retail floor space. In particular, although it found that it would be desirable to reduce leakage in some centres such as Selkirk, Jedburgh and Eyemouth, it concluded that there was not enough spare capacity to support new stores in these locations or elsewhere in the Borders.

Therefore, the particular approach set out in terms of out-of-centre reflects the general situation within the Borders where there are historic town centres that have limited opportunity for redevelopment, but which are extremely vulnerable to competition from out of centre retail locations. It is therefore entirely appropriate to reflect that out-of-centre proposals are least preferred and will therefore only be considered in exceptional circumstances.

Reporter's conclusions:

1. Policy ED3 and its supporting text at paragraphs 1.1-1.5 seek to guide new shopping development to town and village centres, and to encourage an appropriate mix of town centre uses. The policy identifies 8 district town centres, including ones at Galashiels, Hawick, Selkirk, Eyemouth, and Duns, and sets out the considerations that will be taken into account in assessing applications for out of centre retail development.
2. To the extent that policy ED3 and its supporting text apply a town centre first policy, they broadly reflect the thrust of SESplan policy 3 and Scottish Planning Policy. However, the proposed plan does not include any commercial centres, which are referred to in both SESplan and Scottish Planning Policy. Policy ED3 and its supporting text build on policy ED3 in both the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Scottish Borders Consolidated Local Plan.

3. In essence, some representations seek changes to the detail of policy ED3, and others are more concerned with site specific issues, for example the extent of town centre boundaries but, in some cases, these latter representations also raise more general concerns about policy ED3. The site specific representations propose retail development at Eyemouth (zEL63), Jedburgh (zEL33), and Duns (ADUNS023), the identification of the units at Dunsdalehaugh, Selkirk as a commercial centre, and the inclusion of the whole of the Wilton Mills site, Commercial Road, Hawick (zRO8), in the town centre boundary. The merits of changing the proposed plan's approach to these sites and supporting the various proposals are considered at issue 152 (zEL63), issue 226 (zEL33), issue 115 (ADUNS023), issue 304 (Dunsdalehaugh, Selkirk), and issue 197 (zRO8). In light of the conclusions and recommendations of the reporters dealing with each of these sites, I am satisfied that it would be inappropriate to alter the terms of policy ED3 or its supporting text, including identifying proposed commercial centres.

4. In relation to the more general concerns raised about policy ED3 in the site specific representations, I note that the proposed plan in the supporting text to the policy indicates that there are no commercial centres of the size and importance in the Scottish Borders to justify inclusion in the retail hierarchy. However, the supporting text states that there are some small scale, edge of town or out of town, retail clusters.

5. SESplan policy 3 requires local development plans to identify not just town centres but also commercial centres, and Scottish Planning Policy indicates that a network of centres is likely to include commercial centres. Both SESplan and Scottish Planning Policy refer to commercial centres as being preferable to other out of centre locations in the sequential approach. Scottish Planning Policy defines a commercial centre as having a more specific focus on retailing and/or leisure uses, and includes retail parks and factory outlet centres. Additionally, SESplan's definition of a commercial centre refers to clusters of larger mixed retail units and leisure units. The 2011 Scottish Borders Retail Study by RDPC Ltd identifies potential for additional comparison floorspace in the Galashiels area, and suggests that qualitative factors may help bring forward new convenience stores in certain locations.

6. I consider that there is insufficient evidence before the examination to justify identifying further locations for retail development proposals, or any existing retail clusters or parks as commercial centres. This is particularly so bearing in mind that the planning authority has identified commercial development opportunities in Galashiels town centre. However, I note that commercial centres are a part of the sequential approach promoted in Scottish Planning Policy and SESplan, and I believe that they should be supported above other out of centre locations, and that this should be incorporated into policy ED3. Importantly, this also takes account of the possibility that the assessment of a retail proposal at the development management stage may point towards a retail cluster or park being a commercial centre. I consider that the changes required can best be achieved by adding both a further consideration to be taken into account in assessing retail applications for out of centre development (the penultimate paragraph of the policy), and further explanatory supporting text at paragraph 1.2, which would include a slightly fuller description of the sequential approach. The changes would not undermine the proposed plan's focus on directing development to identified town centres.

7. The second paragraph of policy ED3 refers to out of centre locations being only considered in exceptional circumstances. I do not consider this to be appropriate because it does not properly reflect the requirements of the sequential approach as set out in SESplan and Scottish Planning Policy which, while focussing on town centres, give a

preferred order of locations (town centres, edge of town centre, other commercial centres, and out of centre locations). Neither document indicates that out of centre locations should be considered only in exceptional circumstances. I therefore believe that the reference to exceptional circumstances in the second paragraph of the policy should be deleted. The change would still mean that the policy made clear that out of centre proposals are the least preferred, and any assessment of such proposals would take account of how vulnerable the town centre was to an out of centre retail location.

8. Paragraph 1.5 of the supporting text indicates that retail related development in rural areas would be assessed against policies IS1 (Public Infrastructure and Local Service Provision) and ED7 (Business, Tourism and Leisure Development in the Countryside). Both policies support appropriate development in rural area. However, policy ED3 itself, which addresses general retail development, does not deal with small scale retail stores in local rural communities. Such stores often provide an important service in their communities. I acknowledge that the planning authority does not consider that the criteria for out of centre proposals would prevent appropriate retail development, or that the sequential approach represents a significant barrier. However, I consider that policy ED3 should cover this type of development to ensure that account is properly taken in the principal shopping policy of appropriate proposals for small scale retail stores in local rural communities. I am not persuaded that it is necessary to import a policy from another local development plan. Instead, I am satisfied that it would be reasonable to add a further consideration to the list of out of centre considerations, which would require the extent to which a proposal constitutes appropriate small scale retail provision designed to serve the needs of local rural communities to be assessed. A consequential change to paragraph 1.5 would also be required.

9. Policy ED3 indicates that the planning authority will support a wide range of uses appropriate to a town centre, and the supporting text, at paragraph 1.4, provides an explanation of appropriate town centre development. Scottish Planning Policy indicates that development plans should adopt a sequential approach when planning for uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities. It also indicates that, in applying the sequential approach, planning authorities, amongst others, should ensure that different uses are developed in the most appropriate locations. The proposed plan does not make clear that the sequential approach is to be applied to uses other than retail, or that different uses should be developed in the most appropriate locations. In the circumstances, I consider that additions should be made to the third paragraph of policy ED3 and the supporting text at paragraph 1.4 to clarify the scope of uses to which the preferred order of locations applies, and to ensure that different uses are directed to the most appropriate locations. As a consequence of these changes, the penultimate paragraph of the policy requires to be changed to indicate that the considerations set out for out of centre retail development, where relevant, would not be applied only to retail proposals.

10. I do not consider that it would be helpful or appropriate to provide guidance for community, leisure and cultural facilities in a separate policy. Scottish Planning Policy is clear that such uses, along with retail uses, are part of a sequential town centre first approach. I therefore believe that it is best for them to be dealt with together in the same policy, as in the proposed plan. I agree with the planning authority that the concern expressed about protecting existing business uses from potentially incompatible new uses is already adequately covered in the proposed plan. In particular, policy PMD2, standard (k), requires that development is compatible with, and respects the character of the

surrounding area, neighbouring uses, and neighbouring built form. I also note that policy PMD2 is a key policy to which policy ED3 is cross referenced. It is therefore unnecessary to add a further consideration to policy ED3, which seeks to resist incompatible development proposals. Other representations included in this issue generally support the policy and raise no matters which require to be addressed at this examination.

11. Overall, adjustments are required to the proposed plan as set out below.

Reporter's recommendations:

I recommend that the following modifications be made:

1. On page 39 of Volume 1 Policies, adjust paragraph 1.2 so that it reads:

“1.2 Scottish Planning Policy sets out policy for town centres and requires that decision making is guided by a network of centres which will, depending on circumstances, include town centres, commercial centres and other local centres and may take the form of a hierarchy. The Strategic Development Plan does not identify any Strategic Town Centres within the Scottish Borders. There are some small scale, edge of town or out of town, retail clusters in the Borders but no commercial centres of the size and importance to justify inclusion in the hierarchy. Development will be directed to the identified District Town Centres in preference to edge of centre locations which, in turn, will be preferred to out of centre locations. However, in out of centre locations preference will be given to a retail cluster or park if the assessment of a retail development proposal points towards the cluster or park being a commercial centre. This takes appropriate account of the preferred order of locations set out in the sequential approach in Scottish Planning Policy. Decision making will be guided by the role in the network of centres, whether the centre is a regeneration priority and by the results of any vitality and viability studies. Development proposals will also be assessed against any development briefs.”

2. On page 39 of Volume 1 Policies, adjust paragraph 1.4 so that it reads:

“1.4 Appropriate development as well as class 1 shop uses, could include food and drink (class 3 of the Use Classes Order), offices (classes 2 and 4), commercial leisure and entertainment (including cinemas and theatres), residential, particularly flats above ground floor level, healthcare, education and tourism related uses. The preferred order of locations set out above in the sequential approach will be applied to proposals for a range of appropriate uses which generate significant footfall, as well as retail and commercial leisure uses.”

3. On page 39 of Volume 1 Policies, adjust paragraph 1.5 so that it reads:

“1.5 Proposals for retail related development within rural areas should be assessed not only against this policy, but also against policies IS1 (Public Infrastructure and Local Service Provision) and ED7 (Business, Tourism and Leisure Development in the Countryside).”

4. On page 40 of Volume 1 Policies, adjust policy ED3, including the deletion of the words *“in exceptional circumstances and”* from the second paragraph, so that it reads:

“The council will seek to develop and enhance the role of town centres. A network of centres and growth of the retail sector will be supported through directing development to

the following district town centres:

Duns, Eyemouth, Galashiels, Hawick, Jedburgh, Kelso, Melrose, Peebles, Selkirk.

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 where there is no suitable site available in a town centre or edge of centre location.

The council will support a wide range of uses appropriate to a town centre. Proposals for shopping development and other town centre developments will generally be approved within defined district town centres provided that the character, vitality, viability, and mixed use nature of the town centre will be maintained and enhanced. For the avoidance of doubt, the council will apply the preferred order of locations set out above to appropriate uses generating significant footfall, including community and cultural facilities, offices, libraries, and education and healthcare facilities as well as retail and commercial leisure uses. It will also ensure that different uses are developed in the most appropriate locations.

Town centre enhancement, including the provision of new retail facilities and complementary non-retail uses, will be encouraged in centres both within the hierarchy and other centres which:

- (a) are council priorities for area regeneration because of special economic difficulties and/or population decline,
- (b) are subject to significant retail spending leakage,
- (c) play an important role in areas planned for substantial development under the development strategy.

The council will have regard to the following considerations, where relevant, in assessing applications for out of centre development, including retail proposals:

- (a) the individual or cumulative impact of the proposed development on the vitality and viability of existing town centres,*
- (b) the availability of a suitable town centre or edge of centre site,*
- (c) the ability of the proposal to meet deficiencies in shopping provision which cannot be met in town centre or edge of centre locations,*
- (d) the impact of the proposal on travel patterns and car usage,*
- (e) the accessibility of the site by a choice of means of transport,*
- (f) the preference for commercial centres in the preferred order of locations, including appropriate retail clusters and parks, over other out of centre locations,*
- (g) the extent to which a proposal would constitute appropriate small scale shopping provision designed to serve the needs of local rural communities,*
- (h) the location of the proposal. Sites will be located within existing settlements and, within them preference will be given to applications on vacant or derelict sites, or on sites deemed to be surplus to requirements.*

The council will encourage the use of town centres during the evening provided residential amenity is protected. Any proposed development which would create an unacceptable adverse impact on the town centre will be refused.”

Issue 022	Policy ED5: Regeneration	
Development plan reference:	Policy ED5: Regeneration (Pages 44 – 47)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>253 Jedburgh Community Council 300 Smith & Garratt 306 Marchmont Farms 307 Rutherford 342 The Royal Burgh of Selkirk and District Community Council 454 Royal Mail Group Ltd 465 Thomson 489 Newcastleton & District Community Council</p>		
Provision of the development plan to which the issue relates:	Policy ED5: Regeneration	
Planning authority's summary of the representation(s):		
<p><u>253 Jedburgh Community Council</u></p> <p>The contributor objects to the inclusion of the proposal to pedestrianise Abbey Place, Jedburgh and states the road should not be closed to traffic.</p> <p><u>300 Smith & Garratt, 307 Rutherford, 306 Marchmont Farms</u></p> <p>The contributors congratulate the Council on inclusion of this policy, particularly the emphasis on the redevelopment of non-allocated brownfield sites. The contributor states there are a number of derelict sites both within and outwith settlements and it is important to recognise the potential to procure local improvements through appropriate redevelopment within, in certain circumstances include redevelopment for residential use.</p> <p><u>342 The Royal Burgh of Selkirk and District Community Council</u></p> <p>The contributor notes and agrees with the policy. The contributor objects to the non-inclusion of other sites in Selkirk within figure ED5a and the associated table. The contributor states the former Burgh School site, former Co-op buildings, redundant mill buildings at Riverside and vacant/derelict sites such as the former St Mary's Church and Baptist Church should be included. These sites require a planning lead and encouragement to enable such site to again contribute positively to the local community and environment.</p> <p><u>454 Royal Mail Group Ltd</u></p> <p>The contributor objects to the policy stating it does not give sufficient protection to existing business uses. The contributor requests that criterion a) is reworded as follows: <i>a) It is compatible with the ongoing operation of existing business uses in the area</i></p>		

The contributor states this change will ensure their operations are not prejudice and they can continue to comply with their statutory duty to maintain a 'universal' service for the UK pursuant to the Postal Services Act 2000. This approach accords with NPPF which advises that local planning authorities should help achieve economic growth by planning proactively to meet the development needs of business and support an economy fit for the 21st century. The NPPF also advises that local planning authorities should support existing business sectors, taking account of whether they are expanding or contracting.

465 Thomson

The contributor objects to the non-inclusion of Caberston Farm/Old Mill Site (zR200) in Walkerburn within policy ED5. The contributor considers the site to provide added focus for the regeneration initiative and to reflect the importance of the site to the village.

489 Newcastleton & District Community Council

The contributor objects to the non-inclusion of any sites in Newcastleton within policy ED5. The contributor states there are various opportunities for regeneration within Newcastleton including Buccleuch House, fuel station and shops.

Modifications sought by those submitting representations:

253 Jedburgh Community Council

The contributor requests the removal of Abbey Place (Pedestrian priority) in Jedburgh from figure ED5a and the associated table.

300 Smith & Garratt, 307 Rutherford, 306 Marchmont Farms

N/A

342 The Royal Burgh of Selkirk and District Community Council

The contributor requests the former Burgh School site, former Co-op buildings, redundant mill buildings at Riverside and vacant/derelect sites such as the former St Mary's Church and Baptist Church are included within policy ED5.

454 Royal Mail Group Ltd

The contributor requests that criterion a) is reworded as follows:

- a) *It is compatible with the ongoing operation of existing business uses in the area*

465 Thomson

The contributor requests the Caberston Farm/Old Mill Site (zR200) in Walkerburn should be included within policy ED5.

489 Newcastleton & District Community Council

The contributor requests reference is made within the policy to the various opportunities for regeneration in Newcastleton

Summary of responses (including reasons) by planning authority:

NO CHANGE TO POLICY ED5 REGENERATION AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN

REASONS

It should be noted that each of the regeneration opportunities included within the Proposed Local Development Plan were also included within the Main Issues Report (MIR) (Core Document 006, page 35 and 87-96).

It is not possible for the Council to take a universal approach and identify each regeneration opportunity within the Scottish Borders. This is stated within the supporting text of the policy within paragraph 1.2 which states ‘The Local Plan allocates redevelopment opportunities across the Borders, although these allocations are not exhaustive’. The policy also clearly states it also relates to non-allocated brownfield sites.

Opportunities within development boundaries not identified within the policy can still be considered against policy PMD5 Infill Development. The policy states development on non-allocated, infill or windfall sites including the re-use of buildings within development boundaries as shown on proposals maps will be approved where policy criteria are satisfied.

Policy ED5 clearly states that development on allocated and non-allocated brownfield sites will be approved in all cases where the policy criteria are satisfied. Criterion (a) of the policy states development should not conflict with the established land use of the area. Surrounding land uses will be taken into consideration when a planning application is submitted for a site. Any application for development of the site will be assessed against policy PMD2 Quality Standards. Criterion (k) of policy PMD 2 states development must be compatible with and respect the character of the surrounding area, neighbouring uses and neighbouring built form and thereby avoiding any conflicting uses. It should be noted that policy ED5 also states that it should be cross referenced with policy PMD2 Quality Standards. It is considered that policy ED5 provides adequate protection and does not contradict NPPF, consequently criterion (a) should not be amended.

Regarding the comments stating the policy does not give sufficient protection to existing business uses it should be noted the policy does state that it should be cross referenced to policy ED1 Protection of Business and Industrial Land which covers this issue.

In relation to Caberston Farm/Old Mill Site (zR200) in Walkerburn, the site was allocated as a redevelopment opportunity within the adopted Consolidated Local Plan (2011) and has been carried forward into the Proposed Local Development Plan.

The regeneration policy identifies key areas and projects for redevelopment; the aim of the policy is to encourage redevelopment of brownfield sites within the Borders on appropriate allocated and non-allocated sites. It is therefore contended that policy ED5 is suitable and should remain unchanged within the Proposed Local Development Plan.

Reporter’s conclusions:

1. Policy ED5 and its supporting text at paragraphs 1.1-1.3, promote a variety of regeneration opportunities across the planning authority’s area, but focussed on the

strategic development areas. While the table at the end of the supporting text identifies 15 opportunities, this is not an exhaustive list. Policy ED5 identifies 6 criteria for assessing development proposals on allocated and non allocated brownfield sites.

2. The policy will contribute to the implementation of SESplan’s spatial strategy and, to the extent that it supports regeneration, it broadly reflects the thrust of Scottish Planning Policy. It is a new policy in the proposed plan, and no equivalent policy was included in either the adopted 2008 Scottish Borders Local Plan or the adopted 2011 Scottish Borders Consolidated Local Plan.

3. In essence, the majority of representations seek deletions or additions to the regeneration opportunities identified in the table associated with policy ED5, and one representation seeks a change to the policy’s wording. In the absence of any substantial justification to support the request to remove opportunity 11 (Abbey Place [pedestrian priority], Jedburgh) from the table, I consider that it should remain as an identified opportunity. I also believe that the inclusion of further opportunities in the table at Walkerburn, Selkirk, and Newcastleton is unnecessary given that the list of opportunities is not exhaustive, that the policy’s criteria are to be used for allocated and non allocated brownfield sites, and that the planning authority points out that opportunities could also, where appropriate, be assessed against policy PMD5 (infill development). Additionally, I note that the sites at Walkerburn are already included in the proposed plan (zR200, TW200, and AWALK005). I note that site TW200 has been considered at this examination (issue 315), and that the reporter has concluded, and recommended, that the site should be retained in the plan.

4. Regarding the wording of policy ED5, I consider that it is unnecessary to change criterion (a) to better protect existing business uses which may be affected by regeneration opportunities. I agree with the planning authority that this matter is adequately covered by the policy’s criterion (a). I also note that policy PMD2, standard (k), requires that development is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form, and that this policy is a key policy to which policy ED5 is cross referenced.

5. The remaining representations included in this issue generally support the policy and raise no matters which require to be addressed at this examination.

6. Overall, no adjustment is required to the proposed plan.

Reporter’s recommendations:

No modifications.

Issue 023	Policy ED6: Digital Connectivity	
Development plan reference:	Policy ED6: Digital Connectivity (page 48)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>496 JS Crawford and Rural Renaissance Limited 328 Mobile Operators Association 423 Southdean Community Council 331 Lord Devonport (1 of 2 and 2 of 2)</p>		
Provision of the development plan to which the issue relates:	Policy ED6 – Digital Connectivity	
Planning authority’s summary of the representation(s):		
<p><u>496 JS Crawford and Rural Renaissance Limited</u></p> <p>Policy ED6 is unclear. The infrastructure in the property is the responsibility of the providers; 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 had to see how this policy could be anything other than a piecemeal approach.</p> <p>Policy ED6 should be deleted as its principles are covered in Policy PMD1.</p> <p><u>328 Mobile Operators Association</u></p> <p>In order to allow for the possibility of specific technical requirements and constraints, suggest that the wording of Policy ED6: Digital Connectivity is amended as follows: <i>“The Council will support proposals which lead to the expansion and improvement of the electronic communications network in the Borders, provided it can be achieved without <u>any unacceptable detrimental impact</u> on the natural and built environment”</i>. Alternatively, it is suggested the inclusion of a concise and flexible telecommunications policy (encompassing Policy ED6 Digital Connectivity and Policy IS15 Radio Telecommunications) which reads:</p> <p><i>“Proposals for telecommunications development will be permitted provided that the following criteria are met:</i></p> <ol style="list-style-type: none"> <i>i. The siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area;</i> <i>ii. If on a building, apparatus and associated structures should be sited and designed in order to seek to minimise impact to the external appearance of the host building;</i> <i>iii. If proposing a new mast, it should be demonstrated that the applicant has explored the possibility of erecting apparatus on existing buildings, masts or other structures. Such evidence should accompany any application made to the (local) planning authority.</i> 		

- iv. *If proposing development in a sensitive area, the development should not have an unacceptable effect on areas of ecological interest, areas of landscape importance, archaeological sites, conservation areas or buildings of architectural or historic interest.*

When considering applications for telecommunications development, the (local) planning authority will have regard to the operational requirements of telecommunications networks and the technical limitations of the technology”.

423 Southdean Community Council

Major source of concern for Southdean CC. Recognise the need for better communication network. As a rural community it needs digital connectivity and would expect it to be a priority in any upgrading. Interrupted and line supply and loss of mobile signal has left the community feeling disillusioned and feeling vulnerable.

331 Lord Devonport (1 of 2)

This representation also relates to Schedule 4 No 250 on site MNEWS001 in Newstead.

Newstead East is a deliverable site and would enhance Newstead as a village by offering not simply housing but working from home opportunities, live/work units, which are much in tune with the digital age, something that Policy ED6 Digital Connectivity does not recognise nor accommodate.

331 Lord Devonport (2 of 2)

The benefits of recognising and encouraging home working is less commuting traffic on the roads. Guildford Borough Council’s Local Plan of 2003 had a specific policy on Home Working. It is a missed opportunity not to have such a policy in place and a key reason why MNEWS001 is being promoted for mixed use development.

Modifications sought by those submitting representations:

496 JS Crawford and Rural Renaissance Limited

The contributor seeks the deletion of Policy ED6 from the plan.

328 Mobile Operators Association

The contributor seeks a modification of the policy to include the words “...*any unacceptable detrimental impact...*” on the natural and built environment. Alternatively, the contributor seeks a modification to combine policies ED6 and IS15 to create a single telecommunications policy.

331 Lord Devonport

A policy supporting homeworking should be added to the Plan.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE POLICY ED6 PROPOSED, HOWEVER, THE REPORTER IS

REQUESTED TO CONSIDER THE MATTER RAISED BY 328 MOBILE PHONE OPERATORS ASSOCIATION FURTHER; TO THE POSSIBLE CHANGE OF WORDING AS FOLLOWS – POLICY ED6: DIGITAL CONNECTIVITY IS AMENDED AS FOLLOWS: *“THE COUNCIL WILL SUPPORT PROPOSALS WHICH LEAD TO THE EXPANSION AND IMPROVEMENT OF THE ELECTRONIC COMMUNICATIONS NETWORK IN THE BORDERS, PROVIDED IT CAN BE ACHIEVED WITHOUT ANY UNACCEPTABLE DETRIMENTAL IMPACT ON THE NATURAL AND BUILT ENVIRONMENT”*

NO CHANGE PROPOSED IN RESPECT OF THE REMAINING REPRESENTATIONS

REASONS

496 JS Crawford and Rural Renaissance Limited

The policy aim is to encourage digital connectivity within the Scottish Borders. This aligns with key outcome 5 on page 12 of the Plan which is to secure a connected Scottish Borders with a focus on digital connectivity. This is taken into the Plan Vision on page 15 and into the Plan Aims on page 16 where the encouragement of better connectivity by digital networks is highlighted.

In a rural area such as the Scottish Borders digital connectivity and its encouragement is vital to the future economic prosperity of the area. In addition, it has clear benefits in reducing the need to travel with benefits to the environment and to the transport network. To that end the Council is committed improving its next generation digital network along with the Scottish Government.

The council recognises that the policy is promotional rather than regulatory, but considers the matter to be of such importance that a policy is deemed to be essential. It will encourage infrastructure providers, operators and developers to give proper consideration to the development needs of the future.

In conclusion, it is considered appropriate for the Council to include a policy on this matter within the LDP.

328 Mobile Operators Association

The suggestion to combine policies ED6 and IS15 is noted, but not supported. It is considered important to promote digital connectivity within a standalone policy given the importance of the issue for the future prosperity of the area as set out in the Plan Key Outcomes, Vision and Aims.

Whilst it is considered that the policy wording as currently constructed would be interpreted by Development Management in an appropriate manner, it is acknowledged that the proposed wording would give greater clarity to the policy.

The Council notes the provisions within paragraph 87 of Circular 6/2013 on Development Planning (Core Document 031) which state that “The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations.” In that respect the Council acknowledges that the policy wording could be amended as suggested as follows- “Policy ED6: Digital Connectivity is amended as follows: *“The Council will support proposals which lead to the expansion and improvement*

of the electronic communications network in the Borders, provided it can be achieved without any unacceptable detrimental impact on the natural and built environment”, and the Council would accept the Reporter’s decision on this matter.

In conclusion, whilst the Council does not propose a modification to the policy, it would be content for the Reporter to consider whether to respond positively to the proposed change made in the representation to add the word ‘unacceptable’ before detrimental impact.

423 Southdean Community Council

Comments noted.

331 Lord Devonport

Comments noted. Policy ED6 is focused upon the encouragement of digital connectivity. In particular, it encourages proposals to provide for digital connectivity. Clearly, the principle in terms of the acceptability of a site for housing or mixed use development is subject to consideration across a range of development plan policy.

Whilst the Council encourages home working it is not considered justified to have a specific policy to address this. Many home working proposals do not require planning consent and for those that do it is considered there are sufficient policies in place within the proposed Plan to cover such cases e.g policy PMD1 – Sustainability, policy PMD2 - Quality Standards.

Reporter’s conclusions:

1. Policy ED6 and its supporting text at paragraphs 1.1-1.3 aim to encourage advanced digital connectivity in the Scottish Borders, which is considered essential to economic productivity and growth. The policy requires that the expansion be achieved without a detrimental impact on the natural and built environment.
2. Policy ED6 is consistent with the key strategic infrastructure improvement identified in SESplan of enhancing digital connectivity in the East Coast and Midlothian/Borders Sub Regional Areas. It also broadly reflects the approach of Scottish Planning Policy in its support for improving digital connectivity. It is a new policy in the proposed plan, and no equivalent policy was included in either the adopted 2008 Scottish Borders Local Plan or the adopted 2011 Scottish Borders Consolidated Local Plan.
3. In essence, the representations seek changes to the wording of the policy, its deletion, combining it with policy IS15 (radio telecommunications), and the addition of a policy in the proposed plan on homeworking. I am satisfied that policy ED6 appropriately seeks the expansion and improvement of the electronic communications network in the Scottish Borders. As it is consistent with SESplan and broadly reflects Scottish Planning Policy, the policy should be retained in the proposed plan. It gives general support to proposals which lead to the expansion and improvement of the electronic communications network, rather than seeking to strictly regulate them, and I consider that there is no sound justification for deleting it.
4. I believe that policies in the proposed plan, such as policies ED6 and PMD2, would be likely to support homeworking proposals, I note that the request for an additional policy on this matter is linked to a proposal for a mixed development, and I am not persuaded that

this or the fact that another local plan in England has included such a policy constitute sufficient grounds to introduce one in the proposed plan. Nothing has been drawn to my attention which indicates that a policy on homeworking is a requirement for local development plans.

5. The proposed plan includes separate policies on digital connectivity and radio telecommunications (policy IS15). While the 2 policies could have been combined, I am satisfied that it is reasonable to have separate ones, given the importance that the planning authority places on promoting general digital connectivity for the future prosperity of the Scottish Borders. The alternative form of policy put forward also offers no advantages over the proposed policy ED6. The proposed change to the wording of the policy so that it refers to “any unacceptable detrimental impact on the natural and built environment”, rather than just “a detrimental impact”, is acceptable because it allows the decision maker to measure the extent of the detrimental impact in considering whether a proposal to expand and improve the electronic communications network should be approved. I also note that the council accepts this change.

6. The remaining representation emphasises the need for a better communications network, proposes no changes to the policy or supporting text, and raises no issues which require to be addressed at this examination.

7. Overall, an adjustment is required to the proposed plan as set out below.

Reporter’s recommendations:

I recommend that the following modification be made:

1. On page 48 of Volume 1 Policies, adjust policy ED6 so that it reads:

“The council will support proposals which lead to the expansion and improvement of the electronic communications network in the Borders, provided it can be achieved without any unacceptable detrimental impact on the natural and built environment. This includes delivery of core infrastructure for telecommunications, broadband, and other future digital infrastructure.”

Issue 024	Policy ED7: Business, Tourism and Leisure in the Countryside	
Development plan reference:	ED7: Business, Tourism and Leisure in the Countryside (Proposed Local Development Plan, pages 49 -51)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
202 sportScotland 300 Smith & Garratt 342 The Royal Burgh of Selkirk and District Community Council 353 RSPB Scotland 423 Southdean Community Council		
Provision of the development plan to which the issue relates:	ED7 Business, Tourism and Leisure in the Countryside	
Planning authority's summary of the representation(s):		
<p><u>202 sportScotland</u></p> <p>The contributor states that point (b) of the first set of bullet points supports development of leisure, recreation or tourism uses which are both “appropriate to a countryside location and is in accordance with the Scottish Borders Tourism strategy”. Whilst a strategic approach is to be encouraged, not all proposals will be foreseen. The wording of the current Policy suggests that a leisure or recreation proposal in the countryside which requires a countryside location may nevertheless be presumed against because it has not been addressed in the Tourism Strategy. The contributor suggests that this part of the Policy is reworded to make clear that support may be given to appropriate leisure or recreation uses which require a countryside location. The contributor states that for avoidance of doubt they take sporting uses to fall under leisure and recreation with regard to this Policy.</p> <p><u>300 Smith & Garratt</u></p> <p>The contributor states that the policy should be amended to support appropriate rural retailing in addition to existing proposals. This is particularly important where it will promote the repair or redevelopment of redundant rural buildings and/or brownfield sites. There is potential for farm shops and other outlets marketing a mix of local and bought-in produce, and there is potential for internet retailing from rural and village locations. In addition the capacity for rural people to work from home should be recognised and encouraged, not least because this brings rural employment and helps to promote and retail a vibrant countryside in this rural area. The policy should promote informal conversion of a room or domestic outbuilding for cottage industry and/or office uses.</p> <p><u>342 The Royal Burgh of Selkirk and District Community Council</u></p> <p>The contributor agrees in principle to the Policy but considers that the road network is often inadequate and unable to support an increase in traffic volume or type, without consequent substantial loss of environmental quality (hedgerows, walls, trees). A recent development at Whitmuir may be an example.</p>		

353 RSPB Scotland

The contributor states that commercial forestry should be carefully sited and designed to ensure that negative impacts on habitats and species of conservation importance are avoided, or at least minimised. Conifer plantations should be structured to maximise biodiversity gain, including the introduction of native tree species and the creation of rides and open spaces within the plantation, together with irregular inner and outer edges to enhance biodiversity and soften visual impact. No planting on deep peat or other important habitats should be permitted. Broad buffer strips of open ground with sparse native planting should be created along water courses and around water bodies which are encroached upon by plantation conifers.

423 Southdean Community Council

The contributor encourages developments which protect and enhance the Scottish Borders natural and cultural heritage.

Modifications sought by those submitting representations:

202 sportScotland

The contributor seeks the rewording of point 9b) of the first set of bullet points to make clear that support may be given to appropriate leisure or recreation uses which require a countryside location which have not been addressed in the Tourism Strategy.

300 Smith & Garratt

The contributor seeks that the policy should be amended to support appropriate rural retailing in addition to existing proposals.

342 The Royal Burgh of Selkirk and District Community Council

The contributor considers that the road network is often inadequate and unable to support an increase in traffic volume or type, without consequent substantial loss of environmental quality (hedgerows, walls, trees).

353 RSPB Scotland

The contributor seeks that commercial forestry should be carefully sited and designed to ensure that negative impacts on habitats and species of conservation importance are avoided, or at least minimised.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO POLICY ED7

REASONS

202 sportScotland & 300 Smith and Garratt

It is considered that Policy ED7 Business, Tourism and Leisure in the Countryside would be used positively to support business proposals including appropriate retailing as has

been the instance under current Scottish Borders Consolidated Local Plan Policy D1 (Core Document 007).

In respect to reference to the Tourism Strategy, it should be noted that the Scottish Borders Tourism Strategy 2013 – 2020 (Supporting Document 024-1) sets out a number of strategic aims (refer to page 7), included within those aims is “Providing authentic experiences – Nature, Heritage and Activities”. The Tourism Strategy also identifies a number of strategic actions in relation to those strategic aims. In relation to ‘activities’ (refer to page 12) the document makes reference to: cycling, walking, golf, fishing/country sports, diving, equestrian and other sports.

It is noted that paragraph 79 of the Scottish Planning Policy (SPP) 2014 (Core Document 026) states that:

“Plans should set out a spatial strategy which:

- reflects the development pressures, environmental assets, and economic needs of the area, reflecting the overarching aim of supporting diversification and growth of the rural economy;*
- promotes economic activity and diversification, including, where appropriate, sustainable development linked to tourism and leisure, forestry, farm and croft diversification and aquaculture, nature conservation, and renewable energy developments, while ensuring that the distinctive character of the area, the service function of small towns and natural and cultural heritage are protected and enhanced; ...”* It is therefore considered that Policy ED7 within the Proposed Local Development Plan does reflect this and adequately sets out where business, tourism or leisure development in the countryside will be approved and where rural diversification will be encouraged. It is contended that Policy ED7 does not therefore require amending.

342 The Royal Burgh of Selkirk and District Community Council

It should be noted that as a matter of course in the determination of any application, the Roads Planning section of the Council and where required Transport Scotland are consulted. Their views are then taken into consideration in coming to a decision and where necessary changes to the application are sought or planning conditions are attached to the consent.

It should also be noted that the Proposed Local Development Plan (LDP) also includes Policy EP13 Trees, Woodlands and Hedgerows. The aim of that policy is to give protection to the woodland resource and in turn to the character and amenity of settlements and the countryside. It should also be noted that page 50 of the Proposed LDP, below Policy ED7, reference is made to the key policies that policy ED7 should be cross referenced to; reference has been made to “*many of the environmental policies ...*”.

It is therefore considered that the Proposed LDP already allows consideration of the issue raised by the contributor.

353 RSPB Scotland

It is noted that commercial forestry does not require planning consent. However, the Council has an approved Scottish Borders Woodland Strategy in the form of a Supplementary Planning Guidance (SPG) (refer to Core Document 064). The Woodland Strategy (2005) contains five strategy themes and it is noted that ‘Theme 3’ considers “*Protecting and enhancing the Scottish Borders Landscape, Biodiversity and Cultural*

Heritage". In addition it should also be noted that the SPG was recently updated in 2012 with a Technical Note. The Technical Note was produced to provide more guidance and description of the types of woodland and forest that the Woodland Strategy seeks to encourage, and the issues that need to be addressed when proposing planting schemes. It is therefore considered that the Council already provides advice and guidance to assist foresters in the siting and design of new plantations to ensure that negative impacts on habitats and species of conservation importance are avoided, or at least minimised.

423 Southdean Community Council

Comments noted.

Reporter's conclusions:

1. Policy ED7 and its supporting text at paragraphs 1.1-1.6 seek to ensure that only appropriate employment generating developments and business, tourism and leisure related developments are allowed in the countryside. The policy contains 2 sets of criteria – the first outlines the types of development to be allowed in the countryside, and the second sets out 6 further criteria for assessing all proposals.
2. To the extent that policy ED7 generally seeks to promote appropriate development in the countryside, whilst protecting it from inappropriate development, it is consistent with the aims of SESplan, and broadly reflects the approach of Scottish Planning Policy. Policy ED7 and its supporting text build on policy D1 in both the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Scottish Borders Consolidated Local Plan.
3. In essence, the representations seek changes to policy ED7 to allow more uses appropriate to the countryside, and to ensure that it is protected from inappropriate development. Criterion (b) of the first set of criteria in the policy allows development which would be used directly for leisure, recreation or tourism appropriate to a countryside location, and which is in accordance with the Scottish Borders Tourism Strategy and Action Plan. The strategy and action plan for 2013-2020 refers to a number of leisure and recreational activities, such as cycling, walking, fishing/country sports, and a catch-all "other sports." However, they are all included in the strategic action plan under the aim of providing authentic experiences (for tourists). I am not satisfied that the policy is sufficiently clear that leisure and recreational uses appropriate to the countryside, and not linked to tourism, should also be allowed, in line with the underlying thrust of Scottish Planning Policy. I consider that this difficulty could be overcome with a minor change to the wording of criterion (b) in the first set of criteria, which would involve inserting the words "where relevant", when referring to the need to accord with the tourism strategy and action plan.
4. Criterion (c) of the first set of criteria in the policy allows development that is to be used for other business or employment generating uses, provided that the council is satisfied that there is an economic and/or operational need for the particular countryside location, and that it cannot reasonably be accommodated within the Development Boundary of a settlement. This criterion appropriately takes account of the economic needs of the countryside, reflects the overarching national aim of supporting diversification and growth of the rural economy, and is a reasonable approach. I am satisfied that the criterion would be capable of properly dealing with proposals in the rural area for uses such as retailing and working from home, and that there is no need to change the policy to refer specifically to them.

5. I acknowledge that the impact a proposed development has on the local road network and environmental quality would be material considerations in the assessment of a planning application. I consider that such impacts are adequately covered by the second set of criteria in policy ED7, and other policies in the proposed plan, in particular those to which the policy is cross referenced, such as policy PMD2 (Quality Standards), the environmental protection policies, and policy IS4 (Transport Development and Infrastructure). No further references to these impacts are required in the proposed plan. To the extent that forestry and woodland planting are subject to planning controls, I consider that the planning authority has put in place reasonable guidelines, through its updated Scottish Borders Woodland Strategy, to manage as far as is reasonably possible, the potential effects on habitats and important species.

6. The remaining representation encourages the protection of the natural and cultural heritage of the area, proposes no changes to the policy or supporting text, and raises no issues which require to be addressed at this examination.

7. Overall, an adjustment is required to the proposed plan as set out below.

Reporter's recommendations:

I recommend that the following modification be made:

1. On page 50 of Volume 1 Policies, adjust the first criterion (b) of policy ED7 so that it reads:

“Proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:

(a) the development is to be used directly for agricultural, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or

(b) the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance with the Scottish Borders Tourism Strategy and Action Plan;

(c) the development is to be used for other business or employment generating uses, provided that the council is satisfied that there is an economic and/or operational need for the particular countryside location, and that it cannot be reasonably be accommodated within the Development Boundary of a settlement...”

Issue 025	Policy ED8: Caravan and Camping Sites	
Development plan reference:	ED8: Caravan and Camping Sites (Proposed Local Development Plan, pages 52 -54)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>342 The Royal Burgh of Selkirk and District Community Council 447 Lilliesleaf, Ashkirk and Midlem Community Council 489 Newcastleton & District Community Council</p>		
Provision of the development plan to which the issue relates:	ED8 Caravan and Camping Sites	
Planning authority's summary of the representation(s):		
<p><u>342 The Royal Burgh of Selkirk and District Community Council</u></p> <p>Policy noted and agreed.</p> <p>However, the contributor states that flood protection proposals such as those in Victoria Park area Selkirk should be considered in this context whereby all benefits can be maximised, including environmental and other opportunities to improve facilities.</p> <p><u>447 Lilliesleaf, Ashkirk and Midlem Community Council</u></p> <p>Whilst the contributor supports the Policy, they also consider that it may be helpful to state what is to be avoided such as a) Campsites must not destroy what the users have come to enjoy, and b) a campsite must not be allowed to be a “back door” stage to creating out-of-settlement development.</p> <p><u>489 Newcastleton & District Community Council</u></p> <p>The contributor states that the policy introduction does not include the Liddalia Caravan Site.</p>		
Modifications sought by those submitting representations:		
<p><u>342 The Royal Burgh of Selkirk and District Community Council</u></p> <p>The contributor seeks that flood protection proposals such as those in Victoria Park area Selkirk should be considered in this context whereby all benefits can be maximised, including environmental and other opportunities to improve facilities.</p> <p><u>447 Lilliesleaf, Ashkirk and Midlem Community Council</u></p> <p>The contributor seeks an amendment to the policy so that it states what should be avoided.</p>		

489 Newcastleton & District Community Council

The contributor seeks the inclusion of the Liddalia Caravan Site within the list included in the Policy introduction.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO POLICY ED8

REASONS

342 The Royal Burgh of Selkirk and District Community Council

Noted and agreed. The area has been included within the Flood Protection Scheme for Selkirk.

447 Lilliesleaf, Ashkirk and Midlem Community Council

Policy ED8 sets out the criteria which applications for new or extended caravan and camping sites must meet. In addition, any application will also be assessed against other relevant policies contained within the Plan including Policy PMD2 Quality Standards which aims to ensure that all new development is of a high quality and respects the environment in which it is contained. It should also be noted that at the base of page 53 of the Proposed Local Development Plan it states that all applications will be considered against the Council's Supplementary Planning Guidance on Placemaking and Design.

It is considered that by amending the wording of Policy ED8 to set out what caravan and camping sites should avoid would only result in the risk of excluding matters that are currently unforeseen and thereby weakening the strength of the policy in the future.

It should be noted that Policy ED8 also sets out stringent criteria to protect existing caravan and camping sites where their loss is likely to result in a significant and sustained adverse impact on tourism.

It is therefore considered that amendment of the policy wording of ED8 is not required.

489 Newcastleton & District Community Council

Newcastleton is the main town serving the Southern Housing Market Area and as a result of the limitation of appropriate sites to contribute to meeting the housing land requirement, the Liddalia Caravan Site – MNEWC001 has been identified as having the potential to contribute to the housing land requirement.

The Liddalia Caravan Site is an allocated mixed use site – MNEWC001 and was first formally allocated within the Scottish Borders Consolidated Local Plan 2011 (Core Document 007). It should be noted that the site was not subject to representation and therefore its allocation was not considered by the Local Plan Amendment Examination Reporter.

It should also be noted that site MNEWC001 has not received an objection through the Proposed Local Development Plan and it is therefore not subject to Examination.

It is noted that the contributor did not respond on this matter to the Scottish Borders Main Issues Report (MIR). The MIR (Core Document 006) states in paragraph 4.2 *“the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.”* Furthermore, paragraph 4.3 states *“This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”*.

It should be noted that mixed use site MNEWC001 has an indicative site capacity of 20 units. The Scottish Borders Housing Land Audit 2013 (Core Document 039) states that the site contributes 8 units to the effective housing land supply.

It is therefore contended that the Liddalia Caravan Site should not be included within the list of caravan sites for Policy ED8.

Reporter’s conclusions:

1. Policy ED8 and its supporting text at paragraphs 1.1-1.3 aim to support new caravan and camping facilities in environmentally acceptable locations that fit with wider tourism, economic and regeneration objectives, and to protect from development existing facilities whose loss would have a significant and sustained adverse impact on tourism. The policy provides 2 sets of criteria – the first set relate to proposals for new facilities, and the second to proposals affecting existing facilities. The main caravanning and camping sites are also listed in a table.

2. To the extent that the policy promotes tourism in the Scottish Borders, it is consistent with SESplan and reflects the approach of Scottish Planning Policy. Policy ED8 and its supporting text further develop policy BE8 in the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Scottish Borders Consolidated Local Plan.

3. In essence, the representations seek changes by adding a site to the table of existing facilities, taking account of flood protection proposals to maximise their benefits, and expanding the criteria so that it is clear that unacceptable effects of campsites should be avoided. It would be inappropriate to add the Liddalia Caravan Site at Newcastleton to the table of existing facilities because the site is identified in the proposed plan as a mixed used allocation (MNEWC001), which would contribute 20 houses to the housing land supply. This site is not before the examination because no representations were received in relation to the proposed allocation.

4. Policy ED8 deals adequately with flood risk by having it as one of the criteria to be considered when assessing proposals for new and extended caravan and camping sites, and by cross referencing it to policy IS8, Flooding. The supporting text for policy IS8 refers to the strategic flood risk assessment that has been undertaken, and sets out the approved programme for implementing flood prevention schemes. Taking these factors together, I do not consider that the proposed plan requires to specifically highlight potential links between flood prevention schemes and proposals for caravan and camping sites. Regarding the reference in the representation to the Victoria Park area of Selkirk, I note that the planning authority has pointed out that it is included in the flood protection scheme for the town.

5. The criteria in policy ED8 for both proposed and existing caravan and camping sites are directed at avoiding unacceptable impacts. I am satisfied that the policy reasonably

covers such impacts, particularly when it is taken together with the similar intention underpinning other policies in the plan, such as those relating to quality standards (policy PMD2) and general environmental protection. I am therefore not persuaded that it is necessary for the policy to be expanded to provide any further explanation on avoiding unacceptable impacts, including the creation of “out of settlement development.”

6. Overall, no adjustment is required to the proposed plan.

Reporter’s recommendations:

No modifications.

Issue 026	Policy ED9 : Renewable Energy Development Policy - General	
Development plan reference:	Renewable Energy Policy – General comments	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
423 Southdean CC 357 SEPA 428 Fred Olsen 492 EDF 446 Wind Energy (Earlshaugh) Ltd 286 RES 300 Smith & Garrett 305 Home 306 Marchmont Farms 283 Banks Renewables Ltd 463 Coriolis	353 RSPB 432 Infinis 447 Lilliesleaf, Ashkirk & Midlem CC 441 Burncastle Farming 435 West Coast Energy 482 Watson 342 Royal Burgh of Selkirk CC 186 Minto Hills Conservation Group 462 Cranshaws, Ellemford and 452 Oxnam Water CC (1 of 2 & 2 of 2) Longformacus CC (1 of 2)	
Provision of the development plan to which the issue relates:	Renewable Energy Policy – General comments	
Planning authority's summary of the representation(s):		
<p><u>423 Southdean CC</u></p> <p>Policy ED9 has provided a balanced renewables policy and has reflected the concern over the effect on the landscape, whilst considering generation targets. Southdean CC found the whole study extremely useful and is supportive of Policy ED9 as it is currently structured</p> <p><u>357 SEPA</u></p> <p>We welcome the positive approach made towards renewable energy proposals in policy ED9</p> <p>We welcome the support contained in paragraph 1.3 towards a wide range of renewable energy developments, including combined heat and power, biomass and Energy from Waste (EfW). However, the policy as currently written does not provide clear guidance for these types of development. In order to fully support the achievement of the Scottish Government energy efficiency requirements and climate change targets (as outlined in paragraph 1.2), we strongly recommend that the policy is amended to incorporate the expectation that proposed development that will supply renewable heat or power should be located close to existing or proposed heat networks, or close to areas of heat demand, in order to ensure the heat is utilised. If there is no existing or proposed network available, the proposed development should instigate the creation of one.</p> <p><u>428 Fred Olsen</u></p> <p>Policy ED10 para 1.3 states “Proposals should avoid areas of deepest peat and minimising impacts on soils and mitigation measures should be addressed”. This statement should be</p>		

reflected in policy ED9 which relates currently to deep peat rather than avoiding the “deepest peat”. The consistency in terminology should be continued in policy ED10 which as currently written, heavily restricts development on “peat”.

In relation to the sections of the policy in respect of historic environment, technical considerations & infrastructure it is unclear in terms of the hierarchy of the policy what these elements actually require or how a proposal would be judged by the council having considered these elements?

492 EDF

The way policy ED9 has been drafted, sets the test of acceptability unattainably high. To assist SBC in considering the restrictive nature of the policy, we provide in Appendix 1, an amended policy ED9 where selected terms within the policy have been amended, whilst maintaining the overall policy objective. The suggested amendments to the policy would in EDF’s view bring the policy in line with SPP and would set a more positive policy framework for delivering renewable energy development within the SBC area. This would also tie in more consistently with the significant policy support at the Scottish Government level for the deployment of onshore wind energy development and indeed other renewable energy technologies. For example, see the 2020 Route Map for Renewable Energy in Scotland and its recent Update of December 2013. At present, the wording of policy ED9 is unacceptable and is fundamentally at odds with the provisions of SPP

All the proposed changes within Appendix 1 have been incorporated into the relevant Schedule 4’s.

The current SPG for onshore wind energy is not consistent with Scottish Government Guidance regarding the preparation of spatial frameworks. The PLDP states that the spatial strategy has been updated in line with comments from the Scottish Govt at the MIR stage. However, no updated or Supplementary Guidance is provided as part of the PLDP. Indeed it must be recognised that both SPP and recent ministerial Statements require spatial frameworks to be integrated into the Development Plan.

446 Wind Energy (Earlshaugh) Ltd

It is clear in SPP para 190 that “Development plans should recognise that the existence of these constraints on wind farm development does not impose a blanket restriction on development, and should be clear on the extent of constraints and the factors that should be satisfactorily addressed to enable development to take place.” It is submitted that this requirement is not clear in the draft policy.

It is noted Supplementary Guidance on Renewable Energy will be prepared. The LDP should refer to this proposal and not rely on the SPG on Wind Energy 2011. The production of the SG should be a priority taking cognisance of the new SPP.

286 RES

RES object to the inclusion of the listed criteria within Policy ED9 in relation to wind turbine development as it is overly detailed for policy provision and should be removed to relevant Supplementary Guidance that the Council have confirmed they will prepare.

RES consider that a more concise policy focussing on the key issues to be addressed by

renewable energy development in the Scottish Borders and referencing a single Spatial Framework for onshore wind energy development in accordance with SPP should be included within the LDP. This would provide a clearer indication of the matters the Council consider relevant and provide both developers and communities with greater certainty

300 Smith & Garrett, 305 Home, 306 Marchmont Farms

Policy ED9 takes account of conflicting views about the impact of wind turbines. The Policy fails to distinguish between turbines promoted for general commercial use and those promoted specifically for the benefit of local businesses and/or residents. The Policy should be amended to take account of local benefits brought by proposals – for example sustaining or increasing local employment where a turbine provides power or income to local homes and/or businesses – on the premise that objections on grounds of localised landscape impact are to some extent overcome by improvements to the local economy. To put it another way, there is a greater case for protecting the Borders from the impact of turbines where the economic benefits accrue elsewhere.

283 Banks Renewables

BRL would question why the test for renewable energy development and wind energy developments are different. The renewable energy test is one of no 'unacceptable significant adverse effect' yet the test for wind turbines is higher, requiring significant adverse effects to be mitigated for the proposal to be supported. Such a distinction is inconsistent with national policy. BRL strongly suggest rewording the policy to include a more measured test of "any unacceptable significant adverse effects".

The sections of the policy on Historic Environment, Technical Considerations and Infrastructure is no more than a shopping list of effects which would have to be considered when proposing a renewable energy development. BRL strongly advocate the inclusion of policy tests to advise the decision maker on how to assess the acceptability of the proposal

BRL would suggest the purpose of the renewable energy policy is to succinctly set out all of the relevant criteria and tests for assessing a proposals acceptability. The tests in this policy should be consistent with other policies in the plan and crucially be expanded and tailored to consider the specific impacts of proposals within the context of that topic. BRL would strongly suggest that the policy tests in Policy ED9 are reviewed and simplified and that the need to cross reference to other policies minimised.

463 Coriolis

The Council's wording in policy ED9 infers that it is not just planning reasons that need to be taken into account in the appraisal of wind energy schemes. 'Economic efficiency' and whether turbines do or do not make meaningful contributions to renewable energy targets are not valid planning policy considerations. The setting of height limits does not accord with the current range of turbine products available on the market and would thereby lead to capacity limitations. SPP directs local authorities to ensure an area's renewable energy potential is realised and optimised.

The spatial policy criteria set out in ED9 is not consistent with national planning policy guidance and will restrict development opportunities and the expansion of renewable energy generation within the Scottish Borders. Fundamentally, the spatial framework does not comply with the process for identifying broad areas of search as set out in SPP and

other national planning policy guidance. The national planning policy for the, 'process for preparing spatial frameworks for wind farms', details that, 'areas of search ought not be reduced in extent by factors beyond those identified in the SPP three-stage approach'.

The Proposed Plan policy 'test' for onshore wind should follow the guidance set out within national planning policy guidance, which details that 'onshore wind turbine/farm development will be considered acceptable where environmental and cumulative impacts can be satisfactorily addressed' (SPP paragraph 187).

As set out with the Council's Low Carbon Strategy 'Clean, secure and affordable sources of energy' are one of the main characteristic of a low carbon economy. The Strategy details that *"the Scottish Borders cannot delay in preparing for the inevitable move towards less carbon intensive activity, and must position itself to take advantage of this as an early adopter"*, going on to say that, *"an outcome of this approach is the Borders is a location of choice for renewable energy businesses and contribute to the low carbon economy of the area"* and *"businesses locate in the Borders because all electricity is generated from local renewable sources"*. The aspirations within the Low Carbon Strategy are admirable but unattainable in the context of the Proposed Plan policy framework for renewables, and specifically onshore wind

The Proposed Plan infers that wind turbines/farms damage the landscape. The use of this word is very negative and any alleged damage is a subjective and emotive opinion. Polls continue to find the vast majority of people support turbines as meaningful necessities unobtrusive and appropriate within a rural setting compared to those you view them as the industrialisation of the countryside.

353 RSPB

Biodiversity interests should be taken into account as well as landscape issues when refusing wind farm applications or requiring modification of plans. We support the inclusion of biodiversity in this regard. The LDP should make reference to the new guidance produced since the publication of wind energy supplementary guidance. This highlights the need for survey work on geese for small scale turbines within 1.5 km of SPAs (p. 5 of the supplementary guidance refers).

432 Infinis

Referring specifically to the Policy text of ED9, Infinis view the policy to be overly stringent and onerous on potential developers. The Policy, at over two pages in length, is excessively detailed and covers many aspects which are already considered within SBC's Environmental Promotion and Protection policies

The PLDP states that the determination of planning applications for wind energy development will continue to be determined taking into account the existing SPG, and that the spatial strategy has been updated in line with comments from the Scottish Government. This statement is unclear, as the spatial strategy provided in 'ED9a' is that produced as part of the 2011 SPG

The PLDP does not set out when it is likely to produce an update to the SPG in the form of Supplementary Guidance (SG). The Scottish Government's policies on the preparation of LDPs requires them to be concise documents, with SG produced alongside providing the policy detail on certain topic matters. In addition, and as referred to above, the imminent

publication of the revised SPP will provide updated guidance on the approach to Spatial Frameworks, and it would appear sensible that any SG is prepared in accordance with this to ensure it can reflect Government policy during the currency of the LDP

447 Lilliesleaf, Ashkirk & Midlem CC

We support the policy for managing the visual impact of wind farms, in particular we would like to avoid “pepper-potting” of turbines in the landscape.

441 Burncastle Farming

The respondent wishes to see A criteria based renewable energy and wind energy policy, to be applied to projects outwith those protected areas, that is comprehensive (with no need to look elsewhere in the LDP), clear and sufficiently precise, with clear thresholds of acceptability and with clear guidance on how the policy will actually be operated in practice. This would then better ensure that any informed and interested person, in looking at the assessed effects of a particular proposal in a particular location, would be able to form a reasonably certain assessment of whether the application would be approved or rejected.

The respondents anticipate assessing, commenting on, and objecting to renewable energy, mainly wind energy applications in the vicinity of their more sensitive landholdings that merit proper enhancement and protection in terms of planning policy. In doing so BFL wish to proceed with their own assessments and with the commissioning of external advice having regard to clear, precise and comprehensive topic specific policies. Such precision will, in turn, provide a high degree of confidence in predicting the outcome of applications. However, the general experience with renewable energy policies and projects throughout Scotland shows that the lack of precision in policy making leads to inconsistent and, sometimes, rogue decisions – whether refusals or permissions – thus undermining public and investor confidence in the planning system. That is the clear danger that will derive from the current vague and imprecise proposed LDP policy approach of the Council. It is for this fundamental reason that this objection submission, and its associated criticism of policy, has been made.

435 West Coast Energy

WCE does not accept that the proposed spatial framework and landscape capacity study for wind energy development provides an acceptable framework for making decisions on future wind energy development. It is accepted that a spatial framework and landscape capacity is the right approach to guide the development of onshore wind, indeed it is a requirement of national policy, however WCE has some serious reservations and concerns. The spatial framework and the landscape capacity study does not match the ambition and aspiration of the Scottish Government to be a truly low carbon country and a place where the generation of renewable energy will drive investment and growth in the economy over the coming years. Our view is that the overall guidance from the spatial framework and landscape capacity study does not therefore achieve the right balance between supporting onshore wind development and protecting the natural environment and managing visual impacts on communities.

The respondent is concerned that the current SPG is retained alongside this proposed policy and the Spatial Strategy (Fig 9a) in the SPG is not adequately integrated with the Ironside Farrar outputs (Figs 9b-e). The Spatial Strategy and the Ironside Farrar figures appear to conflict with one another across much of the Borders area. For instance the area

to the centre north of the Borders is identified as an Area of Significant Constraint in the Spatial Strategy but appears in the Ironside Farrar figures as having some of the highest capacity for large turbine development. Similarly the central west part of the Borders is identified in the Spatial Strategy as an Area of Significant Constraint but appears in the Ironside Farrar figures as having some of the highest capacity for large turbine development.

482 Watson

The respondent noted on an appeal site visit that shepherds are affected by turbines, not least from a noise perspective. It is requested that as well as the amenity of those who live near turbines the amenity of those who work outdoors is listed as a material factor. Clearly whether or not the land is enclosed would make a difference to the amount of time farm workers may spend in a place

342 Royal Burgh of Selkirk CC

Noted and agreed in general. Wind energy guidance is welcomed but other forms of renewable energy is encouraged - although only in appropriate locations where any proposal will not impact adversely on the quality of the local environment.

186 Minto Hills Conservation Group

One of the areas of concern to us is policy ED9 Renewable Energy Development. We think it is vital that the 'cluster and space' approach is defended, or far more widespread damage to Borders' landscapes will ensue from wind turbine proliferation. The LDP should make explicit reference to 'cluster and space' as a policy that is designed to localise and hence limit impacts of wind energy developments

There are disparities between some of the Council's publications in the categorisation of turbine typologies (ie height). These should be rationalised to avoid confusion. LDP Proposes Plan Vol 1 policies uses 25 – 50m for medium, 50 -100m for large and >100m for very large. This should be adopted as the current and future standard

462 Cranshaws, Ellemford and Longformacus CC

Our community's residents have had more experience of renewable energy development than most. The impacts of large-scale wind farm development are now a virtually inescapable feature of daily life in the area. Additional development pressure appears to be relentless. As a community we are supportive of renewables, especially solar, biomass and hydro and have been supportive of appropriately-sited and scaled wind developments. There is a general acceptance that enough is enough and there is little capacity in our area for further wind development. This Community Council is generally supportive of ED9 and welcomes its general clarity.

452 Oxnam Water CC (2 of 2)

In the "spatial strategy", and for the purpose of Ironside Farrar's visibility analysis (and its assessment and guidance) villages in the Oxnam Water CC ward should be afforded the same level of protection and given the same recognition as receptors, respectively, as settlements identified in the proposed LDP. In the absence of finding any advice to the contrary it would appear that towns and villages are *"identified in the local development*

plan" by the inclusion of a settlement profile with map in Volume 2 of the proposed LDP. Oxnam, Pleasants and Swinside are not included in Volume 2 of the proposed LDP, but they do have a similar number of dwellings to some villages that are included. Representation: It would appear that a separation distance around the settlements included in Volume 2 of the proposed LDP has been factored in when preparing Figure ED9a. As there is no logical reason why a similar separation distance should not be identified as a constraint in respect of the villages of Oxnam, Pleasants and Swinside we request that the "spatial strategy" be amended to reflect this. Similarly, it would appear that Ironside Farrar's visibility analysis did not recognise these villages as receptors thereby leading to misguided advice regarding the capacity for wind turbines in the Oxnam LCA. Ironside Farrar's assessment and guidance for Oxnam LCA should therefore be reconsidered.

452 Oxnam Water CC (1 of 2)

There is consideration of extending the Northumberland National park which might encompass the Oxnam LCA which consequently confirms the landscape quality of the area. Any strategic guidance on turbines in the area should therefore be very conservative in nature

Modifications sought by those submitting representations:

357 SEPA

The policy should be amended to incorporate the expectation that proposed development that will supply renewable heat or power should be located close to existing or proposed heat networks, or close to areas of heat demand.

428 Fred Olsen

Policy ED9 should refer to "deep peat" rather than "deepest heat"

492 EDF

The respondent has proposed a number of track changes to policy ED9.

446 Wind Energy (Earlshaugh) Ltd

The requirement of SPP para 1.90 that "Development plans should recognise that the existence of these constraints on wind farm development does not impose a blanket restriction on development, and should be clear on the extent of constraints and the factors that should be satisfactorily addressed to enable development to take place" should be made clear.

The LDP should refer to the Supplementary Guidance on Wind Energy to be produced.

286 RES

RES consider that a more concise policy focussing on the key issues to be addressed by renewable energy development in the Scottish Borders and referencing a single Spatial Framework for onshore wind energy development in accordance with SPP should be included within the LDP.

300 Smith & Garrett, 305 Home, 306 Marchmont Farms

Policy ED9 should distinguish between turbines promoted for general commercial use and those promoted specifically for the benefit of local businesses and/or residents.

283 Banks Renewables

BRL strongly suggest rewording the policy to include a more measured test of “any unacceptable significant adverse effects”.

BRL strongly advocate the inclusion of policy tests for the sections on Historic Environment, Technical Considerations and Infrastructure to advise the decision maker on how to assess the acceptability of the proposal

BRL would strongly suggest that the policy tests in Policy ED9 are reviewed and simplified and that the need to cross reference to other policies minimised.

463 Coriolis

‘Economic efficiency’ and whether turbines do or do not make meaningful contributions to renewable energy targets are not valid planning policy considerations. The setting of height limits does not accord with the current range of turbine products available on the market and would thereby lead to capacity limitations.

Fundamentally, the spatial framework does not comply with the process for identifying broad areas of search as set out in SPP and other national planning policy guidance.

The Proposed Plan policy ‘test’ for onshore wind should follow the guidance set out within SPP para 187, which details that ‘onshore wind turbine/farm development will be considered acceptable where environmental and cumulative impacts can be satisfactorily addressed’.

The Proposed Plan infers that wind turbines/farms damage the landscape which is very negative.

353 RSPB

The LDP should make reference to the new guidance produced since the publication of wind energy supplementary guidance. This highlights the need for survey work on geese for small scale turbines within 1.5 km of SPAs (p.5 of the supplementary guidance refers).

432 Infinis

Infinis view policy ED9 to be overly stringent and onerous on potential developers.

The PLDP does not set out when it is likely to produce an update to the SPG in the form of Supplementary Guidance (SG). The SG should be prepared alongside the SPG giving policy detail policy.

441 Burncastle Farming

The respondent wishes to see a criteria based renewable energy and wind energy policy,

to be applied to projects outwith those protected areas, that is comprehensive, clear and sufficiently precise, with clear thresholds of acceptability and with clear guidance on how the policy will actually be operated in practice.

435 West Coast Energy

The respondent considers that the overall guidance from the spatial framework and landscape capacity study does not achieve the right balance between supporting onshore wind development and protecting the natural environment and managing visual impacts on communities

The respondent is concerned that the current SPG is retained alongside this proposed policy and the Spatial Strategy (Fig 9a) in the SPG is not adequately integrated with the Ironside Farrar outputs (Figs 9b-e). The Spatial Strategy and the Ironside Farrar figures appear to conflict with one another across much of the Borders area

482 Watson

It is requested that as well as the amenity of those who live near turbines the amenity of those who work outdoors is listed as a material factor.

186 Minto Hills Conservation Group

The LDP should make explicit reference to ‘cluster and space’ as a policy that is designed to localise and hence limit impacts of wind energy developments

There are disparities between some of the Council’s publications in the categorisation of turbine typologies (ie height). These should be rationalised to avoid confusion. LDP Proposes Plan Vol 1 policies uses 25 – 50m for medium, 50 -100m for large and >100m for very large. This should be adopted as the current and future standard

452 Oxnam Water CC

Given that Oxnam, Pleasants and Swinside have at least as many dwellings as some settlements in the Plan there is no rationale as to why they are not identified settlements in the Plan and that a separation distance should be applied.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE PROPOSED PLAN

REASONS

423 Southdean CC

Support of policy ED9 noted

357 SEPA

Support of para 1.3 noted.

Whilst the main thrust of the policy is wind energy as this is the most contentious and

common types of renewable energy proposals, it is considered the guidance on other types is sufficient. This part of the policy remains the same as first introduced within the adopted Local Plan 2008 and it is considered this has worked well in practice. The Council will continue to promote and support other means of renewable energy where possible, although the promotion of combined heat and power, biomass and energy from waste is aspirational rather than being an expectation and this must be considered in preparing text.

428 Fred Olsen

Whilst introductory text to policy ED10 in para 1.3 makes reference to the protection of “deepest peat”, significantly the policy text in ED9 (page 63) and ED10 (page 66) refer only to “peat”. There is no national guidance as to what is exactly defined as deep peat or deepest peat. It is considered the text is correct in being general, and the issues would be addressed on a case by case basis at the planning application stage.

428 Fred Olsen and 283 Banks Renewables

Impacts on historic environment, technical considerations and infrastructure are material considerations and it is correct the policy refers to them. There is no hierarchy for considerations of these issues and planning applications will be considered on a case by case basis.

492 EDF

Policy ED9 seeks to support renewable energy where appropriate but also to give other material considerations fair weighting within the planning application process. It is considered the policy achieves this and does not set unattainably high requirements for the wind development industry and is SPP 2010 compliant. Para 187 of SPP 2010 states that “Planning Authorities should support wind farms....and environmental and cumulative impacts can be satisfactorily addressed” (Core Document 024). Consequently whilst giving general support to renewable energy, consequent planning applications are not fait accomplis and must take cognisance of other material considerations.

The SPG on wind energy 2011 requires to be updated taking cognisance of new issues and guidance including the new SPP 2014 and the findings of the Examination of the proposed Plan. The update will take the form of Supplementary Guidance and will be subject to public consultation with a view to ultimately becoming part of the LDP.

446 Wind Energy (Earlshaugh) Ltd

It is considered the policy takes cognisance of para 190 of SPP 2010 (Core Document 024) and policy ED9 sets out a clear and balanced framework for justifying proposals.

The SPG on Wind Energy is an approved Council document which is a material consideration to any relevant planning application and it is correct to make consequent reference to it. However, it requires to be updated and it is proposed that this will be done as Supplementary Guidance following the findings of the Examination of the proposed Plan and the requirements of the new SPP 2014.

286 RES

Renewable energy, particularly wind farms, involve consideration of a vast array of often

conflicting issues which require varying degrees of reference. It is considered the length and clarity of policy ED9 is appropriate and in accordance with SPP 2010. The proposed Plan does incorporate a single spatial framework ED9a as required by SPP 2010, but also gives consideration to landscape capacity which is identified within the other policy maps within policy ED9 (maps ED9b - e). It is considered these maps are vital in order to give necessary guidance to the Development Management process. It would be considered impractical and confusing to merge them into one map. The Council will be preparing Supplementary Guidance on Wind Energy to supersede the existing SPG on Wind Energy 2011. This will take cognisance of the new SPP, the findings of the Examination of the LDP plus other material requirements and a draft version will be submitted for public consultation

(* see footnote)

300 Smith and Garrett, 305 Home and 306 Marchmont Homes

There is no national guidance which distinguishes between applications being processed for commercial purposes and those which have more local benefit and applications should continue to be judged on their own merits on a case by case basis.

283 Banks Renewables

Policy ED9 supports all forms of renewable energy in appropriate locations. However, wind energy is more contentious in terms of the number of applications submitted and the resultant alleged impact on the landscape and consequently it is considered correct that wind energy test is more onerous. It is considered the spatial framework is consistent with national guidance and incorporates the comments of Scottish Govt at the MIR stage (Core Document 055 appendices 2, 3, 7 & 8)

It is considered policy ED9 is fit for purpose and simplifying it and reducing cross references to other guidance would dilute its performance in practice.

463 Coriolis

Reference to “economic efficiency of turbines” and contributions turbines make to renewable energy targets are not tests within the policy criteria. They are referenced in the introductory text in para 1.5 and only refer to opinions of third parties. The typology types referred to are considered useful guidance and proposed turbine heights can be applied to the classifications.

It is contended that the spatial policy does comply with national requirements and has been carried out in a fair and open minded manner (Core Document 055 Appendices 2 and 8).

The Low Carbon Strategy gives general support to economic development. However, the proposed Plan sets out proper planning considerations.

Whilst it is acknowledged there is a wide range of opinions on wind turbines, it is undoubtedly the case that poorly sited and inappropriate turbines can ruin the landscape in certain circumstances and there are numerous bodies who strongly claim this.

353 RSPB

Support of the reference to Biodiversity is noted. There are various guidance notes and

documents on a wide range of subjects which have relevance to wind energy. Policy ED9 cannot go into detail nor make reference to all of these and therefore it is not considered this particular item needs referencing. However, when the updated Supplementary Guidance is prepared on Wind Energy this reference to the required survey work for geese can be included.

432 Infnis

Renewable energy proposals cover a very wide range of issues to be addressed and it is considered policy ED9 is fit for purpose and simplifying it and reducing its size would dilute its performance.

The existing SPG on Wind Energy 2011 is an adopted document by the Council and remains a material consideration to the processing of relevant planning applications. Map ED9a within the proposed Plan (page 57) is an update of the spatial strategy within the SPG and will effectively supersede it once it has been considered at Examination of the Plan and the new Plan is consequently adopted. It is the intention to then update the SPG by means of producing Supplementary Guidance after the Plan is adopted, taking on board all relevant matters including the new SPP 2014.

(* see footnote)

The proposed SG on Wind Energy will be prepared after the new adopted LDP is in place and will take cognisance of the new SPP 2014, the findings of the Examination of the LDP plus other material requirements and a draft version will be submitted for public consultation.

447 Lilliesleaf, Ashkirk and Midlem CC

Support for the management of visual impact is noted.

441 Burncastle Farming

Given the large size of the Scottish Borders, the different landscapes and various turbine typologies available it is not considered practical nor reasonable to produce a finite detailed Plan as suggested by the respondents. However, it is considered maps ED9a – e are useful starting points for consideration at the Development management stage and the policy confirms applicants can submit more detailed information to be considered in support of their proposals.

The respondent is welcome to submit any comments on wind turbine proposals which will be taken account of during the processing of planning applications

435 West Coast Energy

It is considered that the spatial framework and landscape capacity study are useful documents which are entirely relevant to giving policy guidance on wind turbine proposals and follow national guidance. It is considered that these pieces of work have been carried out in a fair and impartial manner and the conclusions strike the balance between supporting renewable energy development within appropriate locations and protecting the environment.

The existing SPG on Wind Energy, which includes the spatial strategy, will be updated as

Supplementary Guidance following the adoption of the new LDP. Figure ED9a (page 57 of the proposed Plan) is an updated version of the spatial strategy, taking cognisance of the comments of Scottish Government at the MIR stage (Core Document 055 appendix 7). The spatial strategy map does not take cognisance of landscape capacity and therefore there are differences between this map and the figures ED9b – e within the proposed Plan. Map ED9a primarily identifies constraints with weightings given to them (Core Document 055 Appendix 8) whereas maps ED9b – e take on board landscape capacity issues and therefore their outputs are different. It would be impractical and confusing to produce a single map which incorporates all the outputs and therefore reference is likely to be needed to more than one when considering a planning application.

(* see footnote)

482 Watson

SPP does not make reference to any policy provision regarding the inclusion of protection to those who work outdoors and any such issue would be raised at the planning application stage on a case by case basis.

342 Royal Burgh of Selkirk CC - Comments noted

186 Minto Hills Conservation Group

Although the policy does not make a specific wording reference to “cluster and space”, the policy and policy maps make reference to cumulative impact and the Ironside Farrar study (Core Document 054) identifies opportunities for extending existing approved sites which in essence is the principle of cluster and space.

The Council’s publications i.e. SPG on Wind Energy 2011, SPG on Landscape and Visual Guidance for Single and Groups of 2 or 3 Wind Turbines in Berwickshire 2013 and the Ironside Farrar study on Landscape Capacity and Cumulative Impact 2013 had separate and specific purposes and therefore used different turbine typologies. It would not be practical to use one set of standard typologies for them all.

462 Cranshaws, Ellemford and Longformacus CC

Comments and general support of policy ED9 noted

452 Oxnam Water CC

Oxnam, Pleasants and Swinside are not recognised settlements within the Local Plan. No requests have been made to elevate them to become recognised settlements nor is there considered to be a case for carrying this out. Identifying them as settlements solely in order that they can have a buffer area around them to prevent turbines close to them is not a justifiable reason for doing so. They have not been recognised as being settlements with consequent visibility considerations within the Ironside Farrar study.

Whilst the Council is aware there is interest in some circles to extend the Northumberland National Park this is not a fait accompli and should this ever happen it is likely to be some years away. The extent of the boundary would also need to be formally confirmed. The Council could not consider any aspirational extension as a material consideration in the interim.

** Footnote*

Policy ED9 was drafted taking cognisance of SPP 2010 which was adopted Scottish Government advice at the time. Consequent consultations and representations from third parties were carried out with reference to SPP 2010.

There is now a new SPP published in June 2014. In terms of the spatial strategy it is acknowledged that the new SPP requires different constraints to now be identified compared to those which make up the spatial strategy within the proposed Plan (fig ED9a) as was required by SPP 2010. Consequently although map ED9a has been prepared in full compliance with the requirements of SPP 2010, it is not in compliance with the more simplistic spatial strategy requirements of SPP 2014.

The Council noted the provisions within para 87 of Circular 6/2013 on Development Planning (Core Document 031) which state that “The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations”. In that respect the Council acknowledges that the spatial strategy map (ED9a) could be updated to the version required by SPP 2014 (Core Document 026) and the Council would provide the map at the request of the Reporter.

It is acknowledged that in paragraph 169 of SPP 2014 that proposals are expected to take account of spatial frameworks where they are relevant. In particular, there is a requirement to take into account cumulative impacts and landscape and visual impacts. Therefore, it is considered that the landscape capacity study maps within the proposed Plan (Figs ED9b – e), which are outputs from a consultant’s Landscape Capacity study, have an important role to play in giving guidance to Development Management and other interested parties in identifying landscape and cumulative impact issues and suggested appropriate typology types across the Scottish Borders. Indeed the importance of Landscape Capacity studies is acknowledged by Scottish Government in their paper entitled “Scottish Planning Policy – Frequently asked questions” (Supporting Document SD026-1).

In Supporting Document SD026-1 the Government acknowledges that local landscape designations and capacity issues are relevant for planning policy development, and that authorities may wish to undertake or update their landscape capacity studies to establish landscape sensitivities, identify acceptable levels of change, identify cumulative issues and identify the scope for further development.

Whilst it is noted that Supporting Document SD026-1 states that local landscape designations and capacity issues should not form part of the spatial frameworks for wind, it is considered that the sole spatial strategy map is figure ED9a, and figures ED9b – e are supporting maps indicating landscape capacities for guidance for the benefit of the Development Management process. The importance of these maps is identified within Supporting Document SD026-1 and it is considered the maps are consistent with SPP 2014. Consequently it is considered figures ED9b – e have a justified and vital role within policy ED9 and should remain within it.

It is acknowledged that the Council’s SPG on Wind Energy 2011 requires updating to take cognisance of advice and guidance which has been produced in the interim period including SPP 2014. The Council intends to prepare this as formal Supplementary Guidance which will include a full public consultation.

Reporter's conclusions:

1. I deal with issues 26-42 and 330 in these conclusions, along with issue 3 in so far as it relates to renewable energy, in order that I can consider all matters in the proposed plan relating to such developments as a whole.
2. Policy ED9, and its supporting text at paragraphs 1.1-1.10, set out the approach the planning authority proposes to take to renewable energy developments, and includes a section on wind turbines. The policy is contained in chapter 4 of the proposed plan as one of the economic development policies. The proposed plan also contains 5 related maps, one of which provides a wind energy spatial strategy, and the others provide guidance on landscape capacity, and associated cumulative impact, for wind turbines. Chapter 2 (Meeting the Challenges for the Scottish Borders) and the section on climate change also cover renewable energy, which is the focus of key outcome 10. Additionally, wind energy is referred to in the foreword of the proposed plan.
3. A new Scottish Planning Policy was published in June 2014, a short time before the examination commenced. This sets out a new approach on spatial frameworks for onshore wind farms. It also includes considerations which are likely to be taken into account in assessing energy infrastructure development proposals. The planning authority was aware of Scottish Planning Policy (2014) when it prepared its schedule 4 responses to the representations on renewable energy. In a further information request, which sought the planning authority's views on the implications of paragraphs 152-174, and table 1, of Scottish Planning Policy (2014), it acknowledges that the spatial framework requires to be updated, but proposes no related change to the policy or the supporting text. However, the planning authority, through its schedule 4 responses, proposes some minor changes to the policy and text. The representees also had the opportunity to comment on the further information request.

The background to policy ED9 in the proposed plan

4. The planning authority seeks to base its approach in the proposed plan on the now superseded 2010 Scottish Planning Policy, which indicated that planning authorities should support the development of a diverse range of renewable energy technologies, guide development to appropriate locations, and provide clarity on the issues that will be taken into account when specific proposals are assessed. The policy focussed on wind energy, and indicated that planning authorities should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. It stated that development plans should provide a clear indication of the potential for development of wind farms of all scales, and that they should set out the criteria that would be considered in deciding applications. It also indicated that the development plan should set out a spatial framework for onshore wind farms of over 20MW, which could include wind farms of less than 20MW, if that was considered appropriate. The framework should identify areas requiring significant protection, areas with potential constraints, and areas of search.
5. The 2013 SESplan states, at policy 1B, that local development plans will contribute to the response for climate change through mitigation and adaptation. Regarding energy, it explains that local development plans should promote the use of renewable energy, and should encourage development that will contribute towards national renewable energy targets. It indicates that consideration of location, landscape, environmental quality, and community impacts will be required for onshore developments, and it acknowledges that

concerns have been expressed about cumulative impacts. Policy 10 states that the strategic development plan seeks to promote sustainable energy sources, and that local development plans will set a framework for the encouragement of renewable energy proposals, that aims to contribute towards achieving national targets for electricity and heat, taking into account relevant economic, social, environmental and transport considerations, to facilitate more decentralised patterns of energy distribution and supply, and to take account of the potential for developing heat networks.

6. The adopted 2008 Scottish Borders Local Plan and the adopted 2011 Scottish Borders Consolidated Local Plan had largely the same policy for renewable energy development which, in both cases, was included with the development in the countryside policies. The 2 policies both supported renewable energy proposals, and set out criteria for assessing them. The criteria for commercial wind farms included reference to them being normally more acceptable in locations in preferred areas outwith environmental designations (as set out in the structure plan [policy I19]), and in the upland landscape type as defined in the Landscape Classification Hierarchy (contained in the Borders Landscape Assessment). They also referred to looking more favourably on locations where the surrounding landforms minimises external visibility of the development, where there is no interference with prominent skylines and where there is no conflict with sensitive habitats, and to giving particular attention to the effects on high sensitivity receptors, including major tourist routes and important landscape viewpoints. Further criteria referred to impact on landscape character and areas exhibiting remote qualities, and to cumulative impact.

7. In June 2007, the planning authority put in place supplementary planning guidance on renewable energy, which covers the use of renewable energy systems for new and existing developments, and the reduction of carbon dioxide emission levels from new developments. It followed this up in May 2011 with supplementary planning guidance on wind energy and, in December 2013, it brought forward supplementary planning guidance providing landscape and visual guidance for single and groups of 2 or 3 wind turbines in Berwickshire. The 2011 guidance seeks to bring the planning authority's approach to wind energy in line with the 2010 Scottish Planning Policy, and it contains a spatial strategy (an updated version of which is in the proposed plan), and more detail on the policy framework. While that guidance is, in the main, focussed on larger proposals (20MW plus), the 2013 Berwickshire guidance appears to be a reaction to an increasing number of small scale proposals in that area. This guidance provides advice on the scale of turbines that may be appropriate in each landscape character type, and where they may be located. It also considers the suitability of 4 different heights of turbines ([80m+], [50-80m], [35-50m], [and 20-35m]).

8. The planning authority completed studies on a public survey on attitudes to wind energy in December 2012, on the economic impact of wind energy in the Scottish Borders, and on landscape capacity and cumulative impact, both in March 2013. The public attitudes study involved a telephone survey of 400 houses in the Scottish Borders, 50 of which were in 2 areas where turbine numbers are highest (an area centred north of Duns, and around Lauder). The economic impact study was based on a questionnaire survey of over 1000 local businesses, of which 140 responded. The landscape study looked at the ability of the Scottish Borders landscape to accommodate more large scale turbines, taking into account matters, such as landform, approved turbines to date, impact on key receptors, opportunities and constraints (including national and local landscape designations), and cumulative impact. It suggested levels of landscape capacity for 3 different heights of turbine ([25-50m], [50-100m], [and >100m]), and it put forward a map showing overall capacity, which included 2 areas affected by cumulative landscape

impacts. The 3 studies were intended to inform the approach taken to wind energy in the proposed plan.

Scottish Planning Policy (2014)

9. This replaces the 2010 Scottish Planning Policy and indicates that development plans should seek to ensure that an area's full potential for electricity and heat from renewable sources is achieved, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations. Local development plans should set out the factors to be taken into account in considering proposals for energy developments. These would be likely to include the following factors listed in paragraph 169: net economic benefits; the scale of contribution to renewable energy targets; effect on greenhouse emissions; cumulative impacts; impacts on communities and individual dwellings; landscape and visual impacts; effects on the natural heritage, hydrology, the water environment, and flood risk; impacts on carbon rich soils, public access, the historic environment, tourism and recreation, aviation, defence interests and seismological recording, telecommunications and broadcasting installations, road traffic and adjacent trunk roads; the need for conditions relating to decommissioning and robust planning obligations for achieving site restoration; and opportunities for energy storage.

10. Scottish Planning Policy (2014) explains that planning authorities should set out in the development plan a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms, following the approach set out in table 1, and indicating the minimum scale of development that the framework is intended to apply to. Table 1 divides the spatial framework into 3 groupings: (1) areas where wind farms will not be acceptable (National Parks and National Scenic Areas); (2) areas of significant protection (national and international designations; other nationally important mapped environmental interests; and community separation (an area around cities, towns, and villages identified in the local development plan); and (3) areas with potential for wind farm development (beyond groups (1) and (2), wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria). This approach requires to be followed in order to deliver consistency nationally. Additional constraints should not be applied at this stage. Areas identified for wind farms should be suitable for use in perpetuity and, in considering repowering proposals, the current use of a site as a wind farm will be a material consideration.

11. Scottish Planning Policy (2014) indicates that development plans should identify areas capable of accommodating renewable electricity projects in addition to wind generation, including hydro-electricity generation. It also states that where a proposal is acceptable in land use terms, and consent is being granted, local authorities may wish to engage in negotiations to secure community benefit in line with the Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments. It also explains that local development plans should support the development of heat networks in as many locations as possible, and identify where heat networks, heat storage and energy centres exist or would be appropriate, including policies to support their implementation.

Consideration of representations

12. In addition to the representations received on the proposed plan itself, further representations were received in response to a further information request on the

implications of Scottish Planning Policy (2014) for policy ED9 and the relevant text on renewable energy in the proposed plan. The further representations are considered below, and the earlier representations are also considered to the extent that they remain relevant.

13. Scottish Planning Policy (2014) clearly sets out a new approach for preparing a spatial framework from that set out in the 2010 Scottish Planning Policy. A spatial framework prepared under Scottish Planning Policy (2014) does not have to include the range of matters required in a framework prepared under the earlier national policy. A spatial framework is now to be focussed on international and national designations, other nationally important mapped environmental interests and community separation. The process of preparing a spatial framework now appears less complex. Several of the matters that had previously to be included are now to be dealt with as considerations at the development management stage rather than through a spatial framework. Most notably, these include cumulative impact, areas designated for their regional and local landscape or natural heritage value, aviation and defence interests, scheduled monuments, and tourism and recreational interests.

14. In a spatial framework for the Scottish Borders, there would be group (1) areas ie areas where wind farms would not be acceptable. There would be group (2) areas, ie areas where significant protection would be required and, beyond groups (1) and (2), the remaining area would all be group (3), ie an area with potential for wind farm development. The group (1) areas in the Scottish Borders are 2 national scenic areas, and the group (2) areas would include at least 9 special areas of conservation, 5 special protection areas, 1 area of wild land shown on the 2014 Scottish Natural Heritage map of wild land areas, 95 sites of special scientific interest (2 of which are national nature reserves), carbon rich soils, deep peat and priority peatland habitat, and sites in the inventory of gardens and designed landscapes.

15. The proposed plan and the supplementary planning guidance should be changed to accommodate the new requirements for a spatial framework set out in Scottish Planning Policy (2014), and this is accepted by the planning authority. Significant changes are also required to the policy and the relevant text in the proposed plan as a result of the new national policy, but this has not been acknowledged by the planning authority. The spatial strategy (framework) in the proposed plan (figure ED9a) identifies relatively modest areas of search. The areas identified in the new framework as likely to be acceptable for wind farms, subject to detailed considerations, will probably be larger than the areas of search shown on the spatial strategy in the proposed plan. While I agree with the planning authority that no provision is made in the new spatial framework for dealing with landscape capacity (including turbine height banding) and cumulative impact, Scottish Planning Policy (2014) is clear that additional constraints like these should not be applied at this stage in the interests of consistency nationally.

16. A proposed new spatial framework was submitted by one of the representees in response to the planning authority's comments on the further information requests. However, it is the planning authority's responsibility to prepare the framework, not that of a third party. While the framework would ideally be included in the proposed plan, I accept the planning authority's view that it could take some time to prepare because further information is required on carbon rich soils (Scottish Natural Heritage expects this to be available later in 2015), and the establishment of the community separation distances (up to 2km) could, on the face of it, be a major exercise for the 88 identified settlements. The planning authority will require to consider how it approaches this task. The planning authority's proposal that the spatial framework should apply to turbines of 25m plus within

groups of 3 or more does not appear unreasonable, but further work and public consultation on this matter, and the framework itself, are required.

17. In the circumstances, I consider that it would be appropriate for the spatial framework to form a part of the supplementary guidance proposed by the planning authority. Under section 24 of the 1997 Town and Country Planning (Scotland) Act (as amended), the development plan, in which Scottish Planning Policy (2014) requires the framework to be set out, includes such guidance. As the spatial strategy (framework) currently outlined in the proposed plan (figure ED9a) needs replacing by a new framework, it would be misleading to retain it in the proposed plan, and it should be deleted.

18. The proposed plan contains landscape capacity maps (figures ED9b-9e) extracted from the landscape capacity study. Figure ED9b shows wind turbine development opportunities and constraints (overall landscape capacity), and is a summary of figures ED9c-9e (which show landscape capacity for different heights of turbines). The maps, along with the spatial strategy, are also referred to in policy ED9. There is no doubt that landscape capacity studies are relevant, can be helpful, and will help bridge the gap between the spatial framework and development management decisions. However, given the way they are presented in the proposed plan, I am concerned that they could be seen as an alternative framework, and this is misleading. I do not consider the planning authority's proposal to add to the title of figure ED9b the words landscape capacity would satisfactorily deal with this issue. I also consider that it is inappropriate to extract these figures from the context provided for them by the landscape capacity study as a whole, without a fuller explanation of the study and its terms. As such, I believe that figures 9b-e should be deleted from the proposed plan. I accept that the study should be mentioned in the plan, but it should be highlighted that it is identifying potential landscape capacity (as the study is a general, broad scale analysis, focussing on landscape character units, and is not site specific).

19. Some representations referred to the content of the landscape capacity study, but the document itself is not before the examination, and it can only be dealt with here to the extent that it is referred to in the proposed plan. The planning authority has confirmed that the study has not been the subject of separate public consultation, and I consider this to be unfortunate, and unhelpful to all parties, particularly given that Scottish Planning Policy – frequently asked questions highlights the need to encourage fuller public engagement in the preparation of such studies.

20. In addition to a new spatial framework and the deletion of the landscape capacity maps, changes are required to the wording of policy ED9. The policy has an introductory paragraph, a section on the approach to renewable energy developments, and further sections on the approaches to wind turbine proposals and other renewable energy developments. A further section is required in policy ED9 to cover the preparation of supplementary guidance on wind energy and other forms of renewable energy. I consider that covering other forms of renewable energy in such guidance is consistent with the approach in Scottish Planning Policy (2014), and the planning authority has indicated that they are likely to include them. This new section of the policy also requires to cover the need for detailed policy considerations, and the spatial framework for onshore wind farms, in the supplementary guidance, and the updating of the guidance for single and groups of 2 or 3 wind turbines in Berwickshire. I note from appendix 3 of the proposed plan that the planning authority will prioritise the preparation of supplementary guidance relating to wind energy, and agree with this approach. In view of the importance of this matter to ongoing development management, I consider that this supplementary guidance ought to be

prepared and submitted to Ministers within 12 months of adoption of the plan.

21. In the introductory paragraph, I have no difficulty with the reference in the first sentence to the words unacceptable impacts because the planning authority, as decision maker, will be assessing the acceptability of proposals when considering whether or not to support them. However, it is almost inevitable that any unacceptable impacts will be significant adverse effects as well, and it would be helpful to make this clear by changing the words unacceptable impacts to unacceptable significant adverse effects or impacts. Such wording also better reflects the terminology used in assessing proposals where environmental impact assessments are required. Scottish Planning Policy (2014) makes clear that in achieving an area's full potential for electricity and heat from renewable sources, due regard should be given to relevant environmental, community, and cumulative impact considerations. I believe that it would be useful to reflect the new national policy by referring to these 3 considerations in the introductory paragraph immediately after the phrase unacceptable significant adverse effects or impacts, all as set out below. The general references to the environment, and to the siting, scale and design of developments taking account of the social, economic and environmental context, are unnecessary in light of the recommended changes to the policy.

22. I consider that the section on renewable energy developments should be replaced by an additional paragraph following the introductory paragraph. This should set out that applications will be assessed against the principles of Scottish Planning Policy (2014) to ensure that proposals are assessed in the manner intended by the latest national policy. Additionally, I believe that the approach to the assessment of proposed developments currently set out in the renewable energy developments section can reasonably be rationalised and set out more briefly so that reference is only made to proposals being approved provided that there are no relevant unacceptable significant adverse effects or impacts that cannot be satisfactorily mitigated. I am not satisfied that it is necessary or appropriate to identify individual considerations in this general part of the policy covering all forms of renewable energy development, or that it should be separated into 2 categories dealing with natural and other types of heritage, and other factors, such as recreation and tourism, and communities. The requirement for full mitigation in the section dealing with natural and other types of heritage is also too high a standard, and does not reflect the broad underlying thrust of Scottish Planning Policy (2014). The last sentence in the renewable energy section should properly reflect the other changes recommended in the introductory part of the policy. To achieve this, the reference made to benefits should not be restricted to wider economic and environmental ones, but should allow for other possible benefits to be taken into account. Similarly, the reference made to the potential damage of a proposal should not be restricted to just matters of the environment, and tourism and recreation, but should allow for other possible types of damage that could arise. I am satisfied that the phrase significant adverse effects or impacts is appropriate in the context of this sentence, and that it would be incorrect to add the word unacceptable before it.

23. In light of the above conclusions on the spatial framework and the landscape capacity study, I consider that in the wind turbine proposals section of policy ED9 the references to figures 9a-e, ie the spatial strategy and landscape capacity maps, should be deleted. Additionally, unnecessarily detailed considerations are set out for landscape impact, visual impact, and cumulative landscape and visual impacts, and how they all relate to the landscape capacity study is unclear. I note that other considerations only receive a brief mention, including biodiversity, historic environment, and infrastructure.

24. Scottish Planning Policy (2014) explains that proposals should always take account of spatial frameworks for wind farms (and heat maps), and lists a number of considerations (paragraph 169). These considerations are the most up to date available at this time, and they form a reasonable basis for assessing wind energy proposals and can usefully be referred to in the policy in the wind energy proposals section. They include considerations referred to earlier in the renewable energy developments section of the policy in the proposed plan (for example tourism and recreation, and natural heritage), and other helpful ones which are not specifically referred to such as net economic impact, contribution to renewable energy targets, and effect on greenhouse gas emissions. The appropriate tests to be applied to the considerations when assessing proposals are those set out in the introductory part of the recommended policy.

25. In the consideration relating to landscape and visual impacts, I believe that it is reasonable to mention that the landscape capacity study is only an initial reference point. As this study is just one of the elements to be used in the assessment of proposals, I also believe that it would be appropriate and helpful to refer to other important elements, particularly the landscape and visual impact assessment that would be prepared for a proposal, along with other relevant guidance, for example, that of Scottish Natural Heritage. I am satisfied that there is no basis for restricting the historic environment consideration to national historic assets, and that the natural heritage consideration is a reasonable general reference which should not be restricted to international and national designations, and would adequately cover biodiversity matters. The proposed plan also contains a number of other policies relating to various historic assets, biodiversity, and other matters which could be relevant and helpful in assessing proposals. I consider that the tests proposed in the recommended introductory section of the policy, along with the recommended considerations, and other policies in the proposed plan, establish reasonable principles and guidance for assessing proposals, and can be developed in more detail in supplementary guidance. The additional tests for wind turbine proposals set out in policy ED9 in the proposed plan are unnecessary.

26. Bearing in mind the scale of wind energy proposals, and the locations often sought, I am satisfied that it is reasonable to retain a reference in policy ED9 to requiring developers to demonstrate that they have considered options for minimising their operational impact. However, it is unnecessary to include a detailed reference to the matters that should be addressed because this can be more appropriately dealt with in supplementary guidance.

27. A minor change in wording is required to the second paragraph of the other renewable energy development section of the policy in the proposed plan to reflect that other policies in the local development plan may be relevant to the assessment of proposals than just environmental protection policies. This section of policy ED9 can be acceptably applied to single turbines (along with relevant matters in the recommended introductory and wind energy proposals sections), and is largely a continuation of the renewable energy policies in the adopted 2008 and 2011 (consolidated) local plans. Taking the recommended policy as a whole, a reasonable criteria based approach is, in essence, proposed for assessing other renewable energy developments. Given this, I am not persuaded that it is necessary, or that there is any requirement, to identify and promote specific sites for other renewable energy proposals. This would include a renewable energy park at Easter Langlee, Galashiels which, when the required level of detail has been provided, could be assessed on its merits through the development management process.

28. The text supporting policy ED9 requires changes to reflect those made to policy ED9 and to better accommodate an approach based on the principles of Scottish Planning Policy (2014), including setting out the new method of preparing a spatial framework. The revised text requires to better reflect the findings of the reports on the economic impact of wind energy in the Scottish Borders and on a public survey on attitudes to wind energy. It should also set out the approach to be taken to the landscape capacity and cumulative impact report, and to the landscape and visual guidance on single and small groups of wind turbines in Berwickshire, bearing in mind that landscape and visual impacts should now be assessed as part of a more detailed and exacting development management process. Furthermore, the need for updated supplementary guidance on wind energy and other forms of renewable energy, and the contribution that renewable energy can make to supporting the transformational change to a low carbon economy and to helping increase sustainable economic growth, should be recognised. The targets referred to at paragraph 1.2 of the proposed plan reasonably reflect those in Scottish Planning Policy (2014), and other targets do not need to be included. In the absence of further national guidance on heat requirements, I consider that it is sufficient if the proposed plan indicates the planning authority's support for heat networks, and its intention to take forward work on heat mapping. I believe that it is reasonable if the planning authority progress this matter by explaining its strategy and approach in more detail in the next local development plan. I have recommended (at issue 75) that a general reference to linking energy from waste facilities to heat/power grids and users be included in the supporting text to policy IS10.

29. I support placing immediately after policy ED9 the list of key policies to which it may be cross referenced. Such policies may be relevant in whole or part in the assessment of proposals, and it acts as a helpful, brief checklist for users of the proposed plan. The same approach is also used for all other policies in the plan except policy PMD1 (sustainability). I believe that the inclusion of policies PMD2 (quality standards) and HD3 (protection of residential amenity) in the list of policies is appropriate. The former is a wide ranging policy, applicable to all development, and each section of it contains at least some criteria which could be of relevance in assessing renewable energy proposals. The latter is concerned with protecting residential amenity in general, and also contains criteria that could be relevant in assessing renewable energy proposals. Policy PMD1 is the first policy listed in the proposed plan, and is relevant to every other policy in it, which is made clear both in the policy itself and in the supporting text. As this policy is not mentioned in the list of cross referenced policies for any other policy in the proposed plan, I do not believe that it is necessary to mention it here. I consider the planning authority's approach of highlighting certain key items of guidance with the list of policies, and noting that the list of items is not exhaustive, is reasonable. It would not be practical to identify every item of guidance relevant to assessing wind energy proposals.

30. In the introductory section of the proposed plan (meeting the challenges for the Scottish Borders), key outcome 10 requires to be changed to take account of the requirement in Scottish Planning Policy (2014) to develop an area's full potential for electricity and heat from renewable sources, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations. This would replace the reference in key outcome 10 in the proposed plan to encouraging renewable energy only in sustainable locations, which is more appropriately covered by the reference in key outcome 9 to focussing development on sustainable locations. In the supporting text (paragraph 2.18) to these 2 key outcomes, the promotion of a precautionary approach does not reflect the thrust of national policy and should be deleted. The supporting text also outlines a number of possible impacts arising from commercial renewable energy production that the proposed plan takes into account in

bringing together its policy approach, and community matters should be added to the examples given. It is unnecessary to make specific reference to the role of wind energy in helping achieve climate change. This matter is adequately covered in general terms by the recommended revised text.

31. I do not consider that the foreword of the proposed plan properly reflects the recommended changes to policy ED9 and its supporting text, or the approach in Scottish Planning Policy (2014). The reference to an updated policy on wind energy that seeks to limit development according to landscape capacity requires to be deleted as a consequential change. The foreword should be changed to refer to the updated policy on renewable energy, including wind energy, indicating that it seeks to guide development to appropriate locations.

32. Many of the other changes proposed in representations set out in the schedule 4s, which relate to the wording of policy ED9, its supporting text, and other relevant text, have been overtaken by the need to assess the approach to renewable energy in the proposed plan against Scottish Planning Policy (2014). They raise no matters requiring further changes to the recommended policy and text. The changes proposed by the council in its responses to the schedule 4s also do not require the revision of the policy and text.

33. Nonetheless, a small number of representations still require to be addressed. It is unrealistic to expect the proposed plan to put forward a spatial framework that is contrary to the approach in Scottish Planning Policy (2014), or to define clear thresholds of acceptability for the 3 groups identified in the spatial framework (apart from group [1]), or to make policy ED9 sufficiently comprehensive so that it is unnecessary to look at other parts of the proposed plan. While a reasonable case could be made out for making Oxnam an identified settlement in the proposed plan, the position is less clear for Pleasants and Swinside because of their small size. However, there are implications arising from being identified as a settlement beyond having a community separation distance (not exceeding 2km) applied under group (2) areas of the spatial framework, including the possible provision of opportunities for other types of new development. I also note that, under Scottish Planning Policy (2014), a wind farm may be appropriate in some circumstances in group (2) areas. Given these factors, I consider that the identification of these places as settlements requires further consideration, and I agree with the planning authority that this is best looked at in preparing the next local development plan.

34. There is no need to specifically refer to deep peat in policy ED9 or its supporting text because it, along with priority peatland habitat and carbon rich soils, are all matters that will be included in a spatial framework as areas of significant protection. I am not persuaded that it would be appropriate to distinguish between commercial wind energy proposals and proposals of more local benefit to residents and businesses. I agree with the planning authority that wind energy proposals should all be judged on their own merits. I am not satisfied that a cluster and space approach to on shore wind farm proposals should be referred to in the absence of further detail showing how this approach would operate in the Scottish Borders, and the effect that it would have on the range of opportunities.

35. The changes recommended to policy ED9 and its supporting text mean that the references to bands of turbine heights in the proposed plan have been removed. The bands will still be included in the landscape capacity study and the supplementary planning guidance on landscape and visual guidance for single and groups of 2 or 3 wind turbines in Berwickshire. If the planning authority wishes to persist with using bands of turbine heights, it may wish to consider developing a common set of bands which would be

appropriate for use in different studies and guidance, and take into account that the height of the tallest turbines is likely to continue increasing. I consider that the use of different bands in the landscape capacity study and supplementary planning guidance is unhelpful and likely to be a source of confusion when proposals are being assessed.

36. Wild land as shown in the 2014 Scottish Natural Heritage map is to be included in a spatial framework. If the planning authority decides to identify other areas that it considers have the characteristics of local wild land, they would not be included in the spatial framework. They would be shown instead as areas with potential for wind farm development. The extent to which these areas were wild would then be considered when assessing a proposal at the development management stage. If the protection of those who work outdoors emerges as a relevant issue in a case, it can reasonably be taken into account during the processing of a planning application. There is no need to specifically refer to it in the policy. I see no sound basis in national policy terms which would justify replacing the term renewable energy with affordable renewable energy, or for including in the proposed plan the contention that renewable energy should only be supported where it does not depend on public subsidy. Similarly, there is no sound basis for indicating that interest in renewables is driven by financial incentives.

37. I have taken into account all the other matters drawn to my attention in issue 3, in so far as it relates to renewable energy, and issues 26-42 and 330, but find none that outweigh the considerations on which my conclusions are based.

38. Overall, adjustments are required to policy ED9 and other relevant parts of the proposed plan as set out below.

Reporter’s recommendations:

I recommend that the following modifications be made:

1. On pages 3 of Volume 1 Policies, adjust the third paragraph of the foreword so that it reads:

“In addition, there are important proposed changes to the plan including further emphasis on place making and design, including the promotion of mixed used development; the protection of our key employment areas; the promotion of activity within our town centres; an updated policy on renewable energy, including wind energy, which seeks to guide development to appropriate locations; the identification and protection of key green spaces within settlements; the promotion of green networks around settlements; and the protection of the area’s historic battlefields.”

2. On pages 13-15 of Volume 1 Policies, adjust paragraph 2.18 and key outcome 10 so that they read:

“2.18 Encouraging renewable energy is seen to be a key part of the Government response to climate change, and this supports the emphasis towards a low carbon economy. In the Scottish Borders the main thrust has been through the provision of on shore wind farms. The council has now undertaken work on the potential landscape capacity for wind energy development because of possible adverse and cumulative impacts arising. In bringing together its overall policy approach to commercial renewable energy production, the plan takes into account a range of potential impacts on matters such as landscape, biodiversity, air quality, water quality, soils, and communities. More recently, off shore wind energy has

been marketed by the Scottish Government, and there are other smaller scale energy production sources including solar energy using, for example, photovoltaic panels and hydro schemes...

...Key outcome 10: *The development of the area's full potential for electricity and heat from renewable sources, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations.*"

3. On pages 55-65 of Volume 1 Policies, adjust paragraph 1.1 so that it reads:

"1.1 Interest in renewable energy production has arisen in response to growing concern about the rise in atmospheric levels of carbon dioxide and other greenhouse gases and the change in global climate this could be causing. Burning fossil fuels is a major contributor to greenhouse gas emissions and reducing their use and increasing the proportion of power generated from renewable energy sources is supported by the Government as a vital part of reducing these emissions. *The generation of renewable energy also supports the transformational change to creating a low carbon economy and, furthermore, helps to increase sustainable economic growth.*"

4. On pages, 55-65 of Volume 1 Policies, adjust paragraph 1.2 (to include the deletion of the last sentence) so that it reads:

"1.2 *The aim of the policy is to support renewable energy, to guide development to appropriate locations, and to advise on the factors to be taken into account in considering proposals. The policy takes account of government policy which emphasises the role of local authorities and the planning system in meeting national renewable energy targets.* These targets include: 100% electricity demand equivalent from renewables by 2020; 11% heat demand from renewables by 2020; and 30% overall energy demand from renewables by 2020."

5. On pages, 55-65 of Volume 1 Policies, adjust paragraph 1.3 (to include the deletion of the third sentence) so that it reads:

"1.3 *The policy is supportive of a wide range of renewable energy mechanisms including the development of onshore wind farms and turbines, combined heat and power, biomass, energy from waste facilities, and maximising the reuse of surplus heat micro scale photovoltaic/solar panels.* This includes provision for "micro generation", the production of heat or electricity by individual households or small groups of households. *As part of the review of the policy a report was prepared for the council in March 2013 on the Economic Impact of Wind Energy in the Scottish Borders. Its objectives included confirming the economic benefits of turbines to the area, and considering any potential negative impacts on the local economy. While the report referred to the concerns of some local tourism businesses about the negative effects of wind farms, it highlighted the opportunities that exist for a wide range of local businesses to supply goods and services at the development and construction stages and, in particular, at the operation and maintenance phase of such developments.*

6. On pages 55-65 of Volume 1 Policies, adjust paragraph 1.4 so that it reads:

"1.4 The council promotes and supports its Low Carbon Economic Strategy which develops a series of key themes and objectives suggesting priority actions which will lead to a resilient, lower carbon future for the area. *The council supports the development of*

heat networks and the effective use of renewables, and intends to take forward work on heat mapping.”

7. On pages 55-65 of Volume 1 Policies, adjust paragraph 1.5 so that it reads:

“1.5 Planning applications for wind turbines can be contentious, and there are very strong and differing opinions on them. The council has followed national advice in determining applications by supporting turbines in locations considered appropriate, and refusing them in locations considered inappropriate. A report was prepared for the council in December 2012 on a Public Survey on Attitudes to Wind Energy. The survey found, amongst other things, that there are residents in the Borders who feel very strongly against wind turbines, but that there are a greater number who either support their development or who are fairly ambivalent to them, and that more would agree than disagree that the council should take an active role in encouraging them. It also found that those who were opposed to the building of wind farms were most likely to be strongly opposed, and in general this tended to be when it comes to the proposal being built in the vicinity of their home.

8. On pages 55-65 of Volume 1 Policies, adjust paragraph 1.6 so that it reads:

“1.6 Another report relevant to the consideration of wind turbines, was prepared for the council in March 2013 on Landscape Capacity and Cumulative Impact. It is based on an assessment of landscape sensitivity and value of the different landscape character types and areas in the Borders. The report is a strategic level study, contains an assessment of a broad range of landscape constraints, and provides an initial reference point for the consideration of potential capacity for, and the cumulative effects of, existing and possible future wind turbine developments. No site specific conclusions should be drawn from the report in relation to currently proposed or possible future wind turbines and wind farms. Proposals for wind turbines should demonstrate that they can be satisfactorily accommodated in the landscape, and they should properly address the issues raised in the report.

9. On pages 55-65 of Volume 1 Policies, delete paragraphs 1.7 to 1.10, and insert:

“1.7 A spatial framework for onshore wind farms helps to guide development to appropriate locations, taking into account important features. The 2010 Scottish Planning Policy requirements for a spatial framework have been superseded by the terms of Scottish Planning Policy (2014). The council’s spatial framework (strategy) for onshore wind farms does not comply with the new policy. The new approach of Scottish Planning Policy (2014) to the preparation of a spatial framework is based on 3 groups – (1) areas where wind farms will not be acceptable, (2) areas of significant protection where wind farms may be appropriate in some circumstances, and (3) areas beyond groups (1) and (2) where wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria. The areas where cumulative impact limits further development and landscape capacity considerations are not included in a spatial framework, but National Scenic Areas are included as group (1) areas, and other national and international designations (eg Natura 2000 and Ramsar sites, and Sites of Special Scientific Interest), nationally important mapped environmental interests (for example, areas of wild land as shown on the 2014 Scottish Natural Heritage map of wild land areas), and community separation distances are all group (2) areas. A spatial framework requires to indicate the minimum scale of onshore wind development that it applies to.

1.8 Scottish Planning Policy (2014) indicates that the spatial framework is to be

complemented by a more detailed and exacting development management process where the merits of an individual proposal will be carefully considered against the full range of environmental, community, and cumulative impacts. The context set by the March 2013 report on Landscape Capacity and Cumulative Impact, the landscape and visual impact assessment for a proposal, and other relevant landscape, visual and cumulative impact guidance, for example that produced by Scottish Natural Heritage, will be taken into account at this stage.

1.9 The council prepared Supplementary Planning Guidance on Wind Energy in May 2011. It is now out of date, and the council will revise its terms. It will be updated as Supplementary Guidance, and will consider other forms of renewable energy as well as wind energy. The Supplementary Guidance will provide further detailed information and guidance for development proposals, taking into account, and properly reflecting, Scottish Planning Policy (2014). This shall be prepared and submitted to Ministers within 12 months of adoption of the plan.

1.10 The council also prepared Supplementary Planning Guidance in December 2013, titled Landscape and Visual Guidance for Single and Groups of 2 or 3 Wind Turbines in Berwickshire. This sets out detailed advice on the siting of development, and will be taken into account in the consideration of planning applications, along with any landscape and visual impact assessment for a proposal, and other relevant landscape, visual and cumulative impact guidance. It is also potentially relevant to the whole of the Borders as it could be developed as a model for supplementary guidance in other areas, if necessary. The guidance requires updating to properly reflect Scottish Planning Policy (2014).

1.11 Policy ED9 sets out the council's overall approach to proposals for renewable energy developments, including wind energy proposals."

10. On pages 55-65 Volume 1 Policies, delete figures ED9a to ED9e (ie the Wind Energy Supplementary Planning Guidance Spatial Strategy [ED9a], Wind Turbine Development Opportunities and Constraints [ED9b], Inherent Landscape Capacity Medium [25m-50m] [ED9c], Inherent Landscape Capacity Large [50m-100m] [ED9d], Inherent Landscape Capacity Very Large [>100m] [ED9e])

11. On pages 55-65 Volume 1 Policies, adjust policy ED9: Renewable Energy Development, so that it reads:

"Policy ED9: Renewable Energy Development

RENEWABLE ENERGY DEVELOPMENTS

The council will support proposals for both large scale and community scale renewable energy development including commercial wind farms, single or limited scale wind turbines, biomass, hydropower, biofuel technology, and solar power where they can be accommodated without unacceptable significant adverse impacts or effects, giving due regard to relevant environmental, community and cumulative impact considerations.

The assessment of applications for renewable energy developments will be based on the principles set out in Scottish Planning Policy (2014), in particular, for onshore wind developments, the terms of Table 1: Spatial Frameworks. Renewable energy developments, including wind energy proposals, will be approved provided that there are no relevant unacceptable significant adverse impacts or effects that cannot be satisfactorily

mitigated. If there are judged to be relevant significant adverse impacts or effects that cannot be satisfactorily mitigated, the development will only be approved if the council is satisfied that the wider economic, environmental and other benefits of the proposal outweigh the potential damage arising from it.

SUPPLEMENTARY GUIDANCE

The council will produce statutory Supplementary Guidance on wind energy and renewable energy. This shall be submitted to Ministers within 12 months of adoption of the plan. The guidance will accord with Scottish Planning Policy (2014), and will set out the detailed policy considerations against which all proposals for wind energy and other forms of renewable energy will be assessed, based on those considerations set out at paragraph 169. The guidance on wind energy will contain the onshore spatial framework as required by Scottish Planning Policy (2014), identifying areas where wind farms will not be acceptable, areas of significant protection, and areas with potential for wind farm development, and indicating the minimum scale of onshore wind development that the framework applies to.

The council will produce statutory Supplementary Guidance to update the landscape and visual guidance for single and groups of 2 or 3 wind turbines in Berwickshire so that it accords with Scottish Planning Policy (2014).

CONSIDERATION OF WIND ENERGY PROPOSALS

The assessment of wind energy proposals will include the following considerations:

- the onshore spatial framework which identifies those areas that are likely to be most appropriate for onshore wind turbines;*
- landscape and visual impacts, to include effects on wild land, and taking into account the report on Landscape Capacity and Cumulative Impact (March 2013) as an initial reference point, the landscape and visual impact assessment for a proposal (which should demonstrate that it can be satisfactorily accommodated in the landscape, and should properly address the issues raised in the 2013 report), and other relevant landscape, visual and cumulative impact guidance, for example that produced by Scottish Natural Heritage;*
- all cumulative impacts, including cumulative landscape and visual impact, recognising that in some areas the cumulative impact of existing and consented development may limit the capacity for further development;*
- impacts on communities and individual dwellings (including visual impact, residential amenity, noise and shadow flicker);*
- impacts on carbon rich soils (using the carbon calculator), public access, the historic environment (including scheduled monuments and listed buildings, and their settings), tourism and recreation, aviation and defence interests and seismological recording, telecommunications and broadcasting installations, and adjacent trunk roads and road traffic;*
- effects on the natural heritage (including birds), and hydrology, the water environment and flood risk;*
- opportunities for energy storage;*
- net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;*
- the scale of contribution to renewable energy generation targets, and the effect on greenhouse emissions;*
- the need for conditions relating to the decommissioning of developments, including*

ancillary infrastructure, and site restoration; and
- the need for a robust planning obligation to ensure that operators achieve site restoration.

Developers must demonstrate that they have considered options for minimising the operational impact of wind turbine proposals, including ancillary development such as tracks.

CONSIDERATION OF OTHER RENEWABLE ENERGY DEVELOPMENTS

Small scale or domestic renewable energy developments including community schemes, single turbines and micro-scale photovoltaic/solar panels will be encouraged where they can be satisfactorily accommodated into their surroundings in accordance with the protection of residential amenity and the historic and natural environment.

Renewable technologies that require a countryside location such as the development of bio fuels, short crop rotation coppice, “biomass” or small scale hydro-power will be assessed against the relevant environmental protection and promotion policies, and other relevant policies in the local development plan.

Waste to energy schemes involving human, farm and domestic waste will be assessed against Policy IS10 Waste Management Facilities.”

Issue 027	Policy ED9: Renewable Energy Development Policy Maps	
Development plan reference:	Policy ED9: Renewable Energy Development Policy Maps (pages 57 – 61)	Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>423 Southdean CC 447 Lilliesleaf, Ashkirk & Midlem CC 286 RES 462 Cranshaws, Ellemford & Longformacus CC 135 Midlothian Council 463 Coriolis 446 Wind Energy (Earlshaugh) Ltd 435 West Coast Energy</p>	<p>428 Fred Olsen 492 EDF 432 Infinis 391 Mountaineering Council for Scotland 186 Minto Hills Conservation Group 441 Burncastle Farming Ltd 283 Banks Renewables Ltd 458 2020 Renewables 452 Oxnam Water CC (1 of 2 and 2 of 2)</p>	
Provision of the development plan to which the issue relates:	Policy ED9 : Renewable Energy Development Policy Maps	
Planning authority's summary of the representation(s):		
<p><u>Policy Maps – General</u></p> <p><u>423 Southdean CC</u></p> <p>CC welcomes the publication of a map which gives a clear guidance where developers should consider applications and to what scale.</p> <p>CC does query the wider range of areas which have capacity of up to 50 metres high, but is very supportive of the limited capacity locally for very large turbines</p> <p><u>447 Lilliesleaf, Ashkirk & Midlem CC</u></p> <p>The maps are difficult to read and understand since they lack reference points such as key towns, and the scale is too small</p> <p><u>286 RES</u></p> <p>Scottish Planning Policy (SPP) states that planning authorities should set out in their development plan a spatial framework for onshore wind farms of over 20MW generating capacity, but may incorporate those of less than 20MW if considered appropriate. It is recognised that Policy ED9 contains the Council's Spatial Framework in the form of Figure ED9a, as explained within paragraph 1.7 of the policy justification. The inclusion of Figures ED9b-ED9e relating to Wind Turbine Development Capacity Opportunities and Constraints and Landscape Capacity for three separate turbine typologies (height banding) is particularly confusing. Such figures do not merit inclusion in the LDP as a policy consideration, but in accordance with the aforementioned Circular, if considered relevant, could be included within Supplementary Guidance as further guidance to Policy ED9</p>		

There is an inconsistency and inappropriateness of the three maps with landscape capacity and height typology. Map ED9c confirms most of the Scottish Borders has only a low capacity to accommodate a turbine up to 50m high, conversely the other two maps ED9d & e indicate that in certain defined areas within the same landscape character designations turbines of up to 100m high and over 100m high would be acceptable. It would seem to suggest that in some landscape character types much taller structures are more acceptable than lower ones. This is very unlikely to be true, if a landscape can accommodate a very tall structure without it being overdominant, surely it can similarly accommodate lower structures with potentially lesser prominence within the landscape. The Council's reliance on height typology and landscape character as a basis for this policy is therefore indefensible

The reliance of turbine height banding in isolation as an indicator of acceptability for a landscape to accommodate development in policy terms, is not justified in terms of SPP guidance. Other factors such as scale, design and the particular topography of an area would require equal consideration.

RES would reiterate their objection in response to the Council's consultation on their Supplementary Planning Guidance and Spatial Strategy in that the spatial strategy is overly restrictive, specifically in relation to buffers and set back distances applied to both international and national designations and roads respectively. The application of such zones within Areas for Significant Protection (Constraint as referred to by the Council) are discouraged within paragraph 190 of SPP

RES strongly object to the inclusion of Figures ED9b, ED9c, ED9d and ED9e within Policy ED9 and request that these are omitted. In accordance with SPP a single figure relating to a spatial framework should be included within the LDP, but based purely on the criteria as advised by SPP and the Government's online guidance for the preparation of such frameworks. Accordingly all buffers around national and international landuse designations and those around main transport corridors should be removed from the proposed spatial strategy to make it consistent with national planning policy guidance

462 Cranshaws, Ellemford & Longformacus CC

We have concerns at the tensions between areas identified as ones where cumulative impact limits development also being identified as areas with highest capacity? This is particularly relevant to this Community Council Area and the Lammermuir Hills SLA. Inconsistencies in Figs ED9a – e remain. Eg ED9b suggest large areas of the Lammermuir Hills SLA has highest capacity whilst also recognising that those areas are where cumulative impact limits development. ED9e showing a medium capacity for very large turbines in the same area just adds to this tension. We would like to see areas identified where capacity had been reached or almost reached. It is clear that significant areas of the Lammermuirs are now at, or beyond, their capacity to accept additional development in landscape, visual and often cumulative terms. This should be recognised.

135 Midlothian Council

The principle of directing wind energy proposals to those locations where they are most appropriate and can be successfully accommodated in the landscape is supported. However, some amendments to the Plan would assist in protecting the landscape of Midlothian:

Suggested response to Proposed SBC LDP:

Representation: The area of search for wind energy as identified in Figure ED9a of the Proposed Plan on Midlothian's southern boundary should be deleted.

Reason: It is considered this deletion would better reflect the landscape capacity for turbine development as identified in Figures ED9 b-e in the Proposed SBC LDP.

Representation: The hatching on Figure ED9b showing "Areas where cumulative impacts limit development" should be extended to include the Moorfoot Hills on the Midlothian/Scottish Borders boundary, up to and including Bowbeat wind farm and the area surrounding it. Most of this land is identified on Figure ED9b as having no capacity for turbines.

Reason: It is considered that further development in this location would increase the potential for negative cumulative impacts in this area, given the existence of turbines at Bowbeat, Carcant, Toddleburn and Dun Law. In addition, Figures ED9b-ED9e indicate there is very limited landscape capacity in this area to successfully accommodate wind turbines without adverse environmental impact.

Representation: The issues of, and potential for, cumulative impact and skylining from turbines located in the Moorfoot Hills should be raised in the SBC LDP as potential issues to be considered in the preparation and assessment of planning applications.

Reason: There may be potential for cumulative impact, including "skylining", on Midlothian from larger turbines in this area. It is considered that the SBC LDP should raise this as an issue of concern which proposals should take into account and overcome, where relevant and possible. Cumulative impact may result from the existing turbines located to the west, north and east of this location

463 Coriolis

The spatial framework makes no concession for the fact that Scottish Government renewable energy and carbon emission targets and spatial policy for broad areas of search need to be taken into consideration, as directed by national guidance. There is no allowance within the spatial framework, or compromise offered, in terms of the areas identified as having low or no capacity, which might be suitable for further wind energy development in the context of national policy and targets

446 Wind Energy (Earlshaugh) Ltd

The document prepared by Scottish Borders Council identifying the changes from the consolidated Local Plan 2011 to the Proposed Local Development Plan 2013 advises that the change from D4 to ED9 is a revision to policy on wind energy that identifies landscape capacity as a primary consideration. It is therefore difficult to understand why the spatial strategy takes no cognisance of all landscape capacity considerations. It is submitted that the spatial strategy should have regard to landscape capacity as one of a number of issues, including ecology and ornithology, relating to potential constraints.

Figures ED9b-e must be made available in GIS form to allow developers access to the information they contain and to define the boundaries of the areas of capacity and understand the reasons for the capacity designations. It is considered that these figures should not define areas of no capacity. It is submitted that it would be more appropriate to refer to areas that potentially have no capacity. The weight to be attached to these figures in the decision making process should be limited given the lack of consultation in respect of the Landscape Capacity and Cumulative Impact Study.

435 West Coast Energy

WCE understands that the Spatial Strategy had not attempted to consider landscape character and cumulative effects in the detailed way that the Ironside Farrar work has, but it results in a confusing message for developers and the public. WCE recommends that as part of the LDP drafting process a combined Spatial Plan figure is produced that aims to fuse the fairly simple GIS approach of the existing Spatial Strategy with the more subjective landscape based approach from Ironside Farrar. There is little point in the landscape driven work of Ironside Farrar identifying development potential across, for instance, a Natura designation without the Spatial Plan aiming to rationalise such contradictions. The aim should be to deliver what is sought in SPP i.e. clear spatial plans to guide development. WCE would also recommend that the aim of such a new overall Spatial Plan should be that realistic development opportunities are identified, in keeping with SPP ambitions for all local authorities to contribute to renewable energy generation targets. If SBC consider they cannot prepare a composite Spatial Plan as part of the LDP process then WCE recommends the linkage to the Ironside Farrar figures is removed in the policy as the implications of trying to combine the existing (unsatisfactory) Spatial Strategy with the Ironside Farrar work has not been adequately considered, i.e. remove the "General" section from the policy altogether and retain only the existing Spatial Strategy.

428 Fred Olsen

Whilst we have reservations regarding lack of opportunity for public scrutiny of the Ironside Farrar landscape capacity study, we welcome that a landscape capacity study has been utilised for the identification of sites suitable for wind turbines, as illustrated in Figure ED9c, ED9d and ED9e of the draft local development plan. We consider this to be an advance from the SPG, albeit that the criteria applied are overly restrictive to further development, particularly in certain areas

492 EDF and 432 Infinis

Within the PLDP Figure ED9B sits alongside ED9A 'wind energy SPG spatial strategy'. The two Figures provide very different spatial guidance for wind energy development and in some areas are contradictory to one another. The PLDP does not provide any explanation as to which Figure would take precedence in the assessment of development proposals. This on its own does not provide a clear Spatial Framework for wind energy development to guide developers or investors. It is recommended that a clearer position must be presented within the LDP on how the existing SPG for wind energy development will be integrated within the Development Plan and subsequent Supplementary Guidance.

391 Mountaineering Council of Scotland

Figures ED9a, especially, and ED9b are unhelpfully confusing. The relationship with Figures ED9c-ED9e appears inconsistent. In particular the Broad Law-Hartfell area is split between significant and moderate constraint in Figure ED9a but there is no matching split on any of the other Figures. We support the clear spatial strategy set out in Figures ED9c-ED9e and suggest redrafting of Figures ED9a and ED9b to be consistent with them

We support the proposed supplementary guidance.

We welcome the exclusion of the Broad Law-Hartfell area, Cheviot-Carter Bar border ridge and Pentland Hills from suitability for >50m blade-tip turbines. Smaller turbines are not

only less visually intrusive, provided they are well sited, but are also easier to remove with less long-term damage to local landscapes and ecology

186 Minto Hills Conservation Group

Figs ED9b-e have poor correspondence between the colours used in the maps and those in the keys. For example, the colour used in Fig ED9b for the area around Midlem appears to fall between 'Areas with Very Limited Capacity' and Areas with No Capacity

It is hard to understand the correspondence between Figs ED9c-e. For example, in Fig ED9c the area south west of the words 'Central Southern Uplands' is coded as Low Capacity for Medium turbines, but in Fig ED9d it is coded as having Medium Capacity for Large turbines. How can it have greater capacity for large than for medium turbines?

441 Burncastle Farming Ltd

Respondent would wish to see spatial guidance that focuses on the precise definition and justification for areas to be afforded absolute protection from the side effects of renewable energy proposals.

Policy Map ED9a

428 Fred Olsen

The “*spatial strategy*” (Fig ED9a) identifies constraints to be considered, giving levels of protection to landscape designations and identifying where cumulative impact is an issue to be addressed.” The spatial strategy does not appear to have been produced in line with SPP methodology. Firstly, the terminology is inconsistent with SPP and creates confusion; “*Areas of significant constraint*” should read “*Areas of significant protection*”, “*Areas of moderate constraint*” should read “*Areas of potential constraint*”.

Secondly, it appears that local valued “*iconic viewpoints*” have informed these areas which, if the case, is not compliant with SPP. SPP paragraph 139 states that “*The level of protection given to local designations through the development plan should not be as high as the level of protection given to international or national designations.*”

We have a concern regarding the use of the ED9a within the development plan. As it is not supported by SPP and appears to conflict with the other figures (e.g. ED9c, d & e), we consider that this results in confusion. Perhaps better just to make reference to the SPG and take the figure ED9a out.

446 Wind Energy (Earlshaugh) Ltd

Given concerns expressed in respect of the use of the 2011 SPG, and the focus of policy ED9 on landscape capacity, it is submitted that figure ED9a should be removed from the document

Policy Map ED9b

283 Banks Renewables

With specific reference to Figure ED9b we strongly suggest that the title is misleading. It is

titled 'Wind Turbine Development Opportunities and Constraints'. This suggests that constraints to wind energy have been factored into the foundation of the plan however they have not

286 RES

The development constraints take no cognisance of wind speeds. The inclusion of Figure ED9b is particularly confusing as it indicates areas of turbine development opportunity and constraints, but on the map and key, references capacity levels. It takes no cognisance of matters such as special national, or international landuse designations.

Policy Maps in relation to specific sites

458 2020 Renewables

In relation to the site our client is currently pursuing through the Section 36 process to the west of Fruid Reservoir at Whitelaw Brae, whilst we are aware that application-specific representations are unwarranted we have applied the spatial strategy and contents of supplementary guidance to our client's site, and the results are confused given conflicting policy advice. We feel that the spatial strategies within the Proposed Plan are inconsistent and do not take full cognisance of the supplementary guidance, and as such we do not believe that the spatial strategy contained within the main Proposed Plan accurately reflects the landscape capacity potential identified by Ironside Farrar. As a consequence, the overall guidance is unduly restrictive to wind energy developments in landscape and visual terms.

452 Oxnam Water CC (2 of 2)

The 'Wind SPG Spatial Strategy April 2013' clearly recognised the existence of Oxnam, Pleasants and Swinside as villages. As a result an area of protection denoted by dark blue colouring ("Moderate constraints (Higher)") surrounded these villages. On Figure ED9a of the proposed LDP the dark blue colouring ("Moderate constraints (Higher)") formerly surrounding/near Oxnam, Pleasants and Swinside has been removed, and they are now included within "Areas of search" (yellow colouring). This indicates that these villages are no longer identified in the proposed LDP and therefore no protection (in terms of a separation distance) has been shown on Figure ED9a.

Representation: Consideration should be given to reinstating on Figure ED9a of the proposed LDP the relevant blue colouring evident on the 'Wind SPG Spatial Strategy April 2013' to indicate that this area of the Oxnam Water CC ward is in an "Areas of moderate constraint", as opposed to being in an "Areas of search".

This is of particular importance because the Ironside Farrar study also fails to recognise the settlements of Oxnam, Pleasants and Swinside as receptors for the purpose of its visibility analysis as, again, it appears to use only those settlements (for which profiles with maps have been prepared) included in Volume 2 of the proposed LDP. Presumably residential receptors have been significantly understated in the resulting mapping, leading to the misguided assessment that an area of land centred over the village of Oxnam itself (and indicated by a yellow 'lozenge' on Figure ED9d) has a low capacity for large turbines up to 100m in small/small-medium groups.

Representation: We request firstly, that the highlighted yellow 'lozenge' on Figure ED9d of

the proposed LDP and the supporting text and tabular commentary which indicate a low inherent landscape capacity for large (50m - 100m) wind turbines in a small part of 8(i) Oxnam LCA be removed (they appear to be based upon an error of fact regarding settlement data), and secondly, that the yellow shading on Figure ED9c of the proposed LDP indicating low inherent landscape capacity for medium (25m - 50m) wind turbines in 8(i) Oxnam LCA and 7 Falla Group LCA be reviewed in the light of the above comments regarding settlement data.

452 Oxnam Water CC (1 of 2)

CC concerned that Figure ED9d/Figure 6.1d indicate that an area within Oxnam LCA has a low capacity for large (50m – 100m) wind turbines.

Any large turbine within the Oxnam LCA would be clearly visible from both the Carter Bar and Penine Way

186 Minto Hills Conservation Group

Given that the area around Midlem is shown as having only Low Capacity for even Medium turbines (ED9c), how can it be regarded in ED9a as falling in an 'Area of Search'? In the light of the Ironside Farrar work (ED9c-e), is not ED9a redundant?

Modifications sought by those submitting representations:

447 Lilliesleaf, Ashkirk & Midlem CC

The maps should provide reference points such as key towns, and the scale is too small

286 RES

Figures ED9b-ED9e relating to Wind Turbine Development Capacity Opportunities and Constraints and Landscape Capacity for three separate turbine typologies (height banding) should be removed.

All buffers around national and international landuse designations and those around main transport corridors should be removed from the proposed spatial strategy to make it consistent with national planning policy guidance

462 Cranshaws, Ellemford & Longformacus CC

Concerns at the tensions between areas identified as ones where cumulative impact limits development also being identified as areas with highest capacity? This is particularly relevant to this Community Council Area and the Lammermuir Hills SLA. Inconsistencies in Figs ED9a – e remain e.g. ED9b suggest large areas of the Lammermuir Hills SLA has highest capacity whilst also recognising that those areas are where cumulative impact limits development. ED9e showing a medium capacity for very large turbines in the same area just adds to this tension. We would like to see areas identified where capacity had been reached or almost reached. It is clear that significant areas of the Lammermuirs are now at, or beyond, their capacity to accept additional development in landscape, visual and often cumulative terms. This should be recognised.

135 Midlothian Council

The area of search for wind energy as identified in Figure ED9a of the Proposed Plan on Midlothian's southern boundary should be deleted.

The hatching on Figure ED9b showing "Areas where cumulative impacts limit development" should be extended to include the Moorfoot Hills on the Midlothian/ Scottish Borders boundary, up to and including Bowbeat wind farm and the area surrounding it. Most of this land is identified on Figure ED9b as having no capacity for turbines.

The issues of, and potential for, cumulative impact and skylining from turbines located in the Moorfoot Hills should be raised in the SBC LDP as potential issues to be considered in the preparation and assessment of planning applications.

463 Coriolis

The spatial framework makes no concession for the fact that Scottish Government renewable energy and carbon emission targets and spatial policy for broad areas of search need to be taken into consideration. There is no allowance within the spatial framework, or compromise offered, in terms of the areas identified as having low or no capacity, which might be suitable for further wind energy development in the context of national policy and targets.

446 Wind Energy (Earlshaugh) Ltd

It is submitted that the spatial strategy should have regard to landscape capacity as one of a number of issues, including ecology and ornithology, relating to potential constraints.

Figures ED9b-e must be made available in GIS form to allow developers access to the information they contain and to define the boundaries of the areas of capacity and understand the reasons for the capacity designations. It is considered that these figures should not define areas of no capacity. It is submitted that it would be more appropriate to refer to areas that potentially have no capacity. The weight to be attached to these figures in the decision making process should be limited given the lack of consultation in respect of the Landscape Capacity and Cumulative Impact Study.

Figure ED9a should be removed from the document.

435 West Coast Energy

WCE recommends that as part of the LDP drafting process a combined Spatial Plan figure is produced that aims to fuse the fairly simple GIS approach of the existing Spatial Strategy with the more subjective landscape based approach from Ironside Farrar. The aim should be to deliver what is sought in SPP i.e. clear spatial plans to guide development. WCE would also recommend that the aim of such a new overall Spatial Plan should be that realistic development opportunities are identified, in keeping with SPP ambitions for all local authorities to contribute to renewable energy generation targets. If SBC consider they cannot prepare a composite Spatial Plan as part of the LDP process then WCE recommends the linkage to the Ironside Farrar figures is removed in the policy as the implications of trying to combine the existing (unsatisfactory) Spatial Strategy with the Ironside Farrar work has not been adequately considered, i.e. remove the "General" section from the policy altogether and retain only the existing Spatial Strategy.

492 EDF and 432 Infinis

It is recommended that a clearer position must be presented within the LDP on how the existing SPG for wind energy development will be integrated within the Development Plan and subsequent Supplementary Guidance.

391 Mountaineering Council of Scotland

Figures ED9a, especially, and ED9b are unhelpfully confusing. The relationship with Figures ED9c-ED9e appears inconsistent. In particular the Broad Law-Hartfell area is split between significant and moderate constraint in Figure ED9a but there is no matching split on any of the other Figures. We support the clear spatial strategy set out in Figures ED9c-ED9e and suggest redrafting of Figures ED9a and ED9b to be consistent with them

186 Minto Hills Conservation Group

Figs ED9b-e have poor correspondence between the colours used in the maps and those in the keys. For example, the colour used in Fig ED9b for the area around Midlem appears to fall between 'Areas with Very Limited Capacity' and Areas with No Capacity

It is hard to understand the correspondence between Figs ED9c-e.

441 Burncastle Farming Ltd

Respondent would wish to see spatial guidance that focuses on the precise definition and justification for areas to be afforded absolute protection from the side effects of renewable energy proposals.

Policy Map ED9a428 Fred Olsen

The spatial strategy (fig ED9a) does not appear to have been produced in line with SPP methodology. Firstly, the terminology is inconsistent with SPP and creates confusion; "*Areas of significant constraint*" should read "*Areas of significant protection*", "*Areas of moderate constraint*" should read "*Areas of potential constraint*".

Secondly, it appears that local valued "*iconic viewpoints*" have informed these areas which, if the case, is not compliant with SPP. SPP paragraph 139 states that "*The level of protection given to local designations through the development plan should not be as high as the level of protection given to international or national designations.*"

Figure ED9a should be removed from the Plan.

446 Wind Energy (Earlshaugh) Ltd - Figure ED9a should be removed from the documentPolicy Map ED9b283 Banks Renewables

With specific reference to Figure ED9b we strongly suggest that the title is misleading and should be amended.

286 RES

The inclusion of Figure ED9b is confusing as it indicates areas of turbine development opportunity and constraints, but on the map and key, references capacity levels. It takes no cognisance of matters such as special national, or international land use designations or wind speeds.

Policy Maps in relation to specific sites

458 2020 Renewables

The spatial strategies within the Proposed Plan are inconsistent and do not take full cognisance of the supplementary guidance, and as such we do not believe that the spatial strategy contained within the main Proposed Plan accurately reflects the landscape capacity potential identified by Ironside Farrar.

452 Oxnam Water CC

Consideration should be given to reinstating on Figure ED9a of the proposed LDP the relevant blue colouring evident on the 'Wind SPG Spatial Strategy April 2013' to indicate that this area of the Oxnam Water CC ward is in an "Areas of moderate constraint", as opposed to being in an "Areas of search".

We request firstly, that the highlighted yellow 'lozenge' on Figure ED9d of the proposed LDP and the supporting text and tabular commentary which indicate a low inherent landscape capacity for large (50m - 100m) wind turbines in a small part of 8(i) Oxnam LCA be removed (they appear to be based upon an error of fact regarding settlement data), and secondly, that the yellow shading on Figure ED9c of the proposed LDP indicating low inherent landscape capacity for medium (25m - 50m) wind turbines in 8(i) Oxnam LCA and 7 Falla Group LCA be reviewed in the light of the above comments regarding settlement data.

186 Minto Hills Conservation Group

Given that the area around Midlem is shown as having only Low Capacity for even Medium turbines (ED9c), how can it be regarded in ED9a as falling in an 'Area of Search'? In the light of the Ironside Farrar work (ED9c-e), is not ED9a redundant?

Summary of responses (including reasons) by planning authority:

CHANGE TITLE OF POLICY MAP ED9B TO "LANDSCAPE CAPACITY: WIND TURBINE DEVELOPMENT OPPORTUNITIES AND CONSTRAINTS". THIS IS CONSIDERED TO BE A NON-SIGNIFICANT TEXT CHANGE TO THE COUNCIL

REASONS

Policy Maps – General

423 Southdean CC

Support of the map noted

The maps identifying areas where turbines over 50m in height were prepared via the findings of the Ironside Farrar study and the Council agrees with the outputs.

447 Lilliesleaf, Ashkirk & Midlem CC

If the maps were prepared with too much base map information they would be difficult to read. The electronic maps can be zoomed into and it is considered they are fit for purpose

286 RES

It is considered that the policy maps ED9b - e are most useful guidance for any interested party which indicate where turbine typologies could be supported within the Scottish Borders. All the issues identified on the policy maps will be raised for addressing at the planning application stage and it is considered good planning practice to make any interested party aware of these at the outset. It is considered this is consistent with promoting a Plan led approach as clearly stated in SPP 2010 (Core Document 024 para 7), and the consultation draft SPP 2013 makes reference to the consideration of "landscape capacity or similar studies" (Core Document 025 para 187).

(* see footnote)

It is agreed that if it is considered that land is suitable for larger scale turbines it is likely the land will also be suitable for smaller scale turbines. However, these landscapes are generally remote, and the reality is that in these areas proposals for smaller scale single turbines are more unlikely to be submitted. Larger turbines in larger numbers are likely to be more appropriate in the largest scale upland areas whereas smaller turbines would be more appropriately accommodated in smaller numbers in lesser scale more complex landscapes. The siting of too many smaller turbines in the larger scale landscape could also be considered a waste of capacity, possibly blocking potential for larger turbines.

It is not suggested by the Council that the banding of turbine typologies is the sole consideration for turbines and a range of other issues identified in the policy need to be addressed as is clearly laid out within policy ED9.

In terms of the Council's Supplementary Planning Guidance and spatial strategy it is contended that they do comply with SPP 2010 (Core Document 055 appendix 2). There are no buffer areas around international or national designations. SPP 2010 refers to the consideration of cumulative impact and the areas identified around roads relate to sequential cumulative impact. The SPG does require to be updated as Supplementary Guidance following the Local Plan adoption, the findings of the Examination and the new SPP. The Guidance will be subject to public consultation.

It is considered that figures ED9b – e have a useful role in their own rights to give guidance on landscape capacity and cumulative impact issues to the Development Management process should remain within the Plan. The consultative draft SPP 2013 makes reference to the consideration of "landscape capacity or similar studies" (Core Document 025 para 187) and therefore it is considered their inclusion in the preparation of policy ED9 is justified. The buffer areas referred to are not show stoppers within the spatial strategy (Fig ED9a), only identifying what are considered to be sensitive receptors which any planning application should take cognisance of with consequent consideration to mitigation measures where required.

(* see footnote)

462 Cranshaws, Ellemford & Longformacus CC

The policy maps ED9c-e identify opportunities for turbine typologies across the Scottish Borders. In some locations a high capacity is identified due to the nature of the landscape. This includes parts of the Lammermuir Hills. However, as a result of the high number of approvals within parts of this area figure ED9b shows that cumulative impact is an issue which must be addressed (page 58). It is considered difficult to categorically state that no more turbines within, for example, the Lammermuir Hills could be allowed, as there may remain opportunities for some small scale extensions in some areas which would be addressed following the submission of more detailed plans at the application stage.

135 Midlothian CC

Support of directing turbines where they are most appropriate is noted.

Figure ED9a is an update of the spatial strategy map within the Councils SPG on wind energy 2011 which effectively gives weighting and protection to layers of constraints as required by SPP 2010 (Core Document 024 para 190). This map must therefore be included within the Plan. However, the areas of search do not give consideration to landscape capacity considerations which is covered by figures ED9b-e. Figures ED9a-e have different functions and should be referred to individually where relevant. These figures give useful guidance to the Development Management process (* see footnote)

The cumulative impact layer on figure ED9a does not extend over the land in question in the Moorfoot Hills on the Midlothian / Scottish Borders boundary as it is not considered this would be a major constraint in this location, although the majority of the land in question is identified as having no capacity for turbines from a landscape capacity point of view.

It is considered that policy maps ED9a-e and the policy text sufficiently cover relevant issues to be addressed including a reference to skyline issues within the Visual Impact part of the policy (page 63). The policy is general for consideration of all parts of the Scottish Borders and does not single out any specific area for further reference. Should any applications be submitted for turbines within the area in question then Midlothian Council would be formally consulted.

463 Coriolis

It is considered the introductory text to policy ED9 gives a clear indication as to the national renewable energy targets and that the Council will support renewable energy development (para 1.2). The wind energy maps in policy ED9 do clearly identify areas of search and opportunities for wind turbine proposals. Although the policy clearly identifies areas where turbines can be supported and the Council will continue to support turbines in appropriate locations, national guidance does not infer that support of wind energy target is the sole consideration. Other matters must be considered and the Council is correct to identify areas where it considers they are not appropriate.

446 Wind Energy (Earlshaugh) Ltd

The spatial strategy has been prepared by means of identifying constraints as laid out in SPP 2010, giving them levels of protection and consequently identifying areas of search. The spatial strategy does not consider landscape capacity which is an extremely important

issue to be considered. This has been addressed via the Ironside Farrar study on Landscape Capacity and Cumulative Impact from where maps ED9b-e have been sourced. The spatial strategy map ED9a does take cognisance of ecology and ornithology issues (Core Document 055 appendix 8).

(* see footnote)

The Council's SPG on Wind Energy (Core Document 066) has prepared a spatial strategy which takes cognisance of all constraints giving them appropriate weighting in concluding Areas of Search for turbines as required by national guidance (Core Document 055 Appendices 2 and 3). This spatial strategy has been updated in line with the comments made by Scottish Government at the MIR stage (Core Document 055 appendix 7) and is incorporated within the proposed Plan in map ED9a. It is intended that the layers of constraint will soon be able to be identified on the electronic version of figure ED9a. If the Ironside Farrar study considered that an area of land has no capacity for turbines as indicated on maps ED9b-e then it is considered correct to state this. The onus would be on an applicant to confirm via more detailed site specific information and plans that a site indicated as having no capacity could actually incorporate a turbine(s). Figures ED9b-e are taken from the Ironside Farrar study and were subject to the consultation of the LDP.

(* see footnote)

435 West Coast Energy

The Ironside Farrar Study on Landscape Capacity and Cumulative Impact and the spatial strategy have different functions and the output maps ED9a – e must be viewed separately where relevant. It is not considered practical nor desirable to merge all the maps into a single confusing map which would incorporate too much information.

428 Fred Olsen

General support for the policy maps is noted. It is considered the methodology used and consequent outputs of the maps are fair and are not overly restrictive.

492 EDF, 432 Infinis & 391 Mountaineering Council of Scotland

Fig ED9a is a spatial strategy identifying levels of site constraints and consequent areas of search as laid down by SPP 2010 (Core document 024 para 190). Figure ED9b is effectively a summary of policy maps ED9c-e and takes cognisance of landscape capacity. All the ED9 policy maps have different purposes and are relevant and useful advice and have equal weighting. The SPG on Wind Energy is an adopted document by the Council and is a material consideration to any planning application. It is proposed to update it by means of producing Supplementary Guidance after the LDP is adopted.

(* see footnote)

391 Mountaineering Council of Scotland

Support of the exclusion of the Broad Law – Hartfell area, Cheviot – Carter Bar border and Pentland Hills for turbines >50m is noted

186 Minto Hills Conservation Group

It is considered that the colour correspondence appears clear, but this can be reviewed by considering different colour shades with a view to giving better clarification. The area

referred to in policy map ED9b around Midlem is identified as an area with no capacity for turbines.

In respect to land to the south west of the words “Central Southern Uplands”, fig ED9c indicates the land has low capacity for medium sites turbines and map ED9d indicates it has no capacity for large turbines. This seems correct. However, it is considered that perhaps the respondent is referring to the land to the south east of the words “Central Southern Uplands”. If that is the case then it is considered that the reasoning for this is that the specific characteristics of this landscape make it more appropriate as an opportunity for medium capacity for large turbines proposals and in practice such proposals are more likely to be submitted in this landscape than proposals for medium sized turbines.

441 Burncastle Farming Ltd

Figure 6.1 within the Ironside Farrar study (Core Document 054 page 26 - 58) gives a textual summary of the spatial strategy maps. The policy maps do identify areas of the Scottish Borders which are considered to have no capacity for turbines. It is considered that the study has good reasoning and justification for the indicated typologies for areas within the Scottish Borders.

Policy Map ED9a

428 Fred Olsen

It is considered that the figure ED9a is in compliance with the spirit and requirements of SPP 2010 (Core Document 055 appendix 2). It is considered the word terminology in respect of the classifications on the key is a minor matter as the principles to be addressed remain the same.

(* see footnote)

Whilst supporting wind turbines where appropriate, the Scottish Borders has a renowned attractive landscape and the Council has a duty to protect it. It is considered that the identification of some of the Scottish Borders most iconic viewpoints should be identified in order that wind turbine proposals can take cognisance of these with a view to ensuring that any turbine proposal will have no unacceptable adverse impact on them (Core Document CD066 SPG on Wind Energy 2011 para 5.19). The iconic view points have not informed the methodology behind the areas of search as they are stand alone identified constraints to be addressed.

(* see footnote)

Policy map ED9a is the spatial strategy identifying areas of search for turbines. It has been prepared in accordance with the requirements of SPP 2010 and has a different purpose to the policy maps ED9b-e. It is considered the inclusion of policy map ED9a is fully justified and should remain in the Plan.

(* see footnote)

446 Wind Energy (Earlshaugh) Ltd

Policy map ED9a is an update of the spatial strategy for the SPG on Wind Energy 2011. It has been prepared in accordance with the requirements of SPP and has a different purpose to the policy maps ED9b-e which are based on landscape capacity. It is

considered it has a role to play in giving guidance to wind turbine proposals along with policy maps ED9b-e and should be retained in the Plan

Policy Map ED9b

283 Banks Renewables

Policy map ED9b does not claim to be all encompassing of all the various issues to be addressed. However, it is considered reasonable that the title of policy map ED9b could be amended to read "Landscape Capacity: Wind Turbine Development Opportunities and Constraints". This is considered a non significant change to the Council.

286 RES

The development industry will have records, or can obtain information, of wind speeds within the Scottish Borders and consequently they will give consideration to the suitability of sites for their purposes, obviously also taking cognisance of landscape capacity and cumulative impact issues. Issues relating to matters such as special national or international land use designations are factored into policy map ED9a.

Policy Maps in relation to specific sites

458 2020 Renewables

It is considered that the Ironside Farrar study was prepared in a very fair and open minded manner and the Council agrees with policy map outputs. These can be challenged via the development management process by means of submitting detailed site specific information to justify why a certain type of turbine(s) could be supported. It is considered the policy map outputs are consistent.

452 Oxnam Water CC

The spatial strategy within the SPG on Wind Energy 2011 did not identify a protection buffer around Oxnam, Pleasants and Swinton as a result of them being recognised as villages. The constrained area identified on blue will be due to the presence of another identified constraint. Map ED9a is an update of the spatial strategy and encompasses some different constraints and weightings.

It is considered that the land referred to around Oxnam on figure ED9d / 6.1d identified with a low capacity for large (50 – 100m) is correct.

186 Minto Hills Conservation Group

Fig ED9a is a spatial strategy identifying levels of site constraints and consequent areas of search as laid down by SPP 2010 (Core Document 024 para 190). Figure ED9b is effectively a summary of policy maps ED9c-e and takes cognisance of landscape capacity. Figures ED9a and ED9b have separate purposes and both should be taken cognisance of. It is possible that an area of land such as around Midlem has no major constraints identified and incorporated into policy map ED9a, but policy maps ED9b-e which relate to landscape capacity may raise some issues.

** Footnote*

Policy ED9 was drafted taking cognisance of SPP 2010 which was adopted Scottish Government advice at the time. Consequent consultations and representations from third parties were carried out with reference to SPP 2010.

There is now a new SPP published in June 2014. In terms of the spatial strategy it is acknowledged that the new SPP requires different constraints to now be identified compared to those which make up the spatial strategy within the proposed Plan (fig ED9a) as was required by SPP 2010. Consequently although map ED9a has been prepared in full compliance with the requirements of SPP 2010, it is not in compliance with the more simplistic spatial strategy requirements of SPP 2014.

The Council noted the provisions within para 87 of Circular 6/2013 on Development Planning (Core Document 031) which state that “The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations”. In that respect the Council acknowledges that the spatial strategy map (ED9a) could be updated to the version required by SPP 2014 (Core Document 026) and the Council would provide the map at the request of the Reporter.

It is acknowledged that in paragraph 169 of SPP 2014 that proposals are expected to take account of spatial frameworks where they are relevant. In particular, there is a requirement to take into account cumulative impacts and landscape and visual impacts. Therefore, it is considered that the landscape capacity study maps within the proposed Plan (Figs ED9b – e), which are outputs from a consultant’s Landscape Capacity study, have an important role to play in giving guidance to Development Management and other interested parties in identifying landscape and cumulative impact issues and suggested appropriate typology types across the Scottish Borders. Indeed the importance of Landscape Capacity studies is acknowledged by Scottish Government in their paper entitled “Scottish Planning Policy – Frequently asked questions” (Supporting Document SD027 -1).

In Supporting Document SD027-1 the Government acknowledges that local landscape designations and capacity issues are relevant for planning policy development, and that authorities may wish to undertake or update their landscape capacity studies to establish landscape sensitivities, identify acceptable levels of change, identify cumulative issues and identify the scope for further development.

Whilst it is noted that Supporting Document SD027-1 states that local landscape designations and capacity issues should not form part of the spatial frameworks for wind, it is considered that the sole spatial strategy map is figure ED9a, and figures ED9b – e are supporting maps indicating landscape capacities for guidance for the benefit of the Development Management process. The importance of these maps is identified within Supporting Document SD027-1 and it is considered the maps are consistent with SPP 2014. Consequently it is considered figures ED9b – e have a justified and vital role within policy ED9 and should remain within it.

It is acknowledged that the Council’s SPG on Wind Energy 2011 requires updating to take cognisance of advice and guidance which has been produced in the interim period including SPP 2014. The Council intends to prepare this as formal Supplementary Guidance which will include a full public consultation.

Reporter's conclusions:
My conclusions and recommendations in issue 26 cover the representations referred to in this issue.
Reporter's recommendations:

Issue 028	Policy ED9: Renewable Energy Development – Reference to SPP/draft SPP	
Development plan reference:	Policy ED9: Renewable Energy Development – Reference to SPP/draft SPP	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
452 Oxnam Water CC 428 Fred Olsen 435 West Coast Energy	432 Infinis 492 EDF 463 Coriolis	
Provision of the development plan to which the issue relates:	Policy ED9 : Renewable Energy Development – Reference to SPP/draft SPP	
Planning authority’s summary of the representation(s):		
<p><u>452 Oxnam Water CC</u></p> <p>Quoting from the Draft SPP at paragraph 218: <i>"Community separation: a separation distance of up to 2.5 km is recommended between wind farms and cities, towns and villages identified in the local development plan. This is to reduce visual impact ..."</i>. The Draft SPP includes the words <i>"identified in the local development plan"</i>, SPP at paragraph 190 does not.</p> <p>Representation: We request that the following questions be addressed. How are <i>"cities, towns and villages identified in the local development plan"</i>? Oxnam, Pleasants and Swinside do not have settlement profiles with maps in Volume 2 of the proposed LDP. Would the new phrase <i>"identified in the local development plan"</i> therefore prevent these villages from benefiting from the recommended separation distance referred to in the Draft SPP, paragraph 218?</p> <p>Furthermore, is it the case that when preparing Appendix E 'Spatial Strategy' of SBC SPG 'Wind Energy May 2011' within 2 km of Oxnam and/or Swinside was identified as a constraint and indicated as such by blue colouring on the "spatial strategy"? Is it also the case that when preparing Figure ED9a of the proposed LDP this constraint was not identified, with the result that in Figure ED9a of the proposed LDP the area of "Moderate constraints (Higher)" has been replaced, not with an "Areas of moderate constraint" (blue colouring) but with an "Areas of search" (yellow colouring)?</p> <p><u>428 Fred Olsen</u></p> <p>In para 1.5 of introductory text to renewable energy policy ref is made <i>"...taking cognisance of a range of guidance including SPP..."</i>. SPP is policy not guidance</p> <p>We consider that the current spatial strategy in the Supplementary Planning Guidance (SPG) does not comply with SPP. We would welcome a revision of the SPG following the emergence of the new SPP. It is unclear if the Ironside Farrar study has been subject to consultation or scrutiny?</p>		

435 West Coast Energy

The groupings and list of constraints as set out in Draft SPP 2013 are still under review by the Scottish Government and the finalised SPP will not be published until June 2014. There could therefore be significant changes to these constraints which could have a major bearing on the overall spatial framework.

432 Infinis, 492 EDF

The PLDP is lacking in its commitment to progress a spatial framework for renewable energy development that is consistent with SPP and Scottish Government renewable energy policy and advice.

492 EDF

On the whole, EDF finds the proposed Spatial Framework for wind energy development and in particular Policy ED9 'Renewable Energy Development' to be overly restrictive and inconsistent with Scottish Planning Policy (SPP).

Paragraph 187 of SPP states that "*planning authorities should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed*". This policy statement within SPP by no means implies that development that may result in a significant adverse impact on an environmental receptor or even an adverse impact on an environmental receptor should be found to be unacceptable. The fundamental national policy principle here is that development should be supported where environmental impacts can be satisfactorily addressed. This introduces a test whereby development proposals can be judged on their relative acceptability.

463 Coriolis

The use of the landscape capacity study findings as the basis for identifying 'Wind Turbine Development Opportunities and Constraints' does not accord with the spatial framework methodology set out in the approved Scottish Planning Policy (SPP) or the 2013 Draft SPP.

432 Infinis

Although an updated Landscape Capacity and Cumulative Impact study has been undertaken, there is a reliance on the existing SPG, which is considered to be inconsistent with Scottish Government policy and advice.

Modifications sought by those submitting representations:

452 Oxnam Water CC

Clarification should be given as to what is meant by "Community Separation".

428 Fred Olsen

In para 1.5 of introductory text ref is made "...*taking cognisance of a range of guidance including SPP...*". Text should be changed to refer to SPP as "policy" not "guidance".

432 Infinis, 492 EDF

Include commitment to progress a spatial framework for renewable energy development

492 EDF

The fundamental national policy principle is that development should be supported where environmental impacts can be satisfactorily addressed should be included.

463 Coriolis

The use of the landscape capacity study findings as the basis for identifying 'Wind Turbine Development Opportunities and Constraints' does not accord with the spatial framework methodology set out in the approved Scottish Planning Policy (SPP) or the 2013 Draft SPP.

432 Infinis

Although an updated Landscape Capacity and Cumulative Impact study has been undertaken, there is a reliance on the existing SPG, which is considered to be inconsistent with Scottish Government policy and advice.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO PROPOSED LOCAL DEVELOPMENT PLAN

REASONS

452 Oxnam Water CC

The LDP suggests a separation distance of 2kms between wind farms and cities, towns and villages. This reflects the requirement of SPP 2010 (Core Document 024 para 190). However this does not mean that a turbine(s) will automatically be refused if it falls within that distance, as landscape features such as intervening land may mean a proposed turbine(s) is largely or completely hidden from view from the settlement. It would then be the duty of an applicant to prove that the impact of any turbine on a settlement would be minimal thus enabling possible approval. Places such as Oxnam, Pleasants and Swinside are not defined as recognised settlements within the LDP and therefore do not have the initial 2km buffer area which would be incorporated into map ED9a. No requests have been made to elevate them to become recognised settlements nor is there considered to be a case for carrying this out. Identifying them as settlements solely in order that they can have a buffer area around them to prevent turbines close to them is not a justifiable reason for doing so. However, part 2 of policy ED9 "Renewable Energy Developments" allows consideration of the impact on communities.

As Oxnam, Pleasants and Swinside were not recognised settlements within the Local Plan they did not receive the 2km blue buffer area around them within the spatial strategy map.

428 Fred Olsen

Paragraph 1.5 does not suggest SPP is guidance, stating that cognisance is taking of "...a range of guidance including SPP.."

It is considered that the Council's SPG on Wind Energy 2011 does comply with SPP 2010 (Core Document 055 appendix 2). However, in light of on going national guidance requirements regarding renewable energy, the new SPP 2014 and the outcome of the Examination of the LDP it is intended to amend and update the current SPG. This will take the form of Supplementary Guidance and draft will be tabled for public consultation in due course. The Ironside Farrar study is a background study which helps gives guidance towards the new renewable energy policy in the LDP. Comments have been submitted regarding it as part of the LDP consultation and its key output are figs ED9b-e which have received several comments during the consultation.

435 West Coast Energy

Guidance on wind farms is ongoing and there is unlikely to be a time when preparing an LDP that no new procedures are awaited. It is considered that the spatial framework has been carried out correctly in accordance with current national policy. It is acknowledged that the new SPP 2014 may have impacts on the proposed spatial framework. It is envisaged this will be considered at the Examination Stage of the Plan which will occur after the publication of SPP.

Ultimately this will also be considered as part of the preparation of the amended Supplementary Guidance on wind energy.

432 Infinis, 492 EDF

It is considered the spatial framework for renewable energy is in compliance with SPP 2010. (Core Document 055 appendix 2 and 8).
(* see footnote)

492 EDF

It is considered the spatial framework for renewable energy is in compliance with SPP 2010 and satisfies the principles contained within it (Core Document 055 appendix 2 and 8). SPP in essence seeks to find a balance between impacts of turbines and protection of the environment and it is considered policy ED9 achieves this.
(* see footnote)

463 Coriolis

It is considered the spatial framework as per map ED9a identifying Areas of Search is in accordance with SPP 2010 (Core Document 055 paras 2 and 8). However, the spatial framework only identifies certain constraints, giving them levels of weightings of protection which are fed into the production of the map. These constraints do not take cognisance of landscape capacity which is a fundamental consideration regarding the suitability of potential sites for turbines. It is considered the spatial framework as required by SPP is of limited practical use and landscape capacity issues are of interest to all interested parties. There is little point identifying an area of search in map ED9a if it takes no cognisance of landscape capacity which may identify a major issue any developer would be interested to be aware of. It is considered the promotion of a plan led system front loading issues identified at the outset is good practice for all users. Consequently that is why Ironside Farrar were appointed as independent consultants to address these landscape capacity issues which were a necessity for guiding the Development Management process.
(*see footnote)

432 Infinis

It is considered that at the time of production the SPG on wind energy did comply with Scottish Govt policy and advice (Core Document 055 appendices 1, 2 3, 6, 7 and 8). However, it is acknowledged it requires updating and it is intended this will be done and produced as Supplementary Guidance taking cognisance of requirements including the new SPP when it is produced and the findings of the LDP Examination.

** Footnote*

Policy ED9 was drafted taking cognisance of SPP 2010 which was adopted Scottish Government advice at the time. Consequent consultations and representations from third parties were carried out with reference to SPP 2010.

There is now a new SPP published in June 2014. In terms of the spatial strategy it is acknowledged that the new SPP requires different constraints to now be identified compared to those which make up the spatial strategy within the proposed Plan (fig ED9a) as was required by SPP 2010. Consequently although map ED9a has been prepared in full compliance with the requirements of SPP 2010, it is not in compliance with the more simplistic spatial strategy requirements of SPP 2014.

The Council noted the provisions within para 87 of Circular 6/2013 on Development Planning (Core Document 031) which state that “The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations”. In that respect the Council acknowledges that the spatial strategy map (ED9a) could be updated to the version required by SPP 2014 (Core Document 026) and the Council would provide the map at the request of the Reporter.

It is acknowledged that in paragraph 169 of SPP 2014 that proposals are expected to take account of spatial frameworks where they are relevant. In particular, there is a requirement to take into account cumulative impacts and landscape and visual impacts. Therefore, it is considered that the landscape capacity study maps within the proposed Plan (Figs ED9b – e), which are outputs from a consultant’s Landscape Capacity study, have an important role to play in giving guidance to Development Management and other interested parties in identifying landscape and cumulative impact issues and suggested appropriate typology types across the Scottish Borders. Indeed the importance of Landscape Capacity studies is acknowledged by Scottish Government in their paper entitled “Scottish Planning Policy – Frequently asked questions” (Supporting Document SD028-1).

In Supporting Document SD028-1 the Government acknowledges that local landscape designations and capacity issues are relevant for planning policy development, and that authorities may wish to undertake or update their landscape capacity studies to establish landscape sensitivities, identify acceptable levels of change, identify cumulative issues and identify the scope for further development.

Whilst it is noted that Supporting Document SD028-1 states that local landscape designations and capacity issues should not form part of the spatial frameworks for wind, it is considered that the sole spatial strategy map is figure ED9a, and figures ED9b – e are supporting maps indicating landscape capacities for guidance for the benefit of the Development Management process. The importance of these maps is identified within Supporting Document SD028-1 and it is considered the maps are consistent with SPP

2014. Consequently it is considered figures ED9b – e have a justified and vital role within policy ED9 and should remain within it.

It is acknowledged that the Council's SPG on Wind Energy 2011 requires updating to take cognisance of advice and guidance which has been produced in the interim period including SPP 2014. The Council intends to prepare this as formal Supplementary Guidance which will include a full public consultation.

Reporter's conclusions:

My conclusions and recommendations in issue 26 cover the representations referred to in this issue.

Reporter's recommendations:

Issue 029	Policy ED9: Renewable Energy Development - Consultants Studies	
Development plan reference:	Background Consultants studies relating to Wind Energy : 1. Landscape and Capacity and Cumulative Impact Study (Ironsides Farrar) 2. Economic Impact of Wind Energy in the Scottish Borders (Biggar Economics) 3. Public Survey on Attitudes towards Wind Energy (Research Resource)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>423 Southdean CC 435 West Coast Energy 432 Infinis 492 EDF 446 Wind Energy (Earlshaugh) Ltd 452 Oxnam Water CC (2 of 2) 463 Coriolis 282 TCI Renewables 283 Banks Renewables Ltd</p>		
Provision of the development plan to which the issue relates:	Background Consultants studies relating to Wind Energy	
Planning authority's summary of the representation(s):		
<p><u>Ironsides Farrar Study</u></p> <p><u>423 Southdean CC</u></p> <p>The Ironsides Farrar study is an extremely robust and comprehensive piece of work, and the SPG on Wind Energy should reflect the detailed conclusion from the landscape study, in addition to being adapted to the new SPP. The extensive study by Ironsides Farrar has put on paper what residents of Southdean CC have felt for some time. Their conclusions have also validated a number of recent applications which were rejected because the developments were too large for the landscape in which they were to be positioned. Looking through the original background document, map 6.3 seemed somewhat inconsistent locally, when compared with all the other maps, although the others are the ones that have been brought forward to the LDP. We hope that developers take heed of the local guidelines in considering where to file applications and take note of the Landscape Character Unit comments for the Ironsides Farrar study which justify and give clarity to the maps from a location perspective.</p> <p><u>435 West Coast Energy</u></p> <p>It is acknowledged that the landscape capacity and figures ED9b-e have been used from the work undertaken by Ironsides Farrar commissioned jointly by Scottish Borders Council and SNH. This work is very comprehensive and methodological and sets out which areas</p>		

of Scottish Border's landscape can potentially accept future wind farm development. The report has however only been reported to the Council directly and, so far as WCE is aware, has not been the subject of a formal public consultation. Given the importance placed on the Ironside Farrar report in the proposed LDP we consider it essential that the Ironside Farrar report is subject to specific public consultation. This report will therefore need revisiting following a public consultation process.

432 Infinis, 492 EDF

No consultation has been undertaken in the production of the Ironside Farrar report which was used to inform ED9b, and which is proposed to be used for assessing wind turbine proposals

492 EDF

The outputs of the Landscape Capacity Study, and the methodology for the study, it is clear that it is overly restrictive, is based on arbitrary turbine height assumptions and focuses on narrow upland types of landscape as being suitable for wind farm development. The outputs of the study do not therefore embrace the strong policy support for renewables development at the Scottish Government level. On the whole, the approach to the spatial framework for wind energy development is considered to be a significant shortcoming of the PLDP

446 Wind Energy (Earlshaugh) Ltd

The Landscape Capacity and Cumulative Impact Study have not been subject to consultation nor challenge and therefore any use of it to inform planning decisions should be limited. There are some incorrect references to some schemes. The respondent has concerns over the analysis that has been undertaken in respect of a number of issues including natural barriers and capacity contours that are considered in the Ironside Farrar report

452 Oxnam Water CC

The assessment and guidance for the Oxnam LCA at Table 6.1 (iv) of Ironside Farrar's report, appears to be based on visibility analysis/mapping which disregards the settlements of Oxnam, Pleasants and Swinside as receptors. This has resulted in comments in Table 6.1 (iv) such as *"the landscape is sparsely populated"* and *"the landscape has a lower intervisibility from settlements"*. These comments are at odds with those in the Decision Notice and Officer's Report relating to the refusal of permission for a 40.2m turbine in the locality (application no 11/01475/FUL): *"The proposed turbine would have a significant detrimental impact on the visual amenities of the area and it would introduce an unduly prominent feature into the landscape that is visually intrusive to sensitive receptors"*, *"The site is within Landscape Type 8: Rolling Farmland within The Border Landscape Assessment ... These areas are ... moderately densely settled, with frequent farmsteads and small villages"* and *"The Zone of Theoretic Visibility indicates that the turbine would be ... prominent from many locations within the 2km zone. This area includes a large number of farm steadings and associated houses"*. The failure to take account of the settlements in the Oxnam Water CC ward has resulted in the misguided assessment that there is *"limited low capacity for large turbines in the central area of [the Oxnam] LCA ... in small/small-medium" groups.*

Representation: We request that Ironside Farrar's analysis should recognise the settlements of Oxnam, Pleasants and Swinside as receptors for the purpose of its visibility analysis/mapping, and that its assessment and guidance for the Oxnam LCA at Table 6.1 (iv) should be revised accordingly.

432 Infnis

The Ironside Farrar study (WECLCCI) is a very conservative document and assigns very limited capacity to the region as a whole and tightens the consenting regime for the Scottish Borders going forward. The document is flawed as the statements of capacity can only be taken as a very general guide. The following key concluding points are highlighted:

Turbine Height: As the experience of landscape varies greatly it is not appropriate to apply strict guidelines on turbine heights that should be used for particular landscapes.

Landscape Accommodation: The WECLCCI focuses on a narrow upland type of landscape as being suitable for wind farm development. This is contrary to the principle of landscape accommodation which accepts that development may be allowed in a range of landscape types with an impact on the landscape locally but which fits within the landscape and does not change its character on a large scale. The document does not factor into consideration the possibility for a wind farm to be seen as a positive well designed addition to the landscape.

Landscape Character: Whilst there is a recognition in the WECLCCI that the capacity statements are broad brush and an average of the contributing elements assessed for the whole LCT and that *“any specific development should be considered in more detail and assessed against local factors where appropriate”*, this is not transparently carried forward to the SPD. Section 6.2.4 of the SPD and the capacity statements should more clearly acknowledge variations in landscape character occur within LCTs which may give rise to specific local capacity to accommodate development within a landscape contrary to the generic landscape capacity of the overall LCT.

Visual Sensitivity: A simplistic broad brush methodology is applied to assess general visual sensitivity which fails to acknowledge the relative sensitivities of visual receptors. The results of this exercise are given undue weight and are overvalued in the subsequent analysis which, in our view, skews the inherent capacity of the study area and reduces capacity.

It is our view that the document should be simplified to provide general pointers on the circumstances that would indicate landscape and visual capacity and leave the burden of proof to individual applications.

463 Coriolis

Policy ED9 is skewed towards landscape as the main factor of determining turbines impacts. The Ironside Farrar study inevitably rules out huge swathes of the Scottish Borders landscape.

The landscape capacity study makes no allowance for the fact that wind farms are a temporary development proposal.

The spatial strategy does not take account of the draft SPP which requires a 2.5km stand off from settlements nor the MoD restriction regarding Eskdalemuir. Consequently the

spatial strategy will identify areas of search which in practice are not suitable for turbines

Although landscape capacity studies make broad assumptions proposals should be addressed through site and area specific Landscape and Visual Assessment as directed by SPP ie each proposal should be determined on its own individual merits

The majority of people do not find wind turbines inappropriate within a rural landscape setting in direct comparison will fossil fuel stations, pylon lines, new roads and aggregate mining. The landscape study lacks neutrality and makes a judgement that turbines are unwelcome and detract from the landscape.

282 TCI

The proposed policy requires proposals for wind turbine development to be judged against the guidance on opportunities, constraints and landscape capacity contained in diagrams ED9b - e. As indicated in the supporting text to the policy contained in paragraph 1.6 these have been derived from the '*Landscape Capacity and Cumulative Impact Study - Final Report*' dated July 2013 carried out by Ironside Farrar, and in particular, Figures 6.1a – c and 6.4. However, this report has not been subject to public consultation by the Council, and therefore, this is considered a serious flaw which means that this part of the policy cannot presently be afforded any material weight and is open to challenge

Research Resource Study

435 West Coast Energy

There should be due regard to the conclusions in the background paper by Research Resource on attitudes to wind development in the Scottish Borders. The sizeable majority who found the look of wind turbines acceptable and who considered the benefits outweighed disadvantages can be taken as endorsement for a new Spatial Plan that has clear aspiration for further wind developments of appropriate scales in appropriate locations.

432 Infinis and 492 EDF

The supporting text of the policy refers to two 'Background Papers': a public attitudes survey; and an independent survey on the economic benefits of wind turbines. There is not, however, any evidence or information to show how the results of these surveys have contributed to informing the policy, despite the PLDP stating that the Policy "*seeks to create a balance between all these conflicting issues, taking cognisance of a range of guidance including SPP and Scottish Government on line advice*". From a review of the two Background Papers (Research Resource report and Biggar Economics report), it is our view that the final proposed policy ED9 is overly negative and does not accurately reflect or represent the positive facts and conclusions from these reports in terms of the economic opportunities onshore wind energy can provide to the SBC area and the positive attitudes that many people have in respect of wind energy.

492 EDF

The Public Survey on Attitudes towards Wind Energy concludes that there are "*a greater number (of respondents) who either support the development of wind turbines or are fairly ambivalent to their development and more would agree than disagree that Scottish Borders*

Council should take an active role in encouraging wind turbines". This does not appear to have been given appropriate weighting in the formulation of the policy.

283 Banks Renewables

Further reference should be given to expanding upon the public opinion survey, its conclusions and explaining its purpose in guiding policy

Biggar Economics Study

432 Inffinnis, 492 EDF

In terms of the Biggar Economics report entitled 'Economic Impact of Wind Energy in the Scottish Borders', the report summarises the results and states that *"In 2012 onshore wind energy contributed at least £10.8 million gross value added (GVA), to the Scottish Borders economy (0.7% of the total GVA in the Scottish Borders economy¹) and supported 115 local jobs. By 2020 this impact could be up to £33.3 million GVA and 325 job.* The Biggar Economics report highlights that the positive economic impact does not include the multiplier effects associated with employees spending wages in the local economy, and other economic effects such as nondomestic rates paid, so the full impact could be considerably higher. The report also notes several actions that can be taken by SBC to realise this opportunity. The key findings, conclusions and actions from this report do not appear to have been given appropriate weight in the formulation of the policy

283 Banks Renewables

Para 1.3 in the opening text is fundamentally misleading as it does not accurately reflect the findings of the research commissions by SBC into the economic effects of on shore wind. The Biggar Economics 'Economic Impact of Wind Energy in the Scottish Borders' report clearly finds evidence of strong support and the economic benefits from wind turbine development to the Borders economy. The first para of the report states "there are several opportunities to realise this opportunity..." whilst in stark contrast the propose Plan states that turbines have had " a detrimental impact on the economy". While individuals and businesses may perceive that turbines have been the cause of a negative impact, the report does not provide any concrete evidence that this has been found to be the case.

Modifications sought by those submitting representations:

Ironside Farrar Study

435 West Coast Energy, 432 Inffinnis, 492 EDF, 446 Wind Energy (Earlshaugh) Ltd, 282 TCI Renewables

Consultation should done on the Ironside Farrar Study

432 Inffinis

It is our view that the document should be simplified to provide general pointers on the circumstances that would indicate landscape and visual capacity and leave the burden of proof to individual applications.

Oxnam Water CC

We request that Ironside Farrar's analysis (which has a knock-on effect on maps ED9b – e within the proposed Plan) should recognise the settlements of Oxnam, Pleasants and Swinside as receptors for the purpose of its visibility analysis/mapping, and that its assessment and guidance for the Oxnam LCA at Table 6.1 (iv) should be revised accordingly.

Research Resource Study435 West Coast Energy

There should be due regard to the conclusions in the background paper by Research Resource on attitudes to wind development in the Scottish Borders. The sizeable majority who found the look of wind turbines acceptable and who considered the benefits outweighed disadvantages can be taken as endorsement for a new Spatial Plan that has clear aspiration for further wind developments of appropriate scales in appropriate locations.

432 Infinis and 492 EDF

Policy ED9 should be more positive with regards to the findings of the Research Resource and Biggar Economics reports

492 EDF

The Public Survey on Attitudes towards Wind Energy concludes that there are *“a greater number (of respondents) who either support the development of wind turbines or are fairly ambivalent to their development and more would agree than disagree that Scottish Borders Council should take an active role in encouraging wind turbines”*. This does not appear to have been given appropriate weighting in the formulation of the policy.

283 Banks Renewables

Further reference should be given to expanding upon the public opinion survey, its conclusions and explaining its purpose in guiding policy

Biggar Economics Study432 Infinis and 492 EDF

Policy ED9 should be more positive with regards to the findings of the Research Resource and Biggar Economics reports

432 Infinis, 492 EDF

The key findings, conclusions and actions from this report do not appear to have been given appropriate weight in the formulation of the policy ED9

283 Banks Renewables

Para 1.3 in the opening text is fundamentally misleading as it does not accurately reflect

the findings of the research commissions by SBC into the economic effects of on shore wind. The Biggar Economics 'Economic Impact of Wind Energy in the Scottish Borders' report clearly finds evidence of strong support and the economic benefits from wind turbine development to the Borders economy. The first para of the report states "there are several opportunities to realise this opportunity..." whilst in stark contrast the proposed Plan states that turbines have had "a detrimental impact on the economy". While individuals and businesses may perceive that turbines have been the cause of a negative impact, the report does not provide any concrete evidence that this has been found to be the case.

Summary of responses (including reasons) by planning authority:

NO CHANGE PROPOSED FOR THE LOCAL DEVELOPMENT PLAN

REASONS

Ironside Farrar Study

423 Southdean CC

Comments and general support noted

435 West Coast Energy, 432 Infinis, 492 EDF, 446 Wind Energy (Earlshaugh) Ltd
282 TCI Renewables

The Ironside Farrar study (Core Document CD054) is a background paper which has fed into the review of wind energy policy and has not been put out for public consultation. However, as a background paper to the LDP it was available for comment and consequently a number of representations have been made regarding it as confirmed within Schedule 4's. This particularly relates to the policy maps ED9b-e which in essence are the conclusions of the study identifying opportunities for turbine typologies across the Scottish Borders. It is the intention to update the Council's SPG on Wind Energy 2011 by producing Supplementary Guidance which will take cognisance of the Ironside Farrar study, the new SPP 2014 and the findings of the Local Development Plan Examination and a draft of the proposed Guidance will be subject to consultation.

492 EDF, 446 Wind Energy (Earlshaugh) Ltd

The Ironside Farrar study was carried out in an independent manner and the conclusions were considered by planning officials within the Council. It is considered the output will be most useful to a wide range of users including the development industry who can identify sites of interest, what are considered to be appropriate typologies for these sites and issues which need to be addressed. It is considered this is a fair and well balanced study which still identifies opportunities for turbine development, supporting the promotion of renewable energy within appropriate locations.

452 Oxnam Water CC

It is considered that the Ironside Farrar study is a very useful document which is impartial and fair and gives a useful starting point for the consideration of planning applications. The Ironside Farrar study relates generally to the overall Oxnam Landscape Character type as opposed to the planning officer's comments which relate to a specific application site.

Furthermore, when a planning application is submitted for a certain turbine typology on a specific site within part of an LCA, the submission of more detailed site specific drawings and montages can allow a more detailed critique of a proposal than the higher level Ironside Farrar study can. Oxnam, Pleasants and Swinside are not identified settlements within the LDP and are not identified within the Ironside Farrar study.

432 Infinis

The comments on the Ironside Farrar Study in Appendix 2 of the submission are noted. It is considered the study is a very thorough, detailed and fair piece of work which is impartial and has a good paper trail as to why outputs in the likes of table 6.1 and policy maps ED9b-e have been made. It is inevitable that given the wide range of opinions on wind energy and the wants and needs of individuals and interests they may have on specific sites means the study will not be met with approval by all parties. It is considered to be a very useful starting point for any interested party to take cognisance of in the preparation of any planning application and the onus is on an applicant to produce relevant detailed information to try to gain support for a proposal which exceeds the indicated maximum height for a turbine typology. Such applications submissions would be expected to take cognisance and elaborate on the likes of the specific issues raised in the response.
(* see footnote)

463 Coriolis

The Ironside Farrar study was carried out in a fair and open minded manner and given the wide range of opinions on turbines it is inevitable it will not reach conclusions which satisfy the conflicting interests, wants and needs of all parties. If the study suggests that some areas of the Scottish Borders are not suitable for turbines, then the Council will stand by that impartial opinion and the justification behind it. The consultative draft SPP 2013 made reference to in essence the consideration of "landscape capacity of similar studies" (Core Document 025 para 218) and it was therefore considered justified to carry out the Ironside Farrar Study in order to give further guidance on landscape capacity and cumulative impact issues to the Development Management process. It is not considered there is any need to make reference to the fact turbines are temporary, although it could be argued that a 25 year lifespan which may be extended in many cases is a considerable period of time in anyone's life time.
(*see footnote)

It is unknown the source of the respondents comments which state that the majority of people do not find turbines inappropriate within a rural landscape setting in direct comparison with fossil fuels stations, pylons, new roads and aggregate mining. However, this proposed Plan has been prepared to meet the future requirements of the communities within the Scottish Borders Council area.

Research Resource Study

435 West Coast Energy, 432 Infinis, 283 Banks Renewables

The respondents make reference to how the Research Resource study (Core Document 057) has influenced policy. In summary the studies (including Biggar Economics study) do conclude a vast array of opinions which often conflict (Core Document 055 appendix 9). If the studies concluded a categoric wholesome support or objection to turbines then the policy would reflect that. However, it is considered that the policy is correct to continue to

support renewable energy and the economics benefits they can provide, but is equally aware of concerns regarding perceived negative impacts turbines can have and consequently gives sufficient weighting to this as well.

492 EDF

There are a very wide range of opinions and counter opinions which can be referred to and interpreted in many ways. Whilst the statement referred to is correct, it is wrong to suggest that there is no opposition to turbines and that the policy should take no cognisance of such issues raised by third parties. Indeed the research was clear in recognising that communities in close proximity to wind farms generally held a more negative viewpoint (Core Document 057 page 21)

Biggar Economics Study

432 Infinis, 492 EDF

The Biggar Economics Study does highlight economic benefits of turbines (Core Document 056 chapter 11) and policy ED9 continues to support turbines where they are considered appropriate sites. The Biggar Economics study does however highlight some other contrasting conclusions which must also be noted by the Council in taking an open minded and neutral stance on shaping the policy. This includes reference to issues regarding environmental capacity and concern regarding impact on tourism (Core Document 056 chapter 11)

283 Banks Renewables Ltd

The line in para 1.3 is misquoted by the respondents. The last sentence does not suggest all turbine proposals have had a detrimental impact on the economy but refers to public opinion from the Biggar Economics study where respondents state there has been a negative impact on the businesses (Core Document 056 chapter 11).

** Footnote*

Policy ED9 was drafted taking cognisance of SPP 2010 which was adopted Scottish Government advice at the time. Consequent consultations and representations from third parties were carried out with reference to SPP 2010.

There is now a new SPP published in June 2014. In terms of the spatial strategy it is acknowledged that the new SPP requires different constraints to now be identified compared to those which make up the spatial strategy within the proposed Plan (fig ED9a) as was required by SPP 2010. Consequently although map ED9a has been prepared in full compliance with the requirements of SPP 2010, it is not in compliance with the more simplistic spatial strategy requirements of SPP 2014.

The Council noted the provisions within para 87 of Circular 6/2013 on Development Planning (Core Document 031) which state that "The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations". In that respect the Council acknowledges that the spatial strategy map (ED9a) could be updated to the version required by SPP 2014 (Core Document 026) and the Council would provide the map at the request of the Reporter.

It is acknowledged that in paragraph 169 of SPP 2014 that proposals are expected to take account of spatial frameworks where they are relevant. In particular, there is a requirement to take into account cumulative impacts and landscape and visual impacts. Therefore, it is considered that the landscape capacity study maps within the proposed Plan (Figs ED9b – e), which are outputs from a consultant’s Landscape Capacity study, have an important role to play in giving guidance to Development Management and other interested parties in identifying landscape and cumulative impact issues and suggested appropriate typology types across the Scottish Borders. Indeed the importance of Landscape Capacity studies is acknowledged by Scottish Government in their paper entitled “Scottish Planning Policy – Frequently asked questions” (Supporting Document SD029-1).

In Supporting Document SD029-1 the Government acknowledges that local landscape designations and capacity issues are relevant for planning policy development, and that authorities may wish to undertake or update their landscape capacity studies to establish landscape sensitivities, identify acceptable levels of change, identify cumulative issues and identify the scope for further development.

Whilst it is noted that Supporting Document SD029-1 states that local landscape designations and capacity issues should not form part of the spatial frameworks for wind, it is considered that the sole spatial strategy map is figure ED9a, and figures ED9b – e are supporting maps indicating landscape capacities for guidance for the benefit of the Development Management process. The importance of these maps is identified within Supporting Document SD029-1 and it is considered the maps are consistent with SPP 2014. Consequently it is considered figures ED9b – e have a justified and vital role within policy ED9 and should remain within it.

It is acknowledged that the Council’s SPG on Wind Energy 2011 requires updating to take cognisance of advice and guidance which has been produced in the interim period including SPP 2014. The Council intends to prepare this as formal Supplementary Guidance which will include a full public consultation.

Reporter’s conclusions:

My conclusions and recommendations in issue 26 cover the representations referred to in this issue.

Reporter’s recommendations:

Issue 030	Policy ED9: Renewable Energy Development – Introductory text	
Development plan reference:	Renewable Energy Policy – Introductory text (Pages 55 – 56)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
462 Cranshaws, Ellemford & Longformacus CC 428 Fred Olsen 357 SEPA 432 Infinis 492 EDF	283 Banks Renewables 446 Wind Energy (Earlshaugh) Ltd 327 Scottish Natural Heritage 447 Lilliesleaf, Ashkirk & Midlem CC 186 Minto Hills Conservation Group	
Provision of the development plan to which the issue relates:	Renewable Energy Policy – Introductory text	
Planning authority’s summary of the representation(s):		
<p><u>Para 1.1</u></p> <p><u>462 Cranshaws, Ellemford & Longformacus CC</u></p> <p>Para 1.1 should recognise that much (if not most) of the interest in renewable energy is driven by the financial incentives available, rather than some green altruism. From a developer perspective the subsidies, such as FITs and ROCs, have been the main driver and they continue to be so. Locally smaller schemes are likely to be driven by the imperative to reduce high energy costs, particularly high in this area due to climate exposure, predominantly old housing stock and our off-grid situation</p> <p><u>428 Fred Olsen</u></p> <p>Suggest re-wording this paragraph. The commitment to increase the amount of renewable sourced electricity is also driven (as stated in Scottish Planning Policy (SPP) 182) by its contribution towards sustainable economic growth.</p> <p><u>Para 1.2</u></p> <p><u>357 SEPA</u></p> <p>We welcome the inclusion of the background text at para 1.2 which outlines the Scottish Government targets for renewable energy as well as highlights the requirement for enhanced infrastructure and grid connections.</p> <p><u>432 Infinis, 492 EDF</u></p> <p>It is encouraging that the PLDP recognises the Scottish Government’s target of 100% electricity demand equivalent from renewables by 2020 and the 30% target for overall energy demand from renewables by 2020. In the shorter term in respect of support for</p>		

renewables, SBC should also make reference to the target by the Scottish Government to generate the equivalent of 50% of Scotland's electricity needs from renewable energy by 2015

446 Wind Energy (Earlshaugh) Ltd

It is noted that the supporting text in respect of policy ED9 advises that the aim of the policy is to support the development of renewable energy whilst ensuring that the impacts on the environment are properly controlled. This statement is welcomed as is the clear identification of the up to date government target.

Para 1.3

446 Wind Energy (Earlshaugh) Ltd

It is noted that the start of para 1.3 makes no reference to general policy support for wind energy. Onshore wind is likely to be a primary means of meeting the targets and it is felt that not to include onshore wind energy as a development that will be supported by the policy is an omission. It is acknowledged that onshore wind energy is considered to be contentious, however some of the development types mentioned, for example energy from waste facilities, are also considered to be contentious.

432 Infinis, 492 EDF

The PLDP states that *“The policy is generally supportive of a wide range of renewable energy mechanisms...”*, and mentions a number of technologies, however no mention is made of onshore wind, one of the most advanced and mature of the available technologies currently being promoted in Scotland.

Para 1.4

462 Cranshaws Ellemford and Longformacus CC

Para 1.4 This Community Council is strongly supportive of measures to encourage local use of renewables such as local biomass and district heating systems. This ought to be a priority in off-grid areas that have large timber resources close to hand

357 SEPA

We welcome the statement in paragraph 1.4 that the Council intends to take forward work on heat mapping. We recommend that information is included in the text or within policy ED9 to expect developers to take into account, and be designed to make use of, the potential for district heating to use the heat identified in the heat map. Creating links between heat producers and heat users is essential to create heat networks

Para 1.5

462 Cranshaws Ellemford and Longformacus CC

It is the clear view of our communities that we have already helped make a more than adequate contribution to national renewable energy targets and that the landscape and visual impacts on the Lammermuirs are now far beyond acceptable.

428 Fred Olsen

In regard to the opening sentence; “*The most contentious issue regarding renewable energy is the increasing number of planning applications being submitted for wind turbines*”, it follows that applications for wind energy development should increase in the “*response to growing concern about the rise in atmospheric levels of carbon dioxide and...increasing the proportion of power generated from renewable energy sources (which) is supported by Government as a vital part of reducing these emissions*” (para 1.1). The sentence “*There are very strong and differing opinions on the subject of wind turbines [ranging from those who are concerned about their economic efficiency and the cumulative impact they are having on the landscape, tourism and consequently the economy, and those who consider turbines as an appropriate and modern option for satisfying renewable energy targets]*” is not wrong but nor is it completely balanced: suggest re-wording or simply deleting the text in brackets

283 Banks Renewables

The development plan states that the council has ‘refused those which were considered would have an adverse impact on the Scottish Borders landscape’. This statement is incorrect. Wind turbine developments by their very nature have adverse impacts and there are several approved wind turbine developments in the Scottish Borders which have been found by way of a landscape and visual impact assessment to have significant adverse impacts on landscape character. However these adverse impacts were balanced with the benefits of the scheme and the scheme found to be acceptable overall. BRL would suggest rewording of this sentence to „refused those which were considered would have an unacceptable adverse impact“.

Para 1.6462 Cranshaws, Ellemford and Longformacus CC

We welcome the suite of 3 Council productions: Wind Energy SPG, Landscape Capacity and Cumulative Impact Study and the “Berwickshire Guidance”.

However all three have a significant weakness in that *each defines turbine scale differently*. This is potentially misleading and unhelpful, especially when assessing a proposal using 2 or more of the documents (as is almost inevitable). It will also be unhelpful when assessing consultee responses and developer Environmental Statements – it effectively forces the comparison of “apples with oranges”. This will be unhelpful to developers, planners or objectors and will confuse any observer. Before they are committed to policy in the LDP they should be revised so that *both the terminology of scale* (is a turbine small or large?) *and the parameters of each size* are consistent across each piece of guidance. Other factors relating to scale or size should be recognised.

i. Applications for ever-larger turbines are appearing with applications for 150m + ones and consents for 145m ones (at Aikengall II). These are clearly far different from the “large scale” turbines in the Wind SPG of 60m, the Berwickshire Guidance “large” typology of 80m or even the ED9 largest proposal of 100m +.

ii. Height is not the only factor in scale. Whilst the height is handy shorthand when describing turbines, the blade length and swept area should be given more consideration as these are becoming significantly larger.

iii. As ever larger proposals come forward there appears to be a downward revision of what constitutes a large turbine. It is not that existing large turbines are becoming smaller; they are just relatively smaller than later larger-scale ones. Any observer would consider Black Hill's 78m turbines "large", though those at Fallago Rig of 125m, or Aikengall II at 145m, are clearly significantly larger.

It appears that Ironside Farrer's identification of four typologies best reflects the typologies currently at application or already consented. It also best-matches public perceptions –e.g. that turbines larger than 25m would rarely be described as small, whilst those of 50m+ would be seen as large structures.

- We suggest that at least four bands are required to describe wind turbines.
- Once the impacts of 145m or larger turbines and turbines with larger blades and swept areas can be seen an "Extra Large" category may become helpful or necessary.

The forthcoming revision of the Wind Energy SPG should allow an opportunity to bring consistency to the description of typologies

283 Banks Renewables

The descriptions in this paragraph of the various reports are somewhat misleading. Given the perceived sensitivity of onshore wind development in the Scottish Borders it is imperative that the purpose and role of the various documents which form the evidence base for policy formulation is clearly understood. For example, the text of this paragraph states that the Ironside Farrar report takes into account 'opportunities and constraints'. This is in fact incorrect. This document looks solely at landscape constraints and therefore its findings do not take account of other constraints to development. It also suggests that the report identified 'areas of search', however it does so only within its remit of landscape considerations and ignores other absolute or significant environmental constraints to wind energy development.

327 Scottish Natural Heritage

The policy reasoning at paragraph 1.6 refers to use of existing supplementary planning guidance (SPG) and the '*Landscape Capacity and Cumulative Impact Study*' by Ironside Farrar in decision making. The policy also cross-references new Supplementary Guidance on Wind Energy and Renewable Energy. We would welcome the opportunity to discuss the preparation and evolution of this Supplementary Guidance with you at the appropriate time.

Para 1.7

283 Banks Renewables

This paragraph describes the relationship between the spatial strategy of the adopted Wind SPG and the outputs of the Ironside Farrar study. While the spatial strategy is included within the development plan in Fig ED9b, the accompanying text seeks to highlight its limitations and goes on to state that „*consequently the outputs from the Ironside Farrar study are used in the policy*“. This statement and the extent of discussion on the Ironside Farrar study and its plans suggests that the Ironside Farrar report is given preference over the adopted wind SPG. The effect of this is that it implies that the adopted Wind Energy SPG is worth less weight in decision making than an unadopted evidence base study. In

its current wording the development plan is evocative and suggestive on the weight to be attached to both documents. BRL suggest that the council come to a strong view on the matter and that this is accurately and clearly reflected in the wording of the development plan. This lack of clarity would not be an issue if both documents supported and correlated one another however they do not. The Wind Energy SPG took account of a variety of constraints, some of which were of international and national importance (protected under European legislation) and such areas were categorised for the purposes of the spatial strategy as areas of significant protection. The Ironside Farrar report took account of landscape character and the ability of these to accommodate turbine development

Para 1.8

447 Lilliesleaf, Ashkirk & Midlem CC

We note that in the turbine typologies the heights appear to vary from those of the SPG and, if so, suggest these be aligned

186 Minto Hills Conservation Group

There are disparities between some of the Council's publications in the categorisation of turbine typologies (*ie*, height). These should be rationalised to avoid confusion. LDP Proposed_Plan_Volume_1_-_Policies.pdf uses 25-50m for Medium, 50-100m for Large, and >100m for Very Large. This should be adopted as the current and future standard

446 Wind Energy (Earlshaugh) Ltd

It is submitted that the scale of turbines in the landscape is considered to be important for the assessment of applications for wind farm development. However the use of a topology approach to define development potential in individual areas is considered to be unsatisfactory. For example it is difficult to see why a turbine of 103 m should only be allowed on one side of a line where a turbine of 99 m is allowed on both sides of the line.

Modifications sought by those submitting representations:

Para 1.1

462 Cranshaws, Ellemford & Longformacus CC

Para 1.1 should recognise that much (if not most) of the interest in renewable energy is driven by the financial incentives available, rather than some green altruism.

428 Fred Olsen

Suggest re-wording this paragraph. The commitment to increase the amount of renewable sourced electricity is also driven (as stated in Scottish Planning Policy (SPP) 182) by its contribution towards sustainable economic growth.

Para 1.2

432 Infinis, 492 EDF

In the shorter term in respect of support for renewables, SBC should make reference to the

target by the Scottish Government to generate the equivalent of 50% of Scotland's electricity needs from renewable energy by 2015

Para 1.3

446 Wind Energy (Earlshaugh) Ltd

It is noted that the start of para 1.3 makes no reference to general policy support for wind energy. Onshore wind is likely to be a primary means of meeting the targets and it is felt that not to include onshore wind energy as a development that will be supported by the policy is an omission.

432 Infinis, 492 EDF

The PLDP states that *“The policy is generally supportive of a wide range of renewable energy mechanisms...”*, and mentions a number of technologies, however no mention is made of onshore wind, one of the most advanced and mature of the available technologies currently being promoted in Scotland.

Para 1.4

357 SEPA

We recommend that information is included in the text or within policy ED9 to expect developers to take into account, and be designed to make use of, the potential for district heating to use the heat identified in the heat map.

Para 1.5

428 Fred Olsen

The sentence *“There are very strong and differing opinions on the subject of wind turbines [ranging from those who are concerned about their economic efficiency and the cumulative impact they are having on the landscape, tourism and consequently the economy, and those who consider turbines as an appropriate and modern option for satisfying renewable energy targets]”* is not wrong but nor is it completely balanced: suggest re-wording or simply deleting the text in brackets

283 Banks Renewables

The development plan states that the council has ‘refused those which were considered would have an adverse impact on the Scottish Borders landscape’. This statement is incorrect. BRL would suggest rewording of this sentence to „refused those which were considered would have an unacceptable adverse impact“.

Para 1.6

462 Cranshaws, Ellemford and Longformacus CC

Before they are committed to policy in the LDP the 3no wind turbine studies (Wind Energy SPG, Landscape Capacity and Cumulative Impact Study and the “Berwickshire Guidance”) should be revised so that *both the terminology of scale* (is a turbine small or large?) *and*

the parameters of each size are consistent across each piece of guidance.

Other factors relating to scale or size should be recognised.

- We suggest that at least four bands are required to describe wind turbines.
- Once the impacts of 145m or larger turbines and turbines with larger blades and swept areas can be seen an “Extra Large” category may become helpful or necessary.

The forthcoming revision of the Wind Energy SPG should allow an opportunity to bring consistency to the description of typologies

283 Banks Renewables

The descriptions in this paragraph of the various reports are somewhat misleading. For example, the text of this paragraph states that the Ironside Farrar report takes into account ‘opportunities and constraints’. This is in fact incorrect. This document looks solely at landscape constraints and therefore its findings do not take account of other constraints to development. It also suggests that the report identified ‘areas of search’, however it does so only within its remit of landscape considerations and ignores other absolute or significant environmental constraints to wind energy development.

Para 1.7

283 Banks Renewables

BRL suggest that the council come to a strong view the relationship and weighting between the SPG on Wind Energy and the Ironside Farrar study and that this is accurately and clearly reflected in the wording of the development plan.

Para 1.8

447 Lilliesleaf, Ashkirk & Midlem CC

We note that in the turbine typologies the heights appear to vary from those of the SPG and, if so, suggest these be aligned

186 Minto Hills Conservation Group

There are disparities between some of the Council’s publications in the categorisation of turbine typologies (*ie*, height). These should be rationalised to avoid confusion. LDP Proposed_Plan_Volume_1_-_Policies.pdf uses 25-50m for Medium, 50-100m for Large, and >100m for Very Large. This should be adopted as the current and future standard

446 Wind Energy (Earlshaugh) Ltd

It is submitted that the scale of turbines in the landscape is considered to be important for the assessment of applications for wind farm development. However the use of a topology approach to define development potential in individual areas is considered to be unsatisfactory.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO INTRODUCTORY TEXT IN POLICY ED9 WITHIN THE PROPOSED PLAN

REASONS

Responses to representations regarding para 1.1

462 Cranshaws, Ellemford and Longformacus CC

Planning applications are determined on planning matters. Issues regarding financial incentives are not a consideration to this process and there is no reason to make reference to this within the text.

428 Fred Olsen

It is considered both para 1.1 and para 1.2 give a fair reflection of support towards renewable energy and its targets and there is no reason to amend the text.

Responses to representations regarding para 1.2

357 SEPA

Support of para 1.2 is noted

432 Infinis and 492 EDF

The purpose of this part of the LDP is to state the background for the policy. It does not intend to quote all national renewable energy targets and it is considered what is stated in para 1.2 is sufficient.

446 Wind Energy (Earlshaugh) Ltd

Support noted

Responses to representations regarding para 1.3

446 Wind Energy (Earlshaugh) Ltd, 432 Infinis & 492 EDF

Whilst there may be no clear indication within para 1.3 for the specific support of wind turbines, the first sentence in para 1.2 confirms "The aim of the policy is to support the development of renewable energy....." which includes on shore wind energy. The high no of approvals within the Scottish Borders confirms the Council's support for on shore wind energy (Supporting Document 0303 - 1). The second sentence in para 1.5 refers to Scottish Borders Council being proactive in supporting turbines.

Responses to representations regarding para 1.4

462 Cranshaws, Ellemford & Longformacus CC

Support noted

357 SEPA

The Council is supportive of promoting a range of renewable energy mechanisms including district heating as set out in para 1.3, although at present there is no specific national guidance on district heating which requires this other than being aspirational at present. The Council will promote the outputs from the heat mapping study currently being investigated.

Responses to representations regarding para 1.5462 Cranshaws, Ellemford & Longformacus CC

Comments noted

428 Fred Olsen

It is considered the text within para 1.5 is correct and justified reflecting the position within the Scottish Borders and it is not considered necessary to amend it.

283 Banks Renewables

It is considered correct for the text to confirm that the Council has refused proposals which were considered to have an adverse impact on the landscape. The clear implication is that the Council considered all adverse impacts to be unacceptable.

Responses to representations regarding para 1.6462 Cranshaws, Ellemford & Longformacus CC

The 3no studies had different purposes and therefore considered different issues. The SPG on Wind Energy 2011 (Core Document 066) was required by Scottish Govt and covered a wide range of issues but primarily sought to prepare a spatial strategy identifying areas of search for turbine proposals over 20 MW in size. The SPG regarding Berwickshire turbines 2013 (Core Document 053) sought to address an issue of the high no of applications being submitted for single and groups of 2 and 3 turbines of generally smaller scale typologies. The Ironside Farrar study 2013 (Core Document 054) sought to consider landscape capacity and cumulative impact and generally considered larger scale turbines. The relevant guidance is viewed depending on the application type and it is considered this appears to be working well in practice without confusion. It is considered that the turbine typologies referred to are useful and logical and however the categories are set up there is likely to be some objection raised from some parties. It is not the purpose of the LDP to tailor policy with a specific case in mind, nor to go into the depth that the respondents make reference to. These matters would be considered at the planning application stage. It is hoped that the proposed SG on Wind Energy can address some of the points the respondent refers to and they will be welcome to comment on the draft when it is produced.

283 Banks Renewables

The Ironside Farrar study (Core Document 054) relates to landscape issues, referring to opportunities and constraints and Areas of Search relating to this. It is not argued nor suggested by the Council that the text suggests it relates to other issues.

327 Scottish Natural Heritage

The Council has close ties with SNH on a number of issues including wind energy and will be happy to engage with them when it comes to preparing the forthcoming SG on Wind Energy.

Response to representation regarding para 1.7283 Banks Renewables

The SPG on Wind Energy 2011 is an adopted document by the Council and is a material consideration to the planning application process. Parts of it need updating and it is the intention to produce an amended version as an SG once the new LDP is approved taking cognisance of the Reporter's decision at the Examination and the new SPP. The Ironside Farrar study primarily relates to landscape capacity issues which fed into the proposed policy ED9, most notably figures ED9b-e. Once the LDP is adopted these figures will be a material consideration to the planning application process.

Responses to representations regarding para 1.8447 Lilliesleaf, Ashkirk & Midlem CC

The 3no studies had different purposes and therefore considered different issues. The SPG on Wind Energy 2011 (Core Document 066) was required by Scottish Govt and covered a wide range of issues but primarily sought to prepare a spatial strategy identifying areas of search for turbine proposals over 20 MW in size. The SPG regarding Berwickshire turbines 2013 (Core Document 053) sought to address an issue of the high no of applications being submitted for single and groups of 2 and 3 turbines of generally smaller scale typologies. The Ironside Farrar study 2013 (Core Document 054) sought to consider landscape capacity and cumulative impact and generally considered larger scale turbines. The relevant guidance is viewed depending on the application type and it is considered this appears to be working well in practice without confusion. It is considered that the turbine typologies referred to are useful and logical and however the categories are set up there is likely to be some objection raised from some parties. It is not the purpose of the LDP to tailor policy with a specific case in mind, nor to go into the depth that the respondents make reference to. These matters would be considered at the planning application stage.

186 Minto Hills Conservation Group

The publications used different typologies as they had different purposes and the critical part is how each typology category is physically measured in respect of their heights. Although the studies may have different terms for turbines e.g. whether they are deemed medium, large, very large, the critical part is what height they are stated to be e.g 25 – 50m, 50 – 100m, 100m +, etc

446 Wind Energy (Earlshaugh) Ltd

In order to give some kind of guidance on the suitability of particular turbines within particular areas it is considered logical and helpful to identify categories of turbine typologies. Applications will be dealt with on a case by case basis, and consideration and acknowledgement will be given as to what end of the typology scale a proposal is within as

there is a considerable height differential within each height category.

Reporter's conclusions:

My conclusions and recommendations in issue 26 cover the representations referred to in this issue.

Reporter's recommendations:

Issue 031	Policy ED9: Renewable Energy Development – Opening Paragraph	
Development plan reference:	Policy ED9: Renewable Energy Development – Opening Paragraph Page 62	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
428 Fred Olsen 446 Wind Energy (Earlshaugh) Ltd 463 Coriolis 492 EDF		
Provision of the development plan to which the issue relates:	Policy ED9 : Renewable Energy Development – Opening Paragraph	
Planning authority’s summary of the representation(s):		
<p><u>428 Fred Olsen</u></p> <p>In line with SPP 187, the first sentence should be worded to reflect that renewable energy developments will be supported where they can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed</p> <p>We welcome the sentence “The siting, scale and design of all renewable energy developments should take account of the social, economic and environmental context”</p> <p><u>463 Coriolis</u></p> <p>In the ED9 policy box the use of ‘<i>accommodated without unacceptable impacts on the environment</i>’ in the first paragraph should be changed to read <u><i>significant adverse impact</i></u> which is the terminology more often used by national government and local authority onshore wind spatial policy documents</p> <p><u>446 Wind Energy (Earlshaugh) Ltd:</u></p> <p>Whilst generally supporting the opening statement of policy ED9, it is submitted that the introductory text of policy ED9 should make it clear that the plan, as well as supporting renewable energy, seeks to realise the renewable energy potential of the Scottish Borders as required by SPP.</p> <p><u>492 EDF</u></p> <p>The last part of the first sentence should be amended to read “...where they can be accommodated <i>where</i> Impacts on the environment <i>can be satisfactorily addressed.</i>”</p>		
Modifications sought by those submitting representations:		
<p><u>428 Fred Olsen</u></p> <p>Amend wording of the opening part of policy ED9 to reflect para 187 of SPP</p>		

463 Coriolis

Amend wording of opening para of policy ED9 to incorporate the words "...significant adverse impact.."

446 Wind Energy (Earlshaugh) Ltd

Whilst generally supporting the opening statement of policy ED9, it is submitted that the introductory text of policy ED9 should make it clear that the plan, as well as supporting renewable energy, seeks to realise the renewable energy potential of the Scottish Borders as required by SPP.

492 EDF

The last part of the first sentence should be amended to read "...where they can be accommodated *where* Impacts on the environment *can be satisfactorily addressed.*"

Summary of responses (including reasons) by planning authority:

NO CHANGE TO OPENING PARAGRAPH OF POLICY ED9 AS SET OUT IN THE PROPOSED PLAN

REASONS

428 Fred Olsen

It should be noted that para 187 of SPP 2010 (Core Document 024 para 187) relates to wind farms whereas the opening para of policy ED9 in the proposed Plan relates to all forms of renewable energy. Para 184 of SPP 2010 relates generally to renewable energy (Core Document 024 para 184). It is considered that in essence the text in this part of policy ED9 is in the spirit of paras 184 and 187 and it does not require to be changed.

Support for sentence "The siting, scale and design of all renewable energy developments should take account of the social, economic and environmental context" is noted.

463 Coriolis

It is considered that in essence the use of the phrase "unacceptable impacts" is within the same spirit as the phrase "significant adverse impact" and is considered the phrase in the LDP is appropriate and reasonable terminology.

446 Wind Energy (Earlshaugh) Ltd

It is considered that the proposed Plan satisfactorily confirms the Councils' support of renewable energy (paras 1.2 & 1.3 on page 55)

492 EDF

It is considered that the proposed change of text in essence adds little to the principle being referred to and it is not considered the proposed change is necessary.

Reporter's conclusions:

My conclusions and recommendations in issue 26 cover the representations referred to in this issue.

Reporter's recommendations:

Issue 032	Policy ED9: Renewable Energy Development Text relating to “Renewable Energy Developments”	
Development plan reference:	Policy ED9: Renewable Energy Development Text relating to “Renewable Energy Developments” Page 62	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
283 Banks Renewables 463 Coriolis 391 Mountaineering Council of Scotland 432 Infinis 286 RES	446 Wind Energy (Earlshaugh) Ltd 282 TCI Renewables 428 Fred Olsen 492 EDF	
Provision of the development plan to which the issue relates:	Policy ED9 : Renewable Energy Development Text relating to “Renewable Energy Developments”	
Planning authority’s summary of the representation(s):		
<p><u>283 Banks Renewables</u></p> <p>In the criteria for renewable energy developments the test for impacts within section 1 is a test of ‘fully mitigated’ while the impacts in section 2 must be ‘satisfactorily mitigated’. BRL would question why a distinction is made between the two types of impacts and furthermore the effect of such a distinction is that it suggests those areas within section 2 require less mitigation or that the impacts need not be addressed to such a great extent. Section 2 quotes both impacts on ‘population’ and ‘communities’. This is unnecessarily repetitive.</p> <p>BRL strongly suggest the inclusion of social benefits be added into the test.</p> <p>BRL strongly disagree with the specific mention of benefits needing to outweigh impacts on tourism. The report by Biggar Economics stated that there is no evidence that wind farms have a negative impact on tourism</p> <p><u>463 Coriolis</u></p> <p>The use of <i>fully mitigated</i> in ‘1’ is unworkable. It is unrealistic to think that in landscape terms, for example, that a wind turbine or farm could be fully mitigated to make the impact level acceptable. This would be very difficult to achieve in light of the current scale and height of modern wind turbines, which are of the scale they are to increase energy generation. ‘1’ should read the same as ‘2’ whereby <i>satisfactorily</i> is used instead of <i>fully</i>. The policy requires that „<i>the contribution to the wider economic and environmental benefits outweigh the potential damage to the environment or tourism and recreation</i>“.</p> <p><u>391 Mountaineering Council of Scotland</u></p> <p>We suggest that the word "significantly" be inserted into the sentence: "If there are judged to be significant adverse impacts that cannot be mitigated, the development will only be approved if the Council is satisfied that the contribution to wider economic and</p>		

environmental benefits [significantly] outweigh[s] the potential damage to the environment or to tourism and recreation.

432 Infinis

In reference to all forms of renewable energy the policy states that “*Renewable energy developments will be approved provided that, there are no unacceptable adverse impacts which cannot be fully mitigated on the natural heritage including the water environment, landscape, biodiversity, built environment and archaeological heritage;*”. The term ‘fully’ is considered to be unacceptably stringent and inconsistent with SPP. It is recommended that the word ‘fully’ is replaced with the word ‘satisfactorily’ which is in line with the terminology used in SPP.

286 RES

Policy ED9 confirms that unacceptable adverse natural heritage impacts must be fully mitigated, whilst impacts upon recreational and tourism, population, community and access routes must be satisfactorily mitigated. The justification for such a sequential approach is unclear and certainly not advocated through Scottish Planning Policy, or guidance on Environmental Impact Assessment (EIA). The Scottish Borders existing development plan policy on Renewable Energy Development (D4) requires satisfactory mitigation for all environmental factors and does not differentiate, requiring some factors to be fully mitigated. RES strongly object to this policy wording and requests that the wording be rebalanced to provide equal weighting to the satisfactory mitigation of all unacceptable environmental impacts. The policy thereafter confirms if there are judged to be significant adverse impacts that cannot be mitigated, the development will only be approved if the Council is satisfied that the wider economic and environmental benefits outweigh the potential damage to the environment, or to tourism and recreation. Damage to tourism and recreation is unproven. On the basis that there is no justification for prejudging that renewable energy development will damage tourism and recreation in the Scottish Borders RES strongly object to the inclusion of this reference and request it is omitted. The paragraph for the avoidance of doubt should be worded "If there are judged to be significant adverse impacts that cannot be mitigated, the development will only be approved if the Council is satisfied that the contribution to wider economic and environmental benefits outweighs any such identified adverse impact

446 Wind Energy (Earlshaugh) Ltd

It is noted that SPP, paragraph 187, is clear in the case of wind farms that, “Planning authorities should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed.” It is submitted that there should not be a requirement for full mitigation, the policy should be reworded to reflect that any adverse significant impacts should be satisfactorily addressed. The balance, in the last paragraph of this section of the policy, to this effect should be altered as well as parts 1 and 2.

282 TCI Renewables

The Council’s present policy relating to renewable energy developments (Policy D4) in the adopted Scottish Borders Consolidated Local Plan states that such developments will be approved provided that there are no unacceptable adverse impacts on the natural heritage, including landscape, biodiversity, built environment and archaeological heritage, or

provided that any adverse impacts can be “*satisfactorily mitigated*”. In contrast proposed Policy ED9 states that renewable energy developments will be approved provided that “... *there are no unacceptable adverse impacts which cannot be fully mitigated* ...” This is considered to set the bar too high and it is relevant to note that under part 2 in relation to recreation and tourism, population, communities and access routes it states that developments will be approved provided that there are no unacceptable impacts that cannot be “*satisfactorily mitigated*”. It is considered that both 1 and 2 of this part of the proposed policy should be consistent and use the words ‘satisfactorily mitigated’ rather than ‘fully mitigated’

428 Fred Olsen

Part 1) “*impacts which cannot be fully mitigated*...” should be re-worded to change “*fully*” to “*satisfactorily*” in line with its use in Part (2). Full mitigation equates to no change from the baseline which is impossible.

Part 2) The term “*population*” should be removed from the policy because it is unfeasible to assess how any sort of renewable energy development will affect a “*population*”. It is also potentially unnecessary given the inclusion of “*communities*” in the same sentence.

Part 2) The use of the term “*communities*” in regard to avoiding unacceptable adverse impacts is however somewhat vague. Can this be explained further? i.e. potential impacts from noise, shadow flicker, visual?

Parts 1 & 2 need balancing against the aims of SPP para 184. The core purpose of planning is sustainable economic growth, SPP para 4, and the planning system should consider the competing interests in determining a proposal, SPP para 6. The potential impacts upon issues presented in parts 1 & 2 should be considered together and a balanced decision made considering the effects upon the environment, economy and society. At present this balancing exercise only occurs if there are significant adverse impacts which cannot be mitigated. This is subtly yet fundamentally different to the requirements of the SPP. We suggest that the contribution to sustainable economic growth should be included in a test 3 so that this general principle can be applied to the relevant applications and where necessary expanded elsewhere in the policy hierarchy

492 EDF

Part 1) should state “ there are no unacceptable *significant* adverse impacts which cannot be *satisfactorily* mitigated *or offset*....”

In the second para it is proposed text should read “If there are judged to be unacceptable residual significant adverse impacts that cannot be satisfactorily mitigated...”

Modifications sought by those submitting representations:

283 Banks Renewables

BRL would seek clarity as to why there is a distinction between the mitigation measures between the two types of impacts in the two bullet points. Section 2 quotes both impacts on ‘population’ and ‘communities’. This is unnecessarily repetitive.

BRL strongly suggest the inclusion of social benefits be added into the test.

BRL strongly disagree with the specific mention of benefits needing to outweigh impacts on tourism.

463 Coriolis

The use of *fully mitigated* in '1' is unworkable. '1' should read the same as '2' whereby *satisfactorily* is used instead of *fully*.

391 Mountaineering Council of Scotland

We suggest that the word "significantly" be inserted into the sentence: "If there are judged to be significant adverse impacts that cannot be mitigated, the development will only be approved if the Council is satisfied that the contribution to wider economic and environmental benefits [significantly] outweigh[s] the potential damage to the environment or to tourism and recreation.

432 Infinis

The term 'fully' in the first bullet point is considered to be unacceptably stringent and inconsistent with SPP. It is recommended that the word 'fully' is replaced with the word 'satisfactorily' which is in line with the terminology used in SPP.

286 RES

RES strongly object to this policy wording within the section "Renewable Energy Developments" and requests that the wording be rebalanced to provide equal weighting to the satisfactory mitigation of all unacceptable environmental impacts. On the basis that there is no justification for prejudging that renewable energy development will damage tourism and recreation in the Scottish Borders RES strongly object to the inclusion of this reference and request it is omitted. The paragraph for the avoidance of doubt should be worded "If there are judged to be significant adverse impacts that cannot be mitigated, the development will only be approved if the Council is satisfied that the contribution to wider economic and environmental benefits outweighs any such identified adverse impact"

446 Wind Energy (Earlshaugh) Ltd:

It is noted that SPP, paragraph 187, is clear in the case of wind farms that, "Planning authorities should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed." It is submitted that there should not be a requirement for full mitigation, the policy should be reworded to reflect that any adverse significant impacts should be satisfactorily addressed. The balance, in the last paragraph of this section of the policy, to this effect should be altered as well as parts 1 and 2.

282 TCI Renewables

It is considered that both bullet points 1 and 2 of this part of the proposed policy should be consistent and use the words 'satisfactorily mitigated' rather than 'fully mitigated'

428 Fred Olsen

Part 1) "*impacts which cannot be fully mitigated...*" should be re-worded to change "*fully*" to

“satisfactorily” in line with its use in Part (2). Full mitigation equates to no change from the baseline which is impossible.

Part 2) The term “*population*” should be removed from the policy because it is unfeasible to assess how any sort of renewable energy development will affect a “population”. It is also potentially unnecessary given the inclusion of “communities” in the same sentence.

Part 2) The use of the term “*communities*” in regard to avoiding unacceptable adverse impacts is however somewhat vague. Can this be explained further? i.e. potential impacts from noise, shadow flicker, visual?

Parts 1 & 2 need balancing against the aims of SPP para 184. We suggest that the contribution to sustainable economic growth should be included in a test 3 so that this general principle can be applied to the relevant applications and where necessary expanded elsewhere in the policy hierarchy

492 EDF:

Part 1) should state “ there are no unacceptable *significant* adverse impacts which cannot be *satisfactorily* mitigated *or offset*....”

In the second para it is proposed text should read “If there are judged to be unacceptable residual significant adverse impacts that cannot be satisfactorily mitigated...”

Summary of responses (including reasons) by planning authority:

NO CHANGES TO SECTION ON “RENEWABLE ENERGY DEVELOPMENTS” WITHIN POLICY ED9 OF THE PROPOSED PLAN

REASONS

283 Banks Renewables, 463 Coriolis, 432 Infinis, 286 RES, 446 Wind Energy (Earlshaugh) Ltd, 282 TCI Renewables, 428 Fred Olsen

It is considered correct that the 2 no bullet points require different levels of mitigation. In bullet point 1 it is considered that given the types of constraints the mitigation measures can be tangible and carried out in full and can take place through other means including off site provision. In contrast the constraints within bullet point 1 are more general and more difficult to give clear evidence of mitigation.

283 Banks Renewables

The opening para of policy ED9 is an overall arching policy for all following parts to take cognisance of, including the section on “Renewable Energy Developments”. The last sentence of the opening para states “The siting, scale and design of all renewable energy developments should take account of the *social*, economic and environment context”. It is considered this is an appropriate reference to social considerations.

283 Banks Renewables, 286 RES

The Biggar Economics report states that “feedback from local businesses believe that their businesses have been negatively affected and have concerns about the potential negative impacts of future wind farm developments on the sector” (Core Document 056, para

10.2.1). Objections to wind turbines from recreational hillwalkers on the Southern Upland Way are an example of adverse impacts on recreation. There are regular reports in the media claiming adverse impacts of turbines on tourism and recreation. It is therefore wrong to state that impacts of turbines on tourism and recreation can be dismissed as being non-existent.

391 Mountaineering Council of Scotland

It is considered that this part of the policy strikes a fair balance between the issues to be considered. However, the insertion of the word “significantly” as proposed by the respondent will put an unreasonable embargo on the requirements of the applicant/developer and should not be incorporated.

428 Fred Olsen

In this part of the policy the term “population” refers to the wider population and the term “communities” refers to settlement groupings. It is considered these are justified reference inclusions and should remain within this part of the policy.

It is considered that throughout policy ED9 it encompasses the requirements of para 184 of SPP 2010 (Core Document 024), including the final part of the policy entitled “Other Renewable Energy Development” which gives encouragement to a wide range of renewable energy types including, for example, biomass and small scale domestic schemes.

492 EDF

It is considered part 1) strikes a fair balance between the issues to be considered. The proposed wording for part 1) by the respondent gives a very strong bias in favour of turbines.

As above, it is considered that the second para strikes a fair balance between the issues to be considered. The proposed wording for the second para by the respondent gives a very strong bias in favour of turbines.

Reporter’s conclusions:

My conclusions and recommendations in issue 26 cover the representations referred to in this issue.

Reporter’s recommendations:

Issue 033	Policy ED9: Renewable Energy Development – Policy text relating to para on “Wind Turbine Proposals”	
Development plan reference:	Policy ED9: Renewable Energy Development – Policy text relating to paragraph on “Wind Turbine Proposals” Page 62	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
428 Fred Olsen 492 EDF		
Provision of the development plan to which the issue relates:	Policy ED9 : Renewable Energy Development – Policy text relating to paragraph on “Wind Turbine Proposals”	
Planning authority’s summary of the representation(s):		
<p><u>428 Fred Olsen</u></p> <p><i>In addition to the general provisions...</i>” should be re-worded to replace “addition” with “part of”. Socio-economic impacts should also be considered.</p> <p><u>492 EDF</u></p> <p>The last part of the paragraph to read ...” and will be supported where the overall impact...”</p>		
Modifications sought by those submitting representations:		
<p><u>428 Fred Olsen</u></p> <p><i>In addition to the general provisions...</i>” should be re-worded to replace “addition” with “part of”. Socio-economic impacts should also be considered.</p> <p><u>492 EDF</u></p> <p>The last part of the paragraph to read ...” and will be supported where the overall impact...”</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO PARA ON “WIND TURBINE PROPOSALS” WITHIN POLICY ED9 AS SET OUT IN THE PROPOSED PLAN</p> <p>REASONS</p> <p><u>428 Fred Olsen</u></p> <p>It is not clear exactly how the respondent’s suggested amendment would read in practice.</p>		

Para 2 of policy ED9 entitled “Renewable Energy Developments” is relevant to wind turbine proposals and therefore it is considered correct and justified that a cross reference is made to this within the following part of the policy dealing specifically with wind turbine developments. It is considered the text in the para relating to “Wind Turbine Proposals” is correct and doesn’t need to be amended. In the first para of the policy ED9 the last sentence makes reference to proposals taking account of the social and economic context. This relates to all types of renewable energy proposals and is considered that this reference is sufficient without duplicating this reference within the “Wind Turbine Proposals” section of the policy.

492 EDF

It is considered the proposed phrase adds little to the existing text and should not be incorporated.

Reporter’s conclusions:

My conclusions and recommendations in issue 26 cover the representations referred to in this issue.

Reporter’s recommendations:

Issue 034	Policy ED9: Renewable Energy Development – Policy text relating to “Wind Turbine Proposals (General)”	
Development plan reference:	Policy ED9 : Renewable Energy Development – Policy text relating to “Wind Turbine Proposals (General)” Page 62	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
282 TCI Renewables 283 Banks Renewables 428 Fred Olsen 435 West Coast Energy		
Provision of the development plan to which the issue relates:	Policy ED9 : Renewable Energy Development – Policy text relating to “Wind Turbine Proposals (General)”	
Planning authority’s summary of the representation(s):		
<p><u>283 Banks Renewables</u></p> <p>The policy states „<i>If turbines are proposed which exceed the turbine heights identified in Figs ED9b-e the onus would be on the applicant to demonstrate how the impacts of the proposal on the key constraints and any significant adverse effects can be mitigated in an effort to show a proposal can be supported.</i>“ It is also not entirely clear what the purpose or aim of this requirement is save for instructing developers to ensure that they adequately demonstrate the impacts and mitigation. This is adequately addressed through the Environmental Impact Assessment Regulations and we strongly disagree with wasting development plan space with instructions to developers. More pertinent is the test to be exercised in this section of the policy. It requires that significant adverse effects must be mitigated in order for the proposal to be supported. Such a test is too high as it is inevitable that significant effects will be realised from large scale wind energy development. This would effectively exclude all commercial proposals including a previously approved scheme of Banks Renewable at Quixwood in Berwickshire</p> <p><u>282 TCI</u></p> <p>The proposed policy states that “<i>If turbines are proposed which exceed the turbine heights identified within figures ED9b – e the onus would be on the applicant to demonstrate how the impact of the proposal on key constraints and any significant adverse effects can be mitigated ...</i>”. However, any commercial scale wind farm development would inevitably have significant landscape and visual effects from their construction and operation for a number of kilometres around a site which cannot be mitigated, wherever it is located. The policy should therefore be amended to require a developer to demonstrate how the design and layout of the wind farm has sought to ‘minimise’ the environmental impacts. Clearly is it also necessary in assessing a proposal to weigh the inevitable harm against the wider environmental, economic and social benefits as required under the first part of the policy in relation to renewable energy developments in general.</p>		

428 Fred Olsen

The paragraph “*If turbines are proposed which exceed the turbine heights identified...*” should be deleted because Figure ED9e provides a spatial framework for turbines in excess of 100 m.

“General” - This does not appear to be “policy” and may be better placed in a guidance document.

435 West Coast Energy

The respondent has concerns about the current wording of Policy ED9 Renewable Energy Development as set out in the Proposed LDP. Our specific concerns relate to how the policy is linked to the spatial framework and landscape capacity study via the wording within sub heading ‘Wind Turbine Proposals’ which states; “*If turbines are proposed which exceed the turbine heights identified within Figures ED9b-e the onus would be on the applicant to demonstrate how the impacts of the proposal on key constraint’s and any significant adverse effects can be mitigated in an effect to show a proposal can be supported*”. This policy does not meet the aspirations of Government Policy and lacks flexibility particularly by having a strict adherence to the findings of the landscape assessment.

Modifications sought by those submitting representations:283 Banks Renewables

The requirement to adequately demonstrate the impacts and mitigation in relation to proposals which exceed an indicated turbine height is adequately addressed through the Environmental Impact Assessment Regulations and the respondent strongly disagrees with wasting development plan space with instructions to developers. The test set is too high.

282 TCI

The policy should be amended to require a developer to demonstrate how the design and layout of the wind farm has sought to ‘minimise’ the environmental impacts. Clearly is it also necessary in assessing a proposal to weigh the inevitable harm against the wider environmental, economic and social benefits as required under the first part of the policy in relation to renewable energy developments in general.

428 Fred Olsen

The paragraph “*If turbines are proposed which exceed the turbine heights identified...*” should be deleted because Figure ED9e provides a spatial framework for turbines in excess of 100 m.

“General” - This does not appear to be “policy” and may be better placed in a guidance document.

435 West Coast Energy

The respondent’s concerns relate to how this part of the policy is linked to the spatial framework and landscape capacity study. This policy does not meet the aspirations of

Government Policy and lacks flexibility particularly by having a strict adherence to the findings of the landscape assessment.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO SECTION ON “WIND TURBINE PROPOSALS (GENERAL)” AS SET OUT IN POLICY ED9 WITHIN THE PROPOSED PLAN

REASONS

283 Banks Renewables, 282 TCI, 435 West Coast Energy

Policy maps ED9b-e within the proposed Plan summarise the findings of the Ironside Farrar Study on Landscape Capacity and Cumulative Impact for wind turbines within the Scottish Borders, indicating what are considered to be maximum heights of turbines which could be supported within parts of the Scottish Borders. It is considered this is useful guidance for any interested party. The policy wording confirms any applicant is welcome to challenge the findings of the policy maps through the planning application process, allowing them the opportunity for more detailed site specific studies to be submitted which could allow higher typologies than indicated to be supported. It is considered this is a very fair scenario acknowledging the opportunity this allows applicants. If there are anticipated significant adverse landscape impacts on a particular site it is absolutely correct that this is flagged up as major issue at the outset.

428 Fred Olsen

It is considered the para reading “If turbines are proposed which exceed the turbine heights identified.....” is required to clarify that applications can be submitted for turbines which exceed the suggested maximum height for an area of land, allowing an applicant the opportunity to submit detailed information which could allow a proposal to be supported. The policy maps do not confirm this and it is considered necessary that this text remains in the Plan.

It is considered that the text under the heading “General” is useful and relevant to giving guidance and should be retained within the policy.

Reporter’s conclusions:

My conclusions and recommendations in issue 26 cover the representations referred to in this issue.

Reporter’s recommendations:

Issue 035	Policy ED9: Renewable Energy Development Policy text relating to “Wind Turbine Proposals (Landscape)”	
Development plan reference:	Policy ED9 : Renewable Energy Development - Policy text relating to “Wind Turbine Proposals (Landscape)” Pages 62 - 63	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>446 Wind Energy (Earlshaugh) Ltd 428 Fred Olsen 432 Infinis 283 Banks Renewables 282 TCI Renewables 458 2020 Renewables 286 RES 327 Scottish Natural Heritage 492 EDF</p>		
Provision of the development plan to which the issue relates:	Policy ED9 : Renewable Energy Development Policy text relating to “Wind Turbine Proposals (Landscape)”	
Planning authority’s summary of the representation(s):		
<p><u>446 Wind Energy (Earlshaugh) Ltd</u></p> <p>It is submitted that any commercial wind farm development will have a significant impact on the landscape character, especially in locations close to the proposed wind turbines. For some this will be perceived as detrimental. This should not in itself be a reason for the refusal of planning permission. The text should be reworded to refer to unacceptable significant impacts rather than detrimental</p> <p>There is reference in the Landscape Capacity and Cumulative Impact Study to a core area of wild land, it is understood that the wild land issue is currently being debated and as yet no areas of core wild land have been designated. These areas of core wild land are referred to in the emerging National Planning Framework 3 (NPF3) and the draft revisions SPP. The Minister for Local Government and Planning has been clear that the existing National Planning Framework 2 (NPF2) and SPP should be used until the emerging documents have been published, anticipated in June 2014. Neither the current SPP nor NPF2 refers to core areas of wild land. The Landscape Capacity and Cumulative Impact Study should, it is submitted, refer to the Search Areas for Wild Land as set out by SNH or it is submitted that it should reflect the outcome of the ongoing work. The term “wild land” should be defined in the Local Development Plan. Wild land in itself should not prevent development and reference should be made to ongoing works regarding wild land designations</p> <p><u>428 Fred Olsen</u></p> <p>Figures ED9b-ED9e are Landscape related and should be moved from the General section to the Landscape section.</p>		

The protection of “*wild land*” needs qualified. To what level of wildness is the policy seeking to protect? In line with the proposed SPP, it should only be formally designated Core Wild Land that should be protected from significant/unacceptable adverse impacts. The presence of existing wind farms in “wild land” and the ongoing SNH work on Wild Land should also be taken in to context when considering this policy and potential effects.

432 Infinis

Bullet point three states that “*Proposals should not have adverse impacts on areas exhibiting remote qualities which are valued as ‘wild land’.*” Landscape impacts are likely to occur in respect of large scale commercial wind farms, however the test should be whether these effects are acceptable or not and as such the policy should read “...*unacceptable adverse impacts...*”.

283 Banks Renewables

Under the heading of ‘Landscape’ the policy test requires the landscape must be capable of accommodating the proposal without significant detrimental impact on landscape character and not have adverse impacts on wild land. This is too high a test and BRL suggest the policy is reworded to no „unacceptable significant detrimental impact“. This section of the policy also suggests large turbines are more likely to be accepted in larger scale landscapes and gives the example of upland types. The policy should either list all the landscapes considered ‘large’ scale or remove the specific reference to upland types. This could be interpreted too literally by decision makers, with those proposals not located within the upland types considered to automatically not be in conformity with the policy.

282 TCI Renewables

In respect of the various criteria set out in the policy relating to wind farm proposals the first in relation to “*Landscape*” is whether the landscape is capable of accommodating the proposal without significant detrimental impact on landscape character. However, as stated above commercial scale wind farms will always have a significant effect on landscape character for a number of kilometres. The present wording of the policy is not considered to be consistent with Scottish Planning Policy which requires proposals to be carefully considered to ensure that the landscape and visual impacts are “*minimised*”. It is considered that the wording of the policy should be amended accordingly.

458 2020 Renewables

Although it is considered that the Proposed Plan contains a positive overall message towards wind energy development, which is noted and welcomed, we feel that in reality the message regarding acceptability of wind energy development is somewhat clouded by potentially conflicting information. We would suggest that the contents of the policy in relation to Wild Land are put on hold until the official position of SNH and the Scottish Government is revealed, as there are significant methodological concerns regarding the approach and work carried on Wild Land out to date. Should the Proposed Plan be adopted in advance of clear and adopted guidance on Wild Land, it would unfairly prejudice the prospects of applications which may interact with Wild Land designations

286 RES

In the absence of such clarity on what is meant by "wild land" RES would strongly object to

the inclusion of this criteria within the policy and request it is duly omitted

327 Scottish Natural Heritage

State that the Council’s response to their consultation on Core Areas of Wild Land is noted and welcomed. Would like to see the Proposed LDP consider the principle of some of the recommendations made further. SNH welcome the agreement on the two core areas of wild land identified by the mapping and also the Council desire for smaller areas to be identified. State that Supplementary Guidance is the appropriate location for this work.

492 EDF

The first bullet point should read “The landscape is capable of accommodating the proposal without *unacceptable* significant *detrimental* impact on landscape character”

The third bullet point should read “Proposals should not have *unacceptable* adverse impacts.....”. This policy requirement is unclear. Does it link to the SNH wild land mapping exercise ? Wild land that is valued by who ? This should be clarified within the policy so far as to provide unambiguous policy guidance for developers.

Modifications sought by those submitting representations:

446 SLR Consulting

The text should be reworded to refer to unacceptable significant impacts rather than detrimental.

The Landscape Capacity and Cumulative Impact Study should, it is submitted, refer to the Search Areas for Wild Land as set out by SNH or it is submitted that it should reflect the outcome of the ongoing work. The term “wild land” should be defined in the Local Development Plan. Wild land in itself should not prevent development and reference should be made to ongoing works regarding wild land designations.

428 Fred Olsen

Figures ED9b-ED9e are Landscape related and should be moved from the General section to the Landscape section

The protection of “*wild land*” needs qualified. To what level of wildness is the policy seeking to protect? In line with the proposed SPP, it should only be formally designated Core Wild Land that should be protected from significant/unacceptable adverse impacts. The presence of existing wind farms in “wild land” and the ongoing SNH work on Wild Land should also be taken in to context when considering this policy and potential effects.

432 Infinis

Bullet point three states that “*Proposals should not have adverse impacts on areas exhibiting remote qualities which are valued as ‘wild land’.*” Landscape impacts are likely to occur in respect of large scale commercial wind farms, however the test should be whether these effects are acceptable or not and as such the policy should read “...*unacceptable adverse impacts...*”.

283 Banks Renewables

Under the heading of ‘Landscape’ the policy test requires the landscape must be capable of accommodating the proposal without significant detrimental impact on landscape character and not have adverse impacts on wild land. This is too high a test and BRL suggest the policy is reworded to no „unacceptable significant detrimental impact“. This section of the policy also suggests large turbines are more likely to be accepted in larger scale landscapes and gives the example of upland types. The policy should either list all the landscapes considered ‘large’ scale or remove the specific reference to upland types.

282 TCI Renewables

However, commercial scale wind farms will always have a significant effect on landscape character for a number of kilometres. The present wording of the policy is not considered to be consistent with Scottish Planning Policy which requires proposals to be carefully considered to ensure that the landscape and visual impacts are “*minimised*”. It is considered that the wording of the policy should be amended accordingly.

458 2020 Renewables

We would suggest that the contents of the policy in relation to Wild Land are put on hold until the official position of SNH and the Scottish Government is revealed, as there are significant methodological concerns regarding the approach and work carried on Wild Land out to date.

286 RES

In the absence of such clarity on what is meant by "wild land" RES would strongly object to the inclusion of this criteria within the policy and request it is duly omitted

327 Scottish Natural Heritage

Would like to see the Proposed LDP consider further the principle of some of the recommendations made regarding wild land.

492 EDF

The first bullet point should read “The landscape is capable of accommodating the proposal without *unacceptable* significant *detrimental* impact on landscape character”

The third bullet point should read “Proposals should not have *unacceptable* adverse impacts.....”. This policy requirement is unclear.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO SECTION ON “WIND TURBINE PROPOSALS (GENERAL)” AS SET OUT IN THE PROPOSED PLAN.

REASONS

446 Wind Energy (Earlshaugh) Ltd

If the text is changed to read as suggested by the respondent that proposals should not have “unacceptable significant impacts”, the implication is that the Council could support turbines which have a significant impact on the landscape. This is not considered to be acceptable nor appropriate and it is not considered that the current text should be amended.

446 Wind Energy (Earlshaugh) Ltd, 432 Infinis, 428 Fred Olsen, 283 Banks Renewables, 458 2020 Renewables, 286 RES

The respondents all make references to the policy ED9’s reference to “wild land”. Para 128 of SPP 2010 states “The most sensitive landscapes may have little or no capacity to accept new development. Areas of wild land character in some of Scotland’s remoter upland, mountain and coastal areas are very sensitive to any form of development or intrusive human activity and planning authorities should safeguard the character of these areas in the development plan” (Core Document 024 para 128). It is considered parts of the Scottish Borders do exhibit wild land qualities in keeping with the definition of wild land areas as being “areas of natural environment which has not been notable modified by human activity “. Consequently it was considered apt that as proposals such as wind turbine developments could have a major impact on wild land areas, it was correct and competent to make reference to the protection of wild land areas within policy ED9. It is the case the Council wish to take forward the Scottish Govt’s (Core Document 022 page 15) reference to wild land that local authorities could consider the formal designation of such areas. This needs to go through a formal consultation process before these are formally agreed. Once this has been done, then these areas can be identified and referenced, possibly within the new SG on wind energy to be produced or within the policy of the next LDP. Scottish Natural Heritage have given support for further work in developing the wild land concept in the Scottish Borders (See summary response as part of this Schedule 4).

428 Fred Olsen

Policy ED9 has a section on Wind Turbine Proposals which is then split into component parts. Figures ED9b - ED9e are headed under a section entitled “General”. The figures are relevant to proceeding component parts such as landscape, visual impact and cumulative landscape and visual impacts and it is considered the figures are correctly located within the “General” section.

327 Scottish Natural Heritage

Comments noted. The Council Report (Supporting Document 035 - 1) recommended to the Planning and Building Standards Committee to welcome identification of those areas of Core Wild Land within the Scottish Borders; a more comprehensive approach to wild land through identification of smaller more local areas of wildness, so as to protect areas with high societal value; and to see these core areas and relative wildness areas given more appropriate policy protection, particularly from inappropriate development. It is considered further conversation with Scottish Natural Heritage could take place as part of the programmed review of Wind Energy Supplementary Planning Guidance where wild land is set out as a factor to be considered.

492 EDF

The text change proposed by the respondent effectively states that a proposal could be

supported where it had a “significant detrimental impact”, but not when this was “unacceptable”. This is not considered to be appropriate and the text should not be amended.

Reporter’s conclusions:

My conclusions and recommendations in issue 26 cover the representations referred to in this issue.

Reporter’s recommendations:

Issue 036	Policy ED9: Renewable Energy Development – Policy Text relating to “Wind Turbine Proposals (Visual Impact)”	
Development plan reference:	Policy ED9 : Renewable Energy Development – Policy Text relating to “Wind Turbine Proposals (Visual Impact)” Page 63	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>428 Fred Olsen 432 Infinis 283 Banks Renewables 282 TCI Renewables 446 Wind Energy (Earlshaugh) Ltd 286 RES 492 EDF</p>		
Provision of the development plan to which the issue relates:	Policy ED9: Renewable Energy Development – Policy Text relating to “Wind Turbine Proposals (Visual Impact)”	
Planning authority’s summary of the representation(s):		
<p><u>428 Fred Olsen</u></p> <p>First bullet point: We suggest the inclusion of the term “unacceptable” in the phrase “<i>should demonstrate minimal [unacceptable] effects</i>” Agree with final sentence of first bullet point re “Assessment must take into account the effects of distance between the developer and the receptor”.</p> <p>Second bullet point: We suggest that the sentence; “<i>where there is no interference with prominent skylines</i>” should be rephrased; “where there is no unacceptable/significant adverse effect on prominent skylines</p> <p><u>432 Inffinnis</u></p> <p>The policy refers to ‘minimal effects’ on sensitive receptors. Infinis considers that appropriate wording in this respect should state that <i>‘through the siting and design of a wind farm, developers should seek to minimise and where possible avoid significant effects on sensitive receptors’</i>, which would be tested through a visual impact assessment and in the case of residential properties a residential amenity assessment.</p> <p><u>283 Banks Renewables</u></p> <p>The policy states locations will be ‘preferred’ where there is no interference with ‘prominent skylines’. The use of the term prominent skyline is ambiguous and no guidance is given to where these skylines might be. While we agree it is important to consider the effect of visual containment and prominent skylines, BRL strongly advocate for the removal of the word “preferred” in order to ensure that compliance with skylines and surrounding landform is not given preference without consideration being given to other impacts.</p>		

282 TCI Renewables

It is considered unreasonable to require a commercial scale wind farm to demonstrate “... *minimal effects on sensitive receptors* ...”. It is considered that the policy should be amended to require developers to demonstrate that proposals have sought to ‘minimise’ visual impacts so as to accord with SPP.

446 Wind Energy (Earlshaugh) Ltd

In terms of Visual Impact it is submitted that the first bullet point should refer to a proper assessment of sensitivity of the receptor and the level of significance of the effects of the proposed development. It is assumed that the council mean that the assessment should take into account the distance between the development and receptor rather than developer and receptor.

In terms of the second bullet point there are many cases within Scotland where wind turbines are seen on prominent skylines, e.g. Dun Law. It will not always be possible or desirable to back cloth turbines and it is considered that the second bullet point of this section of the policy should be removed and replaced with a statement reflecting the need for good design appropriate to the location of the proposed development

286 RES

it is unclear what this criteria defines as a minimal impact on a sensitive receptor, nor does it define what constitutes a sensitive receptor in terms of designation of national, or international importance. We strongly object to the use of the word "minimal" and request it be removed from this criteria and replaced with the word "significant"

492 EDF

First bullet point should be changed to read “Views of the turbines including associated transmission lines, tracks, plant and building should result in no unacceptable effects on sensitive receptors including residential properties, important landscape features, prominent landmarks, major tourist routes and popular public viewpoints. Assessment must take into account the effects of distance between the development and the receptor as well as intervening topography and planting;”

Modifications sought by those submitting representations:428 Fred Olsen

First bullet point: We suggest the inclusion of the term “unacceptable” in the phrase “*should demonstrate minimal [unacceptable] effects*” Agree with final sentence of first bullet point re “Assessment must take into account the effects of distance between the developer and the receptor”

Second bullet point: We suggest that the sentence; “*where there is no interference with prominent skylines*” should be rephrased; “where there is no unacceptable/significant adverse effect on prominent skylines

432 Infinis

Infinis considers that appropriate wording in respect of “minimal effects” should state that *‘through the siting and design of a wind farm, developers should seek to minimise and where possible avoid significant effects on sensitive receptors’*, which would be tested through a visual impact assessment and in the case of residential properties a residential amenity assessment.

283 Banks Renewables

The use of the term prominent skyline is ambiguous and no guidance is given to where these skylines might be. BRL strongly advocate for the removal of the word “preferred” in order to ensure that compliance with skylines and surrounding landform is not given preference without consideration being given to other impacts.

282 TCI Renewables

It is considered that the policy should be amended to require developers to demonstrate that proposals have sought to ‘minimise’ visual impacts so as to accord with SPP.

446 Wind Energy (Earlshaugh) Ltd

The first bullet point should refer to a proper assessment of sensitivity of the receptor and the level of significance of the effects of the proposed development. It is assumed that the council mean that the assessment should take into account the distance between the development and receptor rather than developer and receptor.

The second bullet point of this section of the policy should be removed and replaced with a statement reflecting the need for good design appropriate to the location of the proposed development

286 RES

In the first bullet point the respondent strongly objects to the use of the word "minimal" and request it be removed from this criteria and replaced with the word "significant"

492 EDF

First bullet point should be changed to read “Views of the turbines including associated transmission lines, tracks, plant and building should result in no unacceptable effects on sensitive receptors including residential properties, important landscape features, prominent landmarks, major tourist routes and popular public viewpoints. Assessment must take into account the effects of distance between the development and the receptor as well as intervening topography and planting;”

Summary of responses (including reasons) by planning authority:

NO CHANGE TO FIRST BULLET POINT. HOWEVER, IT IS REQUESTED TO THE REPORTER TO CONSIDER FURTHER THE PROPOSED AMENDMENTS TO AMEND THE WORDING OF THE FIRST BULLET POINT REGARDING THE PHRASE “....SHOULD DEMONSTRATE MINIMAL EFFECTS....”

CHANGE WORD “DEVELOPER” TO “DEVELOPMENT” IN THE LAST SENTENCE OF THE SECOND BULLET POINT IN THE VISUAL IMPACT SECTION OF POLICY ED9. THIS IS CONSIDERED BY THE COUNCIL TO BE A NON-SIGNIFICANT CHANGE. AT THE END OF THE LAST SENTENCE IN THE FIRST BULLET POINT THE PHRASE “...AS WELL AS INTERVENING TOPOGRAPHY AND PLANTING” SHOULD BE ADDED WHICH IS CONSIDERED A NON-SIGNIFICANT CHANGE BY THE COUNCIL

NO CHANGE TO SECOND BULLET POINT. HOWEVER, IT IS REQUESTED TO THE REPORTER TO CONSIDER FURTHER THE PROPOSED AMENDMENTS TO AMEND THE WORDING TO READ “...WHERE THERE IS NO UNACCEPTABLE / SIGNIFICANT ADVERSE EFFECT ON PROMINENT SKYLINES”

REASONS

Bullet point 1

428 Fred Olsen

Support of the final sentence in bullet point 1 is noted

428 Fred Olsen, 432 Infinis, 282 TCI Renewables, 446 Wind Energy (Earlshaugh) Ltd, 492 EDF, 286 RES

All respondents make general reference in particular to the suitability of the words “...minimal effects...” in the context of bullet point 1 and alternatives are suggested. The Council considers that the alternative suggestions such as “...where possible avoid significant effects on sensitive receptors...” is inappropriate and not within the spirit of SPP 2010 (Core Document 024 para 187). It is considered the text within the proposed Plan should remain.

However, the Council notes the provisions within paragraph 87 of Circular 6/2013 on Development Planning which state that “The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations” (Core Document 031). In that respect the Council acknowledges a proposed amendment could be added to the Plan, and the Council would accept the Reporter’s decision on this matter.

446 Wind Energy (Earlshaugh) Ltd

The introductory text to policy ED9 refers to the need for certain detailed assessments to be carried out. It would be expected that a planning application would fully address any perceived impact on any identified receptor. The receptors would be identified in discussion with the Council at pre-application stage. It is considered this is covered within the introductory text.

It is agreed there is a typo in bullet point 1 in the last sentence which should refer to the “development” as opposed to the “developer”. This is considered by the Council to be a non-significant change to the text.

492 EDF

It is agreed that the inclusion of the words “..as well as intervening topography and

planting” at the end of the last sentence in the first bullet point is considered an acceptable non- significant change to the Council.

Bullet point 2

428 Fred Olsen

It is considered that the proposed text change to read “...where there is no unacceptable / significant adverse effect on prominent skylines” suggests that interference with prominent skylines would be acceptable. The Council does not feel it could support this change. However, the Council notes the provisions within paragraph 87 of Circular 6/2013 on Development Planning which state that “The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations.” In that respect the Council acknowledges this proposed amendment could be added to the Plan, and the Council would accept the Reporter’s decision on this matter.

283 Banks Renewables

It is considered that the phrase in the second bullet point expresses the Council’s locational preference but doesn’t detract from other matters to be considered. It is considered this is correct. Impacts on skylines and their prominence would be addressed on a case by case basis at the planning application stage

446 Wind Energy (Earlshaugh) Ltd

It is not considered apt to promote and encourage wind farm developments on prominent skylines.

Reporter’s conclusions:

My conclusions and recommendations in issue 26 cover the representations referred to in this issue.

Reporter’s recommendations:

Issue 037	Policy ED9: Renewable Energy Development - Policy text relating to “Wind Turbine proposals (Cumulative Landscape and Visual Impacts)”	
Development plan reference:	Policy ED9 : Renewable Energy Development Policy text relating to “Wind Turbine proposals (Cumulative Landscape and Visual Impacts)” Page 63	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>428 Fred Olsen 432 Infinis 283 Banks Renewables 282 TCI Renewables 446 Wind Energy (Earlshaugh) Ltd 492 EDF</p>		
Provision of the development plan to which the issue relates:	Policy ED9 : Renewable Energy Development Policy text relating to “Wind Turbine proposals (Cumulative Landscape and Visual Impacts)”	
Planning authority’s summary of the representation(s):		
<p><u>428 Fred Olsen</u></p> <p>Do not agree with the use of the term ‘must be avoided’ in the first bullet point.</p> <p>In relation to significant sequential cumulative impact every wind farm is theoretically sequential depending on the timeframe</p> <p>Disagree with the test put forward. It doesn’t refer to Figure ED9b. A cumulative impact can occur anywhere where two or more wind farms are visible either in combination, in succession or sequentially, as stated in the Scottish Governments online advice, August 2012. The test needs to be whether a cumulative effect is acceptable. Such effects should be judged on a case by case basis using the Landscape and Visual Impact Assessments (LVIA) provided in the Environmental Statements of wind farm applications.</p> <p><u>432 Infinis</u></p> <p>The text of the policy relating to cumulative impacts is unreasonable, unduly restrictive and wholly unsupportive</p> <p>Bullet point one states that cumulative impacts “<i>must be avoided where an existing wind farm development is present in an adjoining area and can be viewed together with the proposed development</i>”. This statement is considered to be wholly unsupportive and gives the view that such developments will be considered unfavourable without consideration of an application and accompanying supporting information, as well as any benefits which may be associated with a scheme. The policy suggests extensions to existing schemes will not be considered favourably by SBC and the policy as proposed would effectively prohibit potential extensions. Infinis would remind SBC that each application is required to be considered on its own individual merits</p>		

Bullet point two also states that *inter alia* ‘..impacts must be avoided..’. Again we would highlight that this is inconsistent with SPP, in particular paragraph 187 which states “*Planning authorities should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed.*” We would encourage SBC to adapt this policy accordingly.

Bullet point three refers to the existing spatial strategy, and states that where potential cumulative impacts are likely to occur there will be a presumption against development unless it can be demonstrated to the satisfaction of SBC that there would be no significant additional detrimental impacts. It is our considered opinion that this ‘presumption against development’ is simply incorrect and not in compliance with SPP. This sentence should be reworded to read, “*Within the areas identified in the spatial strategy where existing development means that potential cumulative impacts are likely to occur, a detailed cumulative impact assessment will be required to be undertaken to demonstrate that there would be no additional unacceptable significant detrimental impacts.*”

Furthermore we would point out that the current SPG ‘spatial strategy’ map and figure ED9b are at odds with one another and lack consistency in terms of where they direct development. Each application should be determined on its own individual merits and on the basis of detailed technical assessments which should be submitted to accompany any application

283 Banks Renewables

In the ‘Cumulative Landscape and Visual Impacts’ section the policy states that significant cumulative impacts must be avoided where an existing wind farm development is present in an adjoining area and can be viewed together with the proposed development. This approach is severely flawed as it automatically assumes that there will be significant impacts if two wind farms can be seen adjacent to each other. The use of the words requiring adverse impacts to be avoided is too high a test and it is suggested the addition of the word “acceptable”.

282 TCI Renewables

It is considered that the words ‘which are not outweighed by the environmental, economic and social benefits of the proposal’ should be added to the end of the last bullet point.

446 Wind Energy (Earlshaugh) Ltd

It is submitted that any commercial wind farm development will result in significant landscape and visual impacts. This cannot be avoided. These impacts may be as a result of cumulative development. The presence of such significant impacts should not in themselves be a reason for the refusal of planning permission. It is submitted that the focus should be on making such impacts acceptable.

There appears to be a move away from the ‘cluster and space’ approach promoted in the 2011 SPG and by the Scottish Government and, to some extent, underpinning the Landscape Capacity and Cumulative Impact Study — particularly where the landscape strategy is one of accommodation to make or extend an area that could be termed a landscape with wind farms or even a wind farm landscape. If this is the intention of the policy it should be set out more clearly and the approach properly defined.

This section of the policy should be revised to require applicants to properly assess cumulative impacts of proposed developments both from agreed viewpoints and from routes such as long distance pathways

492 EDF

The phrase “.....and where such cumulative impact would be unacceptable” should be added to the end of the first bullet point

At the beginning of the second bullet point the word “Unacceptable“ should be added

The third bullet point should be amended to read “Within the areas identified in the spatial strategy, where existing development means that potential cumulative impacts are likely to occur, *development will be supported where* it can be demonstrated to the satisfaction of the Council that there would be no *unacceptable* significant additional detrimental impacts”

Modifications sought by those submitting representations:

428 Fred Olsen

The term ‘must be avoided’ in the first bullet point should be removed.

The test needs to be whether a cumulative effect is acceptable.

432 Infinis

Bullet point two should be adapted adapt this policy accordingly.

Bullet point should be reworded to read, “*Within the areas identified in the spatial strategy where existing development means that potential cumulative impacts are likely to occur, a detailed cumulative impact assessment will be required to be undertaken to demonstrate that there would be no additional unacceptable significant detrimental impacts.*”

283 Banks Renewables

The use of the words requiring adverse impacts to be avoided is too high a test and it is suggested the addition of the word “acceptable”.

282 TCI

It is considered that the words ‘which are not outweighed by the environmental, economic and social benefits of the proposal’ should be added to the end of the last bullet point.

446 Wind Energy (Earlshaugh) Ltd

If it is the intention of the policy to move away from the “cluster and space” approach it should be set out more clearly and the approach properly defined.

This section of the policy should be revised to require applicants to properly assess cumulative impacts of proposed developments both from agreed viewpoints and from routes such as long distance pathways

492 EDF

The phrase “.....and where such cumulative impact would be unacceptable” should be added to the end of the first bullet point

At the beginning of the second bullet point the word “Unacceptable“ should be added

The third bullet point should be amended to read “Within the areas identified in the spatial strategy, where existing development means that potential cumulative impacts are likely to occur, *development will be supported where* it can be demonstrated to the satisfaction of the Council that there would be no *unacceptable* significant additional detrimental impacts”

Summary of responses (including reasons) by planning authority:

NO CHANGE TO SECTION ON “CUMULATIVE LANDSCAPE AND VISUAL IMPACTS” AS SET OUT IN POLICY ED9 OF THE PROPOSED PLAN

REASONS

428 Fred Olsen

This part of the policy does not seek to prevent coincident cumulative impact. It states that where this is significant this should be avoided. It is considered this is a fair statement and within the spirit of SPP.

Whilst some turbines could be considered to have some elements of sequential cumulative impact, in an area as large as the Scottish Borders given the distances between turbines and their often remote locations many are most unlikely to be viewed “in sequence”.

The policy test clearly expresses that simply because turbines have a cumulative impact this does not automatically mean they could not be supported, as text in bullet point 3 states there is the opportunity to show the “...there would be no significant additional detrimental impacts”

432 Infinis

It is disagreed that this part of the policy is unreasonable, unduly restrictive and wholly unresponsive. In practice the Council continues to support wind turbines in appropriate locations (Supporting Document 037-1) and it is considered that the text accurately reflects cumulative landscape and visual impacts to be addressed.

In relation to the first bullet point it is considered that significant cumulative impact is a major issue to be addressed and the policy wording is correct. However, it is agreed as stated by the respondents that in practice each planning application is dealt with on its own merits and applicants have the opportunity to submit detailed site specific information and plans which show how they feel cumulative impact issues can be mitigated in order to show that the application could be supported

The Council continues to support renewable energy in appropriate locations as required by national guidance. It is considered the second bullet point is worded in a way which is within the spirit of SPP 2010, correctly identifying issues involving *significant* sequential cumulative which is justifiable concern to be addressed.

In relation to the third bullet point it is considered correct to highlight cumulative impact issues, but that applications can still be approved if the applicant can demonstrate any perceived cumulative impact issue can be resolved. This is considered very reasonable and justified.

The spatial strategy map ED9a relates to constraints identified within SPP 2010, giving them levels of protection and ultimately producing an output which identifies areas of search. Figure ED9b relates to landscape capacity and identifies where existing approvals require cumulative impacts to be addressed. Consequently the maps have different purposes and outputs.

283 Banks Renewables

It is considered correct that the situation with turbine proposals must be avoided where there is “.... *significant* cumulative impact...”. However, at the planning application stage applicants can submit more detailed information and plans in support of why they feel a proposal can overcome any cumulative impact issues.

282 TCI Renewables

It is considered the wording of the last bullet point is acceptable without the need for the additional wording as suggested by the respondent. The first para in the policy relates to all subsections within the policy, including the section on “Cumulative Landscape and Visual Impacts”. The last sentence in the first para makes reference to consideration of social, economic and environmental issues.

446 Wind Energy (Earlshaugh) Ltd

It would be a major concern that if it is agreed that a wind turbine proposal will have a significant impact on the landscape and visual impacts, rather than refuse the proposal it is a case of doing the best we can to make it appear acceptable. It is considered the policy wording within the proposed Plan is fair and balanced.

It is not the intention of policy ED9 to move away from the cluster and space approach and it is considered the policy gives the correct balance of allowing extensions to existing wind farms but considering the issue of cumulative impact. This part of the policy does not have an automatic presumption against cumulative impact and can support such proposals when considered appropriate which in essence is the principle behind cluster and space approach.

Issues to be addressed in relation to cumulative impact and viewpoints will be considered at the pre-planning application stage as currently operates

492 EDF

The beginning of the first bullet point states clearly that “significant coincident cumulative landscape and visual impacts must be avoided...”. Consequently the implication is that any proposals which breach this are likely to be unacceptable and therefore the proposed additional text at the end of the first bullet point suggested by the contributor is not necessary.

In bullet point 2 if the text is changed to read as suggested by the respondent that

proposals should not have “unacceptable significant impacts”, the implication is that the Council could support turbines which have a “significant impact” on the landscape. This is not considered to be acceptable nor appropriate and it is not considered that the current text should be amended.

The proposed change to the text in the third bullet point suggests a proposal could be supported even although it has “significant additional detrimental effects”. This is not considered an appropriate change and the text should remain as within the proposed Plan.

Reporter’s conclusions:

My conclusions and recommendations in issue 26 cover the representations referred to in this issue.

Reporter’s recommendations:

Issue 038	Policy ED9: Renewable Energy Development - Policy text relating to “Wind Turbine Proposals (Biodiversity)”	
Development plan reference:	Policy ED9 : Renewable Energy Development - Policy text relating to “Wind Turbine Proposals (Biodiversity)” page 63	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>283 Banks Renewables 446 Wind Energy (Earlshaugh) Ltd</p>		
Provision of the development plan to which the issue relates:	Policy ED9: Renewable Energy Development Policy text relating to “Wind Turbine Proposals (Biodiversity)”	
Planning authority’s summary of the representation(s):		
<p><u>283 Banks Renewables</u></p> <p>The paragraph of the policy on Biodiversity does not make sense, there is no policy test within it and therefore it does not advise the decision maker what level of impact is deemed acceptable. We suggest adding a policy test into the paragraph or alternatively remove</p> <p><u>446 Wind Energy (Earlshaugh) Ltd</u></p> <p>It should be clear that the biodiversity criteria relates to international and national designations.</p>		
Modifications sought by those submitting representations:		
<p><u>283 Banks Renewables</u></p> <p>The paragraph of the policy on Biodiversity should have a policy test within it and does not advise the decision maker what level of impact is deemed acceptable. The respondent suggests adding a policy test into the paragraph or alternatively remove</p> <p><u>446 Wind Energy (Earlshaugh) Ltd</u></p> <p>It should be made clear that the biodiversity criteria relates to international and national designations.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO TEXT WITHIN THIS PART OF POLICY ED9 AS SET OUT IN THE PROSED PLAN</p>		

REASONS

283 Banks Renewables

Biodiversity can be a significant constraint to be addressed when determining planning applications for wind turbines and it is important that it is referred to within policy ED9. It is considered difficult to categorically state at what point an application may be approved or refused in relation to impacts on biodiversity and mitigation and it is considered that the text within this part of the policy is sufficient for its purpose and will be considered on a case to case basis.

446 Wind Energy (Earlshaugh) Ltd

At the end of policy ED9 there is a list of other Key LDP Policies which should be cross referenced. Within this list reference is made to policy EP3 Local Biodiversity. Policy EP3 gives further details and clarity of biodiversity including all it encompasses. It is considered this is a sufficient reference to biodiversity, and this is preferable to overloading policy ED9 with other similar detailed text explanations text.

Reporter's conclusions:

My conclusions and recommendations in issue 26 cover the representations referred to in this issue.

Reporter's recommendations:

Issue 039	Policy ED9: Renewable Energy Development Text relating to Wind Turbine Proposals (Historic Environment)	
Development plan reference:	Policy ED9 - Renewable Energy Development - Text Relating to Wind Turbine Proposals (Historic Environment) page 63	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
446 Wind Energy (Earlshaugh) Ltd		
Provision of the development plan to which the issue relates:	Policy ED9 : Renewable Energy Development	
Planning authority's summary of the representation(s):		
<p><u>446 Wind Energy (Earlshaugh) Ltd</u></p> <p>It should be clear that reference to Historic Environment relates to designed national historic assets and not any form of historic asset. It is submitted that setting should be properly defined. It should be clear what the policy is relevant to with reference to listed buildings, conservation areas etc</p>		
Modifications sought by those submitting representations:		
<p><u>446 Wind Energy (Earlshaugh) Ltd</u></p> <p>Policy text should be amended to state that reference to Historic Environment relates to designed national historic assets and not any form of historic asset, that setting should be properly defined and it should be made clear what the policy is relevant to with reference to listed buildings, conservation areas etc</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO TEXT WITHIN THIS PART OF POLICY ED9 AS SET OUT IN THE PROPOSED PLAN</p> <p>REASONS</p> <p><u>446 Wind Energy (Earlshaugh) Ltd</u></p> <p>The Local Dev Plan makes reference to a wide range of matters and it is not practical or necessary to give detailed definitions for all of these. It is acknowledged that the name "Historic Environment" includes, for example, ancient monuments, archaeological sites and landscapes, historic buildings, townscapes, parks, gardens and designed landscapes and marine heritage. Further clarity on this can be obtained from a range of sources including Historic Scotland productions.</p> <p>The setting of a listed building or conservation area must be considered on a case to case basis at the planning application stage and an overarching definition of setting would not</p>		

adequately cover the various scenarios which exist.
Reporter's conclusions:
My conclusions and recommendations in issue 26 cover the representations referred to in this issue.
Reporter's recommendations:

Issue 040	Policy ED9: Renewable Energy Development - Policy text relating to “Wind Turbine Proposals (Other Considerations)”	
Development plan reference:	Policy ED9: Renewable Energy Development - Policy text relating to “Wind Turbine Proposals (Other Considerations)” Page 63	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>428 Fred Olsen 446 Wind Energy (Earlshaugh) Ltd 283 Banks Renewables 492 EDF</p>		
Provision of the development plan to which the issue relates:	Policy ED9: Renewable Energy Development - Policy text relating to “Wind Turbine Proposals (Other Considerations)”	
Planning authority’s summary of the representation(s):		
<p><u>428 Fred Olsen</u></p> <p>This appears to be a random mixture of topics without any indication as to how these will be interpreted by the Council.</p> <p>The sentence starting with “In all cases..” appears to go beyond the requirements of SPP 187 which states that “<i>planning authorities should support the development of wind farms in locations where they can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed</i>”.</p> <p>The “<i>protection of carbon rich soils including peat land</i>” should be altered in line with Scottish Planning Policy paragraph 133 and rather state that potential impact upon areas of deep peat should be assessed</p> <p>The numbered paragraphs 1 - 8 are redundant as the issues they relate to are considered in the Policy already. Again the repetition of issues raised elsewhere in the policy alongside the introduction of new elements adds to the sense of confusion over how this policy is intended to work in practice, how it will be interpreted by the various users of the plan and how it will be used to determine applications. The “Routeing and timing of construction traffic” for example has little if anything to do with the operation of the turbines which this part of the policy proposes to relate to. Overall this policy fails to address fundamental requirements of the planning system as set out in the SPP and should be completely reworded to reflect these requirements</p> <p><u>446 Wind Energy (Earlshaugh) Ltd</u></p> <p>It is unclear why peat land should be protected from development. It is submitted that it is appropriate for a wind farm application to assess the impact on peat but that the presence of peat should not be a reason for refusal of planning permission</p> <p>The issues identified as criteria 1 to 8 are all considered to be relevant to the consideration of applications for planning permission for wind farm developments. They are matters that</p>		

should be assessed in the Environmental Impact Assessment works undertaken as part of the application process. It is submitted that the technical specifications of the turbines is a matter for the developer but that any proposed turbine must be able to operate within the terms of the Environmental Impact Assessment and any relevant planning conditions. For example in the case of noise the proposed turbine must be able to operate within the terms of any condition restricting noise emissions

283 Banks Renewables

The section on Other Considerations has no policy test and instead merely lists the elements a developer should consider and demonstrate when designing their site and minimising impacts. These are all matters which the developer is required to address within their environmental statement.

492 EDF

Introductory paragraph to points 1 – 8 to be amended to read “In all cases developers must demonstrate that they have considered options for *satisfactorily siting wind* turbine proposals...”

Modifications sought by those submitting representations:

428 Fred Olsen

The phrase “*protection of carbon rich soils including peat land*” within the bullet point should be altered in line with Scottish Planning Policy paragraph 133 and rather state that potential impact upon areas of deep peat should be assessed

Overall this policy fails to address fundamental requirements of the planning system as set out in the SPP and should be completely reworded to reflect these requirements

492 EDF

Introductory paragraph to points 1 – 8 to be amended to read “In all cases developers must demonstrate that they have considered options for *satisfactorily siting wind* turbine proposals...”

Summary of responses (including reasons) by planning authority:

NO CHANGE TO SECTION ON “OTHER RENEWABLE ENERGY DEVELOPMENT” AS SET OUT IN POLICY ED9 WITHIN THE PROPOSED PLAN

REASONS

428 Fred Olsen, 446 Wind Energy (Earlshaugh) Ltd & 283 Banks Renewables

The respondents all raise issues regarding the purpose and content of issues listed including criteria 1 to 8. Policy on renewable energy covers a very wide range of issues to be addressed. It is considered policy ED9 has a structure which pigeon holes issues within clearly defined categories. However, there are other considerations to be addressed which fall within more general and less defined categories and therefore it is considered appropriate to list these separately under the heading “Other Considerations”. It is

considered all the criteria listed have relevance and require consideration in the determination of wind turbine proposals and their inclusion within the policy is justified. It is accepted that some of the criteria identified within the “Other Considerations” section could be addressed within the Environmental Statement. However, it is considered that as they require assessment as part of a planning application proposal it is correct that they are included within the policy.

428 Fred Olsen

It is considered that the sentence “In all cases developers must demonstrate that they have considered options for minimising the operational impact of a turbine proposal...” is appropriate and within the spirit of SPP 2010.

It is considered that the bullet point reference to the “protection of carbon rich soils including peatland” is appropriate and in line with para 133 of SPP 2010 (Core Document 024) in that if an assessment of peat is required it follows that there is an assumption it should be given some protection.

446 Wind Energy (Earlshaugh) Ltd

Para 133 of SPP 2010 states that “Where peat and other carbon rich soils are present, applicants should assess the likely effects ...” (Core Document 024). It follows that there is little point requesting an assessment of any impact on peat if there is no intention of giving it some protection.

492 EDF

It is not considered that the introductory paragraph is necessary and therefore the text in the Plan does not need to be amended.

Reporter’s conclusions:

My conclusions and recommendations in issue 26 cover the representations referred to in this issue.

Reporter’s recommendations:

Issue 041	Policy ED9: Renewable Energy Development - Policy text relating to “Other Renewable Energy Development”	
Development plan reference:	Policy ED9: Renewable Energy Development - Policy text relating to “Other Renewable Energy Development” Page 64	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>428 Fred Olsen 283 Banks Renewables 286 RES UK & Ireland Ltd</p>		
Provision of the development plan to which the issue relates:	Policy ED9: Renewable Energy Development Policy text relating to “Other Renewable Energy Development”	
Planning authority’s summary of the representation(s):		
<p><u>428 Fred Olsen</u></p> <p>This section of the Policy does not add anything and is also redundant. Short rotation coppice does not require planning permission.</p> <p><u>283 Banks Renewables</u></p> <p>The section on Other Renewable Energy Development includes discussion on small scale or domestic renewable energy developments. The test in this section of the policy is much less onerous than that for wind turbine projects and is one of being ‘satisfactorily accommodated’. There is no support in national policy for adopting a different level of test for the two scales of development and BRL strongly suggest rewording the policy to provide a more consistent approach.</p> <p><u>286 RES UK & Ireland Ltd</u></p> <p>Within this section of Policy ED9 it confirms that small scale or domestic renewable energy developments, including single turbines will be encouraged where they can be satisfactorily accommodated into their surroundings, in accordance with the protection of residential amenity and the historic and natural environment. It is unclear as to the reference of single turbine if this relates to a wind turbine, as the previous section within the policy relating to Wind Turbine Proposals confirms it relates to all wind turbine proposals and is significantly more detailed. The confusion as to how Policy ED9 relates to such development is unhelpful.</p>		
Modifications sought by those submitting representations:		
<p><u>428 Fred Olsen</u> - This section of the policy is redundant.</p> <p><u>283 Banks Renewables</u> - BRL strongly suggest rewording this part of the policy to provide a more consistent approach.</p>		

Summary of responses (including reasons) by planning authority:

NO CHANGE TO TEXT WITHIN THIS PART OF POLICY ED9 AS SET OUT IN THE PROPOSED PLAN

REASONS

428 Fred Olsen

It is considered that the reference at the end of policy ED9 to “Other Renewable Energy Development” is a useful reference to the Council’s pro-active approach to generally smaller scale renewable energy proposal and identifies issues to be addressed and mitigated.

It is accepted that short rotation coppices generally do not require planning consent. However, there may be instances where this is a larger scale commercial venture which may require a change of use of land and may have related buildings requiring consent. It is considered this reference could still be included within this part of the policy .

283 Banks Renewables

It is considered that the types of generally smaller scale and less contentious types of renewable energy referred to within this part of the policy raise different issues to wind energy proposals and it is considered correct that they are referred to under a separate part of the policy. There may be no support in national policy for suggesting different policy considerations are used, but equally there is no reference to it not being possible to do. This part of the policy is not a new concept nor layout and the same text has been used in the adopted Local Plan 2008 (Core Document 008, page 92) and the consolidated Local Plan (Core Document 007, page 99). The Council believes this has worked well in practice and is not aware of any previous objections nor issues relating to this. It is contended that this text should remain.

286 RES UK & Ireland Ltd

This part of the policy relates to renewable energy development types which are generally considered less contentious than, for example, larger scale wind farm proposals. Single turbines are generally relatively less contentious proposals and are referred to within this section. However, as they are wind turbines other parts of policy ED9 may be relevant depending on the nature and location of the proposal and should be referred to.

Reporter’s conclusions:

My conclusions and recommendations in issue 26 cover the representations referred to in this issue.

Reporter’s recommendations:

Issue 042	Policy ED9: Renewable Energy Development - Section relating to “Key Policies to which this policy should be cross referenced”	
Development plan reference:	Policy ED9 : Renewable Energy Development Section relating to “Key Policies to which this policy should be cross referenced” Page 64	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
432 Infinis 283 Banks Renewables		
Provision of the development plan to which the issue relates:	Policy ED9: Renewable Energy Developments	
Planning authority’s summary of the representation(s):		
<p><u>432 Infinis</u></p> <p>In terms of the ‘Key Policies’ which the PLDP advises should be cross referred to Policy ED9, Infinis disagrees with the inclusion of Policy PMD2 Quality Standards, and Policy HD3 Protection of Residential Amenity. PMD2 is more relevant to traditional forms of commercial development and is not considered to be relevant to wind energy development. Policy PMD1 Sustainability is considered to be more in keeping with potential renewable energy developments. HD3 relates to Housing Development and residential amenity, and it is considered that this policy is specific to housing development and is not intended to be relevant to the consideration of commercial scale wind energy. Policy ED9 itself includes requirements in respect of protection of residential amenity.</p> <p><u>283 Banks Renewables</u></p> <p>The accompanying text to the policy concludes by indicating that the policy should be cross referenced with a total of 19 other policies. Given the length and comprehensiveness of Policy ED9 this long list of cross referenced policies would appear to be somewhat onerous and potentially very confusing. Policy ED9 appears to contain differing policy tests for Renewable Energy alone. From a cursory review, it is clear there are several instances where the policy tests set down in the cross referenced policies is different from that set down in ED9.</p>		
Modifications sought by those submitting representations:		
<p><u>432 Infinis</u></p> <p>Policy PMD2 and HD3 to be removed from the cross reference part of policy ED9</p>		
Summary of responses (including reasons) by planning authority:		
NO CHANGE TO CROSS REFERENCE PART OF POLICY ED9 AS SET OUT IN THE PROPOSED PLAN		

REASONS

432 Infinis

The purpose of the cross references listed at the foot of all policies is to advise any interested parties of other policies within the Plan which may be of interest and relevant to a particular proposal. As applications vary from case to case the list does not claim to be definitive and some of the policies may not be relevant to a specific proposal. However it is contended that those listed are more likely to be relevant to proposals relating to policy ED9. Policy PMD2 (page 24 of the proposed Plan) is a general policy which all proposals should take cognisance of. The protection of residential amenity is a major issue for proposals such as wind turbines and policy HD3 (page 79 of the proposed Plan) states that “it applies to all forms of development and is also applicable in rural situations”. There will be instances when one or both of these policies will be relevant and it is considered that reference to both these policies is correct.

283 Banks Renewables

As stated above the purpose of the cross references listed at the foot of all policies is to advise any interested parties of other policies within the Plan which may be of interest and relevant to a particular proposal. As applications vary from case to case the list does not claim to be definitive and some of the policies may not be relevant to a specific proposal. More than one policy is often relevant to a number of proposals, particularly for major proposals such as wind farms, and the various criteria requirements within the policies need to be referred to and addressed. It is therefore contended that the list of policies to be cross referenced is correct, although obviously some will carry more weight than others in certain cases depending upon the nature of the proposal.

Reporter’s conclusions:

My conclusions and recommendations in issue 26 cover the representations referred to in this issue.

Reporter’s recommendations:

Issue 043	Policy ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils	
Development plan reference:	Policy ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>462 Cranshaws, Ellemford and Longformacus CC 357 SEPA 130 Oakes 353 RSPB 423 Southdean CC 432 Infinis 446 Wind Energy (Earlshaugh) Ltd 286 RES UK & Ireland Ltd</p>		
Provision of the development plan to which the issue relates:	Policy ED10: Protection of prime Quality Agricultural Land and Carbon Rich Soils (pages 66 – 67)	
Planning authority’s summary of the representation(s):		
<p><u>462 Cranshaws, Ellemford and Longformacus CC</u></p> <p>We welcome additional protection for carbon rich soils and agricultural land. We would particularly like to see more robust assessment of these issues relating to the substantial tracks and infrastructure involved in wind farms and other large-scale development.</p> <p><u>357 SEPA</u></p> <p>We support the inclusion of this policy which covers carbon rich soils and peat and takes into account the comments we made on the draft policy wording. We note the exceptions to this policy as detailed in the supporting text paragraph 1.2. We welcome that our previous concerns regarding the requirement to avoid areas of deepest peat have been taken on board and additional wording on this issue has been included in the policy. Furthermore we welcome the addition to the policy which requires a soil (or peat) survey to demonstrate that the areas of highest quality soil or deepest peat have been avoided. We also welcome the requirement for the provision of a soil or peat management plan in order to demonstrate that any unnecessary disturbance, degradation or erosion has been minimised, which includes proposed mitigation measures. This is particularly important for developments on peat, as bad management practices can disturb peat leading to oxidation and drying, and the unnecessary release of carbon dioxide.</p> <p><u>130 Oakes</u></p> <p>The respondent is glad to see included in this policy the words “particularly peat”.</p> <p><u>353 RSPB</u></p> <p>Para 1.3 - The respondent endorses the requirement to avoid development on areas of “deepest” peat. This requires clarification, however, and reworded to “deep” peat. There should be a presumption against any development on peat of 50 cms depth or over, and</p>		

preferably less than this. On shallower peats any development proposal, including tree planting, should be accompanied by a peat restoration and management plan.

432 Infinis

This policy is considered to be overly onerous on developers in terms of the requirement by SBC for developers to demonstrate that no other sites areas available should a site be located in an area of significant carbon rich soil. Applicants are required to demonstrate through the EIA process technical solutions to protect carbon rich soils, and ensure that significant effects on peat would not occur

446 Wind Energy (Earlshaugh) Ltd

The presence of peat should not be a reason to refuse planning permission for a wind farm. It should refer to the need for a peat assessment and carbon calculations to be undertaken where wind farm development is proposed in areas where there is significant peat.

286 RES UK & Ireland Ltd

Whilst the protection of both prime quality agricultural land and carbon rich soils within the emerging local development plan is to be expected, it is inappropriate to link the safeguarding of both within a single policy.

The permanent loss of prime quality agricultural land has primarily economic implications whilst the loss of carbon rich soils as outlined in the justification to the policy has implications for climate change. As illustrated in Figure ED10 there is very little overlap with the location of carbon rich soils being located within areas of prime quality agricultural land use.

The provisions of policy ED10 are appropriate to safeguarding the substantial loss of prime quality agricultural land, however whilst criteria (a) and (b) may be appropriate to the safeguarding of carbon rich soil, criteria (c) would result in an overly restrictive stance to development within such areas. Such a stance to other non-existing rural businesses or larger scale of development is wholly unwarranted in terms of the protection of carbon rich soils in terms of climate change and may adversely impact on the economic development of some areas within the Scottish Borders. SPP at para 133 confirms that "the disturbance of some soils, particularly peat may lead to the release of stored carbon, contributing to greenhouse gas emissions. Where peat and other carbon rich soils are present, applicants should assess the likely effects associated with any development work." The Scottish Environment Protection Agency have published extensive guidance on this matter which can be taken account of as part of the development management process. Other related policies such as ED9 on renewable energy already contain such considerations as part of their criteria guidance and it is not necessary to duplicate the safeguarding of carbon rich soil within other policies.

In summary RES strongly object to the inclusion of the wording "And Carbon Rich Soils" within the title of policy ED10 and the wording "or significant carbon rich soil reserves, particularly peat," within the policy and request it be omitted. On the basis this wording is omitted and the policy relates solely to the protection of Prime Quality Agricultural Land, RES would have no objections to Policy ED10, nor criteria (a), (b) or (c) for assessment as proposed.

<p><u>462 Cranshaws, Ellemford and Longformacus CC, 130 Oakes and 423 Southdean CC</u></p> <p>The key in figure ED10a - Carbon Rich Soils/Prime Agricultural Land appears inverted and requires to be amended.</p>
<p>Modifications sought by those submitting representations:</p>
<p><u>353 RSPB</u></p> <p>Para 1.3 - The respondent endorses the requirement to avoid development on areas of “deepest” peat, although this requires clarification and reworded to “deep” peat. There should be a presumption against any development on peat of 50 cms depth or over, and preferably less than this. On shallower peats any development proposal, including tree planting, should be accompanied by a peat restoration and management plan.</p> <p><u>432 Infinis</u></p> <p>This policy is considered to be overly onerous on developers in terms of the requirement by SBC for developers to demonstrate that no other sites areas available should a site be located in an area of significant carbon rich soil.</p> <p><u>286 RES UK & Ireland Ltd</u></p> <p>RES strongly object to the inclusion of the wording "And Carbon Rich Soils" within the title of policy ED10 and the wording "or significant carbon rich soil reserves, particularly peat," within the policy and request it be omitted. On the basis this wording is omitted and the policy relates solely to the protection of Prime Quality Agricultural Land, RES would have no objections to Policy ED10, nor criteria (a), (b) or (c) for assessment as proposed.</p> <p><u>462 Cranshaws, Ellemford and Longformacus CC, 130 Oakes and 423 Southdean CC</u></p> <p>The key in figure ED10a - Carbon Rich Soils/Prime Agricultural Land is inverted and requires to be amended.</p>
<p>Summary of responses (including reasons) by planning authority:</p>
<p>IN GENERAL NO CHANGE TO POLICY ED10 AS SET OUT IN PROPOSED PLAN</p> <p>THE PROPOSED CHANGE TO POLICY MAP ED10A IDENTIFIED BY RESPONDENTS 362 CRANSHAWS, ELLEMFORD AND LONGFORMACUS CC, 130 OAKES AND 423 SOUTHDEAN CC IS CONSIDERED A REQUIRED NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL</p> <p>THE REPORTER MAY WISH TO CONSIDER REMOVING THE WORD “...EXISTING...” FROM PART C OF THE POLICY WHICH WOULD BE CONSIDERED A NON-MATERIAL CHANGE TO THE PLAN BY THE COUNCIL</p> <p>REASONS</p> <p><u>462 Cranshaws, Ellemford and Longformacus CC</u></p> <p>The support for the protection for carbon rich soils and agricultural land is noted. It is</p>

considered that policies ED9a – Renewable Energy Development in the proposed Plan sufficiently highlights the tests for wind turbine and other large scale proposals in relation to tracks and infrastructure and has a cross reference to policy ED10 (page 64).

357 SEPA

Support from SEPA is noted

130 Oakes

Support of reference to “particularly peat” is noted

353 RSPB

The policy relates to the protection of significant carbon soil reserves which includes a reference to peat. Consequently the policy refers to areas of “deepest peat”. It is considered this is appropriate. The issue on appropriate peat depths is best addressed at the planning application stage on a case by case basis. This would allow consideration of the overall scale and depth of the peat reserve in the context of the particular development proposal. This would include consideration of the requirement of a management plan and the issues to be addressed within it.

432 Infinis

The disturbance of some soils, particularly peat, contributes towards greenhouse gas emissions and this is acknowledged in SPP 2010 (Core Document 024 para 133) and policy ED10 seeks to address this. If there is a proposal within a site of significant carbon rich soil it is considered that the onus of the applicant to confirm other sites had been looked at but were not suitable is not an unreasonable requirement, although it is considered this scenario would only apply in certain instances. In considering this cognisance would be taken of any EIA and any proposed mitigation measures.

446 Wind Energy (Earlshaugh) Ltd

The policy relates to the protection of significant carbon soil reserves which includes a reference to peat. SPP 2010 identifies the effect of greenhouse gas emissions from the disturbance of peat (Core Document 024 para 133) and it is considered correct that policy ED10 addresses this. In particularly significant cases an application could be refused if it was considered the loss of peat would be significant and no mitigation measures nor other material matters were submitted which could merit an approval. All such issues including the submission of relevant information would be considered at the planning application stage on a case by case basis. This would allow consideration of the overall scale and depth of the peat reserve in the context of the particular development proposal.

286 RES UK & Ireland Ltd

It is considered that issues relating to the agricultural land and peat land are similar and it is therefore quite reasonable to have an overarching policy to accommodate them together.

In terms of part c) it is considered correct in the policy that in the case of the loss of significant carbon rich soils, developments should only be small scale which would be

judged on a case by case basis at the planning application stage. However, it is accepted that reference to proposals not being permitted unless they are "...directly related to an *existing* rural business" may be considered problematic for a new rural business setting up. Consequently it is considered that the Reporter may wish to consider removing the word "...existing.." from part c). The Council notes the provisions within paragraph 87 of Circular 6/2013 on Development Planning which state that "The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations" (Core Document 031). In that respect the Council acknowledges that the word "...existing.." could be deleted from this part of the Plan, and the Council would accept the Reporter's decision on this matter.

462 Cranshaws, Ellemford and Longformacus CC, 130 Oakes and 423 Southdean CC

It is acknowledged that the key in figure ED10a - Carbon Rich Soils/Prime Agricultural Land is inverted and requires to be amended. This is considered to be a non-significant change to the Plan.

Reporter's conclusions:

1. Policy ED10 and its supporting text at paragraphs 1.1-1.3 seek to prevent the permanent loss of prime agricultural land and carbon rich soils. The policy indicates that the permanent loss of these resources will not be permitted unless the criteria set out are satisfied. Figure 10a shows locations of prime quality agricultural land and carbon rich soils in the Scottish Borders.
2. For the reasons set out below, I am not satisfied that the policy properly reflects Scottish Planning Policy or that it is consistent with the thrust of SESplan. Policy ED10 and its supporting text further develop policy R1 in the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Scottish Borders Consolidated Local Plan, in particular they extend the protected area to include carbon rich soils.
3. In essence, the representations seek changes altering the key of figure 10a, clarifying the approach to peat, and removing the onerous requirements this policy imposes on wind energy proposals. For development involving the permanent loss of prime quality agricultural land or significant carbon rich soil reserves to be permitted, criterion (b) of policy ED10 requires that it meets an established need and that no other suitable site is available, and criterion (c) requires that it is small scale and directly related to an existing rural business.
4. Scottish Planning Policy permits the generation of energy from a renewable source on prime agricultural land provided that it accords with other policy objectives and there is secure provision for restoration to return the land to its former status. It also sets out the approach to be taken to assessing the impacts of renewable energy proposals, including onshore wind farms, on carbon rich soils. In the spatial framework required for onshore wind farms by Scottish Planning Policy, carbon rich soils, deep peat and priority peatland habitat are identified as areas of significant protection. However, Scottish Planning Policy also indicates wind farms may be appropriate in such areas in some circumstances, and proposals require to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. Additionally, one of the considerations that require to be taken into account in assessing proposals for renewable energy developments is the impacts on carbon rich soils, using the carbon calculator.

5. Furthermore, SESplan seeks to promote sustainable energy sources, and to set a framework for the encouragement of renewable energy proposals which aims to contribute to achieving national targets, taking into account relevant economic, social, environmental and transport considerations, amongst other matters.

6. Given the very strict nature of the controls imposed by policy ED10 on development proposals involving prime agricultural land and carbon rich soils, I am concerned that it could potentially conflict with the approach in Scottish Planning Policy to renewable energy proposals, including wind energy proposals. It is also not clear to me that the locations of carbon rich soils shown on figure 10a will be the same as the locations shown on the plan being prepared by Scottish Natural Heritage, which will inform the spatial framework for onshore wind farms, and which is not yet available (see issue 26). I am satisfied that these difficulties could be reasonably overcome by adding at the end of policy ED10 that renewable energy proposals, including wind energy proposals, would be permitted if they accord with the objectives and requirements of policy ED9 (renewable energy development). This change should also be reflected in the supporting text and in the first paragraph of the policy. I have not considered the implications of policy ED10 for uses other than renewable energy because there are no representations raising this matter.

7. I acknowledge that neither policy ED10 nor the supporting text set out what constitutes deepest/deep peat. However, I agree with the planning authority that this, along with any need for a restoration and management plan, can reasonably be addressed at the development management stage when the details of a specific development proposal would be available. In the circumstances, I do not consider that the clarification requested requires to be provided in the proposed plan.

8. I accept the planning authority's view that the word "existing" should be removed from the phrase "existing rural business" in criterion (c) because this would allow a greater range of development proposals to benefit from this exemption. I also accept the view expressed in representations and by the planning authority that the key of figure 10a appears to have reversed the colours for carbon rich soils and prime agricultural land, and requires to be changed.

9. Other representations expressed support for the policy, proposed no changes to it or the supporting text, and raised no issues which require to be addressed at this examination.

10. Overall, adjustments are required to the policy as set out below.

Reporter's recommendations:

I recommend that the following modifications be made:

1. On page 66 of Volume 1 Policies, adjust paragraph 1.1 so that it reads:

"1.1 Figure 10a below identifies the core resources of agricultural land and carbon rich soils. Prime quality agricultural land is a valuable and finite resource which needs to be retained for farming and food production. In allocating sites for development, the council has aimed to avoid such land. Carbon rich soils, such as peat, are an important carbon store and its use and extraction can contribute to climate change. The policy seeks to prevent the permanent loss of prime agricultural land and carbon rich soils. In order to take proper account of the terms of Scottish Planning Policy, proposals for renewable

energy developments, including proposals for wind energy development, will be required to accord with the objectives and requirements of policy ED9 rather than meet the requirements of this policy.”

2. On page 66 of Volume 1 Policies, adjust policy ED10 (to include the deletion of the word “existing” from criterion [c]) so that it reads:

“Development, except proposals for renewable energy development, which results in the permanent loss of prime quality agricultural land or significant carbon rich soil reserves, particularly peat, will not be permitted unless:

- (a) the site is otherwise allocated within this local plan*
- (b) the development meets an established need and no other site is available*
- (c) the development is small scale and directly related to a rural business.*

Proposals for renewable energy development, including proposals for wind energy development, will be permitted if they accord with the objectives and requirements of policy ED9 on renewable energy development.”

3. On page 67 of Volume 1 Policies, adjust figure 10a by relabeling the key so that it correctly shows the colours for prime agricultural land and carbon rich soils.

Issue 044	Policy ED11: Safeguarding of Mineral Deposits	
Development plan reference:	Policy ED11: Safeguarding of Mineral Deposits (page 68)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
165 AMS (1 of 3) 162 The Coal Authority 410 United Quarries Ltd		
Provision of the development plan to which the issue relates:	Policy ED11: Safeguarding of Mineral Deposits	
Planning authority's summary of the representation(s):		
<p><u>165 AMS & 410 United Quarries (Sand and Gravel) Ltd</u></p> <p>The policy should be re-worded to delete the words “reserves of economic significance” and revised as set out in part (a) of the policy. Part (a) should be revised to read “it can be demonstrated that the mineral deposit has no significant economic value”. Reason: the economic value of mineral deposits cannot be determined without a sampling and testing exercise to establish the value of minerals present and their physical composition which determines the economic value of the deposit.</p> <p>Any proposed Supplementary Guidance for minerals covering the Scottish Borders area indicates clearly where the deposits of potentially valuable minerals are located based on OS data: that is hard rock, sand and gravel, limestone, dimensional stone and coal.</p> <p><u>165 AMS</u></p> <p>In relation to proposed Supplementary Guidance reference should also be made that permits extensions or small scale operations out with the areas of search are given due consideration</p> <p><u>410 United Quarries (Sand and Gravel) Ltd</u></p> <p>The respondent welcomes the intention of policy ED11 to safeguard the sites of mineral deposits.</p> <p><u>162 The Coal Authority</u></p> <p>The Coal Authority supports the prevention of the sterilisation of mineral deposits when development proposals are being considered. This policy accords with paragraphs 226 and 241 of SPP.</p>		

Modifications sought by those submitting representations:
<p><u>165 AMS & 410 United Quarries (Sand and Gravel) Ltd</u></p> <p>The policy should be re-worded to delete the words “reserves of economic significance” and revised as set out in part (a) of the policy. Part (a) should be revised to read “it can be demonstrated that the mineral deposit has no significant economic value”.</p>
Summary of responses (including reasons) by planning authority:
<p>NO CHANGE TO POLICY ED11 AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p><u>165 AMS & 410 United Quarries (Sand and Gravel) Ltd</u></p> <p>It is considered that the policy text relating to the Council not granting consent for development which will “...sterilise economically significant mineral deposits...” is justified and it would be expected that an applicant would address this. It is considered that in part a) of the policy reference to potential impact on social and environmental aspects is an important consideration and the text should remain in place.</p> <p>The exact contents of the Supplementary Guidance on Minerals to be produced will be confirmed nearer the production time and parts of the output will be dependent on the information available with regards to the supply of aggregates. When produced the draft SG will be put out to public consultation and all interested parties comments will be welcomed. This matter does not relate directly to the proposed LDP.</p> <p><u>165 AMS</u></p> <p>The exact contents of the Supplementary Guidance on Minerals to be produced will be confirmed nearer the production time, although it seems reasonable that the issue raised by the respondent is likely to have reference to it within the SG. This matter does not relate directly to the proposed LDP.</p> <p><u>410 United Quarries (Sand and Gravel) Ltd</u></p> <p>Support noted in relation to the safeguarding of mineral deposits</p> <p><u>The Coal Authority</u></p> <p>The support of the Coal Authority in relation to the prevention of the sterilisation of mineral deposits is noted.</p>
Reporter’s conclusions:
<p>1. Policy ED11 and its supporting text at paragraph 1.1 seek to ensure that minerals are not unnecessarily sterilised through inappropriate development. The policy is a safeguarding policy, which indicates that planning permission will not be granted unless the criteria set out are satisfied.</p>

2. I am satisfied that that the underlying intention of the policy broadly reflects Scottish Planning Policy, and that it is consistent with the thrust of SESplan. Policy ED11 and its supporting text are intended to be a continuation of policy R2 in the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Scottish Borders Consolidated Local Plan.

3. In essence, the representations seek changes altering the first part of the policy and criterion (a). It is requested that the reference to reserves of economic significance be deleted in the first part of the policy, and that the wording in criterion (a) be changed so that it requires it to be demonstrated that the mineral deposit has no significant economic value. This means that there would be no reference in the policy to the environmental and social acceptability of extracting a mineral, which is a relevant and reasonable consideration. I am satisfied that the reference in the first part of the policy to reserves of economic significance reasonably reflects the reference in Scottish Planning Policy to safeguarding workable mineral resources of economic value, and the reference in SESplan policy 4a to safeguarding resources where deposits are of sufficient scale or quality to be of potential commercial interest. The structure of the policy is also similar to the structure of the policy in the 2008 and 2011 adopted local plans. In the circumstances, I am not persuaded that it is necessary or appropriate to change the policy in the manner requested. However, I note that the wording of criterion (a) has changed from policy R2. In particular, the word “friendly” has been changed to “unacceptable.” This has resulted in an additional negative in the criterion in the proposed policy which has changed its meaning. To achieve the intended meaning of criterion (a), I consider that it is necessary to change the word “unlikely” to “likely.”

4. Some representations also suggest possible content for the proposed supplementary guidance, which has yet to be prepared, and which is not before the examination. Given this, I leave the suggestions for the planning authority to consider at a later date. One further representation expresses support for policy ED11, and it raises no matters which require to be considered here.

5. Overall, an adjustment is required to the proposed plan as set out below.

Reporter’s recommendations:

I recommend that the following modification be made:

1. On page 68 of Volume 1 Policies, adjust policy ED11 so that it reads:

“The council will not grant planning permission for development which will sterilise reserves of economically significant mineral deposits unless:

- (a) *extraction of the mineral is likely to be environmentally and socially unacceptable*
- (b) *there is an overriding need for development, and prior extraction of the mineral cannot reasonably be undertaken.*”

Issue 045	Policy ED12: Minerals and Coal Extraction	
Development plan reference:	Mineral ED12: Minerals and Coal Extraction	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>165 AMS (1 of 3 & 2 of 3) 130 Oakes 110 Quarries Action Group 410 United Quarries Ltd 162 The Coal Authority 353 RSPB 327 Scottish Natural Heritage 135 Midlothian Council</p>		
Provision of the development plan to which the issue relates:	Mineral ED12 : Minerals and Coal Extraction (page 69 – 72)	
Planning authority’s summary of the representation(s):		
<p><u>165 AMS (1 of 3), 410 United Quarries</u></p> <p>This policy is somewhat negative in approval when compared to other policies in the proposed LDP. We agree that parts (a), (b) and (c) are generally acceptable e.g. the policy should express support for workings being located within areas of search.</p> <p>There is a need to clarify what is meant by the words “public interest” in policy section (c).</p> <p>With regards to policy section (d) this is contrary to SPP (SP10) which states that “Authorities should not impose buffer zones between sites and settlements since distances will need to take account of the specific circumstances of individual proposals including size, location, method of working, topography and the characteristics of the various environmental effects.</p> <p>The new SPP will in time replace SPP10 but again an adequate buffer zone between sites and settlements have to take account of specific application circumstances including size, duration, location, method of working, topography, the characteristics of various environmental effects and mitigation measures.</p> <p>Reason – Mineral extraction proposals are subject to exacting environmental impact assessments which fully examine the potential effects on all mineral site surroundings. The requirement clearly demonstrates that the proposed extraction will not have any adverse impact on the surrounding area.</p> <p>Policy section (e) the words “it may” should be deleted and replaced with “it can be clearly demonstrated by the Tourist Board that it will”</p> <p>Policy section (g) the reference to “current proposed nearby workings” should be deleted.</p>		

Scottish Borders are taxed to examine all proposals submitted and one proposed development should not prejudice another.

There is no reference to financial guarantees (restoration bonds) which are referred to in the SPP documents. The wording states “Consents should be associated with an independent guarantee through a vehicle such as an escrow account to manage the operator’s exposure to costs to ensure that site restoration and aftercare is fully funded. In the construction aggregates sector, an operator may be able to demonstrate adequate provision under an industry funded guarantee scheme”

The view of the Scottish Govt is that so long as a consent is controlled by conditions there is no requirement for a legal agreement to be entered into covering restoration.

165 AMS (2 of 3)

Landbanks are referred to in the SESPlan and SPP which most Councils’ have covered in their policy statements. We wish confirmation that these issues will be covered in the supplementary document in respect of minerals. The landbank should include for all minerals, rock and sand and gravel.

130 Oakes

Restoration and aftercare gets a brief mention at the end of this policy statement. The respondent understands that in parts of South Lanarkshire the Council has been left with clearing up the mess after opencast mining because the relevant parts of the permissions had not been rigorously specified as they should have been. This potential should be addressed in ED12.

110 Quarries Action Group

Quarries Action Group supports para 1.1 in respect of the general aims of the policy and would recommend the following addition in light of recent experiences in South Lanarkshire:

“Approvals for the extraction of minerals should only be granted where adequate financial provision is in place (e.g. dependable secure bonding) to ensure prompt and thorough restoration on the conclusion of any mineral working”

410 United Quarries

As regards sub policy (d) the stand off distance of 500m is a well established principle but it is considered the policy should be re-worded to remove the word “may” and insert the word “will”

SESPlan Strategic Dev plan – Jan 2013 and Minerals Tech Note states:

“Aggregate minerals should be worked as close as possible and when the need arises”.

SPP Consultation draft Jan 2014

Stats – They should also provide an adequate buffer between sites and settlements, taking account of the specific circumstances of individual proposals, including size, duration, location, method of working and topography

162 The Coal Authority

The Coal Authority supports the identifying of areas of search in the north-west and south-west of the region and the setting out of criteria against which proposal for mineral and coal extraction will be considered. This accords in principle with the advice in paragraph 240 of SPP. It is noted that further policy content will be published in the future in the form of Supplementary Guidance on Minerals. The Coal Authority supports the recognition in criterion d) that there may be mitigating circumstances which could allow for coal extraction within 500m of a settlement; this reflects national planning policy in paragraph 245 of SPP.

353 RSPB

In general, RSPB Scotland believes that further expansion of the open-cast coal industry is incompatible with the Scottish Government's climate change targets and legislation. We have significant concerns about the potential for any new or extended open-cast coal sites. The recent financial collapse of Scotland's two largest open-cast coal operators (ATH Resources and Scottish Coal), has left great uncertainty over the future of many mining sites. The restoration bonds, required to obtain planning for the mines, are insufficient and will not cover the costs of restoration. The failure of both the industry and the regulatory system to deliver appropriate mitigation and restoration through conditions, legal agreements and bonds and to monitor and enforce the implementation of these measures is of serious concern.

We are concerned at the statement in part ED12b indicating that damage to an SSSI would be acceptable if the overall integrity is 'largely unaffected'. We would wish "largely" to be deleted from this. The second part of the policy suggests that adverse impacts on the environment can be outweighed by economic factors. The LDP should be in line with Scottish Planning Policy (SPP) (section 231) which states 'Extraction should only be permitted where impacts on local communities and the environment can be adequately controlled or mitigated'.

It's unclear from Figure ED12a whether areas of peat have been considered. These need to be protected in accordance with the requirements of SPP. Reference should, therefore, be made in Policy ED12 to the avoidance of peat impacts

327 Scottish Natural Heritage

We welcome the unambiguous reference to protection of European sites in policy ED12. However, to bring the policy wording into alignment with the Habitats Regulations Appraisal (HRA) process, we suggest a minor amendment to the wording of the first bullet point under part a) of the policy:

"The proposed development will have no adverse effect on site integrity,"

135 Midlothian Council

Criterion F of Policy ED12 *Mineral and Coal Extraction* should refer to all roads throughout the haul route from the point of mineral extraction to its final destination, rather than to local roads only. This should be irrespective of the location of the roads forming the haul route. Reason: This would help ensure that the suitability of the entire length of a proposed haul route is assessed and considered, including where it extends outwith the Scottish Borders Council area.

Modifications sought by those submitting representations:165 AMS (1 of 3), 410 United Quarries

There is a need to clarify what is meant by the words “public interest” in policy section (c). Policy section (d) is contrary to SPP (SP10) which states that “Authorities should not impose buffer zones between sites and settlements since distances will need to take account of the specific circumstances of individual proposals including size, location, method of working, topography and the characteristics of the various environmental effects.

The new SPP will in time replace SPP10 but an adequate buffer zone between sites and settlements have to take account of specific application circumstances including size, duration, location, method of working, topography, the characteristics of various environmental effects and mitigation measures.

With regards to policy section (e) the words it may should be deleted and replaced with “it can be clearly demonstrated by the Tourist Board that it will”

Final policy section (g) the reference to “current proposed nearby workings” should be deleted.

There is no reference to financial guarantees (restoration bonds) which are referred to in the SPP documents. The wording states “Consents should be associated with an independent guarantee through a vehicle such as an escrow account to manage the operator’s exposure to costs to ensure that site restoration and aftercare is fully funded. In the construction aggregates sector, an operator may be able to demonstrate adequate provision under an industry funded guarantee scheme”. The view of the Scottish Govt is that so long as a consent is controlled by conditions there is no requirement for a legal agreement to be entered into covering restoration.

165 AMS (2 f 3)

Landbanks should be covered in the supplementary document in respect of minerals. The landbank should include for all minerals, rock and sand and gravel.

130 Oakes

Restoration and aftercare should be addressed in ED12.

110 Quarries Action Group

The policy should include the following text:

“Approvals for the extraction of minerals should only be granted where adequate financial provision is in place (e.g. dependable secure bonding) to ensure prompt and thorough restoration on the conclusion of any mineral working”

353 RSPB

The respondent has significant concerns about the potential for any new or extended open-cast coal sites and how restoration bonds work in practice.

The respondent is concerned at the statement in part ED12b indicating that damage to an SSSI would be acceptable if the overall integrity is 'largely unaffected'. We would wish "largely" to be deleted from this. The second part of the policy suggests that adverse impacts on the environment can be outweighed by economic factors. The LDP should be in line with Scottish Planning Policy (SPP) (section 231) which states 'Extraction should only be permitted where impacts on local communities and the environment can be adequately controlled or mitigated'.

It's unclear from Figure ED12a whether areas of peat have been considered. These need to be protected in accordance with the requirements of SPP. Reference should, therefore, be made in Policy ED12 to the avoidance of peat impacts

327 Scottish Natural Heritage

We suggest a minor amendment to the wording of the first bullet point under part a) of the policy:

"The proposed development will have no adverse effect on site integrity,"

135 Midlothian Council

Criterion F of Policy ED12 *Mineral and Coal Extraction* should refer to all roads throughout the haul route from the point of mineral extraction to its final destination, rather than to local roads only. This should be irrespective of the location of the roads forming the haul route.

Summary of responses (including reasons) by planning authority:

AMENDMENT TO THE WORDING OF THE FIRST BULLET POINT UNDER PART A) TO STATE "THE PROPOSED DEVELOPMENT WILL HAVE NO ADVERSE EFFECT ON SITE INTEGRITY IN TERMS OF HABITATS AND SPECIES" WHICH IS CONSIDERED TO BE A NON-SIGNIFICANT CHANGE TO POLICY TEXT BY THE COUNCIL

SUBSTITUTION OF THE WORD "MAY" TO "WILL" IN PART D) WHICH IS CONSIDERED A NON-SIGNIFICANT CHANGE TO THE POLICY TEXT BY THE COUNCIL

AMENDMENT TO PART F) TO EXCLUDE THE WORD "LOCAL" WHICH IS CONSIDERED TO BE A NON-SIGNIFICANT CHANGE TO POLICY TEXT BY THE COUNCIL

REASONS

165 AMS, 410 United Quarries

It is not considered parts of the policy are negative and strike the correct balance between giving weight to supporting mineral workings in suitable locations and protecting the environment.

The reference to "public interest" in part c of policy ED12 refers to the public benefit of operating a mineral supply from a consumption point of view.

Although a separation distance of 500m is referred to between a mineral extraction site and a local settlement within part d of policy ED12, this is not an exclusion zone as the

policy text does state that mineral extractions will not be permitted within this zone “.....unless it can be demonstrated that there are other mitigating circumstances or a significant public interest to be gained from mining which outweighs this safeguarding”

It is considered that the text in part e) of policy ED12 is correct. In practice where tourism is considered at threat due to a proposed mineral operation the Council will consult Visit Scotland in order to seek their views.

The cumulative impact of mineral workings could be an issue and would certainly need to be addressed in certain circumstances including obviously taking cognisance of other current proposals. It is considered the wording of part g) of policy ED12 is correct and justified.

165 AMS, 410 United Quarries, 130 Oakes, 110 Quarries Action Group

The Council is aware of the issues in South Lanarkshire regarding restoration and aftercare. The final para of policy ED12 makes reference to the requirement for a proposal to be submitted for restoration and aftercare of sites. This will be addressed at the planning application stage and it is considered that Development Managers in consultation with Council legal advisors and the Dev Contributions Officer will make appropriate provision to ensure restoration and aftercare is suitably carried out.

410 United Quarries

It is agreed that the use of the word “will” instead of the word “may” in part d) of policy ED12 is reasonable and the Council agrees to this amendment which is considered a non-significant change to the text.

Comments are noted with regards to the minerals Tech Note in SESPlan Dev Plan Jan 2013.

The reference made by the respondent is in relation to text within the consultative draft SPP 2013. This cannot be incorporated or considered as this relates to the draft document.

162 The Coal Authority

Comments noted.

353 RSPB

Whilst acknowledging there can be significant environmental issues, para 239 of Scottish Planning Policy 2010 states “...extraction is necessary and important in the national interest” (Core Document 024). Consequently, the Council will support such proposals where considered appropriate as guided by policy ED12.

It is considered that any impact to an SSSI could be a major issue, although in some instances mitigation measures may be acceptable. Consequently it is considered that the incorporation of the word “largely” is correct. It is considered this is in compliance with para 231 of SPP 2010 (Core Document 024) which states that Development Plans and development management decisions should “...aim to minimise significant negative impacts ...” indicating that mitigating measures may be considered.

Fig ED12a does take cognisance of known peat reserves within the Scottish Borders. Part c) of policy ED12 makes reference to “peatland” as a sensitive area.

327 Scottish Natural Heritage

The support of reference to protection of European sites is noted

In terms of comments regarding the first bullet point in part a) of policy ED12, as the proposed change will put the policy wording in line with the Habitats Regulations Appraisal process it is considered this is an acceptable change to text which is considered to be a non-significant change.

135 Midlothian Council

It is agreed that the word “local” can be deleted from the part f) of policy ED12 which is considered to be a non-significant change to the policy

165 AMS

The full contents of the SG to be prepared on Minerals will be discussed in due course and the draft will be put out for public consultation. However, it is confirmed the SG will include reference to land banks where relevant information is available.

Reporter’s conclusions:

1. Policy ED12 and its supporting text at paragraph 1.1 seek to minimise the adverse impact of mineral working on the environment and to secure appropriate restoration measures following extraction. The policy indicates that the extraction of minerals will not be permitted where the criteria set out are not satisfactorily met. Figure 12a shows the areas of search for minerals, and areas of significant and moderate constraint. It has been updated for the proposed plan.

2. I am satisfied that the underlying intention of the policy broadly reflects Scottish Planning Policy, and that it is consistent with the thrust of SESplan. Policy ED12 and its supporting text are a continuation of policy R3 in the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Scottish Borders Consolidated Local Plan. I am not persuaded that the tone of the policy is overly negative because its effect is to allow proposals to proceed where they are in acceptable locations.

3. In essence, the representations, in the main, seek changes to a number of the criteria in the policy. Criterion (a) is concerned with the protection of European designated sites. It allows development where it will not adversely affect the habitats or species being safeguarded. I note that this is not the appropriate test, and that the appropriate one requires a development to have no adverse effect on the integrity of a designated site. Accordingly, I consider that the wording of criterion (a) should be changed. I also note that the planning authority believes that this is an acceptable change.

4. Criterion (b) is concerned with the protection of nationally designated sites, including sites of special scientific interest. It allows development where the underlying objectives and overall integrity of the site remain largely unaffected, and where any adverse effects on the site’s environmental qualities are outweighed significantly by the national benefits that could accrue from extraction. Scottish Planning Policy indicates that development on

such sites should only be allowed where the objectives of designation and the overall integrity of the area will not be compromised, and where any significant adverse effects are clearly outweighed by benefits, including economic benefits, of national importance. SESplan policy 1B also requires that local development plans ensure that there are no significant adverse impacts on the integrity of national designations.

5. I do not consider that the word “largely” could be removed from criterion (b) on its own because the tests for development on nationally designated sites would set the bar too high and inappropriately restrict development opportunities. However, the wording of criterion (b) also does not fully reflect the approach in Scottish Plan Policy or SESplan policy 1B. I therefore consider that the criterion should be changed so that it matches the approach in Scottish Planning Policy more closely. This would involve removing the phrase “remain largely unaffected” and replacing it with “will not be compromised” (first bullet point), and changing the last part of the criterion (second bullet point) so that the phrase “any adverse effects” becomes “any significant adverse effects”, and the word “significantly” is deleted, with the phrase “are outweighed” becoming “are clearly outweighed.” I believe that it is reasonable for the criterion to allow for the possibility that economic benefits could outweigh adverse effects on a designated site because this is in line with national policy.

6. Criterion (c) covers peatland, amongst other matters. The planning authority points out that figure 12a takes account of peat. Given this, it is unnecessary to make further references to protecting peat. The criterion also indicates that extraction would be allowed if the public interest outweighs the underlying reasons for regional or local designations. I am satisfied that the meaning of the phrase “public interest” self evidently refers to the general benefits to be gained from allowing extraction and use of minerals, and that it requires no further explanation in the policy or supporting text.

7. Criterion (d) prevents extraction proposals proceeding within 500m of a local settlement, where they may adversely affect residential and other sensitive property or other activities within that community or areas of local landscape character, unless it can be demonstrated that there are mitigating circumstances or a significant public interest to be gained from mining. Scottish Planning Policy indicates that there should be provision for an adequate buffer zone between sites and settlements, taking account of the specific circumstances of individual proposals. Additionally, for surface coal extraction, it indicates that site boundaries within 500m of the edge of settlements will only be environmentally acceptable where local circumstances justify a lesser distance. I note that the policy covers both mineral and coal extraction. Given the terms of the criterion, I am satisfied that the planning authority is not treating the 500m separation figure as a firm requirement because some provision is made to vary it. I therefore believe that it is reasonable to retain the figure in the policy, particularly in light of the reference to it in Scottish Planning Policy for surface coal extraction. However, I consider that the criterion should be changed to make clear that the specific circumstances of an individual proposal could justify a variation.

8. Furthermore, I consider that the wording of criterion (d) would be improved by replacing “may” in the first line with “will.” The planning authority accepts the change. The reference in the criterion to “areas of locally important landscape character” is a continuation of the phrasing used in earlier adopted local plans. I believe that it is reasonable to continue it into the proposed plan.

9. Criterion (e) seeks to protect tourism, leisure or recreation from damage. It indicates

that proposals which “may damage” these elements of the local economy unacceptably will not be permitted. I do not consider that it is necessary to go as far as replacing the word “may” with “it can be clearly demonstrated by the tourist board that it will” damage the local economy. However, I am concerned that using the word “may” could undermine otherwise acceptable proposals. In order to prevent this, I consider that the word “may” should be replaced by the phrase “is likely to.” Additionally, I consider it reasonable to delete the word “local” from criterion (f) because roads which are not local may also potentially be unsuitable mineral haulage routes.

10. Criterion (g) is concerned with assessing the effects of cumulative impacts on the environment or local communities. Scottish Planning Policy refers to cumulative impacts as one of the factors to be addressed by proposals. Within this context, I am satisfied that it is reasonable for the criterion to refer to “currently proposed nearby workings” as well as existing and consented ones. No change to the policy is required.

11. The final paragraph of policy ED12 covers, amongst other things, proposals for restoration and aftercare. Scottish Planning Policy indicates that restoration and aftercare is one of the factors that plans should require proposals to address, and SESplan policy 4 supports this approach. I agree with the planning authority that the details of appropriate restoration and aftercare for specific proposals are best dealt with at the development management stage. However, given the importance of the financial guarantee in securing restoration and aftercare, I consider that it would be helpful if this part of the policy included a brief reference to providing information on the preferred option. No other references to financing are required.

12. Scottish Planning Policy allows for the further development of surface coal extraction, subject to various criteria. In these circumstances, it would be inappropriate for the proposed plan to prevent acceptable proposals for new or extended surface coal extraction sites from proceeding. Mineral landbanks have been addressed in SESplan, which indicates monitoring arrangements have been set up, and that surveys of mineral extraction activity will continue to be carried out to assist in determining whether an adequate landbank of permitted reserves is being maintained. The proposed plan identifies areas of search for minerals. The planning authority has indicated that it intends to include further detail on landbanks in its proposed supplementary guidance, and I consider this to be a reasonable approach.

13. Overall, adjustments are required to the proposed plan as set out below.

Reporter’s recommendations:

I recommend that the following modifications be made:

1. On page 71 of Volume 1 Policies, adjust policy ED12 so that it reads:

“Mineral extraction will not be permitted where:

(a) It may affect areas designated or proposed for designation under European Directives (special areas of conservation and special protection areas) or Ramsar sites, except in the most exceptional circumstances and where it can be demonstrated conclusively that:

- The proposed development will have no adverse effect on site integrity in terms of habitats and species, or

- There is an overriding national interest in allowing mineral extraction to take place, and

no reasonable alternative exists.

(b) It may affect national nature reserves, sites of special scientific interest or other environmental designations of national importance unless it can be demonstrated that:

- The underlying objectives and overall integrity of the designated area will not be compromised, or*
- Any significant adverse effects on the environmental qualities for which the site has been designated are clearly outweighed by the national benefits that could accrue from mineral extraction.*

(c) It may affect areas of regional or local nature conservation interest as defined in this plan and the following other protected areas, namely conservation areas, scheduled ancient monuments, historic gardens and designated landscapes, significant archaeological sites and where relevant, their settings, prime agricultural land, special landscape areas, national scenic areas, peatland and water supply catchment areas, unless it can be demonstrated that:

- There is no materially damaging impact, or*
- There is a public interest to be gained from mining which outweighs the underlying reasons for designating the site or area.*

(d) It is within 500m of a local settlement and will adversely affect residential and other sensitive property or other activities within that community or areas of locally important landscape character unless it can be demonstrated that there are other mitigating circumstances, that the specific circumstances of a proposal indicate the figure should be varied, or that a significant public interest is to be gained from mining which outweighs this safeguarding.

(e) It is likely to damage the local economy in terms of tourism, leisure or recreation to an unacceptable extent.

(f) The roads are unsuitable as mineral haulage routes by virtue of their design and construction, the nature of other usage and the relationship of residential and other sensitive property to the road.

(g) It results in adverse effects which, when combined with the effects of other existing, consented and currently proposed nearby workings, would have a significantly adverse cumulative impact on the environment or local communities.

Where the council is minded to permit development appropriate mitigating measures will be sought to enable a satisfactory development to proceed, and to set out proposals for restoration and aftercare including the preferred financial guarantee option.”

Issue 046	Policy HD1: Affordable and Special Needs Housing	
Development plan reference:	Policy HD1: Affordable and Special Needs Housing (Pages 73 – 74)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>098 Lewin 130 Oakes 300 Smith & Garratt 301 Culham 302 David Wilson Homes 306 Marchmont Farms 308 Swinton</p>	<p>309 Swan 350 Homes for Scotland 468 Maxwell 469 Fullarton 470 Maitland-Carew 471 Miller Partnership 494 Leddy</p>	
Provision of the development plan to which the issue relates:	Policy HD1: Affordable and Special Needs Housing	
Planning authority's summary of the representation(s):		
<p><u>098 Lewin</u></p> <p>The contributor objects to the policy and considers that the 25% requirement for affordable housing should be reviewed in light of the current economic downturn. The contributor states that developers believe the risks associated with developing sites in the Borders outweigh the potential financial rewards.</p> <p><u>130 Oakes</u></p> <p>The contributor objects to the policy and states the policy does little to try to avoid groups of affordable houses turning into ghettos.</p> <p><u>300 Smith & Garratt, 301 Culham, 302 David Wilson Homes, 306 Marchmont Farms, 308 Swinton, 309 Swan, 468 Maxwell, 469 Fullarton, 470 Maitland-Carew, 471 Miller Partnership</u></p> <p>The contributors object to the policy and state the 25% affordable housing requirement does not reflect local house prices and availability. The contributors state due to a long period of low house prices in many parts of the Borders, local buyers having had good access to open market housing therefore it is not appropriate to require all developments to commit to a 25% provision of affordable units. This commitment is holding back development of a number of sites leading to adverse economic effects.</p> <p><u>350 Homes for Scotland</u></p> <p>The contributor objects to the policy. In relation to paragraph 1.4 the contributor suggests a change in the wording from 'a minimum 25%' to 'a maximum 25%' to reflect the change in wording in paragraph 97 of the draft SPP (and acknowledged in the Scottish Government Position Statement January 2014 of the SPP).</p>		

The contributor states that within the policy wording there is no provision for the developer to be able to fulfil their affordable housing requirement through the provision of built units. The contributor requests this is amended and an additional criterion added to make reference to the provision of built units.

Without the ability to provide built units the contributor does not consider the affordable housing policy is as flexible as it needs to be. In order to be able to accommodate situations where there is limited or no Scottish Government grant funding it is vital developers are able to use as many avenues as possible to meet their affordable housing requirement. Providing unsubsidised entry level housing, or one of the other tenures set out in PAN 02/2010 'Affordable Housing & Housing Land Audits', will be key to delivering affordable housing units where there is no grant funding available.

The contributor considers the policy does not provide any certainty to developers regarding the type and tenure of affordable housing required; the revised supplementary guidance must be clear on what is required, where, and the priorities and availability of Scottish Government grant funding. Early certainty of the affordable housing requirements for a site is essential for housebuilders and uncertainty and delays can lead to a development site becoming unviable and thereby stifling much needed new housing. The Chief Planner's letter of March 2011 underlines the importance of removing development constraints to facilitate the delivery of much needed housing; and emphasises in the second bullet point the need to set out early on the affordable housing need in an area and the extent to which this can be met by proposals capable of little or no public subsidy. As stated it is counter productive to secure land for proposals requiring high levels of subsidy unless the authority is confident that a source of funding for this subsidy can be identified. The revised supplementary guidance should be written in partnership with the Council's Housing Service in order to ensure there is a joined up and corporate approach to achieving the optimal amount of affordable housing through the affordable housing policy.

The contributor feels the policy wording should be clearer and a sentence should be included to take into account development viability. The contributor suggests the following wording - *"The Council will consider innovative and flexible approaches to the delivery of affordable housing and will take into account considerations that might affect deliverability such as development viability and the availability of funding."*

Given the importance of delivery of affordable housing, it is crucial that the input from the private house building industry is recognised. The current pressures on viabilities from competing departments of the Council can lead to the non-delivery of sites. It is important that the flexibility and development viability is recognised at policy level, so that it is transparent and endorsed by the wider users of the plan.

494 Leddy

The contributor objects to the policy and states that as the initial purchase price or rental costs are affordable so should the running costs of the property.

Modifications sought by those submitting representations:

098 Lewin

The contributor requests the affordable housing requirement be reduced from 25% to 10% for a limited period with the intention of reviewing this annually.

130 Oakes - N/A.

300 Smith & Garratt , 301 Culham, 302 David Wilson Homes, 306 Marchmont Farms, 308 Swinton, 309 Swan, 468 Maxwell, 469 Fullarton, 470 Maitland-Carew, 471 Miller Partnership

The contributors state additional flexibility is required, and request the number of affordable housing units be decided in pre-application negotiations with a set percentage as a fall back position.

350 Homes for Scotland

- In relation to paragraph 1.4 the contributor suggests a change in the wording from ‘a minimum 25%’ to ‘*a maximum 25%*’ to reflect the change in wording in paragraph 97 of the draft SPP (and acknowledged in the Scottish Government Position Statement January 2014 of the SPP).
- The contributor requests that reference is made to built units fulfilling the affordable housing requirement and an additional criterion (g) be added to the policy for *the provision of built units*
- The contributor requests that the policy wording is made clearer and the sentence below added to the policy to take into account development viability:

“The Council will consider innovative and flexible approaches to the delivery of affordable housing and will take into account considerations that might affect deliverability such as development viability and the availability of funding.”

494 Leddy

The contributor requests a wording change in paragraph 1.2 replacing ‘reasonable’ with ‘*quality property to a suitable modern standard*’ having low or negligible running costs in relation to power consumption.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO POLICY HD1 AFFORDABLE AND SPECIAL NEEDS HOUSING AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN

REASONS

The Housing Need and Demand Assessment (HNDA) (Core Document 004) identifies a continuing unmet need for affordable housing and the Council must respond to help to meet this. The LDP seeks to assist in the delivery of affordable housing as indicated by Scottish Planning Policy (SPP).

As set out within table 6.4 of the HNDA, the average affordable housing need for the Scottish Borders is approximately 270 units per annum (Core Document 004, page 39). During the period 2007-2011 the average annual completion rate of affordable housing was 81 units. The Council’s Local Housing Strategy (Core Document 051) sets an annual target of 100 affordable housing completions each year. The main constraint to reaching the target of 100 units is the amount of Scottish Government’s subsidy available for affordable housing through the Affordable Housing Investment Programme (AHIP). Scottish Planning Policy 2014 (Core Document 026, paragraph 129) states that Council’s

may seek a percentage affordable housing contribution from developers of new housing where this is justified by the housing need and demand assessment and is included in the local housing strategy and development plan. SPP 2014 states the affordable housing contribution within a market site should generally be no more than 25% of the total number of housing units. This is the figure used within policy HD1 however the policy states that this may be revised depending on the site or the information available on local need.

130 Oakes

Scottish Planning Policy 2014 (Core Document 026, paragraph 122) and the Council's Affordable Housing Supplementary Guidance (Core Document 060) look to promote the development of mixed communities through the delivery of housing in the development plan. Where possible, pepper potting of affordable units throughout a development is encouraged and as far as possible the tenure of housing should not be discernible from its design, quality or appearance however there are some instances where there are practical limitations.

300 Smith & Garratt, 301 Culham, 302 David Wilson Homes, 306 Marchmont Farms, 308 Swinton, 309 Swan, 468 Maxwell, 469 Fullarton, 470 Maitland-Carew, 471 Miller Partnership

Affordable housing provision only plays a small part in the whole development process and is not the only commitment holding back development. Market conditions have been difficult across the country but key factors have related to issues with development finance and mortgage availability and are significantly greater issues which are impeding development.

The Affordable Housing Supplementary Planning Guidance makes reference to a 25% affordable housing requirement; however this figure has been rounded down from higher actual requirements in view of market considerations.

The Council's Affordable Housing Supplementary Guidance (Core Document 060) has recently been reviewed and following consultation the guidance will be finalised. The revised Supplementary Guidance updates the threshold that on-site provision is required. The threshold for on-site affordable housing provision has increased from planning applications of 5 or more residential units to 17 or more. Consequently, residential proposals of between 2 - 16 units will be required to pay a commuted sum towards affordable housing. Residential developments of 17 units or more will be required to provide on-site affordable housing provision at a rate of 25%. This in effect reduces the burden on developers undertaking small developments.

350 Homes for Scotland

In relation to the wording of paragraph 1.4 of the policy, this reflected the benchmark figure in the SPP 2010 (Core Document CD024, paragraph 88) as the draft SPP was yet to be finalised at the point the Proposed Plan was produced.

Regarding the contributor's comments in relation to built units, there is nothing within policy HD1 or the Affordable Housing SPG to prevent the delivery of built units contributing to affordable housing provision. Both policy HD1 and the Affordable Housing SPG are very flexible in their current form in terms of the types of suitable units/provision. Paragraph 3.4 of the SPG details an extensive range of housing categories that meet the definition of

affordable housing and as stated within the paragraph this list is kept under review.

In relation to comments that the policy does not provide any certainty to developers regarding type and tenure of the affordable housing required, there is flexibility in terms of type as detailed within the Affordable Housing SPG which the policy refers to. The contributor's comments that uncertainty and delays regarding affordable housing requirements can lead to development sites becoming unviable and therefore stifling development is an assertion and there is no evidence presented by the contributor to support this.

Regarding comments stating the revised Supplementary Guidance (SG) must be clear about the priorities and availability of Scottish Government grant funding. In the SPG there is emphasis on public sector provision however Scottish Government grant regimes are very changeable and it is not the sole responsibility of the Council to track this.

In relation to the contributor's comments regarding the revision on the Affordable Housing SPG and the need for joint working with the Council's Housing Team to ensure a joint corporate approach. This is currently standard procedure with colleagues from the Housing Strategy, Development Management and the Development Negotiator inputting into the document. This joint working arrangement is shown in Figure 1 of the Affordable Housing SPG (Core Document 060, page 21).

Regarding the request to add a sentence to take into account development viability it is felt that this is covered sufficiently within the Developer Contributions SPG (Core Document 061). The Developer Contributions SPG states that the Council can, where appropriate, vary identified contribution requirements to assist with facilitating the project's commercial viability. If an applicant can satisfactorily demonstrate to the Council on a confidential "open book" basis that the strict application of policy would render an otherwise commercially viable project commercially unviable, then contribution requests may, where appropriate, be negotiated and varied.

The contributor's comments that the current pressures on viabilities from competing departments of the Council can lead to the non-delivery of sites is an assertion and there is no evidence presented by the contributor to support this. It should be noted that flexibility and development viability is taken into account within the Plan, Affordable Housing SPG and Developer Contributions SPG.

494 Leddy

Scottish Planning Policy 2014 (Core Document 026, paragraph 126) defines affordable housing as housing of a reasonable quality that is affordable to people on modest incomes. This is the definition included within this policy and as such should not be amended. Regarding the contributor's comments relating to low or negligible running costs, this is covered by policy PMD2 which applies to all new development. Criterion (a) of policy PMD2 requests developers to demonstrate that appropriate measures have been taken to maximise the efficient use of energy and resources in terms of layout, orientation, construction and energy supply.

It is contended that policy HD1 Affordable and Special Needs Housing is suitable and should remain unchanged within the Proposed Local Development Plan.

Reporter's conclusions:

1. Planning Advice Note 2/2010, Affordable Housing and Housing Land Audits, points out that affordable housing ought to be, as far as possible, indistinguishable from the general mix of other houses on a site in terms of style and layout, use of materials, architectural quality and detail. Careful design is important and, I believe, is capable of dispelling any prospect of ghetto creation. Detailed consideration of the layout and appearance of any particular site is the function of the development management process and therefore I do not believe it is necessary to adjust Policy HD1 in this respect.
2. Policy HD1 includes a definition of affordable housing that is generally recognised and accepted, reflecting the definition contained in Scottish Planning Policy. Clearly, as suggested by Mr Leddy, it is also important that affordable housing should be energy efficient. Indeed, as the council explains, Policy PMD2, Quality Standards, requires all new development to be of high quality in accordance with sustainability principles. I am therefore satisfied that there is adequate provision to ensure that new affordable houses meet the required high standards of energy efficiency. In turn, there is no need to make any change in this respect to Policy HD1.
3. The reference in paragraph 1.4 to a minimum provision of 25% does not comply with Scottish Planning Policy. Scottish Planning Policy states that the level of affordable housing required as a contribution within a market site should generally be no more than 25% of the total number of houses. It would be preferable for the text to be altered to reflect the terminology in Scottish Planning Policy.
4. It has been suggested that the requirement for affordable housing should be reduced to, say, 10%, at least in the interim. It is possible that such a reduction might stimulate house building to some extent but such a measure would also be likely to reduce the potential number of affordable houses to be provided. On balance, I believe the level, as modified, of "no more than 25%" is appropriate, particularly, as explained, because this is the level of contribution referred to as a maximum in Scottish Planning Policy.
5. Further requests that the contribution level should be flexible with the details to be the subject of pre-application negotiations are in accordance with the council's approach. Although the 25% requirement figure (now modified) is included in Policy HD1, the policy also indicates that the final scale of affordable or special needs housing will be assessed against three criteria. This approach involves a degree of flexibility relating to need, location and size of the site and the availability of other such housing in the locality. On this basis, the policy does not require change.
6. Homes for Scotland has requested a specific reference to built housing units but the council believes that Policy HD1 and the supplementary guidance provide a wide level of flexibility. I have noted the terms of paragraph 3.4 of the supplementary guidance but, essentially, this sets out the range of possible tenures with little emphasis on methods of delivery. I believe the policy would be improved by a reference to built units although this does not require a specific clause. An amendment to clause d) would suffice to indicate that a proportion of the site could be provided as either land or built units.
7. Homes for Scotland is also critical of the lack of policy certainty in respect the type and tenure of the affordable housing required. For the most part, the solution to this perceived difficulty is said by Homes for Scotland to lie in the supplementary guidance and should be addressed in the proposed revision of the guidance by the council.

8. The supporting text of Policy HD1 makes it clear that both the requirement for affordable housing and the means of meeting that requirement will vary between settlements and sites. On this basis I can accept that whilst the proposed plan does not inform potential developers of the type and tenure required, the basic need for the provision of an element of affordable housing is clear. I support the council in the opinion that this provides flexibility. Indeed, the supplementary guidance points out that the current local plan makes no distinction between tenures but confirms a mixture of affordable housing tenures should be provided across the Scottish Borders. This approach has also been adopted in the proposed local development plan. The range of potential tenures is, nevertheless, set out in the supplementary guidance.

9. Planning Advice Note 2/2010 also emphasises the range of tenure types: developers and registered social landlords should consider the full range and apply them as appropriate. Authorities should engage and reach agreement with housing developers in early discussions to make clear what mix of affordable housing provision is sought on particular sites, taking into account provision in the wider community.

10. It would clearly be helpful for the proposed plan to provide details of requirements insofar as possible. However, I appreciate the practical difficulties in this respect due to the characteristics of individual sites, differing local circumstances and changing needs over time.

11. I have noted the suggested additional sentence referring to innovative and flexible approaches, deliverability and funding. This is largely derived from the previous version of Scottish Planning Policy but is not included in the current edition. In my opinion, this addition is not required for inclusion in Policy HD1.

12. All-in-all, I consider that, in terms of providing affordable housing, the limited level of detail in Policy HD1 does not inhibit the implementation of the policy. The supplementary guidance and early discussions should allow the nature of the affordable housing contribution to be determined in respect of any particular site. The availability of funding would be a further practical consideration in discussions concerning the affordable housing contribution.

13. The existing supplementary guidance and the proposed revision of the guidance are not matters to be considered as part of this examination.

Reporter’s recommendations:

I recommend the following modifications be made:

1. Amend paragraph 1.4 of the supporting text of Policy HD1, Affordable and Special Needs Housing as follows:

“Decision making will be guided by the council’s Supplementary Planning Guidance on Affordable Housing although, in accordance with Scottish Planning Policy, the level of contribution within a market site will generally be no more than 25% of the total number of houses. This percentage may be varied depending on the site characteristics or the information available on local need.”

2. Amend clause d) of Policy HD1 as follows:

“the provision of a proportion of the site for affordable housing in the form of land or built units, or”

Issue 047	Policy HD2: Housing in the Countryside	
Development plan reference:	HD2: Housing in the Countryside (Proposed Local Development Plan, pages 75 - 78)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>130 Roger Oakes 177 Tweed Homes 298 Glen Estate 300 Smith & Garratt 306 Marchmont Farms Ltd 307 J Rutherford 309 S Swan 342 Royal Burgh of Selkirk and District Community Council 350 Homes for Scotland 353 RSPB Scotland 407 Mr and Mrs F Millar 447 Lilliesleaf, Ashkirk & Midlem Community Council 468 D Maxwell 469 T Fullarton 472 G Aitchison</p>		
Provision of the development plan to which the issue relates:	HD2 Housing in the Countryside	
Planning authority's summary of the representation(s):		
<p><u>342 Royal Burgh of Selkirk and District Community Council</u></p> <p>Policy agreed. It is noted that the policy can be undermined by the SBC Appeal Group when it chooses to overturn a refusal made (for good reason) by the Council's Planning Committee and endorsed by the Scottish Government's Reporter.</p> <p><u>353 RSPB Scotland</u></p> <p>The contributor states that any new or extended housing development in the countryside should include provision of new or improved public transport.</p> <p><u>177 Tweed Homes</u></p> <p>The contributor states that in relation to HD2 - A – Building Groups, the contributor considers that the policy should provide greater flexibility by replacing a 30% increase with either “up to” or “around a 50% increase” in the size of the building group which has not been subject to recent development activity (i.e. within the duration of the previous Local Plan Period).</p> <p><u>298 Glen Estate</u></p> <p>The contributor states that in relation to HD2 - A – Building Groups, the contributor considers that a Building Group should not be set a 2 unit or 30% threshold restriction but</p>		

instead the policy should provide for an approach in which assessment, layout and design determines the capacity for new development within a building group.

350 Homes for Scotland

The contributor states that in relation to HD2 - A – Building Groups, the policy restricts the total increase in the number of dwellings to no more than 2 units or a 30% increase, they consider this to be too restrictive. It will make a number of small sites unviable. However, if the threshold was raised to a 50% increase this would make a substantial difference to the viability of these small sites and would therefore work towards increasing the number of new houses delivered on small sites in the Scottish Borders. It is noted that the Highland Council 'Housing in the Countryside' supplementary guidance (adopted March 2013) sets a maximum of a 100% increase on the number of units in a building group, while the contributor do not feel that is necessary here and understand the Council seeking to restrict new housing in the countryside they do believe the 30% maximum is restrictively and should be revised upwards to 50%. The reference to no more than 2 units should be removed completely.

447 Lilliesleaf, Ashkirk & Midlem Community Council

The contributor states that in relation to HD2 - A – Building Groups, they consider that reference should also be made to the density of the group.

300 Smith & Garratt, 306 Marchmont Farms Ltd, 307 J Rutherford, 309 S Swan, 468 D Maxwell, 469 T Fullarton and 472 G Aitchison

The contributors 300, 306, 309, 468, 469, & 472 states that policy HD2 - A – Building Groups, contains an arbitrary cap on new development, brought in relatively recently by the Consolidated Local Plan. This is having the unwanted effect of preventing the promotion of perfectly suitable additions to building groups that otherwise have scope for appropriate expansion beyond the cap. It is necessary to amend the policy by changing the cap to a guideline and making it clear that exceptions will be permitted where a developer demonstrates that a building group is capable of expansion beyond the guideline limit whilst meeting the policy's landscape, design and impact criteria. There are cases where consents issued prior to adoption of the Consolidated Local Plan have not yet commenced, have been presented for renewal and renewals have not been granted, or have been granted for lesser schemes in order to comply with the cap. The current inflexibility inhibits appropriate development of a relatively small number of building groups. The absolute limit is of detriment to the local economy.

Contributors 300, 306 and 307 also state that neither Policy HD2 nor the Supplementary Guidance makes proper reference to architectural and historical association between buildings. The Policy or the Guidance should therefore be amended to support proposals to accentuate relationships between buildings that are architecturally or historically associated; notwithstanding that a perceived building group edge may intervene – for e.g. to emphasise the association between buildings on either side of a road, river, or railway, or perhaps where a suite of old estate buildings have architectural and / or historic links to each other but might otherwise be thought of as too disparate to be members of a single building group. There is no logic to preventing development that enhances architectural or historic relationships within a group of buildings just because a similar proposal would not be permissible in association with buildings that are not related architecturally or historically.

462 Cranshaws, Ellemford & Longformacus Community Council

The contributor is supportive of much of the Policy and particularly support the sentiments in paragraphs a, b, and c to “*promote appropriate rural housing development in village locations in preference to the open countryside associated with existing building groups in dispersed communities*”. They suggest that the policies recognised here as vital to enhancing communities in parts of the Southern Borders are entirely relevant to some small dispersed communities such as our own.

130 Roger Oakes

The contributor states that in relation to HD2 - F – Economic Requirement, the contributor considers that this section of the policy is not rigorous enough to prevent 50 acres or more of sub-marginal land being used as an excuse to build a commuter house in a rural location.

407 Mr and Mrs F Millar

The contributors support the policy in relation to Building Groups as per HD2 - A. In relation to HD2 - F – Economic Requirement and bullet point b, whilst the contributors support the principle of allowing a person who was last employed in agriculture on the farm unit to build a new house on that property; they object to the reference in the policy under these circumstances that a Section 75 Agreement is required to be entered into by the said retired farmer. The contributors state that this would be contrary to National Planning Policy and would lead to difficulties in selling the property at market value when it came time to dispose of it for whatever reason or, indeed, to bequeath the property. The contributors consider that this reference should be deleted, or made specific to the precise circumstance that it would apply, as it most certainly should not apply in the case of a retired farmer wishing to build a house within his former employment site, per the other parts of the policy.

The contributors therefore consider that policy HD2(F) should be re-worded to remove the ‘and’ between sub-section (b) and (e) and be replaced with ‘or’, as this makes the policy very difficult to achieve as there can not be many, if any, situations where an applicant could meet all 5 criteria. In addition, the reference to Section 75 should be deleted or its terms made specifically clear as not to include circumstances where retired farmers wish to reside on their former farm.

Modifications sought by those submitting representations:

353 RSPB Scotland

The contributor seeks that any new or extended housing development in the countryside should include provision of new or improved public transport.

177 Tweed Homes

The contributor seeks that in relation to HD2 - A – Building Groups, greater flexibility by replacing a 30% increase with either “up to” or “around a 50% increase” in the size of the building group which has not been subject to recent development activity (i.e. within the duration of the previous Local Plan Period).

298 Glen Estate

The contributor seeks in relation to HD2 - A – Building Groups, that a Building Group should not be set a 2 unit or 30% threshold restriction but instead the policy should provide for an approach in which assessment, layout and design determines the capacity for new development within a building group.

350 Homes for Scotland

The contributor seeks in relation to HD2 - A – Building Groups that the threshold of new housing should be to a 50% increase. The reference to no more than 2 units should be removed completely.

447 Lilliesleaf, Ashkirk & Midlem Community Council

The contributor seeks in relation to HD2 - A – Building Groups, reference should also be made to the density of the group.

300 Smith & Garratt, 306 Marchmont Farms Ltd, 307 J Rutherford, 309 S Swan, 468 D Maxwell, 469 T Fullarton and 472 G Aitchison

The contributors 300, 306, 309, 468, 469, & 472 seek that policy HD2 - A – Building Groups be amended by changing the cap on development to a guideline and making it clear that exceptions will be permitted where a developer demonstrates that a building group is capable of expansion beyond the guideline limit whilst meeting the policy's landscape, design and impact criteria.

300, 306 & 307 Contributors also seek the Policy or the Guidance be amended to support proposals to accentuate relationships between buildings that are architecturally or historically associated.

462 Cranshaws, Ellemford & Longformacus Community Council

The contributor seeks that sections a, b and c of the policy to also apply to communities such as their own.

130 Roger Oakes

The contributor seeks in relation to HD2 - F – Economic Requirement, a more rigorous policy.

407 Mr and Mrs F Millar

The contributors seek in relation to HD2 - F – Economic Requirement and bullet point b, the removal to the reference in the policy of a requirement for a Section 75 Agreement or made specific to the precise circumstance that it would apply, as it most certainly should not apply in the case of a retired farmer wishing to build a house within his former employment site.

The contributors also seek the rewording of policy HD2 (F) to remove the 'and' between sub-section (b) and (e) and be replaced with 'or'.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO POLICY HD2

REASONS

342 Royal Burgh of Selkirk and District Community Council

It is noted that contributor 342 Royal Burgh of Selkirk and District Community Council supports Policy HD2.

353 RSPB Scotland

The Scottish Borders is a largely rural authority, and it is noted that in line with Scottish Planning Policy (SPP) 2014 (Core Document 026) (paragraph 76) "*Plans should make provision for most new urban development to take place within, or in planned extensions to, existing settlements.*" In addition the SPP also states in paragraph 75 that the planning system should: "... *encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality...*", and Policy HD2 will assist in achieving this.

However it is noted that in respect to the Scottish Borders Local Transport Strategy 2007/08 (Core Document 013) (page 12), one of the Council's objectives in relation to transport is "*To enhance the local economy and provide improved transport to, from and within the Scottish Borders*".

177 Tweed Homes, 298 Glen Estate, 300 Smith & Garratt, 306 Marchmont Farms Ltd, 307 J Rutherford, 309 S Swan, 350 Homes for Scotland, 468 D Maxwell, 469 T Fullarton and 472 G Aitchison

It should be noted that the Housing in the Countryside Policy has only recently been reviewed through the Local Plan Amendment Process. Prior to that, the Housing in the Countryside policy as contained within the Scottish Borders Local Plan 2008 (Core Document 008 (page 87)) allowed for building groups in the countryside to expand by up to 100%.

It should be noted that this matter was considered by the Local Plan Amendment Examination Reporter (refer to Core Document 021 Scottish Borders Local Plan Amendment Examination Report) (Issue 014), who recommended no change to the Policy.

In preparation of the Local Plan Amendment and as a result of the Local Plan monitoring process it was found that the established supply for new houses in the countryside greatly exceeded yearly completion rates. Through more recent monitoring in the form of the Scottish Borders Local Development Plan Monitoring Statement (Core Document 014) it has been found that the established supply which equates to 12 years supply far exceeds what is considered necessary given current completion rates.

In addition, it was found that the new policy as now continued within the Proposed Plan, allowed for controlling to what degree a building group could be extended to and took cognisance of the existing size of the building group, which allowed for example, a larger building group to be extended to a greater extent than a smaller building group. The Policy restricts new build extensions to a building group of up to 2no houses or 30% extension,

whichever is the greater, subject to environmental/community considerations. It is considered that this still allows development in the countryside in terms of supporting small scale housing in rural areas and promoting the development of rural development. Significantly it prevents building groups being extended to a degree whereby the groups identity is lost and is overdeveloped as occurred under the former 100% rule. It should be noted that one of the reasons for the change in policy was due to the cumulative impact over successive Local Plan periods that the 100% rule could have on small communities.

It should be noted that the Monitoring Statement (CD014) (page 64) states that the Council must continue to protect the countryside from inappropriate housing development, and continue to monitor housing development figures in the countryside as well as monitor the effectiveness of the Housing in the Countryside policy.

It is also noted that Scottish Planning Policy 2014 (Core Document 026) states in paragraph 81 that: *“In accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate, and plans and decision-making should generally:*

- *guide most new development to locations within or adjacent to settlements; and*
- *set out the circumstances in which new housing outwith settlements may be appropriate ...”*. In that respect, it is considered that Proposed Local Development Plan Policy HD2 is appropriate and is inline with Scottish Planning Policy.

It is also considered that it is too early in the Local Development Plan Process to consider altering the Policy as at present based on recent findings this is not considered appropriate.

447 Lilliesleaf, Ashkirk & Midlem Community Council

Paragraph 75 of Scottish Planning Policy 2014 (Core Document 026) states that the planning system should: *“in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces ...”*. It should be noted that the second last paragraph Section A Building Groups within Policy HD2 states that: *“... the proposal should be of appropriate scale, siting, design, access, and materials, and should be sympathetic to the character of the group”*. It is considered that ‘density’ will form an aspect of the character of the existing group and any new proposal will be required to be sympathetic to it.

It should also be noted that Policy HD2 is also cross referenced to Policy PMD2 Quality Standards which aims to ensure that all new development is of a high quality and respects the environment in which it is contained.

462 Cranshaws, Ellemford & Longformacus Community Council

It is noted that contributor 462 supports much of Policy HD2 and particularly supports the sentiments in paragraphs a, b, and c to *“promote appropriate rural housing development in village locations in preference to the open countryside associated with existing building groups in dispersed communities”*.

The Policy Maps (pages 188 to 193) as contained within the Proposed Local Development Plan identify the location of the Dispersed Communities in relation to Policy HD2. It should be noted that the area identified as the Dispersed Communities within the Proposed Plan is

the same area as the Southern Housing Market Area (HMA). Within this area, Policy HD2 recognises that a more dispersed pattern is the norm. To assist in preventing against rural depopulation and to encourage appropriate development, the policy states that in this area a lower threshold may be appropriate, particularly where it would result in tangible community, economic or environmental benefits. In that respect, the Scottish Borders Local Development Plan Monitoring Statement (Core Document 014) (page 60) confirms that completion rates within the Southern HMA remain low in comparison to elsewhere within the Scottish Borders. It should be noted that the Housing Market Area boundaries were formulated following analysis of Sasines data to identify movement pattern of house purchasers, migration data, as well as travel to work data.

In addition, in relation to the Berwickshire HMA where the contributor 462 Cranshaws, Ellemford & Longformacus Community Council area falls, completions remain high (refer to figure 40 from the Monitoring Statement CD014) in comparison to the Southern HMA. Also, when comparing the approvals in the Berwickshire HMA (refer to Figure 39 from the Monitoring Statement) to completions (Figure 40), approvals continually outstrip completions. It should also be noted that the Cranshaws, Ellemford & Longformacus Community Council area also falls within the wider Edinburgh commuting area. In that respect it should be noted that Scottish Planning Policy 2014 (Core Document 026) states in paragraph 76: *“In the pressurised areas easily accessible from Scotland’s cities and main towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive landscapes or good quality agricultural land.”*

130 Roger Oakes and 407 Mr and Mrs F Millar

It is noted that contributor 130 seeks a more rigorous policy in relation to HD2 - F – Economic Requirement, whilst contributor 407 seeks a more relaxed approach. It is considered that section F of Policy HD2 is in line with Scottish Planning Policy 2014 (SP P) (CD026) (refer to paragraph 79) which states that: *“Plans should set out a spatial strategy which:*

- *reflects the development pressures, environmental assets, and economic needs of the area, reflecting the overarching aim of supporting diversification and growth of the rural economy ...”.*

As noted in Planning Advice Note 72 Housing in the Countryside (Core Document 037) (page 7), *“Housing related to existing groupings will usually be preferable to new isolated developments”*. Therefore Policy HD2 restricts isolated new housing in the countryside unless it can be satisfactorily substantiated by an economic justification. In doing this the policy will protect the environment from inappropriate and sporadic new housing in the countryside whilst still being able to support rural communities and businesses. This approach is supported by SPP in paragraph 75 which states that *“The planning system should:*

- *in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;*
- *encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality ...”.*

The use of planning obligations in the form of the Section 75 Legal Agreement is seen as an essential and appropriate method to ensuring where a new isolated house which would normally not be considered appropriate, could be approved as the new house would only

be permissible on the basis of the agricultural / business use. The Section 75 Agreement ensures that where this exception is being made, the new house will be secured to that agricultural / business use. It should be noted that the Chief Planners Letter of November 2011 to Heads of Planning (refer to Supporting Document 047-1) does not state that occupancy restrictions should never be used, rather it does state: “*The Scottish Government believes that occupancy restrictions are rarely appropriate and so should generally be avoided*”; this sentiment is also replicated within the Promoting Rural Development section of SPP 2014.

In this situation, the Council is seeking to take a proactive stance that allows essential accommodation related to an agricultural or business use to be provided in situations where there would be no other alternative but to issue a refusal. The Section 75 agreement therefore provides a useful supportive role to promote rural development in those relatively rare circumstances.

It should also be noted that wording within Policy HD2 is: “*The applicant and, where different, the landowner, may be required to enter into a Section 75 agreement*”. Therefore, it is considered that there will be instances where the use of an occupancy restriction is not required.

It is therefore not considered appropriate to amend the Policy HD2 as suggested by the contributors.

Reporter’s conclusions:

1. The Royal Burgh of Selkirk and District Community Council agrees with Policy HD2 and therefore no unresolved issue remains to be brought to the examination. The comments made on the processing of development proposals are also not relevant to the examination.
2. The Cranshaws, Ellemford and Longformacus Community Council also supports Policy HD2 and raises no issues to be brought to the examination.
3. Scottish Planning Policy presumes in favour of development that contributes to sustainable development. To achieve sustainable development, policies should be guided by a number of principles including the delivery of infrastructure, of which transport is an example.
4. In the context of rural development, Scottish Planning Policy seeks to secure sustainable communities whilst recognising a need to protect against unsustainable growth in car-based commuting and the suburbanisation of the countryside.
5. Spatial strategies should reflect development pressures, environmental assets, and the economic needs of an area reflecting the overarching aim of supporting diversification and growth of the rural economy. Housing provision in rural areas should be in accordance with the spatial strategy, taking account of the different development needs of local communities.
6. The supporting text of Policy HD2 explains that the council aims to encourage a sustainable pattern of development focused on defined settlements to support existing services and promote sustainable travel patterns. However, Policy HD2 also provides for exceptions to the general approach and encourages housing development in “appropriate

locations in the countryside.” Isolated new housing in the countryside is severely restricted and requires an economic justification.

7. The policy states that appropriate rural housing development will be promoted: a) in village locations, b) in association with existing building groups, and, c) in dispersed communities in the Southern Borders housing market area. The policy sets out the criteria against which proposals under b) and c) will be considered and, in addition, lists criteria for assessing the proposed conversion of buildings to a house, the restoration of houses, replacement dwellings and economic requirements.

8. New housing in village locations can have the benefit of sustaining existing communities whereas residential development beyond the boundaries of villages can create tensions in terms of sustainability. The provision of public transport is one such tension. The Royal Society for the Protection of Birds therefore raises a valid consideration in respect of the provision of new or improved public transport.

9. The council believes that the policy accords with Scottish Planning Policy insofar as it will assist in encouraging rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

10. I acknowledge that the thrust of the spatial strategy is to focus future development on the extension of the main towns. These towns will therefore continue to be the central focus for housing growth. Nevertheless, states the strategy, opportunities are identified across the whole area. In this respect I accept that village development of a suitable scale is likely to encourage the local community. Development in building groups within the countryside can also foster a sense of community, albeit on a limited scale. Equally, conversion or restoration projects can help in the retention of traditional character. The parameters are strictly defined by the policy and there is a firm presumption against isolated or sporadic development. In this context, I believe that the scope for providing housing in the countryside under Policy HD2 strikes a reasonable balance.

11. It would not be practical to expect every development to depend on new or improved public transport although I note it is an objective of the local transport strategy to provide improved transport. As the council points out, much of the Scottish Borders is rural in character. In such areas, there is usually a higher dependence on private cars. I believe the nature and extent of the Scottish Borders makes this higher dependence inevitable. Overall, in terms of public transport I conclude that Policy HD2 does not require modification.

12. Concern has been expressed that the criteria applied to the extent of building permitted in any particular group is too restrictive. I note that the equivalent policy was considered relatively recently as part of the Local Plan Amendment Examination. At that time it was concluded that the policy was not unduly restrictive. Whilst the current examination provides an opportunity for policy review, that relatively recent finding is significant.

13. However, considering the current policy afresh, I have already concluded that Policy HD2 strikes an acceptable balance in terms of the principle of residential development in the countryside. As explained, the basis of that balance is provided by the listed criteria which, in my opinion, are firm but reasonable. Despite the concerns expressed in several representations, I share the council’s opinion that the terms of clause (A)(c) provide the opportunity for an appropriate level of small-scale rural housing. Increased limits or greater

flexibility could well lead to a level of rural development which would have unacceptable environmental impact. I do not accept that the policy applies “an arbitrary cap”, as has been claimed, but reflects a judgement made by the council. I have endorsed that judgement and, in turn, this leads me to conclude that the terms of Policy HD2 (A)(c) are to be supported.

14. Policy HD2 is concerned with small-scale development where the specified factors – scale, siting etc. – are the relevant considerations. As the council points out, the relationship of any new development to the existing group is a fundamental design consideration. In turn, I do not consider it necessary for density to be specified as a factor against which a development proposal is to be assessed.

15. I have noted the suggestion that the policy should include a reference to the architectural and historical associations between buildings. As described, this is a difficult concept to grasp in terms of its practical application to housing in the countryside. Where buildings are separated by a road, river or railway, it seems unlikely that further development could enhance either architectural or historical associations. Similarly, in the case of a disparate suite of estate buildings, it is unclear how, in themselves, the architectural or historic value of such buildings could be enhanced through intervening development. I am not persuaded there is practical value in any modification to this effect.

16. Mr Oakes fears that the policy could be abused leading to the building of “commuter houses” under the pretext of economic requirement. However, the policy includes several stringent criteria against which development must be assessed. As proposed, there is also provision for requiring a legal agreement to restrict the occupancy of new houses justified by economic requirement although Scottish Planning Policy guidance is not to impose occupancy conditions. This matter is discussed further below.

17. Scottish Planning Policy encourages rural development that supports businesses whilst protecting and enhancing environmental quality. As previously explained, Scottish Planning Policy also requires protection against car-based commuting. Where there is a danger of long-distance car-based commuting, a more restrictive approach to new housing is appropriate. I believe that Policy HD2 is appropriately restrictive including clause (F) in terms of the economic requirement for housing. Despite the concerns of Mr Oakes I conclude that clause (F) provides the basis for adequate safeguards against houses not justified by business needs, even without the additional use of a legal agreement to restrict occupancy.

18. Mr and Mrs Millar seek more flexibility in the policy. In requiring clause HD2 (F) b) to be justification for a house in its own right, the need to also satisfy clauses c), d) and e) would be removed. This would lead to a policy which would be significantly less restrictive. In the circumstances of rural development in the Scottish Borders, I believe that such a relaxation of the restrictive nature of the policy would not be justified. On this basis “and” should be retained between clause b) and clause c).

19. The Chief Planner’s advice contained in the letter dated 4 November 2011 has been incorporated into Scottish Government policy under the provisions of Circular 3/2012, Planning Obligations and Good Neighbour Agreements. The circular recognises that legal planning obligations have historically been used in respect of housing in rural areas. However, it indicates that where a planning authority is satisfied that an adequate case is made, it should not be necessary to use a planning obligation to restrict occupancy. As explained, this approach is reflected in Scottish Planning Policy.

20. The council argues that there is no absolute embargo on planning obligations in respect of occupancy and points out that, similarly, Policy HD2 indicates that there *may* be a requirement to enter into an obligation. However, the inclusion of this provision, even on a qualified basis, is contrary to the general thrust of the guidance in Circular 3/2012 and Scottish Planning Policy. I believe that the criteria set out in Policy HD2(F) along with the requirement for development to have no negative impact on landscape or existing communities provides an adequate basis for assessing proposals. In exceptional cases, a planning obligation may be appropriate but the lack of an explicit reference within the policy does not preclude the possibility of a formal legal agreement.

Reporter’s recommendations:

I recommend the following modification be made:

1. In Policy HD2, Housing in the Countryside, delete the penultimate paragraph commencing: “The applicant and, where different, the landowner may be required”

Issue 048	Policy HD3: Protection of Residential Amenity	
Development plan reference:	Policy HD3: Protection of Residential Amenity (Pages 79 – 80)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
447 Lilliesleaf, Ashkirk and Midlem Community Council		
Provision of the development plan to which the issue relates:	Policy HD3: Protection of Residential Amenity	
Planning authority's summary of the representation(s):		
<p>The contributor states proposed developments must also be assessed in terms of their impact on local biodiversity. As well as preventing threats to local biodiversity new developments can be encouraged to enhance biodiversity. The contributor suggests the policy be specifically cross referenced to Policy EP3 – Local Biodiversity.</p>		
Modifications sought by those submitting representations:		
<p>The contributor would like the policy to be specifically cross referenced to policy EP3 – Local Biodiversity.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO POLICY HD3 PROTECTION OF RESIDENTIAL AMENITY AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS</p> <p>This policy solely relates to residential amenity and it is not considered that biodiversity issues are likely to be common in respect of these generally smaller scale types of planning applications. In some extreme instances it may be a biodiversity issue is raised and this could be evaluated under policy EP3 – Local Biodiversity.</p> <p>All planning applications should make reference to policy PMD2 which relates to quality standards. The final section of that policy makes reference to biodiversity considerations under criteria (t) and (u).</p> <p>It is therefore considered there is no justifiable reason to make this change to policy HD3.</p>		

Reporter's conclusions:
1. I agree that Policy EP3, Local Biodiversity, has little relevance to Policy HD3. If necessary, a link to biodiversity is provided through Policy PMD2, Quality Standards, which is already contained in the list of cross-references for Policy HD3.
Reporter's recommendations:
No modifications.

Issue 049	Policy HD4: Further Housing Land Safeguarding	
Development plan reference:	Policy HD4: Further Housing Land Safeguarding (Page 81)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>300 Smith & Garratt 302 David Wilson Homes 332 Lord Kerr, Ferniehirst Trust, Roxburghe Estates 342 The Royal Burgh of Selkirk and District Community Council 350 Homes for Scotland 447 Lilliesleaf, Ashkirk and Midlem Community Council 471 Millar Partnership 483 David Wilson Homes 485 Geddes Consulting 493 Crummock (Scotland) Ltd 496 JS Crawford & Rural Renaissance</p>		
Provision of the development plan to which the issue relates:	Policy HD4: Further Housing Land Safeguarding	
Planning authority's summary of the representation(s):		
<p><u>300 Smith & Garratt, 471 Millar Partnership & 302 David Wilson Homes</u></p> <p>The contributor states the LDP does not take into account the deliverability of developments. A number of safeguarded or allocated sites cannot be brought forward for development because they are constrained and in some cases these constraints are likely to outlast the LDP. Evidence of deliverability of developments should be taken into account in determining applications for new housing. Adequate flexibility is to be retained to allow the release of unsafeguarded or unallocated land and land outwith development boundaries where development is demonstrated to be deliverable – although the contributor acknowledges this flexibility should be tempered by policy PMD4.</p> <p><u>332 Lord Kerr, Ferniehirst Trust, Roxburghe Estates</u></p> <p>The contributor supports the retention of this policy.</p> <p><u>342 The Royal Burgh of Selkirk and District Community Council</u></p> <p>The contributor agrees and notes the policy. The contributor would also like the Council to note that the identification of an approved line for a Selkirk by-pass would have the planning benefit of enabling future housing development to be safeguarded. Additional strategic sites should be included when the line of a Selkirk by-pass is established and protected.</p>		

350 Homes for Scotland

The contributor notes the policy is in accordance with the Strategic Development Plan (SDP). The contributor feels further clarity is needed within this policy as there is no requirement by SESplan to deal with shortfalls in the effective housing land supply by Housing Market Area (HMA). The contributor considers this is made more complicated by a lack of a housing land requirement in the Proposed LDP. The contributor feels this should be amended and more information provided.

The contributor suggests the Central HMA is too large encompassing Galashiels, Hawick, Kelso, Jedburgh and Selkirk. The contributor states these are independent towns with their own identity and there is little movement from one settlement to another in terms of house purchases. The contributor suggests calculations for Central Borders housing requirements need to be broken down to reflect many towns are their own HMA. The only exemption would be where an allocation is proposed that is so large it is like to draw demand from outside the local area eg: the allocation in Newtown St Boswells of 900+ units which will meet demand from across the Borders. The contributor suggests the Council is more sophisticated and disaggregate the allocations for specific towns.

447 Lilliesleaf, Ashkirk and Midlem Community Council

The contributor considers proposed developments must also be assessed in terms of their impact on local biodiversity. As well as preventing threats to local biodiversity new developments can be encouraged to enhance biodiversity. The contributor suggests the policy be specifically cross referenced to Policy EP3 – Local Biodiversity.

483 David Wilson Homes & 485 Geddes Consulting

The contributor considers further clarity is needed within policy HD4. There is no requirement by SESplan SDP to deal with shortfalls in the effective housing land supply by Housing Market Area. The contributor states this is further made difficult by the lack of a housing land requirement by Housing Market Area in the Proposed LDP.

The contributor suggests paragraph 1.1 be amended to:

This policy is intended to assist the Council to maintain the 5 year effective housing land supply at all times, while safeguarding particularly sensitive areas from development. The housing land audit process will be used to monitor the need for any additional land release. Where a potential shortfall is identified within the Local Development Plan area, new development will be directed to the longer term safeguarded areas identified in relation to settlements. Where possible, the safeguarded areas are shown on the Proposal Maps. Any proposals that come forward in these areas will be assessed against the policies in the approved development plans.

The contributor suggests the following amendment to HD4 policy text:

The areas indicated in the settlement profiles for longer term expansion and protection shall be safeguarded accordingly. Proposals for housing development in such expansion areas may come forward for earlier development where it is demonstrated that there is a shortfall in the 5 year effective housing land supply.

493 Crummock (Scotland) Ltd

The contributor considers this policy as a sensible approach however the contributor notes that there are no longer term sites in the LDP's Northern Area.

496 JS Crawford & Rural Renaissance

The contributor considers the policy to be unnecessarily prescriptive. The contributor states 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 them 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. The contributor would like the reference to early development of HD4 sites being premature to be deleted.

Modifications sought by those submitting representations:

300 Smith & Garratt, 471 Millar Partnership & 302 David Wilson Homes

The contributor requests that evidence of deliverability of developments is taken into account in determining applications for new housing

332 Lord Kerr, Ferniehirst Trust, Roxburghe Estates

N/A

342 The Royal Burgh of Selkirk and District Community Council

The contributor would like the Council to note that the identification of an approved line for a Selkirk by-pass would have the planning benefit of enabling future housing development to be safeguarded. Additional strategic sites should be included when the line of a Selkirk by-pass is established and protected.

350 Homes for Scotland

The contributor requests that further clarity is provided within the policy as there is no requirement by SESplan to deal with shortfalls in the effective housing land supply by Housing Market Area (HMA). The contributor also considers that the Housing Market Areas should be further disaggregated.

447 Lilliesleaf, Ashkirk and Midlem Community Council

The contributor would like the policy to be specifically cross referenced to policy EP3 – Local Biodiversity.

483 David Wilson Homes & 485 Geddes Consulting

The contributor suggests paragraph 1.1 be amended to:

This policy is intended to assist the Council to maintain the 5 year effective housing land

supply at all times, while safeguarding particularly sensitive areas from development. The housing land audit process will be used to monitor the need for any additional land release. Where a potential shortfall is identified within the Local Development Plan area, new development will be directed to the longer term safeguarded areas identified in relation to settlements. Where possible, the safeguarded areas are shown on the Proposal Maps. Any proposals that come forward in these areas will be assessed against the policies in the approved development plans.

The contributor suggests the following amendment to HD4 policy text:

The areas indicated in the settlement profiles for longer term expansion and protection shall be safeguarded accordingly. Proposals for housing development in such expansion areas may come forward for earlier development where it is demonstrated that there is a shortfall in the 5 year effective housing land supply.

493 Crummock (Scotland) Ltd

N/A

496 JS Crawford & Rural Renaissance

The contributor would like the reference to the early development of HD4 sites being premature to be deleted.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO POLICY HD4 FURTHER HOUSING LAND SAFEGUARDING AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN

REASONS

Scottish Planning Policy (SPP) confirms that Housing Need and Demand Assessments (HNDA) provide the evidence base for defining housing supply targets. SESplan have prepared a HNDA (Core Document CD004) in accordance with detailed guidance from Scottish Government, and this was considered 'robust and credible' by the Scottish Government in June 2011.

The approved SESplan Strategic Development Plan (SDP) (Core Document CD001) now provides the context for the Scottish Borders Proposed LDP. It sets an overall requirement for the SESplan area derived directly from the HNDA. The total requirement is 155,600 units up to 2032. The HNDA identified a requirement of 5,958 housing units in the Scottish Borders for the period 2009-2019, and 2,780 from 2019 to 2024.

Table 3.2 of the SESplan Supplementary Guidance (Core Document CD002, page 7) specifies the additional allowances to meet the additional need for 24,338 units. These are additional allowances over and above the existing established housing land supply. In the Scottish Borders an additional allowance of 640 (rounded up) is set for the Strategic and non Strategic Development Areas This allowance has been allocated in the Scottish Borders Proposed LDP.

The LDP meets this housing land requirement and provides flexibility in terms of constrained supply, redevelopment opportunities and longer term sites as detailed in the

Updated Appendix 2 Meeting the Housing Land Requirement (Core Document CD017).

There is a generous and effective 5 year supply of land within each of the Council's Housing Market Areas to meet demand as required by Scottish Planning Policy. Within the Housing Land Audit 2013 (Core Document CD039) there is a substantial land established supply of 9,189 units which provides a range and choice of housing sites across the Scottish Borders. The average completion rate over the previous five year period from 2009 - 2013 is approximately 430 units per annum. The LDP already provides flexibility in terms of constrained supply which is monitored through the audit process. Further flexibility is provided within the Plan through the allocation of numerous redevelopment opportunities. These redevelopment opportunities are suitable for a range of uses and area located within each of the Strategic Development Areas (SDA).

Potential areas for longer term development have also been identified within Peebles, Innerleithen, Galashiels, Hawick, Earlston, Kelso, Duns, Greenlaw, Coldstream and Reston. The redevelopment opportunities and longer term sites have the potential to be brought forward to meet any shortfall in supply.

300 Smith & Garratt, 471 Millar Partnership & 302 David Wilson Homes

As part of the Housing Land Audit, site deliverability is taken into account during the programming of sites to ensure the audit is as accurate as possible however this has become an increasingly difficult task due to the current difficult economic climate. Even where a developer or housebuilder is attached to a particular site the degree of confidence in any future programming is low. Deliverability is therefore taken into account as far as possible during the site assessment process to ensure sites can be developed during the plan period.

332 Lord Kerr, Ferniehirst Trust, Roxburghe Estates

Support noted.

342 The Royal Burgh of Selkirk and District Community Council

Regarding comments specifically relating to Selkirk, future development in Selkirk will be considered in future reviews of the Plan and take key factors such as the Selkirk bypass and Flood Protection Scheme into account.

350 Homes for Scotland

In relation to the contributor's comments that the Central Housing Market Area is too large, the Housing Market Areas were developed following a Housing Market Area Review (Core Document CD052) as part of the Structure Plan Alteration in 2007. This review looked at various options taking into account Sasines data, house purchaser survey data and travel to work data. The review also took into account the spatial growth context of the Council's Development Plan Strategy. The outcome of the review was the number of Housing Market Areas was reduced from seven to four – Berwickshire, Central, Northern and Southern. It should be noted these Housing Market Areas were also included within the adopted Local Plan.

447 Lilliesleaf, Ashkirk and Midlem Community Council

In relation to the comments requesting the policy to specifically cross reference to policy EP 3 – Local Biodiversity the intention of this policy is to assist the Council in maintain a five year effective land supply. The policy justification refers the need for the policy to safeguarding particularly sensitive areas from development. Where a biodiversity issue is raised this could be evaluated under policy EP3 – Local Biodiversity. All planning applications should make reference to policy PMD2 which relates to quality standards. The final section of policy PMD2 makes reference to biodiversity considerations under criteria (t) and (u).

483 David Wilson Homes & 485 Geddes Consulting

Regarding the requested change to paragraph 1.1 of the policy this is not considered appropriate as the Housing Land Audit is the key link to monitor housing land supply and it is not felt this change is necessary.

Regarding the contributor's suggested change to the policy text to bring forward housing development in expansion areas, the policy and wording was a proposed modification inserted into the Local Plan following the Reporter's recommendation during the Local Plan Inquiry (Core Document CD020 - chapter 2, page 8). The principal aim of this policy is to safeguard for future potential use, the secondary aim is to provide possibility to meet shortfalls in land supply. Therefore the wording of the policy is appropriate.

493 Crummock (Scotland) Ltd

Support and comment noted. It should also be noted that four potential longer term sites have been identified within the Northern Housing Market Area. This includes three sites in Peebles (SPEEB003, SPEEB004 and SPEEB005) and one site in Innerleithen (SINNE001).

496 JS Crawford & Rural Renaissance

There is a substantial land supply in the Scottish Borders of over 9,000 units and average completion rates are 430 per annum. There is a generous and effective 5 year supply of land within each of the Council's Housing Market Areas to meet demand as required by Scottish Planning Policy. The Housing Land Audit assesses the extent and status of the housing land supply in the Borders. The audit is used to decide whether there is an adequate supply of land for housing.

It is essential that there is proper planning throughout the Borders by the use of masterplans and longer term development frameworks to ensure the most appropriate direction of settlement growth. It is important that the longer term allocations within the Plan remain safeguarded to ensure sites are able to come forward at the appropriate time and not prematurely.

It is contended that policy HD4 Further Housing Land Safeguarding is suitable in its current form and should remain unchanged within the Proposed Local Development Plan.

Reporter's conclusions:

1. This policy seeks to assist in the maintenance of a 5 year effective housing land supply

at all times. The policy is rolled forward from the adopted local plan, where Policy BE12 is identically worded. There are some differences in the reasoned justifications for the policy between the 2 iterations of the plan.

2. A number of the representations grouped under this Issue express support for the policy. As such they are not unresolved matters which I need consider; nevertheless I note their content generally as underpinning the council's position.

3. A number of representations note the policy to be consistent with SESplan. It is stated, however, that there is no requirement by SESplan to address shortfalls in the effective housing land supply by housing market area (HMA).

4. The council's response on this matter was not entirely clear, so by means of a further information request (FIR) I sought clarification on the following matters:

whether the intention of Policy HD4 is that the longer term safeguarded site(s) to be brought forward in response ought to be within the same HMA, or whether consideration may be given to sites over the plan area; and

whether SESplan, SPP (or elsewhere) sets out what action should be triggered following identification of a potential shortfall in effective supply, and whether that is to be triggered at council-wide or HMA only basis.

5. In its response, the council clarified that it expects any shortfall to be met within the relevant HMA, and suggests that the third sentence of paragraph 1.1 be amended to make that clear. The council advises also that neither SESplan nor SPP specifically state whether actions resulting from an identified shortfall are to be triggered on a council-wide or HMA basis. The council's view nevertheless is that any shortfall would be capable of being met within the relevant HMA.

6. In response, it is stated variously by Homes for Scotland and Geddes Consulting that SESplan provides no locus for a housing land shortfall to be met within a specific area. It does, however, require the housing supply target to be met at local authority, rather than HMA level. It is also stated that SESplan does not set out distinct housing requirements for each of the 4 Borders HMAs; that the proposed plan does not identify a housing supply target by HMA; and that accordingly it is not possible to determine whether sufficient land is allocated in those HMAs. This is particularly relevant as the Borders are expected to meet part of the Edinburgh shortfall, which is unlikely to be restricted to a specific HMA.

7. In this regard I consider it significant that SESplan sets a housing land requirement for the council area as a whole, in addition to quantifying new allocations by strategic development area. As an effective land supply target is not set for each of the 4 HMAs, I agree with the representations that it would be counter-intuitive to seek to measure the effective supply by each HMA. On that basis I conclude that the reasoned justification at paragraph 1.1 ought to be modified to clarify that Policy HD4 is triggered when a shortfall in the effective supply for the LDP area is identified. That seems to me to be more consistent with the flexible approach of SESplan and SPP, although I acknowledge that neither are prescriptive in this regard. The reference to Edinburgh displaced demand tends also to support this conclusion.

8. I consider that the suggested modifications to the detailed wording of the policy text itself, raised in representations 483 and 485, would subtly amend the emphasis of the

policy. That notwithstanding, I do not find that the amended wording would materially affect how such development proposals would stand to be assessed. In that regard I do not find the wording set out in the proposed plan to be inappropriate.

9. It is contended by Homes for Scotland that the Central HMA is too large and that calculations for Central Borders housing requirements ought largely to be broken down to the individual town level as these are HMAs in their own right. I note the council's response that these HMAs are long-standing, and that they resulted from a Housing Market Area review undertaken in support of a Structure Plan Alteration in 2007. There are clear benefits to be arrived from consistency in HMAs over time. I would have expected any deficiency in the delineation or number of HMAs to have been considered and addressed at HNDA stage. It seems in any event far too late in the development planning process to be considering a matter as fundamental as this. It will instead be for the council, acting as part of the SESplan SDPA, to consider this issue for future iterations of the development plan.

10. It is argued that, as there is no restriction on exceeding a 5 year effective supply, any reference to longer term sites coming forward being held to be premature, when a 5 year supply is in place, ought to be deleted. On this contention I agree with the council that the plan ought to ensure that development is brought forward in a logical sequence. Policy HD4 contributes towards that objective and, as noted in other representations, is consistent with SESplan.

11. The council advises that, as part of the housing land audit, site deliverability is taken into account during the programming of sites to ensure the audit is as accurate as possible; deliverability is therefore taken into account as far as possible during the site assessment process to ensure sites can be developed during the plan period. That seems to me to be a sensible approach, consistent with national policy and advice. Whilst the longer term housing sites safeguarded by this policy are likely, in many cases, to be the first port of call when a deficiency in the effective supply is apparent, any additional sites introduced at development management stage would stand to be assessed in terms of the Section 25 test. Paragraphs 33 and 125 of SPP would be a significant material consideration in such cases. In that regard there is no need to modify the proposed plan as suggested.

12. It is suggested that Policy HD4 be cross-referenced to Policy EP3: *Local Biodiversity* in order that new developments can be designed to encourage local biodiversity. The plan has to be read as a whole. An exhaustive list of cross-referenced policies is unnecessary within that context, and could in some cases be counter-productive. I note in any event that Policy PMD4: *Development Outwith Development Boundaries* is already cross-referenced to Policy HD4 in the proposed plan and that that policy leads in turn to Policy EP3. There is consequently no need that the policy is cross-referenced here also.

13. It is stated that there are no longer term sites in the northern part of the LDP area. The council correctly responds that 4 potential longer term sites are identified within the Northern HMA (3 in Peebles and 1 in Innerleithen). The merits of a specific suggested site at West Linton are considered separately under Issue 320.

14. Representations calling into question the likely effectiveness of sites, or raising other site- or settlement-specific matters are considered separately under the relevant Volume 2 Issues. I do not consider that those matters raised in regard to Selkirk require any modification of this policy or its reasoned justification.

Reporter's recommendations:

I recommend that the following modification be made:

1. The third sentence of Paragraph 1.1 on Page 81 of Volume 1 of the proposed plan should be modified as follows:

“Where a potential shortfall is identified within the local development plan area, new development will be directed to the longer term safeguarded areas identified in relation to settlements.”

Reporter's note: further modifications to Policy HD4 arise from my consideration of Issue 080 later in this report.

Issue 050	Policy HD5: Care and Retirement Homes	
Development plan reference:	HD5: Care and Retirement Homes (Proposed Local Development Plan, pages 82 - 83)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
447 Lilliesleaf, Ashkirk & Midlem Community Council		
Provision of the development plan to which the issue relates:	HD5 Care and Retirement Homes	
Planning authority's summary of the representation(s):		
<p>The contributor states that proposed developments must also be assessed in terms of their impact on local biodiversity. As well as preventing threats to local biodiversity new developments can be encouraged to enhance biodiversity. They suggest that these policies be specifically cross-referenced to Policy EP3 Local Biodiversity.</p>		
Modifications sought by those submitting representations:		
<p>The contributor seeks that the Policy HD5 is cross referenced to Policy EP3 Local Biodiversity.</p>		
Summary of responses (including reasons) by planning authority:		
<p>INCLUDE REFERENCE TO POLICY EP3 LOCAL BIODIVERSITY IN LIST OF 'KEY POLICES TO WHICH THIS POLICY SHOULD BE CROSS-REFERENCED' AT THE BASE OF POLICY HD5. THIS IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL</p> <p>REASONS</p> <p>It is considered that the proposed amendment as suggested by the contributor will assist in providing greater clarity and would constitute a non-significant change.</p>		
Reporter's conclusions:		
<p>1. The cross reference suggested by Lilliesleaf, Ashkirk and Midlem Community Council is accepted by the council in the interests of clarity. I concur.</p>		
Reporter's recommendations:		
<p>I recommend the following modification be made:</p> <p>1. In Policy HD5, Care and Residential Retirement Homes, in the list of "Key policies to which this policy should be cross referenced" add: "Policy EP3 Local Biodiversity"</p>		

Issue 051	Policy EP2: National Nature Conservation Sites and Protected Species - Social or economic benefits and national importance	
Development plan reference:	Policy EP2 National Nature Conservation and Protected Species, point b) (Proposed Local Development Plan, page 86-87)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
353 RSPB 327 Scottish Natural Heritage		
Provision of the development plan to which the issue relates:	Policy EP2 National Nature Conservation and Protected Species, point b) and general policy	
Planning authority's summary of the representation(s):		
<p><u>327 SNH</u></p> <p>State they supported the proposed policy approach at draft stage and maintain their support</p> <p><u>353 RSPB</u></p> <p>State that under point b) that any social or economic benefits offered by the development permitted on an SSSI would require to be of national importance</p>		
Modifications sought by those submitting representations:		
<p><u>353 RSPB</u></p> <p>Incorporation of reference to development of national importance into point b)</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO AMENDMENT OF THE POLICY IN THE LOCAL DEVELOPMENT PLAN FROM THAT PRESENTED</p> <p><u>327 SNH</u></p> <p>Support for the policy approach and comments noted.</p> <p><u>353 RSPB</u></p> <p>Reference under point b) states that development would have to bring substantial benefits that “clearly outweigh the national nature conservation value of the site”. It is considered this is in line with the guidance with Scottish Planning Policy (paragraph 212) (Core Document 026) and it is noted that Scottish Natural Heritage have stated their support for the policy both at draft stage and in its current form in their response.</p>		

As a result it is not considered any amendment to the policy is required in the Local Development Plan.

Reporter's conclusions:

1. Scottish Natural Heritage supports Policy EP2 and therefore no unresolved issue remains to be brought to the examination.
2. Although the council believes the policy reflects the terms of Scottish Planning Policy, I consider that, for the avoidance of doubt, a modification should be made to indicate that any overriding benefit must be of national importance. This adjustment would resolve the issue raised by the Royal Society for the Protection of Birds.

Reporter's recommendations:

I recommend the following modification be made:

1. In Policy EP2, National Nature Conservation and Protected Species, modify clause b) as follows:
 "b) the development offers substantial benefits of national importance, including those of a social or economic nature, that clearly outweigh the national nature conservation value of the site."

Issue 052	Policy EP3: Local Biodiversity - Ecosystems approach and cross-referencing	
Development plan reference:	Policy EP3 Local Biodiversity (general) and Policy EP3 Local Biodiversity, paragraph 1.3 (Proposed Local Development Plan, page 88-89 and page 88 paragraph 1.3)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
353 RSPB 327 SNH 455 Scottish Wildlife Trust 423 Southdean Community Council		
Provision of the development plan to which the issue relates:	Policy EP3 Local Biodiversity general and paragraph 1.3	
Planning authority's summary of the representation(s):		
<p><u>353 RSPB</u></p> <p>States that there will inevitably be occasions where individual species or habitat units, or small groups thereof, that are of conservation importance but make no discernible or significant contribution to ecosystem functioning. The ecosystems approach should not, therefore, be used to the complete exclusion of those species or habitats.</p> <p><u>327 SNH</u></p> <p>State that reference to adoption of an ecosystems approach could be more clearly framed by adding <i>'integrated'</i> to this sentence (final sentence paragraph 1.3). This would reflect the interaction of habitats, species and the supporting environment that is inherent in the ecosystems approach.</p> <p><u>423 Southdean Community Council</u> - States that the Community Council are fully supportive of the policy</p> <p><u>455 Scottish Wildlife Trust</u></p> <p>Pleased to see that Local Biodiversity sites are being given some measure of protection but would like the text to acknowledge that most are sensitive to changes in the surrounding land due to farming practises and lack of continuity of wildlife corridors and to stress the desire of the Council to overcome this wherever possible. Also state that they would like to see policies HD3, HD4 and HD5 specifically cross-referenced to Policy EP3 and measures to encourage enhanced biodiversity on new developments.</p>		
Modifications sought by those submitting representations:		
<p><u>327 SNH</u></p> <p>Insert word <i>'integrated'</i> into final sentence of paragraph 1.3</p>		

455 Scottish Wildlife Trust

Cross references to be added to EP3 linking the policy to policies HD3, HD4 and HD5
Additional text to acknowledge the sensitivity of local biodiversity due to farming practises and lack of continuity of wildlife corridors.

Summary of responses (including reasons) by planning authority:

THE AMENDMENT TO THE FINAL SENTENCE OF PARAGRAPH 1.3 IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL

NO OTHER AMENDMENTS TO THE POLICY ARE CONSIDERED NECESSARY IN THE LOCAL DEVELOPMENT PLAN

REASONS

353 RSPB

It is considered that the ecosystems approach and more targeted measures work in conjunction within the policy. Paragraph 1.3 of the policy states “The Council will adopt an ecosystems approach to ensure sustainable use of land, water and living resources”, and within the policy text box, under points a) and b), there are clear protective measures for both habitat and species. It is therefore considered that the aim of the policy is to protect biodiversity and not to use an ecosystems approach to allow certain development or proposals at the expense of local biodiversity.

The Council will consult on a review of the Local Biodiversity Action Plan, the Biodiversity Supplementary Guidance and the Pilot Land Use Strategy. It is expected RSPB and other key agencies will be a part of this consultation.

327 SNH

It is considered that an ecosystems approach encompasses integration but that the additional wording to the final paragraph of 1.3 could be added for greater clarity and would constitute a non-significant change.

423 Southdean Community Council

Support and comments noted.

455 Scottish Wildlife Trust

The LDP is intended to be viewed as a whole. Cross referencing is an aid to identify potential key policy relationships. In this instance the policies referred to deal with protection of residential amenity (HD3), further housing land safeguarding (HD4) and care/retirement homes (HD5). Due to their subject these policies do not have a key relationship with policy EP3 Local Biodiversity. However, cross reference is made from policy PMD2 Quality Standards to most other policies within the LDP and there is a cross-reference between policy EP3 and development outwith development boundaries (PMD4).

The policy must consider the key aspects affecting the subject topic and not all detail can be covered if the policy is to remain coherent and proportional, as a result it is not

considered appropriate to reference farming processes or lack of continuity of wildlife corridors. However, the Local Development Plan has a new Green Networks policy which will bolster protection and enhancement of wildlife corridors.

As a result of the discussion above it is not considered necessary to amend the cross-referencing of the policy or to add text on farming processes or lack of continuity of wildlife corridors.

In summary it is considered that an amendment to the final sentence of paragraph 1.3 is a clarification that constitutes a non-significant change that is acceptable to the Council. No other amendments to the policy are considered to be required given the discussion above.

Reporter's conclusions:

1. Southdean Community Council supports Policy EP3 and therefore no unresolved issue remains to be brought to the examination.
2. The council accepts the minor modification to the final sentence of paragraph 1.3 suggested by Scottish Natural Heritage. I agree that the modification is worthwhile.
3. Policy PMD2, Quality Standards, is intended to ensure that all development respects the environment in which it is contained and recognises that in some locations the local environment will be more sensitive to change. The text and clause d) of the policy make particular reference to biodiversity.
4. I believe there can be no doubt that all new development requires to take account of local biodiversity and that the provisions of Policy EP3 are to be taken into account. On this basis, there is no requirement for further specific cross references to be included within the policy.
5. Policy EP3 identifies Policy PMD4, Development Outwith Development Boundaries, as a key policy for cross reference purposes. There is a clear link between the two policies and development falling within the scope of Policy PMD4 should not cause a significant adverse effect on the natural heritage of the surrounding area.
6. Although the Scottish Wildlife Trust is concerned about potential impact of farming practices on areas sensitive to change, operational agricultural techniques are generally beyond the scope of planning control. Nevertheless, as the council points out, the plan also includes Policy EP12, Green Networks. In this respect, the policy states such networks can assist in enhancing biodiversity.
7. Whilst the Royal Society for the Protection of Birds fears the "ecosystems approach" might threaten certain individual species or sites, Policy EP3 is intended to safeguard and enhance local biodiversity. In my opinion, the ecosystems approach is commendable and I do not believe that this precludes the ability to offer wider protection for species and sites. I therefore share the council's opinion that the policy makes adequate provision in this respect.
8. All in all, I conclude that, in holistic terms, Policy EP3 and the other relevant plan policies provide a satisfactory basis for the safeguarding and enhancement of local biodiversity.

Reporter's recommendations:

I recommend the following modification be made:

1. In the supporting text for Policy EP3, Local Biodiversity, modify the final sentence of paragraph 1.3 as follows:

“The council will adopt an integrated ecosystems approach to ensure sustainable use of land, water and living resources.”

Issue 053	Policy EP4: National Scenic Areas - Initiatives to extend the number of National Scenic Areas	
Development plan reference:	Policy EP4: National Scenic Areas (general) (Proposed Local Development Plan, pages 90-91)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>423 Southdean Community Council 391 Mountaineering Council of Scotland 110 Quarries Action Group 327 Scottish Natural Heritage (SNH)</p>		
Provision of the development plan to which the issue relates:	Policy EP4 National Scenic Areas (general)	
Planning authority's summary of the representation(s):		
<p><u>423 Southdean Community Council</u></p> <p>State that they would support any initiative to extend the number of National Scenic Areas in the Borders region, with the location of the Cheviots finding particular favour</p> <p><u>110 Quarries Action Group</u></p> <p>Strongly support this policy</p> <p><u>327 SNH</u></p> <p>Support the policy wording and cross referencing</p> <p><u>391 Mountaineering Council of Scotland</u></p> <p>Support this policy and commend its recognition that the quality of NSAs must be safeguarded from potential adverse impacts of development both within and outwith the designated area.</p>		
Modifications sought by those submitting representations:		
N/A		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO POLICY EP4 AS PRESENTED IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p><u>All</u> - Support and comments noted.</p>		

<p><u>423 Southdean Community Council</u></p> <p>Whilst Scottish Ministers are responsible for the designation of National Scenic Areas based upon advice provided by SNH, the Council will continue to review and discuss this matter with SNH.</p>
<p>Reporter's conclusions:</p>
<p>1. The representations received in respect of Policy EP4, National Scenic Areas, raise no issues that remain unresolved. Accordingly there is no requirement for these matters to be brought forward for examination.</p>
<p>Reporter's recommendations:</p>
<p>No modifications.</p>

Issue 054	Policy EP5: Existing and Proposed Special Landscape Areas	
Development plan reference:	Policy EP5: Special Landscape Areas (general) (Proposed Local Development Plan, pages 92 and 93)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>427 J E Pratt and others 439 Lamancha, Newlands and Kirkud Community Council 423 Southdean Community Council 462 Cranshaws, Ellemford and Longformacus Community Council 202 SportScotland 391 Mountaineering Council of Scotland 110 Quarries Action Group</p>		
Provision of the development plan to which the issue relates:	Policy EP5 Special Landscape Areas (general)	
Planning authority's summary of the representation(s):		
<p><u>423 Southdean Community Council</u></p> <p>State that they supported the candidacy of the Teviot Valleys SLA, and now supports policies that will protect and enhance it, and welcomes the additional benefits it brings to the area</p> <p><u>391 Mountaineering Council of Scotland</u></p> <p>Support this policy and commend its recognition that the quality of SLAs must be safeguarded from potential adverse impacts of development both within and outwith the designated area</p> <p><u>110 Quarries Action Group</u> - Strongly support this policy</p> <p><u>202 SportScotland</u></p> <p>State that they feel the policy should make reference to the range of qualities that a SLA has been designated for clearer. Concerned the sporting and recreation value of these areas is not represented</p> <p><u>462 Cranshaws, Ellemford and Longformacus Community Council</u></p> <p>State that they support the restatement of a commitment to afford protection to SLAs, particularly with reference to the Lammermuir Hills SLA. Also state that significant development has had an impact on some SLAs and that further proposals should not justify their impact against this but should be tested against tests for "maintenance" and "enhancement" of the SLA's qualities. Also consider it would be useful to emphasise that EP5 relates not just to development within an SLA, but also to development outwith its boundary that impacts upon the SLA.</p>		

427 J E Pratt and others

Proposal to include a new Lyne Catchment SLA as part of the Tweedsmuir SLA, as it is considered the area is integral geographically, culturally and scenically to the latter. State that the request is novel and has not been considered by the Council previously (i.e. in the consultation on the Local Landscape Designation Review (LLDR) Supplementary Planning Guidance (SPG)

State that in their review of the LLDR they are aware of the problems associated with a crude score-based protocol for undertaking comparative landscape assessments, which in this case has resulted in an area of strategic value and great beauty being denied a level of protection which it deserves. It is stated that assessing the quality of the hills separately from the valley which acts as a corridor through them into the Borders has resulted in both being, in their opinion grossly undervalued. They believe this may have long term unwanted consequences for the tourism potential of the Borders, and for the cultural heritage of the area/Borders. The Executive Summary of the representation states: "In essence we believe there is an overwhelming case for the area we define as the Lyne Catchment to be included in the Tweedsmuir SLA because:

- the current designation of the area that makes up the Lyne Catchment undervalues a landscape of great natural beauty and interest
- the Lyne Catchment is an integral part of the Tweedsmuir SLA geologically, culturally and scenically
- the Lyne Catchment is a diverse natural habitat well worthy of protection for its own sake and even more so for its potential appeal to tourists"

It is stated they have reached their conclusions after reviewing the LLDR produced for Scottish Borders Council by Land Use Consultants (LUC) and identifying weaknesses in it particularly in relation to its assessment of geology, cultural heritage, habitat provision and tourist potential.

439 Lamancha, Newlands and Kirkud Community Council

State support for representation 427 J E Pratt and others

Modifications sought by those submitting representations:

202 SportScotland

The policy should make reference to the range of qualities that a SLA has been designated for clearer

462 Cranshaws, Ellemford and Longformacus Community Council

Emphasise that EP5 relates not just to development within an SLA, but also to development outwith its boundary that impacts upon the SLA.

427 J E Pratt and others and 439 Lamancha, Newlands and Kirkud Community Council

Proposal to include a new Lyne Catchment SLA as part of the Tweedsmuir SLA

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE POLICY IN THE LOCAL DEVELOPMENT PLAN FROM THAT PRESENTED

NO AMENDMENT TO THE SPECIAL LANDSCAPE AREAS IN THE LOCAL DEVELOPMENT PLAN FROM THAT PRESENTED

REASONS

423 Southdean Community Council; 110 Quarries Action Group and 391 Mountaineering Council of Scotland

Support and comments noted.

202 SportScotland

Special Landscape Areas are bolstered by Supplementary Planning Guidance on Local Landscape Designations; within this document, each SLA has a Statement of Interest which details the reason for the designation, the forces for change on the landscape and the management recommendations for the landscape. It is considered that these statements cover both sporting and recreation interests in detail and that as a result no amendment to the policy is required in the Local Development Plan.

462 Cranshaws, Ellemford and Longformacus Community Council

It is noted that the policy refers to “development that may affect Special Landscape Areas”. Development Management officers assess applications on whether they have potential affects regardless of whether they are located within or outwith a SLA. As a result it is not considered necessary to amend the policy in the Local Development Plan.

427 J E Pratt and others and 439 Lamancha, Newlands and Kirkud Community Council

The LLDR SPG was adopted in 2012 and, as stated by the Objector (427 J.E Pratt and others), no representation on this matter was received in relation to the Lyne Catchment. In addition no representation on this matter was received in the preparation of the MIR or in the MIR consultation period.

The LLDR SPG was informed by a technical background study prepared by independent consultants, LUC (Core Document 063, Supplementary Planning Guidance Local Landscape Designations 2012, Annex 1 LLDR Revised Report). This study was, in turn, informed by methodology developed by Historic Scotland and Scottish Natural Heritage (SNH). The objective of the exercise was to produce a wholesale review of existing Areas of Great Landscape Value, which had little justification, and to provide more robust Special Landscape Areas (SLAs) using a defined methodology.

It is considered that the methodology for the selection of SLAs is robust and defensible and it is noted that SNH raised no objections to it in their consultation reply (Core Document 063, Supplementary Planning Guidance Local Landscape Designations 2012, Appendix 5 to Annex 1: Representations to draft SPG). By using a robust, defensible methodology it is considered that the selection of SLAs and their respective Statements of Interest are effective material considerations in the determination of relevant planning applications.

It is also acknowledged that the selection of boundaries was discretionary to an extent but that the methodology was not designed to protect view sheds i.e. the total area that could be viewed from a single viewpoint (Core Document 063, Supplementary Planning Guidance Local Landscape Designations 2012, Appendix 5 to Annex 1: Representations to draft SPG: page 100).

Where objection or comment was raised about a boundary or omission of an area etc. the Consultants reviewed their findings and if it was felt that a representation added value then the scoring was revised to reflect this. If this review meant that a coherent change to the extent of a SLA was acceptable then the change was put forward for consideration by the Council.

In addition, as a part of the robust methodology for selection of SLAs, the consultants completed a desk based review of landscape character units (LCU) against landscape character and quality criteria. This work resulted in a score which was then verified through fieldwork. A weighting was applied to certain criteria that were felt to be more important in terms of landscape.

The relevant LCU in this case were UF32 (very small part to the south west), RV52 (small part to the south/south west) and UP6 (main area). For UF32 the score was 48, for RV52 the score was 37 and for UP6 the score was 44. In each respective case this score was not within the highest scoring 50% of LCUs and therefore the areas were not carried forward into an area of search nor designated as part of a SLA.

As a result of the discussion above it is not considered necessary to make any amendments to the Special Landscape Areas in the Local Development Plan, nor the policy text as presented.

Reporter's conclusions:

1. The representations received from Southdean Community Council, the Mountaineering Council of Scotland and the Quarries Action Group in respect of Policy EP5, Existing and Proposed Special Landscape Areas, raise no issues that remain unresolved. Accordingly there is no requirement for these matters to be brought to the examination.

2. Paragraph 1.1 explains that the aim of Policy EP5 is to ensure that local areas of identified landscape quality are afforded adequate protection against inappropriate development. Clearly, landscape quality is fundamental and this is reflected in the terms of the policy itself. Helpfully, the supporting text also explains the role of the supplementary guidance and, in particular, refers to the statements of importance and the management recommendations. Importantly, the text indicates that these should be referenced in any development proposals. In turn, I accept that the guidance would provide appropriate development information including, where relevant, detailed sporting and recreation information.

3. On the foregoing basis, I conclude that there is no requirement for the change sought by sportScotland.

4. In the case of any proposed development, wider impacts must be assessed. Provision for any such assessment is contained in Policy EP5 insofar as the scope of the policy includes "proposals for development that may affect Special Landscape Areas". This requirement does not restrict such assessment to proposals that are within the boundary of

a Special Landscape Area. Accordingly, I do not believe it is necessary to amend the policy as required by the Cranshaws, Ellemford and Longformacus Community Council.

5. I note that the community council is also concerned that proposed development might be assessed against a lower benchmark where previous development has had an impact on a Special Landscape Area. I do not consider this to be a valid concern. Firstly, as explained in paragraph 1.1, the Special Landscape Areas have been designated because of their identified landscape quality. In itself, this could be expected to establish the landscape benchmark against which to assess proposals. Secondly, as previously explained, the supplementary guidance provides statements of importance which must be referenced in any development proposal.

6. Taking into account these considerations, I believe that the policy provides a satisfactory basis for assessing development proposals whether or not the area has been the subject of previous significant development.

7. I have noted the case put forward for the designation of the proposed “Lyne Catchment Special Landscape Area” and taken the opportunity to spend some time within the area. There is no doubt that the location is attractive and I can understand the affinity with the area of those concerned with the preparation of the submission. However, when considered in the context of the wider area of the Scottish Borders, I do not believe that the landscape quality is of a level that justifies “special landscape” designation.

8. In reaching this conclusion I have noted the methodology adopted in assessing the local landscape designations within the Scottish Borders. For comparative purposes it is necessary to employ a scoring system although, at the end of the day, landscape character assessment must also involve a degree of subjective judgement. Indeed, the council accepts this is the case. It is very significant that Scottish Natural Heritage and Historic Scotland have not questioned the methodology.

9. I accept that the Lyne Catchment has cultural value, provides a variety of habitat, and contributes to the tourist economy. However, these attributes do not lead me set aside my opinion that the landscape quality of the area merits designation.

Reporter’s recommendations:

No modifications.

Issue 055	Policy EP6: Countryside Around Towns	
Development plan reference:	EP6: Countryside Around Towns (General) (Proposed Local Development Plan, pages 94 to 97)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>342 The Royal Burgh of Selkirk and District Community Council 496 JS Crawford and Rural Renaissance Limited</p>		
Provision of the development plan to which the issue relates:	EP6 Countryside Around Towns (General)	
Planning authority's summary of the representation(s):		
<p><u>342 The Royal Burgh of Selkirk and District Community Council</u></p> <p>State that although Selkirk is outwith the Galashiels/Melrose River Tweed corridor, it should be appreciated that Selkirk has a special local environment with Selkirk Hill and the Haining Estate providing an environmental asset which should be retained and protected.</p> <p><u>496 JS Crawford and Rural Renaissance Limited</u></p> <p>State Policy EP6 should be deleted. State 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.</p> <p>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 makes it clear that settlement expansion is a realistic alternative. The policy leaves no scope for expansion and does not fit with the requirements that Galashiels, Melrose and Newtown St Boswell's should be a development corridor.</p>		
Modifications sought by those submitting representations:		
<p><u>496 JS Crawford and Rural Renaissance Limited</u></p> <p>Deletion of policy EP6 Countryside Around Towns</p>		

Summary of responses (including reasons) by planning authority:342 The Royal Burgh of Selkirk and District Community Council

NO MODIFCATION TO THE PROPOSED LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED

It is noted that the surrounds of Selkirk, and in particular Selkirk Hill and the Haining Estate, are designated as part of the Tweed, Etrick and Yarrow Confluences Special Landscape Area and are therefore subject to the protection this designation provides, particularly within the relevant Statement of Importance within the SPG on Local Landscape Designations. In addition, the Haining Estate is a Garden and Designed Landscape and contains listed buildings, and therefore Local Development Plan policies EP7 and EP10 provide further protection.

The Countryside Around Towns SPG (Supporting Document 055-1) was introduced as Supplementary Planning Guidance in 2011 following identification of a core area in the central Borders where it was shown the landscape was particularly under pressure from the risk of settlement coalescence and where protection of relevant settlement character and identity was required as a result.

496 JS Crawford and Rural Renaissance Limited

NO MODIFCATION TO THE PROPOSED LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED

Policy EP6 and the Countryside Around Towns SPG are considered to be the same policy and one will not work without the other. The SPG provides greater detail of the protective and enhancement measures of the policy.

It is noted that a core area of the central Borders was identified as being at risk of coalescence and adverse changes to landscape character in a technical exercise and that subsequently the Countryside Around Towns policy was introduced to the Local Plan Amendment. Following this the Countryside Around Towns SPG (Supporting Document 055-1) was introduced as Supplementary Planning Guidance in 2011 to help prevent settlement coalescence and to introduce measures to help conserve and enhance the living environment of the Countryside Around Towns area. It is therefore considered that both the Policy and the SPG have important roles to protect the identified area in the central Borders.

It is also considered that the Core Document 017 shows that the Proposed LDP meets the provisions of the SESplan SDP and its associated Supplementary Guidance in providing land to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy. In addition Core Document 017 states the Proposed LDP provides substantial flexibility in the form of identified redevelopment sites and sites with potential for longer term development. As a result it is not considered that policy EP6 is incongruous with the provision of land for housing in the Central Borders.

Land for housing in the central Borders will continue to be considered to meet the housing

land requirement in future Local Development Plans, as it has been in this Proposed Local Development Plan. This may include consideration of land within the Countryside Around Towns area, and judgement must be made on the need to identify strategic housing land versus the retention of the Countryside Around Towns area.

As a result of the discussion above no further action concerning Policy EP6 as a result of the representation is required.

Reporter's conclusions:

1. As explained in the Supplementary Planning Guidance: Countryside Around Towns, 2011, Policy EP6 was derived from a study into the prevention of coalescence. In particular the objectives of the study included the conservation and enhancement of the character, landscape and identity of settlements extending from Galashiels to Melrose, Newton St Boswells and St Boswells to the south-east. The study identified this corridor as an area where the landscape was particularly under pressure from the risk of settlement coalescence. Protection of settlement character and identity was therefore required and, as indicated in the supporting text, Policy EP6 is intended to provide this
2. There can be no dispute that the countryside around Selkirk is also attractive. The Royal Burgh of Selkirk and District Community Council is concerned about the "special local environment". However, Policy EP6, within its particular spatial focus, is not appropriate to provide the required protection for Selkirk Hill and Haining Estate. Nevertheless, it is clear that a range of protective policies do apply to these areas. Selkirk Hill lies within the Tweed, Ettrick and Yarrow Confluences Special Landscape Area. The Haining is an A category listed building and the estate is included in the Inventory of Gardens and Designed Landscapes.
3. Overall, I conclude there is no basis to extend Policy EP6 to include the countryside in the vicinity of Selkirk.
4. Although JS Crawford and Rural Renaissance Limited consider the policy to be detrimental to the strategic objectives of SESplan, I believe the council is entitled to consider local circumstances and devise policies to address any identified problems. In this instance, the council has undertaken a study of the settlement corridor from Galashiels to St Boswells. The suggestion that the policy draws boundaries too tightly is at odds with the objectives of the study, particularly in respect of retaining landscape character and preventing coalescence.
5. Insofar as the study undertook a detailed assessment of the relationships between the various settlements and the surrounding countryside, Policy EP6 and the supplementary guidance have a robust basis. On the other hand, the representation provides no substantive support for the claim that growth will be restricted and alternative housing sites will be required to fulfil the strategic supply, This particular matter is examined under Issues 49 and 80. Although it is concluded that there is an under-provision of housing land, I do not consider this necessarily points to the further release of sites within the area covered by Policy EP6.
6. I believe Policy EP6 provides an important element of the spatial strategy within the Galashiels – St Boswells settlement corridor. The role of the policy in helping to retain character and identity also accords with National Planning Framework 3 and Scottish Planning Policy in terms of place-making. It is important to harness the distinct

characteristics and strengths of each place to improve the overall quality of life. Policy EP6 assists in this respect.

7. Deletion of Policy EP6 and the use of the supplementary guidance, Countryside Around Towns to provide controls would not be acceptable. This would, in effect, confer policy status on the supplementary guidance. Policy must be contained within the local development plan and the role of the supplementary guidance is to provide more detailed advice on the implementation of the policy.

8. Policy EP6, Countryside Around Towns should therefore be retained as proposed.

Reporter's recommendations:

No modifications.

Issue 056	Policy EP7: Listed Buildings	
Development plan reference:	EP7: Listed Buildings (Proposed Local Development Plan, pages 98 - 99)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>300 Smith & Garratt 306 Marchmont Farms Ltd 309 S Swan Esq 342 The Royal Burgh of Selkirk and District Community Council 428 Fred Olsen Renewables Ltd 432 Infinis</p>		
Provision of the development plan to which the issue relates:	EP7 Listed Buildings	
Planning authority's summary of the representation(s):		
<p><u>300 Smith & Garratt, 306 Marchmont Farms Ltd & 309 S Swan</u></p> <p>The contributors states that it should be recognised that in some cases works to Listed Buildings require a flexible approach to the application of Building Standards. Amongst many examples encountered by heritage specialists are insulation standards, air-tightness, ventilation, replacement windows and disabled access. This policy should expressly include the potential for negotiating case-by-case 'determinations' in respect of matters where exact compliance with Building Standards would be capable of compromising for future or integrity of a protected building.</p> <p><u>342 The Royal Burgh of Selkirk and District Community Council</u></p> <p>Policy noted and agreed in principle. However the contributor states that a further aspect which is not covered in the proposals, in circumstances where all else fails and a listed building or building in a conservation area has to be unavoidably demolished, then appropriate architectural or historic features as identified by Historic Scotland or the SBC Conservation Officer such as stone or ironwork, timber etc – should be retained for inclusion within any future redevelopment or regeneration project.</p> <p><u>428 Fred Olsen Renewables Ltd</u></p> <p>The contributor states that the part of the policy which states that "<i>New development that adversely affects the setting of a Listed Building will not be permitted.</i>" is overly restrictive and should be re-worded in line with SPP paragraph 113 to state there would be a presumption against development that would adversely affect the setting of a Listed building. This alteration would allow for other material considerations to be taken into account.</p>		

432 Infinis

The contributor states that the part of the policy which states that “*New development that adversely affects the setting of a Listed Building will not be permitted.*” is considered to be overly negative and onerous. Setting is an extremely difficult issue to define, and it is considered that the impacts need to be weighed against potential benefits of social or economic nature.

Modifications sought by those submitting representations:

300 Smith & Garratt, 306 Marchmont Farms Ltd & 309 S Swan

The contributors seek for the policy to state that works to Listed Buildings require a flexible approach to the application of Building Standards.

342 The Royal Burgh of Selkirk and District Community Council

The contributor seeks that the Policy should state that in circumstances where all else fails and a listed building has to be unavoidably demolished, then appropriate architectural or historic features as identified by Historic Scotland or the SBC Conservation Officer such as stone or ironwork, timber etc – should be retained for inclusion within any future redevelopment or regeneration project.

428 Fred Olsen Renewables Ltd

The contributor seeks the rewording of the following text: “*New development that adversely affects the setting of a Listed Building will not be permitted.*”

432 Infinis

The contributor seeks the removal of the following wording from the policy: “*New development that adversely affects the setting of a Listed Building will not be permitted.*”

Summary of responses (including reasons) by planning authority:

NO CHANGE TO POLICY EP7.

REASONS

300 Smith & Garratt, 306 Marchmont Farms Ltd & 309 S Swan

Listed Building Consent and Building Warrants/Standards are governed by separate legislation.

Building Standards is covered by the Building (Scotland) Act 2003. It should be noted that the ‘Building Standards Technical Handbooks’ for domestic and non-domestic properties do allow for a flexible approach to be taken in relation to Listed Buildings. For that reason it is not considered appropriate to amend Proposed Local Development Plan Policy EP7.

342 The Royal Burgh of Selkirk and District Community Council

Scottish Historic Environment Policy (Core Document 027) sets out in paragraph 3.50 the

criteria that Planning Authorities' should consider when minded to approve an application for the demolition of a Listed Building.

In addition, 'Managing Change in the Historic Environment – Demolition' (Core Document 028) also sets out the principles that apply to the demolition of listed buildings and unlisted buildings in conservation areas.

Whilst it is noted that section 10 of the Managing Change document (CD 028) relates to salvage, neither of the documents i.e. CD 027 or CD 028 set out a requirement for features to be retained and reused on new replacement buildings. However, it is acknowledged that where considered appropriate, conditions can be added to a consent whereby architectural features from the listed building to be demolished are carefully removed to be retained and later incorporated into a new building. It should be noted that this is a relatively common approach taken where listed buildings receive consent for demolition. Nevertheless caution is required in that this may not always be appropriate or possible due to - for example a proposed new use onsite and the type of building required.

Where consent for the demolition of a historic building is granted, it should be noted that Local Development Plan Policy EP8 Archaeology provides for the opportunity to request for historic building recording.

428 Fred Olsen Renewables Ltd & 432 Infinis

It is acknowledged that Scottish Planning Policy 2014 (Core Document 026) in paragraph 141 on Listed buildings states: "*Listed buildings should be protected from demolition or other work that would adversely affect it or its setting.*"

However, attention is also drawn to the following wording also contained within paragraph 141: "*The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting.*"

In addition it should be noted that the 'Managing Change in the Historic Environment – Setting' (Core Document 029) sets out the principles that apply to developments affecting the setting of historic assets or places which includes listed buildings. That document states within the 'Key Issues' section that if proposed development is likely to impact on a setting then the applicant should prepare an "objective written statement" to inform the decision making process. Point 5 of the Key Issues states that in light of the assessment carried out "*finalised development proposals should seek to avoid or mitigate detrimental impacts on the setting of historic assets*".

It should be noted that the Council acknowledges that not all new development proposals that alter a listed building or affect its setting will have a negative impact. In that respect the Council states in the first line of policy EP7 as contained in the Proposed Local Development Plan "*The Council will support development proposals that conserve, protect, and enhance the character, integrity and setting of Listed Buildings*".

It is therefore considered that Policy EP7 Listed Buildings as set out in the Proposed Local Development Plan is in line with national policy.

It is therefore not considered appropriate to amend the Policy EP7 as suggested by the contributors.

Reporter's conclusions:

1. Scottish Planning Policy is clear in requiring the promotion of the care and protection of the historic environment whilst enabling positive change, informed by a clear understanding of the importance of heritage assets. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric of the asset. Local development plans should provide a framework for protecting and, where appropriate, enhancing all elements of the historic environment. In particular, change to a listed building should be managed to protect its special interest. Materials, design and scale of any development which would affect a listed building should be appropriate to the character and appearance of the building.
2. Policy EP7 reflects this guidance and therefore provides a suitable context for assessing applications for listed building consent. Although it has been suggested that a flexible approach is required to reflect building standards, any such flexibility should be applied within the provisions of the policy. The council has also pointed out that building standards can themselves allow some flexibility where listed buildings are involved. This could therefore assist in the achievement of compliance with Policy EP7.
3. Whilst I recognise that tensions involving the character and appearance of a listed building might arise when change is proposed, I conclude that Policy EP7 provides a reasonable basis for considering development proposals.
4. Demolition of a listed building must always be regarded as a last resort and, as explained in Policy EP7, there must be over-riding reasons for such action. In all cases, listed building consent is required. As explained in Scottish Historic Environment Policy, if consent for demolition is granted, salvage and reuse of the materials can ensure retention of architectural features and original fabric. Indeed, this will often be a condition of consent. Additionally, when demolition of a listed building is permitted, it is a statutory requirement to allow the opportunity for recording by the Royal Commission on the Ancient and Historical Monuments of Scotland.
5. The suggestion by the Royal Burgh of Selkirk and District Community Council in respect of the retention of architectural or historical features is well made. However, development management procedures are able to ensure that any such requirement in a particular case can be applied through the necessary listed building consent. Modification of Policy EP7 is therefore not required.
6. As explained, Scottish Planning Policy requires all aspects of any development affecting a listed building or its setting to be appropriate to the character and appearance of the building and setting. This can be regarded as positive advice to ensure an acceptable standard of development within the historic environment. On the other hand, Policy EP7 takes a negative approach in respect of development affecting the setting of a listed building. Development with an adverse affect will not be permitted.
7. At the end of the day, both approaches should lead to the same conclusion in the assessment of the affect of new development on the setting of a listed building. Indeed, it is significant that the policy explicitly supports development proposals that conserve, protect, and enhance the character, integrity and setting of listed buildings.
8. On the foregoing basis, I do not agree that Policy EP7 is over-restrictive insofar as new development that adversely affects the setting of a listed building will not be permitted. In

turn I accept the council's argument that Policy EP7 accords with national guidance in terms of the setting of listed buildings.

Reporter's recommendations:

No modifications.

Issue 057	Policy EP9: Conservation Areas	
Development plan reference:	EP9: Conservation Areas (Proposed Local Development Plan, pages 104 - 105)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
342 The Royal Burgh of Selkirk and District Community Council		
Provision of the development plan to which the issue relates:	EP9 Conservation Areas	
Planning authority's summary of the representation(s):		
<p>Policy noted and agreed in principle.</p> <p>However the contributor states a further aspect which is not covered in the proposals, in circumstances where all else fails and a listed building or building in a conservation area has to be unavoidably demolished, then appropriate architectural or historic features as identified by Historic Scotland or the SBC Conservation Officer such as stone or ironwork, timber etc – should be retained for inclusion within any future redevelopment or regeneration project.</p>		
Modifications sought by those submitting representations:		
<p>The contributor seeks that the Policy should state that in circumstances where all else fails and a building within a conservation area has to be unavoidably demolished, then appropriate architectural or historic features as identified by Historic Scotland or the SBC Conservation Officer such as stone or ironwork, timber etc – should be retained for inclusion within any future redevelopment or regeneration project.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO POLICY EP9</p> <p>REASONS</p> <p>It is noted that paragraph 137 of Scottish Planning Policy (SPP) 2014 (Core Document 026) states that the planning system should:</p> <p><i>“enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced.</i></p> <p>In addition, paragraph 143 on Conservation Areas within the SPP (CD026) also states: <i>“Where the demolition of an unlisted building is proposed through Conservation Area</i></p>		

Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution the presumption should be to retain it.”

‘Managing Change in the Historic Environment – Demolition’ (Core Document 028) sets out the principles that apply to the demolition of listed buildings and unlisted buildings in conservation areas.

Whilst it is noted that section 10 of the Managing Change document (CD028) relates to salvage, neither that document nor the SPP (CD026) sets out a requirement for features to be retained and reused on new replacement buildings. However, it is acknowledged that where considered appropriate, conditions can be added to a consent whereby architectural features from the listed building to be demolished are carefully removed to be retained and later incorporated into a new building. It should be noted that this is a relatively common approach taken where buildings receive consent for demolition within a conservation area. Nevertheless caution is required in that this may not always be appropriate or possible due to - for example a proposed new use onsite and the type of building required.

In addition, Planning Advice Note 71 Conservation Area Management (Core Document 036) which provides advice on the management of conservation areas states: *“Physical change in conservation areas does not necessarily need to replicate its surroundings. The challenge is to ensure that all new development respects, enhances and has a positive impact on the area”*.

Where consent for the demolition of a historic building is granted, it should be noted that Local Development Plan Policy EP8 Archaeology provides for the opportunity to request for historic building recording.

It is therefore not considered appropriate to amend the Policy EP9 as suggested by the contributor.

Reporter’s conclusions:

1. As in the case of listed buildings (see Issue 56), any proposal to demolish a building in a conservation area requires permission known as conservation area consent. In turn, this process provides the opportunity to apply conditions in respect of the salvage or re-use of materials. Whilst such a requirement might not always be appropriate, the possibility remains available through the development management process. On this basis, I agree with the council that there is not a requirement to modify Policy EP9.

Reporter’s recommendations:

No modifications.

Issue 058	Policy EP10: Garden and Designed Landscapes	
Development plan reference:	EP10 Garden and Designed Landscapes (Proposed Local Development Plan, pages 106 - 107)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
342 The Royal Burgh of Selkirk and District Community Council 428 Fred Olsen Renewables Ltd		
Provision of the development plan to which the issue relates:	EP10 Garden and Designed Landscapes	
Planning authority's summary of the representation(s):		
<p><u>342 The Royal Burgh of Selkirk and District Community Council</u></p> <p>Policy noted and agreed.</p> <p><u>428 Fred Olsen Renewables Ltd</u></p> <p>The contributor states that the statement that “<i>Proposals that will result in an unacceptable adverse impact will be refused</i>” goes beyond that put forward by SPP. Paragraph 122 states that “<i>The effect of a proposed development on a garden or designed landscape should be a consideration in decisions on planning applications. Change should be managed to ensure that the significant elements justifying designation are protected or enhanced.</i>”</p>		
Modifications sought by those submitting representations:		
<p><u>428 Fred Olsen Renewables Ltd</u></p> <p>The contributor seeks the rewording of Policy EP10.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO POLICY EP10.</p> <p>REASONS</p> <p><u>342 The Royal Burgh of Selkirk and District Community Council</u></p> <p>It is noted the contributor 342 The Royal Burgh of Selkirk and District Community Council notes and agrees to Policy EP10.</p> <p><u>428 Fred Olsen Renewables Ltd</u></p> <p>It is noted that Scottish Planning Policy (SPP) 2014 (Core Document 026) states in</p>		

paragraph 148 that: *“Planning authorities should protect and, where appropriate, seek to enhance gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes and designed landscapes of regional and local importance”*.

It should also be noted that the Council acknowledges that not all new development proposals that alter a garden and designed landscape, or affect its setting will have a negative impact. In that respect the Council states in the first line of policy EP10 as contained in the Proposed Local Development Plan *“The Council will support development that safeguards and enhances the landscape features, character or setting”* of a garden and design landscape.

In addition, it is also noted the SPP 2014 states within paragraph 137 that the planning system should *“enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced.”*

It should also be noted that the ‘Managing Change in the Historic Environment – Setting’ (Core Document 029) sets out the principles that apply to developments affecting the setting of historic assets or places which includes inventory parks / gardens / designed landscapes. That document states within the ‘Key Issues’ section that if proposed development is likely to impact on a setting then the applicant should prepare an “objective written statement” to inform the decision making process. Point 5 of the Key Issues states that in light of the assessment carried out *“finalised development proposals should seek to avoid or mitigate detrimental impacts on the setting of historic assets”*. In that respect, it is noted that the policy states that *“All applications affecting a Garden or Designed Landscape will be required to be supported by a Design Statement”*.

It is therefore not considered appropriate to amend the Policy EP10 as suggested by the contributor.

Reporter’s conclusions:

1. The Royal Burgh of Selkirk Community Council supports Policy EP3 and therefore no unresolved issue remains to be brought forward for examination.
2. Despite the concern expressed by Fred Olsen Renewables Ltd, Policy EP10, supports development that safeguards or enhances the landscape features, character or setting of sites listed in the Inventory of Gardens and Designed Landscapes as well as sites included in historic gardens and designed landscape records. It is in this context that the policy also sets out the corollary to the effect that proposals with an unacceptable impact will be refused. This is appropriate and is in accordance with the guidance contained in Scottish Planning Policy.
3. On the foregoing basis, there is no requirement to modify Policy EP10.

Reporter’s recommendations:

No modifications.

Issue 059	Policy EP11: Protection of Greenspace	
Development plan reference:	EP11 Protection of Greenspace (Proposed Local Development Plan, pages 108 - 110)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>202 sportScotland 327 Scottish Natural Heritage 342 The Royal Burgh of Selkirk and District Community Council</p>		
Provision of the development plan to which the issue relates:	EP11 Protection of Greenspace	
Planning authority's summary of the representation(s):		
<p><u>202 sportScotland</u></p> <p>The contributor states that the wording of Policy EP11 may cause confusion in relation to how the loss of an outdoor sports facility may be considered. The contributor recommends that protection of outdoor facilities is addressed in a separate policy, or in a clearly specified clause if incorporated into a wider open space or green space policy. Scottish Planning Policy is clear that there is a presumption against the redevelopment of playing fields and sports pitches unless:</p> <ul style="list-style-type: none"> - “the proposed development is ancillary to the principal use of the site as a playing field, - the proposed development involves a minor part of the playing field which would not affect its use and potential for sport and training, - the playing field which would be lost would be replaced by a new playing field of comparable or greater benefit for sport and in a location which is convenient for its users, or by the upgrading of an existing playing field to provide a better quality facility either within the same site or at another location which is convenient for its users and which maintains or improves the overall playing capacity in the area, or - a playing field strategy prepared in consultation with sportscotland has demonstrated that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision.” <p>The contributor states that this wording should be incorporated into Local Development Plan policy. Such wording provides clarity both on national planning policy and the specific requirement for protection of outdoor sporting facilities; as opposed to other forms of open space.</p> <p><u>327 Scottish Natural Heritage</u></p> <p>The contributor states that greenspaces form part of the green network as noted in paragraph 1.1 of Policy EP12 – Green Networks (page 108) which is also cross-referenced in this policy. It is suggested that it would also be relevant to include a reference to the</p>		

<p>proposed Green Network Supplementary Guidance.</p> <p><u>342 The Royal Burgh of Selkirk and District Community Council</u></p> <p>Policy noted and agreed.</p>
<p>Modifications sought by those submitting representations:</p>
<p><u>202 sportScotland</u></p> <p>The contributor seeks an additional policy which addresses the protection of outdoor facilities or in a clearly specified clause if incorporated into a wider greenspace policy.</p> <p><u>327 Scottish Natural Heritage</u></p> <p>The contributor seeks the inclusion of a reference to the proposed Supplementary Guidance on Green Networks.</p>
<p>Summary of responses (including reasons) by planning authority:</p>
<p>NO CHANGE TO POLICY EP11.</p> <p>REASONS</p> <p><u>202 sportScotland</u></p> <p>It should be noted that national policy wording does not require to be replicated in local policy.</p> <p>The Proposed Local Development Plan identifies Key Greenspaces within settlements on settlement maps contained within the Settlement Profiles. The Key Greenspaces identified include various typologies of greenspaces and also take in outdoor sports facilities. The Key Greenspaces identified in the Proposed Plan are considered to be of the greatest value to the community and are therefore worthy of protection. The Greenspaces Technical Note (refer to Core Document 018) provides further information.</p> <p>It should be noted that the policy introduction clearly states that <i>“It is intended that within Key Greenspaces only proposals that will enhance the space will be supported by the Council”</i>. This is then replicated within Policy EP11. It should be noted that it is considered that where the proposed development is ancillary to the principle use such as where new changing rooms are proposed for a sports pitch – this will be considered to be enhancement of the Key Greenspace and therefore in principle the proposal would be supported.</p> <p>It is also noted that Policy EP11 sets down stringent criteria that any proposal that results in the loss of greenspace must demonstrate.</p> <p>It should be noted that the Scottish Borders Main Issues Report (MIR) (Core Document 006) set out the preferred and alternative options in respect to Greenspaces (pages 38-39). In addition, the MIR also identified the Key Greenspaces for inclusion in the Proposed Local Development Plan in Appendix 5 (pages 97 to 124). In response to the MIR consultation it is noted that contributor 202 responded to that consultation (refer to</p>

Supporting Document 059-1) and stated that “*sportscotland supports the preferred option. We note the intention to identify and protect key green spaces. In taking this policy forward it will be important to protect both formal and informal green spaces that are important for sport and that this should be a consideration in identifying key sites. We note and support Appendix A5 where playing fields appear generally to have been identified as key sites. Although not familiar with every single playing field across the Scottish Borders the identified sites should match those considered within the Scottish Borders Sports Facilities and Pitches Strategy 2010*”. It is also noted that sportscotland also commented on former Structure Plan policies and policy BE6 as contained within the Consolidated Local Plan 2011.

It should be noted that the introductory text of Proposed Plan Policy EP11 refers to the Council’s approved Facilities and Pitches Strategy 2011 (refer to Core Document 015) and states that it will be used to assess future provision of accessible high quality and financially sustainable facilities for sport and physical activity in the Scottish Borders.

It is therefore considered that Policy EP11 is in line with Scottish Planning Policy 2014 (Core Document 026) and also provides a clear policy structure.

327 Scottish Natural Heritage

It should be noted that on page 110 of the Proposed Local Development Plan, there is a list of the proposed Supplementary Guidance which are considered will be relevant to greenspace. The list includes Green Networks.

342 The Royal Burgh of Selkirk and District Community Council

It is noted that contributor 342 The Royal Burgh of Selkirk and District Community Council notes and agrees to Policy EP11.

It is therefore not considered appropriate to amend the Policy EP11 as suggested by the contributors.

Reporter’s conclusions:

1. The Royal Burgh of Selkirk and District Community Council does not object to Policy EP3 and therefore no unresolved issue remains to be brought to the examination.
2. The reference to the proposed Green Networks Supplementary Guidance required by Scottish Natural Heritage is provided as a footnote to Policy EP11. No modification is therefore required.
3. Scottish Planning Policy is a material consideration in the assessment of development proposals and therefore the council is correct in arguing that the terms of the national guidance do not require to be included as part of local policy.
4. Although sportScotland is concerned about the lack of specific reference to outdoor sports facilities I believe it is reasonably clear that such facilities fall within the scope of the policy. Paragraph 1.1 of the supporting text refers to the typology contained in the Scottish Government’s Planning Advice Note (PAN) 65, Planning and Open Space. The advice note lists nine types of open space including sports areas. Paragraph 1.4 refers to the Facilities and Pitches Strategy, 2011. The policy itself provides for the possibility of indoor

sports facilities as an alternative to the loss of open space.

5. However, these references are implicit and, for the avoidance of doubt, it would be worthwhile to include a specific reference to outdoor sports facilities. This could be achieved by an addition to this effect in the sentence introducing the criteria for assessing the potential loss of green space.

Reporter's recommendations:

I recommend the following modification be made:

In Policy EP11, Protection of Greenspace, modify the paragraph commencing "In both cases development that would result..." as follows:

"In both cases development that would result in the loss of green space, including outdoor sports facilities, will only be permitted if it can be satisfactorily demonstrated that, based on consultation with user groups and advice from relevant agencies:"

Issue 060	Policy EP13: Trees, Woodland and Hedgerows - Traffic proposals as affecting trees, hedgerows etc	
Development plan reference:	Policy EP13 Trees, Woodland and Hedgerows (general) (Proposed Local Development Plan, pages 114-115)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
342 The Royal Burgh of Selkirk and District Community Council		
Provision of the development plan to which the issue relates:	Policy EP13 Trees, Woodland and Hedgerows	
Planning authority's summary of the representation(s):		
<p>State there is potential conflict to be recognised where development proposals likely to generate increased traffic will require associated road widening etc. which, in turn, would result in the loss of the intrinsic local natural character of the area (stone dykes, hedgerows and trees etc). This policy should recognise and safeguard against this potential problem.</p>		
Modifications sought by those submitting representations:		
<p>Incorporation of wording within the policy dealing to deal with development proposals that generate increased traffic and require associated infrastructure works</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE POLICY IN THE LOCAL DEVELOPMENT PLAN FROM THAT PRESENTED</p> <p>It is noted that the text within the policy refers to a number of relevant points; the woodland resource is stated to mean the “maintenance and management of trees” (paragraph 1.3), the policy “encourages developers to take account of the existing woodland resource at the outset of their development schemes, to be guided by the Council’s planning briefs, and provides for the protection of the resource during construction”.</p> <p>In addition, it is noted that the text within Policy PMD2 Quality Standards at point u) states that “(The standards which will apply to development are that) it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements”; and Policy IS2 Developer Contributions f) states “(Contributions may be required for one or more of the following) Protection, enhancement and promotion of environmental assets either on-site or off-site, having regard to the Local Biodiversity Action Plan and the Council’s Supplementary Planning Guidance on Biodiversity, including compensation for any losses and/or alternative provision”</p> <p>It is therefore the case that there is ample policy protection to prevent adverse impacts from the stated scenario and that as a result no change to the policy text is considered necessary in the Local Development Plan.</p>		

Reporter’s conclusions:
<p>1. The community council has raised an important matter. Concern for the contribution to local character made by trees and hedgerows is well-founded. However, it is clear that Policy EP13 is intended to ensure potential developers are aware of the value of the “woodland resource” at an early stage. That resource is defined as the maintenance and management of trees, ancient woodlands, pastures and hedgerows.</p> <p>2. The policy itself sets out clear guidance where a development may impact on the woodland resource and I consider that this provides an adequate basis for development management.</p> <p>3. Reference is also made by the community council to stone dykes but these features are not included within the scope of this policy. Nevertheless, other policies in the plan are available to permit appropriate development management in this respect.</p>
Reporter’s recommendations:
<p>No modifications.</p>

Issue 061	Policy EP13: Trees, Woodland and Hedgerows - Tree planting to increase and enhance the asset	
Development plan reference:	Policy EP13 Trees, Woodland and Hedgerows (general) (Proposed Local Development Plan, pages 114-115)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>462 Cranshaws, Ellemford and Longformacus Community Council 353 RSPB 327 SNH</p>		
Provision of the development plan to which the issue relates:	Policy EP13 Trees, Woodland and Hedgerows (general)	
Planning authority's summary of the representation(s):		
<p><u>All</u> - General support and commendation for the policy.</p> <p><u>462 Cranshaws, Ellemford and Longformacus Community Council</u></p> <p>Would like to see aspiration to increasing or enhancing these assets. Work to identify appropriate local tree, woodland or heritage assets particularly worthy of protection might be considered useful</p> <p><u>353 RSPB</u></p> <p>Stated a rolling programme of planting to ensure there is a rolling stock of mature trees which provide an important feature of the Borders Landscape and which provide habitat and connectivity for wildlife would be beneficial</p> <p><u>327 SNH</u></p> <p>Note that national policy on woodland removal states that compensatory planting will be sought and that this could take place anywhere. As there is potential for significant woodland removal in the plan period it is suggested that wording should be inserted to ensure the planting takes place within the Borders rather than elsewhere. After <i>ensure appropriate replacement planting</i> add caveat <i>within the local authority area</i>.</p>		
Modifications sought by those submitting representations:		
<p><u>462 Cranshaws, Ellemford and Longformacus Community Council</u></p> <p>To incorporate wording into the policy to provide for increasing or enhancing the woodland resource.</p> <p><u>327 SNH</u> - To add wording: after <i>ensure appropriate replacement planting</i> add caveat <i>within the local authority area</i>. (within the policy text box at point b)</p>		

Summary of responses (including reasons) by planning authority:
<p>ADDITION OF WORDING TO PARAGRAPH 1.1 IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL</p> <p>NO OTHER CHANGE TO THE POLICY IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>Support and comments noted.</p> <p><u>462 Cranshaws, Ellemford and Longformacus Community Council and 353 RSPB</u></p> <p>The Council seeks to promote woodland and wildlife and has developed Biodiversity Supplementary Planning Guidance (SPG) and a Woodland Strategy SPG. In addition to this the Council is also undertaking a Pilot Land Use Strategy, which examines opportunities for woodland planting. The Council is also active in terms of the Scottish Rural Development Programme through the implementation of the Woodland Strategy, and supports woodland creation as a part of funding through the programme. However, it is acknowledged that further clarity as to the Council’s intentions would be assisted by amending the second sentence of paragraph 1.1 as follows, where the additional text is underlined-</p> <p>“The policy seeks to protect <u>and enhance</u> the whole resource, not only...”</p> <p><u>327 SNH</u></p> <p>It is judged that it is not practical to incorporate extra wording to do with replacement planting within the local authority area because there would be complications to do with land ownership (for example estate boundaries)</p> <p>It is considered that the addition of wording to paragraph 1.1 to clarify the Council’s position regarding the woodland resource would constitute a non-significant change and is acceptable to the Council. It is not considered that any other changes to the policy in the Local Development Plan from that proposed are necessary.</p>
Reporter’s conclusions:
<ol style="list-style-type: none"> 1. Policy EP13 is a protective policy intended to guide potential developers and provide the basis for development management when the woodland resource is involved. The suggested modification referring to enhancement indicates to developers that the council’s objective is to bring about improvement of the woodland resource. Indeed, to some extent, this is already reflected in the policy through the reference to ensuring appropriate replacement planting. To this extent, the suggested modification is acceptable. 2. The suggested modification does not support or imply a pro-active approach to increasing or enhancing the woodland resource, as required by the Cranshaws, Ellemford and Longformacus Community Council. Equally, the modification does not address the requirement of the Royal Society for the Protection of Birds for a “broad-ranging, rolling plan of sequential planting”.

3. It is clear that the council supports woodland creation. Participation in the Scottish Rural Development Programme and the Woodland Strategy demonstrate a commitment in this respect. However, although there is general acceptance of the benefits of increasing the woodland resource, it would not be appropriate to modify Policy EP13 on this basis. As explained, the policy is essentially protective and, in any event, no information has been provided to allow a more pro-active policy to be introduced.

4. I can appreciate the concern of Scottish Natural Heritage to ensure that compensatory planting takes place within the local authority area. The council's response indicates that this might cause practical difficulties. However, the Forestry Commission guidance on compensatory planting recognises that, although such planting could be anywhere in Scotland, local authorities might require the replacement planting to be within their own area. The woodland resource is a fundamental element of the landscape character of the Scottish Borders. I therefore believe that where replacement planting is required under the policy, it should, where possible, be provided within the area of the Scottish Borders.

Reporter's recommendations:

I recommend the following modifications be made:

1. Amend the second sentence of paragraph 1.1 of the supporting text of Policy EP13, Trees Woodlands and Hedgerows, as follows:

“The policy seeks to protect and enhance the whole resource, not only individual trees....”

2. Amend clause b) of Policy EP13 as follows:

“b) where there is an unavoidable loss of the woodland resource, ensure appropriate replacement planting, where possible, within the area of the Scottish Borders; and”

Issue 062	Policy EP14: Coastline - Amendment to the policy	
Development plan reference:	Policy EP14 Coastline (general) (Proposed Local Development Plan, pages p116-117)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
487 Network Rail 327 SNH		
Provision of the development plan to which the issue relates:	Volume 1 Policies, Policy EP14 Coastline	
Planning authority's summary of the representation(s):		
<p><u>327 SNH</u></p> <p>State that to help provide certainty on Habitats Regulations Appraisal (HRA) requirements a minor amendment is suggested to the final sentence of paragraph 1.4 of the policy <i>“any development would have to adhere to the relevant policies associated with these designations. This includes appropriate assessment where this is required to demonstrate no adverse effect on site integrity of Natura sites”</i></p> <p><u>487 Network Rail</u></p> <p>State they are keen for essential infrastructure like the rail network is, where it is located in or near the coast, protected to the extent that its maintenance, enhancement and development is not prohibited by policies in the LDP. Consider that Policy EP14 Coastline should be amended to clearly provide for existing strategic infrastructure to allow for the above to occur i.e. add <i>“the development requires a coastal location, including whether it is an extension of existing strategic infrastructure”</i></p>		
Modifications sought by those submitting representations:		
<p><u>327 SNH</u></p> <p>(A minor amendment is suggested to the final sentence of paragraph 1.4 of the policy) <i>“any development would have to adhere to the relevant policies associated with these designations. This includes appropriate assessment where this is required to demonstrate no adverse effect on site integrity of Natura sites”</i></p> <p><u>487 Network Rail</u></p> <p>Policy EP14 Coastline should be amended to clearly provide for existing strategic infrastructure to allow for the above to occur i.e. add <i>“the development requires a coastal location, including whether it is an extension of existing strategic infrastructure”</i></p>		

Summary of responses (including reasons) by planning authority:
<p>THE CHANGE OF WORDING TO PARAGRAPH 1.4 IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL</p> <p>NO OTHER CHANGE TO THE POLICY IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p><u>327 SNH</u></p> <p>It is noted that the Key Policies section on page 117 of the policy references EP1 International Nature Conservation Sites and Species. However, the amendment to paragraph 1.4 may be a useful cross reference to include in the text, to clarify the habitats regulations requirements and would constitute a non-significant change.</p> <p><u>487 Network Rail</u></p> <p>It is not considered necessary to amend the policy text regarding strategic infrastructure because any relevant proposal would likely be permissible under point b) ‘the proposal is appropriate under Local Development Plan policies’; c) ‘the development requires a coastal location’; and d) ‘the benefits of the proposal clearly outweigh any damage to the landscape character or to the nature conservation value of the site as assessed under other relevant Local Development Plan policies’.</p> <p>It is considered that the change of the wording at paragraph 1.4 would help to clarify the habitats regulations requirements and is acceptable to the Council. It is not considered necessary to amend the text any further in the Local Development Plan.</p>
Reporter’s conclusions:
<ol style="list-style-type: none"> 1. The modification suggested by Scottish Natural Heritage is acceptable to the council insofar as it would clarify the habitats regulations requirements. I concur. 2. I can appreciate the concern of Network Rail to ensure that the maintenance, enhancement or development of essential infrastructure, including the railway network, is not prohibited. However, I am satisfied that, as explained by the council, potential development is likely to fall within the scope of Policy EP14. Network Rail refers to local failures creating problems for the entire network. In such cases, remedial work would fall within the provisions of “permitted development” and the provisions of the plan would not be obstructive.
Reporter’s recommendations:
<p>I recommend the following modification is made:</p> <ol style="list-style-type: none"> 1. Add the following sentence to paragraph 1.4 of the supporting text for Policy EP14, Coastline: “This includes appropriate assessment where required to demonstrate no adverse effect on the integrity of Natura sites.”

Issue 063	Policy EP15: Development Affecting the Water Environment - Clarification of wording within the policy	
Development plan reference:	Policy EP15 Development Affecting the Water Environment (General) (Proposed Local Development Plan pages 118 and 119)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>353 RSPB 357 SEPA 327 SNH 202 SportScotland</p>		
Provision of the development plan to which the issue relates:	Policy EP15 Development Affecting the Water Environment	
Planning authority's summary of the representation(s):		
<p><u>353 RSPB</u></p> <p>State it should be clear how the Council will determine if it is “appropriate” to adhere to the sustainable management objectives of the Solway Tweed River Basin Management Plan. The default position should be adherence to this.</p> <p><u>357 SEPA</u></p> <p>State that they recommend that the supporting text should also explain that the term ‘water environment’ applies to all aspects of the water environment such as rivers, lochs, groundwater, wetland, coastal waters and estuaries</p> <p><u>327 SNH</u></p> <p>State that their opinion is that the policy, in combination with (policy) EP1 International Nature Conservation Sites, and site requirements set out in Volume 2 (settlements), represents a robust framework in which to ensure that development is delivered without adverse effect on site integrity. However, a minor amendment is suggested to the reasoning at paragraph 1.2 of the policy, after: <i>“The Council aims to protect and improve the quality of the water environment and requires developers to consider how their proposals might generate potentially adverse impacts and to build in measures that will minimise any such impacts and enhance and restore the water environment”</i> add <i>“Development proposals likely to have a significant effect on the River Tweed SAC will be subject to appropriate assessment, as set out in Policy EP1”</i> (327 SNH)</p> <p><u>202 SportScotland</u></p> <p>State development proposals in the water environment can have unintended consequences on sporting and recreation interests; and suggest that an additional clause is inserted to require that decision making will also address impacts on sporting and recreation interests</p>		

Modifications sought by those submitting representations:
<p><u>353 RSPB</u></p> <p>Addition of justification of wording to clarify how the Council will determine if it is “appropriate” to adhere to the sustainable management objectives of the Solway Tweed River Basin Management Plan</p>
<p><u>357 SEPA</u></p> <p>Clarification over the terms ‘water environment’</p>
<p><u>327 SNH</u></p> <p>Amendment to the reasoning at paragraph 1.2 of the policy, after: “The Council aims to protect and improve the quality of the water environment and requires developers to consider how their proposals might generate potentially adverse impacts and to build in measures that will minimise any such impacts and enhance and restore the water environment” add <u>“Development proposals likely to have a significant effect on the River Tweed SAC will be subject to appropriate assessment, as set out in Policy EP1”</u></p>
<p><u>202 SportScotland</u></p> <p>An additional clause to require that decision making will also address impacts on sporting and recreation interests</p>
Summary of responses (including reasons) by planning authority:
<p>THE AMENDMENT TO PARAGRAPH 1.2 OF THE POLICY IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL</p> <p>NO OTHER AMENDMENTS TO THE POLICY IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p><u>353 RSPB</u></p> <p>It is noted that the policy states that the Council will adhere to the objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan and to the Eye Water in the Forth Area Management Plan. However there may be occasion where conflicting proposals in an application require careful consideration. As a result it is not considered necessary to amend the policy text in the Local Development Plan (LDP).</p> <p><u>357 SEPA</u></p> <p>It is noted that paragraph 1.1 of the policy states “The policy is aimed at ensuring that development does not adversely affect any of the complex components that comprise the water environment, for example a water body, water catchment area, river corridor or other waterside area”. In addition paragraph 1.3 states that “The policy refers to the natural and physical characteristics of the water environment; the natural characteristics are biodiversity or landscape features, whilst the physical characteristics include the water</p>

quality and methodology. It is therefore considered the 'water environment' is fully explained in the policy text and that no amendment is required in the LDP.

327 SNH

It is noted that the Key Policies section on page 119 of the policy references EP1 International Nature Conservation Sites and Species. However, it is considered that the specific amendment could be added to paragraph 1.2 of the policy to provide greater clarity and that this would constitute a non-significant change.

202 SportScotland

It is noted that the policy text specifically states "Where a proposal would result in a significant adverse effect on the water environment through impact on its natural or physical characteristics, or its use for recreation or existing river engineering works, it will be refused. As a result it is considered that recreational or sporting interests are covered by the policy and that no amendment in the LDP is required.

In summary, the amendment to paragraph 1.2 could be added to provide greater clarity on habitats regulations requirements and the Council considers this would constitute a non-significant change. It is considered that following the discussion above no other amendments to the policy in the Local Development Plan from that proposed are necessary.

Reporter's conclusions:

1. In terms of Policy EP15, Development Affecting the Water Environment, decision-making will be guided by an assessment of the four listed criteria. The text further explains that "where appropriate" the council will adhere to the sustainable management objectives in respect of the Tweed, Solway and Eye Water. Although the council explains that this allows a degree of flexibility, I agree with the Royal Society for the Protection of Birds that this terminology introduces a degree of uncertainty. I do not believe this to be helpful.
2. The council's response confirms that it is intended to adhere to the management plans for the Solway and Tweed basin and for the Eye Water. As explained, the terms of the supporting text are less certain. It would therefore be appropriate to explicitly indicate the management plans provide the basis of the council's approach to the protection and improvement of the quality of the water environment. This does not preclude a wider consideration of any particular proposal requiring a careful assessment in the face of conflicting interests.
3. On the foregoing basis, the policy should remain unchanged in this respect but the supporting text should be amended to add clarity to the council's approach to decision-making.
4. The supporting text includes examples of the water environment but I believe the additional features suggested by the Scottish Environment Protection Agency should also be included at paragraph 1.1. This extended description would provide a wider understanding of the scope of the water environment.
5. The council agrees that the modification suggested by Scottish Natural Heritage would add clarity. I concur.

6. Although sportScotland is concerned about potential impacts on sporting and recreation interests, I agree with the council that Policy EP15 already makes adequate reference to impact on recreation use.

Reporter's recommendations:

I recommend that the following modifications be made:

1. Change the first sentence of paragraph 1.1 of the supporting text for Policy EP15, Development Affecting the Water Environment as follows:

“The policy is aimed at ensuring that development does not adversely affect any of the complex components that comprise the water environment, for example, rivers, lochs, groundwater, wetland, coastal waters and estuaries.”

2. Insert a new sentence after the first sentence of paragraph 1.2 of the supporting text for Policy EP15 as follows:

“Development proposals likely to have a significant effect on the River Tweed Special Area of Conservation will be subject to appropriate assessment, as set out in Policy EP1.”

3. Change the second sentence (which becomes the third sentence) of paragraph 1.2 of the supporting text for Policy EP15 as follows:

“The basis of the council’s approach will be the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan and to the Eye Water set out in the Forth Area Management Plan.”

Issue 064	Policy IS1: Public Infrastructure and Local Service Provision	
Development plan reference:	Policy IS1 – Public Infrastructure and Local Service Provision (page 121)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
202 sportScotland 1 of 2		
Provision of the development plan to which the issue relates:	Policy IS1 – Public Infrastructure and Local Service Provision	
Planning authority’s summary of the representation(s):		
<p>The introductory text to this policy provides some examples of local services and that these do not include outdoor sports facilities. For clarity it is suggested that open spaces (including those which may be considered as public infrastructure) are covered by Policy EP11 (Protection of Greenspace) and not Policy IS1. There are two reasons for this: 1. Part 2 of Policy IS1 which lists the circumstances in which such facilities may be lost may be confused with the provisions of paragraph 156 of Scottish Planning Policy; and 2. Whilst Policy IS1 is written on the basis that the retention of public infrastructure is supported, the wording is considered to be fairly permissive and sportScotland would object to the use of the suggested caveats in terms of potentially allowing the redevelopment of playing fields.</p>		
Modifications sought by those submitting representations:		
<p>The contributor seeks a modification of the policy to remove areas of open space. These areas should be covered by Policy EP11 (Protection of Greenspace).</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE PROPOSED IN RESPECT OF THE REPRESENTATION</p> <p>REASONS</p> <p>The policy is clearly aimed at facilities of the type identified in paragraph 1.1. It is also noted that the key policies for cross reference do not include Policy EP11. It is therefore contended that the potential for misinterpretation suggested is not supported.</p> <p>In conclusion, it is confirmed that greenspace is covered by Policy EP11.</p>		
Reporter’s conclusions:		
<p>1. Policy IS1 and its supporting text at paragraph 1.1 encourage the retention of and improvements to public infrastructure and services. Part 2 of the policy sets out the factors to be taken into account if a proposal resulting in the loss of a public facility or local service is to be supported. The examples given of public infrastructure, facilities and local services are post offices, filling stations, public or village halls, public houses and hotels, and rural</p>		

shops. The policy and its supporting text build on policy Inf12 in the adopted 2011 Scottish Borders Consolidated Local Plan.

2. In essence, the representation seeks confirmation that open spaces are not covered by this policy. The protection of greenspace is clearly covered under the environmental promotion and protection policies of the proposed plan. Given this, the terms of policy IS1 itself, and the examples given of public infrastructure, facilities and local services, I am satisfied that it is unlikely that users of the proposed plan would consider that this policy was intended to apply to open spaces. I am therefore not persuaded that the policy or supporting text require to specifically refer to open spaces.

3. Overall, no adjustment is required to the proposed plan.

Reporter's recommendations:

No modifications.

Issue 065	Policy IS2: Developer Contributions	
Development plan reference:	Policy IS2: Developer Contributions (Pages 122 – 123)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>177 Tweed Homes (1 of 5) 350 Homes for Scotland 353 RSPB Scotland 357 Scottish Environment Protection Agency 487 Network Rail 494 Leddy 496 JS Crawford & Rural Renaissance</p>		
Provision of the development plan to which the issue relates:	Policy IS2: Developer Contributions	
Planning authority's summary of the representation(s):		
<p><u>177 Tweed Homes</u></p> <p>The contributor states the collection of developer contributions to support infrastructure is an acceptable principle in a well functioning Housing Market Area however since the economic downturn developer contributions present a barrier to opening sites through the Scottish Borders. The contributor would welcome a review of the present policy to try and stimulate greater levels of homebuilding activity.</p> <p>The contributor emphasises the difficulty in securing development finance and states it would be immensely beneficial if the collection of developer contributions was delayed until the point of entry of each new property.</p> <p>The contributor also senses the introduction of a threshold of 10 units on new sites before the application of developer contributions on an interim basis would be extremely helpful to local builders recovering from the downturn. The contributor acknowledges that any relaxation requires to be controlled and monitored very carefully however the possible delivery of more new homes and creation of jobs and apprenticeships would hopefully offset the inconvenience of such an arrangement.</p> <p>The contributor states the review of the LDP provides and excellent opportunity for elected members and Council officials to play key role in providing much needed homes. If the Council can review, amend and introduce policies to address the economic downturn, the local homebuilding community can help promote an environment which attracts investment, meets local housing delivery targets, create more jobs whilst tackling the blight of youth unemployment and fuel poverty.</p> <p><u>350 Homes for Scotland</u></p> <p>The contributor states that in order to encourage development by small local housebuilders</p>		

in the Borders there is a need for policies to be flexible in order to facilitate development on a site by site basis. The contributor seeks a threshold to be applied of 10 units to the policy to encourage development of smaller sites by local small and medium sized house builders. The contributor suggests contributions should be paid on the sale of units and not before to work with the cashflow of the development.

The contributor states there is very limited funding for new residential development in the Borders as it is considered a poor housing market area by lenders and the flexibility in the policy to encourage small new development is vital to kick-start an increase in housing completions.

In relation to paragraph 1.2, the contributor suggests that planning conditions should be used in appropriate circumstance in place of planning agreements. The contributors states the housebuilding industry want to move away from legal agreements where possible to the use of planning conditions as standard where appropriate, this will facilitate the quicker release of planning consents and reduce unnecessary delays and expenditure on legal agreements. The contributor suggests the following amendment:

“Wherever possible, the requirements of this policy will be secured by planning condition. Where a legal agreement is required, the possibility of using an agreement under other legislation such as the Local Government (Scotland) Act 1973 will be considered. Only where successors in title need to be bound will a planning obligation be required.”

The contributor states within the policy there is no mention is made of development viability or taking account of the cumulative effect of a number of developer contributions on the viability of a development; this should be amended and reference put in to the policy. There are 7 possible developer contributions plus affordable housing and in some cases the cumulative effect of these will render a development financially unviable. The contributor recognises that this is in the SG but the contributor feels it should be recognised at policy level to emphasise its importance and ensure that it is transparent and endorsed by the wider users of the plan. The contributor suggests the following sentence be added to the policy wording:

“In all cases, the Council will consider the economic viability of proposals alongside options of phasing or staging payments.”

The contributor is looking forward to the opportunity to submit comments to the revised supplementary guidance on Affordable Housing and Developer Contributions when they have been drafted. However, the contributor is seeking clarity on when they are expected to be published; both are classified as priority B in the Proposed LDP Appendix 3 ‘Supplementary Guidance and Standards’ but there is no expected timescale alongside this.

353 RSPB Scotland

The contributor strongly supports this initiative especially the provision made under criterion (f). Where trees and woodland are planted as part of a developer contribution, only native species should be used.

357 Scottish Environment Protection Agency

The contributor supports the inclusion of this policy. The contributor welcomes that

contributions could be sought for the protection/enhancement of environmental assets, foul and surface drainage and the provision of facilities to collect, store and recycle waste.

487 Network Rail

The contributor states some development plans have a clause which exempts providers of ‘social infrastructure’ (such as the NHS) from making developer contributions. The contributor states the LDP should make it clear that ‘Network Rail’ is included within this category as a not-for-dividend infrastructure provider; profits have to be re-invested in the railway. Improvements to rail transport contribute to the public good and railway developments should not be expected to support other public projects. The contributor’s infrastructure projects and station developments and improvements support regeneration, increase attractiveness of settlements and benefit communities and as such are undoubtedly social infrastructure.

494 Leddy

The contributor states all affordable housing units built should be exempt from all developer contributions. The contributor considers the reduction in sale value is greatly reducing the return in the investment made with little margin for these costs. Also developers will be encouraged to build more affordable homes to a better standard.

496 JS Crawford & Rural Renaissance

The contributor considers the policy to read like a shopping list and considers it not to be in line with recent LDP Reporters’ recommendations at Perth & 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 condition will not provide appropriate controls. Until an application is assessed any impacts will not be know and it is wrong to have a generic checklist. The danger of this policy is that will be used instead of conditions, creating unnecessary complexity and imposing unjustified constraints. The contributor would like the policy to be deleted and replaced with the following wording:

“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.”

Modifications sought by those submitting representations:

177 Tweed Homes

- The contributor requests that the collection of developer contributions is delayed until the point of entry of each new property
- The contributor seeks the introduction of a threshold of 10 units on new sites before the application of developer contributions

350 Homes for Scotland

- The contributor seeks a threshold to be applied of 10 units to the policy to encourage development of smaller sites by local small and medium sized house builders.

- The contributor suggests contributions should be paid on the sale of units and not before to work with the cashflow of the development
- The contributor suggests the following amendment to paragraph 1.2: *“Wherever possible, the requirements of this policy will be secured by planning condition. Where a legal agreement is required, the possibility of using an agreement under other legislation such as the Local Government (Scotland) Act 1973 will be considered. Only where successors in title need to be bound will a planning obligation be required.”*
- The contributor suggests the following sentence be added to the policy wording: *“In all cases, the Council will consider the economic viability of proposals alongside options of phasing or staging payments.”*

487 Network Rail

The contributor would like the LDP to include a clause ensuring providers of social infrastructure (including Network Rail) are exempt from paying developer contributions.

494 Leddy

The contributor requests all affordable housing units built are to be exempt from all developer contributions

496 JS Crawford & Rural Renaissance

The contributor would like the policy to be deleted and replaced with the following wording: *“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.”*

Summary of responses (including reasons) by planning authority:

NO CHANGE TO POLICY IS2 DEVELOPER CONTRIBUTIONS AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS

Developer contributions are only sought where required to help ease deficiencies or issues exacerbated by new development. Developer contributions can also allow some developments to proceed by overcoming obstacles to the granting of planning permission.

As stated within Scottish Borders Council’s Development Contributions Supplementary Planning Guidance (Core Document CD061, paragraph 3.4.5), the Council takes a proactive approach towards the facilitation of new development. Depending upon the prevailing economic climate, housing markets and the availability of development finance, factors that are understood and acknowledged by SBC, commercial project viability can be significantly affected. The Council appreciates that the effective co-ordination of development costs with revenues can be critical to project viability.

The Council can, where appropriate, vary identified contribution requirements to assist with facilitating the project’s commercial viability. If an applicant can satisfactorily demonstrate to the Council on a confidential “open book” basis that the application of policy would render an otherwise commercially viable project commercially unviable, then contribution requests may, where appropriate, be negotiated and varied by Committee.

In addition to the SPG, the policy also makes reference to development viability; paragraph 1.3 explains that the Council takes a pragmatic approach, taking account of the importance in securing necessary developments, and exceptional development costs that may arise.

It should be noted that the Council's Affordable Housing Supplementary Guidance (Core Document CD060) has recently been reviewed and following consultation the guidance will be finalised. The revised Supplementary Guidance updates the threshold that on-site provision is required. The threshold for on-site affordable housing provision has increased from planning applications of 5 or more residential units to 17 or more. Consequently, residential proposals of between 2 - 16 units will be required to pay a commuted sum towards affordable housing. Residential developments of 17 units or more will be required to provide on-site affordable housing provision at a rate of 25%.

Regarding the comments relating to the use of legal agreements, the Council are currently reviewing the Section 75 process with a view to speed up the process and avoid any unnecessary delays however legal agreements are still required to ensure developers fulfil their obligations.

In relation to the use of planning conditions to secure developer contributions, paragraph 1.2 states the policy is only intended to cover planning agreements, not planning conditions which cover on-site matters that are an integral part of the development and are regarded as normal development costs. Therefore planning conditions are not seen as an appropriate method of securing developer contributions.

353 RSPB Scotland

Support noted. The species used will be dependent on the circumstances and the suitable types used where appropriate.

357 Scottish Environment Protection Agency

Support and comments noted.

487 Network Rail

This is dependent on the impact of the development; the Developer Contributions SPG details the main types of developer contribution and other wording required by developers. It should be noted that the NHS are not excluded from developer contributions. The only exemption is in relation to affordable housing which has a direct relationship with the quality of life of the community. Network Rail projects may have significant impacts regarding policy IS2 criteria c, e, f and g.

494 Leddy

Scottish Borders Council does exempt affordable housing from most developer contributions. However there may be a requirement for contributions towards open space and play areas in some instances where appropriate.

Policy IS2 is complemented by Scottish Borders Council's Developer Contributions Supplementary Planning Guidance which is regularly reviewed and updated to take into account school capacity projections and changing economic factors. It is therefore contended that policy IS2 Developer Contributions is appropriate in its current form.

Reporter's conclusions:

1. Policy IS2 and its supporting text at paragraphs 1.1-1.5 provide guidance on how the planning authority intends to use planning agreements to secure developer contributions to overcome deficiencies in infrastructure and services, or to deal with environmental impacts, all of which arise as a result of the proposed development. The policy sets out 7 types of infrastructure, services, and environmental impacts where contributions may be required.
2. I am satisfied that the policy is consistent with the thrust of SESplan which, through policy 9c, indicates that local development plans will pursue the delivery of infrastructure through developer contributions. Policy IS2 and its supporting text are a continuation of policy G5 in the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Scottish Borders Consolidated Local Plan.
3. In essence, the representations seek to reduce the burden imposed by developer contributions, and to introduce a more flexible approach in order to facilitate development. The supporting text of the policy explains that contributions will not be expected to address existing deficiencies. It also sets out in brief the approach the planning authority will take when assessing the level of contribution.
4. Circular 3/2012 indicates that planning obligations have a limited, but useful role to play in the development process where they can be used to overcome obstacles to the grant of planning permission. It requires that an obligation only be sought where the 5 tests set out are met (it is necessary, it serves a planning purpose, it is related to the proposed development, it is fair and reasonable in scale and kind, and it is reasonable in all other respects).
5. The requirement for affordable housing is dealt with in policy HD1 of the proposed plan. The planning authority has recently reviewed the threshold it applies to on site provision of affordable housing, increasing it to more than the 10 house threshold referred to in the representation. As no sound justification has been brought forward for introducing a 10 house threshold for other developer contributions (including commuted sums for affordable housing on sites of between 2 and 16 houses), and given the potential cumulative impact that could arise if such an exemption was to be applied, I consider that it would be inappropriate to build such a threshold into policy IS2, even if it was to be only on an interim basis.
6. The supporting text for policy IS2, at paragraph 1.3, indicates that each application will be assessed to determine the appropriate level of contribution, that contributions will be required at the time that they become necessary, and that the planning authority will pursue a pragmatic approach, taking account of various factors. While there is no explicit mention in policy IS2 or the supporting text of the economic viability of a development proposal, the supplementary planning guidance prepared by the planning authority deals with project viability and the timing of payments to assist delivery. Circular 3/2012 recognises that obligations can have financial consequences which make proposals uneconomic, and that cash flow can be affected. Given the terms of the circular, and to ensure that the proposed plan provides an appropriate framework for seeking contributions, I consider that explicit references should be made in the policy (as part of a new paragraph at the end) and supporting text (paragraph 1.3) to taking account of the economic viability of proposed developments and payment options such as phased or staged payments.

7. The supporting text indicates that policy IS2 covers section 75 planning agreements and other legal agreements, and that it does not cover planning conditions. Circular 3/2012 indicates that planning obligations or other legal agreements should not be used to require payments to resolve issues that could equally be resolved in another way, and it sets out options to be considered in sequence: planning conditions; alternative legal agreements (for example, for one off payments), and planning obligations (for example, where successors in title need to be bound as when making phased contributions). While I note that the supplementary planning guidance refers to the anticipated impacts of developments being mitigated by planning conditions in preference to legal agreements, this approach is not clearly reflected in the policy or supporting text. In order to bring the proposed plan fully into line with the terms of the circular, I consider that the preference for conditions, then other legal agreements, and finally planning obligations should be referred to in both the policy and supporting text. This can be achieved by explaining the approach to be followed in the proposed new paragraph at the end of the policy and in paragraph 1.2 of the supporting text, including the deletion of the last clause of the final sentence in the paragraph. With the changes proposed, I consider that the supporting text and policy IS2 would implicitly and adequately reflect the 5 tests for planning obligations referred to in the circular.

8. Policy IS2 sets out the matters for which contributions may be required. I believe this to be a reasonable and helpful list which would be useful to users of the proposed plan. I find that the highly abbreviated proposed replacement policy would be inappropriate because it fails to provide the necessary guidance, and it also fails to set out an approach to requiring contributions which properly reflects national policy. I consider that for some types of proposed development, Network Rail may justifiably be regarded as liable for developer contributions, in particular those potential contributions listed by the planning authority. Given this, I am not persuaded that it should be given an exemption. I note that the planning authority exempts affordable housing from most developer contributions, but I accept that a requirement for some contributions may be justified (such as contributions towards open space and play areas) and, in these circumstances, I consider that it would be inappropriate to exempt such developments from all contributions. These matters therefore require no changes to be made to the policy or supporting text.

9. The remaining representations express support for policy IS2, and raise no matters which require to be addressed at this examination.

10. Overall, adjustments are required to the proposed plan as set out below.

Reporter’s recommendations:

I recommend that the following modifications be made:

1. On page 122 of Volume 1 Policies, adjust paragraph 1.2 so that it reads:

“1.2 Contributions towards affordable housing provision are detailed in policy HD1 – Affordable and Special Needs Housing. Contributions to the Waverley Railway Project are the subject of special provisions set out in policy IS3 – Developer Contributions related to Borders Railway. While policy IS2 is aimed at planning obligations along with other legal agreements, wherever possible, any requirement to provide developer contributions will be secured by planning condition. Where a legal agreement is necessary, the preference for using an agreement under other legislation, for example the 1973 Local Government (Scotland) Act and the 1984 Roads (Scotland) Act will be considered. A planning

obligation will only be necessary where successors in title need to be bound by its terms.

2. On page 122 of Volume 1 Policies, adjust paragraph 1.3 so that it reads:

“1.3 Each application will be assessed to determine the appropriate level of contribution guided by: the requirements identified in the council’s supplementary planning guidance (SPG) on Development Contributions; planning or development briefs; outputs from community or agency liaison; information in settlement profiles; other research and studies such as transport assessments; the cumulative impact of development in a locality; and provisions of Circular 3/2012 in respect of the relationship of the contribution in scale and kind to the development. Contributions will generally be required at the time that they become necessary to ensure timeous provision of the improvement in question. Where appropriate, the council will consider the economic viability of a proposed development, including possible payment options, such as staged or phased payments. It will also pursue a pragmatic approach, taking account of the importance in securing necessary developments, and exceptional development costs that may arise. Contributions are intended to address matters resulting from new development proposals, not existing deficiencies. Affordable housing proposals are predominantly exempt from developer contribution requirements, other policy exemptions are detailed in the associated SPG.”

3. On page 123 of Volume 1 Policies, add a new paragraph at the end of policy IS2 so that it reads:

“Where a site is otherwise acceptable in terms of planning policy, but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the council will require developers to make a full or partial contribution towards the cost of addressing such deficiencies.

Contributions may be required for one or more of the following:...

...(g) provision of other facilities and equipment for the satisfactory completion of the development that may include: measures to minimise the risk of crime; provision for the storage, collection and recycling of waste, including communal facilities; provision of street furniture and digital connectivity with associated infrastructure.

Wherever possible, any requirement to provide developer contributions will be secured by planning condition. Where a legal agreement is necessary, the preference for using an agreement under other legislation, for example the 1973 Local Government (Scotland) Act and the 1984 Roads (Scotland) Act will be considered. A planning obligation will only be necessary where successors in title need to be bound by its terms. Where appropriate, the council will consider the economic viability of a proposed development, including possible payment options, such as staged or phased payments.”

Issue 066	Policy IS3: Developer Contributions Related to the Borders Railway	
Development plan reference:	Policy IS3: Developer Contributions related to the Borders Railway (Pages 124 – 126)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>130 Oakes 353 RSPB Scotland 487 Network Rail</p>		
Provision of the development plan to which the issue relates:	Policy IS3: Developer Contributions Related to the Borders Railway	
Planning authority's summary of the representation(s):		
<p><u>130 Oakes</u></p> <p>The contributor considers it is as well to have this provision in the LDP. However the contributor feels there will be few instances where it can be adequately demonstrated that a development would benefit from, or be enhanced by, the re-instatement of the rail link.</p> <p><u>353 RSPB Scotland</u></p> <p>The contributor states every effort should be made to extend the reinstated Borders Railway to Carlisle. This would make an important contribution to sustainable transport in the region.</p> <p><u>487 Network Rail</u></p> <p>The contributor supports this policy.</p>		
Modifications sought by those submitting representations:		
<p><u>130 Oakes</u> - N/A</p> <p><u>353 RSPB Scotland</u> - The contributor seeks the Borders Railway to be extended to Carlisle.</p> <p><u>487 Network Rail</u> - N/A</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO POLICY IS3 DEVELOPER CONTRIBUTIONS RELATED TO THE BORDERS RAILWAY AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p><i>Note: This Schedule 4 should be cross-referenced with the Schedule 4 for Policy IS4 Transport Development and Infrastructure.</i></p>		

REASONS

The general support of the policy is noted. The Council considers there are significant benefits associated with the reinstatement of the Borders Railway. These benefits include wider economic benefits including an improved job market, housing market, greater access to education and a boost to local tourism. The Council considers that the positive effects of the reinstatement of the Railway will provide new opportunities and benefits to communities in the Borders.

The comments made relating to the extension of the Borders Railway to Carlisle are noted. This is not directly related to policy IS3 however the issue is covered by policy IS4 Transport Development and Infrastructure. Policy IS4 criterion (f) states the Council's support for the Borders Railway to be extended from Tweedbank through Hawick to the English border.

It is therefore contended that policy IS3 Developer Contributions related to the Borders Railway is appropriate and should remain unchanged.

Reporter's conclusions:

1. Policy IS3 and its supporting text at paragraphs 1.1-1.3 deal with developer contributions for the Borders railway under the provisions of the 2006 Waverley Railway (Scotland) Act. Figure 13a in the proposed plan identifies the area where new housing development is considered to benefit from, or be enhanced by, the rail link. The policy and its supporting text are a continuation of policy G6 in the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Scottish Borders Consolidated Local Plan.
2. In essence, the representations support policy IS3. One refers to the importance of extending the railway link to Carlisle. This matter is also addressed at issues 13 (Spatial Strategy for the Central Strategic Development Area) and 68 (Transportation and Infrastructure Development). In the interests of dealing with the same matter consistently in different parts of the plan, I consider that the word "aim" should be changed to "aspiration" when referring to the proposed extension to the rail link to Carlisle in the fourth sentence of paragraph 1.3. The remaining representations raise no matters that require to be addressed at this examination.
3. Overall, an adjustment is required to the proposed plan as set out below.

Reporter's recommendations:

I recommend that the following modification be made:

1. On page 124 of Volume 1 Policies, adjust paragraph 1.3 so that it reads:
"1.3 The Act provides for a rail link between Edinburgh and the Central Borders. The postcode sectors affected by this policy are therefore concentrated in the central, northern, and southern housing market areas. The postcodes affected and level of contribution sought will be in accordance with the council's decisions of 5 October 2004 and 17 October 2006, or from any subsequent council decision during the local development plan period. In the longer term, the council's aspiration is to extend the reconstruction of this rail link through to Carlisle and as referred to in the strategic development plan. The anticipated route is consequently safeguarded in the proposals map. The Borders Railway project is currently being taken forward by Network Rail on behalf of the Scottish Government."

Issue 067	Policy IS4: Transport Development and Infrastructure	
Development plan reference:	Policy IS4 – Transport Development and Infrastructure (Page 128)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
487 Network Rail		
Provision of the development plan to which the issue relates:	Policy IS4 – Transport Development and Infrastructure	
Planning authority’s summary of the representation(s):		
<p>The contributor broadly supports this policy but has some concerns regarding the wording of specific clauses.</p> <p>The contributor recommends that Criterion (d) and (e) should be reworded as follows:</p> <p>(d) have no or minor adverse impact on the natural and built environment;</p> <p>(e) have no or minor adverse impact on the occupiers of adjacent land by virtue of noise, smell and noise pollution.</p> <p>The contributor states that it would be hard for any reasonably sized transport project not to have some impact on the environment.</p> <p>In relation to proposals that generate significant travel demand the contributor states that the issue of level crossing safety on railway lines is of the utmost importance and recommends that any proposed crossings of the Borders Rail Scheme are grade separated and provided at the developer’s expense.</p>		
Modifications sought by those submitting representations:		
<p>The contributor recommends that Criterion (d) and (e) should be reworded as follows:</p> <p>The Council will support proposals for transport infrastructure that:</p> <p>(d) have no or minor adverse impact on the natural and built environment;</p> <p>(e) have no or minor adverse impact on the occupiers of adjacent land by virtue of noise, smell and noise pollution.</p> <p>The contributor also recommends that any proposed crossing of the Borders Rail Scheme is grade separated and provided at the developer’s expense.</p>		

Summary of responses (including reasons) by planning authority:
<p>NO CHANGE TO PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>The wording contained within Policy IS4 of the Proposed Development Plan has been specifically developed to help allow for a degree of judgement to be made in terms of the level of adversity. It is considered that the proposed modifications would undermine this position.</p> <p>The comments from the contributor in relation to proposed crossings of the Borders Rail Scheme has been noted and will be taken into account at the development stage of the LDP process.</p>
Reporter’s conclusions:
<p>1. Policy IS4 and its supporting text at paragraphs 1.1-1.4 deal with transport development and Infrastructure, and seek to promote the most sustainable means of travel. The policy builds on the terms of policy Inf1 in the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Scottish Borders Consolidated Local Plan. It includes, amongst other things, 5 criteria against which the support of the planning authority for a transport infrastructure proposal will be assessed.</p> <p>2. In essence, the representation seeks changes to 2 of the criteria ([d] and [e]). The criteria indicate that transport infrastructure proposals should have no adverse impact on the natural and built environment, and on the occupiers of adjacent land (through noise, smell and noise pollution). I do not agree with the planning authority that the wording of the criteria allows judgement to be exercised in terms of the level of adverse impact. Some transport infrastructure proposals may have an adverse impact which does not warrant their rejection and, for others, it may be possible to put satisfactory mitigation measures in place. Rather than refer to proposals having “no or minor adverse impact”, as suggested in the representation, I believe that it is more appropriate for the 2 criteria to indicate that proposals should have “no unacceptable adverse impact”, which would allow a reasonable judgement to be made on the extent of any impact.</p> <p>3. The representation also refers to the importance of keeping the new Borders railway clear of level crossings. While on the face of it, this does not appear an unreasonable approach, I consider that it is a detailed matter which it would be inappropriate to incorporate in a general, overarching policy on transport matters. The planning authority may wish to include this advice in other guidance, or consider it at the development management stage when assessing specific development proposals.</p> <p>4. Overall, an adjustment is required to the proposed plan as set out below.</p>
Reporter’s recommendations:
<p>I recommend that the following modification be made:</p> <p>1. On page 128 of Volume 1 Policies, adjust the second paragraph of policy IS4 so that it reads:</p>

“...The council will support proposals for transport infrastructure that:

- (a) promote sustainable travel*
- (b) facilitate the development of allocated sites in ways which promote sustainable travel*
- (c) enable the sustainable movement of goods, particularly by rail*
- (d) have no unacceptable adverse impact on the natural and built environment*
- (e) have no unacceptable adverse impact on the occupiers of adjacent land by virtue of noise, smell and noise pollution...”*

Issue 068	Policy IS4: Transport Development and Infrastructure	
Development plan reference:	Policy IS4 – Transport Development and Infrastructure (Pages 127 and 128)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
339 Scottish Government		
Provision of the development plan to which the issue relates:	Policy IS4	
Planning authority’s summary of the representation(s):		
<p>Paragraph 1.3 and associated policy documentation.</p> <p>The contributor states that the Strategic Transport Projects Review identified that the A1, A68 and A7 road corridors were generally operating well and although there was a need to maintain and improve safety and maintenance requirements, the text within the plan should explicitly note that there are no Transport Scotland proposals to deliver an A7 bypass for Selkirk nor the upgrading of the A1 to a dual carriageway.</p> <p>The contributor also states that the text should explicitly note that there are no Transport proposals to consider providing a rail link from Tweedbank to Carlisle. The Plan should be clear that no appropriate appraisal has been undertaken, that it does not have Scottish Government approval and therefore does not form part of the Scottish Infrastructure Investment Plan.</p>		
Modifications sought by those submitting representations:		
State in the document that there are no current Transport Scotland proposals to deliver an A7 bypass for Selkirk, an upgraded A1 Trunk Road or a rail link from Tweedbank to Carlisle.		
Summary of responses (including reasons) by planning authority:		
<p>AMEND TO INCLUDE THE FOLLOWING TEXT</p> <p>“In the long term, the Council has aspirations to see the re-opening of the Borders Railway southwards to Carlisle and a bypass around Selkirk on the A7. In the Eastern Borders, it also supports the construction of a new station on the East Coast Main Line at Reston and the upgrading of the A1 Trunk Road to a dual carriageway. However, it must be noted that Transport Scotland currently has no proposals to deliver an A7 bypass for Selkirk or to upgrade the A1 to a dual carriageway status over the full length of the route. Transport Scotland also has no current plans to extend the Borders Rail Project from Tweedbank to Carlisle.”</p> <p>THIS IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE</p>		

COUNCIL**REASONS**

The Strategic Transport Projects Review (STPR) was produced by Scottish Government in 2008 and this document identified a number of key strategic transport proposals for Scotland such as the new Forth Crossing and a number of key infrastructure proposals such as new or upgraded roads proposals and improvements to the rail network.

As part of the development of this document, Scottish Borders Council made representations to promote the inclusion of an A7 by-pass for Selkirk and the upgrading of the A1 north of the border to dual carriageway status. These schemes were also key proposals within the previous Scottish Borders Structure Plan (2009) and infrastructure improvements to the A1 corridor were also promoted within National Planning Framework 2.

It has been widely suggested to Scottish Government that a review of the STPR is now required and these two proposals would again form part of the representations from the Council in terms of providing meaningful infrastructure improvements for the area. It should be noted that long established working groups to promote improvements on the A1 and A7 corridors are currently active and the Council continues to support and promote these two schemes. It should also be noted that following the 2013 Spending Review, the UK Government has provided funding to initiate a feasibility study to upgrade the A1 from Newcastle to the Border to dual carriageway status.

Notwithstanding, the current position of Scottish Government has been provided and in the interests of clarity it is proposed to provide additional wording as suggested below to outline this position.

“In the long term, the Council has aspirations to see the re-opening of the Borders Railway southwards to Carlisle and a bypass around Selkirk on the A7. In the Eastern Borders, it also supports the construction of a new station on the East Coast Main Line at Reston and the upgrading of the A1 Trunk Road to a dual carriageway. However, it must be noted that Transport Scotland currently has no proposals to deliver an A7 bypass for Selkirk or to upgrade the A1 to a dual carriageway status over the full length of the route. Transport Scotland also has no current plans to extend the Borders Rail Project from Tweedbank to Carlisle.”

Reporter’s conclusions:

1. Chapter 4 of the proposed plan, paragraphs 1.1-1.4 and policy IS4 deal with transport development and Infrastructure. Paragraph 1.3 deals with some of the transport infrastructure improvements sought in the Scottish Borders, and these are formally supported through policy IS4. The representation requests that it be made clear in the proposed plan that the Selkirk by-pass and the dualling of the A1 are not Transport Scotland proposals, and that the proposed future extension of the Borders railway to Carlisle has had no appropriate appraisal undertaken, has no Transport Scotland/ Government approval, and does not form part of the Ministers’ Infrastructure Investment Plan. I note that similar representations are considered in relation to issues 13 (Spatial Strategy for the Central Strategic Development Area) and 14 (Spatial Strategy for the Eastern Strategic Development Area). The planning authority accepts that a change is required to the proposed plan, and has proposed new wording for paragraph 1.3.

2. This part of the plan sets out the detailed policies for transport infrastructure improvements. Changes are recommended to the introductory section of the proposed plan, which recognise that the projects referred to in the representation are long term council aspirations. I consider that in this more detailed part of the plan, it is important to set out Transport Scotland's position on the 3 projects to ensure that users of the proposed plan are clear on their status, and that they are properly differentiated from proposals which have all the necessary support and which have a reasonably realistic prospect of being delivered over the life of the plan. I note that this would be consistent with the approach taken in SESplan to these projects, and it would reflect the broad thrust of Scottish Planning Policy which, in general terms, requires plans to be up to date and relevant, and to indicate how new transport infrastructure is to be delivered and phased. I consider that both paragraph 1.3 and policy IS4 should be changed. The proposed wording of paragraph 1.3 takes account of the changes proposed to it by the planning authority. The proposed change to policy IS4 recognises the 3 projects as long term aspirations.

3. Overall, adjustments are required to the proposed plan as set out below.

Reporter's recommendations:

I recommend that the following modification be made:

1. On page 127 of Volume 1 Policies, adjust paragraph 1.3 so that it reads as follows:

"In the long term, the council has aspirations to see the reopening of the Borders Railway southwards to Carlisle and a bypass around Selkirk on the A7. In the Eastern Borders, it also supports the construction of a new station on the East Coast Main Line at Reston and has a further long term aspiration for the upgrading of the A1 Trunk Road to a dual carriageway. However, it must be noted that Transport Scotland currently has no proposals to deliver an A7 bypass for Selkirk or to upgrade the A1 to a dual carriageway status over the full length of the route. Transport Scotland also has no current plans to extend the Borders Rail Project from Tweedbank to Carlisle."

2. On page 128 of Volume 1 Policies, adjust the first paragraph of policy IS4 so that it reads as follows:

"Policy IS4 Transport Development and Infrastructure

The council supports the following schemes to provide new and improved transport infrastructure:

- (a) *Borders Railway from Tweedbank to the Midlothian border, including proposed route, stations and car parks;*
- (b) *Galashiels Transport Interchange;*
- (c) *Improvements to key road routes – A68, A7 (including Selkirk bypass as a long term aspiration), A72, A697, A698, A699, A703, A701, A702, A6105;*
- (d) *Dualling of the A1 trunk road as a long term aspiration;*
- (e) *Reston Station on the East Coast Main Line railway;*
- (f) *Borders Railway from Tweedbank through Hawick to the English border as a long term aspiration.*

Development that could prejudice the delivery of these schemes will not be permitted. Planned routes and locations to be safeguarded are shown on the Proposal Maps..."

Issue 069	Policy IS4: Transport Development and Infrastructure	
Development plan reference:	Policy IS4 – Transport Development and Infrastructure (Page 127, Paragraph 1.4)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
342 The Royal Burgh of Selkirk and District Community Council		
Provision of the development plan to which the issue relates:	Policy IS4	
Planning authority’s summary of the representation(s):		
The contributor notes that in Paragraph 1.3 there appears to be a conflict between the safeguarding of the railway line southwards and the aim to convert disused lines to footpaths.		
Modifications sought by those submitting representations:		
The contributor wishes to highlight concerns regarding the safeguarding of the proposed extension of the Borders Rail Project between Tweedbank and Carlisle and the promotion of disused lines as shared access routes.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>The comments from the contributor are noted and will be taken into account at the development stage of the LDP process. If the railway proceeds beyond Tweedbank then by definition it would not be a disused line.</p>		
Reporter’s conclusions:		
<p>1. Policy IS4 and its supporting text at paragraphs 1.1-1.4 deal with transport development and Infrastructure. Paragraph 1.3 refers to the reopening of the Borders railway to Carlisle as a long term aspiration. Policy IS4 refers to this project and, at issue 68, it is recommended that the policy itself also refers to it as a long term aspiration.</p> <p>2. In essence, the representation is concerned at a potential conflict between the proposed extension of the Borders railway and the safeguarding of disused railway lines for walking, cycling and recreation, and at the effects that proposed developments could have generally on the wider road network and its environment. The proposed extension southwards of the Borders railway is at present only a long term aspiration of the council, and this is in line with the terms of SESplan. As at this stage the project is a long term aspiration and not a firm proposal with Transport Scotland’s support, it is not being</p>		

undermined or in material conflict with a general safeguarding of disused railway lines, which covers a more extensive network. If the project eventually becomes a firm proposal and follows the intended route, it would clearly take priority over any general safeguarding that is in place for recreational purposes. The impact that a proposal could have on the environment of the wider road network would be a material consideration in assessing a planning application, and it is adequately covered by the criteria in the second paragraph of policy IS4 (particularly criteria [d] and [e]), and by policy PMD2 (Quality Standards).

3. Overall, no adjustments are required to the proposed plan.

Reporter's recommendations:

No modifications.

Issue 070	Policy IS4: Transport Development and Infrastructure	
Development plan reference:	Policy IS4 – Transport Development and Infrastructure (Page 127, Paragraph 1.3)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
476 Health and Safety Executive		
Provision of the development plan to which the issue relates:	Policy IS4	
Planning authority’s summary of the representation(s):		
The contributor notes that the safeguarded routes for the Selkirk Bypass Road Scheme and the extension of the Borders Rail Scheme to the south may encroach upon the consultation zones for utility pipelines.		
Modifications sought by those submitting representations:		
The contributor wishes to highlight concerns regarding the safeguarding of the proposed extension of the Borders Rail Project between Tweedbank and Carlisle and the promotion of the A7 Selkirk Bypass may encroach upon the consultation zone for utility pipelines.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>The comments from the contributor are noted and will be taken into account at the development stage of the individual schemes.</p> <p>Therefore it is submitted that there should be no change to the Proposed Development Plan.</p>		
Reporter’s conclusions:		
<p>1. Policy IS4 and its supporting text at paragraphs 1.1-1.4 deal with transport development and Infrastructure. Paragraph 1.3 refers to the reopening of the Borders railway to Carlisle and a bypass around Selkirk on the A7 as long term aspirations. Policy IS4 refers to both projects and, at issue 68, it is recommended that the policy itself also refers to them as a long term aspirations.</p> <p>2. In essence, the representations highlight that both the proposed extension to the Borders railway and the proposed Selkirk by pass could encroach onto the consultation zones for utility pipelines. Both projects are at present only long term aspirations of the planning authority, and are not firm proposals. While such encroachment should be</p>		

taken into account, I consider that it is unnecessary to refer to a detailed matter such as this in a general, overarching policy on transport matters. If the projects eventually become firm proposals, I believe that this matter would be best taken into account when the detailed proposals are being drawn up, and in the assessment process.

3. Overall, no adjustments are required to the proposed plan.

Reporter's recommendations:

No modifications.

Issue 071	Policy IS6: Road Adoption Standards	
Development plan reference:	Policy IS6: Road Adoption Standards (page 130)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>342 Royal Burgh of Selkirk CC 350 Homes for Scotland 339 Scottish Government 177 Tweed Homes (1 of 5)</p>		
Provision of the development plan to which the issue relates:	Policy IS6 Road Adoption Standards	
Planning authority's summary of the representation(s):		
<p><u>342 Burgh of Selkirk CC</u></p> <p>Noted but SBC must avoid inconsistency where a new residential development may be required to have roads and parking provided to adoptable standards – but this may then lead to pressure on existing roads which do not meet these same standards of width/ sight lines/footpath provision or street lighting. Examples in the Selkirk area include at Bridgeland Road, Goslawdales and Fairfield Drive.</p> <p><u>350 Homes for Scotland</u></p> <p>Paragraph 1.3 – HFS feel this is unclear, its not understood what it will actually mean to new roads and their delivery. Further clarity on this paragraph would be welcome. We would like to see the policy wording amended to reflect the interpretation of the shared road guidance by Midlothian and East Lothian Councils so that the number of units accessed off a private road in both rural and urban areas is 4 units. Currently 4 houses can be accessed off a private road in rural areas of Scottish Borders but only 2 houses in urban areas. We do not agree with this position and seek it to be altered to reflect the approach taken by the other authorities; this again would help local small housebuilders and facilitate the delivery of much needed housing completions.</p> <p><u>339 Scottish Government</u></p> <p>The following should be added to paragraph 1.1 to clarify trunk road requirements: <i>Where an access is proposed to be taken from a trunk road, the proposals should be discussed at an early stage with Transport Scotland regarding standards and procedures and, in general, comply with the Design Manual for Roads and Bridges.</i></p> <p><u>177 Tweed Homes</u></p> <p>During 2011 and 2012 housebuilding completion levels continued to fall throughout Scotland fell to their lowest levels since 1947 and a number of local housebuilders are continuing to struggle to balance their books with strong focus on retaining liquidity whilst</p>		

exploring alternative funding mechanisms. Support from Scottish Govt is an essential ingredient in small housebuilders surviving the economic downturn and the emerging Local Dev Plan is a key opportunity to address this and try to stimulate and support greater levels of housing delivery. In this regard, the flexible approach proposed within IS6 is welcomed

Modifications sought by those submitting representations:

350 Homes For Scotland

We would like to see the policy wording amended to reflect the interpretation of the shared road guidance by Midlothian and East Lothian Councils so that the number of units accessed off a private road in both rural and urban areas is 4 units.

339 Scottish Government

The following should be added to paragraph 1.1 to clarify trunk road requirements:
Where an access is proposed to be taken from a trunk road, the proposals should be discussed at an early stage with Transport Scotland regarding standards and procedures and, in general, comply with the Design Manual for Roads and Bridges.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO POLICY IS6 AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN

COMMENTS OF 339 SCOTTISH GOVERNMENT TO BE INCLUDED WITHIN APPENDIX 3 AS THIS IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL

REASONS

342 Royal Burgh of Selkirk CC

The Council will ask for a road within a new site to be made to an adoptable standard where required by policy and identified in Appendix 3 of the proposed Plan. It is accepted that in some instances existing roads to sites may be of a lesser standard than is desirable but these routes are often in separate control and ownership. In such instances if it is considered an access to a site is below standard and it is not possible for it to be upgraded, the application could be refused on road safety grounds. All such matters would be considered at the planning application stage and policy IS6 allows consideration of these issues on a case by case basis.

350 Homes for Scotland

It is considered para 1.3 of policy IS6 is quite clear in confirming that relaxation of standards can be allowed provided this does not compromise road safety. Appendix 3 of the proposed Plan confirms 4no units can now accessed off a private road in cases for both urban and rural scenarios (page 168). Consequently it is considered this satisfies the concerns of the respondent.

339 Scottish Government

It is considered that consultation with Transport Scotland at an early stage is common practice and it is not considered necessary to re-affirm this within the policy. However, this issue was raised by Scottish Government in relating to Appendix 3 : Supplementary Guidance and Standards – Transport Standards of the Plan (see Schedule 4 Issue no 083). As stated in Schedule 4 Issue no 083 it is agreed the text as proposed can be included within Appendix 3 which is considered a non-significant change.

Tweed Homes

Support from Tweed Homes is acknowledged.

Reporter's conclusions:

1. Policy IS6 and its supporting text at paragraphs 1.1-1.3 are concerned with applying the council's standards for adopting roads to new development. To the extent that the policy is concerned with achieving appropriate street layout and design, it broadly reflects Scottish Planning Policy, and is consistent with the thrust of SESplan. The policy and its supporting text build on policies Inf3 in the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Scottish Borders Consolidated Local Plan.
2. In essence, the representations seek various adjustments to the supporting text, and express concern that where the standards of adoption are applied, there may be resulting pressure on existing substandard roads. I agree that it would be helpful if the proposed plan explained Transport Scotland's approach to proposals involving an access onto trunk roads. However, it is unnecessary to include the explanation in paragraph 1.1 of the supporting text for policy IS6 because this part of the plan is, in the main, concerned only with the approach to the council's adoption standards for roads. A similar representation is considered in relation to appendix 3 (issue 81), which covers, amongst other things, transportation standards and street layout. I consider that the explanation would be more appropriately placed in that part of the plan, as proposed by the planning authority.
3. Paragraph 1.3 of the supporting text is a general paragraph, which refers to the circumstances in which the engineering standards of roads can be relaxed, and appendix 3 under the heading of private accesses, indicates that a private access may serve a maximum of 4 dwellinghouses. I believe that it is unnecessary to repeat a detailed matter, such as the maximum number of houses which can be accessed off a private access, in paragraph 1.3. Taking the proposed plan as a whole, I consider that the planning authority's position concerning engineering standards of new roads in residential areas and private accesses is clear, and that the underlying concerns of the representation have, to all intents and purposes, been met. I accept that development proposals can have an impact on the existing road network. However, such an impact is a material consideration to be taken into account at the development management stage. Where the existing network is unsatisfactory, mitigation measures can be sought or a proposal can be refused planning permission. It is for the planning authority to apply the policy appropriately when assessing individual proposals, and I am not persuaded that concerns about impacts of proposed development on the existing road network require any change to policy IS6 or its supporting text.
4. The remaining representation expresses support for policy IS6, and raises no matters

which require to be addressed at this examination.

5. Overall, no adjustment is required to the proposed plan.

Reporter's recommendations:

No modifications.

Issue 072	Policy IS7: Parking Provision and Standards	
Development plan reference:	Policy IS7 : Parking Provision and Standards	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
130 Oakes 342 Selkirk Community Council		
Provision of the development plan to which the issue relates:	Policy IS7: Parking Provision and Standards (page 131)	
Planning authority's summary of the representation(s):		
<p><u>130 Oakes</u></p> <p>The respondent is glad to see cycle parking within the first sentence of this policy</p> <p><u>342 Royal Burgh of Selkirk CC</u></p> <p>Town centre policy concerns and proposals are endorsed - but also note comments stated in relation to policy IS6 (Road Adoption Standards) re inconsistency of standards (ie Text from respondent in relation to policy IS6 as referred to in Sch 4 Issue ref 071 "SBC must avoid inconsistency where a new residential development may be required to have roads and parking provided to adoptable standards – but this may then lead to pressure on existing roads which do not meet these same standards of width/ sight lines/footpath provision or street lighting. Examples in the Selkirk area include at Bridgeland Road, Goslawdales and Fairfield Drive.")</p>		
Modifications sought by those submitting representations:		
N/A		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO POLICY IS7 AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS</p> <p><u>130 Oakes</u></p> <p>The support of the reference to cycle parking from Oakes is acknowledged.</p> <p><u>342 Royal Burgh of Selkirk CC</u></p> <p>Appendix 3 of the proposed LDP sets out the parking provision and standards</p>		

requirements (pages 167 - 168). Whilst planning applications must acknowledge policy as the main consideration and starting point they are considered on a case by case basis. Consequently in some extreme instances a range of often conflicting roads related issues may need to be addressed and weighted up against each other, and ultimately this may result in different levels of parking being sought.

Reporter's conclusions:

1. Policy IS7 and its supporting text at paragraph 1.1 are concerned with development proposals making suitable provision for car and cycle parking. They also set out the circumstances in which the standards can be relaxed, and the approach to be taken to public parking provision in town centres. The policy reflects the approach to parking standards in Scottish Planning Policy, and is consistent with the thrust of SESplan. The policy and its supporting text are a continuation of policies Inf4 in the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Scottish Borders Consolidated Local Plan.
2. In essence, one of the representations expresses concern about the inconsistent application of standards which can lead to pressure on existing provision. Appendix 3 of the proposed plan provides details of the standards to be applied to residential development. It also indicates that Scottish Planning Policy sets maximum standards for retail and business development, and that the SEStran regional parking standards provide regional consistency. There is nothing before the examination which suggests that the parking standards proposed by the planning authority would be inappropriate. It is for the planning authority to apply the policy and standards appropriately when assessing individual proposals, and I am not persuaded that concerns about impacts of proposed development on existing provision require any change to policy IS7 or its supporting text.
3. The remaining representation expresses support for policy IS7, and raises no matters which require to be addressed at this examination.
4. Overall, no adjustment is required to the proposed plan.

Reporter's recommendations:

No modifications.

Issue 073	Policy IS8: Flooding	
Development plan reference:	Policy IS8 – Flooding (pages 132 – 133)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>130 Oakes 353 RSPB 357 SEPA 423 Southdean Community Council 177 Tweed Homes (2 of 5)</p>		
Provision of the development plan to which the issue relates:	Policy IS8 – Flooding	
Planning authority’s summary of the representation(s):		
<p><u>130 Oakes</u></p> <p>This policy seems to find building would be acceptable provided enough paper work is done in areas with a greater than 0.5% annual flooding probability for all but a few special categories of development. Developing in areas where flooding might be possible has always been a questionable matter. Global warming and recent experiences in significant other parts of the British Isles suggest that any developments with a discernable flood risk should be disallowed.</p> <p><u>353 RSPB</u></p> <p>It is not sufficient to <i>discourage</i> development in areas which are, or may become, subject to flooding. Development in flood prone areas should be prohibited entirely. The Council need to explain exactly what is entailed in places where “some level of risk may be acceptable”.</p> <p>Flood prevention should adopt natural measures. The Flood Risk Management (Scotland) Act 2009 states that SEPA must assess how the restoration, alteration or enhancement of natural features could help manage flood risk. The Council should detail how this is going to be executed to the best effect in each case. Natural flood management should be progressed beyond a “desire” to move to more sustainable solutions.</p> <p><u>357 SEPA</u></p> <p>Welcome the framework provided by this policy but reiterate previous comments that the plan should be strengthened by including an overarching statement promotes the avoidance of flood risk as the most sustainable option. Request that the Plan is modified to state clearly that <u>development on the functional floodplain should be avoided</u>. The policy should be modified to include a general statement about avoidance of flood risk as a first principle.</p>		

Recommend that para 1 is amended to clarify what is meant by *significant* flood risk – highlighted as 0.5% in para 2. This should include flooding up to and including a 1 in 200 year flood event.

In line with previous comments on the Plan, SEPA request that the Plan is modified to include a reference to the requirement for a competent FRA. It should be amended so that the adequate freeboard allowance is a requirement for all developments in addition to a climate change allowance.

The Plan should also be modified to include the vulnerability principles contained with SEPA’s Land Use Vulnerability Guidance which sets out a framework to assist the assessment of vulnerability of different land use types to the impact of flooding. Bullet point ‘b’ of the final paragraph of Policy IS8 should be updated to reflect the new Flood Maps which replaced the Indicative Flood Maps. Primary Policy 5 – Flood Risk Management of the Proposed Stirling Local Development Plan (Oct 2012) is a good example.

423 Southdean Community Council

The Community Council has recently been affected by run off from fields causing localised flooding. The community is looking to ensure that aspect is properly addressed with increased investment.

177 Tweed Homes (2 of 5)

Welcome the Council’s policy on flooding particularly the short / medium term projects to safeguard Galashiels, Selkirk and Hawick and the medium term policy to protect Peebles.

Modifications sought by those submitting representations:

130 Oakes

Any developments with a discernable flood risk should be disallowed

353 RSPB

Development in flood prone areas should be prohibited entirely. The Council need to explain exactly what is entailed in places where “some level of risk may be acceptable”.

The Council should detail how restoration, alteration or enhancement of natural features could help manage flood risk. Natural flood management should be progressed beyond a “desire” to move to more sustainable solutions.

357 SEPA

Request that the Plan is modified to state clearly that development on the functional floodplain should be avoided. The policy should be modified to include a general statement about avoidance of flood risk as a first principle.

Recommend that para 1 is amended to clarify what is meant by *significant* flood risk – highlighted as 0.5% in para 2. This should include flooding up to and including a 1 in 200 year flood event.

In line with previous comments on the Plan, SEPA request that the Plan is modified to include a reference to the requirement for a competent FRA. It should be amended so that the adequate freeboard allowance is a requirement for all developments in addition to a climate change allowance.

The Plan should also be modified to include the vulnerability principles contained with SEPA's Land Use Vulnerability Guidance which sets out a framework to assist the assessment of vulnerability of different land use types to the impact of flooding. Bullet point 'b' of the final paragraph of Policy IS8 should be updated to reflect the new Flood Maps which replaced the Indicative Flood Maps.

423 Southdean Community Council

N/A

Summary of responses (including reasons) by planning authority:

NO CHANGE PROPOSED IN RESPECT OF THE REPRESENTATIONS

REASONS

130 Oakes, 353 RSPB and 357 SEPA

The policy has been prepared in accordance with Scottish Planning Policy (SPP) (Core Document 024), and reflects in particular the wording set out in paragraph 197 when it states "As a general principle, new development should be located in areas free from significant flood risk.." The policy (and paragraph 1.2 refers) further encapsulates the risk framework set out in paragraph 204 of SPP 2010 and Paragraph 263 of SPP 2014 (Core Document 026), focusing on the areas of medium to high risk where the annual probability of flooding is greater than 0.5% (1:200).

The structure and wording of the policy also recognises that there may be issues to be addressed, including flood risk assessment, where the level of flood risk is less than 0.5%. This is in line with the SPP provisions in relation to low to medium risk areas. It is noted that the SPP risk framework does not preclude development in any of the risk categories subject to appropriate measures being introduced.

The policy, in paragraph 4a) refers to a 'competent' flood risk assessment. In terms of the detail for a flood risk assessment, paragraph 1.3 refers the reader to SEPA's Technical Flood Risk Guidance for Stakeholders for further information. This is considered the appropriate level of detail in relation to the Government's desire for more streamlined LDP's.

It is noted that the reference to SEPA flood maps in paragraph 5b) of the policy is generalised and allows for future change.

It is inappropriate for the LDP policy to present detail on the management and delivery of natural flood measures. However, the Council has taken forward pilot projects (e.g. Eddleston Water, with University of Dundee and Tweed Forum), and the Strategic Flood Risk Assessment for the LDP identified further potential areas for consideration of similar projects.

In conclusion, it is considered that the policy accords with SPP, and that no change is required.

423 Southdean Community Council

Comments noted and passed to the Council Flood Team for attention.

177 Tweed Homes (2 of 5)

Support noted

Reporter's conclusions:

1. Policy IS8 and its supporting text at paragraphs 1.1-1.6 are aimed at discouraging development within areas which are, or may become, subject to flood risk. The policy covers the general approach to flooding issues, flood risk categories, the submission of flood risk assessments and mitigation measures, and the information to be used in assessing the acceptability of proposed development.
2. The policy attempts to reflect Scottish Planning Policy and be consistent with SESplan. Policy IS8 and its supporting text build on policy G4 in the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Scottish Borders Consolidated Local Plan. In particular, they seek to take into account the 2009 Flood Risk Management (Scotland) Act.
3. In essence, the representations seek to adjust the policy to better reflect existing guidance, to ensure development in flood prone areas is prohibited and that natural features are used to manage flood risk, and to take account of localised flooding caused by "run off from fields." The policy is appropriately concerned with the effects that new development could have on the risk of flooding, and it covers both river and coastal flooding, and surface water flooding (alongside policy IS9). It is unnecessary for it to take into account an existing localised flooding issue caused by "run off from fields," and the planning authority is reasonably dealing with this matter separately.
4. In order to emphasise the precautionary approach to flood risk, I agree that it would be helpful if the first paragraph of policy IS8 was changed to refer to avoidance being the first principle of managing flood risk. Scottish Planning Policy refers to promoting flood avoidance by, amongst other things, locating development away from functional flood plains. I am satisfied that it would be reasonable to indicate this in the first paragraph of the policy, alongside the reference to the flood storing and conveying capacity of the functional flood plans. The reference to the functional flood plain in the second paragraph could therefore be deleted. With the recommended changes, the policy as a whole sets out an appropriate approach to flood risk and, within this context, I am not persuaded that it is necessary to state in the first paragraph itself what the term significant flood risk means.
5. The policy refers in the third paragraph to a requirement to submit a competent flood risk assessment. Such an assessment would be expected to address matters of freeboard allowance and climate change allowance. While I am satisfied that an explicit reference in the policy to a more detailed matter such as the provision of an adequate freeboard allowance is unnecessary, I consider that it would be useful if a more general reference to taking account of climate change was inserted into that part of the policy

(flood risk assessments). I accept that the Scottish Environment Protection Agency's Land Use Vulnerability Guidance provides a useful framework for assessing the vulnerability of different types of land use to the impact of flooding, and that a reference to it could usefully be included in policy IS8. To reasonably achieve this, I believe that it would be sufficient to incorporate a general reference in the last paragraph of the policy to the guidance. No convincing reason has been provided for setting out in the policy itself, the detailed principles on which the guidance is based. In the same paragraph, the reference to indicative flood maps should be deleted because new flood maps, which should be referred to, have superseded them.

6. Neither Scottish Planning Policy nor SESplan prohibit development in flood prone areas. It would therefore be inappropriate to include such a provision in the policy. The policy, as recommended, would broadly reflect the requirements of Scottish Planning Policy, and would be consistent with the thrust of SESplan. Paragraph 1.6 of the supporting text refers to the planning authority's desire to move towards more sustainable flood protection schemes and natural flood management measures. I consider that this reasonably shows the planning authority's desire to establish and pursue suitable natural flood management measures, and that it is unnecessary for the supporting text or policy to provide any further commitment or explanation.

7. The remaining representation expresses support for policy IS8, and raises no matters which require to be addressed under this issue. While I note that it raises concerns about the implications of flood risk for the effectiveness of 3 sites proposed for housing, they are considered elsewhere in the examination report under different issues (issues 265, and 280-281).

8. Overall, adjustments are required to policy IS8 as set out below.

Reporter's recommendations:

I recommend that the following modification be made:

1. On page 133 of Volume 1 Policies, adjust policy IS8 so that it reads:

"At all times, avoidance will be the first principle of managing flood risk. In general terms, new development should therefore be located in areas free from significant flood risk. Development will not be permitted if it would be at significant risk of flooding from any source or would materially increase the probability of flooding elsewhere. The ability of functional flood plains to convey and store floodwater should be protected, and development should be located away from them.

Within certain defined risk categories, particularly where the risk is greater than 0.5% annual flooding probability or 1 in 200 year flood risk, some forms of development will generally not be acceptable. These include:...

...Other forms of development will be subject to an assessment of the risk and mitigation measures.

Developers will be required to provide, including if necessary at planning permission in principle stage:

(a) a competent flood risk assessment, including all sources of flooding, and taking

account of climate change; and

(b) a report of the measures that are proposed to mitigate the flood risk.

The information used to assess the acceptability of development will include:

(a) information and advice from consultation with the council's flood team and the Scottish Environment Protection Agency;

(b) flood risk maps provided by the Scottish Environment Protection Agency which indicate the extent of the flood plain;

(c) historical records and flood studies held by the council and other agencies, including past flood risk assessment reports carried out by consultants and associated comments from the Scottish Environment Protection Agency, also held by the council;

(d) the Scottish Environment Protection Agency's Land Use Vulnerability Guidance."

Issue 074	Policy IS9: Waste Water Treatment Standards and Sustainable Urban Drainage	
Development plan reference:	Policy IS9 – Waste Water Treatment Standards and Sustainable Urban Drainage (pages 134 – 135)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
357 SEPA		
Provision of the development plan to which the issue relates:	Policy IS9 – Waste Water Treatment Standards and Sustainable Urban Drainage	
Planning authority’s summary of the representation(s):		
<p>Welcome the amendment to bullet point ‘C’ which replaces ‘septic tank’ with ‘individual private sewage system’. Policy refers to designing SUDS to the satisfaction of SEPA which implies that SEPA could be asked to approve all SUDS. This is not in accordance with SEPA guidance on How and When to Consult SEPA. Policy to be amended to read: “...best practice on Sustainable Urban Drainage Systems to the satisfaction of the Council, Scottish Environment Protection Agency (where required)...” Further clarification on this would be welcomed in the forthcoming SG.</p> <p>Amendment to paragraph 1.4 of the supporting text which includes reference to green infrastructure and habitat benefits of SUDS is welcomed.</p>		
Modifications sought by those submitting representations:		
<p>Policy to be amended to read:</p> <p>“...best practice on Sustainable Urban Drainage Systems to the satisfaction of the Council, Scottish Environment Protection Agency (where required)...”</p>		
Summary of responses (including reasons) by planning authority:		
<p>NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL PROPOSED IN RELATION TO CLARIFICATION OF ROLE OF SEPA IN RELATION TO BEST PRACTICE ON SUDS. POLICY TO BE AMENDED TO READ: “...BEST PRACTICE ON SUSTAINABLE URBAN DRAINAGE SYSTEMS TO THE SATISFACTION OF THE COUNCIL, SCOTTISH ENVIRONMENT PROTECTION AGENCY (WHERE REQUIRED)...”</p> <p>It is considered that the insertion of “where required” after the words SEPA is considered an acceptable clarification and is a non-significant change.</p>		
Reporter’s conclusions:		
<p>1. Policy IS9 and its supporting text at paragraphs 1.1-1.4 aim to achieve satisfactory disposal of sewage, to maintain and improve standards of public health, and to address</p>		

the pollution and flooding problems that stem from the direct discharge of surface water into water courses.

2. Policy IS9 broadly reflects the terms of Scottish Planning Policy, and is consistent with the thrust of SESplan. The policy and its supporting text are a continuation of policies Inf5 and Inf6 in the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Scottish Borders Consolidated Local Plan.

3. In essence, the representation supports the policy, but suggests a change in the wording. The proposed change relates to the last paragraph of the policy, which concerns sustainable urban drainage. The representation expresses concern that the Scottish Environment Protection Agency would be required to approve all sustainable urban drainage systems, even small scale ones, which would be at odds with its own guidance. To overcome this difficulty, it suggests that the words “where required” are inserted in brackets immediately after the reference to the Scottish Environment Protection Agency. The planning authority accepts the suggestion. I consider that the representation is requesting an acceptable minor change of wording, which would allow a flexible approach to be taken in seeking the approval of the Scottish Environment Protection Agency for sustainable urban drainage systems.

4. Overall, an adjustment is required to the proposed plan.

Reporter’s recommendations:

I recommend that the following modification be made:

1. On page 135 of Volume 1 Policies, adjust the last paragraph of policy IS9 so that it reads:

“...Sustainable Urban Drainage

Surface water management for new development, for both greenfield and brownfield sites, must comply with current best practice on sustainable urban drainage systems to the satisfaction of the council, Scottish Environment Protection Agency (where required), Scottish Natural Heritage and other interested parties where required. Development will be refused unless surface water treatment is dealt with in a sustainable manner that avoids flooding, pollution, extensive canalisation and culverting of watercourses. A drainage strategy should be submitted with planning applications to include treatment and flood attenuation measures and details for the long term maintenance of any necessary features.”

Issue 075	Policy IS10: Waste Management Facilities	
Development plan reference:	Policy IS10 – Waste Management Facilities (pages 136 – 138)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>286 RES UK & Ireland Ltd 342 The Royal Burgh of Selkirk and District Community Council 357 SEPA</p>		
Provision of the development plan to which the issue relates:	Policy IS10 – Waste Management Facilities	
Planning authority’s summary of the representation(s):		
<p><u>286 RES UK & Ireland Ltd</u></p> <p>Policy ED9 confirms that proposals for waste to energy schemes involving human, farm and domestic waste, such as anaerobic digestion, will be assessed against Policy IS10 Waste Management Facilities, rather than as a form of renewable energy under Policy ED9. Anaerobic digestion is an on-site solution for some businesses rather than purely a solution to dispose of waste in a more sustainable way.</p> <p>Welcome the recognition of waste to energy schemes and do not contend the criteria listed for consideration in Policy IS10, however, renewable energy generation is not afforded any significant weight under ED9. It should be further recognised that such facilities are currently an immature market, but is likely to grow during the lifetime of the LDP given the emerging environmental policy environment.</p> <p>Direct reference to waste to energy schemes should be made in Policy IS10 in terms of a positive balance for such schemes and a commitment within the policy justification to provide detailed guidance for such schemes in the proposed SG on Waste Management.</p> <p><u>342 The Royal Burgh of Selkirk and District Community Council</u></p> <p>Proposal seems at odds with recent policy to cease garden refuse collections. Not everyone is able to compost or remove garden waste to a collection centre and it could be argued that this shift in policy is encouraging the risk of litter/air pollution/traffic (Vehicle) generation.</p> <p><u>357 SEPA</u></p> <p>Area Waste Plans were superseded by the Zero Waste Plan in 2010. Strongly recommend that reference to Area Waste Plan is removed and para 1.4 is amended to read:</p> <p><i>“The Council envisages the main site for waste treatment in the Borders to be Easter Langlee at Galashiels, which will be safeguarded for this purpose. Other waste facilities</i></p>		

include waste transfer stations and community recycling facilities”.

Welcome the preparation of SG on Waste Management and would welcome opportunity to provide assistance in its preparation.

It is not clear if the first para of the Policy supports new waste management facilities in locations set out in Table 1. SEPA object and recommend the wording is modified to read:

“The Council will support the provision of new waste management facilities within the hierarchy and locations set out in table 1. Proposals that would prejudice the operation of existing and new waste facilities will not normally be supported.”

The waste policy should also clearly state that waste is an appropriate use on ED1 sites, in addition to existing waste management sites. SEPA object to development plans which do not, *at the very least*, identify locations, and/or specific site allocations for all types of waste - unless the development plan can provide evidence to support that it is impossible to do so.

SEPA support the inclusion in the text preceding policy ED1 that states in paragraph 1.4 that waste management facilities are considered uses that can co-exist on an industrial estate; and recommend that this is similarly clearly stated in text that precedes policy IS10.

Welcome the inclusion of Policy ED9 Renewable Energy in “Key Policies to which this policy should be cross referenced”. However, the preceding text does not provide a clear link between renewable energy and waste. SEPA strongly recommend that the plan should make clear links between the Renewable Energy and Waste Infrastructure policies and that, whilst it may be covered in forthcoming SG, it would be beneficial to state this in the policy supporting text.

Modifications sought by those submitting representations:

286 RES UK & Ireland Ltd

Direct reference to waste to energy schemes should be made in Policy IS10 in terms of a positive balance for such schemes and a commitment within the policy justification to provide detailed guidance for such schemes in the proposed SG on Waste Management.

342 The Royal Burgh of Selkirk and District Community Council

N/A

357 SEPA

Reference to Area Waste Plan is removed

Para 1.4 is amended to read:

“The Council envisages the main site for waste treatment in the Borders to be Easter Langlee at Galashiels, which will be safeguarded for this purpose. Other waste facilities include waste transfer stations and community recycling facilities”.

Policy wording is modified to read:

“The Council will support the provision of new waste management facilities within the hierarchy and locations set out in table 1. Proposals that would prejudice the operation of existing and new waste facilities will not normally be supported.”

The waste policy should also clearly state that waste is an appropriate use on ED1 sites, in addition to existing waste management sites.

SEPA strongly recommend that the plan should make clear links between the Renewable Energy and Waste Infrastructure policies.

Summary of responses (including reasons) by planning authority:

NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL PROPOSED IN RELATION PARA 1.4 TO BE AMENDED TO READ:

“THE COUNCIL ENVISAGES THE MAIN SITE FOR WASTE TREATMENT IN THE BORDERS TO BE EASTER LANGLEE AT GALASHIELS, WHICH WILL BE SAFEGUARDED FOR THIS PURPOSE. OTHER WASTE FACILITIES INCLUDE WASTE TRANSFER STATIONS AND COMMUNITY RECYCLING FACILITIES”.

NO CHANGE PROPOSED IN RESPECT OF THE REMAINING REPRESENTATIONS

286 RES UK & Ireland Ltd

Support noted. For clarity Policy ED9 would be a relevant consideration where any proposal e.g. biomass, energy from waste is considered (see paragraph 1.3 of policy ED9 and the first paragraph of the policy). The primary focus of Policy IS10 is waste management. The proposed supplementary Guidance on Waste Management will focus on waste management, but will also contain guidance in relation to energy from waste and biomass facilities.

Therefore, the wording is appropriate for its purpose.

342 The Royal Burgh of Selkirk and District Community Council

Comments noted. The Council must provide services in relation to its budget and the administration priorities. The Council along with the rest of Scotland has been required to make significant savings, and this is likely to continue into the future.

357 SEPA

The Council accepts that paragraph 1.4 could be amended as requested, and that this would be a non-significant change to the LDP.

The proposal to amend the policy wording is not considered to add value. The policy is clear for its purpose of supporting the provision of waste facilities within the locations set out in Table 1, and that the operation of these new or existing facilities should not be prejudiced by other development proposals.

The section on policy cross referencing refers to both Policy ED1 and to Policy ED9. The primary focus of Policy IS10 is the identified network of waste management facilities. Therefore, it is considered that the policy is appropriate.

Reporter's conclusions:

1. Policy IS10 and its supporting text at paragraphs 1.1-1.5 are concerned with the provision of waste facilities in the hierarchy set out in table 1. The hierarchy makes provision for a waste treatment site, a landfill site, waste transfer stations, community recycling centres, and a civic amenity site. The policy varies the approach adopted in policy Inf7 in the adopted 2008 Scottish Borders Local Plan and the 2011 Scottish Borders Consolidated Local Plan by including designated waste management sites.
2. Scottish Planning Policy sets out policy principles, including that the planning system should help deliver infrastructure at appropriate locations, prioritising development in line with the waste hierarchy of waste prevention, reuse, recycling, energy recovery and waste disposal. Additionally, planning authorities should have regard to the annual update of required capacity for segregated and unsorted waste, mindful of the need to achieve the all-Scotland operational capacity. This should not be regarded as a cap and planning authorities should generally facilitate growth in sustainable resource management. The planning system should support the provision of a network of infrastructure to allow Scotland's waste and secondary resources to be managed in one of the nearest appropriate installations, by means of the most appropriate methods and technologies. While a significant shortfall of waste management infrastructure exists, emphasis should be placed on need over proximity. The achievement of a sustainable strategy may involve waste crossing planning boundaries.
3. SESplan policy 14 indicates that local development plans will: encourage proposals for the recycling and recovery of waste where the proposal is in accordance with the Zero Waste Plan, taking into account relevant economic, social, environmental and transport considerations; consider proposals for landfill development where the need for the facility is supported by the Zero Waste Plan and the Scottish Environment Protection Agency's landfill capacity reports, taking into account the same relevant considerations; and safeguard Easter Langlee, amongst other sites, as a site for a waste treatment facility.
4. In essence, the representations seek a reference to waste to energy schemes in policy IS10 and its supporting text, further adjustments to the policy and supporting text which would delete the reference to area waste plans, a reference to waste being an appropriate use on policy ED1 sites, and a clear link between renewable energy and waste. A further representation raises concerns about the fact that there are no longer any garden refuse collections. However, this is not a matter that can be dealt with through the local development plan or this examination process.
5. Paragraph 1.4 of the supporting text refers to the Area Waste Plan. This type of plan has been superseded, and reference to it should be deleted. The first paragraph of policy IS10, as it stands, clearly supports the provision of waste facilities in the hierarchy set out in table 1. I do not therefore consider that there is any need to refer specifically to the locations set out in table 1 as well as the hierarchy. Paragraph 1.4 of the supporting text of policy ED1 indicates that the policy recognises that there are certain uses that can co-exist on an industrial estate, and gives as one example, amongst others, waste management facilities. Policy ED1 allows for the possibility of developing uses outwith classes 4, 5 and 6 on appropriate business and industrial land, and policy IS10 is cross referenced to policy ED1. In the circumstances, I consider that the proposed plan already satisfactorily suggests that waste is an appropriate use on policy ED1 sites, and that it is unnecessary to repeat it in policy IS10.

6. Policy ED9 and its supporting text are supportive of energy from waste facilities, and provide a general framework for assessing them. Policy ED9 itself also reasonably directs that energy from waste schemes should be assessed against policy IS10, which lists a number of factors useful in assessing such schemes. However, neither policy fully reflects the approach of Scottish Planning Policy, which is the most up to date and authoritative statement on the role of land use planning in delivering zero waste. It provides the appropriate context for supporting waste management facilities, including energy from waste facilities. I believe that it would be appropriate, and would provide more helpful guidance for assessing proposals for facilities that may come forward over the life of the plan, if fuller details of this approach were set out in the policy and supporting text by inserting new paragraphs in the existing text. I consider that a policy more fully reflecting the terms of Scottish Planning Policy would be particularly useful in light of the uncertainty that is likely to have arisen from the termination of the contract with the provider of the proposed advanced thermal treatment plant at Easter Langlee, which will require the planning authority's Integrated Waste Management Strategy to be reviewed.

7. In the circumstances, policy IS10 and its supporting text should indicate that account will be taken of how proposals, where appropriate, may contribute towards delivering the national capacity needed in the updated tables referred to in Scottish Planning Policy, which show the Scotland wide annual infrastructure capacity required (for source segregated recyclables and unsorted waste [table 1] and landfill [table 2]) by groups of authorities or development plan areas. The tables are based on what is needed to meet the targets set out in the Zero Waste Plan. The policy and its supporting text should also confirm support for the development of a network of facilities as an important part of the approach to the provision of facilities. They should highlight the requirement for a Scotland wide approach to proximity and need, with the emphasis on need over proximity for at least the time being, because this provides the necessary flexibility to achieve the objectives of the Zero Waste Plan. This all recognises, amongst other things, that there is a significant unmet need, that waste may have to travel, that it is important to establish an integrated and adequate network (in line with the revised EU Waste Framework Directive [Directive 2008/98/EC]), and that waste can represent an opportunity for economic growth. Scottish Planning Policy indicates that there will be scope for giving greater weight to proximity as the national network of facilities becomes more fully developed. However, there is no suggestion that this stage has yet been reached.

8. These changes would mean that policy IS10 and its supporting text would better reflect Scottish Planning Policy, would improve the link between this policy and policy ED9 and its supporting text, and would adequately cover the required approach to energy from waste facilities.

9. Linked to the above changes, and in view of the increased doubt over the delivery of the proposed waste treatment facility at Easter Langlee, I consider that it would be appropriate to delete the reference in table 1 to the facility being built soon.

10. Additionally, it would be helpful to make a passing reference in the supporting text of policy IS10 to locating any energy from waste facilities where they can be connected to heat/power grids and users in order to encourage the reuse of surplus heat and power, all in line with Scottish Planning Policy. The planning authority has confirmed that the supplementary guidance proposed will contain guidance on energy from waste facilities and other facilities.

11. Overall, adjustments are required to the proposed plan as set out below.

Reporter's recommendations:

I recommend that the following modifications be made:

1. On page 136 of Volume 1 Policies, after paragraph 1.3, insert new paragraphs to read:

“1.4 Scottish Planning Policy indicates that regard should be had to the annual update of required capacity for source segregated recyclables and unsorted waste, mindful of the need to achieve the all-Scotland operational capacity, and it includes a reference to the 10 year rolling landfill capacity required. It also indicates that the planning system should support the provision of a network of infrastructure to allow Scotland’s waste and secondary resources to be managed in one of the nearest appropriate installations, by means of the most appropriate methods and technologies.

1.5 Furthermore, Scottish Planning Policy explains: that while a significant shortfall of waste management infrastructure exists, emphasis should be placed on need over proximity; that the achievement of a sustainable strategy may involve waste crossing planning boundaries; that, as the national network of installations becomes more fully developed, there will be scope for giving greater weight to proximity; and that the national capacity figure for source segregated recyclables and unsorted waste is not a cap and can represent an opportunity for economic growth.

1.6 All proposals for waste management facilities should show how they contribute towards delivering both the national annual waste management capacity required and an adequate and integrated network of waste management facilities.”

2. On page 136 of Volume 1 Policies, adjust paragraph 1.4 (including the deletion of the words “the Area Waste Plan for the Borders”) so that it reads:

“1.7 The council envisages the main site for waste treatment in the Borders to be Easter Langlee at Galashiels, which will be safeguarded for this purpose. Other waste facilities include waste transfer stations and community recycling facilities.”

3. On page 136 of Volume 1 Policies, after paragraph 1.4 (now paragraph 1.7), insert a new paragraph 1.8 to read:

“1.8 Any applications for energy from waste facilities shall be located where there are opportunities to connect with heat/power grids and users.”

4. On page 136 of Volume 1 Policies, adjust the numbering of paragraph 1.5 to “1.9.”

5. On page 137 of Volume 1 Policies, table 1 – hierarchy of council waste facilities, adjust the group 1 – high – Easter Langlee Waste Treatment Facility entry by deleting the words “(soon to be built).”

6. On page 138 of Volume 1 Policies, at the end of the existing text of policy IS10, insert a new paragraph to read:

“...Applications for waste facilities that deliver the council’s waste plan will be approved,

provided that any impacts on local communities and the environment have been properly addressed and are within acceptable limits as demonstrated by appropriate supporting information. The following matters will be taken into account:

- (a) noise, odour and litter
- (b) harm to biodiversity and landscape
- (c) harm to archaeology and built heritage
- (d) traffic generation and vehicle movements
- (e) accessibility to major roads and rail routes
- (f) reuse of derelict and brownfield land
- (g) pollution and contamination of water, air and soils
- (h) landscaping and site boundary treatment
- (i) site restoration and after use.

Where appropriate, and in addition to the above matters, the assessment of a proposal will take into account the contribution it makes towards delivering both the national annual waste management capacity required to meet the targets set out in the Zero Waste Plan, and an integrated and adequate network of waste management facilities.”

Issue 076	Policy IS12: Development within Exclusion Zones	
Development plan reference:	Policy IS12 : Development within Exclusion Zones	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
130 Oakes 476 HSE		
Provision of the development plan to which the issue relates:	Policy IS12: Development within Exclusion Zones (pages 140 – 141)	
Planning authority's summary of the representation(s):		
<p><u>130 Oakes</u></p> <p>The respondent supports this policy.</p> <p><u>476 HSE</u></p> <p>HSE commends policies relating to Hazardous Developments (Policy IS11) and Development within Exclusion Zones (Policy IS12). However, not all the details on the 'Exclusion Zone' table (IS12, paragraph 1.3) are up to date. In particular, there are 2no major accident hazard pipelines which are not included and some of the zone details are inaccurate. The respondent would advise that the information contained within the table be obtained from the online Consultation Zone Library pages for Scottish Borders Council (the planning department should have access to this via HSE's Extranet).</p>		
Modifications sought by those submitting representations:		
<p><u>476 HSE</u></p> <p>There are 2no major accident hazard pipelines which are not included and some of the zone details are inaccurate. This should be addressed.</p>		
Summary of responses (including reasons) by planning authority:		
<p>THE PROPOSED CROSS REFERENCE CHANGES IN THE TABLE IN PARA 1.3 AS STATED BY 476 HSE IS FACTUAL INFORMATION WHICH IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL. THESE CHANGES ARE AS FOLLOWS:</p> <p><u>NATURAL GAS PIPELINES</u></p> <ul style="list-style-type: none"> • CONSULTATION DISTANCE FOR 13 FEEDER DRUMELDRIE/SIMPRIM TO READ 370M • NEW ADDITION – LAUDERHILL TO NEWHOUSES (L15) 35M HEALTH & 		

SAFETY EXECUTIVE/TRANSCO

- NEW ADDITION – NEWHOUSES TO CALFHILL 36M HEALTH & SAFETY EXECUTIVE/RANSCO
- REMOVAL OF REFERENCE - LAUDER TO THREEPWOOD ROUTE
- REMOVAL OF REFERENCE - HUME BRANCH (PO2)

REASONS

130 Oakes

Support of policy noted.

476 HSE

It is acknowledged that when compiling information and procedures relating to a range of bodies these can become updated at any given time, thus rendering the information out of date. It is considered that the stated contacts and procedural requirements within the policy are of use and interest to a range of users, and it is contended that amendments highlighted by the respondent are a non-significant change and should be incorporated into the policy.

Reporter’s conclusions:

1. Policy IS12 and its supporting text at paragraphs 1.1-1.3 seek to ensure that development proposed in the exclusion zones of certain hazardous installations and pipelines are carefully scrutinised. Paragraph 1.3 includes a table which identifies a number of hazardous installations and pipelines, the consultation distance, and the body to be consulted. The policy is a continuation of policy Inf9 in the adopted 2008 Scottish Borders Local Plan and the 2011 Scottish Borders Consolidated Local Plan.

2. In essence, the representations support the policy. While one representation raises no matters which require to be addressed at this examination, the other proposes a number of corrections to the table. The planning authority agrees that corrections are required. The corrections all relate to the part of the table dealing with natural gas pipelines. I note that the corrections are factual, and that they would bring the table up to date. In the circumstances, I believe that the changes would be both appropriate and useful.

3. Overall, adjustments are required to the proposed plan as set out below.

Reporter’s recommendations:

I recommend that the following modifications be made:

1. On page 140 of Volume 1 Policies, adjust the natural gas pipelines section of the table at paragraph 1.3, by replacing the consultation distance of “360m” with “370m” for 13 Feeder Drumeldrie/Simprim.
2. On page 140 of Volume 1 Policies, adjust the natural gas pipelines section of the table at paragraph 1.3, by removing the reference to the Lauder to Threepwood pipeline.
3. On page 140 of Volume 1 Policies, adjust the natural gas pipelines section of the

table at paragraph 1.3, by removing the reference to the Hume Branch (PO2) pipeline in the entry, “Kelso Branch (PO1) & Hume Branch (PO2).”

4. On page 140 of Volume 1 Policies, adjust the natural gas pipelines section of the table at paragraph 1.3, by adding a new pipeline – “*Lauderhill to Newhouses (L15)*” in the first column, and “*35m - Health & Safety Executive/Transco*” in the second column.

5. On page 140 of Volume 1 Policies, adjust the natural gas pipelines section of the table at paragraph 1.3, by adding a new pipeline – “*Newhouses to Calfhill*” in the first column, and “*36m - Health & Safety Executive/Transco*” in the second column.

Issue 077	Policy IS13: Contaminated Land	
Development plan reference:	Policy IS13: Contaminated Land (Pages 142 – 143)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
162 The Coal Authority		
Provision of the development plan to which the issue relates:	Policy IS13: Contaminated Land	
Planning authority's summary of the representation(s):		
<p>The contributor objects to policy IS13 Contaminated Land and considers that the LDP has not responded positively to the issue of unstable land in relation to the legacy of coal mining and no policy content is set out to address this issue.</p> <p>Due to the legacy of past mining activity within the Scottish Borders, the contributor considers that the LDP should incorporate a reference to the range of potential public safety issues relating to the legacy of coal mining. Potential hazards include collapse of shallow mine workings; collapse of mine entries; gas emissions from coal mines; transmission of gases into adjacent properties; coal mining subsidence; and water emissions from coal mine workings. These hazards may currently exist, be caused as a result of development, or occur at some time in the future. The contributor would also like reference to be made to appropriate general policies/policy criteria requiring new development proposals to take account of any risks associated with former coal mining activities.</p>		
Modifications sought by those submitting representations:		
<p>The contributor considers the policy could be amended as follows:</p> <p><i>“Where development is proposed on land that is contaminated, suspected of contamination, or unstable the developer will be required to:</i></p> <p><i>a) carry out, in full consultation with, and to the satisfaction of Scottish Borders Council, appropriate phased site investigations and risk assessments; and</i></p> <p><i>b) where necessary, and to the satisfaction of Scottish Borders Council, design, implement and validate appropriate remedial or mitigation measures to render the site suitable for its proposed use.</i></p> <p>The contributor also requests the supporting text is amended as follows:</p> <p><i>1.1 The aim of this policy is to allow for development on land where contamination or instability is known or suspected but in a manner that ensures the redevelopment of such sites is made possible without unacceptable risks to human health and the wider</i></p>		

environment.

The contributor states this is to ensure that the legacy of past coal mining activity in the Scottish Borders and the resulting potential for unstable land is highlighted through planning policy to enable the issue to be considered at an early stage in the development process; ensuring that developers take account of the risks associated with unstable land as part of development proposals in the interests of public health and safety.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO POLICY IS13 CONTAMINATED LAND AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN

REASONS

This policy provides general provision and provides examples appropriate to the Scottish Borders. Coal mining has never been an important component of the Borders and such activity is limited in the main to the Upper Tweeddale area.

Scottish Planning Policy 2014 (SPP) (Core Document CD026 paragraph 235) states the planning system should aim to minimise the impacts of extraction on local communities, the environment and the built and natural heritage. It is considered that this policy conforms to SPP as it sets out requirements for site investigation and risk assessments before development takes place. The policy also requests appropriate remedial measures are implemented to the satisfaction of the Council to render the site suitable for its proposed use and thereby minimising any significant negative impacts.

It is noted that the introduction to the policy in paragraph 1.2 states “Within the Scottish Borders examples of contaminative activities include (but are not limited to)....” Therefore, the relatively limited area of historic coal working is not precluded from consideration by the policy.

The issues identified by the contributor are also covered by policy PMD1 - Sustainability within criteria (i), (k) and (l). It is therefore contended that policy IS13 is suitable in its current form and should remain unchanged within the Proposed Local Development Plan.

Reporter’s conclusions:

1. Policy IS13 and its supporting text at paragraphs 1.1-1.5 seek to allow development on land where contamination is known or suspected, but in a manner that ensures there are no unacceptable risks to human health and the wider environment. The policy is largely a continuation of policy G2 in the adopted 2008 Scottish Borders Local Plan and the 2011 Scottish Borders Consolidated Local Plan.
2. In essence, the representation requests that the policy addresses the issue of instability as well as contamination. The planning authority indicates that instability arising from coal workings is not precluded from consideration under the policy, and that it is covered under criteria (i), (k) and (l) of policy PMD1. However, I note that policy IS13 makes no reference to the issue of instability, and that policy PMD1 is a very general policy relating to sustainability. While the planning authority indicates that coal mining has never been an “important component of the Borders”, it acknowledges that the plan area is affected, mainly in Upper Tweeddale. Scottish Planning Policy indicates the

factors that proposals need to address, and these include restoration and aftercare, including any benefits in terms of the remediation of instability. To provide clarity on this relevant consideration, I believe that it is appropriate for the proposed plan to request that new development proposals assess the risks of unstable land arising from past activities and, where necessary seek mitigation. I consider it reasonable to insert this consideration into policy IS13. This can be satisfactorily achieved by amending the text of the policy along the lines suggested in the representation, and by introducing a new paragraph at the end of the supporting text indicating the policy's extended scope.

3. Overall, adjustments are required to the proposed plan as set out below.

Reporter's recommendations:

I recommend that the following modifications be made:

1. On page 142 of Volume 1 Policies, after paragraph 1.5, insert a new paragraph to read:

"1.6 The policy also covers development on unstable land arising from mining activities, which affects a part of the Borders."

2. On page 143 of Volume 1 Policies, adjust policy IS13 so that it reads:

"Where development is proposed on land that is contaminated, suspected of contamination, or unstable the developer will be required to:
(a) carry out, in full consultation with, and to the satisfaction of Scottish Borders Council, appropriate phased site investigations and risk assessments; and
(b) where necessary, and to the satisfaction of Scottish Borders Council design, implement, and validate appropriate remedial or mitigation measures to render the site suitable for its proposed use."

Issue 078	Policy IS15: Radio Telecommunications	
Development plan reference:	Policy IS15 – Radio Telecommunications (pages 145 – 146)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
130 Oakes 328 Mobile Operators Association		
Provision of the development plan to which the issue relates:	Policy IS15 – Radio Telecommunications	
Planning authority’s summary of the representation(s):		
<p><u>130 Oakes</u></p> <p>Suggests that after “Conservation Areas” the words “or their settings” should be inserted. This would be to avoid obtrusive structures impinging on the appearance of a Conservation Area.</p> <p><u>328 Mobile Operators Association</u></p> <p>Criterion (a) of Policy IS15 Radio Telecommunications is not considered to be wholly supportive of telecommunications development and is thereby in conflict with the support of telecommunications within SPP. The restriction of telecommunications equipment in the areas detailed could severely inhibit the Government’s objective to ensure that everyone can enjoy the same degree of access to high quality electronic communication opportunities. There is no national policy or guidance which supports the restriction of telecommunications equipment within certain areas and it is therefore suggested the Criterion (a) is deleted from Policy IS15. In order to reflect para 250 of SPP and to provide greater flexibility to telecommunications rollout within the countryside, it is suggested that the wording of Criterion 9B0 of Policy IS15 is amended as follows “<i>Within the countryside, and where operationally and technically possible, the siting of telecommunications equipment should aim to avoid sensitive landscapes particularly within National Scenic Areas, sensitive wildlife habitats and visually prominent locations on hilltops or coastline</i>”. Alternatively, it is suggested the inclusion of a concise and flexible telecommunications policy (encompassing Policy ED6 Digital Connectivity and Policy IS15 Radio Telecommunications) which reads:</p> <p><i>“Proposals for telecommunications development will be permitted provided that the following criteria are met:</i></p> <ol style="list-style-type: none"> <i>i. The siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area;</i> <i>ii. If on a building, apparatus and associated structures should be sited and designed in order to seek to minimise impact to the external appearance of the host building;</i> <i>iii. If proposing a new mast, it should be demonstrated that the applicant has explored</i> 		

the possibility of erecting apparatus on existing buildings, masts or other structures. Such evidence should accompany any application made to the (local) planning authority.

- iv. If proposing development in a sensitive area, the development should not have an unacceptable effect on areas of ecological interest, areas of landscape importance, archaeological sites, conservation areas or buildings of architectural or historic interest.*

When considering applications for telecommunications development, the (local) planning authority will have regard to the operational requirements of telecommunications networks and the technical limitations of the technology”.

Modifications sought by those submitting representations:

130 Oakes

After “Conservation Areas” the words “or their settings” should be inserted.

328 Mobile Operators Association

Criterion (a) is deleted from Policy IS15.

The wording of Criterion b) of Policy IS15 to be amended as follows *“Within the countryside, and where operationally and technically possible, the siting of telecommunications equipment should aim to avoid sensitive landscapes particularly within National Scenic Areas, sensitive wildlife habitats and visually prominent locations on hilltops or coastline”.*

Alternatively, it is suggested the inclusion of a telecommunications policy (encompassing Policy ED6 Digital Connectivity and Policy IS15 Radio Telecommunications) which reads: *“Proposals for telecommunications development will be permitted provided that the following criteria are met:*

- v. The siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area;*
- vi. If on a building, apparatus and associated structures should be sited and designed in order to seek to minimise impact to the external appearance of the host building;*
- vii. If proposing a new mast, it should be demonstrated that the applicant has explored the possibility of erecting apparatus on existing buildings, masts or other structures. Such evidence should accompany any application made to the (local) planning authority.*
- viii. If proposing development in a sensitive area, the development should not have an unacceptable effect on areas of ecological interest, areas of landscape importance, archaeological sites, conservation areas or buildings of architectural or historic interest.*

When considering applications for telecommunications development, the (local) planning authority will have regard to the operational requirements of telecommunications networks and the technical limitations of the technology”.

Summary of responses (including reasons) by planning authority:
<p>NO CHANGE PROPOSED</p> <p>REASONS</p> <p><u>130 Oakes</u></p> <p>The wording within the policy is considered appropriate in the context of the appropriate legislation which refers to Conservation Areas and Listed Buildings and their settings. It is noted that any development that may impact adversely on the setting of a Conservation Area would be considered ‘inter alia’ in terms of Policy EP9 which refers to “development proposals within or adjacent to a Conservation Area”. Equally, the presence of listed buildings is usually a strong determinant on the presence of a Conservation Area. Therefore, it is considered that the concerns expressed are adequately covered by the LDP.</p> <p><u>328 Mobile Operators Association</u></p> <p>Scottish Planning Policy (Core Document 024) is clear. It states in paragraph 248 that the physical development of networks, particularly the siting and design of equipment is a matter for the planning system, and that the environmental impact of communications infrastructure should be kept to a minimum. Paragraph 250 states that “Equipment should be designed and positioned as sensitively as possible,..”. It goes on to state in paragraph 251 that “Local Development Plans “ should give a consistent basis for decisions on communications infrastructure by setting out the matters that will be taken into account in decision making”.</p> <p>Policy IS15 therefore sets out a preferred approach to the location of radio telecommunications so that the impact on the wider community is kept to a minimum. It is noted that this is set within the context of the Council’s high priority for the improvement of telecommunications within its area so that it can compete more effectively in relation to economic development.</p> <p>Therefore, it is considered that neither of the alternatives put forward can be supported.</p>
Reporter’s conclusions:
<ol style="list-style-type: none"> 1. Policy IS15 and its supporting text at paragraphs 1.1-1.3 are concerned with the provision of new radio telecommunications equipment. The policy seeks to control the siting and design of equipment. It sets out 4 criteria which will be considered in the assessment of proposals. 2. Scottish Planning Policy and SESplan both support improvements in digital connectivity, which includes radio telecommunications. The proposed plan has a separate policy on general digital connectivity – policy ED6. For the reasons set out at issue 23, I am satisfied that it is acceptable for the proposed plan to deal with radio telecommunications separately from general digital connectivity. The policy and its supporting text are largely a continuation of policy Inf8 in the adopted 2008 Scottish Borders Local Plan and the 2011 Scottish Borders Consolidated Local Plan. 3. In essence, the representations seek to adjust the wording of criteria (a) and (b) of the

policy, and to delete criterion (a). Criteria (a) and (b) are concerned with the location of equipment in settlements and the countryside respectively. In settlements, the preferred locations are industrial and commercial areas or suitable vacant or derelict land, rather than predominantly residential areas and close to schools and, in conservation areas and the vicinity of listed buildings, equipment is not normally to be permitted. In the countryside, the aim is to avoid sensitive landscapes, particularly National Scenic Areas, sensitive wildlife habitats and visually prominent locations on hilltops or coastline.

4. I consider that the 2 criteria are overly restrictive and not supported by Scottish Planning Policy which goes no further than requiring environmental impacts to be kept to a minimum, and for equipment to be designed and positioned as sensitively as possible, recognising that technical requirements and constraints may limit the possibilities. Scottish Planning Policy does not indicate that certain areas should be preferred above others, and the risk of this approach is that the planning system would be unable to properly support the need for networks to evolve and respond to technology improvements and new services. In the circumstances, I consider that criteria (a) and (b) should be deleted, and replaced by a single criterion, which indicates that equipment should be positioned and designed sensitively, avoiding unacceptable effects on the natural and built environments. It is unnecessary to refer to specific environmental designations in this criterion because they are appropriately protected through various environmental protection policies, to which this policy is cross referenced. However, a more general reference to areas of landscape importance and areas of ecological interest would highlight particularly vulnerable areas.

5. An important part of sensitive design and positioning is using the smallest equipment commensurate with technological requirements and being aware of the possibility of cumulative impacts. These matters should be referred to in criteria (c)(i) and (d) of the policy as consequential changes. As all the changes required can be reasonably included within the framework of the existing policy, I am satisfied that it is unnecessary to use the alternative policy wording proposed.

6. In light of these proposed changes to the policy, which mean that the reference to conservation areas in criterion (a) is deleted, it is unnecessary for me to further consider the representation concerning the effect of telecommunications equipment on the setting and appearance of conservation areas. If I had been required to consider it, I would not have been persuaded that any change was required to the criterion because policy EP9 in the proposed plan sets out adequate controls for development in and adjacent to conservation areas.

7. Overall, adjustments are required to the proposed plan as set out below.

Reporter’s recommendations:

I recommend that the following modification be made:

1. On pages 145-146 of Volume 1 Policies, adjust policy IS15 so that it reads:

“Development involving telecommunications masts, antennas, power lines and associated structures required for installation including buildings, access and site security will be assessed against siting and design considerations.

(a) Telecommunications equipment should be positioned and designed sensitively to

avoid unacceptable effects on the natural and built environments, including areas of landscape importance and areas of ecological interest.

(b) Developers must demonstrate that they have considered options for minimising the impact of the development including:

(i) the scale and type of equipment used (which should be the smallest suitable, commensurate with technological requirements),

(ii) the potential for mast or site sharing,

(iii) the measures for concealment or disguise through appropriate siting, design, landscaping, materials and colours,

(iv) the timing and method of construction,

(v) the arrangement for access during construction and operation which takes account of the impact on adjoining users and/or wildlife habitats,

(vi) the potential for siting on existing buildings or structures

(c) Where mast or site sharing is shown to be impractical, the developer must demonstrate that there is no alternative location which will satisfy the system's operational requirements, and/or that siting apparatus on existing buildings or structures would cause greater harm to the appearance of the area than that which is proposed.

Developers should also address the cumulative effects of a proposal in combination with existing equipment in the area."

Issue 079	Policy IS16: Advertisements	
Development plan reference:	IS16 Advertisements (Proposed Local Development Plan, pages 147 - 148)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>130 Roger Oakes 339 Scottish Government 342 The Royal Burgh of Selkirk & District Community Council</p>		
Provision of the development plan to which the issue relates:	IS16 Advertisements	
Planning authority's summary of the representation(s):		
<p><u>130 Roger Oakes</u></p> <p>The contributor states that they are enthusiastic about controlling advertisements, consideration should be given to allowing temporary signs announcing local volunteer run events where road safety would not be impaired.</p> <p><u>339 Scottish Government</u></p> <p>The contributor states that the last sentence of paragraph 1.2 should be amended to clarify trunk road requirements to read: <i>"It should also be noted that where Advertisements are on or visible from a trunk road, there is a requirement to consult Transport Scotland regarding advice and the criteria to be met for approval."</i></p> <p><u>342 The Royal Burgh of Selkirk & District Community Council</u></p> <p>Policy noted and agreed.</p> <p>The contributor suggests a controlled policy which would promote local tourism e.g. suitable laybys be identified (outwith a major route such as a trunk road) able to safely contain discreet information boards and signage to inform visitors and advertise the potential of the Scottish Borders.</p>		
Modifications sought by those submitting representations:		
<p><u>130 Roger Oakes</u></p> <p>The contributor seeks for consideration to be given to allowing temporary signs announcing local volunteer run events.</p> <p><u>339 Scottish Government</u></p> <p>The contributor seeks for the last sentence of paragraph 1.2 to be amended to read: <i>"It</i></p>		

should also be noted that where Advertisements are on or visible from a trunk road, there is a requirement to consult Transport Scotland regarding advice and the criteria to be met for approval."

342 The Royal Burgh of Selkirk & District Community Council

The contributor seeks a controlled policy which would promote local tourism e.g. suitable laybys be identified (outwith a major route such as a trunk road) able to safely contain discreet information boards and signage to inform visitors and advertise the potential of the Scottish Borders.

Summary of responses (including reasons) by planning authority:

AMEND THE LAST SENTENCE OF THE SECOND PARAGRAPH OF THE INTRODUCTORY TEXT OF POLICY IS16 TO ADD AFTER THE WORDS "TRANSPORT SCOTLAND" – "*REGARDING ADVICE AND CRITERIA TO BE MET FOR APPROVAL*". THIS IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL

REASONS

339 Scottish Government

It is considered that the proposed amendment as suggested by the contributor will assist in providing greater clarity and would constitute a non-significant change.

130 Roger Oakes and 342 The Royal Burgh of Selkirk & District Community Council

It should be noted that the Council already supports and actively promotes local tourism within the Scottish Borders.

In relation to the representations received, it should be noted that the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (refer to Supporting Document 079-1 Extract of the Regulations) sets out within Schedule 4 where consent shall be deemed to be granted for the display of advertisements. Class I relates to functional advertisements of local authorities, community councils, statutory undertakers and public undertakers; Class III relates to certain advertisements of a temporary nature.

Reporter's conclusions:

1. Policy IS6 and its supporting text at paragraphs 1.1-1.2 aim to ensure that advertisements do not adversely affect amenity or safety within the countryside or built-up area. The policy sets out 3 general criteria for assessing all advertisements, and 4 further criteria concerned with roadside advertisements in the countryside. The policy and its supporting text largely combine policies BE5 (advertisements) and D3 (advertisements in the countryside) in the adopted 2008 Scottish Borders Local Plan and the 2011 Scottish Borders Consolidated Local Plan.

2. In essence, the representations seek a minor change to the wording of the supporting text, and changes to the policy which would allow greater scope for temporary roadside signs, and signs promoting local tourism. The proposed minor change to the wording at the end of paragraph 1.2 would indicate that, where there is a requirement, Transport

Scotland would be consulted on advertisements on or visible from trunk roads regarding advice and the criteria to be met for approval. I accept that the change would provide a degree of clarity on the role of Transport Scotland and that, as such, it is reasonable. I also note that the planning authority agrees the change.

3. I consider that the criteria in the proposed policy would allow the display of appropriate tourism signs and temporary road signs. When this is taken together with the fact that both temporary roadside and local tourism signs could potentially benefit from deemed consent under the 1984 Town and Country Planning (Control of Advertisements) (Scotland) Regulations (as amended), I am not persuaded that it is necessary to allow further specific provision for either type of sign in the policy. No change is therefore required.

4. Overall, an adjustment is required to the proposed plan.

Reporter's recommendations:

I recommend that the following modification be made:

1. On page 147 of Volume 1 Policies, adjust paragraph 1.2 so that it reads:

"1.2 The relevant government guidance is contained in circulars: Circular 10/1984, Circular 22/1986 and Circular 31/1992. Reference should also be made to the Supplementary Planning Guidance relating to Shop Fronts and Shop Signs as well as the Tourist Signposting Policy July 2003 (Factsheet appended May 2007)(Amended May 2010). It should also be noted that where advertisements are on or visible from a trunk road, there is a requirement to consult Transport Scotland regarding advice and the criteria to be met for approval."

Issue 080	Appendix 2: Meeting the Housing Land Requirement	
Development plan reference:	Appendix 2 – Meeting the Housing Land Requirement (pages 155 – 160)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>289 Community Council of The Royal Burgh Of Peebles & District 331 Lord Devonport 332 Lord Ralph Kerr, Ferniehirst Trust & Roxburghe Estates 350 Homes for Scotland 368 Peebles Civic Society 461 CWP 462 Cranshaws, Ellemford and Longformacus Community Council (1 of 2) 485 Geddes Consulting 493 Crummock (Scotland) Ltd 496 JS Crawford & Rural Renaissance</p>		
Provision of the development plan to which the issue relates:	Appendix 2 – Meeting the Housing Land Requirement	
Planning authority’s summary of the representation(s):		
<p><u>289 Community Council of The Royal Burgh Of Peebles & District</u></p> <p>The contributor states there needs to be a clearer statement of the composition of current and future housing allocations including a statement of the existing number of houses in each category in Tables 2, 3, and 4 in Appendix 2 (Meeting the Housing Land Requirement) as these affect individual SDA’s within the overall plan.</p> <p><u>331 Lord Devonport</u></p> <p>The contributor states table 4 shows a decline in completions of 40% since 2008 despite the table projecting an annual average of 503 units completed a year. The reality of the Scottish Borders housing market as a whole is a market where an upturn to deliver the HNDA total has not yet been achieved. Without adding in the effect of windfall sites and the constrained sites, the delivery of the HNDA total of 5,958 units, even the Effective Supply total of 5,779 units, is unrealistic against the actual Scottish Borders housing market performance. The annual rate of completions in Table 4 of 503 units is 53% of the build rate that is needed to deliver the HNDA total.</p> <p>The contributor considers it premature to pursue a new allocation at the Extension of Birks View (AGAL027) as the housing market in the Scottish Borders is still not on an upturn as evidenced from the completions shown in Table 4.</p> <p><u>332 Lord Ralph Kerr, Ferniehirst Trust & Roxburghe Estates</u></p> <p>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</p>		

need to be considered. The contributor has set out housing calculations based on the draft SESplan Supplementary Guidance. As such a revision to LDP Appendix 1 Table 2 will be required to set out the Council's housing land requirements in relation to SESplan Supplementary Guidance once finalised.

The contributor also notes the calculation of the Council's effective land supply within table 2 includes both effective and potentially effective supply. The contributor questions the inclusion of years 6 & 7 supply in relation to the actual ability of completions to be brought forward. PAN 2/2010 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 the Housing Land Audit is to confirm site programming based on developer input and site specific issues.

The contributor considers the effective land supply should solely be based upon the 5 year supply i.e. by definition, year 6 & 7 supply is non-effective.

350 Homes for Scotland

The contributor considers there is not enough land allocated to realistically meet the housing need and demand in the Scottish Borders area. However, it is difficult to pinpoint by how much the supply is short as the 2012 Housing Land Audit (HLA) (on which the figures are based) has not been agreed with Homes for Scotland and members. This lack of agreement in the housing land audit process means there can not be confidence from the industry that the effective housing land supply is correct. Years 2016-2019 in the 2012 HLA show very high cumulative completions (870, 1003, 992 and 755 respectively) which have not been achieved in the past (peak was 659 in 2008). We continue to dispute that the total housing supply figures in the 2012 audit are correct.

In response to the draft 2013 HLA HFS queried the 5-year effective land supply figure of 3,389 and suggested that set against market activity of just over 300 completions, this is not tenable. The programming of completions in years 2017 – 2020 is regarded again to be too high and not realistic; the sudden jump from 436 completions in 2016 to 810 in 2017 is not reasonable and we suggested that these figures be reduced to a maximum range of 650-700 to reflect the past peak. In our view the true level of the 5 year effective housing land supply is probably closer to a range between 2,000 and 2,500 units.

The Proposed LDP uses the SESPlan Housing Need and Demand Assessment (HNDA) as its basis; whereas this would usually be an acceptable base the recent publication of the draft SESPlan SG 'Housing Land' (November 2013) presents a higher housing requirement and to wait for the outcome of the SG would perhaps have been prudent to establish the actual figure that is required to be allocated for. Consequently the requirement 2009-2019 reads much reduced to that of the draft SG and implies there is a surplus of housing land allocated, as opposed to the shortfall produced using the draft SG figures. The Proposed Plan can not therefore be in accordance with SESPlan SDP.

The contributor states the flexibility in the housing land supply is provided through the constrained sites. This is also the supply it appears the Council will rely on as the 'extra' to increase the numbers up to the draft SG requirement. The contributor disagrees with the approach used and considers there is an over-reliance on constrained sites which brings with it inherent risk as to whether land will come forward for development within appropriate/acceptable timescales. This in turn threatens the deliverability of the Plan. It is clear there is little flexibility here and robust evidence should be provided of the site

assessments of the constrained sites and how and when they are considered to become effective and contribute to the housing land supply.

Draft SPP proposes a minimum 10% extra to form a generous housing land supply, so on that basis at the very least land for a further 874 units is required using the Proposed Plan's figures (Appendix 2, Table 2 - housing demand for period 2009-2024 equalling 8738 units); or another 1,293 units if taking the draft SESPlan SG figures (housing requirement of 12,930 units for period 2009-2024). This is not taking into account what we expect to be the housing land shortfall.

Table 5 presents the new sites allocated in the Proposed LDP; these total 630 units which is exactly the additional requirement from the draft SESPlan SG (table 3.2 in that document) to be allocated within and outwith Strategic Development Areas in the Scottish Borders Council area. There is no flexibility or generosity provided within these new allocations and this must be amended.

The contributor considers the housing land shortfall is likely to be in the range of 3,250-3,750 units but as stated earlier it is not possible to pinpoint the exact figure without an agreed housing land audit effective supply.

368 Peebles Civic Society

The contributor states there are windfall pressure on the planning system within Peebles. The contributor notes the windfall assumption figures in Appendix 2 and has concerns in relation the high percentage of windfall sites to planned site as this demonstrates a weakness in the planning system. Within Peebles there are two planning applications one for 34 units and another for 130 units both on windfall sites. Within table 5, 75 of the 105 units for the Western SDA are within Peebles and the vulnerability to excessive windfall development is unreasonable.

The contributor refers to the SESplan Main Issues Report, chapter 8 paragraph 8.98 that specifically refers to the future development pressure on Peebles. The contributor feels they are bearing an unreasonably high proportion of windfall development and tight control must be adopted for the future of Peebles in order to properly manage the future growth of the town.

The contributor states if one of the prospective windfall sites is given planning consent during the adoption period of the Proposed LDP then one of the safeguarded sites should be moved to the following planning period.

461 CWP

The contributor's submission is made on the basis that the Supplementary Guidance (SG) will be approved in its current form, and this will provide Scottish Borders with a significantly larger housing requirement for the period in question. The contributor has provided a comparison between the Proposed LDP Housing Requirement and that provided by the SG.

The contributor states account must also be taken of emerging Scottish Planning Policy in terms of providing a generous supply of sites. This states that the housing allocations in LDPs will need to provide a margin of 10-20% over and above the housing land requirement (draft SPP, para 85). The contributor has provided figures showing how this

flexibility requirement has the effect of increasing the number of houses for which sites will have to be allocated in the LDP.

To comply with the terms of the emerging SESplan SG and Scottish Planning Policy the Proposed LDP should, as a minimum, allocate land capable of meeting a housing requirement of 14,223 for the period 2009 to 2024 – 10,615 houses in the period 2009-2019 and 3608 houses in the period 2019 – 2024. Regarding the supply of housing land, Proposed LDP Appendix 2 presents the findings of the 2012 Housing Land Audit undertaken by Scottish Borders Council within Tables 1 and 2. These tables reflect the terms of Table 3.6 contained within the SG Technical Note.

The Proposed LDP presents the above as the Established Housing Supply but does so in the context of seeking to meet a Housing Land Requirement of 8738 houses for the period 2009-2024 (as set by approved SESplan) with the identified 'constrained' sites providing added flexibility to the supply. Proposed LDP Appendix 2 Tables 5 and 6 provide details of the New Sites to be allocated by the LDP – 15 sites with indicative capacity of 630 houses. These have been provided both within and outwith SDAs as instructed by SG Table 3.2 – again, the Proposed LDP considers these allocations will provide added flexibility to the established supply.

Given the terms of the SESplan SG and the emerging SPP requirement for 10-20% flexibility it is clear that a large number of additional 'new' sites need to be identified by the Proposed LDP. Moreover, we note that only around 66% of the 2009 – 2019 housing requirement is proposed to be met from effective sites. The balance of the established supply presented by the Proposed LDP is intended to be provided by 'constrained' and 'windfall' sites. In our view, there is no basis to place any reliance on the delivery of constrained sites in the first 5 years of the LDP – by definition these sites are not effective and any such reliance is contrary to the SESplan and Scottish Planning Policy.

Table 3.6 within the SESplan Technical Note identifies 1595 houses on constrained sites in the period 2009-19 – none of these should be counted towards meeting the housing requirement, therefore the associated need for additional 'new' sites needs to be increased by the same amount.

The contributor believes reliance on 'windfall' sites during the period 2009-19 (1169 homes) is over optimistic and leaves little room for flexibility. It is considered that the Proposed LDP's approach to meeting the Housing Land Requirement contains a number of fundamental flaws, as follows:

- The housing requirement is too low as it does not take account of SESplan Supplementary Guidance;
- The number of housing sites allocated is too few because no flexibility is provided, as required by Scottish Planning Policy;
- The number of housing sites allocated is too few because the Proposed LDP is wrongly counting constrained sites as making a contribution to the supply of housing in the first few years of the plan;
- The number of housing sites allocated is too few because there is an over-reliance on windfall sites.

The contributor considers it essential that additional housing land which is effective, or capable of becoming effective, within appropriate timescales is identified otherwise the Proposed LDP will not conform to SESplan Supplementary Guidance and Scottish Planning Policy.

462 Cranshaws, Ellemford and Longformacus Community Council

The contributor considers small amounts of additional housing will be required to bolster declining populations in smaller settlements such as ours. The contributor acknowledges the need to base most additional housing in larger clusters, but feel smaller settlements should be assessed for small amounts of potential development. Even very small numbers of additional homes could improve the viability of local community life and help slow the trend to some becoming commuter dormitories or holiday home clusters.

485 Geddes Consulting

The contributor states that Appendix 2 is not in accord with the SESplan SDP Policy 5. The SESplan draft Supplementary Guidance Housing Land has undergone consultation and the housing land requirement as agreed by the Council for Scottish Borders is known. The housing land requirement is 9,650 homes for 2009 – 2019 and 3,280 homes for 2019 – 2024. This may be subject to change following consultation. These should replace the housing needs and demands of the HNDA. In approving SESplan Strategic Development Plan (SDP), Scottish Ministers confirmed that ...LDPs in the SESplan area should not be submitted to Ministers until after the supplementary guidance has been adopted. By approving the Proposed LDP for consultation prior to the adoption of the Supplementary Guidance, the Council has been unable to clarify the housing land requirement. However, the methodology to adopt to determine the housing land supply and consequently the housing land shortfall was also set out in SESplan Policy 5. Therefore, the methodology to adopt was known prior to the Proposed LDP consultation. The Council has adopted Housing Land Audit 2012 for the basis on the calculation. This is not agreed with Homes for Scotland and therefore not in accord with PAN 2/2010 Affordable Housing and Housing Land Audits. Agreement must be sought with Homes for Scotland for the Housing Land Audit 2013. Using the information provided by the Council in Appendix 2 with the methodology set out in SESplan Policy 5 and the housing land requirement defined in the SESplan draft Supplementary Guidance. This does not take account of a generosity allowance which is set out as 10% to 20% in the draft SPP (paragraph 85).

In accord with SESplan, the housing land shortfall to meet over the SESplan period is 3,366 homes. The Council identifies sites with a capacity of 630 homes. This is insufficient to meet the housing land requirement in full in accord with SPP. The Proposed Plan calculation for housing land supply does not accord with SESplan SDP or draft Supplementary Guidance.

The contributor seeks the following modification; the Council is required to modify the calculation and methodology presented in Appendix 2 to reflect the requirements set out by SESplan SDP. As it stands, the Proposed LDP would come under legal challenge as it does not comply with SESplan SDP. The contributor would like table 2 to be removed and replaced with their own housing land calculations. These calculations do not take account of a generosity allowance which will range between 10% and 20% of the housing land requirement. The contributor states if the housing land requirement remains as stated in the above table, and the Housing Land Audit 2013 has a similar effective housing land supply following agreement with Homes for Scotland, then further housing land allocations will be required above and beyond the identified allocations of 630 homes. In accord with SESplan SDP, the housing land shortfall is 1,599 homes from 2009 – 2019 and 1,767 homes from 2019 – 2024 or 3,366 homes in total from 2009 – 2024.

493 Crummock (Scotland) Ltd

The Proposed LDP should take greater account of deliverability in its housing land allocations in order to meet its house completion targets and its statutory obligation to provide an effective 5 year housing land supply throughout the Plan period. The Council's approach to land allocation is detailed in Appendix 2 and states "In the Scottish Borders there is a substantial surplus of identified land for housing, along with clear mechanisms to augment any potential shortfall through the identification of areas for potential longer term development." The contributor states in the Northern Area and in West Linton in particular, there is no such provision, despite the wide appreciation that West Linton is a location which is attractive to the market for new and resale housing. The LDP should look to the longer term - in accordance with its statutory housing land supply function - and allocate land for housing to meet emerging demand in West Linton over the latter period of the Plan.

496 JS Crawford & Rural Renaissance

The contributor endorses the objection from Homes for Scotland in relation to the proposed SESPlan and makes the following additional comments:

- 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 their position. 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. The contributor believes that the housing land supply has been understated and 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 paragraph 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 contributor considers 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 of-site infrastructure. 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 contributor states 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 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.

The contributor would like Appendix 2 to be revised to take account of submissions of Homes for Scotland.

Modifications sought by those submitting representations:

289 Community Council of The Royal Burgh of Peebles & District

The contributor states there needs to be a clearer statement of the composition of current and future housing allocations including a statement of the existing number of houses in each category in Tables 2, 3, and 4 in Appendix 2 (Meeting the Housing Land Requirement) as these affect individual SDA's within the overall plan.

331 Lord Devonport

N/A. The modifications sought by this contributor are included in the Schedule 4 for the housing allocation at Extension of Birks View (AGAL027).

332 Lord Ralph Kerr, Ferniehirst Trust & Roxburghe Estates

The contributor requests further opportunities for bringing forward short term housing land should be considered and a The contributor requests Appendix 2 Table 2 is revised once the SESplan Supplementary Guidance is finalised.

The contributor also considers the effective land supply should solely be based upon the 5 year supply i.e. by definition, year 6 & & supply is non-effective.

350 Homes for Scotland & 496 JS Crawford & Rural Renaissance

The contributor requests that the Reporter seeks further information on the housing land situation.

368 Peebles Civic Society

The contributor requests if one of the prospective windfall sites is given planning consent during the adoption period of the Proposed LDP then one of the safeguarded sites should be moved to the following planning period.

461 CWP

The contributor requests that additional housing land which is effective or capable of becoming effective, within appropriate timescales is identified otherwise the Proposed LDP will not conform to SESplan Supplementary Guidance and Scottish Planning Policy.

462 Cranshaws, Ellemford and Longformacus Community Council

The contributor seeks the allocation of small amounts of additional housing within smaller settlements such as Cranshaws, Ellemford and Longformacus to help improve the viability of local community life and slow the trend to some becoming commuter dormitories or holiday home clusters.

485 Geddes Consulting

The contributor seeks the following modification - the Council is required to modify the calculation and methodology presented in Appendix 2 to reflect the requirements set out by SESplan SDP. As it stands, the Proposed LDP would come under legal challenge as it does not comply with SESplan SDP. The contributor would like table 2 to be removed and replaced with their own housing land calculations. These calculations do not take account of a generosity allowance which will range between 10% and 20% of the housing land requirement. The contributor states if the housing land requirement remains as stated in the above table, and the Housing Land Audit 2013 has a similar effective housing land supply following agreement with Homes for Scotland, then further housing land allocations will be required above and beyond the indentified allocations of 630 homes. In accord with SESplan SDP, the housing land shortfall is 1,599 homes from 2009 – 2019 and 1,767 homes from 2019 – 2024 or 3,366 homes in total from 2009 – 2024.

493 Crummock (Scotland) Ltd

The contributor requests additional housing land is allocated within West Linton to meet the emerging demand in the settlement over the latter period of the Plan.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO APPENDIX 2 PROPOSED, HOWEVER, THE REPORTER IS REQUESTED TO CONSIDER THE MATTER FURTHER

REASONS

The LDP meets the provisions of the SESplan SDP and its associated Supplementary Guidance in providing land to meet the housing requirement within and outwith the Strategic Development Areas as required by SESplan. The Plan also meets the requirement set out in the Housing Needs and Demands Assessment (HNDA) (Core Document 004).

The Plan provides a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy 2014 (Core Document 026, paragraph 110). It should be noted in relation to some comments regarding SPP that during the consultation period of the Proposed Plan the most recent version of SPP was in draft form and therefore was not currently in force. However following the consultation period, SPP2 was approved on 23 June 2014.

As stated within SPP, the Plan allocates a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption.

It should be noted that Appendix 2 Meeting the Housing Land Requirement has been updated (Core Document 017) to provide an up to date position of housing land in the Scottish Borders following finalisation of the SESplan Supplementary Guidance. The updated housing technical note which sets out the updated housing position in the Borders draws a number of clear conclusions:

- The SESplan HNDA which forms the basis of the approved SDP sets a requirement that is some 20% higher than market demand as evidenced by housing completions
- The housing provision for the Scottish Borders set by the SSG is some 48% higher than the HNDA requirement
- The housing provision set by the SSG is largely based upon the existing potential provided by the established land supply and windfall potential
- The LDP provides additional housing allocations to meet the additional need specified by the SSG for the Scottish Borders
- The LDP provides substantial additional flexibility in the form of identified redevelopment sites and sites with potential for longer term development
- There is a large established housing land supply within the Scottish Borders where effectiveness is only limited by market demand
- There is a five year effective land supply measured against requirement as evidenced by housing completions in line with the provisions of SPP
- There is a record of windfall development amounting to a significant proportion of completions.
- There is the potential for improved market demand with enhanced national economic prospects, the imminent completion of the Borders Railway, and the potential for a rail service serving East Berwickshire.

289 Community Council Of The Royal Burgh Of Peebles & District

The detail of the housing land supply is included within the Housing Land Audit (HLA) which is produced by the Council on an annual basis. The Housing Land Audit 2012 (Core Document 039a) has been used to produce Appendix 2 of the Plan. This appendix has been updated to provide the most recent housing land position for the Borders (Core Document 017).

331 Lord Devonport

Scottish Planning Policy (SPP) (Core Document 026, paragraph 116) requires plans to ensure the provision of a generous land supply and to meet the requirement set by the Housing Need and Demand Assessment (HNDA).

Completions are based on past performance and are a guide, but the Council needs to provide for potential development in the future.

332 Lord Ralph Kerr, Ferniehirst Trust & Roxburghe Estates

The SESplan Supplementary Guidance is now finalised and has been submitted to the Scottish Government. Regarding the contributor's comments relating to the inclusion of years 6 and 7, the period under consideration is up to 2024, therefore it is appropriate to include years 6 and 7 in the supply calculation. The land supply is considered for the plan period and beyond.

350 Homes for Scotland

Homes for Scotland (HfS) are consulted through the Housing Land Audit (HLA) process and their involvement is encouraged. However HfS were unable to provide detailed site comments on the HLA 2013 as their members are unwilling to commit time to looking at the audit due to current market conditions as stated in their consultation response to the HLA 2013 (Supporting Document 080-1). Within this response HfS dispute the validity of the audit in its entirety. HfS state that large parts of the Borders are considered as sub-prime and there is no market demand. HfS also state that the Council is resistant to the input of the industry in terms of market knowledge, knowledge of site owners' and developers' actions and intentions.

In response to this the Council would agree that the market in the Borders is currently weak, and would note that this is not a dissimilar position to most parts of Scotland where all measures of demand including starts, completions, house prices and mortgage advances continue to suffer from challenging macro economic factors (Supporting Document 080-2).

The audit takes into account the full terms of the PAN 2/2010 (Core Document 034), including the marketability criterion which asks whether a site could be developed within 5 years, very few, if any, housebuilders has a clear view on the prospects for development beyond 2 years. The Local Planning Authority seeks to ensure that its housing land supply can meet existing demand as well as any future prospects for an increase in demand. Logically, as demand increases the marketability of sites will also increase. In the Borders there is an established housing land supply of some 9000 units which provides a supply for a widely dispersed geography and market, and where the annual average take up over 5 years has been 430. In that context, it is not surprising that a large number of sites could be developed subject to the presence of a market.

The Council is not resistant to the input of the industry; this is simply not the case. The industry is unable to present robust and persuasive evidence to support the position beyond their own sites and have chosen to disengage. We remain open to meeting with housebuilding colleagues for a constructive discussion about housebuilding in the Borders.

It is simply illogical for the housebuilding industry to reduce the level of effective housing land on the basis that there is no market, and at the same time to contend that there is a lack of effective land to meet projected requirement. This position would be further exacerbated if the contributor's position was used as a basis to justify further additions to the land supply.

The audit provides a snapshot of the housing position at a fixed point in time. The Plan has to look at what might be delivered within the plan period. Scottish Planning Policy 2014 (Core Document 026, paragraph 119) states Local Development Plans should allocate land on a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption. They should provide for a minimum of 5 years effective land supply at all times.

Regarding the SESplan Supplementary Guidance there is no change to the draft version of the document in relation to the Borders. Therefore the Plan complies with the approved SESplan and Supplementary Guidance.

The contributor states the flexibility in the housing land supply is provided through constrained sites however this is not correct. The Plan meets the requirement set out in the SESplan Supplementary Guidance. As stated in Appendix 2 of the Plan, additional flexibility is provided through redevelopment opportunities and potential longer term sites which can be brought forward to meet any shortfall in supply.

The contributor states draft SPP (Core Document 025, paragraph 85) proposes a minimum 10% extra to form a generous land supply. Table 3.1 of the SESplan Supplementary Guidance – Housing Land Technical Note (Core Document 003, page 8) shows the HNDA requirement for the Borders for 2009-2019 is 5,955 units, for 2019-2024 it is 2,780 units and for 2024-2032 it is 3,802. Therefore for the period 2009-2032 the total need and demand for the Borders is 12,537 units.

The SESplan Supplementary Guidance – Housing Land (Core Document 002) sets a provision for the Scottish Borders significantly in excess of the robust and credible requirement set by the HNDA. Over the period 2009-24 this equates to 48% over and above the HNDA requirement. Table 3.6 of the SESplan Supplementary Guidance Technical Note shows the established land supply of the Borders. The total for 2009-2019 is 9,646, for 2019-2024 it is 2,652 and for 2024-2032 is it 784. This shows there is a significant established land supply within the Scottish Borders which is capable of delivery within the Plan period.

Table 4.1 of the Technical Note shows that the required average completion rate for the Borders up to 2024 is 820 to deliver the established land supply. This is significantly greater than the Scottish Borders average completion rate however the SG notes that "Delivering that level of housing will be challenging and that will be made even more difficult should funding solutions to enable the provision of essential infrastructure improvements not be identified. A very significant increase in housing completion rates will also be required to deliver the housing needed to meet the need and demand which has been identified."

The national economy including the housing development industry is now moving out of recession. In addition, within the Scottish Borders the construction and opening of the Borders Railway will have a significant impact on the marketability of the area, and there

are realistic prospects on the delivery of a local rail service between Edinburgh and Berwick that would also have a significant positive impact on the marketability and accessibility of the Eastern Borders.

Table 5.7 of the Technical Note specifies the additional development capacity in the Scottish Borders. In the Scottish Borders an additional allowance of 640 (rounded up) is set for the Strategic and non Strategic Development Areas. These are additional allowances over and above the existing established housing land supply. This allowance has been allocated in the Proposed Plan. The contributor states that new sites brought forward in the Plan within table 5 of Appendix 2 total 630 units (not rounded) which is exactly the additional requirement from the draft SESplan SG. It should be noted that flexibility is already within the existing supply, constrained supply and in addition to this as previously mentioned there are a significant number of redevelopment opportunities as well as potential longer term sites which allow for further flexibility.

In relation to the contributor's comments that there will be a shortfall of over 3,000 units this is considered untenable and contrary to proper planning. Within the SESplan HNDA and Supplementary Guidance Technical Note the total demand and need for the Borders is 12,537, with an average completion rate of 450 units per annum this would provide over 28 years supply.

368 Peebles Civic Society

As stated within PAN 2/2010 Affordable Housing and Housing Land Audits (Core Document 034), windfall development is any residential development that is granted planning consent on land or buildings not allocated within the Local Plan. There is not a defined limit of windfall sites, such sites are generally small infill sites and are often developed on land that has had a previous use. It should be noted that windfall sites only contribute towards meeting the housing land requirement once planning permission has been granted.

Within the Proposed Local Development Plan, table 5 of Appendix 2: Meeting the Housing Land Requirement details the new allocations included within the Plan. In Peebles two sites have been identified with a total indicative capacity of 75 units. These sites have been allocated to meet the housing requirement for the Western Strategic Development Area (SDA) as stated within the SESplan Strategic Development Plan.

In relation to the contributor's comments regarding SESplan Main Issues Report, chapter 8, paragraph 8.98 and the future development pressure on Peebles, to reduce the development pressure on Peebles the Plan encourages development in other areas of the Western SDA including Cardrona, Innerleithen and Walkerburn. The Plan seeks to encourage development across the Borders and to the wider Tweeddale area.

It should be noted that in relation to the two planning applications referred to, these are both currently undetermined applications and therefore the figure of 164 units is yet to be established.

461 CWP

The contributor states the housing requirement is too low however the requirement meets the Supplementary Guidance and the HNDA as well as meeting the current and potential demand.

The contributor states that the number of housing allocation is too few due to the inclusion of constrained units in the housing supply calculations in the early years of the Plan. However this is not the case, it is a proportion of the overall supply and not all sites are constrained due to marketability constraints may have infrastructure issues. In relation to the comments on the reliance on windfall sites, it is accepted by Scottish Planning Policy 2014 (Core Document 026, paragraph 117) and PAN 2/2010: Affordable Housing and Housing Land Audits (Core Document 034, paragraph 62) that windfall development can contribute to meeting the housing land requirement once planning permissions has been granted for residential development.

The contributor also makes comment on sites becoming effective during the plan period, the Plan covers the period up to 2024 and there is no reason that land identified within the Plan should not become effective during this timescale.

462 Cranshaws, Ellemford and Longformacus Community Council

Comments noted. Smaller settlements are assessed as part of the plan process, particularly where potential opportunities are identified. Development that does occur within small settlements in the Borders tends to be infill development or development on small windfall sites. No sites were received in the Cranshaws, Ellemford and Longformacus area during the call for sites at the start of the Local Development Plan process.

485 Geddes Consulting

With regards to the Council not seeking comments from Homes for Scotland in relation to the Housing Land Audit, this is incorrect. Homes for Scotland are consulted throughout the audit process and their comments and those of its members are sought in advance of finalising the report. HfS have a history of non-attendance at Scottish Borders Council HLA Stakeholder meetings and despite being consulted at various stages of the process their most recent correspondence states they were unable to submit detailed site comments in relation to the audit (Supporting Document 080-1).

493 Crummock (Scotland) Ltd

Note: These comments should be cross referenced with the Schedule 4 for Issue 320.

West Linton is a small town located outwith the Western Strategic Development Area. The settlement has a generous established supply of 107 units however there are significant issues with infrastructure in the town. The road through West Linton (Main Street) has issues with congestion especially during peak times. The Council's Roads Planning Team cannot support further development within the settlement until a link road is established between Dreva Road and Station Road.

496 JS Crawford & Rural Renaissance

N.B It should be noted that submission 496 JS Crawford & Rural Renaissance is a previous submission relating to any earlier stage in the Plan and has not been updated. Therefore many of the references within the submission are out of date and out of context.

Regarding affordable housing not being taken into account. The HNDA which is used for the housing calculations for the plan includes affordable housing and market housing as shown in table 5.1.2 (Core Document 004, page 29).

The contributor's comments in relation to housing in the countryside these issues are covered by policies within the Plan relating to land supply and housing in the countryside.

The contributor's comments relating to the impact of the recession is not only an issue in the Borders but also within the UK and Europe. The existing land supply is considered generous in the context of current demand. Major infrastructure projects in the region including Borders Rail and the Berwick to Edinburgh rail link will help boost demand in the Borders.

The Borders Railway will serve large parts of the Central Housing Market Area; the Council has aspirations to extend the railway from Tweedbank through Hawick to Carlisle. This aspiration is noted in criterion (f) of Policy IS4 Transport Development and Infrastructure.

In summary the Plan satisfies the required housing land requirement contained within the Housing Need and Demand Assessment and the SESplan Supplementary Guidance. The Scottish Borders has a significant land supply which is capable of delivery during the period of the plan. Additional flexibility has been incorporated into the Plan through the allocation of redevelopment opportunities and potential longer term sites. It is therefore considered there is no justified reason to allocate further housing land within the Plan.

Reporter's conclusions:

Preliminary comments

1. The council and those parties who had submitted representations on housing land supply were asked, by means of further information requests (FIR 07 and FIR 08), to provide further information and clarification in regard to the matters raised in the unresolved representations. That led to a hearing session on housing land supply which was held on 30 April. A subsequent FIR (21) was issued to the council, and those parties who had participated in the hearing session were invited to comment on the council's response. In reaching my conclusions on this Issue, I have taken account of the unresolved representations, the council's response to those, the FIR exchanges and the matters discussed at the hearing session.

2. The council notes above that Appendix 2: *Meeting the Housing Land Requirement* has been revised (Core Document 017) to provide an updated housing land position in the Scottish Borders following finalisation of the SESplan Supplementary Guidance. Following the hearing session on housing land supply the council, at my request, submitted a further revision of Appendix 2 based on the 2014 housing land audit. I discuss the relevance of that further below.

Relationship of the proposed LDP with SESplan and Scottish Planning Policy

3. The SESplan Strategic Development Plan (SDP) was approved by Ministers in June 2013. In approving the SDP, Ministers made modifications to Policy 5: *Housing Land*. Policy 5 sets out a requirement for sufficient housing land to be allocated so as to enable 107,545 houses to be built across the SESplan area. The modifications included a

requirement to prepare supplementary guidance (SG) to provide further detailed guidance to local development plans (LDPs) in regard to how much of this housing land requirement should be met in each of the six council areas (including Scottish Borders) over the periods 2009-2019 and 2019-2024.

4. SESplan Supplementary Guidance on Housing Land was adopted as supplementary guidance and became part of the development plan in October 2014. It states at paragraph 1.2 that its purpose is to: "...provide detailed further information in support of SDP Policy 5 (Housing Land). The further information will provide direction for Local Development Plans (LDPs) as to how much of the overall housing land requirement should be met in each of the six member authority areas..."

5. Section 16(6) of the Act requires that local development plans falling within a strategic development plan area are consistent with the strategic development plan. That is said, in a number of representations, to be complicated in this case by the subsequent publication of the new SPP in June 2014. I find in principle on this matter that although I must take account of the revised SPP in considering the unresolved matters in this Issue, that cannot interfere with the Section 16(6) requirement of consistency. I shall consider the implications of that later in my conclusions on this topic.

Establishing the housing land requirement

6. How the proposed plan intends to provide a generous supply of housing land is set out at Appendix 2: *Meeting the housing land requirement*. The council explains, in its summary of responses in this issue, that Appendix 2 has been updated [CD017] "to provide an up to date position of housing land in the Scottish Borders following finalisation of the SESplan Supplementary Guidance." The council states that the SG Housing Land Technical Note [CD003] concludes, amongst other things, that there is a large established housing land supply within the LDP area, where effectiveness is limited only by market demand; there is a 5 year effective land supply; and the proposed plan provides additional housing allocations to meet the need for the Scottish Borders which is set out in the supplementary guidance.

7. That supplementary guidance states at paragraph 3.6 that LDPs must identify sufficient sites to accommodate the housing land requirements set out in Table 3.1. For the Scottish Borders, those requirements are 9,650 units in the period 2009-2019 and 3,280 units in the period 2019-2024.

8. The updated Appendix 2 states at paragraph 3.7 that the SESplan SG requirement for the Scottish Borders of 9,650 units in the period 2009-2019 and 3,280 units in the period 2019-2024 is significantly in excess of the 'robust and credible' requirement set in the SESplan HNDA. I agree that over the period 2009-2024 this equates to 48% in excess of the HNDA requirement. I note, however, that this includes a contribution towards meeting the Edinburgh housing land requirement which, due to stated constraints, is not able to be met there.

9. Paragraph 3.8 of the SESplan SG states that the extent to which sites already identified for housing remain capable of delivering completions by 2024 is to be re-assessed in LDPs. Additional housing land may need to be identified, depending on the outcome of that re-assessment. Table 3.2 indicates the potential contribution which each strategic development area (SDA) could make towards meeting the housing requirement, together with an indication of the number of additional units which may need to be

allocated outwith the SDAs. For the proposed plan area the relevant allowances are:

Eastern Borders:	160
Central Borders:	290
Western Borders:	110
Outwith SDAs:	80
Total:	640

10. The council confirmed at the hearing session that the allowance of 640 units is part of, or contributes towards, the SESplan additional need for 24,338 units over all SESplan LDPs. I agree with that position.

11. The SG advises that these allowances require to be assessed in the LDP to ensure that the requirements of SPP paragraph 113 are met. I consider this matter further below, specifically in regard to which version of the housing land audit ought to be used to quantify the current supply position.

12. Paragraph 4.1 of the Appendix 2 Update states that the most significant contribution to meeting the SESplan requirement is expected to be met from the existing supply and windfall. The Housing Land Audit (2012) shows an established supply of 9540 units, 3816 of which is said to be effective in years 1-5. Although the council states the HLA to have been carried out in accordance with PAN 2/2010, Homes for Scotland states that the HLA was not agreed with it and that there can be no confidence in its conclusions.

13. It was agreed by the parties participating in the hearing session that recent good progress has been made between the council and the house-building industry in discussing and seeking to agree the most recent iteration of the HLA. I note in any event that, under this Issue, there is no specific criticism of the effectiveness of individual sites contained in the HLA. The appropriateness of individual sites has, however, been considered in the relevant Volume 2 Issues. Our conclusions on those sites, and on those suggested for inclusion in or deletion from the plan, are set out below under 'Quantifying the housing land supply' below.

14. Table 5 of the Appendix 2 Update purports to demonstrate how the Scottish Borders contribution to the SESplan requirement is to be met. This shows a total contribution of 12,223 units (including a windfall assumption) to 2032 and including additional potential beyond that. To that is to be added completions of 1,243 units (2009-2012) and 240 assumed demolitions are to be subtracted. Paragraph 4.6 states that to result in an overall potential contribution of 13226 to 2024. That is to be compared to the SESplan requirement of 12,930 set out at Table 3.1 of the SESplan SG.

15. However, Homes for Scotland and others contend that paragraph 116 of the revised SPP is relevant: "Within the overall housing supply target, plans should indicate the number of new homes to be built over the plan period. This figure should be increased by a margin of 10 to 20% to establish the housing land requirement, in order to ensure that a generous supply of land for housing is provided."

16. A 20% margin for generosity, advocated in representations, would increase the SESplan SG housing land requirement for the plan area by 2,586 units. SESplan SG does not appear to me to envisage the addition of such a margin at LDP stage. Paragraph 3.10 states that analysis undertaken in preparation of the SG suggests the level of additional sites needed to meet the housing land requirement in the SBC LDP to

be 640 units, which the proposed plan does.

17. I note also in this regard that the SESplan SG was cleared by Ministers on 18 June 2014 and adopted by the SESplan SDPA on 28 October 2014; the revised SPP was published on 23 June.

18. Taking all of the above into account I conclude that it would not be appropriate to recommend that a further allowance for generosity be added to the housing land requirement.

19. Scottish Planning Policy (SPP) requires at paragraph 119 that: “Local development plans in city regions should allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption. They should provide for a minimum of 5 years effective land supply at all times. In allocating sites, planning authorities should be confident that land can be brought forward for development within the plan period and that the range of sites allocated will enable the housing supply target to be met.”

20. The council appears to accept, and has amended the revised version of Appendix 2 to reflect, the SPP expectation that the plan must meet the housing land requirement up to year 10 of the assumed date of adoption in 2015. Even had the council not made this concession, I would have recommended that the plan be modified accordingly.

Whether Appendix 2 ought to be based on the 2012 or 2014 Housing Land Audit

21. In its response to FIR 07, the council advised that the original version of Appendix 2 contained in the proposed plan was based on the 2012 Housing Land Audit (HLA), as “this was the most recent audit available during the production of the LDP”. The Appendix 2 Update was revised to include a Section B (monitoring the Effective Supply) to take account of the 2013 HLA. Prior to the hearing session on this Issue, the 2014 HLA was published. Following discussion on this at the hearing, I requested (FIR 021) that the council submit a further revision of Appendix 2 based on the 2014 HLA.

22. I have noted above that Paragraph 3.8 of the SESplan SG states that the extent to which sites already identified for housing remain capable of delivering completions by 2024 is to be re-assessed in LDPs. That paragraph goes on to state that: “Any changes in this figure will have implications for the amount of additional housing land needed. Where necessary, alternative housing sites will need to be allocated.”

23. I conclude from this that the SESplan SG clearly envisages a re-assessment of the housing land supply position during preparation of each of the constituent LDPs. On that basis I consider it entirely appropriate that Appendix 2 be based on the most up-to-date figures available, in this case the 2014 Housing Land Audit.

24. In reaching this conclusion I note the council’s strong contention that, as the SESplan SG was produced on a 2012 base, it is important that the SG and LDP are aligned. I cannot reconcile that with the provisions of paragraph 3.8 of the SESplan SG. I note also the council’s reference to the likely reduction in future housing land requirement which appears to be emerging from HNDA2. I am in no doubt, however, that the plan ought to be consistent with the currently approved version of SESplan and its supplementary guidance.

Whether a percentage of the effective supply ought to be discounted

25. Homes for Scotland and others have not undertaken a line by line critique of sites comprising the established supply. Instead they rely on an analysis of completions measured against the effective supply set out in the council's housing land audits over the 4 year period 2006-09. Based on that it is contended that no more than 65% of the council's anticipated contribution from the effective supply should be relied upon.

26. The time period relied upon by Homes for Scotland and others in this regard covers a period when, for wider economic reasons, activity within the house building sector contracted considerably. There is more recent evidence of an increase in activity which suggests strongly to me that the low levels of activity experienced over the period 2006-09 should not be relied on to forecast activity over the plan period. In any event, I can find nothing in national planning policy or advice, nor in SESplan or its supplementary guidance, which could be construed to advocate such a blunt-edged approach. I have, however, adjusted the supply (in table 8 of Appendix 2) to take account of those sites being recommended either for deletion or addition in the site specific Issues. These are set out below; it is important to note that the site capacities and phasing are notional and will stand to be re-assessed in the development management process and when the housing land audit is next reviewed.

Issue	Site ref	Settlement	2014-2019		2019-2025	
			Loss	Gain	Loss	Gain
112	EM35D	Darnick	4			
128	EEA101	Earlston			20	
129	EEA200	Earlston			15	
164	AGALA027	Galashiels	<i>(20) not in 2014 HLA</i>			
165	AGALA029	Galashiels (Abbotsford)	<i>(45) not in 2014 HLA</i>			
253	ENT22	Newton St. Boswells				40
269	APEEB044/ MPEEB006	Peebles		20		80
293	ESE119	Selkirk			19	
88	SRB5B	Bonchester Bridge			15	
310	ASTOW027	Stow		12		
113	ADOLP003	Dolphinton		5		
248	ANEWC010	Newcatleton	5		45	
Totals:			9	37	114	120

Whether to take the constrained supply into account

27. Homes for Scotland and others argue that sites identified as constrained rather than effective can't be expected to contribute to the supply during the plan period.

28. The council states that these sites are constrained largely due to market conditions or infrastructure considerations. Those sites were assessed at SESplan SG stage and again recently and there is no reason to believe the sites will not come forward during the plan period, provided that market conditions improve. As the constrained sites were

included in the SG Technical Note calculations, it follows that their potential contribution has been recognised by Ministers.

29. In this regard I note that Homes for Scotland recognised, in its letter to the council of 30 January 2014, the weakness of the local market, and advised that local house builders were then constructing new houses at a rate of about 20% compared to the height of the market. I acknowledge that Homes for Scotland and others argue that the solution is to add more marketable (rather than constrained) sites to the supply. On balance, I do not consider that it would be justified to discount such sites in their entirety from contributing to the supply. As the council states, they have recently been assessed for potential effectiveness during the plan period. I also note that paragraph 55 of PAN 2/2010: *Affordable Housing and Housing Land Audits* refers to sites which “can” contribute to the housing land requirement. I accept generally that many of the sites in the constrained supply are constrained only or largely by the weak market and see no merit in adding further to the supply for that reason. We have, however, recommended that sites be deleted from the plan where specific constraints indicate that development is unlikely to or ought not to proceed.

Other matters

30. I accept the council’s position that the detail and programming of individual sites is best set out in the Housing Land Audit. Inclusion of such information in the plan would result in an unwieldy document that would quickly become outdated.

31. The contribution of windfall sites to the supply has not been challenged as a principle; nor do I have any evidence to suggest that the council’s windfall projections are unrealistic. I note that certain settlements, such as Peebles, are said to feel under pressure from the volume of windfall development coming forward. Such development is, however, a recognised feature of the planning system and paragraph 117 of Scottish Planning Policy recognises the contribution which such sites can make to the housing land supply. The proposed development of windfall sites does, however, stand to be assessed against the wider policies of the plan, which seek to ensure that development can be appropriately accommodated within the host settlement.

32. I note also that the wider policies of the plan provide for a scale of development commensurate with even the smallest settlements. In addition, we have considered in the site specific Issues the acceptability or otherwise of sites being put forward for either addition or deletion.

33. A number of the representations include criticism of SESplan and its methodology, and suggest that this ought to be fixed in the proposed LDP. I find no merit in such suggestions as the LDP is required by Section 16(6) of the Act to be consistent with SESplan.

34. I acknowledge the general proposition that smaller sites with less prohibitive infrastructure costs are more likely, in the current state of the house-building industry, to be in a position to contribute to the supply early in the plan period. Where appropriate, we have taken that into account in considering site-specific Issues.

35. I find no other matters raised which would lead me to recommending that Appendix 2 be modified other than set out below.

Conclusion on whether the proposed plan meets the housing land requirement

36. Taking all of the above into account, together with the site-specific recommended modifications set out in this report and summarised in the table above, I conclude there to be a shortfall in meeting the housing land requirement in the order of 916 units. The relevant calculations are set out in my recommended modified version of Appendix 2, which is attached to this report as Annex A.

Options to address any shortfall in meeting the requirement

37. As I have concluded that there is a shortfall in meeting the housing land requirement as provided for in the proposed plan, I must now consider how that is to be addressed. I canvassed opinion on that, on a without prejudice basis, at the hearing session. The alternatives discussed were: bringing forward longer term housing sites as housing proposal sites in the plan; and/ or requiring the council to prepare and adopt supplementary guidance to remedy the shortfall. We have of course, in our consideration of site-specific representations, borne the overall housing land supply position in mind when considering whether to recommend that sites be added to or deleted from the plan.

38. It seems to me, over and above those specific sites which we recommend ought to be allocated in the plan, that longer term housing sites ought to be the first port of call when looking to remedy the shortfall. These sites are already indicated in the plan and thereby have been subjected to a certain degree of assessment and public consultation. However, I agree generally with the contention at the hearing session that we should exercise caution when considering whether to recommend at this stage that certain of these sites be allocated as housing proposal sites. The council has confirmed that no neighbour notification has been carried out in regard to these often large-scale sites which will inevitably impact on the surrounding areas.

39. I consider rather that it would be more appropriate to require the council to prepare and adopt supplementary guidance aimed at redressing the shortfall in meeting the requirement. This would provide the council with an opportunity to undertake a detailed assessment of the environmental and other impacts of identifying additional housing sites, and would allow public consultation to be undertaken in that regard. I consider that the longer term housing and mixed use sites ought to be considered first in this process, but that should not preclude looking beyond those in the event that the shortfall cannot be met from those longer term sites considered to have acceptable impacts.

40. I have sympathy with the concern of some of those participating in the hearing session that it would not fully be in the spirit of the front-loading of the development planning system to introduce such significant change at this late stage in the process. That suggests that either the proposed plan ought to be abandoned, or alternatively, adopted as currently proposed. I cannot, however, ignore the requirement in Scottish Planning Policy (paragraph 119) that "Local development plans in city regions should allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption." I conclude that this tension can best be addressed by modifying the plan as set out below.

41. The council confirmed at the hearing session that there was no need, expressed in SESplan or elsewhere, to replace longer term sites being brought forward into the current supply. In these circumstances I consider it best left to the discretion of the council as to

whether to seek to replace those longer term sites as part of the supplementary guidance, or to leave that to the next review of the plan. That may depend, to some extent, on the rate of attrition to those longer term sites which results from adoption of the supplementary guidance.

42. In preparing the supplementary guidance, the council will require to assess the candidate sites against the criteria set out in SESplan Policy 7: *Maintaining a five year housing land supply*.

43. My recommended modifications require the preparation and adoption of supplementary guidance as described above. I also include recommended modifications to Appendix 2 in order to reflect our findings on the capacity of sites to contribute to meeting the requirement, together with additional modifications in the interests of consistency and to rationalise the supporting text.

Reporter’s recommendations:

I recommend that the following modifications be made:

1. Replace Appendix 2 in the proposed plan with the revised version attached as Annex A to this report.

2. Amend the title of Policy HD4 to “Policy HD4: Meeting the Housing Land Requirement/ Further Housing Land Safeguarding” and reflect that amended title wherever it appears throughout the plan.

3. Insert an additional paragraph (1.2) on page 81 of Volume 1 of the plan as follows:

“1.2 The examination of the proposed plan concluded that the proposed plan failed to adequately address the housing land requirement set out in SESplan and in its supplementary guidance on housing land. The council will, accordingly, within 12 months of adoption of this plan, prepare and submit to Scottish Ministers supplementary guidance in order to identify additional sites to provide for a further 916 units. The longer term housing and mixed use sites identified in the plan will be considered first, but that will not preclude looking beyond those in the event that the shortfall cannot be met from those sites considered to have acceptable impacts. In preparing the supplementary guidance, the council will assess the candidate sites against the criteria set out in SESplan Policy 7: *Maintaining a five year housing land supply*. The council will also consider whether, as part of that process, to seek to replace those longer term sites as part of the supplementary guidance, or to leave that to the next review of the plan.”

4. Add a second paragraph to the policy text box as follows:

“As the plan does not adequately address the housing land requirement set out in SESplan and its Supplementary Guidance on Housing Land, the council will prepare and adopt supplementary guidance in order to identify additional sites to provide for a further 916 units during the plan period.”

Reporter’s note: Annex A is based on the revised version of Appendix 2 submitted by the council in response to FIR 21.

Issue 081	Appendix 3: Supplementary Guidance and Standards	
Development plan reference:	Appendix 3 – Supplementary Guidance and Standards Transportation Standards Transport Assessments and Travel Plans for Development Sites	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
339 Scottish Government		
Provision of the development plan to which the issue relates:	Appendix 3 – Supplementary Guidance and Standards Transport Standards (page 167) Transportation Assessments and Travel Plans for Development Sites (168)	
Planning authority’s summary of the representation(s):		
<p><u>Appendix 3: Supplementary Guidance and Standards</u></p> <p><u>Transport Standards</u></p> <p>The following should be added to clarify trunk road requirements: <i>Where an access is proposed to be taken from a trunk road, the proposals should be discussed at an early stage with Transport Scotland regarding advice standards and procedures and, in general, comply with the Design Manual for Roads and Bridges.</i></p> <p><u>Appendix 3: Supplementary Guidance and Standards</u></p> <p><u>Transport Assessments and Travel Plans for Development Sites</u></p> <p>The following text should be added to clarify trunk road requirements: <i>Developments which impact upon the trunk road may have different requirements for the TA and developers should contact Transport Scotland for further advice.</i></p>		
Modifications sought by those submitting representations:		
<p><u>Appendix 3: Supplementary Guidance and Standards</u></p> <p><u>Transport Standards</u></p> <p>The following should be added to clarify trunk road requirements: <i>Where an access is proposed to be taken from a trunk road, the proposals should be discussed at an early stage with Transport Scotland regarding advice standards and procedures and, in general, comply with the Design Manual for Roads and Bridges.</i></p>		

<p><u>Appendix 3: Supplementary Guidance and Standards</u></p> <p><u>Transport Assessments and Travel Plans for Development Sites</u></p> <p>The following text should be added to clarify trunk road requirements: <i>Developments which impact upon the trunk road may have different requirements for the TA and developers should contact Transport Scotland for further advice.</i></p>
<p>Summary of responses (including reasons) by planning authority:</p>
<p>THE PROPOSED CHANGES AS REQUESTED ARE CONSIDERED NON-SIGNIFICANT CHANGES ACCEPTABLE TO THE COUNCIL</p> <p>REASONS</p> <p>Appendix 3 is not an all encompassing part of the Plan which covers every strand of what is considered to be good planning practice and advice. However, in this instance as a point of further clarification the Council agrees that both amendments can be incorporated within Appendix 3 of the proposed Plan as requested and described.</p>
<p>Reporter's conclusions:</p>
<p>1. Appendix 3 deals with supplementary guidance and standards, including sections on transportation standards, and transport assessments and travel plans for development sites. The 2 sections provide some guidance on the approach to be taken to transportation standards, transport assessments and travel plans, and the text builds on guidance previously provided in appendix D in the adopted 2008 Scottish Borders Local Plan and the 2011 Scottish Borders Consolidated Local Plan.</p> <p>2. In essence, the representation seeks minor changes to the wording of the 2 sections. The revised wording is acceptable because it helpfully clarifies, and provides appropriate, brief guidance on the role of Transport Scotland in relation to trunk road requirements. The planning authority accepts the proposed changes.</p> <p>3. Overall, adjustments are required to the proposed plan.</p>
<p>Reporter's recommendations:</p>
<p>I recommend that the following modifications be made:</p> <p>1. On page 167 of Volume 1 Policies, adjust the final paragraph of the section on transportation standards so that it reads:</p> <p><i>“The council has published a guide to the design and construction of roads for adoption known as “Standards for Development Roads.” This document may be modified during the local plan period to reflect emerging policies and best practice. Therefore, it is important to discuss the precise details of any proposal with the Roads Planning Service prior to lodging a planning application. Where an access is proposed to be taken from a trunk road, the proposals should be discussed at an early stage with Transport Scotland regarding advice standards and procedures and, in general, comply with the Design Manual for Roads and Bridges.”</i></p>

2. On page 168 of Volume 1 Policies, adjust the paragraph of the section on transportation assessments and travel plans for development sites so that it reads:

“Significant travel generating developments will require the submission of a transport assessment (TA). A transport assessment aims to provide information on how a proposed development is likely to function in transport terms with emphasis on sustainable travel patterns. In 2005, the Government published a guide on transport assessments for development proposals, including indicative threshold levels for transport assessment requirements, entitled “Transport Assessment and Implementation: A Guide.” As a guide for housing proposals, the council is likely to request a transport assessment for developments in excess of 25 dwelling units. As a matter of course, a transport assessment will be requested for developments in excess of 50 units. The developer will be expected to pay for or contribute towards the cost of identified off site roadwork required as a result of their development and/or the cumulative effect of overall development. Certain types of significant travel generating retail and business developments will bring about the need for a travel plan as a part of the planning/transport assessment process. Developments which impact upon the trunk road may have different requirements for the transport assessment and developers should contact Transport Scotland for further advice.”

Issue 082	Appendix 3: Supplementary Guidance and Standards	
Development plan reference:	Appendix 3 – Supplementary Guidance and Standards Transportation Standards – Transport Assessments and Travel Plans for Development Sites	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
487 Network Rail		
Provision of the development plan to which the issue relates:	Appendix 3 – Supplementary Guidance and Standards Transportation Standards (Page 167) Transport Assessments and Travel Plans for Development (Page 168)	
Planning authority's summary of the representation(s):		
<p>The contributor states that experience suggests that Transport Assessments (TAs) are mainly concerned with the road network and issues relating to the wider rail network, including level crossings are often neglected. The contributor suggests the following wording should be included in the document (page 168 – Transport Assessment and Travel Plans for Development)</p> <p>Transport assessments should assess and address the effects the development will have on railway infrastructure; including stations and any crossings (noting that any new at-grade crossings will not be supported).</p> <p>The contributor also suggested a further amendment to the text as follows:</p> <p>The developer will be expected to pay for or contribute towards the cost of identified off-site roadwork (including any grade separated crossing of the railway network) required as a result of their development and/or the cumulative effect of overall development.</p>		
Modifications sought by those submitting representations:		
The text associated with Transport Assessments and Travel Plans for Development Sites to be modified to include rail related issues.		
Summary of responses (including reasons) by planning authority:		
<p>N0 CHANGE TO PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>The proposed Local Development Plan indicates that significant travel generating developments will require the submission of a Transport Assessment, with an emphasis on producing sustainable travel patterns. The information provided by the contributor is specifically detailed in relation to rail travel and these specific issues will be covered in the development of a proposal by the Transport Assessment.</p>		

Therefore it is submitted that there should be no change to the Proposed Development Plan.

Reporter's conclusions:

1. Appendix 3 deals with supplementary guidance and standards, including a section on transport assessments and travel plans for development sites, which provides some guidance on the approach to be taken to these matters. The text builds on guidance previously provided in appendix D in the adopted 2008 Scottish Borders Local Plan and the 2011 Scottish Borders Consolidated Local Plan.

2. In essence, the representation seeks a change to the wording to ensure that better account is taken of the impact of proposals on rail infrastructure, and that contributions are sought for grade separated crossings. I note that the section, in referring to the aims of a transport assessment, does not focus on one mode of travel but discusses how a development is likely to function in transport terms with the emphasis on sustainable travel patterns. The text in this section therefore covers all modes of transport, including railways. The section also does not aim to provide fully detailed guidance. Instead, it reasonably offers brief guidance, highlighting the main general points regarding transport assessments. In the circumstances, I am not persuaded that it is necessary to make an explicit reference to the impact of development proposals on the railway network in the text of this section, or to seek contributions for grade separated crossings.

3. Overall, no adjustment is required to the proposed plan.

Reporter's recommendations:

No modifications.

Issue 085	Housing within the Central Strategic Development Area: Ashkirk (EA200 – Cransfield)	
Development plan reference:	Ashkirk Settlement Profile and Map (pages 200 – 202) EA200 – Cransfield	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
426 N Lambert 447 Lilliesleaf, Ashkirk and Midlem Community Council		
Provision of the development plan to which the issue relates:	Volume 2 Settlement Profiles, Ashkirk, Housing allocation EA200-Cransfield	
Planning authority's summary of the representation(s):		
<p><u>426 N Lambert</u></p> <p>The Contributor objects to the allocation of this land for housing. Additional housing is not required in Ashkirk as there are currently 7 undeveloped plots in the village. There is no local shop or school and limited employment opportunities. Development of the site will over look the contributor's house, lead to a loss of privacy, will have an adverse visual impact and will lower the value of the contributor's property. This contradicts Policy HD3 – Protection of Residential Amenity. Areas for future housing development would be better located north of Selkirk closer to the new railway terminus.</p> <p>The site should not be identified due to the surplus of housing sites in the borders, lack of interest in existing plots in Ashkirk and the negative impacts on the local economy.</p> <p><u>447 Lilliesleaf, Ashkirk and Midlem Community Council</u></p> <p>Lilliesleaf, Ashkirk and Midlem Community Council are content with proposals.</p>		
Modifications sought by those submitting representations:		
<u>426 N Lambert</u> - The Contributor seeks the removal of housing allocation EA200 - Cransfield from the Local Development Plan.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p><u>426 N Lambert</u> - It is noted that the issue was not raised in the preparation of the Main Issues Report (MIR) nor during the MIR consultation period.</p> <p>Ashkirk is located within the Central Strategic Development Area as set out by the</p>		

SESplan Strategic Development Plan (SDP). The Core Document 017 shows that the Proposed LDP meets the provisions of the SESplan SDP and its associated Supplementary Guidance in providing land to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and out with Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy. In addition Core Document 017 states the Proposed LDP provides substantial flexibility in the form of identified redevelopment sites and sites with potential for longer term development. It is considered that EA200 provides part of the housing land requirement as identified by SESplan and its associated Supplementary Guidance and that as a result it should be continued in the Local Development Plan.

EA200 was first allocated in the 2008 Local Plan by the independent Reporter at the Local Plan Inquiry and it is considered that there is no planning reason to discontinue the allocation between the Local Plan and the Local Development Plan.

It is noted that there has been an outline planning application at the site and that as a part of the determination of this application, or a future application, that the issues to do with overlooking, privacy and visual impact from the objector's property would be examined.

As a result of the discussion above it is considered that there should be no change to the settlement profile in the Local Development Plan from that proposed.

Reporter's conclusions:

1. The Lilliesleaf, Ashkirk and Midlem Community Council representation is not an unresolved issue and therefore did not require to be brought to the examination.
2. The settlement profile identifies "some opportunities" for small-scale infill within the settlement boundary. Indeed, Mr Lambert draws attention to several available plots for house building either within Ashkirk or within close proximity of the village. I accept that these opportunities would allow a level of development commensurate to the small size of Ashkirk, described as a village "with no local shop or school".
3. Proposed site EA200, Cransfield, has a specified site capacity of 12 houses which, in the context of Ashkirk, represents a significant expansion. However, the wider housing land position has been considered under Issues 49 and 80. It has been concluded that the housing land allocations in the local development plan fall short of what is required. Insofar as site EA200 is currently designated for residential development, I believe the circumstances justify the retention of this allocation.
4. Careful design would be necessary as the site does not represent the natural growth of the settlement. Similarly, reference is made to the impact on views and whilst this is not normally a planning consideration, a sensitive approach would be required to ensure that any impact on existing property could be confined to acceptable levels. The development management process would enable relevant controls to be applied.

Reporter's recommendations:

No modifications.

Issue 086	Housing within the Eastern Strategic Development Area: Ayton (AAYTO003- Lawfield)	
Development plan reference:	Ayton Settlement Profile and Map (pages 203 - 205) AAYTO003- Lawfield	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
357 SEPA		
Provision of the development plan to which the issue relates:	Ayton Settlement Profile, Development and Safeguarding Proposals (AAYTO003- Lawfield)	
Planning authority's summary of the representation(s):		
<p>State that they require a Flood Risk Assessment from the small watercourse flowing through the site. State majority of the site is likely to be developable.</p> <p>The contributor requests an additional requirement should be included to help contribute to the objectives of the River Basin Management Plan (RBMP).</p>		
Modifications sought by those submitting representations:		
<p>Add requirement for Flood Risk Assessment and to help contribute to the objectives of the RBMP to the site requirements for AAYTO003</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the</p>		

requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

In addition, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area.

Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

This site may be at risk during a 1 in 200 year pluvial flood event. It would either be required that a pluvial flood risk assessment be required at this site or that surface water runoff be taken into consideration at the site.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policies EP15 and IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. This housing proposal site remains as yet undeveloped. The council does not advise that planning permission is in place for its development.
2. SEPA advises that although the majority of the site is likely to be developable, a flood risk assessment is required to consider the implications for development of the minor watercourse which runs through the site. There are 8 site requirements relevant to development of this site listed on page 204 of the proposed plan. None of these refer to any need to assess flooding risk or even take account of the presence of the watercourse. I acknowledge the council’s contention that this matter is capable of being satisfactorily addressed by the wider policies of the plan, and in particular by Policy IS8: *Flooding*.
3. Potential developers of the site would, however, be entitled to rely on the otherwise very detailed site requirements already set out, some of which could be fairly described as being less crucial to development of the site than the potential for flooding.
4. It is disappointing that this matter was not resolved between SEPA and the council at main issues report stage. That said, I conclude that the plan would be insufficient in failing to include this matter as a site requirement, in the circumstances set out above.
5. SEPA contends that the development of the site would provide an opportunity to contribute to the objectives of the River Basin Management Plan. I note, however, that

Policy EP15: *Development Affecting the Water Environment* provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. I conclude that the terms of Policy EP15 provide a sufficient basis for development management of this site in respect of the wider water environment and that a specific site requirement to this effect is not necessary.

Reporter's recommendations:

I recommend that the following modification be made:

1. Insert an additional site requirement for site AAYTO003 as follows:

“A flood risk assessment is required to inform the site layout, design and mitigation”

Issue 087	Housing within the Eastern Strategic Development Area: Ayton (AY1A- Beanburn)	
Development plan reference:	Ayton Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlements, Ayton, pages 203 to 205)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
374 Anne Lenz Young and Roderick Young		
Provision of the development plan to which the issue relates:	Ayton Settlement Profile, Development and Safeguarding Proposals (AY1A- Beanburn)	
Planning authority's summary of the representation(s):		
<p>Concerned Scottish Borders records are not accurate because the map on the letter received (an excerpt of the settlement profile map showing the allocated site AY1A) concerning the land their property is on (AY1A) does not show 4 houses that are on the site. State that they presume the indicative capacity therefore drops from 24 to 20</p>		
Modifications sought by those submitting representations:		
N/A		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE FROM THAT PRESENTED IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>The base map within the Ayton Settlement Profile (page 205) correctly identifies the site boundary and it is the case that the four houses referred to are within the brown shaded area.</p> <p>There is potential for more housing on the site and the indicative capacity does not change; however, with regards to existing housing, the Local Development Plan provides policy to protect residential amenity and to ensure high quality of design. In addition, the Council has relevant Supplementary Planning Guidance to help achieve high quality design.</p>		
Reporter's conclusions:		
<ol style="list-style-type: none"> 1. A site inspection confirms that there are 4 existing dwellings within the brown-shaded area denoting proposal AY1A on the Ayton proposals map. 2. Such a situation is common as the development of a housing sites progresses and there would be no practical reason, including for the owners or occupiers of those 		

dwellings, to adjust the proposal boundary as sought.

3. Nor do I have any evidence that would justify reducing the indicative site capacity from 24 units to 20 units. Such capacities included in the proposed plan are notional, and do not sanction development up to that level. The ultimate capacity of the site will stand to be considered under the development management process and in the context of wider plan policies and supplementary guidance designed, amongst other things, to protect the amenity of existing neighbouring dwellings.

Reporter's recommendations:

No modifications.

Issue 088	Housing outwith Strategic Development Areas: Bonchester Bridge (SRB5B – Caravan Site)	
Development plan reference:	Bonchester Bridge Settlement Profile and Map (pages 212 – 214) SRB5B (Caravan Site)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Housing Allocation SRB5B – Caravan Site	
Planning authority’s summary of the representation(s):		
The contributor seeks the removal of site due to flood risk from the Rule Water and modification to developer requirement to help contribute to the objectives of the River Basin Management Plan		
Modifications sought by those submitting representations:		
The contributor seeks the removal of the site on the grounds of flood risk.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE BONCHESTER BRIDGE SETTLEMENT PROFILE AND THE REMOVAL OF SITE SRB5B ON THE GROUNDS OF FLOOD RISK, HOWEVER, THE REPORTER IS REQUESTED TO CONSIDER THE MATTER FURTHER</p> <p>REASONS</p> <p>It is acknowledged that planning permission does not currently exist on this site although Outline Planning Permission was previously granted on this site for residential development with road layout in 2001 under planning consent 01/00798/OUT. This has now expired and the subsequent application for the approval of reserved matters (03/01218/REM) was withdrawn.</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to</p>		

ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

It is noted that SEPA do not object to the inclusion of the site within the Plan, but recommend that it should be removed. Therefore, whilst there is adequate policy protection in respect of this matter, the Council acknowledges that in the interests of clarity for developers and the public the site could be removed from the Plan.

The Council’s Flood Protection Officer advises that this site is at risk from pluvial flooding to a 1 in 200 year extent from both the river to the East and the small stream/drain to the West. A Flood Risk Assessment would be required and there is likelihood that there would be opposition to the development of this site in the event of a planning application being submitted.

However, the Council notes the provisions within paragraph 87 of Circular 6/2013 on Development Planning which state that “The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations.” In that respect the Council acknowledges that site SRB5B (Caravan Site) could be deleted from the Plan, and the Council would accept the Reporter’s decision on this matter.

Reporter’s conclusions:

1. The site is situated towards the northern end of Bonchester Bridge, on the eastern side of the A6088 and the B6357. There is some housing to the north and south, the Rule Water to the east, and a small stream to the west. The site extends to over 1 hectare, is of an irregular shape, and is low lying, sitting well below the level of the 2 roads. It is a brownfield, disused caravan site, and lies within the development boundary of the village.

2. The proposed allocation of the site for housing is a continuation of its housing designation in the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Consolidated Scottish Borders Local Plan. It has an indicative capacity of 10 houses (which is increased to 16 on a slightly larger site in the 2014 Housing Land Audit). The representation is mainly concerned about the potential for flooding on this site.

3. I note that outline planning permission was granted on site for housing in 2001, that the subsequent application for approval of reserved matters was withdrawn, and that the permission has now expired. A flood risk assessment had been undertaken for the site in 2002, but the Scottish Environment Protection Agency had concerns about the methodology it used, and the options recommended to protect the site. Both the Scottish Environment Protection Agency and the council’s flood protection officer have concerns about flood risk on site. The former indicates that the site is at medium to high risk of flooding, and that it would be unable to support development irrespective of the embankment or land raising that may be proposed because of the potential for flooding,

and the loss of floodplain storage and conveying capacity. It is of the clear view that the housing allocation should be removed from the proposed plan.

4. The site is in the established housing land supply, and I accept that, superficially, it is an attractive, logical site for housing because it is brownfield, adjacent to existing housing, and within the development boundary. However, the 2014 audit identifies the site as physically constrained and, in light of the above, I believe that this constraint is likely to remain in place, and that there is little potential for this housing site to become effective in the period of the proposed plan. I am not satisfied that either policy IS8 on flooding or a further flood risk assessment would be likely to resolve the concerns that have arisen. In the circumstances, I am of the view that the removal of the site from the plan would be justified.

5. Given my conclusions on this site, it is unnecessary for me to consider whether any development here should contribute to the objectives of the River Basin Management Plan. If such consideration had been required, I believe that policy EP15 (development affecting the water environment) provides adequate guidance on this matter, and that a further specific site requirement would not have been necessary. The supporting text for policy EP15 indicates that where appropriate the council will adhere to the sustainable management objectives set out in the river basin management plans covering the Borders, and that opportunities to enhance and restore the water environment in support of biodiversity are set out in supplementary guidance.

6. Overall, adjustments to the proposed plan are required as set out below.

Reporter's recommendations:

I recommend that the following modifications be made:

1. On page 214 of Volume 2 Settlements, delete housing allocation SRB5B (Caravan Site) from the settlement map.
2. On page 213 of Volume 2 Settlements, delete from the settlement profile, under the Development and Safeguarding Proposals section, the entry for housing allocation SRB5B (Caravan Site).
3. On pages 212-214 of Volume 2 Settlements, adjust the settlement profile and settlement map where necessary to take account of the deletion of housing allocation SRB5B (Caravan Site), including deleting the penultimate sentence of the second paragraph of the Place Making Considerations section.

Issue 089	Development within the Central Strategic Development Area: Bowden (New Sites: ABOWD008 – Bothendene House II; ABOWD009 – South of Morven II; ABOWD010 – South of Cross II); (amendment of settlement boundary to take account of land west of Quarry Green)	
Development plan reference:	Bowden Settlement Profile (Proposed Local Development Plan, Volume 2 Settlement Profiles, pages 215 -217)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
234 Boyd Farming 468 Maxwell		
Provision of the development plan to which the issue relates:	Volume 2 Settlement Profiles, Bowden	
Planning authority's summary of the representation(s):		
<p><u>234 Boyd Farming</u></p> <p>The Contributor requests new sites on the edge of Bowden are allocated for housing and that the settlement boundary is amended as a result. Concerns have been expressed that the Plan, which looks to guide the development of Bowden, has not identified sites for development. The Spatial Strategy in the Proposed LDP gives priority to the Central, West & East HMA's. The Contributor does not challenge this but requests that there is recognition in the plan:</p> <p>A. That existing communities are given reasonable scope to develop and allow modest private housing to deliver AH; and</p> <p>B. That Bowden has a strong track record in house sales and can deliver private housing early.</p> <p>The settlement profile for Bowden states that “there is little scope for new development” yet the LDP does not allocate land for housing. The Contributor suggests that a modest development would help to sustain the community and avoid development embargo for 25 years. There is no private housing development proposed in Bowden and therefore no affordable housing over a 10 year period and no contributions towards the Borders railway project. The protection of green space within the village cannot be seen as a strategic vision for creating a sustainable community.</p> <p><u>468 Maxwell</u></p> <p>The settlement boundary at Bowden should be amended to take account of the decision to grant planning permission (08/00088/OUT). This development is deliverable and the owner is keen to see it move forward in the short to medium term.</p>		
Modifications sought by those submitting representations:		
<p><u>234 Boyd Farming</u></p> <p>The contributor seeks a modification of the settlement profile to include sites ABOWD008,</p>		

ABOWD009 and ABOWD010 as housing allocations.

468 Maxwell

The contributor seeks a modification of the settlement boundary to include the site west of Quarry Green, Bowden which has a 'minded to approve' decision.

Summary of responses (including reasons) by planning authority:

NO MODIFICATION OF THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED

REASONS

234 Boyd Farming

Bowden is located within the Central Strategic Development Area set out by the SESplan Strategic Development Plan (SDP). The Core Document 017 shows that the Proposed LDP meets the provisions of the SESplan SDP and its associated Supplementary Guidance in providing land to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and out with Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year land supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy. In addition Core Document 017 states that the Proposed LDP provides substantial flexibility in the form of identified redevelopment sites and sites with potential for longer term development. As a result it is not considered that any housing land is required at Bowden.

It is noted that three similar sites were put forward at the Main Issues Report (MIR) Expressions of Interest stage but were not carried forward. ABOWD008 is around half the area of a proposed MIR site ABOWD005; ABOWD009 extends less to the south but further to the east than the area of a proposed MIR site ABOWD007; and ABOWD010 is slightly smaller in area than a proposed MIR site ABOWD006.

The three proposed MIR sites were all assessed with the conclusion that they were not suitable to be included within the Main Issues Report as either preferred or alternative options. Supporting Documents 089-1, 089-2 and 089-3 show the site assessments undertaken, for each site it was concluded that the sites were unsuitable because there was limited access to local services and facilities given the distance to neighbouring settlements; that development would change the character of the settlement by breaching the natural boundary of the rural setting, particularly at ABOWD010 which is within the Conservation Area, and at ABOWD009 which is a gateway site into the village; that there would be an adverse impact on the setting of the Eildon and Leaderfoot National Scenic Area; and that there were varying degrees of roads access issues, with ABOWD010 and ABOWD009, in particular, not supported by Roads Planning officers.

468 Maxwell

It is noted that the site has outline planning permission but that the necessary conditions under the legal agreement have not been met and that as a result the 3 affordable housing units have not been built. It is only considered appropriate to amend the settlement boundary once the 3 units have been built, this could occur in a future Local

Development Plan.

As a result of the discussion above it is not considered there should be any changes to the settlement profile in the Local Development Plan from that proposed.

Reporter's conclusions:

1. Housing land in a wider context has been considered under Issues 49 and 80 of this examination where it is concluded the housing land designations in the local development plan are likely to fall short of the required allocations.

2. I can accept that the lack of identified development opportunities over the longer term in Bowden could lead to concern that the village could become moribund. However, the village is a compact, generally linear settlement with an attractive character, much of which is designated as a conservation area. My impression is that Bowden is a generally well-cared for and well-maintained village, the character of which is worthy of retention. In turn, I do not believe that there is a clear argument that additional housing is required to bring about improvements to the established character. Similarly, there is no indication that social or community benefits would result from further development.

3. Despite the foregoing conclusion, it is necessary to assess the three sites put forward by Boyd Farming for residential development. In undertaking my consideration of the sites I have had regard to the assessments previously prepared by the council. Generally, I agree with the assessments and concur with the opinion that development of each of the sites would have an adverse impact on the Eildon and Leaderfoot National Scenic Area. The impacts would be relatively localised for sites ABOWD009 and ABOWD010. However, there would be a more significant effect at site ABOWD008 with its aspect towards the Eildon Hills.

4. I believe site ABOWD010 would extend the village in an unacceptable form, breaching the clear and established boundary at a prominent location and disturbing the linear grain of Bowden. Access would not be ideal along a single-track road.

5. Site ABOWD009 would also have the capacity to conflict with the grain and destroy the established boundary. Impact at this location would be exacerbated as the site lies at a prominent entrance to the village.

6. Site ABOWD008 would not have a direct visual impact on the linear form which characterises Bowden but, as stated, it is located in a sensitive position with an open aspect to the Eildon Hills. In extending the boundary northwards, development here would be at a higher elevation than the existing housing in this vicinity. An extension at this point would not reflect the linear form of the village.

7. Notwithstanding the wider housing land assessment, taking into account the National Scenic Area, the landscape setting of the village, the essential linear form of Bowden and the characteristics of each of the three sites, I conclude that none justifies a boundary extension or residential allocation. Furthermore, in my opinion, the development of any of the sites would not accord with the "place-making" principles set out in Scottish Planning Policy.

8. Despite the concern that no development is proposed at Bowden, the council explains that a small site at the west end of the village has the benefit of outline planning

permission (now known as “planning permission in principle”) for three affordable houses. Permission was granted in accordance with policy in respect of affordable houses. I note the permission is subject to a legal agreement to secure the provision and phasing of the development in relation to residential development at Faughill Farm, Bowden, and the provision and long-term maintenance of landscaping. The site is currently part of a field and it could not have been anticipated that planning permission would have been granted for mainstream houses.

9. Irrespective of the settlement boundary, the construction of three affordable houses could proceed in terms of the planning permission provided the requirements of any conditions and the legal agreement are fulfilled. Whilst the affordable houses remain to be built, it would not be appropriate to extend the village boundary to include this agricultural land. Any such extension would appear to be contrived and would not be justified in the context of existing land uses. In turn, as argued by the council, once the affordable houses are constructed, the boundary could be adjusted at the time of a future review.

Reporter’s recommendations:

No modifications.

Issue 090	Business and Industrial Safeguarding outwith Strategic Development Areas: Broughton (zEL43 – Former Station Yard)	
Development plan reference:	Broughton Settlement Profile and Map, Site zEL43 – Former Station Yard	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>357 Scottish Environment Protection Agency 383 Lieutenant Colonel N D Morrison OBE JP FCMI</p>		
Provision of the development plan to which the issue relates:	Broughton Business and Industrial Safeguarding	
Planning authority's summary of the representation(s):		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor states that whilst they would support similar/less sensitive development of this site in line with their land use vulnerability guidance they would not support residential development at this site. They continue stating that they would require a flood risk assessment to assess the risk from the Biggar Water and small watercourse which flows along the perimeter of the site. They would require evidence to show that there would be no increase in flood risk elsewhere to enable development. Consideration would need to be given to bridge and culvert structures near to the site. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues at this site. This should be investigated further and it is recommended that contact is made with the Council's flood prevention officer.</p> <p><u>383 Lieutenant Colonel N D Morrison OBE JP FCMI</u></p> <p>The contributor states that they do not object to the allocation of site zEL43 however, they do seek that the north eastern part of the site is removed from the allocation, stating that this section of the site is frequently subject to flooding.</p>		
Modifications sought by those submitting representations:		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor seeks that no residential development takes place on the site; and the requirement for a flood risk assessment is added to the list of site requirements to ensure that there would be no increase in flood risk elsewhere to enable development, consideration would need to be given to bridge and culvert structures near to the site.</p> <p><u>383 Lieutenant Colonel N D Morrison OBE JP FCMI</u></p> <p>The contributor seeks removal of the north eastern part of site zEL43 from the Plan.</p>		

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE BUSINESS AND INDUSTRIAL SAFEGUARDING ALLOCATION HOWEVER, THE REPORTER IS REQUESTED TO CONSIDER THE MATTER FURTHER

REASONS

This site is a safeguarded employment allocation within the Consolidated Local Plan 2011. It is noted that the SEPA flood risk map identifies the area at risk of flooding. It is recommended that no change to the Business and Industrial Allocation as set out in the Proposed Local Development Plan should be undertaken.

It is noted that the respondents did not respond on this matter to the Main Issues Report (MIR) (refer to Core Document 076 for SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 *“the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.”* Furthermore, paragraph 4.3 states *“This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”*. With regard to contributor 357, this information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed Local Development Plan makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that *“Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”*

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor 357 proposal or the removal of the north eastern part of the site as suggested by contributor 383 is not necessary.

However, the Council notes the provisions within paragraph 87 of Circular 6/2013 on Development Planning (refer to Core Document 031) which state that *“The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations.”* In that respect the Council acknowledges that the north eastern part of site zEL43 could be removed from the Plan, and the Council would accept the Reporter’s decision on this matter.

Reporter’s conclusions:

1. The site is situated at the southern end of Broughton, on the western side of the A701. There are low lying, open agricultural fields to the north and west, and a few houses and a minor road to the south. The site extends to around 2 hectares, and it

straddles the Biggar Water. There also appears to be another small watercourse by the southern boundary. A brewery (Broughton Ales) and a separate yard area occupy the greatest part of the site. The north eastern part of the site is undeveloped, forming part of the agricultural ground to the north.

2. The allocation of the site for business and industrial safeguarding in the proposed plan is a continuation of its employment land safeguarding in the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Consolidated Scottish Borders Local Plan. The representations are concerned about flooding at this location.

3. The site is shown as being in the 1:200 year River Flood area on the Scottish Environment Protection Agency's Flood Maps. The Scottish Environment Protection Agency does not support the residential development of the site. It would require a flood risk assessment to be prepared if a development proposal came forward. The planning authority does not object to the request in the other representation that the north eastern part of the site could be removed from the allocation. Given that this area is very low lying and that the representation highlights that it is subject to regular flooding, I consider this to be a reasonable and prudent course of action. The balance of the site is largely already developed and, as the allocation in the proposed plan seems to be mainly a safeguarding one for existing industrial uses, I do not consider that it is necessary to add a specific site requirement for a flood risk assessment. I consider that any future development proposal that comes forward on this part of the site can be assessed quite satisfactorily in relation to flooding issues within the context provided by policy IS8 (flooding) of the proposed plan.

4. Overall, adjustments are required to the proposed plan as set out below.

Reporter's recommendations:

I recommend that the following modifications be made:

1. On page 221 of Volume 2 Settlements, the settlement plan for Broughton should be adjusted by deleting the north eastern part of the business and industrial safeguarding allocation at zEL43, in line with the plan submitted by the council on 31 March 2015, in response to further information request 19, which showed this change.

2. On pages 218-220 of Volume 2 Settlements, adjust the settlement profile where necessary to take account of the deletion of the north eastern part of the business and industrial safeguarding allocation at zEL43, including revising the size given for this site in the tables under the Development and Safeguarding Proposals section.

Issue 091	Broughton Settlement Profile (Development Contribution Text)	
Development plan reference:	Broughton Settlement Profile and Map, Development Contribution Text	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
419 John Wright		
Provision of the development plan to which the issue relates:	Development Contribution Text	
Planning authority's summary of the representation(s):		
<p>The Broughton Settlement Profile states that <i>“with regards to the Waste Water Treatment Works, Broughton has limited capacity. Contributions may be required where upgrades are necessary. In respect of the Local Water Network, developers may be required to contribute towards upgrading to enable development”</i>.</p> <p>Whilst the contributor states that they acknowledge that the Waste Water Treatments Works has limited capacity, they feel that the second sentence is incorrect and should be removed.</p> <p>Scottish Water is duty bound under the Water Scotland Act 1980 (Part 2, Section 6) to provide “a supply of wholesome water” for domestic purposes. Where an upgrade is required to the Waste Water Treatment Works, Scottish Water will instigate a growth project. It is fully accepted and acknowledged that developers require to contribute towards the upgrading of the local mains network; however they will not be required to contribute towards the upgrading of the treatment works.</p>		
Modifications sought by those submitting representations:		
<p>The contributor seeks the removal of the following text from the settlement profile within the paragraph on Waste Water Treatment Works – <i>“Contributions may be required where upgrades are necessary.”</i></p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE TEXT FOR BROUGHTON</p> <p>REASONS</p> <p>Whilst it is acknowledged that Scottish Water have a duty to provide a service for domestic purposes, it should be noted that Scottish Water states that <i>“Under the Water (Scotland) Act 1980 and the Sewerage (Scotland) Act 1968 we are obliged to take our water mains and sewers to a point that allows connection to our networks, if practicable at reasonable cost”</i> (refer to Supporting Document 091-1 Guide to obtaining Water and Waste Water Services). In that respect, when Scottish Water considers the demand from</p>		

new customers, the impact on different parts of the supply system has to be assessed. If in allowing new customers to connect will impact on the services to existing customers enhancements must be made in advance. The responsibility for providing for new demand is split between Scottish Water and the developer depending on which part of the system is affected and this is set out within Supporting Document 091-1 therefore it is correct for the Settlement Profile to state that contributions may be required.

Reporter’s conclusions:

1. This representation is concerned with whether contributions are required towards extending the capacity of the waste water treatment works at Broughton. The undated Guide for Obtaining New Water and Waste Water Services (by Scottish Water) indicates that Scottish Water is obliged to take its water mains and sewers to a point that allows connection to the network if practicable at reasonable cost. It continues that Scottish Water is to meet the costs of providing strategic capacity required for new developments (part 4 infrastructure), and that customers are required to meet the costs of providing additional local capacity (parts 2 and 3 infrastructure), subject to a reasonable cost contribution from Scottish Water. The guide explains that part 2 infrastructure includes sewers that connect developments to trunk sewers and some sustainable urban drainage systems, part 3 infrastructure is local bulk infrastructure, such as trunk sewers, waste water pumping systems, and some sustainable urban drainage systems, and part 4 infrastructure is strategic assets, such as waste water treatment works.

2. The proposed plan refers to the limited capacity in the waste water treatment works at Broughton. It also states that contributions may be required where upgrades are necessary. The guide clearly indicates that contributions are not required towards creating capacity for new developments in a waste water treatment works, such as the one at Broughton, because it is a strategic asset and is under part 4 infrastructure. To the extent that the customer is required to meet the costs of providing more local capacity (subject to a Scottish Water contribution), I believe that the proposed plan can reasonably indicate that contributions may be required towards necessary upgrades. I note that the reference to each of the infrastructure considerations in the settlement profile in the proposed plan, including waste water treatment, is very brief, and that detail is provided elsewhere. In the case of waste water, some of the detail is provided in Scottish Water’s guide, and I believe it likely that a developer of a site will be directed to this guidance at some stage. I also note that the wording used to describe waste water treatment considerations in Broughton is the same as that used in other settlement profiles. I place weight on the fact that Scottish Water has not objected to the wording. In all the circumstances, I am not persuading that it should be changed.

3. Overall, no adjustment is required to the proposed plan.

Reporter’s recommendations:

No modifications.

Issue 092	Broughton Settlement Profile (Longer Term Development Text)	
Development plan reference:	Broughton Settlement Profile and Map, Longer Term Development Text	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
424 Lord and Lady Stewartby		
Provision of the development plan to which the issue relates:	Longer Term Development Text	
Planning authority's summary of the representation(s):		
<p>The contributor states that the 2nd paragraph of the Place Making section of the Settlement Profile makes mention of how the properties within “The Village” form an enclosed feeling within that part of the settlement. However what alleviates this enclosed feeling are the rural views and landscapes from the back of these properties. This section also makes reference to the preferred areas for future expansions beyond the Local Development Plan and refers to an area at Corstane. Any development at Corstane would obscure those views which will result in those properties feeling very enclosed.</p> <p>It is noted that it is likely that street lighting would be sought at that location which would mean that those properties within “The Village” would never experience at the rear the complete darkness which is such a feature in the Scottish Borders.</p> <p>In addition, it is believed that the waste water pipe runs though the field directly behind “The Village”. It is not considered that Broughton requires additional housing beyond that which is already earmarked. Properties remain unsold for lengthy periods and existing housing is underused by local people. Furthermore, any material increase in residential properties at or close to Corstane Farm would create traffic problems of traffic and access in the area, probably requiring major construction disruption on “The Village”.</p>		
Modifications sought by those submitting representations:		
<p>The contributor seeks the removal of the following text from the settlement profile within the Place Making Considerations section – <i>“The preferred areas for future expansion beyond this Local Development Plan will be the area to the West of the A701 at Corstane adjoining the Biggar Road. The area for future growth indicated in this profile will require detailed assessment during the next Local Development Plan Review.”</i></p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE TEXT FOR BROUGHTON.</p> <p>REASONS</p> <p>The issue of the Longer Term Development area identified within the Settlement Profile</p>		

for Broughton was raised during the Inquiry into the Scottish Borders Finalised Local Plan (2005) (refer to Core Document 020 Scottish Borders Local Plan Inquiry Report 2007) (pages 8-3 to 8-4). At that time the Finalised Local Plan stated – “*The preferred area for future expansion beyond the period of this Local Plan (2011) will be the area to the West of the A701 at Corstane. The area for future growth that is indicated in this profile will require further detailed assessment during the next Local Plan Review*” (refer to Core Document 011). Having considered the issue the Inquiry Reporter recommended that the wording be amended to include the phrase “adjoining the Biggar Road” after “at Corstane”. That additional wording was incorporated in the Plan and has been carried through into Consolidated Local Plan 2011 (Core Document 007) and now the Proposed Local Development Plan.

It is noted that the Proposed Local Development Plan (LDP) text includes that further detailed assessment during the next Local Development Plan will be required. It is therefore anticipated that should it be appropriate to release further land at Broughton a detailed site assessment will be required. Should a site at this location be taken forward the issues of integration and impact with the existing settlement, the waste water pipe as well as roads and access into the area would be considered at that time.

Whilst the Proposed LDP does not allocate additional housing sites at Broughton from those that are currently allocated in the Consolidated Local Plan 2011, Housing Land Requirement is set out in the SESplan Strategic Development Plan (refer to Core Document 001) and it may be that in the future additional sites are required. However, it is acknowledged that at this time those sites currently allocated in the Plan have not been developed. It is nevertheless important to note that the Plan is required by Scottish Planning Policy 2014 (Core Document 026) to provide a generous supply of land for the provision of a range of housing in the right places to meet the housing requirement for each Housing Market Area. The housing allocations at Broughton assist in providing a generous supply of housing land within this part of the Scottish Borders outwith the Strategic Development Areas identified in SESplan.

Reporter’s conclusions:

1. The representation is concerned with the reference in the Broughton Settlement Profile to the area proposed for future expansion to the west of the A701 at Corstane adjoining the Biggar Road. This proposed future area for expansion is a continuation of the one referred to in both the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Consolidated Scottish Borders Local Plan. The identified area appears to be based on a collection of farm buildings on higher ground at Corstane, on the southern side of the B7016, and some adjoining fields which slope down towards Broughton, and separate it from Corstane.

2. The inquiry report into objections to the 2005 finalised Scottish Borders Local Plan indicated that development at this location would be visually very obtrusive. However, it still recommended that the area be considered for future expansion. I note that there are no details provided of this preferred future expansion area for the village, and that the proposed plan makes no firm commitment to proceeding with development at this location. Instead, the plan indicates that the proposal will require a detailed assessment during the next local development plan review. While the village has a sufficient supply of housing sites for the period of the proposed plan, it is peripherally situated on the western edge of the Scottish Borders, and will need to have an adequate continuing supply of sites to meet future housing needs, and to support the community and its services, within

the context of the housing land requirement set for the next local development plan. I believe that the concerns raised about developing in this location are quite detailed in nature, and that they are best reviewed as a part of the future detailed assessment to be undertaken. In all the circumstances, I consider that the reference in the proposed plan to the preferred area for expanding the village is justified, and that it should be retained. Should it become a firm proposal in a future local development plan, there will be an opportunity to make further representations.

3. Overall, no adjustment is required to the proposed plan.

Reporter's recommendations:

No modifications.

Issue 093	Development outwith Strategic Development Areas: Broughton Development Boundary	
Development plan reference:	Broughton Settlement Profile and Map, Site SBROU002 – Development Boundary at Elmsfield	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
419 John Wright		
Provision of the development plan to which the issue relates:	Broughton Development Boundary	
Planning authority’s summary of the representation(s):		
<p>The contributor objects to the development boundary as currently drawn for Broughton. The site benefits from a recently approved planning permission.</p> <p>Planning permission was granted on the site in March 1962 with amendments to the layout granted in 1972. Following the grant of consent a number of houses were built at Smithy Croft, along Dreva Road, and at Elmsfield thereby implementing the permission. The Council have accepted that this permission is “extant”. In the 1996 Tweeddale Local Plan the settlement boundary followed a line between the Broughton Burn and Dreva Road that ran to the south of the property known as “Elmsfield” and included the whole site benefitting from the extant consent.</p> <p>In 2005, the Scottish Borders Local Plan - Finalised Draft included a housing allocation on the southern part of the consented site around the property known as “Elmsfield”. Unfortunately, there were objections to this proposed housing allocation. The Local Plan Reporter at Examination determined that the site was not effective and recommended that the Council delete the proposed housing allocation <i>“and amend the settlement boundary accordingly”</i>. The Consolidated Local Plan, and the emerging draft Local Development Plan, retain the boundary in its current position splitting the consented site in two.</p> <p>In light of the Local Plan Reporters comments, a Planning Permission in Principle application (Ref: 12/01068/PPP) was submitted to the Council in August 2012, to refresh the principle of development and to provide a purchasing developer with the confidence that development of the site was possible. This application was refused by the Council at Committee on 5th August 2013. The reason for refusal was that part of the site fell within the countryside by virtue of the settlement boundary. In addition to the position of the settlement boundary, the Council had indicated that the development would lead to an <i>“unacceptable, unplanned expansion of the settlement”</i>.</p> <p>An appeal against this refusal of permission was submitted to the Directorate for Planning & Environmental Appeals on the 31st October 2013 (Ref: PPA140-2048). The Appeal Reporter issued a Notice of Intention to Grant Planning Permission in Principle on the 23rd January 2014 subject to the applicant entering in to a S75 Agreement relating to Planning Gain, the terms of which have been agreed and legal drafting commenced.</p>		

Modifications sought by those submitting representations:
<p>The contributor seeks extension of the Development Boundary to take in the area at Elmsfield.</p>
Summary of responses (including reasons) by planning authority:
<p>NO CHANGE TO THE DEVELOPMENT BOUNDARY FOR BROUGHTON HOWEVER, THE REPORTER IS REQUESTED TO CONSIDER THE MATTER FURTHER</p> <p>REASONS</p> <p>Whilst it is acknowledged that a recent Reporter decision reverses the Council’s decision on the refusal of planning consent for planning application 12/01068/PPP (refer to Supporting Document 093-1); it should be noted that an earlier consent had existed on the site at the time of the Inquiry in to the Finalised Local Plan 2005. The Local Plan Inquiry Reporter was at that time aware of the consent (refer to Core Document 020 Scottish Borders Local Plan Inquiry Report 2007) pages 8-1 to 8-3). However, the Local Plan Inquiry Reporter concluded that due to the <i>“prolonged absence of development on this site that it is not effective, and I am not convinced by the Council’s submissions that there is good reason to expect the situation to change. Deletion of the site from the local plan would not take away any right to develop in accordance with an extant planning permission, if one exists.”</i> The Local Plan Inquiry Reporter subsequently recommended that the site be deleted from the plan and that the Development Boundary be amended accordingly.</p> <p>It should be noted that a further two housing allocations are included in the Consolidated Local Plan 2011(refer to Core Document 007), site TB10B (10 units) and on the recommendation of the Inquiry Reporter - site TB200 (10 units). Since the formal allocation of these sites, both sites have remained undeveloped. In addition, the Finalised Housing Land Audit (HLA) 2013 (Core Document 039) includes a total of 6 sites at Broughton (4 large and 2 small) with a combined established supply of 45 units of which 15 units are currently considered effective. During the period for HLA 2012/2013 there were no housing completions.</p> <p>However, the Council notes the provisions within paragraph 87 of Circular 6/2013 (refer to Core Document 031) on Development Planning which state that <i>“The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations.”</i> In that respect the Council acknowledges that the extension of the Development Boundary – SBROU002 could be added to the Plan, and the Council would accept the Reporter’s decision on this matter.</p>
Reporter’s conclusions:
<p>1. This representation relates to the proposed position of the settlement (development) boundary on the eastern side of Broughton, between Dreva Road and Broughton Burn, and seeks to move it out to the south of Elmsfield. The land that would be included in the development boundary forms part of an essentially triangular shaped area, comprising</p>

open fields, a row of housing at the north eastern edge by Dreva Road, and a bungalow (Elmsfield) at the south eastern corner. To the west and east are further existing and proposed housing areas and, to the south, fields. The land itself comprises rough grass, and slopes very gently away from Dreva Road. The proposed development boundary is the same as the one shown in the 1996 Tweeddale Local Plan and the finalised 2005 Scottish Borders Local Plan.

2. This part of Broughton has a complex planning history. Planning permission was granted in 1962 for housing on the triangular shaped area and some adjacent land, with amendments to the layout granted in 1972. Some houses were subsequently built, which appears to have implemented the permission. At the inquiry into the 2005 finalised local plan, there were objections to a housing allocation covering the southern part of the triangular area, which were supported by the reporters, who concluded that the prolonged absence of development on the site meant that it was not effective, a situation they did not expect to change. As a result of the reporters' recommendation, the site was deleted from the local plan, and the development boundary changed. This has had the effect of cutting the area of the extant planning permission in two, with part in, and part out, of the settlement. The revised development boundary continued from the adopted 2008 local plan into the adopted 2011 Consolidated Scottish Borders Local Plan and this plan.

3. The reporters into the 2005 plan acknowledged that their recommendation did not take away any right to develop in accordance with an extant planning permission, if one existed. Planning permission in principle for housing was then sought in 2012 for development on an area covered by the original permission. This was refused by the planning authority, but it was granted on appeal in April 2014, subject to conditions. The site is now included in the 2014 housing land audit, with a total site capacity of 25 houses, 6 completions, and 19 in the established land supply. Nine houses are also shown as being in the effective land supply, with development on site estimated to commence in 2018, and the whole development completed in 2021. I have no concerns about extending the development boundary in either landscape or visual terms because development here would be well integrated with the form and fabric of the village. There are issues regarding the development of this area, such as flooding, traffic and road safety, and the effects on local services, but these are all covered by conditions attached to the planning permission, and by the planning obligation agreed between the council and the appellant. In light of these factors, and bearing in mind that the recent grant of planning permission in principle has overcome the difficulty in gaining access to the site, which points towards a more realistic prospect of development taking place, I believe that it would be appropriate and logical to move the development boundary back to the south of Elmsfield to accommodate the whole housing site (as shown on the proposed residential development sketch site layout plan [project 9064 drawing number 0.01 revision C, dated 23 July 2012]). The planning authority has indicated that it would accept this change.

4. The representation does not appear, as far as I can see, to seek a housing allocation at this location in the proposed plan. However, the development boundary is being moved to take account of the approved housing proposal and, as a consequence of this, and to inform users of the proposed plan of the proposal, I believe that it would be helpful to include a reference in the supporting text to the latest planning permission, under the Place Making Considerations section.

5. Overall, adjustments are required to the proposed plan as set out below.

Reporter's recommendations:

I recommend that the following modifications be made:

1. On page 218 of Volume 2 Settlements, under the Place Making Considerations section, adjust the third paragraph so that it reads:

“The plan provides 2 housing allocations; both are located to the north east of the village. They are Dreva Road and Springwell Brae. Additionally, there is planning permission in principle for a housing development on the western side of Dreva Road opposite the 2 housing allocations and the existing housing at Springwell Brae. The site extends up to the development boundary to the south of Elmsfield. The plan also safeguards an established business and industrial site – Former Station Yard.”

2. On page 221 of Volume 2 Settlements, the settlement plan for Broughton should be adjusted by moving the development boundary between Dreva Road and Broughton Burn to a line south of Elmsfield, as shown on the proposed residential development sketch site layout plan (project 9064 drawing number 0.01 revision C, dated 23 July 2012) which was attached to the representation.

Issue 094	Housing outwith Strategic Development Areas: Broughton (TB10B – Springwell Brae)	
Development plan reference:	Broughton Settlement Profile and Map, Site TB10B – Springwell Brae	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
424 Lord and Lady Stewartby		
Provision of the development plan to which the issue relates:	Broughton Housing Land	
Planning authority’s summary of the representation(s):		
<p>The contributor objects in that the site requirements for this site make mention to necessary upgrades to Dreva Road. It is not possible to improve the Dreva Road junction with the A701 as there are houses on the junction. Increased existing traffic is already causing problems. The last house in the group known as “The Village”, if a car is parked outside it in winter, the snow plough is unable to make the turn onto the A701 or from the A701.</p>		
Modifications sought by those submitting representations:		
The contributor seeks the removal of the site from the Plan.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE HOUSING ALLOCATION TB10B</p> <p>REASONS</p> <p>This site was first formally allocated within the Scottish Borders Local Plan 2008 (Core Document 008). It should be noted that the site was not subject to representations and therefore its allocation was not considered by the Local Plan Inquiry Reporter (refer to Core Document 020 Scottish Borders Local Plan Inquiry Report) (pages 8-1 to 8-7 deals with representations in relation to Broughton).</p> <p>It is noted that the respondent did not respond on this matter to the Scottish Borders Main Issues Report (MIR). The MIR (Core Document 006) states in paragraph 4.2 <i>“the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.”</i> Furthermore, paragraph 4.3 states <i>“This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”</i>.</p> <p>In respect to the potential upgrades that would be required to Dreva Road as a result of the proposed housing sites allocated in the Proposed Local Development Plan, the Roads Planning section state: <i>“The suitability of Dreva Road would be considered against</i></p>		

any proposal put forward. It is likely however the improvements to the road in terms of width, pedestrian facilities, lighting and possibly an extension to the 30mph limit will be required, especially for TB200 as it lies towards the edge of the settlement boundary.

The suitability of the junction would also have to be considered. It may be possible to have double yellow lines at the junction to prevent parking, or to use build outs to improve the radii and move the give way line out to improve the visibility.

It would be the responsibility of the developer to propose a scheme of improvements to Dreva Road and its junction for the A701, the Council would then have to analyse the proposal and ascertain whether or not it is acceptable.”

It should also be noted that the Proposed Local Development Plan meets the provisions of the SESplan Strategic Development Plan (Core Document 001) and its associated Supplementary Guidance - Housing Land (Core Document 002) in providing land to meet the housing requirement (refer to Core Document 017 Updated Appendix 2 Meeting the Housing Land Requirement). This site contributes to providing a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy 2014 (Core Document 026).

It is therefore contended that site TB10B should continue to be allocated within the Plan.

Reporter's conclusions:

1. The site is situated at the north eastern edge of Broughton, at the end of Springwell Brae, which is a residential cul-de-sac taking access off Dreva Road. The land around the site is mostly fields. The site itself extends to around 0.6 of a hectare, and comprises a field, with sheds on it, and some trees and hedging around the boundary. It sits above the more central part of the village and Dreva Road.

2. The allocation of the site for housing in the proposed plan is a continuation of the allocation in the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Consolidated Scottish Borders Local Plan. The site is included in the 2014 housing land audit, with development on site estimated to commence in 2019 and be completed in 2020. The indicative site capacity given in the proposed plan and audit is 10 houses. A modest development on this site would be a natural extension of Springwell Brae, and would integrate reasonably well with the form of the village. The representation is concerned with whether Dreva Road can be upgraded.

3. Dreva Road is narrow, and its junction with the main road (A701) has limitations. In addition to this allocation, there is a further housing allocation in the proposed plan (TB200) and a site with planning permission for housing, both of which would use Dreva Road for access. The planning permission for housing (April 2014) included a condition requiring details to be provided of upgrades to Dreva Road, including improvements at its junction with the main road. I note that the roads authority has raised no objection to the principle of the housing allocation proposed, and it refers to possible measures that could be considered for upgrading Dreva Road and the junction with the main road. These include, for example, improvements to the road's width, and its pedestrian facilities and lighting and, at the junction, double yellow lines or "build outs" to improve the radii and visibility. Such measures appear reasonable in principle, and it would be inappropriate to discount them out of hand at this stage and conclude that they could not be achieved. As the site requirements in the proposed plan highlight the need to upgrade Dreva Road, I

am satisfied that this matter would be properly considered at the time more detailed proposals for the allocation come forward. In the circumstances, I am not persuaded that there are sufficient grounds to remove the allocation, and believe that it should be retained.

4. Overall, no adjustment is required to the proposed plan.

Reporter's recommendations:

No modifications.

Issue 095	Housing outwith Strategic Development Areas: Broughton (TB200 – Dreva Road)	
Development plan reference:	Broughton Settlement Profile and Map, Site TB200 – Dreva Road	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency 424 Lord and Lady Stewartby		
Provision of the development plan to which the issue relates:	Broughton Housing Land	
Planning authority's summary of the representation(s):		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor objects in that they would require a flood risk assessment which would assess the risk from the small watercourses which flow along the perimeter of the site. It is noted that the majority of the site is likely to be developable. Consideration should be given to whether there are any culverted watercourses within the site. Surface water runoff from the nearby hills may be an issue. Mitigation measures may be required during design stage.</p> <p><u>424 Lord and Lady Stewartby</u></p> <p>The contributor objects in that the site requirements for this site make mention to necessary upgrades to Dreva Road. It is not possible to improve the Dreva Road junction with the A701 as there are houses on the junction. Increased existing traffic is already causing problems. The last house in the group known as “The Village”, if a car is parked outside it in winter, the snow plough is unable to make the turn onto the A701 or from the A701.</p>		
Modifications sought by those submitting representations:		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor seeks an additional site requirement requiring a Flood Risk Assessment and that mitigation measures may be required during the design stage.</p> <p><u>424 Lord and Lady Stewartby</u></p> <p>The contributor seeks the removal of the site from the Plan.</p>		
Summary of responses (including reasons) by planning authority:		
NO CHANGE TO THE HOUSING ALLOCATION TB200.		

REASONS

This site was first formally allocated within the Scottish Borders Local Plan 2008 (Core Document 008) following the recommendation of the Local Plan Inquiry Reporter (refer to Core Document 020 Scottish Borders Local Plan Inquiry Report 2007) (pages 8-1 to 8-3 with Reporters Recommendations on page 8-7 (site reference TB5)). The site had been subject to public consultation prior to its inclusion in the Plan.

357 Scottish Environment Protection Agency

It is noted that the respondent did not respond on this matter to the Scottish Borders Main Issues Report (MIR) (Core Document 076 SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 *“the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.”* Furthermore, paragraph 4.3 states *“This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”*. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed Local Development Plan makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that *“Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”*

In addition Policy EP15 on Development Affecting the Water Environment states in its preamble that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. Developers are required to consider potential impacts and mitigations to enhance and restore water the environment. Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters. This includes in sub section d) the need for compliance with best practice in relation to canalisation and culverting.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8 and EP15, and that the insertion of the contributor’s proposal is not necessary.

424 Lord and Lady Stewartby

It is noted that the respondent did not respond on this matter to the Scottish Borders Main Issues Report (MIR) The MIR (Core Document 006). states in paragraph 4.2 *“the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be*

carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”.

In respect to the potential upgrades that would be required to Dreva Road as a result of the proposed housing sites allocated in the Proposed Local Development Plan, the Roads Planning section state: *“The suitability of Dreva Road would be considered against any proposal put forward. It is likely however the improvements to the road in terms of width, pedestrian facilities, lighting and possibly an extension to the 30mph limit will be required, especially for TB200 as it lies towards the edge of the settlement boundary.*

The suitability of the junction would also have to be considered. It may be possible to have double yellow lines at the junction to prevent parking, or to use build outs to improve the radii and move the give way line out to improve the visibility.

It would be the responsibility of the developer to propose a scheme of improvements to Dreva Road and its junction for the A701, the Council would then have to analyse the proposal and ascertain whether or not it is acceptable.”

It should also be noted that this site is an allocated housing site within the Scottish Borders Consolidated Local Plan 2011 (refer to Core Document 007) for 10 units. The Scottish Borders Housing Land Audit 2013 (Core Document 039) states that the site contributes 5 units to the effective housing land supply with development programmed for years 18 and 19.

It is therefore contended that site TB200 should continue to be allocated within the Plan.

Reporter’s conclusions:

1. The site is situated at the eastern edge of Broughton, on the east side of Dreva Road on the southern edge of Springwell Brae. The land to the east of the site is fields. The site itself extends to around 2.4 hectares, and comprises an open field sloping up towards the east. There are small watercourses along the site’s perimeter.

2. The allocation of the site for housing in the proposed plan is a continuation of the allocation in the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Consolidated Scottish Borders Local Plan. The site is included in the 2014 housing land audit, with development on site estimated to commence in 2019 and be completed in 2020. The indicative site capacity given in the proposed plan and audit is 10 houses. A modest development on this site would be a natural extension of Springwell Brae up to the boundary of the large property at Ratchill, where there is tree planting. It would integrate reasonably well with the form of the village, including the housing proposed on the opposite side of Dreva Road. The representations are concerned about the risks of flooding at this location, and with whether Dreva Road can be upgraded.

3. The Scottish Environment Protection Agency requests that the proposed plan includes an additional site requirement for a flood risk assessment. I note that the Scottish Environment Protection Agency’s Flood Map shows the housing allocation as being outwith the 1 in 200 year flood map area. While there are small watercourses flowing along the perimeter of the site, policy IS8 of the proposed plan sets out a framework for dealing with flood risk, and I accept the planning authority’s view in this case that this is a satisfactory basis for assessing any proposal that comes forward for

this allocation. In the circumstances, I am satisfied that there is no need to add a specific site requirement for a flood risk assessment.

4. The Scottish Environment Protection Agency mentions the possibility of culverted watercourses on site. I accept that policy EP15 is concerned with generally protecting and improving the water environment. However, I also acknowledge that the removal of any culverts, which are a significant pressure point, can help improve the water environment and, as such, I consider it reasonable to highlight the need to consider this possibility as a site requirement.

5. Regarding road matters, Dreva Road is narrow, and its junction with the main road (A701) has limitations. In addition to this allocation, there is a further housing allocation in the proposed plan (TB10B) and a site with planning permission for housing, both of which would use Dreva Road for access. The planning permission for housing (April 2014) included a condition requiring details to be provided of upgrades to Dreva Road, including improvements at its junction with the main road. I note that the roads authority has raised no objection to the principle of the housing allocation proposed, and it refers to possible measures that could be considered for upgrading Dreva Road and the junction with the main road. These include, for example, improvements to the road's width, and its pedestrian facilities and lighting and, at the junction, double yellow lines or "build outs" to improve the radii and visibility. Such measures appear reasonable in principle, and it would be inappropriate to discount them out of hand at this stage and conclude that they could not be achieved. As the site requirements in the proposed plan highlight the need to upgrade Dreva Road, I am satisfied that this matter would be properly considered at the time more detailed proposals for the allocation come forward. In the circumstances, I am not persuaded that there are sufficient grounds to remove the allocation, and believe that it should be retained.

6. Overall, an adjustment is required to the proposed plan as set out below.

Reporter's recommendations:

I recommend that the following modification be made:

1. On page 219 of Volume 2 Settlements, under the Development and Safeguarding Proposals section, add a further site requirement for site TB200 (Dreva Road) to read:

"Consider the potential for any culvert removal and channel restoration."

Issue 096	Longer Term Housing with the Western Strategic Development Area: Cardrona (SCARD001 – South of Cardrona Mains)	
Development plan reference:	Cardrona Settlement Profile and Map, Site SCARD001 – South of Cardrona Mains	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
459 The Renwick Family		
Provision of the development plan to which the issue relates:	Cardrona Longer Term Housing	
Planning authority's summary of the representation(s):		
The contributor seeks the inclusion of the site in the Plan for Longer Term Housing. It is considered that the site could accommodate 25 units. The site is located to the immediate south of the original village core.		
Modifications sought by those submitting representations:		
The contributor seeks the identification of site SCARD001 for Longer Term Housing.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE FOR CARDRONA IN RELATION TO LONGER TERM EXPANSION</p> <p>REASONS</p> <p>An enlarged site at this location was previously considered by the Local Plan Inquiry Reporter (refer to Core Document 020 Scottish Borders Local Plan Inquiry Report 2007) (pages 8-18 to 8-22 (site reference TCO3 – refer to Supporting Document 096-1) for location of site TC03 refer to map). In addition at that time the Finalised Local Plan (2005) (refer to Core Document 011) included reference to an area of longer term expansion at Cardrona within the area west of the B7062.</p> <p>Within the Inquiry Report (CD020 Page 8-21), the Reporter stated that development at this hillside location “<i>would be very conspicuous, very intrusive in an attractive landscape and would result in a fundamental departure from the established pattern of development at Cardrona south of the Tweed, where all the building is contained in the corridor of land between the river and the B7062. ... I also agree that the road passing between the two parts of the settlement would be unwelcome. Local residents would have to cross it, discouraging community integration</i>”.</p> <p>Following consideration by the Inquiry Reporter, the Reporter recommended (CD020 Page 8-22) the longer term text within the Finalised Local Plan be replaced to state: “<i>Given the constraints and sensitivity of the setting of Cardrona, it has not been possible to identify an area for longer term expansion.</i>” Similar text to that recommended by the</p>		

Inquiry Reporter has been included within the Proposed Local Development Plan within the Place Making Considerations section of the Cardrona Settlement Profile.

After assessment, the inclusion of site SCARD001 within the Plan is seen as Unacceptable. The site specific reasons for the non-inclusion of the site for longer term development are set out in the site assessment (Supporting Document 096-2), in summary these are: the site is not supported by the Landscape Section of the Council and the site is situated on/adjacent to a Special Landscape Area. It is also noted that a previous Inquiry Reporter recommended against development at this location on an enlarged site.

It is contended that the area proposed by the contributor has previously been examined in detail and is not suitable for longer term expansion for inclusion in the Plan. The site should be rejected.

Reporter's conclusions:

1. This proposed site lies to the south and west of the village, across the B7062 road to Peebles. The site provides a very attractive edge to the settlement, and rises steeply away from the road.
2. A larger site (referenced TCO3) was previously considered for development and rejected for a number of reasons. This representation seeks the identification of a significantly smaller site.
3. I agree that development at this location would represent a departure from the prevailing pattern of development at Cardrona, where development is contained between the River Tweed and the B7062. Development rising up the slope out of the village would, in my opinion, adversely affect the landscape setting of the village, although I do note that the indicative drawing forming part of the representation envisages a linear development confined to the lower slope. This is significant as the site is located on/adjacent to a special landscape area.
4. My observations of traffic conditions on the B7062 do not suggest that this consideration represents a significant impediment to development and this appears to be borne out in the council's site assessment.
5. There are in the proposed plan 2 mixed use proposals with a cumulative indicative capacity of 30 units. These are likely to satisfy the demand for such development during the plan period. Cardrona is located within the Western Strategic Development Area and accordingly, even though local services are relatively limited, it seems desirable to me that longer term housing opportunities are identified in the plan. In this regard, all things considered, I find some merit in the further exploration of how development could be contained on the lower slope of the site and designed in such a way as to minimise landscape and visual impact.
6. It is important to note, however, that I have been provided with no evidence of public consultation on this proposal. Paragraph 64 of Circular 6/2013: *Development Planning* states that: "It is important in meeting the requirements for strategic environmental assessment that full information on sites and alternative options is submitted early and not held back until the later stages of plan preparation or even the Examination. Promoters of sites would be advised to respond positively at this point, and to provide the

necessary evidence to justify their site’s inclusion as a preferred option at the Main Issues Report stage. Engaging at this early stage is likely to ensure that the planning authority is able to properly assess the merits of the proposal, with it being more likely to be subject to public engagement and strategic environmental assessment at the Main Issues Report stage and to neighbour notification at the Proposed Plan stage (should the planning authority propose that the site be allocated in the plan). Even if a site is not included in the Proposed Plan, evidence of it being subject to community engagement will be useful if the issue is considered at a subsequent Examination, helping ensure that the reporter is furnished with the necessary information to reach a conclusion, and if appropriate to recommend a modification to the plan.”

7. In these circumstances I am not satisfied that I have sufficient information to safely recommend that the site be allocated in the proposed plan. Consideration of its merits therefore stands fairly to be assessed when the plan is next reviewed.

Reporter’s recommendations:

No modifications.

Issue 097	Mixed Use with the Western Strategic Development Area: Cardrona (MCARD007 – South of Horsbrugh)	
Development plan reference:	Cardrona Settlement Profile and Map, Site MCARD007 – South of Horsbrugh Bridge	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>273 Renwick Country Properties 357 Scottish Environment Protection Agency 418 Hugh Harvie</p>		
Provision of the development plan to which the issue relates:	Cardrona Mixed Use	
Planning authority's summary of the representation(s):		
<p><u>273 Renwick Country Properties</u></p> <p>The contributor expresses support for the allocation of the site. The site is currently located within the Cardrona Settlement Boundary. The site benefits from an extant planning consent for a mixed use development of 10 residential dwellings, a pub/restaurant and an extension to the Village shop/coffee shop.</p> <p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor states that they note that although the need for a flood risk assessment is included in the site requirements, they have not supported this site. However they still have serious concerns about this allocation due to flood risk. They state that they outlined their concerns in the MIR response (par 10.5) and in a meeting (26 September 2012). Flood risk is significant at this site and will severely constrain the developable area.</p> <p><u>418 Hugh Harvie</u></p> <p>The contributor objects to the allocation of the site stating that they have been resident at a neighbouring property to the site since 2002 and have seen a significant part of the site flood on a yearly basis.</p>		
Modifications sought by those submitting representations:		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>It is noted that the contributor has not sought the removal of the site from the Plan but states that they have serious concerns regarding its allocation.</p> <p><u>418 Hugh Harvie</u></p> <p>The contributor seeks the removal of the site from the Plan.</p>		

Summary of responses (including reasons) by planning authority:
<p>NO CHANGE TO THE MIXED USE ALLOCATION MCARD007</p> <p>REASONS</p> <p><u>273 Renwick Country Properties</u></p> <p>It is noted that contributor 273 supports the allocation of site MCARD007 for mixed use.</p> <p><u>357 Scottish Environment Protection Agency and 418 Hugh Harvie</u></p> <p>This site is currently located within the Development Boundary for Cardrona as set out in the Consolidated Local Plan 2011 (Core Document 007). In addition the site benefits from an extant planning permission for a mixed use development comprising two dwelling houses, eight flats, public bar with restaurant, function suite and extension to existing coffee shop (refer to Supporting Documents SD097-1, SD097-2 and SD097-3).</p> <p>It should also be noted that during the planning application process, whilst the Scottish Environment Protection Agency (SEPA) initially objected to the application, following the submission of additional information SEPA removed their objection (refer to Supporting Document SD097-4).</p> <p>Whilst it is accepted that the site does benefit from an extant planning permission, it is also accepted that there is the potential for an alternative proposal to come forward and be implemented, for that reason the Proposed Plan includes a number of site requirements. Included is the site requirement for the requirement of a flood risk assessment to inform the site's development. In addition, it is also intended that a planning brief in the form of Supplementary Guidance will be produced. It should also be noted that whilst it is considered acceptable for development to take place at this location, both on the site and in the vicinity of the site are a number of constraints and the site requirements included within the Proposed Plan take account of these. It is not considered that the entire site can or will be completely developed.</p>
Reporter's conclusions:
<ol style="list-style-type: none"> 1. This mixed use proposal site benefits from extant planning permission. There is evidence of the council having accepted that development has been commenced, and that seemed clear to me on my site inspection. As that permission cannot now time expire, I consider it sensible that it be reflected in the plan. 2. I note, however, the concerns of SEPA and another representee in regard to significant flood risk at this location. Although the extant permission cannot expire, there remains a possibility that alternative development proposals could be submitted for consideration. In this regard the site requirements indicate the council's intention to prepare a planning brief for development of the site, and that a flood risk assessment will be required to inform any alternative development proposal. 3. I consequently find the inclusion of this development proposal in the proposed plan to be appropriate.

Reporter's recommendations:

No modifications.

Issue 098	Housing within the Eastern Strategic Development Area: Chirnside (SCHIR004- East of Crosshill)	
Development plan reference:	Chirnside Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlements, Chirnside, pages 235-238)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
309 S Swan 467 Chirnside Community Sports Club		
Provision of the development plan to which the issue relates:	Chirnside Settlement Profile, Development and Safeguarding Proposals	
Planning authority's summary of the representation(s):		
<p><u>309 S Swan and 467 Chirnside Community Sports Club</u></p> <p>State that the area to the north of the primary school adjacent to the development boundary in the east and to the first field boundary in the west should be safeguarded for future expansion of the town. State the area is capable of absorbing development, can be linked satisfactorily to the existing settlement, and will ensure continuity of a supply of suitable housing land beyond the life of the LDP</p>		
Modifications sought by those submitting representations:		
Insertion of the site into the Local Development Plan as an area for longer term development.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>The area in question was not raised in the Main Issues Report (MIR) site call or MIR consultation period.</p> <p>In the Adopted Local Plan 2008 it was stated that longer term development would be directed to the north and east of the town (Core Document 008: p221). Subsequently in the Finalised Local Plan Amendment 2009 a longer term development area was allocated to the north of the settlement as a mixed use site, and remains undeveloped (MCHIR001) within the Proposed LDP. As a result it is considered there is capacity within Chirnside to absorb any future demand for development.</p> <p>In addition, the Scottish Borders Development and Landscape Capacity Study Chirnside identifies the area in question as part of the "South Facing Slopes" stating there is 'some'</p>		

sensitivity in terms of “Landscape Character and Experience” due to a requirement for considerable earth moving to accommodate development and exposure to winds; ‘high’ sensitivity in terms of “Settlement Form” due to the potential to compromise the historic linear pattern of the settlement, which is most obvious when viewed from below across these slopes, and to elongate the settlement and increase distance from the historic core; ‘high’ sensitivity in terms of “Landscape Setting and Recreation Resources” through the potential to alter foreground of views to the ‘perched’ village, high up the slopes, which reinforce the historic linearity of the settlement; and ‘high’ sensitivity in terms of “Views and Visual Features through the potential for close views from the A6105 and B6347, through development obscuring views of the town perched along the ridgeline and being highly visible from viewpoints to the south (Core Document 041-1: pages 19 to 21)

As a result of the discussion above it is not considered necessary to alter the settlement profile in the Local Development Plan from that proposed.

Reporter’s conclusions:

1. The currently adopted local plan allocates a significant mixed proposal site (MCHIR001) to the north of Main Street East End. The site, which has been carried forward into the proposed plan, extends to 13.2 hectares and has a notional capacity of 60 housing units. The council advises that this site was first identified in 2009; it currently remains undeveloped.

2. I am satisfied that proposal MCHIR001 is commensurate with the scale of the settlement and that, in the context set out above, it is sufficient to meet any foreseeable demand for development within Chirside, certainly within the plan period but also most likely beyond it. To that extent I find the proposed plan to meet the test of sufficiency and appropriateness set out in paragraph 117 of Circular 6/2013: *Development Planning*. Even in the wider housing land supply context set out under Issue 080 of this report, I find the case for the further significant expansion of Chirside presently to be weak. Although located within the Eastern Strategic Development Area, I have concluded above that the scale of development envisaged in the proposed plan is commensurate with the settlement scale. I find, in addition, that the further significant expansion proposed under this Issue would most likely exceed the capacity of the settlement to appropriately absorb it.

3. That said, although I note the council’s comments (set out in its assessment of site SCHIR004) on the specific impacts of developing this site, I find that the site’s close proximity to the settlement centre and the primary school ought not to preclude it from detailed consideration when the plan is next reviewed.

4. Finally, it is important to acknowledge that the site was not proposed for development, either at the call for sites stage or at the MIR consultation stage. Its appearance at this late stage in the plan-making process runs counter to the interests of a front-loaded planning system. In this regard also, paragraph 64 of Circular 6/2013 states that; “It is important in meeting the requirements for strategic environmental assessment that full information on sites and alternative options is submitted early and not held back until the later stages of plan preparation or even the Examination. Promoters of sites would be advised to respond positively at this point, and to provide the necessary evidence to justify their site’s inclusion as a preferred option at the Main Issues Report stage. Engaging at this early stage is likely to ensure that the planning authority is able to properly assess the merits of the proposal, with it being more likely to be subject to public

engagement and strategic environmental assessment at the Main Issues Report stage and to neighbour notification at the Proposed Plan stage (should the planning authority propose that the site be allocated in the plan). Even if a site is not included in the Proposed Plan, evidence of it being subject to community engagement will be useful if the issue is considered at a subsequent Examination, helping ensure that the reporter is furnished with the necessary information to reach a conclusion, and if appropriate to recommend a modification to the plan.”

5. In this case, I have been provided with no such evidence of community engagement. Consequently, even had I been persuaded of the merits of the site, I would not have considered it safe to recommend that it be allocated in the proposed plan.

6. I acknowledge also the representations made in regard to the safeguarded recreational ground (GSCHIR001), which the council appears not to have addressed in its summary of responses. I note that discussions on the identification of a new sports facility adjacent to the school are not yet fully resolved. In these circumstances I conclude that this matter is best left to the discretion of the council, either through the development management process, or when the plan is next reviewed.

Reporter’s recommendations:

No modifications.

Issue 099	Housing within the Central Strategic Development Area: Clovenfords (EC2 - Caddonhaugh)	
Development plan reference:	Clovenfords Settlement Profile and Map (pages 241 – 243) EC2 (Caddonhaugh)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency 481 Murray & Burrell Ltd		
Provision of the development plan to which the issue relates:	Housing Allocation EC2 - Caddonhaugh	
Planning authority's summary of the representation(s):		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor recommends removal of site due to flood risk.</p> <p><u>481 Murray & Burrell Ltd</u></p> <p>The contributor supports the continued allocation of site EC2 for the development of 6 residential dwellings. Planning permission was received during 2013 with development of the first dwelling due to start on site within the very near future.</p>		
Modifications sought by those submitting representations:		
<u>357 Scottish Environment Protection Agency</u> - The contributor recommends removal of site due to flood risk.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE CLOVENFORDS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p><u>357 Scottish Environment Protection Agency</u></p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 006). The MIR states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p>		

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

It is noted that SEPA do not object to the inclusion of the site within the Plan, but recommend that it should be removed. Therefore, whilst there is adequate policy protection in respect of this matter, the Council acknowledges that in the interests of clarity for developers and the public the site could be removed from the Plan.

It is worth noting that there is a lengthy planning history associated with this site including planning permission in principle 04/01022/OUT (Supporting Document 099-1) which establishes the principle of residential development. In addition, the approval of matters specified in conditions under application 13/00252/AMC (Supporting Document 099-2) relation to Plot 3 were approved on 6 January 2014. Subject to compliance with the discharge of pre-commencement conditions, this dwellinghouse and road layout could be constructed on this site without further reference to SEPA.

The 2004 outline planning application was subject to the normal internal and external consultation process which included the Council’s Flood Protection Officer as well as SEPA. SEPA initially objected to the application, but following negotiations SEPA withdrew their objection. Outline planning consent was subsequently issued subject to conditions and legal agreement. Significant weight must therefore be attached to the existence of the extant outline consent on the site, which has established the principle of development having been supported by an agreed flood risk assessment.

In addition to the planning permissions mentioned above, application reference 12/00672/FUL for the formation of an access road and erection of dwellinghouse was submitted in May 2012. This application was withdrawn prior to determination, following objection from SEPA on flood risk grounds. SEPA objected to the principle of development on the site, citing changes in the Flood Protection regimen following the inception of The Flood Risk Management (Scotland) Act 2009. The Council, as Planning Authority, did not agree with the position adopted by SEPA, which attached no weight to the extant outline consent on the site, nor to its allocation as housing land in the Consolidated Local Plan. The Applicant chose to withdraw the application at this stage, and instead submitted the 2013 application for the Approval of Matters Specified in Conditions which was subsequently approved.

It is therefore submitted that this matter could be dealt with through the provisions of the mainstream policy IS8.

481 Murray & Burrell Ltd

The Council notes the contributor’s comments of support for continued allocation of this site.

Reporter's conclusions:
<p>1. Site EC2, Caddonhaugh, is allocated for housing (with an indicative site capacity of six) in the Clovenfords settlement profile. A site requirement points out that the site is located within a flood risk area and that a flood risk assessment will be required.</p> <p>2. Outline planning permission (now known as “planning permission in principle”) was issued in 2004 subject to conditions and a legal agreement. This permission remains extant having been formally issued in 2012. A further planning permission was granted in 2014 approving matters specified in the conditions attached to the earlier permission in principle. Subject to fulfilling two pre-commencement conditions, the council explains that this allows the construction of the site access road and a house on plot three.</p> <p>3. Although the Scottish Environment Protection Agency withdrew an objection to the 2004 application, the Agency objected to the recent application for the approval of matters in the conditions. This was on the basis of the Flood Risk Management (Scotland) Act 2009 the terms of which, of course, had not been applicable when the application for planning permission in principle was first submitted.</p> <p>4. I can understand the concern of the Scottish Environment Protection Agency and note that the Agency’s flood map indicates that the site is at medium risk of river flooding, lying between the confluence of the Caddon Water and the Meigle Burn. Apparently, there are records of flooding problems in the area. The Agency is aware that a flood risk assessment has been undertaken. However, the passage of time, particularly in terms of the standard of the assessment, gives rise for concern.</p> <p>5. It is proposed to raise the level of the land and build on the resulting platform. Indeed, much material has been deposited on the site, presumably to achieve this higher level.</p> <p>6. The Agency believes that this process could lead to the loss of floodplain conveyance and storage capacity. In turn, this could result in the increase in the risk of flooding elsewhere. Should this be the case, I accept that development on the site would be contrary to the terms of Scottish Planning Policy which seeks to prevent development that would increase the probability of flooding elsewhere.</p> <p>7. Despite the concerns of the Agency, the council has drawn attention to the weight to be attached to the planning permission that has been issued. This is irrefutable: the planning permission of 2004 remains extant, matters attached to the conditions have been approved and it would be possible to construct the access road and a house on plot three. In pragmatic terms, it would not be reasonable to now remove the housing land allocation as required by the Scottish Environment Protection Agency. Even if the allocation were to be deleted, the approved housing development could be implemented.</p> <p>8. The support in the representation Murray & Burrell Ltd is not an unresolved issue and therefore did not require to be brought to the examination.</p>
Reporter's recommendations:
No modifications.

Issue 100	Housing within the Central Strategic Development Area: Clovenfords (EC13B – Meigle)	
Development plan reference:	Clovenfords Settlement Profile and Map (pages 241 -243)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Housing allocation EC13B - Meigle	
Planning authority’s summary of the representation(s):		
Modification to developer requirements/ Planning Brief to require a flood risk assessment (FRA).		
Modifications sought by those submitting representations:		
Modification to developer requirements/ Planning Brief to require a flood risk assessment (FRA).		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE CLOVENFORDS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.</p> <p>Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk</p>		

assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

This site is out with the 1 in 200 year flood extent. However, there have been previous reports of surface water runoff from the surrounding hills. This would mean that surface water management would definitely have to be taken into consideration and the flood risk assessments and drainage drawings for the Vinery Park developments would have to be assessed fully to assess whether there is a flood risk at the site.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site EC13B, Meigle, is allocated for residential development.
2. Detailed planning permission for the construction of 70 houses was issued in 2008. That permission includes a condition requiring the provision of a sustainable drainage scheme. I note that the Scottish Environment Protection Agency withdrew an objection to the proposal on the basis of the proposed drainage arrangements. Development is underway and the 2012 housing land audit showed 19 completions with 28 completions indicated in the 2013 audit. Indeed, as the council has confirmed, construction is continuing and the development is now substantially complete.
2. This is an example of the planning process moving forward. Under the circumstances, whilst I note the concern of the Scottish Environment Protection Agency, it would not be appropriate to amend the site requirements at this stage.

Reporter’s recommendations:

No modifications.

Issue 101	Housing outwith the Strategic Development Areas: Cockburnspath (BC01B- Burnwood)	
Development plan reference:	Cockburnspath Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Cockburnspath, page 245)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
357 SEPA		
Provision of the development plan to which the issue relates:	Cockburnspath Settlement Profile, Development and Safeguarding Proposals (BC01B- Burnwood)	
Planning authority's summary of the representation(s):		
State that they require a Flood Risk Assessment from the Cockburnspath Burn which flows adjacent to the site. State that the majority of the site is likely to be developable		
Modifications sought by those submitting representations:		
Add requirement for Flood Risk Assessment to the site requirements for BC01B		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the</p>		

flood risk.”

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. This housing proposal site remains as yet undeveloped. The council does not advise that planning permission is in place for its development.
2. SEPA advises that although the majority of the site is likely to be developable, a flood risk assessment is required to consider the implications for development of the Cockburnspath Burn which runs adjacent to the site. There are 6 site requirements relevant to development of this site listed on page 245 of the proposed plan. None of these refer to any need to assess flooding risk or even take account of the presence of the watercourse. I acknowledge the council’s contention that this matter is capable of being satisfactorily addressed by the wider policies of the plan, and in particular by Policy IS8: *Flooding*.
3. Potential developers of the site would, however, be entitled to rely on the otherwise detailed site requirements already set out, some of which could be fairly described as being less crucial to development of the site than the potential for flooding.
4. It is disappointing that this matter was not resolved between the council and SEPA earlier in the development planning process. That said, I conclude that the plan would be insufficient in failing to include this matter as a site requirement, in the circumstances set out above.

Reporter’s recommendations:

I recommend that the following modification be made:

1. Insert an additional site requirement for site BCO10B as follows:

“A flood risk assessment is required to inform the site layout, design and mitigation”

Reporter’s note: although this Schedule 4 form refers to site BCO1B, I take this to be a typographical error as the settlement profile and proposals map both refer to site BCO10B.

Issue 102	Housing within the Eastern Strategic Development Area: Coldingham (BCL2B- Bogangreen)	
Development plan reference:	Coldingham Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Coldingham, pages 248-250)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
399 David Campbell 400 Ron Bagnall 357 SEPA		
Provision of the development plan to which the issue relates:	Coldingham Settlement Profile, Development and Safeguarding Proposals (BCL2B- Bogangreen)	
Planning authority's summary of the representation(s):		
<p><u>399 David Campbell</u></p> <p>Questions whether the material impact such a development would have on the Conservation Area is appropriate. Plan identifies road issues but there are others. Subsequent identification of more residential development in Reston brings into question whether BCL2B is required to meet need. Issues magnified by the pending planning permission for 87 units (09/00757/OUT)</p> <p><u>400 Ron Bagnall</u></p> <p>States that the site is much too large for a small village. Outline plans have been approved for a development of 87 houses and inappropriate density. Would like site removed from the Plan and replaced by smaller developments, or if it is to remain in, for the Local Plan to specifically limit the number of houses that can be built</p> <p><u>357 SEPA</u></p> <p>State that they require a Flood Risk Assessment from the Hill Burn and Bogan Burn which flow along the perimeters of the site. State consideration should be given to whether there are any culverted watercourses within the site.</p>		
Modifications sought by those submitting representations:		
<p><u>400 Ron Bagnall</u></p> <ul style="list-style-type: none"> - Removal of BCL2B from the Plan and replacement with smaller developments - Limitation of the number of houses that can be built <p><u>357 SEPA</u></p> <ul style="list-style-type: none"> - Inclusion of a site requirement for a Flood Risk Assessment and for consideration of any culverted watercourses within the site 		

Summary of responses (including reasons) by planning authority:

NO CHANGES TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED

REASONS

399 David Campbell and 400 Ron Bagnall

This site is a continued allocation from the Consolidated Local Plan. The site has a pending planning permission subject to a legal agreement; this deals with a number of issues (Supporting Document 102-1: pages 7-19). It is accepted that the number of houses given permission is higher than the indicative figure within the Proposed LDP; however in determination of the planning application it was considered that the proposal was an appropriate design solution for the site.

If the legal agreement on the planning application is not met, it is still considered that the site is appropriate. Core Document 075 is an approved Planning Brief for the site, this examines constraints and opportunities and other relevant considerations. This document is a material consideration for any planning application on the site.

357 SEPA

It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to culvert removal and channel restoration. Policy EP15 on Development Affecting the Water Environment states in its preamble that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. Developers are required to consider potential impacts and mitigations to enhance and restore water the environment. Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters. This includes in sub section d) the need for compliance with best practice in relation to canalisation and culverting.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of policy EP15, and that the insertion of the contributor’s proposal is not necessary.

Reporter's conclusions:

1. It is important to note that this site is being carried forward from the adopted local plan and that the council advises that there is planning permission pending subject only to a planning obligation. There is clear advantage in providing for certainty in the development planning process, as plans move through different iterations.
2. Given the wider housing land supply position discussed under Issue 080, there is every reason to retain in the plan sites which demonstrate acceptable environmental and other impacts. In this case, although the proposal would represent a significant expansion of the settlement, I do not consider that to be out of proportion, especially as Coldingham is located within the Eastern Strategic Development Area. The site appears to me to be sufficiently separated from the conservation area (SD 102-1 states that distance as greater than 100 metres) as to avoid adversely affecting its character or appearance.
3. I note the indicative capacity of the site is set at 36 units in the proposed plan. That is a matter that stands properly to be addressed in the development management process, as it has been in the case of the extant planning application. Any modification to the notional capacity in the plan, for which I have no real evidence, would in any case not have the effect of limiting development of the site to that figure.
4. All things told, I consider it entirely appropriate to retain this proposal within the plan.
5. Turning to the issue of flooding and culverts, I note that the supplementary planning guidance for the site, to which the proposed plan directs the reader for site requirements, indicates that a flood risk assessment will not be required. This advice conflicts with SEPA's much more recent representation on the proposed plan. In that, it is stated that flood risk assessment is required and that consideration should be given to whether there are any culverted watercourses within the site.
6. It is disappointing that this matter was not resolved between the council and SEPA earlier in the development planning process. That said, I conclude that the plan would be insufficient, in the circumstances set out above, in referring the reader to an approved planning brief which appears to be, at least in regard to flood risk, potentially outdated. This will not affect the current planning application, but will be relevant should further proposals be brought forward. I note the council's contention that these matters could be satisfactorily addressed in terms of Policy EP15: *Development Affecting the Water Environment*. I am concerned, however, that the advice contained in the supplementary planning guidance would not give adequate notice of these matters and, in fact, could be misleading.
7. I therefore consider it necessary that the plan be modified to refer to a planning brief which shall be updated to consider the need for flood risk assessment and the investigation of whether culverted watercourses are present within the site.

Reporter's recommendations:

I recommend that the following modification be made:

1. Amend the site requirements for site BCL2B as follows:

“Refer to approved Planning Brief, which shall be updated to consider the need for flood risk assessment and the investigation of whether culverted watercourses are present within the site.”

Issue 103	Settlements within the Eastern Strategic Development Area: Potential settlement boundary at Coldingham Sands	
Development plan reference:	N/A	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>466 Paul Warner 445 Suzanne McIntosh</p>		
Provision of the development plan to which the issue relates:	N/A	
Planning authority's summary of the representation(s):		
<p><u>466 Paul Warner</u></p> <p>Requests that Coldingham Sands be identified as a settlement with a boundary taking into account landscape heritage and prominence of the bay. Also states that there should be supplementary guidance for Coldingham Sands detailing no further development on the coastal slope; and if new developments are to be considered at Coldingham Sands that there should be strict design codes so as to maintain the character of Coldingham Sands</p> <p><u>445 Suzanne McIntosh</u></p> <p>States that Coldingham Sands has been under pressure for development, including a significant development at the old pavilion. In relation to the policies that apply to the area states that it would be useful to identify the area as a settlement with a distinct boundary and bring it in line with other similar sized groups or dwellings. States that this would enable the Council to examine what constraints and opportunities should be placed on that area and consider producing design codes for acceptable development. This could avoid difficulties that have been seen in the handling of recent applications. The objector states that the landscape heritage and physical vulnerability of the bay requires to be further protected in the plan. In addition contributions should be considered to improve the road status.</p>		
Modifications sought by those submitting representations:		
<p><u>466 Paul Warner; 445 Suzanne McIntosh</u></p> <ul style="list-style-type: none"> - Identification of Coldingham Sands as a settlement - Production of design codes and/or supplementary guidance for Coldingham Sands 		

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED

REASONS

The area in question was not raised in the Main Issues Report (MIR) site call or MIR consultation period.

It is noted that the Proposed Local Development Plan provides policies that protect areas outwith settlement boundaries; in particular policy PMD4 Development Outwith Development Boundaries provides rigorous exception criteria to help ensure that development outwith settlement boundaries is an exceptional occurrence. In addition, policy HD2 Housing in the Countryside, aims to encourage housing in appropriate locations in the countryside.

It is considered that Coldingham Sands does not exhibit the facilities which would define a place as a settlement; aside from visitor related facilities there are no other amenities. It is also noted that there is a significant number of holiday homes along the Borders coast and the scale of an existing 'community' is questionable.

Any planning application should take cognisance of relevant Local Development Plan policy. It is considered this policy background, as well as discussion with Development Management Planning Officers and other relevant Council officers, ensures design is given proper consideration at the planning application stage and therefore negates the need for any specific design codes.

Due to the discussion above it is considered that Local Development Policy and the development management process are adequate in achieving appropriate design for any proposal that comes forward. As a result no amendment in the Local Development Plan is considered necessary.

Reporter's conclusions:

1. As I understand them, the representations seek the identification of a settlement boundary, together with a commitment to produce supplementary guidance controlling and/or limiting future development opportunities at Coldingham Sands. The need for this is said to arise at least partly from the impact of recent development at this location.
2. I have been drawn to no wider policy or guidance on the circumstances which would justify the identification of a settlement boundary, nor to factors to take into account when considering whether to do so.
3. In this case, it seems to me that there are few facilities, beyond a parking area, a hotel and a surf shop, which would point to the grouping serving a wider community function in the locality. The council advises that any future development proposals at this location would stand to be assessed in terms of the general policies of the plan, and specifically Policy PMD4: *Development Outwith Development Boundaries* and Policy HD2: *Housing in the Countryside*. I note also that the council intends to adopt supplementary guidance in support of the application of those policies. It does not appear to me to be any more or less likely that the quality of any future development at this location would be improved by the designation of a settlement boundary or the

preparation of specific supplementary guidance.

4. I note also that paragraph 78 of Circular 6/2013: *Development Planning* states that:

“The Proposed Plan should address the spatial implications of economic, social and environmental change, be clear about the scale of that anticipated change and in particular identify opportunities for development and set out the authority’s policies for the development and use of land.” It seems to me that there is little prospect for significant change or growth at this location. In fact, counter to what the representations appear to seek, it seems to me that the identification of opportunities for further development would provide the justification for the designation of a settlement boundary.

5. In these circumstances I cannot fairly conclude that the proposed plan fails to meet the test of sufficiency and appropriateness set out in paragraph 117 of Circular 6/2013.

Reporter’s recommendations:

No modification.

Issue 104	Redevelopment outwith the Strategic Development Areas: Coldstream (RCOLD001- Lennel Cottages II)	
Development plan reference:	Coldstream Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Coldstream, pages 251-255)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
310 Sir Ilay Campbell Estate 474 Lennel Tennis Club 415 Lennel Tennis Club		
Provision of the development plan to which the issue relates:	Coldstream Settlement Profile, Development and Safeguarding Proposals	
Planning authority's summary of the representation(s):		
<p><u>310 Sir Ilay Campbell Estate</u></p> <p>State an interest in an area of land which comprises a total of 1.5ha overall. Land comprises the Coldstream Tennis Club and land immediately to the north, state that the Council has raised expectation to the land being developed in conjunction with a retained and enhanced tennis club and that they would like to explore this option. State that the site is located outwith the settlement boundary of Coldstream, is recognised in the SBC site assessment as being well located to the town centre easily accessible on foot, and therefore represents an appropriate and sustainable location for modest housing development to strengthen this part of the Coldstream community. Also state that the site is well screened from the public road, there would be no loss of trees or protected habitats, no unacceptable landscape impacts and that the site could be developed whilst retaining the tennis club facilities.</p> <p><u>415 Lennel Tennis Club and 474 Lennel Tennis Club</u></p> <p>The contributor supports the identification of this site as a key greenspace. They continue stating that this designation recognises the social benefit of the site and acknowledges its importance as a popular community facility.</p>		
Modifications sought by those submitting representations:		
<p><u>310 Sir Ilay Campbell Estate</u></p> <p>Inclusion of the Tennis Club land and the land directly to the north as a redevelopment site</p>		
Summary of responses (including reasons) by planning authority:		
NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED		

REASONS

415 Lennel Tennis Club and 474 Lennel Tennis Club

Support for the Council's intention to identify Lennel Tennis Club as a key greenspace following MIR consultation is noted.

310 Sir Ilay Campbell Estate

A previous objection to a similar area of land was received as part of the Finalised Local Plan Inquiry. Core Document 020 (pages 11-24) details the objection which argues that the site should be allocated for housing in the local plan in preference to other allocated housing sites in Coldstream.

In response to the objection the Council considered that there was no requirement to allocate further housing land in the Berwickshire HMA; that there was an adequate range and choice of sites available for development in the HMA and that the existing allocated sites in Coldstream should be developed before others were allocated; that there were 3 redevelopment opportunities on sites within the development boundary of Coldstream, as shown on the Proposals Map of the finalised plan; that the proposal for the objection site could be tested as a planning application to assess its merits against the new housing in the Borders countryside policy, and that if the tennis club was considered to be brownfield its possible redevelopment would be assessed against Policy G8 of the finalised plan.

The Reporter found that the proposal for the objection site was not preferable to other allocated sites in Coldstream, even if the other sites had certain drawbacks. The Reporter was concerned about the "unnecessary use of estate policy land on what is an awkwardly configured site with mature woodlands, as well as major changes of gradient on its south-eastern margins. Furthermore, the objection site incorporates a well established and operational local tennis club, for which no alternative site has formally been proposed". In addition, it was also stated that the Reporter noted there were three redevelopment opportunities within Coldstream identified on the Proposals Map of the finalised plan, and despite noting there were potential constraints to these sites, the Council's argument "that in seeking to regenerate Coldstream there is a priority placed on redeveloping these brownfield sites within the settlement boundary. Most importantly, I agree with the Council that the redevelopment of these brownfield sites should take precedence over further extending the development boundary to enable further green field development when this is not justified and could delay or impede the take up of the redevelopment options. I note that giving priority to the proposed redevelopment of the brownfield opportunity sites in Coldstream over greenfield developments beyond the edge of the town would accord with development plan and national policies and related guidance. Furthermore it is evident that at least two of the three redevelopment sites are more central to the main facilities and services of the town making them more sustainable options."

A representation was received from the same objector for this site (Supporting Document 104-1) within the Main Issues Report (MIR) consultation period this submission stated that the tennis club's lease had expired and that the Client represented in the submission understood they were looking to relocate. The submission went on to state that the tennis courts and land to the north would be available for redevelopment and that a modest number of houses, with potential to incorporate improved tennis club facilities, would be an appropriate redevelopment option. In response to Supporting Document 104-1 the Council position (as agreed at Council Committee 25 September 2013, Core Document

016: page 44) was that in regard to Member and Council concerns over the future of the tennis club that the tennis courts should be safeguarded as open space in the Proposed LDP (GSCOLD003). It is noted that there is no objection to this contained within the representation submitted during the Period of Representation.

The Council consider that for the Proposed Local Development Plan objection the reasoning applied by the Reporter at the Finalised Local Plan Inquiry is still relevant. As a result it is not considered that amendment to the settlement profile in the Local Development Plan is required.

Reporter's conclusions:

1. Coldstream is located outwith any of the strategic development areas which are expected by SESplan to provide for the bulk of housing development. That does not preclude modest growth, where environmental and other impacts permit, in such towns.
2. Paragraph 117 of Circular 6/2013: *Development Planning* states that: "Scottish Ministers intend the reporter within the bounds of the issues raised in representations, primarily to examine the appropriateness and sufficiency of the content of the Proposed Plan. Only if the Proposed Plan is insufficient or inappropriate should they consider other sites or approaches." I am required to consider, therefore, whether either of those considerations apply to the matters raised in this representation.
3. The larger part of the proposed site which is located within the settlement boundary is occupied by tennis courts. In this regard I note the tennis club's support of the identification of the courts in the proposed plan as key greenspace. The representation submitted on behalf of the site owner advises, however, that the tennis courts could be retained and improved as part of the development of the wider site. I have no reason to believe that this could not be ensured through inclusion as a site requirement.
4. A small area of the proposed site (to the west) is also located within the settlement boundary, where redevelopment is likely to be acceptable in principle subject to assessment against the wider policies of the plan.
5. The majority of the site is located outwith, but immediately adjacent to, the settlement boundary. This area is located between 2 mature woodland belts. I note from the council's assessment of the proposed site (under reference RCOLD001) that there appear to be no insurmountable environmental, access or other constraints to satisfactory development of the site.
6. The council's resistance to inclusion of the suggested site within the plan seeks to rely upon the conclusions of the previous local plan inquiry, which essentially found that there were other more preferable sites within Coldstream.
7. I note the 3 other housing proposal sites identified in the proposed plan for Coldstream, together with 2 large-scale longer term housing allocations. Even in the overall housing land supply position set out under Issue 080, I consider these allocations to be sufficient to provide for the reasonable growth of Coldstream, particularly as it is located outwith a strategic development area. To that extent I cannot fairly conclude that the plan is insufficient or inappropriate in failing to allocate this site for development. That is not to say, given the overall benign impacts which its development would result in, that this cannot be considered again in future as the allocated sites are developed out.

Reporter's recommendations:

No modifications.

Issue 105	Redevelopment outwith the Strategic Development Areas: Coldstream (zRO17- Duns Road)	
Development plan reference:	Coldstream Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Coldstream, page 254)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
13 Jim Hewit		
Provision of the development plan to which the issue relates:	Coldstream Settlement Profile, Development and Safeguarding Proposals, zRO17- Duns Road	
Planning authority's summary of the representation(s):		
States support for continued allocation of the site for redevelopment but requests that more information is provided in relation to the acceptability of 'Mixed-use' development. Primarily for residential (including possible care home) development of up to 34 dwellings and/or modest Class 1 retail given its proximity to Coldstream High Street.		
Modifications sought by those submitting representations:		
To alter the site requirements to provide more information in respect to acceptability of residential (including possible care home) development of up to 34 dwellings and/or modest Class 1 retail		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>Support for the allocation is noted. A redevelopment allocation can allow for a wide range of uses including a coherent, complementary mixed use scheme. However, it is considered that any detailed scheme would be most appropriately tested through a planning application with the particular proposals being tested against relevant Local Development Plan policy.</p> <p>As a result it is not considered necessary to amend the settlement profile in the Local Development Plan following the representation.</p>		
Reporter's conclusions:		
<p>1. This apparently vacant and rather derelict site is close to the town centre and its redevelopment would clearly benefit the wider area, in addition to bringing the site back into productive use.</p>		

2. The site is allocated as a redevelopment proposal. In common with the other redevelopment proposals contained within the proposed plan, no indication is given as to the nature or description of developments which are likely to be acceptable. The council states that any detailed proposal would be most appropriately tested by means of a planning application, and assessed against the relevant policies of the plan.

3. There may be some benefit in providing greater certainty to potential developers of the site. I am concerned, however, that specifying the type of development likely to be acceptable would potentially restrict options for redevelopment of the site. I agree with the council that specific proposals for redevelopment would be better assessed against the wider policies of the plan, and assume in this regard that the council will assist potential developers by entering into pre-application discussions.

Reporter's recommendations:

No modifications.

Issue 106	Redevelopment outwith the Strategic Development Areas: Coldstream (zRO18- Lees Farm Mill)	
Development plan reference:	Coldstream Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Coldstream, page 254)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
357 SEPA		
Provision of the development plan to which the issue relates:	Coldstream Settlement Profile, Development and Safeguarding Proposals, zRO18- Lees Farm Mill	
Planning authority's summary of the representation(s):		
<p>State that they require a Flood Risk Assessment to inform the area of redevelopment, type of development, and finished floor levels. State that it is important to consider sensitivity of use in line with their land use vulnerability guidance and that they would not support any development which increases the flood risk to existing/proposed development. State they believe the site will be heavily constrained due to flood risk.</p>		
Modifications sought by those submitting representations:		
Alteration of the site requirements to refer to a Flood Risk Assessment.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the</p>		

requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

In addition the existing site requirements at page 254 of the Coldstream Settlement Profile refer to “Investigation of potential flood risk”. As a result it is considered potential developers will have to demonstrate that their proposal fits within Policy IS8.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. SEPA advises that the site is at significant risk of flooding from the Leet Water and the River Tweed backing up. SEPA has evidence of previous flooding events, and the susceptibility of the site to such events was clearly evident during my inspection of the site. It is contended that a flood risk assessment is required, in order to assess the risk and inform redevelopment proposals, including consideration of finished floor levels. SEPA’s indicative flood mapping appears to identify around half of the site as being at risk from a 1:200 year river flood event.

2. It is disappointing that this matter was not resolved between the council and SEPA earlier in the development planning process. I note however, that the site requirements set out in the proposed plan include investigation of potential flood risk.

3. In these circumstances I am content that adequate warning of flood risk is set out in the site requirements and I agree with the council that this matter is capable of being satisfactorily considered at the development management stage, within the framework of the wider policies of the plan and in particular Policy IS8: *Flooding*.

Reporter’s recommendations:

No modifications.

Issue 107	Development outwith Strategic Development Areas: Lennel (FCOLD001-Lennel and FCOLD002- Lennel II)	
Development plan reference:	Coldstream Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Coldstream, page 254)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
310 Sir Ilay Campbell Estate		
Provision of the development plan to which the issue relates:	Coldstream Settlement Profile, Development and Safeguarding Proposals (FCOLD001-Lennel)	
Planning authority's summary of the representation(s):		
<p>State a response to the SBC site assessment of this proposed cemetery expansion site which was submitted at the Main Issues Report (MIR) stage. State that the issues of land slippage and flooding are of no concern, as the area of such concern referred to in the Flooding response would be avoided, and only the part of the site nearest to the road would be developed; that criticism of the site's proximity to Coldstream can equally be applied to the existing expansion area (FCOLD001); that references to the SSSI and SAC are of no concern; that tree clearing would not involve mature species and that this is more desirable than using prime agricultural land in a prominent location over the road (FCOLD001); and that issues are not considered to be insurmountable through the detailed design stage and that if the site were on the same side as the existing cemetery dangerous crossings of the road would be avoided.</p>		
Modifications sought by those submitting representations:		
Replacement of FCOLD001 with a new cemetery expansion site (FCOLD002).		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN AS PROPOSED</p> <p>REASONS</p> <p>It is considered that the internal consultation responses received from Council Officers as presented in the Supporting Document 107-1 (pages 491-494) remain relevant and that they show that this site is unsuitable. No evidence is provided to support the counter arguments against Council officer opinion.</p> <p>In addition to this the Scottish Environment Protection Agency (SEPA) Groundwater Protection Policy for Scotland v3 states at paragraph J2.4 (Supporting Document 107-2: page 56) that they recommend that bodies should not be buried within 50 meters of any watercourse. It is judged that the site is within 50m of the watercourse.</p>		

<p>As a result it is considered unnecessary to change the allocation, FCOLD001 and the Local Development Plan should remain as proposed.</p>
<p>Reporter's conclusions:</p>
<p>1. This representation seeks to have the cemetery proposal at Lennel deleted, and substituted by a cemetery expansion proposal immediately to the south-west of the existing cemetery.</p> <p>2. Paragraph 117 of Circular 6/2013: <i>Development Planning</i> states that: "Only if the Proposed Plan is insufficient or inappropriate should they [reporters] consider other sites or approaches. They are not tasked with making the plan as good as it can be, but with modifying those parts that are clearly inappropriate or insufficient." I must primarily, therefore, consider whether the cemetery proposal contained in the proposed plan is inappropriate.</p> <p>3. The proposed site is located across the A6112 from the existing cemetery. It would occupy a portion of field, currently not delineated by field boundaries, which is stated to be prime agricultural land. The site requirements set out in the plan do not appear to me to be insurmountable, nor does the representation suggest that they are.</p> <p>4. Although the loss of prime agricultural land ought to be avoided wherever possible, it appears to me that the extent of such loss would be very minor in the case of this proposal, and that the visual impact of this proposal on the open character of the countryside would be likely to be insignificant. I cannot, therefore, conclude that the proposed plan is inappropriate as far as this proposal is concerned.</p> <p>5. I note in any event the constraints to developing the suggested alternative expansion site, not least the potential for likely significant effects on the River Tweed SAC and SSSI, and the advice of SEPA that bodies should not be buried within 50 metres of a watercourse.</p>
<p>Reporter's recommendations:</p>
<p>No modifications.</p>

Issue 108	Housing within the Central Strategic Development Area: Crailing (ACRAI001 - Crailing Toll)	
Development plan reference:	Crailling Settlement Profile and Map (pages 257 – 259) – ACRAI001 (Crailling Toll)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Housing allocation in Crailing – ACRAI001 (Crailling Toll).	
Planning authority's summary of the representation(s):		
<p>The contributor objects to this site in that they would require an additional site requirement for a feasibility study to be undertaken to assess the potential for channel restoration by removing the existing or possible culverts. In addition there may be an opportunity to restore the water environment to its natural state by removing the culvert. The contributor would require an additional site requirement to help contribute to the objectives of the River Basin Management Plan.</p> <p>The contributor also requests a Flood Risk Assessment to assess the risk from the small watercourse which potentially is culverted within or adjacent to the site. The contributor requests information should also be provided relating site levels to historic flood levels in Teviot.</p>		
Modifications sought by those submitting representations:		
<p>The contributor seeks an additional site requirement requiring a feasibility study to be undertaken to assess the potential for channel restoration by removing the existing or possible culverts as well as another requirement for the site to help contribute to the objectives of the River Basin Management Plan.</p> <p>The contributor also requires a Flood Risk Assessment for the site and requests information should also be provided relating site levels to historic flood levels in Teviot</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO CRAILLING SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>This site was identified as a housing allocation within the Finalised Local Plan Amendment 2009 (Core Document 010) and the site was taken forward into the Scottish Borders Consolidated Local Plan 2011 (Core Document 007). The site had been subject to public consultation prior to its inclusion in the Plan.</p>		

In relation to the requirement for a feasibility study, it is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076 - SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed Local Development Plan makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to culvert removal and channel restoration as well as the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in its preamble that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area. Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters. This also includes in sub section d) the need for compliance with best practice in relation to canalisation and culverting.

Therefore, it is submitted that these matters can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor’s proposals are not necessary.

Regarding the requirement for a Flood Risk Assessment, it is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 075 - SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk

assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site ACRAI001, Crailing Toll, is allocated for residential development.
2. Despite the concern of the Scottish Environment Protection Agency, the flood maps do not indicate a threat from either river or surface water flooding. However, reference is made to a small watercourse and a possible culvert. Indeed, the site requirements specify that the location of the culvert needs to be considered in the layout of the site. I believe that an addition to this requirement to indicate the potential for culvert removal would be helpful.
3. As in other cases, I recognise the hope of the Scottish Environment Protection Agency that the redevelopment of the site would provide an opportunity to contribute to the objectives of the River Basin Management Plan. Nevertheless, Policy EP15, Development Affecting the Water Environment, provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. Opportunities to enhance and restore the water environment in support of biodiversity are set out in supplementary guidance.
4. On the basis of the foregoing, I conclude that the terms of Policy EP15 provide a clear basis for development management of this site in respect of the water environment and that a further site requirement to this effect is not necessary.

Reporter’s recommendations:

I recommend the following modification be made:

1. In the Crailing Settlement Profile under the Housing section of the Development and Safeguarding Proposals, amend the third bullet point as follows:

“Location of the culvert needs to be considered in the layout of the site in respect of the potential for flooding along with any potential for culvert removal and channel restoration.”

Issue 109	Development outwith Strategic Development Areas: Cranshaws- Proposed settlement boundary (SBCRAN001)	
Development plan reference:	N/A	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
462 Cranshaws, Ellemford and Longformacus Community Council		
Provision of the development plan to which the issue relates:	Proposed Local Development Plan Volume 2 Settlement Profiles	
Planning authority's summary of the representation(s):		
<p>State that they are concerned at the omission of a settlement profile for Cranshaws. State that the village has a historic past and is the centre of vibrant local estates and farms. It is the second largest of the Lammermuir settlements with a busy village hall and a functioning local kirk. It is also stated that the area has consent for housing development to the north of the village and that without a development boundary there is a risk of deterring appropriate development that could add to the vibrancy and viability of smaller rural communities. Similar settlements are mentioned in the Borders which have settlement profiles (i.e. Ettrick Hopehouse and Robertson).</p>		
Modifications sought by those submitting representations:		
Inclusion of a settlement profile for the village of Cranshaws.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED REASONS</p> <p>It is noted no representation was received on this issue within the Main Issues Report (MIR) site call or the MIR consultation period.</p> <p>Settlement boundaries are a tool to focus development within a strictly defined area. They are most effective in dealing with larger settlements and with areas subject to growth pressures. In remote rural areas the perceived advantage of a settlement boundary is less clear cut, and could lend to unnecessarily preventing acceptable development.</p> <p>Within the Proposed Local Development Plan there are existing policies which seek to accommodate appropriate development within the countryside, including PMD4 Development Outwith Development Boundaries, ED7 Business, Tourism and Leisure Development in the Countryside and HD2 Housing in the Countryside.</p> <p>Consideration of Cranshaws as a settlement could be assessed as part of a future Local Development Plan. However, any assessment would need to look at the most appropriate</p>		

manner in which to support/promote future growth, and availability of existing facilities that would sustain employment, education or other resident needs.
As a result of the discussion above no amendment to the Local Development Plan is required.

Reporter's conclusions:

1. The representation seeks the identification of a settlement boundary at Cranshaws. The village has the last remaining active church in the Lammermuirs, in addition to a village hall which is described in the representation as vibrant. There is said to be an extant planning permission for residential development at the north end of the village, and the representation states that the lack of a settlement boundary risks deterring development which could enhance the viability of this rural area.
2. I have been drawn to no wider policy or guidance on the circumstances which would justify the identification of a settlement boundary, nor to factors to take into account when considering whether to do so.
3. In this case, the dispersed nature of the village and the relative lack of facilities, does not suggest to me that the plan is clearly insufficient in failing to designate a settlement boundary at this location.
4. I note also that paragraph 78 of Circular 6/2013: *Development Planning* states that:
“The Proposed Plan should address the spatial implications of economic, social and environmental change, be clear about the scale of that anticipated change and in particular identify opportunities for development and set out the authority’s policies for the development and use of land.” It seems to me that there is little prospect for significant change or growth at this location nor, in the interests of sustainable development, should significant growth be encouraged in this relatively remote area located outwith a strategic development area.
5. The council advises that the wider policies of the plan seek to accommodate appropriate development within the countryside, particularly PMD4: *Development Outwith Development Boundaries*; ED7: *Business, Tourism and Leisure Development in the Countryside*; and HD2: *Housing in the Countryside*. I am satisfied that those policies establish an adequate framework for the encouragement of appropriate development at this location.
6. In these circumstances I cannot fairly conclude that the proposed plan fails to meet the test of sufficiency and appropriateness set out in paragraph 117 of Circular 6/2013.

Reporter's recommendations:

No modifications.

Issue 110	Development within Central Strategic Development Area: General: Darnick coalescence	
Development plan reference:	Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Darnick, pages 260-252)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
482 N Watson		
Provision of the development plan to which the issue relates:	Volume 2 Settlement Profiles, Darnick Settlement Profile	
Planning authority's summary of the representation(s):		
There is mention of anti-coalescence policy in relation to Darnick/Melrose. Darnick/Tweedbank should also be mentioned (as it is in the Tweedbank profile).		
Modifications sought by those submitting representations:		
The contributor seeks a modification of the Darnick settlement profile to include reference to anti-coalescence between Darnick and Tweedbank.		
Summary of responses (including reasons) by planning authority:		
<p>THE AMENDMENT OF TEXT IN THE PLACE MAKING CONSIDERATIONS SECTION, AS DETAILED BELOW, IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL</p> <p>It is noted paragraph 5 of the Tweedbank Settlement Profile states: Policy EP6 (Countryside Around Towns) seeks to protect the area between Darnick and Tweedbank from development in the longer term, primarily to avoid coalescence of the settlements, thereby retaining individual character.</p> <p>However, the Council notes the provisions within paragraph 87 of Circular 6/2013 on Development Planning (Core Document 031) which state that "The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations."</p> <p>In that respect the Council acknowledges that a cross-reference to Policy EP6 (Countryside Around Towns) could be added to the Darnick Settlement Profile which recognises the protection of the area between Darnick and Tweedbank. Therefore text could be added in the settlement profile, at paragraph 4, in the Place Making Considerations: "Policy EP6 (Countryside Around Towns) seeks to protect the areas between Darnick and Melrose, and Darnick and Tweedbank from development in the longer term..."</p>		

<p>The Council consider that this additional text would clarify the position on coalescence and would constitute a non-significant change.</p>
<p>Reporter’s conclusions:</p>
<p>1. The suggestion by Mr Watson that the Darnick settlement profile should include a reference to the need to guard against coalescence is acceptable to the council. I concur.</p>
<p>Reporter’s recommendations:</p>
<p>I recommend the following modification be made:</p> <p>1. In the Place Making Considerations section of the Darnick settlement profile, amend the fourth paragraph as follows:</p> <p>“The distinct character and setting of Darnick is recognised. As indicated in Figure EP6a, Policy EP6 (Countryside Around Towns) seeks to protect the areas between Darnick and Melrose, and Darnick and Tweedbank from development in the longer term, ...”</p>

Issue 111	Housing within the Central Strategic Development Area: Darnick (EM9B – Chiefswood Road)	
Development plan reference:	Darnick Settlement Profile and Map (pages 260 – 262) EM9B (Chiefswood Road)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Housing Allocation EM9B – Chiefswood Road	
Planning authority’s summary of the representation(s):		
The contributor requests that the developer requirements for this site require a flood risk assessment (FRA).		
Modifications sought by those submitting representations:		
The contributor requests a modification of the site requirements to include a FRA.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE DARNICK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.</p> <p>Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are</p>		

proposed to mitigate the flood risk.”

The Council’s Flood Protection Officer advises that this site is within the 1 in 200 year fluvial flood risk extent for the Huntly Burn and is within the 1 in 200 year pluvial flood risk extent. It would be required that a flood risk assessment be undertaken at this site. It is also required that surface water management issues are looked at and that the flood resilient materials are used throughout construction. It is recommended that, to receive flood warnings from SEPA, the applicant signs up to FLOODLINE at www.sepa.org.uk.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site EM9B, Chiefswood Road, is allocated for housing.
2. Both the Scottish Environment Protection Agency and the council’s Flood Protection Officer believe that a flood risk assessment is required. Although the council considers that any flooding issues could be dealt with under the provisions of Policy IS8, Flooding, the site requirements already indicate that areas at risk from flooding should be excluded from the developable area. For the avoidance of doubt, it would be appropriate to include an explicit reference to the need for a flood risk assessment in the site requirements.

Reporter’s recommendations:

I recommend the following modification be made:

1. In the Housing section of the Development and Safeguarding Proposals of the Darnick settlement profile, amend the first bullet point in the site requirements for site EM9B, Chiefswood Road, as follows:

“A flood risk assessment is required. Areas identified as being at risk of flooding should be excluded from the developable area.”

Issue 112	Housing within the Central Strategic Development Area: Darnick (EM35D – Broomilees Road)	
Development plan reference:	Darnick Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Darnick pages 260 – 262)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
405 Jackson		
Provision of the development plan to which the issue relates:	Volume 2 Settlement Profiles, Darnick, Housing allocation EM35D-Broomilees Road	
Planning authority's summary of the representation(s):		
<p>Concerns relating to the allocation and the effect of increased traffic on the safety of the people in and around the Broomilees Road area. Understands consent is in place for the site and this was limited due to access. Has encountered various issues on the roads in the last 5 years and subsequently has concerns on any traffic in the area as the access has deteriorated and the traffic on Abbotsford Road increased. Broomilees Road is a designated single track road and has no safe passing places and several blind corners and no safe access to it. The farms in the busy times have heavy agricultural machinery using the road which gives no room for walkers and any other vehicle. Access onto Broomilees Road from the site would have an extremely dangerous entrance onto the road as sight lines in both directions would be limited. Increased vehicles using the access onto Abbotsford Road would result in greater risk of a major accident. Due to recent changes in parking arrangements at Borders General Hospital, Abbotsford Road has become the favoured route for hospital workers, thus traffic flow has increased considerably. This with cars parking along Abbotsford Road means that the exit from Broomilees Road is blind and therefore extremely dangerous. Adding more vehicles to this scenario would be extremely ill conceived. Further consultation is expected on this situation.</p>		
Modifications sought by those submitting representations:		
N/A		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>The site was previously allocated for residential development within the Ettrick and Lauderdale Local Plan 1995 and the Scottish Borders Local Plan 2008 with an indicative capacity of 8 dwellinghouses. During the process of the Inquiry held into the Finalised Scottish Borders Local Plan the Reporter concluded that the site appeared to be suitable</p>		

for residential development with a prospective capacity of 8 units.

It is noted that the site requirements for the allocation state that “access must be considered in detail and discussed with the Council’s Roads section”.

An outline planning application for a residential development on the site was approved by the Eildon Area Committee subject to conditions and the conclusion of a Section 75 or alternative legal agreement (04/02165/OUT). This consent has recently been issued (30 January 2014) with an informative advising the applicant that, even with road improvements proposed by the applicant to Broomilees Road, no more than four dwellinghouses could be supported from a roads point of view.

A plan submitted during the process of the outline planning application showed a pedestrian safety zone 16m in length approximately 18m from the Abbotsford Road junction, an informal one-way priority adjoining the pedestrian safety zone and a parking area/pedestrian zone to be rationalised.

The details of the road improvements along with the density of the site would need to be determined through the process of a further planning application for approval of matters specified in conditions/full planning consent.

As a result of the discussion above it is considered that no further changes should be made to the settlement profile as the need for consideration of access to the allocated site is covered in the site requirements.

Reporter’s conclusions:

1. Site EM35D, Broomilees Road, is allocated for residential development. An indicative capacity of eight is shown, reflecting the terms of the Scottish Borders Local Plan, 2008.
2. An application for outline planning permission (now known as “planning permission in principle”) was lodged in 2004. Following the conclusion of a formal planning obligation, planning permission was issued on 30 January 2014 and remains extant. The granting of planning permission does not guarantee implementation but, nevertheless, the principle of the residential development of the site has been firmly established through both the existing local plan allocation and the planning permission granted by the council.
3. Local concern has been expressed over the impact of additional traffic generated by the development of the site. I accept that Broomilees Road is narrow close to the junction with Abbotsford Road. However, I have been provided with no compelling evidence to suggest the residential development of the site would inevitably cause the unacceptable level of impact feared.
4. The approved development includes a proposal for improvements to Broomilees Road but, nevertheless, the planning permission certificate includes a note that the Director of Technical Services could not support more than four houses on the site.
5. Although the council states that details of the density of the site would need to be determined through the process of a further planning application, it is clear the maximum number of houses anticipated is limited. As explained, the granting of planning permission is not a guarantee that the approved development will be implemented. However, the maximum number of the houses has been clearly stipulated.

6. In pragmatic terms, it must be recognised that the planning process has taken forward the provisions of the proposed plan insofar as planning permission in principle has been issued. It is therefore appropriate that residential allocation EM35D, Broomilees Road, should remain. However, to reflect the terms of the planning permission and to provide guidance for any future developers in the event that the current permission does not lead to implementation, the indicative site capacity should be reduced to four.

Reporter's recommendations:

I recommend the following modification be made:

1. In the Housing section of the Development and Safeguarding Proposals contained in the Darnick settlement profile, change the indicative site capacity for site EM35D, Broomilees Road from "8" to "4".

Issue 113	Housing outwith the Strategic Development Areas: Dolphinton (ADOLP003 – South of Sandy Hill)	
Development plan reference:	Dolphinton Settlement Profile and Map, Site ADOLP003 – South of Sandy Hill	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
480 John Wilson Property		
Provision of the development plan to which the issue relates:	Dolphinton Housing Land	
Planning authority's summary of the representation(s):		
<p>The contributor seeks the allocation of the site for housing and its inclusion within the Development Boundary. The site is a brownfield site which previously formed the Dolphinton Railway station and following that residential use for a time. In that respect a wooden dwelling still remains on site. Outline planning permission was granted in December 2001 for a dwelling on the area of the site occupied by the former garages and more recently two unsuccessful applications for 12 and 14 dwellings. Acknowledging the previous decisions, the contributor seeks a more modest development of 5 units. It is considered that the proposed site represents a natural extension to the settlement and will enable infilling of the land between the A702 and the existing dwellings. The contributor states that neighbours to the site are currently in favour of the lower density proposal as they do not wish to see the site used for commercial development or returned to a state of disrepair. Electricity and water supply are already available on the site. It is noted that Scottish Planning Policy (SPP) supports the redevelopment of brownfield sites and that planning authorities should ensure that new development safeguards and enhances an area's environmental quality. It is also noted that the SPP states that the redevelopment of urban or rural brownfield sites is preferred to the development on greenfield sites. The contributor also comments on the SESplan housing land requirement and consider that the requirement has been considerably underestimated. It is noted from the Housing Land Audit (HLA) 2012 that only 20% of the established supply is on brownfield sites. It is therefore important that appropriate flexibility is applied in identifying suitable brownfield sites in alternative locations and these should be considered superior to greenfield sites as supported by the SPP. The site can contribute to providing affordable housing units as the HLA 2012 identifies that only 19 units came forward within the Northern Housing Market Area that year which is little in comparison to other areas. The contributor notes that the site has been previously assessed by the Council. It is the view of the contributor that each section of the assessment considers the site favourably, clearly demonstrating there are no major constraints to the redevelopment of the land and that the allocation of the site is supported. However the Overall Assessment concludes that the site is 'doubtful' for redevelopment. The contributor believes that the conclusion entirely contradicts and undermines the assessment and as such, respectively request that the Council reconsider the Overall Assessment for the site. The contributor acknowledges the Council's comments in respect of the lack of nearby services, this being the only identified restriction to development. The Dolphinton Settlement Profile and associated Settlement Plan do not allocate any development or safeguarding proposals for Dolphinton, and therefore</p>		

request that this site is allocated.
Modifications sought by those submitting representations:
The contributor seeks the allocation of the site for housing and its inclusion within the Development Boundary.
Summary of responses (including reasons) by planning authority:
<p>NO CHANGE TO THE DEVELOPMENT BOUNDARY FOR DOLPHINTON HOWEVER, THE REPORTER IS REQUESTED TO CONSIDER THE MATTER FURTHER</p> <p>REASONS</p> <p>A Development Boundary was first placed around Dolphinton in the Scottish Borders Consolidated Local Plan 2011 (Core Document 007) following its inclusion in the Scottish Borders Finalised Local Plan Amendment 2009 (Core Document 010). In advance of the boundary around Dolphinton, the settlement had experienced considerable growth in recent years. The introduction of the boundary was considered as a way to protect the residential amenity and character of the area for the residents from continued development pressure. Prior to that, any new development proposed was assessed against the Development in the Countryside Policies contained within the Local Plan 2008.</p> <p>It should be noted the Council did not receive any objections to the new boundary during the representation period for the Finalised Local Plan Amendment and therefore it was not considered by the Local Plan Amendment Examination Reporter.</p> <p>After assessment, the inclusion of site ADOLP003 within the Plan is seen as Doubtful as development would not be appropriate at this location as there is a lack of facilities within the settlement, additional landscaping would also be required resulting in minimal land for development, in addition there are other more suitable sites available to meet the housing requirement outwith the Strategic Development Areas and within the Northern Borders Housing Market Area, see details in the Site Comparison Report (Core Document 077).</p> <p>The site specific reasons for the non-inclusion of site ADOLP003 are set out in the site assessment (Supporting Document 113-1), in summary these are: the site is not close to services and facilities, there is potential for archaeology and contamination to be present on site, and the site is situated on/adjacent to a Special Landscape Area.</p> <p>It should be noted that in respect of the location of site ADOLP003, it is considered that additional development at Dolphinton would not integrate as well with public transport and active travel networks as other sites brought forward within the Proposed Plan required by Scottish Planning Policy (SPP) 2014 (Core Document CD026) (paragraph 273). However it is acknowledged that the site is a brownfield site and there are benefits in the site coming forward.</p> <p>The key issues that the site would require to meet should it come forward would be to provide suitable landscaping to assist in enhancing and enclosing the site. Investigation and associated mitigation would also be required in relation to archaeology and potential contamination. It should however be noted that, Transport Scotland may also have an interest in the site given its position adjacent to the A702 trunk road.</p>

The Site Comparison Report (Core Document 077) identifies the most suitable sites available to meet the housing requirement outwith the Strategic Development Areas. Sites have been allocated at Birgham, Bonchester Bridge, Eddleston, Greenlaw, and Swinton. It is sites within these particular settlements which contribute to meeting the Housing Land requirement.

The new sites brought forward through the Proposed Local Development Plan allow for a generous distribution of housing land outwith the Strategic Development Areas taking account of proximity to settlements where key services and facilities are located.

It is therefore considered that the Proposed Local Development Plan meets the provisions of the SESplan Strategic Development Plan (Core Document 001) and its associated Supplementary Guidance on Housing Land (Core Document 002) in providing land to meet the housing requirement (refer to Core Document 017 Updated Appendix 2 Meeting the Housing Land Requirement). In addition, the Proposed Plan provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan. There is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy 2014 (Core Document 026). In addition it should be noted that the Proposed Plan also provides additional flexibility in the form of redevelopment sites and sites with potential for longer term development.

The Scottish Borders Housing Land Audit (HLA) 2013 (Core Document 039) states (refer to Introduction section page 7) that 81% of the established land supply on large sites is on greenfield land and 19% is on brownfield land, and that this can be explained by the rural character of the authority area and the relatively tight boundaries of the settlements. In addition, the HLA 2013 notes that the classification of greenfield/brownfield is only recorded for large sites.

In respect to the contributor's comments regarding affordable housing, the Local Development Plan does not allocate sites specifically for affordable housing. For any planning application submitted on a housing site, it would be assessed against Local Development Plan Policy HD1 Affordable and Special Needs Housing (page 73) and Supplementary Planning Guidance on Affordable Housing (Core Document 060).

Whilst the contributor notes that the 2012 HLA records that 19 affordable housing units came forward in the year 2011/2012 within the Northern Housing Market, it should also be noted that the HLA 2013 (refer to Appendix 2 of CD039) records that 45 affordable housing units came forward within the year 2012/2013 within the Northern Housing Market Area.

However, the Council notes the provisions within paragraph 87 of Circular 6/2013 (refer to Core Document 031) on Development Planning which state that "*The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations.*" In that respect the Council acknowledges that site ADOLPH003 could be added to the Plan, and the Council would accept the Reporter's decision on this matter.

Reporter's conclusions:

1. The site is situated on the west side of the A702, on the edge of the settlement

(development) boundary of the village of Dolphinton which, on this side of the administrative boundary with South Lanarkshire, is divided into 2 discrete parts on either side of the main road. It is bound by countryside to the north, a small modern housing development within the village to the west, and further countryside, beyond the A702, to the east and south. The site itself extends to 0.4 of a hectare, and is a vacant station yard, which is relatively flat and in a poor condition. Access to the site is onto an adjacent minor road to the south west, a short distance from its junction with the A702.

2. The site is identified in the proposed plan as being in the countryside, on the very eastern edge of a special landscape area. It also has a countryside designation in the adopted 2011 Consolidated Scottish Borders Local Plan, where Dolphinton is identified as a settlement with a development boundary for the first time. The proposed plan and the 2014 housing land audit identify no housing sites within the village. Housing land supply matters, which are referred to by parties, are dealt with at issues 49 and 80. The representation seeks the allocation of the site for housing.

3. Dolphinton has no facilities itself, and looks towards West Linton, Peebles and Biggar for the provision of services. This is a disadvantage of allocating the site for housing. I do not consider that development of the site would have a material impact on the housing land supply figures because this is a small, irregularly shaped site, which is likely to have a limited capacity, and I note that the number of houses presently suggested is 5. House building has also taken place in the village in recent years, and this points towards it being a reasonably attractive location. I do not believe that development of this site would be likely to have a significant adverse impact on the special landscape area given its small size and its peripheral location. I also do not believe that there would be a significant adverse impact on the setting of the village. Indeed, I consider that a small scale residential development here would be a natural extension between its boundary and the A702, and that it would provide a reasonable visual link between this part of Dolphinton and the part lying on the eastern site of the A702. Most importantly, it would improve and bring back into beneficial use an unkempt, brownfield site in poor condition. It appears that there has previously been residential accommodation on site. No overriding constraints have been drawn to my attention, which would prevent the site being allocated for housing.

4. Drawing these matters together, I consider that the advantages of a small residential development on this brownfield site on the edge of the village outweigh the disadvantage of a lack of facilities and services. In the circumstances, I believe that the site should be allocated for residential purposes with an indicative site capacity of 5 houses, and the development boundary changed to accommodate the allocation. The planning authority has indicated that it accepts that a residential allocation here could be added to the proposed plan. Following a further information request, the planning authority identified 5 site requirements for the allocation. The requirements related to landscaping, archaeological assessment and mitigation, vehicular access, amenity access to the countryside for pedestrians and cyclists, and investigation and mitigation for potential contamination. No comments were received in response. I believe that the list of requirements appears to be reasonable in as far as it goes. Additionally, I believe that there should be a requirement that the development should have no adverse effect on the safety of the junction between the A702 and the minor road because of the proximity of the site access to that junction.

5. Overall, adjustments are required to the proposed plan as set out below.

Reporter's recommendations:

I recommend that the following modifications be made:

1. On page 266 of Volume 2 Settlements, under the Place Making Considerations section, delete the second paragraph and replace it with a new paragraph which reads:

"The plan provides a housing allocation for a small scale residential development which will bring a brownfield site back into use. The allocation is on the eastern edge of that part of the village on the west side of the A702."

2. On page 266 of Volume 2 Settlements, after the Infrastructure Considerations section, insert a new section headed "*Development and Safeguarding Proposals*", with a sub heading of "*Housing*", and a table containing the following information:

"Site Reference: ADOLP003

Site Name: South of Sandy Hill

Site Size (ha): 0.4

Indicative Site Capacity: 5

Site Requirements:

- Existing landscaping on site to be retained. Landscape enhancement to the south and south east boundaries of the site adjacent to the A702 will be required. Buffer areas for new and existing landscaping will be required. The long term maintenance of landscaped areas must be addressed.*
- The site coincides with the former site of Dolphinton station. Further assessment of archaeology will be required and mitigation put in place.*
- Vehicular access to be achieved off the minor road to the south west of the site and the development to be designed so that there is no adverse effect on the safety of the nearby junction between the minor road and the A702.*
- Provision of amenity access to the countryside for pedestrians and cyclists.*
- Potential contamination on site to be investigated and mitigated.*

3. On page 267 of Volume 2 Settlements, the settlement plan for Dolphinton should be adjusted to allocate site ADOLP003 (South of Sandy Hill) for housing, and the development boundary should be changed to accommodate the allocation, all as shown on the schedule 4 settlement map for Dolphinton, which was lodged by the planning authority for the examination.

Issue 114	Housing within the Eastern Strategic Development Area: Duns (ADUNS010 - Todlaw Playing Fields)	
Development plan reference:	Duns Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Duns, page 272)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
357 SEPA		
Provision of the development plan to which the issue relates:	Duns Settlement Profile, Development and Safeguarding Proposals (ADUNS010- Todlaw Playing Fields)	
Planning authority's summary of the representation(s):		
State that they require a Flood Risk Assessment which assesses flood risk according to local residents concerns. State careful design may be required to ensure there is no increase to flood risk elsewhere		
Modifications sought by those submitting representations:		
Addition of a site requirement detailing the need for a Flood Risk Assessment		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all</p>		

sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

It is noted that the Todlaw Playing Fields/ADUNS010 site has an approved planning brief which was subject to public consultation. SEPA responded to this consultation and stated “We note that there are no watercourses in the vicinity of the three other planning brief sites and that the sites are not shown to be at risk on our Indicative River and Coastal Flood Map. We are therefore satisfied that flood risk assessments are not required to inform the development on these sites” (Supporting Document 114-1: Paragraph 2.2, page 2).

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. I note that this site is not highlighted in SEPA’s Indicative Flood Mapping as being at risk of 1:200 year event river or coastal flooding. I note also the council’s contention that SEPA advised, in its consultation response on the approved planning brief, that flood risk assessment would not be required for this site. SEPA’s apparent requirement for such an assessment was notified at the latest stage possible in the development planning process, and was accompanied by no evidence, or even reasoning, as to why a flood risk assessment should now be required prior to development of this site.

2. In these circumstances I agree with the council that this matter is capable of being satisfactorily considered at the development management stage, within the framework of the wider policies of the plan and in particular Policy IS8: *Flooding*.

Reporter’s recommendations:

No modifications.

Issue 115	Development within the Eastern Strategic Development Area: Duns (ADUNS023 - South of Earlsmeadow and potential replacement MDUNS002 - South of Earlsmeadow II)	
Development plan reference:	Duns Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Duns, page 272)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
357 SEPA 486 Co-op		
Provision of the development plan to which the issue relates:	Duns Settlement Profile, Development and Safeguarding Proposals (ADUNS023- South of Earlsmeadow)	
Planning authority's summary of the representation(s):		
<p><u>357 SEPA</u></p> <p>State that they require a Flood Risk Assessment from the small watercourse. State that PAN 69 requires that “buildings must not be constructed over an existing drain (including a field drain) that is to remain active”. Also review of the surface water 1:200 year flood map shows that there may be flooding issues on the site.</p> <p><u>486 Co-op</u></p> <p>State that they are submitting an application for a new food store on part of the ADUNS023/South of Earlsmeadow) site imminently. State that the allocation would have sufficient room to allocate the indicative capacity of 60 housing units and a food store of 1115 sqm, with associated parking (covering 0.858ha of the 4.4ha total allocation). Supporting information is supplied. States that development of the store would improve the prospect of housing coming forward by delivering an access to the site from the A6105. Also state the proposal would help retain expenditure and reducing the need to travel, and creation of employment. Supporting information includes reasoning why client needs a new store; and a retail study which provides reasoning as to why the proposed LDP allocation has been determined as a suitable/available site.</p> <p>Consider that proposed allocation ADUNS023 should be amended to allow for a proposed retail and residential development on the land at Langtongate (MDUNS002)</p>		
Modifications sought by those submitting representations:		
<p><u>357 SEPA</u> - Addition of a site requirement detailing the need for a Flood Risk Assessment</p> <p><u>486 Co-op</u></p> <p>Amendment of proposed allocation from housing to retail and residential (ADUNS023 to MDUNS002)</p>		

Summary of responses (including reasons) by planning authority:

NO CHANGES TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED

REASONS

357 SEPA

It is noted that the site requirements for ADUNS023/South of Earlsmeadow state that there should be “investigation of flood risk”.

It is also considered that the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69, and therefore covers drains (including field drains).

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

486 Co-op

It is noted that no representation on this issue was received during the Main Issues Report (MIR) site call or the MIR consultation period.

One of the Local Development Plan Key Outcomes is “The protection and enhancement of town centres”. One of the Main Aims is “To promote the development and regeneration of town centres”. As a result it is considered that the re-location of the Duns Co-op would be contrary to the meeting of one of the main challenges the Borders faces and that it would also be contrary to the Aims of the Proposed Local Development Plan.

The Council considers this to be the case due to the fact that the Core Document 050 identifies vulnerability in the Duns town centre due to its reliance on the Co-op store already located within Duns town centre. The Executive Summary of Core Document 050 (page vi) states that “Duns is an attractive traditional centre, well maintained with a very low vacancy rate (less than 5% retail floor space). Its shops are almost all independent, although convenience trade is dominated by the Co-op supermarket on Newtown Street”. Further within the report it is found that the Duns area relies significantly on “top-up” spend and the analysis states that “the provision of a new convenience store in that area—especially one which is located off-centre— may strike at the heart of the ‘bread-and-butter’ trade on which the centre currently relies for much of its convenience turnover” (page 18).

Core Document 050 also finds that for comparison spend, the percentage retained in the Duns zone is already very low (between 0-10%) and that the leakage is very high 70-79%

(page 23-24). It is judged that this factor would be exacerbated if the Duns co-op were to re-locate outwith the town centre.

The site has been identified as the first phase of the longer term development of the Consolidated Local Plan site SDUNS001 (Core Document 050 p282). The site plays a significant role in achieving the housing requirement set out by SESplan and the associated SESplan Housing Supplementary Guidance as shown in Core Document 017, in that it has an indicative capacity for 60 units. It is noted that the site requirements for the site state that there are a number of considerations that may affect site assembly:

- Vehicular and pedestrian access to be taken from the A6105, with potential for access through to the indicative longer term housing site SDUNS001
- The Duns Scotus Walk and other existing rights of way should be incorporated into the development
- Investigation of ground conditions to be carried out on the southern part of the site. Findings should be addressed with appropriate mitigation
- Investigation of flood risk on the site
- Appropriate screen planting should be provided to help respect the amenity of neighbouring properties to the north, as well as the school to the south west

It is considered that this further investigation may impact upon how many houses could be built and where they could be built on the site. It is therefore considered that to deliver the units to meet the housing land requirement, that the full area of the site, as proposed, should be available. This is particularly the case as there is no evidence within the objection to state that they have analysed land assembly, or that they can categorically state that there is room for a food store and the housing, as well as the necessary infrastructure.

In summary it is considered that there should be no amendment to the site or site requirements as presented in the Proposed Local Development Plan.

Reporter's conclusions:

1. I deal first with SEPA's representation that the site requirements for this proposal ought to be modified to require flood risk assessment. Paragraph 117 of Circular 6/2013: *Development Planning* states that: "Scottish Ministers intend the reporter within the bounds of the issues raised in representations, primarily to examine the appropriateness and sufficiency of the content of the Proposed Plan. Only if the Proposed Plan is insufficient or inappropriate should they consider other sites or approaches."

2. In this case I note that the site requirements set out in the proposed plan include one requiring the investigation of flood risk on the site. In addition, any development proposals would require to be assessed against the wider policies of the plan, including Policy IS8: *Flooding*. I am satisfied that the current site requirement appropriately flags up the need for such assessment and that, consequently, no modification is required in this regard.

3. The representation submitted on behalf of the Co-operative Group seeks amendment of the allocation to provide also for the development of a retail store. It is stated that the indicative housing capacity of 60 units would not be reduced and that the store could render the site more developable by providing a site access from the A6105.

4. A retail study has been submitted in support of this representation. It sets out the problems being experienced at the current store at Newton Street. It also quantifies the considerable degree of expenditure leakage from Duns, in particular to Berwick-upon-Tweed. It is stated that the Co-op has decided that extension of the current store is not possible, although it is not entirely clear from the submitted evidence that a smaller scale extension would not be possible. The study considers alternative sites within Duns for a new food store, concluding there to be no suitable or available sites in or on the edge of the town centre.

5. The amount of expenditure leakage from the town is significant, and this has not been challenged by the council. It seems to me that there would be clear benefits, not least in regard to reducing the need to travel, and in terms of economic activity, from retaining more of that expenditure within Duns.

6. As this site is agreed to be out of centre, it falls within the fourth and final category of choice for such provision as set out in paragraph 68 of Scottish Planning Policy. I note though that the detailed assessment of alternative site provided in the retail study finds none to be sequentially preferable. That finding also appears not to be challenged by the council. The council does express concern, however, at the potential impact of the proposal on the town centre. My inspection of the general area confirms the council's reference to high occupancy rates and a preponderance of independent retailers. To that extent I consider that the council is right to be cautious in regard to likely impacts of the main food store being re-located outwith the town centre.

7. I note also that although the representation states the notional capacity of 60 housing units to be achievable, even with part of the site being devoted to the store, the site requirements indicate that a relatively low density may be appropriate at this location. There is no detailed evidence before me in this regard. That risks the imperative of providing for a generous supply of housing land, particularly given my conclusions set out at Issue 080.

8. There is one final consideration that I must take into account. Paragraph 64 of Circular 6/2013: *Development Planning* states that: "Many authorities run a "Call for Sites" prior to preparing the Main Issues Report. This is not a requirement of the legislation, but it can be a useful part of the process. This stage allows landowners and prospective developers to put forward for consideration by the planning authority the sites for which they have an aspiration for development. It is important in meeting the requirements for strategic environmental assessment that full information on sites and alternative options is submitted early and not held back until the later stages of plan preparation or even the Examination. Promoters of sites would be advised to respond positively at this point, and to provide the necessary evidence to justify their site's inclusion as a preferred option at the Main Issues Report stage. Engaging at this early stage is likely to ensure that the planning authority is able to properly assess the merits of the proposal, with it being more likely to be subject to public engagement and strategic environmental assessment at the Main Issues Report stage and to neighbour notification at the Proposed Plan stage (should the planning authority propose that the site be allocated in the plan). **Even if a site is not included in the Proposed Plan, evidence of it being subject to community engagement will be useful if the issue is considered at a subsequent Examination, helping ensure that the reporter is furnished with the necessary information to reach a conclusion, and if appropriate to recommend a modification to the plan.**" (my emphasis).

9. The council advises that this suggested modification was not raised at either call for sites or MIR stages. Although the representation contains an assessment of likely retail impacts, and the council has provided an assessment of the proposal incorporating brief details on environmental impacts, I have no evidence before me of public consultation on this proposal. On a topic engaging new food store provision and protection of the town centre, which are often locally controversial, I consider that to be a crucial failing in the evidence base before me.

10. All told, I cannot conclude that the proposed plan is clearly inappropriate or insufficient in failing to provide for retail development at this location.

Reporter's recommendations:

No modifications.

Issue 116	Housing within the Eastern Strategic Development Area: Duns (BD200- Langton Edge)	
Development plan reference:	Duns Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Duns, page 272)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
375 Mrs M Fisher 357 SEPA		
Provision of the development plan to which the issue relates:	Duns Settlement Profile, Development and Safeguarding Proposals (BD200-Langton Edge)	
Planning authority's summary of the representation(s):		
<p><u>375 Mrs M Fisher</u></p> <p>States that golf balls entering her property from the nearby golf course. States that if houses are built at BD200 this will also happen as this site is closer to the golf course and that this leads to potential safety and property damage issues.</p> <p><u>357 SEPA</u></p> <p>State that they require a Flood Risk Assessment which assesses the risk from Pouterlynie Burn which flows along the southern boundary.</p>		
Modifications sought by those submitting representations:		
<p><u>357 SEPA</u></p> <p>Addition of a site requirement for a Flood Risk Assessment which assesses the risk from Pouterlynie Burn</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p><u>375 Mrs M Fisher</u></p> <p>BD200/Langton Edge is subject to a draft Planning Brief (Supporting Document 116-1) and within this there is an area to be safeguarded from housing development to avoid golf balls striking housing beyond this area; this will involve tree planting to shield neighbouring properties. The issue of stray golf balls hitting properties was raised during the consultation on the draft Planning Brief. The draft Planning Brief requires to go back</p>		

to Council committee before it is approved; it will be a material consideration in the determination of any planning application at the site.

The precise nature of the planting area will be decided at the planning application stage. The objector would be able to comment on any planning application that is put forward.

357 SEPA

It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

As a result of the discussion above it is not considered that any amendment to the settlement profile in the Local Development Plan is required.

Reporter’s conclusions:

1. The draft planning brief for development of the site identifies the threat that part of the site could potentially be affected by stray golf balls. The reality of this risk is witnessed by Mrs Fisher. The close juxtaposition of golf courses and residential development is not uncommon, however, and I am satisfied that the draft brief appropriately identifies the requirement for this to be mitigated through design. I conclude, therefore, that the site need not be deleted or reduced in size on this consideration.

2. SEPA advises that a flood risk assessment is required, in order to assess the risk from the Pouterlynie Burn which flows along the southern boundary of the site. SEPA’s indicative flood mapping identifies land immediately south of the site, although not apparently the site itself, as being at risk from a 1:200 year river flood event.

3. It is disappointing that this matter was not resolved between the council and SEPA earlier in the development planning process. That said, I conclude that the plan would be insufficient, in the circumstances set out above, in referring the reader to a planning brief which appears to be, at least in regard to flood risk, potentially outdated. I note the council’s contention that these matters could be satisfactorily addressed in terms of Policy

IS8: *Flooding*.

4. I am concerned, however, that the advice contained in the supplementary planning guidance would not give adequate notice of this matter and, in fact, could be misleading. The council advises in any event that the draft supplementary planning guidance still requires to be formally approved by the council, and it appears appropriate to me that this matter is more fully considered at that stage. I note also that the site requirements refer to an approved planning brief, when this is not yet the case.

5. I therefore consider it necessary that the plan be modified to refer to a planning brief which shall be updated to consider the need for flood risk assessment.

Reporter's recommendations:

I recommend that the following modification be made:

1. Amend the site requirements for site BD200 as follows:

“Refer to draft Planning Brief, which shall be updated to consider the need for flood risk assessment.”

Issue 117	Housing within the Strategic Development Area: Duns (BD4B-Todlaw Road)	
Development plan reference:	Duns Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Duns, page 272)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
357 SEPA		
Provision of the development plan to which the issue relates:	Duns Settlement Profile, Development and Safeguarding Proposals (BD4B- Todlaw Road)	
Planning authority's summary of the representation(s):		
State that they require a Flood Risk Assessment which assesses flood risk as noted by local residents. State careful design may be required to avoid creation of flood risk elsewhere. State there may be co-location issues depending on the use of site zEL26		
Modifications sought by those submitting representations:		
Addition of a site requirement for a Flood Risk Assessment.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.</p> <p>Policy IS8 sets out the requirement that “Developers will be required to provide, including</p>		

if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

It is noted that BD4B-Todlaw Road already has 12 units developed on it. In addition, during the period of Plan preparation an application for a further 46 units has been given permission; during the consideration of this application potential flood risk was looked at by the Council’s Flood Risk team and the application was found to be acceptable. It is considered that the allocation zEL26 and BD4B are both developed where their boundaries meet and so co-location will not be an issue in future development.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Despite SEPA’s representation in regard to flood risk, the indicative flood maps provided by SEPA for the purposes of this examination do not indicate a threat from either river or coastal flooding. There is, though, said to be some risk of surface water flooding.
2. The council advises that the site is partly developed and that a recent planning application for further residential development was found to be acceptable in regard to flood risk.
3. That indicates to me that the issue appears not to be of such significance as to demonstrate that the plan would be inadequate in the absence of reference to flood risk assessment as a site requirement in this case. In addition, the council’s comments on the assessment of the recent planning application indicate that the wider policies of the plan, and in particular Policy IS8: *Flooding*, are sufficient to satisfactorily manage development at this site.
4. On the issue of co-location with the adjacent zEL26 business and industrial safeguarding area, the council advises that both sites are presently developed where their boundaries meet. The inter-relationship of uses may, of course, extend beyond the immediate site boundaries, but I am satisfied that any such issue would be addressed as a matter of course at the development management stage and that there is no specific need for an additional site requirement in this regard.

Reporter’s recommendations:

No modifications.

Issue 118	Redevelopment within the Eastern Strategic Development Areas: Duns (RDUNS002 - Duns Primary School)	
Development plan reference:	Duns Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Duns, page 274)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
357 SEPA		
Provision of the development plan to which the issue relates:	Duns Settlement Profile, Development and Safeguarding Proposals (RDUNS002 - Duns Primary School)	
Planning authority's summary of the representation(s):		
State that they require a Flood Risk Assessment which assesses the risk as noted by local residents.		
Modifications sought by those submitting representations:		
Addition of Flood Risk Assessment as a site requirement.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the</p>		

flood risk.”

It is noted that RDUNS002/Duns Primary School has an approved Planning Brief which was subject to public consultation. SEPA responded stating that a Flood Risk Assessment would not be necessary (Supporting Document 118-1: Paragraph 2.2, page 2)

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Despite SEPA’s representation in regard to flood risk, the indicative flood maps provided by SEPA for the purposes of this examination do not indicate a threat from either river or coastal flooding at this redevelopment site. I note also that SEPA was consulted on the planning brief for the site and advised that a flood risk assessment was not required.
2. SEPA’s apparent requirement for such an assessment was notified at the latest stage possible in the development planning process, and was accompanied by no evidence, or even reasoning, as to why a flood risk assessment should now be required prior to development of this site.
3. Taking these circumstances into account, this issue does not appear to me to be of such significance as to indicate that the plan would be inadequate in the absence of reference to flood risk assessment as a site requirement in this case.
4. In these circumstances I agree with the council that this matter is capable of being satisfactorily considered at the development management stage, within the framework of the wider policies of the plan and in particular Policy IS8: *Flooding*.

Reporter’s recommendations:

No modifications.

Issue 119	Redevelopment within the Eastern Strategic Development Area: Duns (RDUNS003 - Disused Chicken Hatchery, Clockmill)	
Development plan reference:	Duns Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Duns, page 274)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
357 SEPA		
Provision of the development plan to which the issue relates:	Duns Settlement Profile, Development and Safeguarding Proposals (RDUNS003 - Disused Chicken Hatchery, Clockmill)	
Planning authority's summary of the representation(s):		
State that they require a Flood Risk Assessment which assesses the risk from the small watercourse which flows along the western and southern boundaries of the site. Surface water runoff from the nearby hills may also be an issue and mitigation measures may be required during the design stage.		
Modifications sought by those submitting representations:		
Addition of Flood Risk Assessment as a site requirement.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at</p>		

planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

It is noted that RDUNS003 has permission for 19 dwellings on the majority of the site; no flood risk concerns were raised during the processing of the planning permission.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. SEPA advises that a flood risk assessment is required, in order to assess the risk from the minor watercourse which flows along the western and southern boundaries of the site. SEPA’s indicative flood mapping identifies land to the west of the site, although not apparently the site itself, as being at risk from a 1:200 year river flood event.
2. It is disappointing that this matter was not resolved between the council and SEPA earlier in the development planning process. The council advises, in addition, that planning permission is extant for the erection of 19 dwellings over the majority of the site. I note also that the site requirements set out in the proposed plan include that prospective developers “Investigate potential flood risk”.
3. In these circumstances I agree with the council that this matter is capable of being satisfactorily considered at the development management stage, within the framework of the wider policies of the plan and in particular Policy IS8: *Flooding*.

Reporter’s recommendations:

No modifications.

Issue 120	Development within the Eastern Strategic Development Area: Duns (SDUNS001- South of Earlsmeadow; zEL8 - Peelrig Farm; and New Site MDUNS001 - Cheeklaw Farm)	
Development plan reference:	Duns Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Duns, page 273)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
357 SEPA 406 Mr & Mrs N Millar		
Provision of the development plan to which the issue relates:	Duns Settlement Profile, Development and Safeguarding Proposals (SDUNS001 - South of Earlsmeadow; zEL8 - Peelrig Farm)	
Planning authority's summary of the representation(s):		
<p><u>357 SEPA</u></p> <ul style="list-style-type: none"> - State that they require a Flood Risk Assessment for SDUNS001 which assesses flood risk as noted by local residents. State careful design may be required to avoid creation of flood risk elsewhere - State that they require a Flood Risk Assessment which assesses the risk from the small watercourse which flows along the northern boundary of zEL8. Surface water runoff from nearby hills may be an issue and mitigation measures at design stage may be necessary. Consideration of any culverted watercourses that are near/on site. <p><u>406 Mr & Mrs N Millar</u></p> <ul style="list-style-type: none"> - Promotion of 16ha of land at Cheeklaw adjacent to industrial site zEL26 Berwick Road, Duns (MDUNS001) - Objection to allocation of SDUNS001 and zEL8, proposed allocation of land directly south of zEL26 (east of the A6112) - Propose that the land at Cheeklaw, be allocated for both housing 12ha and industrial 4ha in preference to the current allocations. State that the site slopes gently from north to south and is bounded by mature hedgerow at its southern point and along its entire western and eastern edges. State access would be taken directly off Berwick Road at a suitable point but that they believe site lines and visibility would not be an issue. State southern boundary would be strengthened to provide a long term enclosure to Duns at this point 		
Modifications sought by those submitting representations:		
<p><u>357 SEPA</u></p> <p>Addition of a site requirement for a Flood Risk Assessment which assesses the risk from the small watercourse which flows along the northern boundary of zEL8 and consideration of surface water runoff and culverted watercourses that are near/on site</p>		

406 Mr & Mrs N Millar

That sites SDUNS001 and zEL8 be deleted and replaced by MDUNS001-Cheeklaw Farm as a business location reserving some 4.0 ha and, longer term residential site incorporating other uses from the 16ha.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED

REASONS

357 SEPA

It is noted that the respondent did not respond on these matters to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69, and therefore covers drains (including field drains). Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk”. In addition, the Proposed LDP also makes adequate policy provision to issues related to culvert removal and channel restoration. Policy EP15 on Development Affecting the Water Environment states in its preamble that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. Developers are required to consider potential impacts and mitigations to enhance and restore water the environment. Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters. This includes in sub section d) the need for compliance with best practice in relation to canalisation and culverting.

It is noted that the site requirements for SDUNS001/South of Earlsmeadow state that there should be “investigation of flood risk”.

It is submitted that these matters can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not

necessary.

406 Mr & Mrs N Millar

It is noted that no representation on this issue was received during the Main Issues Report (MIR) site call or the MIR consultation period.

It is considered that there is already adequate housing and employment and longer term housing land, as well as land with redevelopment potential, identified through the Consolidated Local Plan sites that are being continued into the Proposed Local Development Plan, and through the proposed housing allocation ADUNS023/South of Earlsmeadow (Phase 1) and redevelopment site RDUNS003/Clockmill. These sites are adequate to fulfil demand for development in the plan period and beyond.

Duns is located within the Eastern Strategic Development Area as set out by the SESplan SDP. The Core Document 017 shows that the Proposed LDP meets the provisions of the SESplan SDP and its associated Supplementary Guidance in providing land to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy.

As a part of the preparatory process for the Proposed Local Development Plan the council put forward a new housing allocation (ADUNS023) in the Main Issues Report as a preferred option and this was carried forward into the Proposed LDP itself. ADUNS023 and other allocations within the Eastern SDA already combine to meet the SESplan housing requirement and it is therefore considered that no further allocations are necessary.

SDUNS001 is located significantly closer to the town centre, and the facilities and services it provides, than MDUNS001 and as a result it is a better fit with the Key Outcome of the Proposed LDP to focus development on sustainable locations.

Core Document 042, within the Duns South: Opportunities and Constraints for Development section, states that the land on which MDUNS001 is located is constrained. Paragraph 6.4.2 (page 40) states that settlement expansion within the 'Broad Farmed Valley' (the landscape character of the MDUNS001 land) would "considerably elongate the settlement and be physically and perceptually distant from the town". Further, it is stated that "This open landscape offers no natural features which could immediately provide strong containing edges to settlement expansion and the sloping nature of the landform falling to the south would result in development being highly visible on the more southern edge of Duns". In comparison, Paragraph 6.4.1 (page 39 and 40) states that "Site C (i.e. SDUNS001) is a preferred area for development in landscape terms. This area is close to the core of Duns and would be similarly associated with gently sloping ground. While this area largely comprises well-managed farmland, the character and visibility of this area is influenced by nearby housing and the High School, which is divorced from the main settlement. There is potential to create robust settlement edges to the west and south of this site using existing landform and field boundary features."

As a result of the discussion above it is considered that no amendment to the Duns settlement profile is required in the Local Development Plan.

Reporter's conclusions:

1. Circular 6/2013: *Development Planning* states at paragraph 117 that: "Only if the Proposed Plan is insufficient or inappropriate should they [reporters] consider other sites or approaches. They are not tasked with making the plan as good as it can be, but with modifying those parts that are clearly inappropriate or insufficient."

2. It is important to note that site zEL8 is being carried forward from the adopted local plan. There is clear advantage in providing for certainty in the development planning process, as plans move through different iterations. In addition, it appeared evident during my site inspection that the site has been serviced in advance of development. Irrespective, therefore, of the merits of any other site, I am satisfied that there is a strong case for the retention of this site and that in this regard the allocation is appropriate.

3. Proposal SDUNS001 is also carried forward from the adopted plan and my comments above regarding certainty in the development planning process apply here also. The site relates well to the settlement form and is convenient for the town centre and the new high school. All told I conclude, irrespective of the merits of any other site, that the identification of this proposal is appropriate and ought to be retained in the plan.

4. I now turn to consider the proposed new site at Cheeklaw, designated by the council as site MDUNS001. It is important to note that the site was not proposed for development, either at the call for sites stage or at the MIR consultation stage. Its appearance at this late stage in the plan-making process runs counter to the interests of a front-loaded planning system. In this regard also, paragraph 64 of Circular 6/2013 states that: "It is important in meeting the requirements for strategic environmental assessment that full information on sites and alternative options is submitted early and not held back until the later stages of plan preparation or even the Examination. Promoters of sites would be advised to respond positively at this point, and to provide the necessary evidence to justify their site's inclusion as a preferred option at the Main Issues Report stage. Engaging at this early stage is likely to ensure that the planning authority is able to properly assess the merits of the proposal, with it being more likely to be subject to public engagement and strategic environmental assessment at the Main Issues Report stage and to neighbour notification at the Proposed Plan stage (should the planning authority propose that the site be allocated in the plan). Even if a site is not included in the Proposed Plan, evidence of it being subject to community engagement will be useful if the issue is considered at a subsequent Examination, helping ensure that the reporter is furnished with the necessary information to reach a conclusion, and if appropriate to recommend a modification to the plan."

5. In this case, I have been provided with no such evidence of community engagement. Consequently, even had I been persuaded of the merits of the site, I would not have considered it safe to recommend that it be allocated in the proposed plan. Consideration of the merits of this site therefore stands fairly to be assessed when the plan is next reviewed.

6. In regard to proposal zEL8, SEPA advises that a flood risk assessment is required, in order to assess the risk from the minor watercourse which flows along the northern boundary of the site. It is also recommended that investigation should be made of whether there are any culverted watercourses within or near the site. There are 4 site requirements relevant to development of this site listed on page 273 of the proposed plan. None of these refer to any need to assess flooding risk or investigate the presence of

culverted watercourses. I acknowledge the council's contention that these matters are capable of being satisfactorily addressed by the wider policies of the plan, and in particular by Policy IS8: *Flooding* and Policy EP15: *Development Affecting the Water Environment*. Potential developers of the site would, however, be entitled to rely on the otherwise detailed site requirements already set out.

7. It is disappointing that this matter was not resolved between the council and SEPA earlier in the development planning process. That said, I conclude that the plan would be insufficient in failing to include these matters as a site requirement, in the circumstances set out above.

8. In regard to SEPA's representation on site SDUNS001, I note that the site requirements currently include one requiring that flood risk on the site be investigated and find this, together with the wider plan policies to which the council refers, to be appropriate in the circumstances.

9. In considering this representation, it appears to me that the respective colour shadings for sites zEL26 and zEL8 on the Duns proposals map have been transposed. That error ought to be rectified, in the interests of clarity.

Reporter's recommendations:

I recommend that the following modifications be made:

1. Insert an additional site requirement for site zEL8 as follows:

"A flood risk assessment and consideration of whether there are culverted watercourses within or adjacent to the site are required to inform the site layout, design and mitigation"

2. On the Duns proposals map, show site zEL8 as a Business and Industrial proposal site.

Issue 121	Business and Industrial Safeguarding within the Eastern Strategic Development Area: Duns (zEL26 - Berwick Road)	
Development plan reference:	Duns Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Duns, page 273)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
357 SEPA		
Provision of the development plan to which the issue relates:	Duns Settlement Profile, Development and Safeguarding Proposals (zEL26 - Berwick Road)	
Planning authority's summary of the representation(s):		
<p>State that they require a Flood Risk Assessment which assesses the risk from the small watercourse which flows along the northern and western boundaries of the site. Review of the 1:200 year flood map shows that there may be flooding issues on the site; that there should be consideration of mitigation measures; and that investigation should be made of whether there are any culverted watercourses within/near the site</p>		
Modifications sought by those submitting representations:		
<p>Addition of Flood Risk Assessment as a site requirement, including investigation of mitigation and whether there are culverted watercourses within/near the site</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions</p>		

of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.” The Proposed LDP also makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to culvert removal and channel restoration. Policy EP15 on Development Affecting the Water Environment states in its preamble that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. Developers are required to consider potential impacts and mitigations to enhance and restore the water environment. Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters. This includes in sub section d) the need for compliance with best practice in relation to canalisation and culverting.

It is noted that zEL26/Berwick Road is a district safeguarded business and industrial site and that the majority of the site is already developed

It is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and policy EP15, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. SEPA advises that a flood risk assessment is required, in order to assess the risk from the minor watercourse which flows along the western and northern boundaries of the site. It is also recommended that investigation should be made of whether there are any culverted watercourses within or near the site.
2. SEPA’s indicative flood mapping, submitted for the purposes of this examination, does not identify any land in the immediate vicinity of the site as being at risk from a 1:200 year river or coastal flood event.
3. It is disappointing that this matter was not resolved between the council and SEPA earlier in the development planning process. I note in any event that the intention of the proposed plan is to safeguard this existing business and industrial site. It became evident during my site inspection that the majority of the safeguarding site is currently developed and occupied.
4. In these circumstances, particularly in view of the established character of the Berwick Road business and industrial area, I consider the threat from flood risk to be tangible but not significant to the extent that a specific reference is necessary as a site requirement. I conclude similarly on the culvert issue. There is, however, the potential for property to be redeveloped or for changes of use to be sought. In such instances, I agree with the council that this matter is capable of being satisfactorily considered at the development management stage, within the framework of the wider policies of the plan and in particular Policy IS8: *Flooding* and Policy EP15: *Development Affecting the Water Environment*.
5. In considering this representation, it appears to me that the respective colour

shadings for sites zEL26 and zEL8 on the Duns proposals map have been transposed. That error ought to be rectified, in the interests of clarity.

Reporter's recommendations:

I recommend that the following modification be made:

1. On the Duns proposals map, show site zEL26 as a Business and Industrial Safeguarding site.

Issue 122	Business and Industrial Safeguarding within the Central Strategic Development Area: Earlston (zEL57 – Mill Road)	
Development plan reference:	Earlston Settlement Profile and Map (pages 278 – 285) – zEL57 (Mill Road)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Business and Industrial Safeguarding allocation in Earlston – zEL57 (Mill Road)	
Planning authority’s summary of the representation(s):		
<p>The contributor requires a Flood Risk Assessment (FRA) which assesses the risk from the Leader Water. The FRA is required to inform the area of redevelopment, type of development, and finished floor levels. It is important to consider sensitivity of use in line with our land use vulnerability guidance. Re-development should not increase flood risk elsewhere. Development will be heavily constrained due to flood risk. Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage. Consideration should be given to whether there are any culvert/ bridges near the site.</p>		
Modifications sought by those submitting representations:		
<p>The contributor requires a Flood Risk Assessment which assesses the risk from the small watercourses which flow along the boundary of the site.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO EARLSTON SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>This site was allocated within the Ettrick and Lauderdale Local Plan 1995 as employment land safeguarding and has remained allocated for this use within each subsequent plan (<i>previously referred to as zEL202</i>).</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076 - SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the</p>		

Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site zEL57, Mill Road, is safeguarded for business and industrial use as a “district” site under the terms of Policy ED1.
2. I note from the Scottish Environment Protection Agency flood maps that the site lies entirely within an area with a high risk of river flooding.
3. In this instance I do not have the benefit of the views of the council’s Flood Protection Officer. The site currently contains some buildings, including what appears to be a vacant showroom. However, in the event of proposed additional development or redevelopment I believe the flooding implications for this site are such that a flood risk assessment is justified. In turn, I agree with the Scottish Environment Protection Agency that this should be included as a site requirement.

Reporter’s recommendations:

I recommend the following modification be made:

1. In the Business and Safeguarding section of the Development and Safeguarding Proposals of the Earlston settlement profile, under site requirements for site zEL57, Mill Road, add a further bullet point as follows:

“In the event of further proposed development or redevelopment, a flood risk assessment is required.”

Issue 123	Business and Industrial Safeguarding within the Central Strategic Development Area: Earlston (zEL56 - Station Road)	
Development plan reference:	Earlston Settlement Profile and Map (pages 278 – 285) – zEL56 (Station Road)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>357 Scottish Environment Protection Agency 442 Hutton 443 McCall</p>		
Provision of the development plan to which the issue relates:	Business and industrial safeguarding allocation in Earlston – Station Road (zEL56)	
Planning authority's summary of the representation(s):		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor requires a Flood Risk Assessment (FRA) which assesses the risk from the Turfford Burn. The FRA is required to inform the area of redevelopment, type of development, and finished floor levels. It is important to consider sensitivity of use in line with our land use vulnerability guidance. Re-development should not increase flood risk elsewhere. The contributor considers development will likely be constrained due to flood risk. Also review of the surface water 1 in 200 year flood map shows that there may be flooding issues on the site. This should be investigated further and it is recommended that contact is made with the Council's Flood Prevention Officer. Consideration should be given to whether there are any culvert/ bridges near the site.</p> <p><u>442 Hutton</u></p> <p>The contributor objects to the allocation of business and industrial safeguarding at Station Road, Earlston. The contributor raises concerns regarding dust and noise generation associated with heavy plant operation and parking at Rodgers Yard. The contributor acknowledges the site is allocated for industrial use but makes comment that the houses bordering the site are significantly older than the site and as heavier plant and extended working hours are implemented there is always going to be conflict unless respect for each others activities is taken cognisance of. The contributor does not deem this land or the access road to the Industrial Estate suitable for heavy plant machinery and this should be reviewed by SBC in light of the cost of road repairs, damage to car mirrors and safe routes to schools.</p> <p><u>443 McCall</u></p> <p>The contributor objects to the allocation of business and industrial safeguarding at Station Road, Earlston. The contributor objects as the site is now surrounded by housing and as such is no longer suitable for unlimited industrial activities. The contributor has no objection to business and light industry but would like to think excessive noise and dirt/dust would not be permitted so close to houses and the school.</p>		

Modifications sought by those submitting representations:
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor requires a Flood Risk Assessment which assesses the risk from the small watercourses which flow along the boundary of the site.</p> <p><u>442 Hutton</u></p> <p>The contributor seeks the removal of the business and industrial safeguarding allocation at Station Road (zEL56).</p> <p><u>443 McCall</u></p> <p>The contributor seeks the removal of the business and industrial safeguarding allocation at Station Road (zEL56).</p>
Summary of responses (including reasons) by planning authority:
<p>NO CHANGE TO EARLSTON SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p><u>357 Scottish Environment Protection Agency</u></p> <p>Regarding the comments in relation to the requirement for the site to have a Flood Risk Assessment, it is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076 - SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”</p> <p>Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.</p>

442 Hutton and 443 McCall

This site is a long standing business and industrial safeguarding allocation within the Plan and the businesses using the site are well established. The site was identified within the Ettrick and Lauderdale Local Plan 1995 and zoned for the 'Retention of Industrial Uses', the site has been carried forward into each subsequent Plan.

In relation to the concerns raised associated with the operation of heavy plant and machinery the businesses operating from the site the businesses have permission to operate from this location and the uses are appropriate to the Business and Industrial Safeguarding allocation within the Plan.

The most recent planning application approval at the site was for the siting of a mobile concrete batching plant, planning reference 09/00752/FUL (Supporting Document 123-1). The approval was subject to numerous planning conditions including restricted operating hours and vehicle restrictions to protect the residential amenity of surrounding properties. As part of the application process a Noise Impact Assessment was undertaken and mitigation measures put in place to ensure noise output is limited to an appropriate level. With regard to the deposition of dust, mitigative measures to protect local air quality by restricting the amount of dust that can become airborne, should have directly addressed this concern.

Through the planning application process appropriate assessments have been carried out where necessary and conditions attached to the planning consent to ensure mitigation measures are put in place to protect the residential amenity of dwellinghouses in the vicinity of the site. If these measures are not sufficient then these concerns should be raised with the appropriate Council departments as this is not a matter for the development plan process.

It is important there are business and industrial sites like the site at Station Road (zEL56) as there is financial difficulty in bringing forward appropriate new business and industrial sites in a rural area such as the Borders and therefore existing sites must be protected. It is not considered that the level of use at this site is unacceptable and therefore this site should remain allocated for business and industrial safeguarding within the Local Development Plan.

Reporter's conclusions:

1. Site zEL56, Station Road, is safeguarded as a "district" business and industrial site under Policy ED1.
2. The site is located close to High Street in the centre of Earlston. Although there is residential property in close proximity, the Station Road site contains a variety of commercial uses. Some activities do not fall within Class 4, Business, as defined in The Town and Country Planning (Use Classes)(Scotland) Order. In turn, it is not unexpected that the occupiers of adjacent residential property have expressed concern about the lack of compatibility of certain operations within the site. Noise and dust have been identified as having a particular impact on residential amenity.
3. As the council explains, the business and industrial allocation has applied for many years and it is clear that the site is long established. There would be practical problems in actively seeking to remove or relocate the current operators. No doubt there would be

very significant financial implications and a likely impact on the local economy. Even the removal of the safeguarding provisions and an embargo on the location of any future business or industrial uses within the site could lead to similar problems over the longer term. Nevertheless, although Policy ED1 states that there remains a preference for district sites to be retained within employment uses, where appropriate, “uses other than Class 4, 5 or 6 may be accepted.... to allow a more mixed-use area.” Over time, this policy approach might bring about some change in the character of the Station Road site.

4. I have no evidence to suggest that any of the existing business is unauthorised. Indeed, the council has provided a copy of the conditional planning permission issued in 2010 in respect of a concrete batching plant. It is not for this examination to revisit development management decisions made by the council. However, should this or any operation be considered to be in breach of a relevant regulatory regime, it would be open to the council to initiate enforcement or remedial action.

5. All-in-all, I conclude that Policy ED1 has been correctly applied to site zEL56, Station Road.

6. The Scottish Environment Protection Agency is concerned about the flooding potential of the adjacent Turfford Burn. The Agency’s flood protection map indicates a medium flood risk in a relatively small part of the south-east of the site.

7. The emphasis of the proposed plan is to safeguard this existing business and industrial site. However, as discussed above, there is a potential for property to be redeveloped or for changes of use. In such instances, account would require to be taken of the particular site conditions, including the concerns referred to by the Scottish Environment Protection Agency and the council’s Flood Protection Officer.

8. Under the circumstances, particularly in view of the established character of the Station Road business and industrial area, I consider the threat from flood risk to be tangible but not significant to the extent that a specific reference is necessary as a site requirement. The Earlston settlement profile provides a warning to the effect that the Turfford Burn presents a flood risk but I share the opinion of the council that Policy IS8, Flooding, provides an adequate basis for development management within the site area.

Reporter’s recommendations:

No modifications.

Issue 124	Business and Industrial Safeguarding within the Central Strategic Development Area: Earlston (zEL55 – Turfford Park)	
Development plan reference:	Earlston Settlement Profile and Map (pages 278 – 285) – zEL55 (Turfford Park)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Business and Industrial Safeguarding allocation in Earlston – zEL55 (Turfford Park)	
Planning authority’s summary of the representation(s):		
<p>The contributor requires a Flood Risk Assessment (FRA) which assesses the risk from the Turfford Burn as well as the small offtake. The FRA is required to inform the area of redevelopment, type of development, and finished floor levels. It is important to consider sensitivity of use in line with our land use vulnerability guidance. Re-development should not increase flood risk elsewhere. Development may be heavily constrained due to flood risk. Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage. Consideration should be given to whether there are any culvert/bridges near the site.</p>		
Modifications sought by those submitting representations:		
<p>The contributor requires a Flood Risk Assessment which assesses the risk from the small watercourses which flow along the boundary of the site.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO EARLSTON SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>This site was allocated within the Etrick and Lauderdale Local Plan 1995 as employment land and has remained allocated for this use within each subsequent plan (<i>previously referred to as zEL203</i>).</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076 - SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the</p>		

Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site zEL55, Turfford Park, is safeguarded for business and industrial use as a “district” site under the terms of Policy ED1.
2. I note from the flood maps of the Scottish Environment Protection Agency that the site lies entirely within an area with a high risk of river flooding.
3. In this instance I do not have the benefit of the views of the council’s Flood Protection Officer. The site is in active use with a number of business and industrial users, mainly in modern buildings. However, in the event of proposed additional development, albeit limited in extent, or redevelopment I believe the flooding implications for this and nearby sites are such that a flood risk assessment is justified. In turn, I agree with the Scottish Environment Protection Agency that this should be included as a site requirement.

Reporter’s recommendations:

I recommend the following modification be made:

1. In the Business and Safeguarding section of the Development and Safeguarding Proposals of the Earlston settlement profile, under site requirements for site zEL55, Turfford Park, add a further bullet point as follows:

“In the event of further proposed development or redevelopment, a flood risk assessment is required.”

Issue 125	Business and Industrial within the Central Strategic Development Area: Earlston (BEARL002 – Townhead)	
Development plan reference:	Earlston Settlement Profile and Map (pages 278 – 285) – BEARL002 (Townhead)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Business and Industrial site in Earlston – Townhead (BEARL002).	
Planning authority’s summary of the representation(s):		
<p>The contributor requires a Flood Risk Assessment which assesses the risk from the small watercourses which flow along the boundary of the site. There is a Flood Protection Scheme (FPS) downstream of this reach but it offers a limited standard of protection. Surface water runoff from the nearby hills may be an issue. The contributor considers the site may require mitigation measures during design stage. Consideration should be given to whether there are any culverted watercourses within/near the site.</p>		
Modifications sought by those submitting representations:		
<p>The contributor requires a Flood Risk Assessment which assesses the risk from the small watercourses which flow along the boundary of the site.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO EARLSTON SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>This site was identified as an employment land allocation within the Consultative Draft Local Plan Amendment 2008 (Core Document 009, page 63) and the Finalised Local Plan Amendment 2009 (Core Document 010) and the site was taken forward into the Scottish Borders Consolidated Local Plan 2011 (Core Document 007). The site had been subject to public consultation prior to its inclusion in the Plan</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076 - SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the</p>		

<p>Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.</p> <p>Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”</p> <p>Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.</p>
<p>Reporter’s conclusions:</p>
<ol style="list-style-type: none"> 1. Site BEARL002, Townhead, is allocated for business and industrial use. 2. The Scottish Environment Protection Agency flood map does not indicate a risk of either river or surface water flooding. Although the Agency has various concerns about flooding potential that the development of the site may cause, I note from the site requirements that a planning brief in the form of supplementary guidance is to be produced. I believe the planning brief to be an appropriate document for setting out the various drainage considerations. In any event, the provisions of Policy IS8, Flooding, provide a basis for the assessment of any development proposals that may come forward through a planning application. 3. Under these circumstances, I do not consider that a flood risk assessment needs to be specified as a site requirement in the proposed plan.
<p>Reporter’s recommendations:</p>
<p>No modifications.</p>

Issue 126	Earlston Settlement Profile and Map	
Development plan reference:	Earlston Settlement Profile and Map (pages 278 – 285)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
482 Watson		
Provision of the development plan to which the issue relates:	Earlston Settlement Profile and Map	
Planning authority's summary of the representation(s):		
<p>The contributor objects to the Earlston Settlement Profile. The contributor questions why Earlston does not have a town centre in the Central Borders Spatial Strategy when it is one of the best high streets in the Borders both in terms of layout and buildings. These qualities should be recognised in the Settlement Profile. The contributor considers there is considerable scope for enhancement of the High Street by tree planting and there is potential for the settlement to be identified as a Conservation Area.</p> <p>The contributor would like to see safeguarding to allow an axis parallel to the High Street through the old Earlston High School site and Industrial Estate and possibly onto the A68. Earlston is at one end of a principal east-west route with congestion problems which will worsen over time. It is critical that safeguarding should be put in place now, given the redevelopment opportunity of the old high School site and other development sites being proposed. The contributor objects to the non-inclusion of safeguarding for a parallel axis.</p>		
Modifications sought by those submitting representations:		
<p>The contributor seeks the designation of a town centre boundary for Earlston.</p> <p>The contributor also seeks an access to be safeguarded which would run parallel to the High Street through the former Earlston High School site, Industrial Estate and possibly onto the A68.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO EARLSTON SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>The town centre boundaries were identified for settlements with a population of 2,000 or greater. When the boundaries were identified during the Local Plan review in 200X, the population of Earlston fell below this threshold and therefore no town centre boundary was identified.</p>		

A review of the Conservation Areas was recently undertaken and that review included the designation of a further three Conservation Areas. There are currently 43 Conservation Areas designated within the Scottish Borders. These were formally designated on 5 March 2012. Designating Conservation Area is a formal process that the Council is required to go through involving different legislation and this process must be completed before a Conservation Area can be included within a Local Plan. However Earlston would be reviewed as part of the next Conservation Area review undertaken by the Council.

The issue of developing a distributor road, running parallel and to the south of the existing High Street in Earlston has been the subject of discussion in the past but was dismissed in the early stages of these discussions because of the impracticality of the proposal. There is no properly defined route under consideration and it is assumed that the contributor refers to the old railway corridor which can be noted in the Earlston settlement profile map within the Plan. This corridor is severely constrained by existing development which includes residential housing and industrial development and one would have to question the benefit that a scheme of this nature would offer the town of Earlston even if it was worthy of further consideration.

Reporter's conclusions:

1. I note the suggestion that Earlston should have a designated town centre with some interest. The settlement profile describes Earlston as a "town" and the approaches to High Street are sign-posted "Town Centre". Indeed, the High Street displays certain town centre characteristics.

2. However, the scale of the "centre" is limited and, as explained by the council, was not identified as such as the lower settlement population limit for designating town centres was set at 2,000. The settlement profile indicates that Earlston has a population of 1,703 and I believe that the centre is best defined as being on a "village" scale. On this basis, I do not consider it appropriate for the proposed plan to define a town centre in Earlston.

3. I can also appreciate the suggestion that the centre of Earlston could be considered for designation as a conservation area. The central part of the village clearly exhibits a degree of traditional appearance and character. I note that the council undertook a recent review of conservation areas but Earlston was not brought forward as a candidate for formal designation.

4. As the council states, designation as a conservation area follows a separate legislative process. However, the local development plan preparation process is sometimes utilised as part of the consultative process in conservation area designation. I do not believe at this stage of the process that there is an adequate basis to include a proposal to this effect in the current proposed plan. However, I note the council has undertaken to include Earlston in the next conservation area review. Under the circumstances, I believe that to be an appropriate course of action.

5. The provision of a relief road for the High Street is a further suggestion that is not without some merit. From observation, traffic in High Street is not always free-flowing although levels of congestion do not appear to be severe.

6. Unlike the designation of a town centre or conservation area, the inclusion of a safeguarded area for a new road would have very significant implications. The council explains that this possibility has been previously considered but not taken forward

because of the lack of practicality of the proposal.

7. I can accept that the level of property affected would be significant and that there would be serious social, commercial, and financial implications. Whilst the reduction of traffic in High Street, either totally or partially, would have certain attractions, I have no detailed substantiation that a scheme such as that suggested, could be justified. Indeed, my impression is that such a proposal would be unlikely to achieve high priority in the wider context of council expenditure. In turn, it would be inappropriate to include any reference to this effect in the proposed plan.

Reporter's recommendations:

No modifications.

Issue 127	Housing within the Central Strategic Development Area: Earlston (EEA12B - Earlston Glebe)	
Development plan reference:	Earlston Settlement Profile and Map (pages 278 – 285) – EEA12B (Earlston Glebe)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>357 Scottish Environment Protection Agency 386 Blair 414 Bond</p>		
Provision of the development plan to which the issue relates:	Housing allocation at Earlston Glebe (EEA12B).	
Planning authority's summary of the representation(s):		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor supports site EEA12B as the site requirements include the requirement for a Flood Risk Assessment.</p> <p><u>386 Blair</u></p> <p>The contributor objects to the housing allocation EEA12B. The contributor raises concerns regarding access to the site. The contributor states there are existing issues with traffic along Kidgate and suggests the site be accessed from the High Street or Oakbank Road.</p> <p><u>414 Bond</u></p> <p>The contributor objects to the housing allocation EEA12B. The contributor raises concerns regarding Earlston becoming a dormitory for Edinburgh workers. The contributor would like consideration to be given to the type of housing which is proposed eg: private ownership, Housing Association etc to avoid demographic changes within Border towns due to the high cost of renting in Edinburgh.</p> <p>The contributor raises concerns about noise and light pollution from the A68 and increasing traffic levels along Kidgate. The maintenance of Kidgate is poor and deteriorating. There are concerns that developers may use Kidgate to access housing at the Glebe. The contributor would hope the only access is on the far side of the Glebe.</p> <p>The contributor would like Earlston Glebe retained as greenspace near a town centre. By developing the site it would become unnecessarily claustrophobic. The contributor considers there may be scope for some very limited development but not the entire site.</p> <p>The contributor raises concerns regarding TV signal and the need for existing residents of Kidgate to purchase satellite dishes to get any signal at all and this may be an issue for any new houses built at the Glebe.</p>		

<p>The contributor also raises concerns regarding flooding and the potential effect developing this site would have on increasing the potential for flooding in the area. There is concern in relation to the river bursting its banks but also the reduction of land drainage by developing the Glebe and the effect this could have on the surrounding properties. The contributor considers 25 houses at the Glebe would be too many in terms of reduction in natural drainage.</p>
<p>Modifications sought by those submitting representations:</p>
<p><u>357 Scottish Environment Protection Agency</u></p> <p>N/A</p> <p><u>386 Blair</u></p> <p>The contributor states there are existing issues with traffic along Kidgate and suggests the site be accessed from the High Street or Oakbank Road.</p> <p><u>414 Bond</u></p> <p>The contributor seeks the indicative capacity of 25 units for EEA12B to be reduced.</p>
<p>Summary of responses (including reasons) by planning authority:</p>
<p>NO CHANGE TO EARLSTON SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>The allocation at Earlston Glebe (EEA12B) for 25 units is a long standing housing allocation within the Plan. The site was originally allocated as a housing site in the Ettrick and Lauderdale North Local Plan which was adopted in May 1985 and the site has remained allocated through all consequent Local Plans. It should be noted two houses have been built on the extreme western part of the original site; however the site boundary has been amended to reflect this. There is no planning application on the site and the site has no planning history. The site is included within the Finalised Housing Land Audit 2013 (Core Document 039, page 83) under site code EEA2 and the site is constrained due to ownership.</p> <p>Regarding vehicular access to the site, this would be confirmed when a planning application was submitted for the site and would involve consultation with the Council's Roads Planning Team.</p> <p>Regarding the other issues mentioned by the contributor the site has been through a full site assessment process and was considered suitable for housing development with an indicative of capacity of 25 units with a site area of 2.5ha.</p> <p>In relation to the type and tenure of housing that will be developed on the site, this will not be known until an application is submitted for the site. However in the Scottish Borders all new housing developments must provide an affordable housing contribution either a commuted sum, on-site or off-site provision. This ensures the delivery of sufficient good quality affordable housing in a variety of tenures to meet the needs of individuals and</p>

communities in the Scottish Borders.

Earlston Glebe is a greenfield site but has previously been assessed as suitable for development. Within Earlston the Proposed Local Development Plan identifies three key greenspaces within the town which are of environmental, social or economic value and are protected within the Plan. As Earlston Glebe is a long standing housing allocation and is not considered to be of high value it is therefore not identified as a key greenspace within the Plan.

Regarding existing issues relating to TV signal and existing noise and light pollution from the A68 are not planning issues and are not relevant to Proposed Local Development Plan.

In relation to the concerns regarding flooding of the site and surrounding area a Flood Risk Assessment (FRA) is included within the site requirements for EEA12B and it should also be noted that SEPA also support the allocated site.

Reporter's conclusions:

1. Site EEA12B, Earlston Glebe, is allocated for housing with an area of 2.5 hectares and an indicative site capacity of 25 units.
2. Concern has been expressed about demographic changes in communities in the Scottish Borders as a consequence of conditions in Edinburgh. However, a strategic approach to the supply of housing land has set a target for residential development throughout South East Scotland, including the Scottish Borders. The development of Earlston Glebe must therefore be set in this wider context which is considered in more detail under issues 49 and 80. In general terms, site EEA12B must be regarded as contributing to the identified housing land target for the Scottish Borders. This is important as the wider assessment concludes that the housing land designations in the local development plan are unlikely to meet the strategic requirement.
3. The value of Earlston Glebe as a green space has been argued as a reason for retaining the area, at least for the most part. Whilst essentially greenfield, this site is not prominent within the built structure of Earlston. It could not be regarded as a "village green" and I note it has not been designated as a "key" green space. A low embankment that carried a former railway line crosses the southern part of the site provides a visual and physical division.
4. I do not believe that the problems of the A68 that have been referred to justify precluding the proposed development. There is no compelling evidence to substantiate this claim. As the council points out, the housing allocation is long-standing and I consider the principle of residential development at this location within the built up area to be acceptable.
5. At this stage, as explained by the council, matters have not progressed beyond establishing the principle of development although Policy HD1 sets out requirements for the provision of affordable housing. As with most infill sites, design will present some challenges to ensure existing residential amenity is protected. In this case, access and the relationship of new development with the existing surrounding houses will require careful design. However, I have no reason to believe that these considerations, whilst challenging, provide a serious constraint to development. Similarly, although concern has

been expressed about density, I consider that an indicative capacity of 25 is reasonable for a site of this size. The specified site requirements draw attention to the matters to be addressed.

6. Flooding potential is a further matter of concern but the site requirements are clear in the need for a flood risk assessment.

7. Similarly, the quality of television reception has been referred to but in this respect I agree with the council that this is not a planning issue for the proposed plan.

8. The representations by the Scottish Environment Protection Agency do not involve an unresolved issue and therefore did not require to be brought to the examination for consideration.

9. Overall, I conclude that the allocation of site EEA12B, Earlston Glebe, to be justified.

Reporter's recommendations:

No modifications.

Issue 128	Housing within the Central Strategic Development Area: Earlston (EEA101 - Mill Road)	
Development plan reference:	Earlston Settlement Profile and Map (pages 278 – 285) – EEA101 (Mill Road)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Housing allocation at Mill Road (EEA101) in Earlston.	
Planning authority's summary of the representation(s):		
<p>The contributor recommends the removal of the housing allocation at Mill Road, Earlston (EEA101). The site is located on greenfield land and has suffered from flooding in the past and therefore the contributor strongly recommends that this site is removed from the Proposed Local Development Plan.</p> <p>The contributor states the entire site lies within the medium likelihood flood extent of the SEPA Flood Map and therefore may be at medium to high risk of flooding. The contributor states there is a long history of flooding in Earlston from both the Turfford Burn and the Leader Water. Based on information gathered by the Tweed River Purification Board the largest flood event on the Leader Water was 1948 followed by 1881, 1984, 1990 and 1956. Recently, a member of the public contacted SEPA to inform us that there was flooding of Haughhead Road and it was close to property north west of the allocation site in 2012. This event had a return period of less than 1:15 years.</p> <p>Development in this area would likely result in floodplain conveyance and storage loss which could result in the increase risk of flooding elsewhere in Earlston. As such the contributor does not support housing in this area.</p>		
Modifications sought by those submitting representations:		
The contributor requests that the housing allocation at Mill Road (EEA101) is removed from the Proposed Local Development Plan.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO EARLSTON SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN; HOWEVER THE REPORTER IS REQUESTED TO CONSIDER THE MATTER FURTHER</p> <p>REASONS</p> <p>This site is a housing allocation within the plan with an indicative capacity of 20 units. The site was added to the plan by the Reporter during the Local Plan Inquiry 2007 (Core Document 020, chapter 6, page 7). The site has remained allocated for housing within</p>		

each of the subsequent plans.

It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076 - SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

It is noted that SEPA do not object to the inclusion of the site within the Plan, but recommend that it should be removed. It is therefore submitted that this matter could be dealt with through the provisions of the mainstream policy IS8.

However, the Council notes the provisions within paragraph 87 of Circular 6/2013 on Development Planning which state that “The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations.” In that respect the Council acknowledges that in the interests of clarity for developers and the public the site could be removed from the Plan, and the Council would accept the Reporter’s decision on this matter.

Reporter’s conclusions:

1. Site EEA101, Mill Road, is allocated for housing with an indicative capacity of 20 units.
2. Although this site was allocated following the local plan inquiry which took place in 2007, the reporters at that time indicated that they were unaware of any infrastructure constraints. Insofar as the current proposed plan is concerned, the opinion of the Scottish Environment Protection Agency is unequivocal. The Agency very clearly sets out the potential for flooding on the site and the related problems of floodplain conveyance and storage loss leading to an increased risk of flooding elsewhere.
3. The council has stated that the Agency has not objected to the Mill Road site but there is a firm and clear recommendation that the allocation should be removed. Whilst it is unfortunate that this position was not made known at an earlier stage, I nevertheless believe that this is not an instance where the requirement for a flood risk assessment and the terms of Policy IS8, Flooding, are likely to lead to the resolution of the flood potential

concern. Accordingly, I agree with the Scottish Environment Protection Agency and conclude the site should be deleted from the proposed plan.

Reporter's recommendations:

I recommend the following modifications be made:

1. In the Earlston settlement profile, under the Housing section of the Development and Safeguarding Proposals, delete site EEA101, Mill Road.
2. Delete site EA101 from the Earlston settlement map, including the related structure planting/landscaping.
3. Relevant references elsewhere, including the reference to "six housing sites" in the Earlston settlement profile (which should now be "four housing sites"*) and house building totals in other parts of the proposed local development plan should also be adjusted as appropriate.

*See also Issue 129 which recommends the deletion of housing site EEA200.

Issue 129	Housing within the Central Strategic Development Area: Earlston (EEA200 - Earlston Mill)	
Development plan reference:	Earlston Settlement Profile and Map (pages 278 – 285) – EEA200 (Earlston Mill)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Housing allocation at Earlston Mill (EEA200) in Earlston.	
Planning authority's summary of the representation(s):		
<p>The contributor seeks the removal of Earlston Mill (EEA200) from the Proposed Local Development Plan due to flood risk.</p> <p>The contributor states the entire site lies within the medium likelihood flood extent of the SEPA Flood Map and therefore may be at medium to high risk of flooding. There is a long history of flooding in Earlston from both the Turfford Burn and the Leader Water. Based on information gathered by the Tweed River Purification Board the largest flood event on the Leader Water was 1948 followed by 1881, 1984, 1990 and 1956. Recently, a member of the public contacted SEPA to inform us that there was flooding to Haughhead Road and it was close to property north west of the allocation site in 2012. This event had a return period of less than 1:15 years.</p> <p>The contributor acknowledges that this is a brownfield site however as housing is proposed for this allocation, the contributor would argue that there is an increase in sensitivity as the change of use is from a business to a permanent residence. As the site has suffered from flooding in the past the contributor strongly recommends that this site is removed from the LDP. Development in this area would likely result in floodplain conveyance and storage loss which could result in the increase risk of flooding elsewhere in Earlston. Should an application come in for housing at this site the contributor would be unable to support it. The contributor would also like it noted that access/ egress to the site would be problematic during a flood.</p> <p>The contributor also requests an additional requirement should be included for this site to help contribute to the objectives of the River Basin Management Plan. Development should not add any further morphological pressures to the Ladel Water or result in any deterioration in status which is currently moderate. Any opportunities to improve modified habitat should also be harnessed.</p>		
Modifications sought by those submitting representations:		
<p>The contributor recommends Earlston Mill (EEA200) is removed from the Proposed Local Development Plan.</p> <p>The contributor also requests an additional requirement should be included for this site to</p>		

help contribute to the objectives of the River Basin Management Plan.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO EARLSTON SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN; HOWEVER THE REPORTER IS REQUESTED TO CONSIDER THE MATTER FURTHER

REASONS

This site is a housing allocation within the plan with an indicative capacity of 20 units. The site was added to the plan by the Reporter during the Local Plan Inquiry 2007 (Core Document 020, chapter 6, page 7). The site has remained allocated for housing within each of the subsequent plans.

It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076 - SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 "the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP." Furthermore, paragraph 4.3 states "This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation". This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.

Policy IS8 sets out the requirement that "Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk."

It is noted that SEPA do not object to the inclusion of the site within the Plan, but recommend that it should be removed. It is therefore submitted that this matter could be dealt with through the provisions of the mainstream policy IS8.

However, the Council notes the provisions within paragraph 87 of Circular 6/2013 on Development Planning which state that "The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations." In that respect the Council acknowledges that in the interests of clarity for developers and the public the site could be removed from the Plan, and the Council would accept the Reporter's decision on this matter.

In relation to the request for an additional site requirement to help contribute to the objectives of the River Basin Management Plan it is also noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076 - SEPA

Response). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area. Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site EEA200, Earlston Mill, is allocated for housing with an indicative capacity of 15 units.
2. I note this site was allocated following the local plan inquiry which took place in 2007. It may be that the reporters at that time were unaware of any infrastructure constraints as was the case for nearby site EEA101, Mill Road (see Issue 128). Insofar as the current proposed plan is concerned, the opinion of the Scottish Environment Protection Agency is unequivocal. Although the Agency recognises the site to be brownfield, the potential for flooding and the related problems of floodplain conveyance and storage loss leading to an increased risk of flooding elsewhere are clearly set out.
3. The council has stated that the Agency has not objected to the Earlston Mill site but there is a firm and clear recommendation that the allocation should be removed. Whilst it is unfortunate that this position was not made known at an earlier stage, I nevertheless believe that this is not an instance where the requirement for a flood risk assessment and the terms of Policy IS8, Flooding, are likely to lead to the resolution of the flood potential concern. Accordingly, I agree with the Scottish Environment Protection Agency that the change of use from business to residential involves an increase in sensitivity. Accordingly, I conclude the site should be deleted from the proposed plan.

Reporter's recommendations:

I recommend the following modifications be made:

1. In the Earlston settlement profile, under Housing section of the Development and Safeguarding Proposals, delete site EEA200, Earlston Mill.
2. Delete site EEA200 from the Earlston settlement map and show as "white land".
3. Relevant references elsewhere, including the reference to "six housing sites" in the Earlston settlement profile (which should now be "four housing sites"*) and house building totals in other parts of the proposed local development plan should also be adjusted as appropriate.

*See also Issue 128 which recommends the deletion of housing site EEA101.

Issue 130	Housing within the Central Strategic Development Area: Earlston (AEARL013 - East of Georgefield)	
Development plan reference:	Earlston Settlement Profile and Map (pages 278 – 285) – AEARL013 (East of Georgefield)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
496 JS Crawford & Rural Renaissance		
Provision of the development plan to which the issue relates:	East of Georgefield (AEARL013) to be allocated for housing.	
Planning authority's summary of the representation(s):		
<p>The contributor objects to the non-inclusion of AEARL013 (East of Georgefield) as a housing allocation within the Proposed Local Development Plan. The contributor states recognition should be given to the opportunity to bring forward land identified for later phases earlier than currently envisaged. This is due to the need to maintain a five year land supply and address questions raised by sites not coming forward as quickly as anticipated.</p>		
Modifications sought by those submitting representations:		
Site East of Georgefield (AEARL013) should be allocated as a housing site within the Local Development Plan		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO EARLSTON SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>The site referred to by the contributor is part of a potential longer term mixed use allocation at Georgefield East (SEARL006). This longer term allocation was identified in the Finalised Local Plan Amendment 2009 (Core Document 010, page 115) which considered proposals for the potential future development including substantive settlement extensions. This was guided by the Development and Landscape Capacity Study (Core Document 043, page 61 - Earlston South East: Opportunities and Constraints Map) which identified possible areas where land could be developed in the future.</p> <p>The Development and Landscape Capacity Study concluded that the Georgefield area (site SEARL006) was appropriate for development, stating that it was a possible landscape opportunity for a new/ linked settlement across these large, contained, relatively level fields which are easily accessible to the new school.</p> <p>Although the Finalised Local Plan Amendment and Proposed Local Development Plan</p>		

identify site SEARL006 as appropriate for potential longer term mixed use in principle, clearly more work needs to be done in terms of detailed consultation and discussion and the preparation of a masterplan to ensure a coherent and holistic approach. The Proposed Local Development Plan lists a number of bullet points identifying issues to be addressed through the masterplan process. Part of the exercise will ensure the site has minimal impact on the views from the surrounding landscape. Appendix 3 (page 164) of the Proposed Local Development states the intention to produce a longer term planning framework for Earlston in advance of the next Local Development Plan Review. Consequently it is not considered that any part of the longer term site SEARL006 should come forward in the short term in advance of the framework being produced.

As stated within the Appendix 2: Meeting the Housing Land Requirement - Update (Core Document 017), the Scottish Borders has a generous and effective 5 year housing land supply within each of the Housing Market Areas (HMA) to meet demand as required by Scottish Planning Policy 2014 (Core Document 026, paragraph 110).

Within Earlston there is a substantial housing land supply including recent allocations at the former High School site (AEARL002), East Turfford (AEARL010) and phase one of the land at Georgefield (AEARL011). Therefore it is considered there is no need to allocate further housing land within Earlston and additional land at Georgefield should not be brought forward until phase one has been progressed (Supporting Document 130-1). It is considered that the Proposed Local Development Plan meets the provisions of the SESplan Strategic Development Plan (Core Document 001) and the associated Supplementary Guidance - Housing Land (Core Document 002).

It should be noted that longer term allocations within the Plan are subject to further assessment and review at the next Local Plan Review.

Reporter's conclusions:

1. Site SEARL006, Georgefield East, is identified as a potential site for mixed use, including housing, in the longer term. This is subject to review.
2. In terms of Scottish Planning Policy, local development plans should allocate a range of sites which are effective or expected to become effective within the period to meet the housing land requirement in full. A minimum of five years effective land should be provided at all times.
3. The housing land supply has been considered in a wider context under Issues 49 and 80. It has been concluded that the housing land sites designated in the local development plan are unlikely to meet the strategic requirement.
4. Scottish Planning Policy also indicates that beyond year 10 and up to year 20, the local development plan should provide an indication of the possible scale and location of the housing land requirement. In effect, although Georgefield East allocation is for mixed use, it can be anticipated that residential development would provide an important element within the wider area. Nevertheless, the text of the Earlston settlement profile is clear in stating that the allocated sites must be fully developed before Georgefield East which is "the preferred area for future expansion". As the council points out, there is a substantial area of allocated housing land in Earlston, bearing in mind the size of the village. I agree that it is entirely appropriate to ensure that these sites are developed prior to confirming any further expansion.

5. Additionally, the council has explained that detailed assessment of site SEARL006 requires to be undertaken in terms of landscape impact and the master plan preparation process. These are fundamental considerations justifying the provisional nature of the allocation and the need for a review in due course.

6. Despite the wider housing land assessment, I share the opinion of the council that the level of potential development in Earlston is adequate. Whilst it is reasonable to identify Georgefield East as a preferred area for future expansion, it is appropriate to give priority to the currently allocated sites. Additionally, it is clear that further impact analysis is required for Georgefield East. Accordingly, I endorse the provisions of the proposed plan in respect of site SEARL006, Georgefield East.

Reporter's recommendations:

No modifications.

Issue 131	Housing within the Central Strategic Development Area: Earlston (AEARL002 - Surplus Land at Earlston High School)	
Development plan reference:	Earlston Settlement Profile and Map (pages 278 – 285) – AEARL002 (Surplus Land at Earlston High School)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Housing allocation in Earlston – AEARL002 (Surplus Land at Earlston High School).	
Planning authority’s summary of the representation(s):		
<p>The contributor requests an additional requirement should be included for this site to help contribute to the objectives of the River Basin Management Plan. Development should not add any further morphological pressures to the Turfford Burn or result in any deterioration in status which is currently moderate. Any opportunities to improve modified habitat should also be harnessed.</p> <p>The contributor supports the site as the site requirements include the requirement for a Flood Risk Assessment.</p>		
Modifications sought by those submitting representations:		
The contributor requests an additional site requirement be included to help contribute to the objectives of the River Basin Management Plan.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO EARLSTON SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the contributor supports the site as a Flood Risk Assessment is required as set out in the site requirements.</p> <p>This site was initially identified as a housing allocation within the Finalised Local Plan Amendment 2009 (Core Document 010) and the site was taken forward into the Scottish Borders Consolidated Local Plan 2011 (Core Document 007). The site had been subject to public consultation prior to its inclusion in the Plan.</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076 - SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3</p>		

states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area. Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site AEARL002, Surplus Land at Earlston High School, is allocated for housing.
2. As in other cases, I recognise the hope of the Scottish Environment Protection Agency that the development of the site would provide an opportunity to contribute to the objectives of the River Basin Management Plan. Nevertheless, Policy EP15, Development Affecting the Water Environment, provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. Opportunities to enhance and restore the water environment in support of biodiversity are set out in supplementary guidance.
3. On the basis of the foregoing, I conclude that the terms of Policy EP15 provide a clear basis for development management of this site in respect of the water environment and that a further site requirement to this effect is not necessary.

Reporter’s recommendations:

No modifications.

Issue 132	Housing within the Central Strategic Development Area: Earlston (AEARL010 - East Turfford)	
Development plan reference:	Earlston Settlement Profile and Map (pages 278 – 285) – AEARL010 (East Turfford)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency 496 JS Crawford & Rural Renaissance		
Provision of the development plan to which the issue relates:	Housing allocation AEARL010 (East Turfford).	
Planning authority's summary of the representation(s):		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor requests an additional site requirement should be included for this site to help contribute to the objectives of the River Basin Management Plan. Development should not add any further morphological pressures to the Turfford Burn or result in any deterioration in status which is currently moderate. Any opportunities to improve modified habitat should also be harnessed.</p> <p>The contributor supports the site as the site requirements include the requirement for a Flood Risk Assessment.</p> <p><u>496 JS Crawford & Rural Renaissance</u></p> <p>The contributor supports this allocation. The contributor states the development of the site would not change the character of the settlement and will assist integration of the new High School within a more cohesive urban environment.</p>		
Modifications sought by those submitting representations:		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor requests an additional site requirement be included to help contribute to the objectives of the River Basin Management Plan.</p> <p><u>496 JS Crawford & Rural Renaissance</u></p> <p>N/A</p>		
Summary of responses (including reasons) by planning authority:		
NO CHANGE TO EARLSTON SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN		

REASONS**496 JS Crawford & Rural Renaissance**

Support noted.

357 Scottish Environment Protection Agency

It is noted that the contributor supports the site as a Flood Risk Assessment is required as set out in the site requirements.

This site was initially identified as a housing allocation within the Finalised Local Plan Amendment 2009 (Core Document 010) and the site was taken forward into the Scottish Borders Consolidated Local Plan 2011 (Core Document 007). The site had been subject to public consultation prior to its inclusion in the Plan.

It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076 - SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area. Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site AEARL010, East Turfford, is allocated for housing.
2. Insofar as JS Crawford and Rural Renaissance Ltd support the allocation, no unresolved issue remains and it was therefore unnecessary to bring this representation to the examination.

3. As in other cases, I recognise the hope of the Scottish Environment Protection Agency that the development of the site would provide an opportunity to contribute to the objectives of the River Basin Management Plan. Nevertheless, Policy EP15, Development Affecting the Water Environment, provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. Opportunities to enhance and restore the water environment in support of biodiversity are set out in supplementary guidance.

4. On the basis of the foregoing, I conclude that the terms of Policy EP15 provide a clear basis for development management of this site in respect of the water environment and that a further site requirement to this effect is not necessary.

Reporter's recommendations:

No modifications.

Issue 133	Housing within the Central Strategic Development Area: Earlston (AEARL011 – Georgefield Site)	
Development plan reference:	Earlston Settlement Profile and Map (pages 278 – 285) – AEARL011 (Georgefield Site)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency 496 JS Crawford & Rural Renaissance		
Provision of the development plan to which the issue relates:	Housing allocation AEARL011 (Georgefield Site).	
Planning authority’s summary of the representation(s):		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor requests an additional requirement should be included for this site to help contribute to the objectives of the River Basin Management Plan. Development should not add any further morphological pressures to the Turfford Burn or result in any deterioration in status which is currently moderate. Any opportunities to improve modified habitat should also be harnessed.</p> <p>The contributor supports the site as the site requirements include the requirement for a Flood Risk Assessment.</p> <p><u>496 JS Crawford & Rural Renaissance</u></p> <p>The contributor supports this allocation. The contributor states the development of the site would not change the character of the settlement and will assist integration of the new High School within a more cohesive urban environment.</p>		
Modifications sought by those submitting representations:		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor requests an additional site requirement be included to help contribute to the objectives of the River Basin Management Plan.</p> <p><u>496 JS Crawford & Rural Renaissance</u></p> <p>N/A</p>		
Summary of responses (including reasons) by planning authority:		
NO CHANGE TO EARLSTON SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN		

REASONS496 JS Crawford & Rural Renaissance

Support noted.

357 Scottish Environment Protection Agency

It is noted that the contributor supports the site as a Flood Risk Assessment is required as set out in the site requirements.

This site was initially identified as a housing allocation within the Finalised Local Plan Amendment 2009 (Core Document 010) and the site was taken forward into the Scottish Borders Consolidated Local Plan 2011 (Core Document 007). The site had been subject to public consultation prior to its inclusion in the Plan.

It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076 - SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area. Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site AEARL011, Georgefield, is allocated for housing.
2. Insofar as JS Crawford and Rural Renaissance Ltd support the allocation, no unresolved issue remains and it was therefore unnecessary to bring this representation to the examination.

3. As in other cases, I recognise the hope of the Scottish Environment Protection Agency that the development of the site would provide an opportunity to contribute to the objectives of the River Basin Management Plan. Nevertheless, Policy EP15, Development Affecting the Water Environment, provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. Opportunities to enhance and restore the water environment in support of biodiversity are set out in supplementary guidance.

4. On the basis of the foregoing, I conclude that the terms of Policy EP15 provide a clear basis for development management of this site in respect of the water environment and that a further site requirement to this effect is not necessary.

Reporter's recommendations:

No modifications.

Issue 134	Redevelopment within the Central Strategic Development Area: Earlston (zRO12 – Brownlie Yard)	
Development plan reference:	Earlston Settlement Profile and Map (pages 278 – 285) – zRO12 (Brownlie Yard)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Redevelopment Opportunity zRO12 (Brownlie Yard).	
Planning authority’s summary of the representation(s):		
<p>The contributor requests an additional requirement should be included for this site to help contribute to the objectives of the River Basin Management Plan. Development should not add any further morphological pressures to the Turfford Burn or result in any deterioration in status which is currently moderate. Any opportunities to improve modified habitat should also be harnessed.</p> <p>The contributor supports the site as the site requirements include the requirement for a Flood Risk Assessment.</p>		
Modifications sought by those submitting representations:		
The contributor requests an additional site requirement be included to help contribute to the objectives of the River Basin Management Plan.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO EARLSTON SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>This site was allocated as a redevelopment opportunity within the Ettrick and Lauderdale Local Plan 1995 and carried forward into each subsequent plan. The site has planning consent for the erection of twenty four dwellinghouses with integral garages (06/01535/REM). Development on the site has commenced and seven completions are recorded in the Housing Land Audit 2013 (Core Document 039, Appendix 1 - page 83). Although the site is partially developed it was not considered significantly developed enough to be removed from the Plan as less than 50% of the units are completed, therefore the site continues to be included.</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076 - SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and</p>		

site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area. Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

It should be noted that the site at Brownlie Yard (zRO12) is an existing allocation which has been carried forward into the Proposed Plan. There is a planning approval on the site (06/01535/REM) for the erection of twenty four dwellinghouses with integral garages. The contributor was consulted on this application and provided a detailed response (Supporting Document 134-1). The site is partially developed however it was not considered significantly developed enough to be removed from the Plan as less than 50% of the units are completed.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site zRO12, Brownlie Yard, is allocated for housing. The site is partly developed.
2. As in other cases, I recognise the hope of the Scottish Environment Protection Agency that the development of the site would provide an opportunity to contribute to the objectives of the River Basin Management Plan. Nevertheless, Policy EP15, Development Affecting the Water Environment, provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. Opportunities to enhance and restore the water environment in support of biodiversity are set out in supplementary guidance.
3. In any event, the site has the benefit of detailed planning permission for residential development. As explained, part of the site has been developed although it does not appear that work is currently continuing. Nevertheless, the opportunity to require a contribution to the River Basin Management Plan through the planning application procedure appears to have passed.

4. On the basis of the foregoing, I conclude that the terms of Policy EP15 provide a clear basis for development management of this site in respect of the water environment and that a further site requirement to this effect is not necessary.

Reporter's recommendations:

No modifications.

Issue 135	Redevelopment within the Central Strategic Development Area: Earlston (REARL001 – Halcombe Fields)	
Development plan reference:	Earlston Settlement Profile and Map (pages 278 – 285) – REARL001 (Halcombe Fields)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Redevelopment Opportunity REARL001 (Halcombe Fields).	
Planning authority’s summary of the representation(s):		
<p>The contributor requests an additional requirement should be included for this site to help contribute to the objectives of the River Basin Management Plan. Development should not add any further morphological pressures to the Turfford Burn or result in any deterioration in status which is currently moderate. Any opportunities to improve modified habitat should also be harnessed.</p> <p>The contributor supports the site as the site requirements include the requirement for a Flood Risk Assessment and the SEA suggests this as mitigation.</p>		
Modifications sought by those submitting representations:		
The contributor requests an additional site requirement be included to help contribute to the objectives of the River Basin Management Plan.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO EARLSTON SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>This site was initially identified as a redevelopment opportunity within the Main Issues Report (MIR) (Core Document 006, page 89). This site is also included within the Scottish Vacant and Derelict Land Survey, under site code EARLST003 (Core Document 040, page 14).</p> <p>It is noted that the contributor supports the site in relation to the requirement for a Flood Risk Assessment.</p> <p>It is also noted that the respondent did not respond on this matter to the Main Issues Report (Core Document 076 - SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3</p>		

states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area. Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site REARL001, Halcombe Fields, is allocated for redevelopment.
2. As in other cases, I recognise the hope of the Scottish Environment Protection Agency that the development of the site would provide an opportunity to contribute to the objectives of the River Basin Management Plan. Nevertheless, Policy EP15, Development Affecting the Water Environment, provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. Opportunities to enhance and restore the water environment in support of biodiversity are set out in supplementary guidance.
3. On the basis of the foregoing, I conclude that the terms of Policy EP15 provide a clear basis for development management of this site in respect of the water environment and that a further site requirement to this effect is not necessary.

Reporter’s recommendations:

No modifications.

Issue 136	Eckford Settlement Profile	
Development plan reference:	Eckford Settlement Profile and Map (pages 289 – 290)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
484 Crailing, Eckford & Nisbet Community Council		
Provision of the development plan to which the issue relates:	Eckford Settlement Profile	
Planning authority's summary of the representation(s):		
<p>The contributor does not support further developments being plumbed into the existing sewerage plant located in the centre of the village of Eckford. This is due to the sewerage problems being experienced since the development of four bungalows in 2004.</p>		
Modifications sought by those submitting representations:		
<p>The contributor seeks reference to be made in the Local Development Plan that future development should not be plumbed into the existing sewerage plant.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO ECKFORD SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>Comments noted. There are no allocations in Eckford within the Local Development Plan. Reference to Waste Water Treatment Works is made within the Eckford Settlement Profile under the Infrastructure Considerations section. This wording is agreed with Scottish Water and provides an update of the current position in relation to water and waste water at a fixed point in time.</p> <p>Scottish Water are key consultees throughout the plan process and have been consulted on each stage of the Proposed Plan. Regular liaison meetings are also held throughout the year with Scottish Water and SEPA.</p> <p>The current position in relation to wastewater in Eckford is that the treatment works is at capacity. If a developer meets the 5 growth criteria, Scottish Water will initiate a growth project to meet new demand.</p>		
Reporter's conclusions:		
<p>1. The Eckford settlement profile states that there is no land proposed for development in the period of the local development plan but, nevertheless, there is an indication that</p>		

development could potentially take place “in the future”. On this basis, the concerns of the community council should be allayed, at least for the duration of the proposed plan. As is always the case, the situation will be reviewed in due course.

2. In the meantime, should any development be proposed, it would be assessed against the relevant policies of the local development plan. As the council has confirmed, Scottish Water would be a key consultee with whom regular liaison meetings are held along with the Scottish Environment Protection Agency. I am satisfied that these arrangements should allow an assessment of the waste-water treatment capacity and allow appropriate development management.

Reporter’s recommendations:

No modifications.

Issue 137	Housing outwith the Strategic Development Areas: Eddleston (TE6B – Burnside)	
Development plan reference:	Eddleston Settlement Profile and Map, Site TE6B – Burnside	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Eddleston Housing Land	
Planning authority’s summary of the representation(s):		
<p>The contributor supports the requirement for a flood risk assessment that is included the Planning Brief.</p> <p>The contributor objects to this site in that they would require an additional site requirement for a feasibility study to be undertaken to assess the potential for channel restoration by removing the existing or possible culverts. In addition there may be an opportunity to restore the water environment to its natural state by removing the culvert. The contributor would require an additional site requirement to help contribute to the objectives of the River Basin Management Plan.</p>		
Modifications sought by those submitting representations:		
<p>The contributor seeks an additional site requirement requiring a feasibility study to be undertaken to assess the potential for channel restoration by removing the existing or possible culverts as well as another requirement for the site to help contribute to the objectives of the River Basin Management Plan.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SITE REQUIREMENTS FOR HOUSING ALLOCATION TE6B</p> <p>REASONS</p> <p>It should be noted that the Scottish Environment Protection Agency also support this site in that there is a site requirement for a flood risk assessment is include within the Planning Brief for the site (refer to Core Document 070).</p> <p>This site was first formally allocated within the Scottish Borders Local Plan 2008 (Core Document 008) following the recommendation of the Local Plan Inquiry Reporter (refer to Core Document 020 Scottish Borders Local Plan Inquiry Report) (pages 8-7 to 8-9 with Reporters Recommendations on pages 8-13 to 8-15 (site reference TB6B)). The site had been subject to public consultation prior to its inclusion in the Plan.</p> <p>It is noted that the respondent did not respond on this matter to the Scottish Borders Main</p>		

Issues Report (MIR) (Core Document 076 SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “*the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.*” Furthermore, paragraph 4.3 states “*This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation*”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed Local Development Plan makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to culvert removal and channel restoration as well as the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in its preamble that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area. Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters. This also includes in sub section d) the need for compliance with best practice in relation to canalisation and culverting.

Therefore, it is submitted that these matters can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor’s proposals are not necessary.

Reporter’s conclusions:

1. The site is situated on the east side of the A703, at the eastern edge of the village. It is at the end of Burnside, a cul-de-sac, to the east of a primary school, and to the north of Longcote Burn. The site extends to 1.9 hectares, and comprises a gently sloping field. The allocation of the site for housing in the proposed plan is a continuation of the allocation in the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Consolidated Scottish Borders Local Plan. The site is included in the 2014 housing land audit, with development on site estimated to commence in 2020 and to continue beyond 2021. The indicative site capacity given in the proposed plan and audit is 30 houses. The site is a reasonable extension of the village, being well contained in the landscape. The representation is concerned with the risk of flooding and improving the water environment.

2. It is clear that the inclusion of a requirement for a flood risk assessment in the supplementary planning guidance for this site satisfies the concern about the risk of flooding at this location. The Scottish Environment Protection Agency hopes that the development of this allocation would provide an opportunity to contribute to the objectives of the River Basin Management Plan. However, I believe that policy EP15 (development affecting the water environment) provides adequate guidance on this matter, and that it is unnecessary to add a specific site requirement to the housing allocation. The supporting text for policy EP15 indicates that where appropriate the council will adhere to the

sustainable management objectives set out in the river basin management plans covering the Borders, and that opportunities to enhance and restore the water environment in support of biodiversity are set out in supplementary guidance.

3. I acknowledge that the removal of culverts, which are a significant pressure point, can improve the water environment and, as such, I consider it reasonable to highlight the need to consider this possibility as a site requirement.

4. Overall, an adjustment to the proposed plan is required as set out below.

Reporter’s recommendations:

I recommend that the following modification be made:

1. On page 292 of Volume 2 Settlements, under the Development and Safeguarding Proposals section, adjust the first site requirement for site TE6B (Burnside) so that it reads:

“- Refer to approved Planning Brief and, additionally, consider the potential for culvert removal and channel restoration”

Issue 138	Housing within the Central Strategic Development Area: Ednam (AEDNA002 - West Mill)	
Development plan reference:	Ednam Settlement Profile and Map (pages 295 – 297) – AEDNA002 (West Mill)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
165 AMS Associates Ltd (3 of 3) 456 Stewart		
Provision of the development plan to which the issue relates:	Housing allocation AEDNA002 (West Mill).	
Planning authority's summary of the representation(s):		
<p><u>165 AMS Associates Ltd</u></p> <p>The contributor objects to the allocation of West Mill (AEDNA002) within the Proposed Local Development Plan. The contributor states the site has been marketed extensively without success. The site capacity of 12 units makes the cost of infrastructure per unit expensive. The site only has one access and also restricts future expansion of the cemetery.</p> <p><u>456 Stewart</u></p> <p>The contributor objects to the allocation of West Mill (AEDNA002) within the Proposed Local Development Plan. The contributor states the site has not been developed since being allocated and land banking such as this is holding up village development and making homes within the village unaffordable to young people. Such land banking skews housing figures and the site should be removed from the Plan and other sites allocated to compensate for sites that are not being brought forward for development.</p> <p>The contributor also states local affordable housing need will not be met by AEDNA002 as there is no allocation for affordable housing on the site and any commuted payment for affordable housing would most likely not be spent in Ednam. The site also restricts the expansion of the cemetery (FEDNA001).</p>		
Modifications sought by those submitting representations:		
<p><u>165 AMS Associates Ltd and 456 Stewart</u></p> <p>The contributors seek the removal of the housing allocation at West Mill (EDNA002) in Ednam.</p>		
Summary of responses (including reasons) by planning authority:		
NO CHANGE TO EDNAM SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN		

REASONS

The site at West Mill was allocated for housing within the Scottish Borders Local Plan 2008 (Core Document 008, page 264) under site code RE1B with a site capacity of 6 units. As part of the Local Plan Amendment (LPA) process the indicative capacity of the site was increased to 12 units and the site was re-coded as AEDNA002. The site was included within the Consultative Draft LPA as a site option along with a site to the east of the settlement called West of Millburn (AEDNA001).

Following public consultation, the site at West Mill (AEDNA002) was taken forward into the Finalised Local Plan Amendment as the preferred option. As part of the Local Plan Amendment Examination (Core Document 021, pages 144 - 147) the Reporter was satisfied that the increased site capacity of AEDNA002 would be more suitable than allocating AEDNA001 to meet the housing allowance of the Central Housing Market Area. The Reporter also considered Ednam would benefit from some development in the short term from AEDNA002 which would benefit the existing services within the settlement.

Following the Examination AEDNA002 was allocated for housing within the adopted Consolidated Local Plan 2011 (Core Document 007, page 300) and has consequently been carried forward into the Proposed Local Development Plan. The site has an indicative site capacity of 12 units; it is currently undeveloped and is actively being marketed by the landowner. The site was subject to a planning approval for 10 units (04/02341/FUL) however this consent lapsed in September 2013.

As such the site is a recent allocation and is programmed as effective within the finalised Housing Land Audit 2013 (Core Document 039, page 88). The site is free from constraints and is able to be developed within the five year effective period.

Regarding the contributor's comments about the lack of affordable housing on the site, policy HD1 in the Proposed Local Development Plan sets out the requirement for affordable housing. Development proposals submitted on allocated sites or windfall sites (i.e. not allocated sites) need to comply with policy HD1. The current planning consent on AEDNA002 planning reference 04/02341/FUL lapsed in September 2013. The application did not include an affordable housing element because the application was submitted before the Council's affordable housing policy came in to force. As that consent has not been implemented, any new development proposals would have to comply with policy HD1.

As stated in the site requirements within the Proposed Local Development Plan the site is to be accessed via Poppleburn Park. The site was fully assessed as part of the Local Plan Amendment process and it was not envisaged the site would have any negative impact on the allocated cemetery expansion, FEDNA001. It is therefore considered that the site should remain allocated for housing within the Plan.

Reporter's conclusions:

1. Site AEDNA002, West Mill, has been allocated for housing in successive development plans but remains undeveloped. Clearly, at some point, should this situation endure, it would be necessary to review the position. However, despite the concerns expressed about the non-development of the site, the council states that the owner is marketing the site. I note also that the site is included within the 2013 Housing Land Audit as being effective.

2. It may be that development of the site has been delayed due to the general down turn in the house building industry in recent years. It appears that the situation has improved and this may provide some impetus in the marketing and development of the site. I am not persuaded therefore that the site should be deleted because lack of marketability.

3. I have also noted the concern about the cost of infrastructure for the site but no substantive evidence has been provided to support this claim. The physical appearance of the site does not suggest that infrastructure would be subject to abnormal costs.

4. Although the council states that the site is free from constraints, reference has been made to potential flooding in the vicinity. I have consulted the Scottish Environment Protection Agency flood maps in this respect but although the burn to the south of the site is shown to be subject to flooding, the site itself has no identified flood constraints.

5. The planning permission for the development of the site has lapsed and therefore any future development would require a fresh application. In this respect, the council has confirmed that an affordable housing contribution would be required in terms of Policy HD1.

6. Access to the site would be via Poppleburn Park, a short cul-de-sac which appears to have been designed with a possible extension in mind. I have no indication that the number of houses served by the cul-de-sac, including the houses on the development site, would exceed the standard for single access development. Certainly, the number of houses currently served by the cul-de-sac and the indicative capacity of the West Mill site (12) would not suggest a problem in this respect. Indeed, planning permission has previously been granted.

7. The site itself, when developed, would provide a natural extension to the village with existing development to the south and east. I do not consider that an adverse impact on the proposed cemetery extension is likely. The proposed plan indicated that the extension requires suitable boundary treatment to the west, that is, the boundary adjacent to the proposed housing site. This is a reasonable requirement.

8. Overall, I find no merit in the suggestion that site AEDNA002, West Mill, should be deleted.

Reporter's recommendations:

No modifications.

Issue 139	Housing within the Central Strategic Development Area: Ednam (EDNA008 - Site NE of War Memorial)	
Development plan reference:	Ednam Settlement Profile and Map (pages 295 – 297) – AEDNA008 (Site NE of War Memorial)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
456 Stewart		
Provision of the development plan to which the issue relates:	Site NE of War Memorial (AEDNA008) to be allocated for housing.	
Planning authority's summary of the representation(s):		
<p>The contributor objects to the non-inclusion of AEDNA008 (Site NE of War Memorial) as a housing allocation within the Local Development Plan. The site is south facing and free from flooding constraints The contributor states the site would be available for mixed tenure housing including affordable units, this is to ensure Ednam retains a mix of ages and remains affordable for local people. There is a gas pipeline along the north eastern site boundary which would act as a barrier to avoid coalescence with Cliftonhill Cottages to the east and proposed structure planting would provide an edge to any development.</p> <p>The contributor outlines the Reporters comments relating to the site from the Local Plan Examination in 2007. The comments make reference to identifying land to the east side of Ednam for longer term expansion.</p> <p><i>"I conclude that there is a case for earmarking the east side of Ednam, which includes RE2, for longer term expansion beyond the local plan period. I note that there is no area of Ednam identified for longer term expansion or protection, whilst indicative designations have been made for many other settlements in North Roxburgh, including ones of comparable or lesser size. I note that Ednam has an existing Post Office and Primary school with a reasonably strong but declining school roll so the aim of sustaining viability of such village services and facilities in this village should be an on-going concern of the Council. Accordingly, I conclude that there is justification for amending the wording of the Ednam section of the finalised plan under the heading of Areas for Longer Term Expansion and Protection"</i></p> <p>The contributor states the School within the village needs support as does the Church and Village Hall. By the Council restricting the allocation of land in Ednam it runs counter to their claims that there is a generous supply of land and that it is looking after sustainability and viability of villages.</p> <p>The contributor states West Mill (AEDNA002) was allocated for housing within the Local Plan Amendment and has since not been developed. As a result the contributor raises concerns that the site is skewing housing figures as it is being land banked and holding up village development. Consequently this is making homes in the village increasingly unaffordable to young people. The contributor states local affordable housing need will</p>		

<p>not be met by AEDNA002 as there is no allocation for affordable housing on the site and any commuted payment for affordable housing would most likely not be spent in Ednam. The site also restricts the expansion of the cemetery (FEDNA001).</p>
<p>Modifications sought by those submitting representations:</p>
<p>The contributor seeks the allocation of site AEDNA008 as a housing site within the Local Development Plan.</p>
<p>Summary of responses (including reasons) by planning authority:</p>
<p>NO CHANGE TO EDNAM SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS</p> <p>Within the Consultative Draft Local Plan Amendment (Core Document 009, page 68) two options were put forward within Ednam. A site to the west of the settlement at West Mill (AEDNA002) for 12 units and a larger site at this location West of Millburn (AEDNA001) for 25 units. Following public consultation on the plan the site at West Mill (AEDNA002) was taken forward into the Finalised Plan and the site at West of Millburn was subsequently removed from the Plan as it was considered that although the site is generally acceptable for development, there were more appropriate sites available within the rural parts of the Central Borders Housing Market Area. It should be noted that paragraph 4.4 in the Consultative Draft Local Plan Amendment (page 6) clearly states that the Plan put forward site options wherever possible and that not all sites were anticipated to come forward in the Finalised Local Plan Amendment.</p> <p>Following this, the site was resubmitted as part of the public consultation on the Main Issues Report. However the site was not taken forward into the Proposed Local Development Plan as it was considered there were more appropriate sites within the Central Strategic Development Area to meet the identified housing land requirement. A site comparison was undertaken for all sites within the Central Borders Strategic Development (Core Document 077) and it was considered that sites in Bonchester Bridge, Galashiels and Kelso were seen as more appropriate than AEDNA008.</p> <p>Ednam is located within the Central Strategic Development Areas set out by the SESplan Strategic Development Plan (SDP) (Core Document 001). The SDP shows that the Proposed LDP meets the provisions of the SESplan SDP and its associated Supplementary Guidance in providing land to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy 2014 (Core Document 026, paragraph 110). In addition Appendix 2 Meeting the Housing Land Requirement – Update (Core Document 017) states the Proposed LDP provides substantial flexibility in the form of identified redevelopment sites and sites with potential for longer term development. As a result no further housing land within Ednam is required to meet the identified housing requirement.</p>

In terms of longer term development the Proposed Local Development Plan has indicated where large scale development may take place in the future and in some instances indicated in which direction future development, after further assessment, may take place. In Ednam, areas to the north and east of the existing settlement have been assessed as generally appropriate for development (Supporting Document 139-1) although further assessment would be required in future Local Plan reviews. This is in line with the Reporter's recommendation for Ednam at the Inquiry into the adopted Local Plan 2007 (Core Document 020, Chapter 12, Page 11) to include the east side of the settlement as an area for future expansion. This is included within the Place Making Considerations section of the Settlement Statement for Ednam and it is therefore not seen that any changes to the statement in the Proposed Local Development Plan would be necessary. It should be noted, if the site (AEDNA008) was considered in future local plan reviews a list of requirements would need to be attached to minimise impact on the landscape, biodiversity and archaeological interests.

In relation to the allocated site at West Mill (AEDNA002), policy HD1 in the Proposed Local Development Plan sets out the requirement for affordable housing. Development proposals submitted on allocated sites or windfall sites (i.e. not allocated sites) need to comply with policy HD1. The current planning consent on AEDNA002 planning reference 04/02341/FUL lapsed in September 2013. The application did not include an affordable housing element because the application was submitted before the Council's affordable housing policy came in to force. As that consent has not been implemented, any new development proposals would have to comply with policy HD1. The site is actively being marketed by a local agent and is seen as effective within the Housing Land Audit 2013 (Core Document 039, page 88) with units programmed in years 4 and 5.

In conclusion, there is no requirement to allocate Site NE of War Memorial (AEDNA008) as a housing site within the Local Development Plan.

Reporter's conclusions:

1. Insofar as wider housing requirements are concerned, strategic supply has been examined under Issues 49 and 80 where it is concluded that the sites designated for housing in the local development plan are unlikely to satisfy the strategic requirement.
2. In terms of local residential allocations, site AEDNA002, West Mill, Ednam, has been considered under Issue 138 where it is concluded that that site should be retained within the local development plan.
3. Although the land to the north-east of the war memorial (site reference AEDNA008) has been considered for development as part of the consultative progress, I agree that the site at West Mill should take precedence. In terms of village expansion, I consider that the West Mill site provides the opportunity for more natural growth of the village. The land to the north east of the War Memorial would be a clear intrusion into the countryside, comprising established agricultural land. This land is at a slightly higher level than the existing village to the west and therefore would not be incorporated as naturally as the West Mill site.
4. I also recognise that the land to the north-east of the War Memorial was considered during the 2007 local plan review when the reporter supported the prospect of longer term development. Whilst additional housing might well provide support for local services and facilities, and taking into account the strategic context, I do not believe that allocation is

justified within the current proposed plan. It may be that further consideration could be given to the development of the site in a future review.

Reporter's recommendations:

No modifications.

Issue 140	Housing within the Central Strategic Development Area: Ednam (EDNA009 - Site NE of War Memorial – Large)	
Development plan reference:	Ednam Settlement Profile and Map (pages 295 – 297) – AEDNA009 (Site NE of War Memorial – Large)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
165 AMS Associates Ltd (3 of 3)		
Provision of the development plan to which the issue relates:	Site NE of War Memorial - Large (AEDNA009) to be allocated for housing.	
Planning authority’s summary of the representation(s):		
<p>The contributor objects to the non-inclusion of AEDNA009 (Site NE of War Memorial - Large) as a housing allocation within the Local Development Plan. The contributor proposes AEDNA009 to be allocated within the Local Development Plan for housing which would include affordable units. The contributor states the site was allocated within a previous Local Plan with an indicative site capacity of 30 units. The contributor states the site is not subject to flooding and would be no more visually obtrusive than the allocated site AEDNA002. The proposed site has a physical boundary to the east which is a high pressure gas main. Two plots have been approved for residential development to the east of Ednam (11/00044/REF). The site complies with policy and is a greater asset to Ednam in the longer term. This proposed site also ensures no restriction on the development of the cemetery in the short and long term.</p>		
Modifications sought by those submitting representations:		
The contributor seeks the allocation of site AEDNA009 as a housing site within the Local Development Plan		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO EDNAM SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>Within the Consultative Draft Local Plan Amendment (Core Document 009, page 68). two options were put forward within Ednam. A site to the west of the settlement at West Mill (AEDNA002) for 12 units and a larger site at this location West of Millburn (AEDNA001) for 25 units. Following public consultation on the plan the site at West Mill (AEDNA002) was taken forward into the Finalised Plan and the site at West of Millburn was subsequently removed from the Plan as it was considered that although the site is generally acceptable for development, there were more appropriate sites available within the rural parts of the Central Borders Housing Market Area. It should be noted that paragraph 4.4 in the Consultative Draft Local Plan Amendment (page 6) clearly states that the Plan put forward site options wherever possible and that not all sites were</p>		

anticipated to come forward in the Finalised Local Plan Amendment.

The site put forward by the contributor this time (AEDNA009) is smaller than that included within the Consultation Draft Local Plan Amendment under site code AEDNA001. The site is greenfield and is currently used for agricultural purposes. There have been numerous planning applications covering this site and surrounding area, each of these applications have been for residential development (99/00957/OUT, 01/00782/OUT, 04/02140/OUT). All of these applications were refused at Committee, following which the applicant appealed the decision. The appeals were dismissed and the Reporter stated the reason for refusal was "the proposal would be contrary to policy 5 of the Roxburgh Local Plan in that it would constitute housing development in the countryside outwith any recognised settlement or building group and the need for the houses has not been adequately substantiated."

The planning application referred to by the contributor is to the east of AEDNA009 and is actually planning application reference 11/00750/PPP which proposed the erection of two dwellinghouses at Land South West Of Cliftonhill. This application was refused by the Committee; following this, the application went before the Local Review Body. The Local Review Body approved the application as Members were satisfied that the development would not result in coalescence with Ednam or constitute inappropriate ribbon form of development. However, with the addition of the two new houses, it was also the Review Body's opinion that the group would be complete and that further development should be resisted.

Regarding the contributor's comments relating to the allocated site at West Mill (AEDNA002), the site was allocated for housing as part of the Local Plan Amendment process. The site has been fully assessed and was the preferred site option and was more appropriate to the site at West of Milburn (AEDNA001). The allocation at West Mill has been subject to a planning approval for residential development and is actively being marketed by the landowner.

Ednam is located within the Central Strategic Development Areas set out by the SESplan Strategic Development Plan (SDP) (Core Document 001). The SDP shows that the Proposed LDP meets the provisions of the SESplan SDP and its associated Supplementary Guidance in providing land to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy (Core Document 026, paragraph 110). In addition Appendix 2 Meeting the Housing Land Requirement – Update (Core Document 017) states the Proposed LDP provides substantial flexibility in the form of identified redevelopment sites and sites with potential for longer term development. As a result no further housing land within Ednam is required to meet the identified housing requirement.

In terms of longer term development the Proposed Local Development Plan has indicated where large scale development may take place in the future and in some instances indicated in which direction future development, following further assessment. Areas to the north and east of the existing settlement have been assessed as generally appropriate for development (Supporting Document 140-1), although further assessment would be required in future Local Plan reviews. This is in line with the Reporter's recommendation for Ednam at the Inquiry into the adopted Local Plan 2007 (Core

Document 020, Chapter 12, Page 11) to include the east side of the settlement as an area for future expansion. This is included within the Place Making Considerations section of the Settlement Statement for Ednam and it is therefore not seen that any changes to the statement in the Proposed Local Development Plan would be necessary. It should be noted, if this site (AEDNA009) was considered in future local plan reviews a list of requirements would need to be attached to minimise impact on the landscape, biodiversity and archaeological interests.

In conclusion, the site NE of War Memorial - Large (AEDNA009) should not be identified in the Local Development Plan as a housing site. The site is located outwith the Ednam settlement boundary and development at this location would cause coalescence between Ednam and the development at Cliftonhill. The housing sites within the Plan meet the housing requirement and therefore there is no need to identify additional sites within the Central Strategic Development Area. It is therefore not seen that any changes to the settlement statement in the Proposed Plan would be necessary.

Reporter's conclusions:

1. Land to the north-east of the War Memorial has been considered for residential development under Issue 139. It is concluded that the site should not be allocated for development in the proposed local development plan. The site involved in this representation is very similar as shown on the site assessment map (SD139-1).
2. I have noted that the route of a high pressure gas main would form the eastern boundary of the site. I also note that two housing plots have been approved to the east of Ednam. The council explains that the two plots would complete the existing housing group. I believe that further housing between the two plots and the village of Ednam would lead to an impression of ribbon development and any future review of housing land potential would no doubt take this into account.
3. I accept the construction of some 30 houses on the land to the north-east of the War Memorial would widen the range of choice of housing at Ednam, including affordable housing. However, this consideration does not lead me to conclude that the land should be allocated for development. Accordingly, I endorse the conclusion reached under Issue 139 that the land should not be allocated for housing.

Reporter's recommendations:

No modifications.

Issue 141	Housing within the Central Strategic Development Area: Eildon (AEILD002 – West Eildon)	
Development plan reference:	Eildon Settlement Profile and Map (pages 298 – 300) AEILD002 (West Eildon)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Housing Allocation AEILD002 – West Eildon	
Planning authority’s summary of the representation(s):		
The contributor seeks a modification of the site requirements to consider cumulative impact of water drainage.		
Modifications sought by those submitting representations:		
The Contributors seeks a modification of the site requirements to consider cumulative impact of water drainage.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE EILDON SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is considered that this matter can be covered by any forthcoming planning application that may be submitted for the development of this site. The cumulative impact of water drainage will be considered through normal development management procedures when handling any detailed application for this site. It is considered that the insertion of the contributor’s request is not necessary.</p>		
Reporter’s conclusions:		
<p>1. Site AEILD002, West Eildon, is allocated for housing. I accept the council’s argument that cumulative drainage impact is an aspect of development to be assessed as part of the development process in respect of the consideration of a planning application. I do not believe that a modification as suggested by the Scottish Environment Protection Agency would significantly add to the guidance provided by the proposed plan.</p>		
Reporter’s recommendations:		
No modifications.		

Issue 142	Development outwith Strategic Development Areas: Proposed settlement boundary - Ellemford (SBELL001)	
Development plan reference:	N/A	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
462 Cranshaws, Ellemford and Longformacus Community Council		
Provision of the development plan to which the issue relates:	Proposed Local Development Plan Volume 2 Settlement Profiles	
Planning authority's summary of the representation(s):		
<p>State their concern over the omission of a settlement profile for Ellemford. States that Ellemford has lost its kirk and inn but that despite the lack of public buildings it has significant character and charm. There are a number of listed buildings and a significant history. Also stated that there has been appropriate recent development with new homes and ancillary development that has added to the population and enhanced community involvement. States there are brownfield opportunities associated with the Whitchester Sawmill and also a listed building, Ellemhaugh Smiddy that could be brought into use.</p>		
Modifications sought by those submitting representations:		
Inclusion of a settlement profile for the village of Ellemford.		
Summary of responses (including reasons) by planning authority:		
<p>NO AMENDMENT TO THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED REASONS</p> <p>It is noted no representation was received on this issue within the Main Issues Report (MIR) site call or the MIR consultation period.</p> <p>Settlement boundaries are a tool to focus development within a strictly defined area. They are most effective in dealing with larger settlements and with areas subject to growth pressures. In remote rural areas the perceived advantage of a settlement boundary is less clear cut, and could lend to unnecessarily preventing acceptable development.</p> <p>Within the Proposed Local Development Plan there are existing policies which seek to accommodate appropriate development within the countryside, including PMD4 Development Outwith Development Boundaries, ED7 Business, Tourism and Leisure Development in the Countryside and HD2 Housing in the Countryside.</p> <p>Consideration of Ellemford as a settlement could be assessed as part of a future Local Development Plan. However, any assessment would need to look at the most appropriate manner in which to support/promote future growth, and availability of existing facilities</p>		

that would sustain employment, education or other resident needs.

As a result of the discussion above no amendment to the Local Development Plan from that proposed is considered necessary.

Reporter's conclusions:

1. The representation seeks the identification of a settlement boundary at Ellemford. The village is stated to have lost its church and inn some time ago and during my site inspection I could identify no public or private facilities providing services to the village or to the wider rural community.
2. I have been drawn to no wider policy or guidance on the circumstances which would justify the identification of a settlement boundary, nor to factors to take into account when considering whether to do so.
3. In this case, the dispersed nature of the village and the lack of facilities does not suggest to me that the plan is clearly insufficient in failing to designate a settlement boundary at this location.
4. I note also that paragraph 78 of Circular 6/2013: *Development Planning* states that: "The Proposed Plan should address the spatial implications of economic, social and environmental change, be clear about the scale of that anticipated change and in particular identify opportunities for development and set out the authority's policies for the development and use of land." It seems to me that there is little prospect for significant change or growth at this location nor, in the interests of sustainable development, should significant growth be encouraged in this relatively remote area located outwith a strategic development area.
5. The council advises that the wider policies of the plan seek to accommodate appropriate development within the countryside, particularly PMD4: *Development Outwith Development Boundaries*; ED7: *Business, Tourism and Leisure Development in the Countryside*; and HD2: *Housing in the Countryside*. The village is stated to have benefitted from appropriate recent development and I am satisfied that those policies establish an adequate framework for the encouragement of further such development at this location.
6. In these circumstances I cannot fairly conclude that the proposed plan fails to meet the test of sufficiency and appropriateness set out in paragraph 117 of Circular 6/2013.

Reporter's recommendations:

No modifications.

Issue 143	Ettrick (Hopehouse) Settlement Profile	
Development plan reference:	Ettrick (Hopehouse) Settlement Profile and Map (pages 301 – 303)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
203 Bernard		
Provision of the development plan to which the issue relates:	Ettrick (Hopehouse) Settlement Profile	
Planning authority's summary of the representation(s):		
The profile does not reflect the fact that the school and pub are now closed. The church only opens once a month during the summer only. The first paragraph of the profile is therefore inaccurate.		
Modifications sought by those submitting representations:		
Modification of the text within the Settlement Profile to reflect the current position.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE ETTRICK (HOPEHOUSE) SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>Although the Consolidated Local Plan 2011 (Core Document 007) makes reference to the school and pub being operational, the proposed Plan (page 301) has updated this position and confirmed they are now closed. It is believed the respondent has referred to the consolidated plan. The Council do not propose to change the wording of the text in the proposed Plan.</p>		
Reporter's conclusions:		
<p>1. The representation is concerned about the comments made on the school, public house, and the church in the Place Making Considerations section of the settlement profile for Ettrick (Hopehouse). While the adopted 2011 Scottish Borders Consolidated Local Plan indicates that these facilities are present in this small settlement, the proposed plan accurately indicates that the school and the public house have now closed. I acknowledge that the church does not hold regular services, but it remains open, and I consider that it is reasonable for the proposed plan to indicate that a church is present. In the circumstances, I am satisfied that the text of the Place Making Considerations section is acceptable.</p>		

2. Overall, no adjustment to the proposed plan is required.

Reporter's recommendations:

No modifications.

Issue 144	Housing outwith Strategic Development Areas: Ettrick (Hopehouse) (AETTR002 – Hopehouse East)	
Development plan reference:	Ettrick Settlement Profile and Map (pages 301 – 303) AETTR002 – Hopehouse East	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>284 Ettrick & Yarrow CC 357 Scottish Environment Protection Agency 413 G Harrison (2 of 2) 425 F Garton 437 JK Blundell 438 T Hunter</p>		
Provision of the development plan to which the issue relates:	Housing Allocation AETTR002 – Hopehouse East	
Planning authority’s summary of the representation(s):		
<p><u>284 Ettrick & Yarrow CC</u></p> <p>Strongly objects to the proposed allocation of land for social housing. Contributor understands the need for affordable housing in the valleys but feels that Hopehouse is not the solution as it would have a negative impact on the local countryside conflicting with guidance on new developments in rural locations. It would have a negative impact on the existing caravan and camping business and would be located in a potential flood plain. There are constraints on water supply and sewage disposal and the proposed expansion would double the size of the existing settlement – this would not be sympathetic. There are no existing facilities or infrastructure and limited opportunities for employment. Public Transport is also limited. Is this the correct location for social housing?</p> <p><u>357 Scottish Environment Protection Agency</u></p> <p>Support the inclusion of FRA in the Planning Brief and the comments on sewage treatment in the infrastructure considerations</p> <p><u>413 G Harrison (2 of 2)</u></p> <p>Site should be removed from the proposed LDP. In terms of SBC SPG New Housing in the Borders Countryside, the site is outwith an identified group, is located on essential agricultural land and would severely damage the beauty of the area.</p> <p>The settlement profile refers to the caravan park as small, yet it holds 70 plots and caters for around 300 tourists. Development of this land would result in caravans leaving the site, damaging the existing business, contrary to Policy D1.</p> <p>Development would remove agricultural land, which is within the flood plain. There are no satisfactory water supply or drainage facilities.</p>		

Development would have an adverse effect on countryside amenity and landscape. Building Groups: no need for 10 new houses as there are 5 existing plots of land with outline planning consent that have remained unsold for around 10 years. This is not to scale or sympathetic with the existing group.

Plan does not reflect respect scale of existing group and would break into a previously undeveloped field.

Para 2.b.2 of SPG prohibits groups from extending by more than 100%. Existing allocation has capacity for 5 units therefore only 5 more should be allowed.

There is no public transport locally and each house would require 2 parking spaces. Roads would need to be adoptable standard and street lights would not be appropriate in this location. Ettrick and Yarrow Tourism Group are proposing a "Dark Sky Par". Development would damage this local tourism business initiative.

There is no guarantee of an adequate water supply. If there is none, then why put forward a proposal for 10 dwellings?

Settlement profile states that there is a septic tank at Ettrick but not at Hopehouse. Page 28 of SPG refers to Policy H5 of the Consolidated Local Plan. There is no public transport network, no employment and no employment generation as communications are poor.

Settlement profile states that affordable housing is required and to be guided by housing needs assessment. There is no evidence of local needs assessment and therefore no justification for affordable housing.

Policy G8 – Development Outwith Development Boundaries. There is no justification for allowing development on this site because:

1. there is no job-generating or economic justification;
 2. there is no need for affordable housing;
 3. there is no shortfall of land supply;
 4. there is no community benefit;
 5. there is no logical need for an extension to the built-up area;
 6. it is out of scale;
 7. it damages the character and visual cohesion of the area;
 8. it will have an adverse effect on the landscape.
- There is no case to support the plan to allow the building of further houses in Hopehouse.

425 F Garton

No requirement for this site on the following grounds:

1. proposals not conducive to area and will affect the attractive views;
2. no need to create a "sense of arrival" at this point. Hopehouse is not a village.
3. Proposals will increase the density 3 fold and will create demands on infrastructure, changing the layout, character and appeal of this charming location;
4. there is absolutely no demand for housing in this area. There is no work in the locality;
5. no demand for housing. Existing properties not sold and 2 unoccupied properties within the group.

- 6. despite 7 planning permissions being granted, only 2 dwellings have been erected.
There has been no demand for terraced housing or workshops;
- 7. fear that building group would become a ghost town.

437 JK Blundell

Contributor objects to the proposed allocation on the following grounds:

- 1. Out of character with the existing community;
- 2. why would anyone requiring affordable housing chose to live 20 miles from employment;
- 3. anyone wishing to work from home would probably not chose “affordable” housing;
- 4. the roads are not maintained to accommodate increased traffic;
- 5. no mobile phone, DAB or terrestrial coverage;
- 6. very slow broadband;
- 7. problems with water supply and drainage;
- 8. development would be located on a flood plain;
- 9. existing affordable housing in the area has been difficult to sell.

438 T Hunter

No requirement for this site on the following grounds:

- 1. proposals not conducive to area and will affect the attractive views;
- 2. no need to create a “sense of arrival” at this point. Hopehouse is not a village.
- 3. Proposals will increase the density 3 fold and will create demands on infrastructure, changing the layout, character and appeal of this charming location;
- 4. there is absolutely no demand for housing in this area. There is no work in the locality;
- 5. no demand for housing. Existing properties not sold and 2 unoccupied properties within the group;
- 6. despite 7 planning permissions being granted, only 2 dwellings have been erected.
There has been no demand for terraced housing or workshops;
- 7. fear that building group would become a ghost town.

Modifications sought by those submitting representations:

284 Ettrick & Yarrow CC, 413 G Harrison (2 of 2), 425 F Garton, 437 JK Blundell and 438 T Hunter

Contributors seek the removal of Housing Allocation AETTR002 from the Plan.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE ETTRICK (HOPEHOUSE) SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS

To respond to representations regarding the principles for the allocation of site AETTR002, the background and reasoning for the allocation should be confirmed. At the time of preparing the Local Plan Amendment there was a requirement to stem rural depopulation within the Ettrick and Yarrow Valleys and identify site opportunities for rural

housing. This was required as there were limited building groups of 3no houses which were required in the first instance to allow housing development under the Housing in Countryside policy. Consequently settlement boundaries were placed around scatterings of building groups including Hopehouse, incorporating the identification of 3no housing sites within it. Following the support of this proposal by the Reporters at the LPA Inquiry (Core Document 021), site refs AETTR002, AETTR003 and ATTR004 sites were allocated within the Local Plan Amendment 2009 (Core Document 010 page 126) and subsequently were formally allocated within the Consolidated Local Plan 2011 (Core Document 007 page 308).

Following the sites inclusion in the consolidated Local Plan a planning brief was prepared for the development of the 3no sites. In essence the planning brief proposed how the sites could be developed identifying any salient point consequent planning applications should address where required. A draft brief was circulated for a 12 week public consultation and then presented to members of the Planning and Building Standards Committee at their meeting in December 2011. During the public consultation on the draft planning brief comments were received from third parties. A summary of these comments was presented to the Committee (Supporting Document 144-1) and ultimately the members approved the brief (Core Document 074). Many of the representations made in respect of this Schedule 4 are similar to those made at the consultation of the brief.

It should be noted that the site has been wrongly referenced in the Proposed LDP as West Eildon. As per the approved Planning Brief, the site should be named Hopehouse East.

In respect of other representations within the Schedule 4 it is considered the following gives responses to the salient points.

In terms of water and drainage there is no public water supply in Ettrick nor is there a public sewer system and provision is likely via private septic tank. These issues would need to be addressed at the planning application stage in consultation with where required, Building Control, Environmental Health and SEPA. There have been recent approvals within Hopehouse (see planning application references 12/00561/PPP & 12/00548/PPP) which obviously satisfied the necessary water supply and drainage requirements and it is not considered there are any insurmountable issues regarding this.

In terms of flood risk SEPA did not object to the sites inclusion and support the inclusion of the Flood Risk Assessment. The Council's Flood Protection Officer advises that this site is outwith the 1 in 200 year flood envelope. However, he states there would need to be consideration of surface run-off from the road so surface water management techniques may need to be employed.

Matters such as house designs, impact on neighbouring amenity and boundary treatment of the site will be addressed at the planning application stage. It is agreed street lighting would not be appropriate in this rural setting, although in any event the indicated site layout within the brief would not trigger the need for an adoptable road and any consequent lighting.

A number of comments from respondents relate to matters such as the lack of facilities, employment opportunities, poor public transport and poor broadband. There is still a duty for the Council to support rural housing. Rural housing can prevent areas stagnating, can

support local services and allow a greater choice of housing for interested parties. The matters raised by the respondents would be taken on board by any interested purchasing party and it is considered the Ettrick Valley remains an attractive area to live in.

It is not considered development of this site will have any adverse impact on the nearby camping and caravan site or tourism. The justified need and appropriateness for affordable/social housing on part of the allocation will need to be considered at the planning application stage as is practice for rural locations. The site is allocated for housing development and could encompass private or social housing.

In summary site AETT002 is allocated within the current consolidated Plan which followed the statutory consultation process and a planning brief has been approved indicating how development should take place. It is considered the main points raised have been previously addressed through these processes or will be considered at the planning application stage. It is not considered there are any justifiable grounds for removing the site from the proposed Plan.

Reporter's conclusions:

1. The site is in the upland part of the Ettrick Valley, on the eastern edge of the development boundary of Ettrick (Hopehouse), on the southern side of the B709. It is one of 3 sites being brought forward for housing in this small settlement in the proposed plan. The site itself extends to around 0.5 of a hectare, and forms a part of a field used for grazing. To the west of the site is a caravan park, and to the south the Ettrick Water.

2. The allocation of the site for housing in the proposed plan is a continuation of the allocation in the adopted 2011 Consolidated Scottish Borders Local Plan (which included it for the first time). The site is included in the 2014 housing land audit, with development on site estimated to commence in 2019 and to complete in 2020. The indicative site capacity given in the audit and the proposed plan is 5 houses, with 2 being in the effective housing land supply. In essence, the representations seek the removal of this allocation from the proposed plan.

3. The proposed plan indicates that the building clusters of Ettrick, Hopehouse, Tushielaw and Crosslee form a settlement group. They are in a remote part of the rural area, and new development in such locations can help to support and sustain fragile and dispersed communities. While some local facilities have closed, some remain, and I agree with the planning authority that this justifies providing small housing allocations in the area. Such allocations should help to maintain a viable population, and reduce depopulation. I consider that it is reasonable to focus the allocations on Hopehouse because it is the largest building cluster in the settlement group. I also note that there appears to be a lack of appropriate alternative building groups which could be considered for expansion such as that proposed. There are a limited number of locations at Hopehouse where such allocations could be put, and I consider those proposed reasonably satisfactory. I consider that there is a reasonable prospect of development taking place because the Ettrick Valley is an attractive place to live.

4. I believe that the mini planning brief prepared by the planning authority provides a framework for development which would allow appropriate integration with the existing built form, and its surroundings, including a sense of arrival at Ettrick, sympathetic design, good access, and structure planting. The detailed impact of the proposals can be considered at the development management stage. It has not been shown that the

proposal would have an unacceptable effect on the nearby caravan park or tourism. The planning authority's flood prevention officer indicates that the site falls outwith the 1 in 200 year flood risk area, and the Scottish Environment Protection Agency has not objected to the allocation. Pluvial flooding would be taken into account in the design of the development. While there is no public water supply or public sewer system available, the recent grant of planning permissions here suggests that there is potential to put the necessary arrangements in place.

5. The planning authority explains that the site could be used for either private or social housing. I acknowledge that public transport in remote rural areas can be poor, but there is often found to be a need for affordable housing to help stem the loss of local population. The proposed plan indicates that the site will be subject to policy HD1, which sets out the contribution that developments in general should make to the provision of affordable and special needs housing. The requirement for a contribution, and the form that it should take, would be considered in more detail against the policy and the associated supplementary guidance when a planning application is lodged. This general approach to the provision of affordable housing is often followed, and I consider it to be acceptable and reasonable in this case.

6. I have considered all the other criticisms of the proposed allocation, but find none that provide sufficient grounds to justify deleting it. As a consequence of dealing with the representations, it has become clear that the site name – West Eildon – given in the proposed plan is incorrect, and that it causes confusion with another housing site of the same name in the village of Eildon. I consider that the site name here requires to be changed to Hopehouse East. This would ensure consistency with the mini planning brief.

7. Overall, an adjustment is required to the proposed plan as set out below.

Reporter's recommendations:

I recommend that the following modification be made:

1. On page 302 of Volume 2 Settlements, in the table in the Development and Safeguarding Proposals section under the heading of Housing, adjust the site name for site AETTR002 from "West Eildon" to "*Hopehouse East*."

Issue 145	Housing outwith Strategic Development Areas: Ettrick (Hopehouse) (AETTR003 – Hopehouse West)	
Development plan reference:	Ettrick (Hopehouse) Settlement Profile and Map (pages 301 – 303) AETTR003 – Hopehouse West	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>284 Ettrick & Yarrow CC 357 Scottish Environment Protection Agency 385 Briggs (1 of 3) 385 Briggs (2 of 3) 385 Briggs (3 of 3) 413 Harrison (1 of 2) 425 F Garton 437 JK Blundell 438 T Hunter</p>		
Provision of the development plan to which the issue relates:	Housing Allocation AETTR003 – Hopehouse West	
Planning authority's summary of the representation(s):		
<p><u>284 Ettrick & Yarrow CC</u></p> <p>Strongly objects to the proposed allocation of land for social housing. Contributor understands the need for affordable housing in the valleys but feels that Hopehouse is not the solution as it would have a negative impact on the local countryside conflicting with guidance on new developments in rural locations. It would have a negative impact on the existing caravan and camping business and would be located in a potential flood plain. There are constraints on water supply and sewage disposal and the proposed expansion would double the size of the existing settlement – this would not be sympathetic. There are no existing facilities or infrastructure and limited opportunities for employment. Public Transport is also limited. Is this the correct location for social housing?</p> <p><u>357 Scottish Environment Protection Agency</u></p> <p>Support the inclusion of FRA in the Planning Brief and the comments on sewage treatment in the infrastructure considerations</p> <p><u>385 Briggs (1 of 3)</u></p> <p>The site lies very close to the original route of the Ettrick, which was diverted in Victorian times. Contributor's have witnessed severe flooding in the fields opposite their property (Dundas Cottage) and have included photos which show the extent of the flooding which they feel is getting worse. The presence of surface water indicates that the slum of the land is waterlogged. In addition to periodic flooding from torrential rain, water runs off the hill behind Dundas Cottage continually. It drains off, under the road and onto the land below, making it marshy and soggy underfoot. Environment and Infrastructure of SBC</p>		

and SEPA have been contacted during such events. This regular flooding makes the land unsuitable for development. Photographs submitted demonstrate that the plots are not suitable for development.

385 Briggs (2 of 3)

Proposed allocations make no mention of extensive flooding in the area or that it appears to be worsening. Recent records show twice as much rainfall at Hopehouse in January 2014 compared to January 2013. Areas of the B709 have been impassable due to high water preventing access and egress of residents to and from the area.

Understand that SEPA are very concerned at the changing situation regarding flooding. The Ettrick was diverted in the 1800's to avoid flooding but this has not worked and it appears that the Ettrick is attempting to follow its original course.

The outline map for Hopehouse does not include 'Willowbank' or other inhabited houses in the area or the caravan site which has upwards of 50 static units. The surrounding landscape affects broadband speeds and there is no Freeview, DAB or mobile coverage. Home working would prove difficult. The area also suffers from power cuts.

Proposed sites are vulnerable to flooding and not suitable for development.

The school and pub have closed and Hopehouse cannot support further residential development.

It would be irresponsible to promote this site as it is prone to flooding

385 Briggs (3 of 3)

Flooding is a national problem and permission to build on land that is continually under threat of flooding should not be permitted. I hope you will agree that the photographic evidence clearly demonstrate that the plots at Hopehouse are not suitable for building on.

413 Harrison (1 of 2)

Objects to these allocations on the following grounds:

- The proposal omits the fact that there are two plots of land with planning permission adjacent to Dundas.
- Considerable lack of employment in the area; very poor broadband and no mobile telephone coverage. Essential for anyone considering working from home. None of these issues are highlighted as a constraint.
- Lack of local employment, public transport and inadequate communications.
- Workshops or office accommodation would be essential to attract local enterprise. This should be identified as a constraint.
- SBC aspire to a high quality housing development with high quality boundary treatment. High quality means expensive, perhaps these houses will not be that affordable?

Affordable houses should be located in or adjacent to a place where there is employment.

425 F Garton

LDP allocates land with capacity of 5 units. 2 dwellings have been erected and 3 plots remain with outline planning consent. The LDP ‘vision’ of 5 units is therefore satisfied and requires no further discussion.

The LDP and settlement boundary does not account for the 2 plots immediately opposite AETTR003 which benefit from outline planning permission. The LDP is therefore over subscribed for this area as is the demand on infrastructure and utilities.

437 JK Blundell

Contributor objects to the proposed allocation on the following grounds:

1. Out of character with the existing community;
2. why would anyone requiring affordable housing chose to live 20 miles from employment;
3. anyone wishing to work from home would probably not chose “affordable” housing;
4. the roads are not maintained to accommodate increased traffic;
5. no mobile phone, DAB or terrestrial coverage;
6. very slow broadband
7. problems with water supply and drainage;
8. development would be located on a flood plain;
9. existing affordable housing in the area has been difficult to sell.

438 T Hunter

LDP allocates land with capacity of 5 units. 2 dwellings have been erected and 3 plots remain with outline planning consent. The LDP ‘vision’ of 5 units is therefore satisfied and requires no further discussion.

The LDP and settlement boundary does not account for the 2 plots immediately opposite AETTR003 which benefit from outline planning permission. The LDP is therefore over subscribed for this area as is the demand on infrastructure and utilities.

Modifications sought by those submitting representations:

284 Ettrick & Yarrow CC, 385 Briggs (1 of 3), 385 Briggs (2 of 3), 385 Briggs (3 of 3), 413 Harrison (1 of 2), 425 F Garton, 437 JK Blundell and 438 T Hunter

Contributors seek the removal of Housing Allocation AETTR003 – Hopehouse West from the proposed Plan.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE ETTRICK (HOPEHOUSE) SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN

REASONS

To respond to representations regarding the principles for the allocation of site AETTR002, the background and reasoning for the allocation should be confirmed. At the

time of preparing the Local Plan Amendment there was a requirement to stem rural depopulation within the Ettrick and Yarrow Valleys and identify site opportunities for rural housing. This was required as there were limited building groups of 3no houses which were required in the first instance to allow housing development under the Housing in Countryside policy. Consequently settlement boundaries were placed around scatterings of building groups including Hopehouse, incorporating the identification of 3no housing sites within it. Following the support of this proposal by the Reporters at the LPA Inquiry (Core Document 021), site refs AETTR002, AETTR003 and ATTR004 sites were allocated within the Local Plan Amendment 2009 (Core Document 010 page 126) and subsequently were formally allocated within the Consolidated Local Plan 2011 (Core Document 007 page 308).

Following the sites inclusion in the consolidated Local Plan a planning brief was prepared for the development of the 3no sites. In essence the planning brief proposed how the sites could be developed identifying any salient point consequent planning applications should address where required. A draft brief was circulated for a 12 week public consultation and then presented to members of the Planning and Building Standards Committee at their meeting in December 2011. During the public consultation on the draft planning brief comments were received from third parties. A summary of these comments was presented to the Committee (Supporting Document 145-1) and ultimately the members approved the brief (Core Document 074). Many of the representations made in respect of this Schedule 4 are similar to those made at the consultation of the brief.

In respect of other representations within the Schedule 4 it is considered the following gives responses to the salient points.

In terms of water and drainage there is no public water supply in Ettrick nor is there a public sewer system and provision is likely via private septic tank. These issues would need to be addressed at the planning application stage in consultation with where required, Building Control, Environmental Health and SEPA. There have been recent approvals within Hopehouse (planning application references 12/00561/PPP & 12/00548/PPP) which obviously satisfied the necessary water supply and drainage requirements and it is not considered there are any insurmountable issues regarding this.

In terms of flood risk SEPA did not object to the sites inclusion and support the inclusion of the Flood Risk Assessment. The Council's Flood Protection Officer advises that small parts of this site are at risk of flooding in a 1 in 200 year return period. Dependant on the location of the houses, a FRA may be needed. Topographical information being provided by the developer at planning application stage may be enough rather than an FRA. It is well known and acknowledged that the lower southern part of the site adjoining the Ettrick Water floods and photographs have been submitted to re-affirm this. However, two thirds of the site sits at a considerably higher level which is where any development would take place. Consequently flooding issues at the lower level does not affect the developable part of the site. It is likely some site drainage may be required to alleviate any pluvial flooding on the site which will improve the existing situation.

Matters such as house designs, impact on neighbouring amenity and boundary treatment of the site will be addressed at the planning application stage. The justified need and appropriateness for affordable / social housing on part of the allocation will need to be considered at the planning application stage as is practice for rural locations. The site is allocated for housing development and this could encompass private or social housing.

A number of comments from respondents relate to matters such as the lack of facilities, employment opportunities, poor public transport and poor broadband. There is still a duty for the Council to support rural housing. Rural housing can prevent areas stagnating, can support local services and allow a greater choice of housing for interested parties. These matters raised by the respondents would be taken on board by any interested purchasing party and it is considered the Ettrick Valley remains an attractive area to live.

In summary site AETTR003 is allocated within the current consolidated Plan which followed the statutory consultation process and a planning brief has been approved indicating how development should take place. It is considered the main points raised have been previously addressed through these processes or will be considered at the planning application stage. It is not considered there are any justifiable grounds for removing the site from the proposed Plan.

Reporter's conclusions:

1. The site is in the upland part of the Ettrick Valley, stretching towards the western edge of the development boundary of Ettrick (Hopehouse), on the southern side of the B709. It is one of 3 sites being brought forward for housing in this small settlement in the proposed plan. The site itself extends to 2 hectares, and comprises fields. Some of the site has been developed for housing, and other parts have approval. To the east of the site is a caravan park, and to the south of the site is the Ettrick Water.

2. The allocation of the site for housing in the proposed plan is a continuation of the allocation in the adopted 2011 Consolidated Scottish Borders Local Plan (which included it for the first time). The site is included in the 2014 housing land audit, with development on site estimated to continue in 2019 and 2020. The indicative site capacity given in the audit and the proposed plan is 5 houses, with one completed and one being in the effective housing land supply. In essence, the representations seek the removal of this allocation from the proposed plan.

3. The proposed plan indicates that the building clusters of Ettrick, Hopehouse, Tushielaw and Crosslee form a settlement group. They are in a remote part of the rural area, and new development in such locations can help to support and sustain fragile and dispersed communities. While some local facilities have closed, some remain, and I agree with the planning authority that this justifies providing small housing allocations in the area. Such allocations should help to maintain a viable population, and reduce depopulation. I consider that it is reasonable to focus the allocations on Hopehouse because it is the largest building cluster in the settlement group. I also note that there appears to be a lack of appropriate alternative building groups which could be considered for expansion such as that proposed. There are a limited number of locations at Hopehouse where such allocations could be put, and I consider those proposed reasonably satisfactory. As the allocation is not yet built out, it would be appropriate to retain it in the proposed plan. I consider that there is a reasonable prospect of completion because the Ettrick Valley is an attractive place to live.

4. I believe that the mini planning brief prepared by the planning authority provides a framework for development which would allow appropriate integration with the existing built form, and its surroundings, including sympathetic design, good access, and structure planting. The detailed impact of the proposals can be considered at the development management stage. It has not been shown that the proposal would have an unacceptable effect on the nearby caravan park or tourism. I have carefully considered

the concern expressed about the potential for flooding on site, and the photographs showing recent flooding. However, the planning authority's flood prevention officer indicates that only a small part of the site falls within the 1 in 200 year flood risk area, and the Scottish Environment Protection Agency has not objected to the allocation. The planning brief requires a flood risk assessment to be prepared if necessary, and development to avoid areas at risk of flooding, which would be possible. Pluvial flooding would be taken into account in the design of the development. As such, I am not persuaded that the problem of flooding undermines this allocation. While there is no public water supply or public sewer system available, the recent grant of planning permissions here suggests that there is potential to put the necessary arrangements in place.

5. The planning authority explains that the site could be used for either private or social housing. I acknowledge that public transport in remote rural areas can be poor, but there is often found to be a need for affordable housing to help stem the loss of local population. The proposed plan indicates that the site will be subject to policy HD1, which sets out the contribution that developments in general should make to the provision of affordable and special needs housing. The requirement for a contribution, and the form that it should take, would be considered in more detail against the policy and the associated supplementary guidance when a planning application is lodged. This general approach to the provision of affordable housing is often followed, and I consider it to be acceptable and reasonable in this case.

6. I have considered all the other criticisms of the proposed allocation, but find none that provide sufficient grounds to justify deleting it.

7. Overall, no adjustment is required to the proposed plan.

Reporter's recommendations:

No modifications.

Issue 146	Housing outwith Strategic Development Areas: Ettrick (Hopehouse) (AETTR004 – Hopehouse North East)	
Development plan reference:	Ettrick (Hopehouse) Settlement Profile and Map (pages 301 – 303) AETTR004 – Hopehouse North East	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>357 Scottish Environment Protection Agency 413 G Harrison (2 of 2) 425 F Garton 437 J K Blundell 438 T Hunter</p>		
Provision of the development plan to which the issue relates:	Housing Allocation AETTR004 – Hopehouse North East	
Planning authority’s summary of the representation(s):		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>Support the inclusion of FRA in the Planning Brief and the comments on sewage treatment in the infrastructure considerations</p> <p><u>413 G Harrison (2 of 2)</u></p> <p>Site should be removed from the proposed LDP. In terms of SBC SPG New Housing in the Borders Countryside, the site is outwith an identified group, is located on essential agricultural land and would severely damage the beauty of the area. The settlement profile refers to the caravan park as small, yet it holds 70 plots and caters for around 300 tourists. Development of this land would result in caravans leaving the site, damaging the existing business, contrary to Policy D1. Development would remove agricultural land, which is within the flood plain. There are no satisfactory water supply or drainage facilities. Development would have an adverse effect on countryside amenity and landscape.</p> <p>Building Groups: no need for 10 new houses as there are 5 existing plots of land with outline planning consent that have remained unsold for around 10 years. This is not to scale or sympathetic with the existing group. Plan does not reflect or respect scale of existing group and would break into a previously undeveloped field.</p> <p>Para 2.b.2 of SPG prohibits groups from extending by more than 100%. Existing allocation has capacity for 5 units therefore only 5 more should be allowed.</p> <p>There is no public transport locally and each house would require 2 parking spaces. Roads would need to be adoptable standard and street lights would not be appropriate in this location. Ettrick and Yarrow Tourism Group are proposing a “Dark Sky Park”. Development would damage this local tourism business initiative.</p>		

There is no guarantee of an adequate water supply. If there is none, then why put forward a proposal for 10 dwellings?

Settlement profile states that there is a septic tank at Etrick but not at Hopehouse. Page 28 of SPG refers to Policy H5 of the Consolidated Local Plan. There is no public transport network, no employment and no employment generation as communications are poor. Settlement profile states that affordable housing is required and to be guided by housing needs assessment. There is no evidence of local needs assessment and therefore no justification for affordable housing.

Policy G8 – Development Outwith Development Boundaries. There is no justification for allowing development on this site because:

1. there is no job-generating or economic justification;
2. there is no need for affordable housing;
3. there is no shortfall of land supply;
4. there is no community benefit;
5. there is no logical need for an extension to the built-up area;
6. it is out of scale;
7. it damages the character and visual cohesion of the area;
8. it will have an adverse effect on the landscape.

There is no case to support the plan to allow the building of further houses in Hopehouse.

425 F Garton

No requirement for this site on the following grounds:

1. proposals not conducive to area and will affect the attractive views;
2. no need to create a “sense of arrival” at this point. Hopehouse is not a village.
3. Proposals will increase the density 3 fold and will create demands on infrastructure, changing the layout, character and appeal of this charming location;
4. there is absolutely no demand for housing in this area. There is no work in the locality;
5. no demand for housing. Existing properties not sold and 2 unoccupied properties within the group.
6. despite 7 planning permissions being granted, only 2 dwellings have been erected. There has been no demand for terraced housing or workshops;
7. fear that building group would become a ghost town.

437 JK Blundell

Contributor objects to the proposed allocation on the following grounds:

10. Out of character with the existing community;
11. why would anyone requiring affordable housing chose to live 20 miles from employment;
12. anyone wishing to work from home would probably not chose “affordable” housing;
13. the roads are not maintained to accommodate increased traffic;
14. no mobile phone, DAB or terrestrial coverage;
15. very slow broadband
16. problems with water supply and drainage;
17. development would be located on a flood plain;
18. existing affordable housing in the area has been difficult to sell.

<p><u>438 T Hunter</u></p> <p>No requirement for this site on the following grounds:</p> <ol style="list-style-type: none"> 1. proposals not conducive to area and will affect the attractive views; 2. no need to create a “sense of arrival” at this point. Hopehouse is not a village. 3. Proposals will increase the density 3 fold and will create demands on infrastructure, changing the layout, character and appeal of this charming location; 4. there is absolutely no demand for housing in this area. There is no work in the locality; 5. no demand for housing. Existing properties not sold and 2 unoccupied properties within the group. 6. despite 7 planning permissions being granted, only 2 dwellings have been erected. There has been no demand for terraced housing or workshops; 7. fear that building group would become a ghost town.
<p>Modifications sought by those submitting representations:</p>
<p><u>413 G Harrison (2 of 2), 425 F Garton, 437 JK Blundell and 438 T Hunter</u></p> <p>Contributors seek the removal of Housing Allocation AETTR004 – Hopehouse North East from the proposed Plan.</p>
<p>Summary of responses (including reasons) by planning authority:</p>
<p>NO CHANGE TO THE ETRICK (HOPEHOUSE) SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>To respond to representations regarding the principles for the allocation of site AETTR002, the background and reasoning for the allocation should be confirmed. At the time of preparing the Local Plan Amendment there was a requirement to stem rural depopulation within the Ettrick and Yarrow Valleys and identify site opportunities for rural housing. This was required as there were limited building groups of 3no houses which were required in the first instance to allow housing development under the Housing in Countryside policy. Consequently settlement boundaries were placed around scatterings of building groups including Hopehouse, incorporating the identification of 3no housing sites within it. Following the support of this proposal by the Reporters at the LPA Inquiry (Core Document 021), site refs AETTR002, AETTR003 and ATTR004 sites were allocated within the Local Plan Amendment 2009 (Core Document 010 page 126) and subsequently were formally allocated within the Consolidated Local Plan 2011 (Core Document 007 page 308).</p> <p>Following the sites inclusion in the consolidated Local Plan a planning brief was prepared for the development of the 3no sites. In essence the planning brief proposed how the sites could be developed identifying any salient point consequent planning applications should address where required. A draft brief was circulated for a 12 week public consultation and then presented to members of the Planning and Building Standards Committee at their meeting in December 2011. During the public consultation on the draft planning brief comments were received from third parties. A summary of these comments was presented to the Committee (Supporting Document 146-1) and ultimately the members approved the brief (Core Document 074). Many of the representations</p>

made in respect of this Schedule 4 are similar to those made at the consultation of the brief.

In respect of other representations within the Schedule 4 it is considered the following gives responses to the salient points.

In terms of water and drainage there is no public water supply in Ettrick nor is there a public sewer system and provision is likely via private septic tank. These issues would need to be addressed at the planning application stage in consultation with where required, Building Control, Environmental Health and SEPA. There have been recent approvals within Hopehouse (see planning application references 12/00561/PPP & 12/00548/PPP) which obviously satisfied the necessary water supply and drainage requirements and it is not considered there are any insurmountable issues regarding this.

In terms of flood risk SEPA did not object to the sites inclusion and support the inclusion of the Flood Risk Assessment and the comments on sewage treatment in the infrastructure considerations. The Council's Flood Protection Officer advises that small parts of this site are at risk of flooding in a 1 in 200 year return period. Dependant on the location of the houses, a FRA may be needed. Topographical information being provided by the developer at planning application stage may be enough rather than an FRA.

Matters such as house designs, impact on neighbouring amenity and boundary treatment of the site will be addressed at the planning application stage. It is agreed street lighting would not be appropriate in this rural setting, although in any event the indicated site layout within the brief would not trigger the need for an adoptable road and any consequent lighting.

A number of comments from respondents relate to matters such as the lack of facilities, employment opportunities, poor public transport and poor broadband. There is still a duty for the Council to support rural housing. Rural housing can prevent areas stagnating, can support local services and allow a greater choice of housing for interested parties. These matters raised by the respondents would be taken on board by any interested purchasing party and it is considered the Ettrick Valley remains an attractive area to live in.

It is not considered development of this site will have any adverse impact on the nearby camping and caravan site or tourism. The justified need and appropriateness for affordable/social housing on part of the allocation will need to be considered at the planning application stage as is practice for rural locations. The site is allocated for housing development and this could encompass private or social housing.

In summary site AETT004 is allocated within the current consolidated Plan which followed the statutory consultation process and a planning brief has been approved indicating how development should take place. It is considered the main points raised have been previously addressed through these processes or will be considered at the planning application stage. It is not considered there are any justifiable grounds for removing the site from the proposed Plan.

Reporter's conclusions:

1. The site is in the upland part of the Ettrick Valley, on the eastern edge of the development boundary of Ettrick (Hopehouse), on the northern side of the B709. It is one of 3 sites being brought forward for housing in this small settlement in the proposed plan.

The site itself extends to around 0.4 of a hectare, and forms a part of a field used for grazing. On the opposite side of the road, to the west of the site, is a caravan park and, to the south, the Ettrick Water.

2. The allocation of the site for housing in the proposed plan is a continuation of the allocation in the adopted 2011 Consolidated Scottish Borders Local Plan (which included it for the first time). The site is included in the 2014 housing land audit, with development on site estimated to commence in 2019 and to complete in 2020. The indicative site capacity given in the audit and the proposed plan is 5 houses, with 2 being in the effective housing land supply. In essence, the representations seek the removal of this allocation from the proposed plan.

3. The proposed plan indicates that the building clusters of Ettrick, Hopehouse, Tushielaw and Crosslee form a settlement group. They are in a remote part of the rural area, and new development in such locations can help to support and sustain fragile and dispersed communities. While some local facilities have closed, some remain, and I agree with the planning authority that this justifies providing small housing allocations in the area. Such allocations should help to maintain a viable population, and reduce depopulation. I consider that it is reasonable to focus the allocations on Hopehouse because it is the largest building cluster in the settlement group. I also note that there appears to be a lack of appropriate alternative building groups which could be considered for expansion such as that proposed. There are a limited number of locations at Hopehouse where such allocations could be put, and I consider those proposed reasonably satisfactory. I consider that there is a reasonable prospect of development taking place because the Ettrick Valley is an attractive place to live.

4. I believe that the mini planning brief prepared by the planning authority provides a framework for development which would allow appropriate integration with the existing built form, and its surroundings, including a sense of arrival at Ettrick, sympathetic design, good access, and structure planting. The detailed impact of the proposals can be considered at the development management stage. It has not been shown that the proposal would have an unacceptable effect on the nearby caravan park or tourism. The planning authority's flood prevention officer indicates that the site falls outwith the 1 in 200 year flood risk area, and the Scottish Environment Protection Agency has not objected to the allocation. Pluvial flooding would be taken into account in the design of the development. While there is no public water supply or public sewer system available, the recent grant of planning permissions here suggests that there is potential to put the necessary arrangements in place.

5. The planning authority explains that the site could be used for either private or social housing. I acknowledge that public transport in remote rural areas can be poor, but there is often found to be a need for affordable housing to help stem the loss of local population. The proposed plan indicates that the site will be subject to policy HD1, which sets out the contribution that developments in general should make to the provision of affordable and special needs housing. The requirement for a contribution, and the form that it should take, would be considered in more detail against the policy and the associated supplementary guidance when a planning application is lodged. This general approach to the provision of affordable housing is often followed, and I consider it to be acceptable and reasonable in this case.

6. I have considered all the other criticisms of the proposed allocation, but find none that provide sufficient grounds to justify deleting it.

7. Overall, no adjustment is required to the proposed plan.

Reporter's recommendations:

No modifications.

Issue 147	Housing outwith Strategic Development Areas: Ettrickbridge (METTB001 – Woodend Extension)	
Development plan reference:	Ettrickbridge Settlement Profile and Map – METTB001 – Woodend Extension	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
105 J Henderson		
Provision of the development plan to which the issue relates:	Housing Allocation in Ettrickbridge - METTB001 – Woodend Extension	
Planning authority’s summary of the representation(s):		
The contributor proposes new site (METTB001) for inclusion in the LDP as an extension to the existing cemetery and for residential development.		
Modifications sought by those submitting representations:		
Site METTRB001 - The Contributor seeks a modification of the settlement boundary to include land allocation for housing as well as an expansion of the cemetery within the Proposed LDP.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE ETTRICKBRIDGE SETTLEMENT STATEMENT AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p><u>Proposed Housing Allocation</u></p> <p>Ettrickbridge is located outwith the Central Strategic Development Area set out by the SESplan Strategic Development Plan (SDP). The Core Document 017 shows that the Proposed LDP meets the provisions of the SESplan SDP and its associated Supplementary Guidance in providing land to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas such as Ettrickbridge, as required by SESplan, and that there is a generous and effective 5 year land supply of land within each of the Council’s housing market areas to meet demand as required by Scottish Planning Policy. In addition Core Document 017 states that the Proposed LDP provides substantial flexibility in the form of identified redevelopment sites and sites with potential for longer term development. Details of the housing calculations are included in the updated Appendix 2 – Meeting the Housing Land Requirement of the Proposed LDP. As a result it is not considered that there is any requirement for additional housing sites in Ettrickbridge.</p>		

The site was assessed as part of the Local Plan Amendment process and was considered to be doubtful. This was due to flooding issues on a large area of the site from Jean's Burn running to the south of the site. Too many constraints restrict the capacity of Woodend Road to accommodate the additional traffic that would be associated with this site. There are issues with school drop-off and pick-up and the road beyond the school is narrow in parts with limited opportunities for vehicles passing combined with restricted driver visibility and absence of proper provision for pedestrians. While it would be physically possible to address some of these concerns, this would affect third party land and so is unlikely to be easily achievable. The possibility of direct access from the main street could be explored, but again this is unlikely to be achievable due to land constraints.

During the Local Plan Amendment, more suitable sites were identified within the rural part of the Central HMA. The requirement for the rural part of Central Borders HMA was reduced from 200 to 70 as confirmed in Table 7, Appendix A1 (page 45) of the Finalised Local Plan Amendment (Core Document 010). The amendment allocated land in six settlements for housing (Crailing, Denholm, Eildon, Gattonside, Lilliesleaf and Morebattle) with a combined site capacity of some 125 units. The Reporter found that the Council had allocated a generous supply and distribution of land for housing as required by Scottish Planning Policy and the site at Woodend was not included within the plan.

The contributor has put forward the same site again for consideration as a housing site and cemetery extension. The situation has not changed since the site was previously considered by the Council and the constraints associated with the site remain. It is considered that the development of the site would relate poorly to the existing settlement. This is a very open site which extends outwith the development boundary to the north and is considered to be out of scale with the built form of the immediate area. The site slopes away from the settlement which would exacerbate this issue further. The southern part of the site is at risk of flooding as described above and the access constraints would be difficult to mitigate. It is considered there are more appropriate sites in the Central area to meet the housing requirement.

Proposed Cemetery Extension

The contributor also proposes an extension to the existing cemetery in a southerly direction into the northern portion of the proposed allocation (METTB001).

The finalised Local Plan Amendment included an extension to the west of Kirkhope cemetery. This allocation did not receive any objections during the local Plan Amendment consultation period and was subsequently allocated within the Finalised Local Plan Amendment (Core Document 010 – Policy Map 10 pages 86-88) and the Consolidated Local Plan (Core Document 007 – Policy Map 10 pages 194-196). The original submitted site (FETTR002) was assessed and the proposed extension (FETTR001) was considered to be the preferred option of the Council. This allocation has been brought through to the Proposed LDP.

The Local Plan Examination concludes that *“extension would provide a natural and linear progression of the cemetery to the west. The site slopes to the west and a stone wall and mature trees run along the southern and western boundaries providing containment and seclusion from the nearby village of Ettrickbridge. The extension would also be served by an existing track which would allow vehicular access from the north.”* The Reporter agreed with the Councils position with regards to the proposed cemetery extension in that

the site would be visible from the village compromising the seclusion sought for a cemetery site. In addition, an extension of the cemetery to the south would break the existing field pattern and change the form of the cemetery.

It is considered that the existing allocation should remain and the proposed extension should not be taken forward for inclusion in the LDP.

Reporter's conclusions:

1. The site is situated on the north edge of Ettrickbridge, to the north of the B7009, the west of Woodend Road, and south of Kirkhope Cemetery, just beyond the edge of the development boundary. Jean's Burn separates it from the northern part of the village. The site itself extends to around 1.2 hectares, comprises a field, which is rectangular in shape, and slopes upwards towards the cemetery.

2. The site is identified in the proposed plan as being in the countryside, and this is a continuation of its designation in the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Consolidated Scottish Borders Local Plan. The proposed plan identifies no housing sites within the village. The 2014 housing land audit identifies only small housing sites, with a capacity of 2 houses. Housing land supply matters are dealt with at issues 49 and 80. The representation seeks the allocation of the site for housing. It also suggests that the northern part of the site could be used to extend the cemetery.

3. The preferred area identified for future expansion in the proposed plan is to the north of Ettrickbridge, which would include this site. However, the plan also indicates that this is dependent on improving road access. I agree with the planning authority that this is one of the difficulties with the housing proposal in this representation. A reasonably sized housing development could be placed on the site, and it is clear to me from my site inspection that Woodend Road would provide an inadequate access because it is narrow, has restricted visibility, and poor pedestrian provision. The proposed access point off Woodend Road to the site appeared similarly inadequate. The difficulties are compounded by the school drop off and pick up arrangements towards the southern end of Woodend Road. The other difficulty is that the southern part of the site is within the 1 in 200 flood risk area from Jean's Burn. Development on the remaining part of the site would potentially be very prominent, and would relate poorly to the main part of the village to the south. I am concerned that allocating this site now would lead to inappropriate piecemeal development, rather than a properly planned expansion which satisfactorily addresses the difficulties of developing in this area of the village. Problems relating to access and flooding are significant constraints affecting the site and, as such, I do not consider it to be effective. In the circumstances, I am not persuaded that the site should be allocated for housing.

4. The proposed plan shows that provision has been made to expand the cemetery to the west. I agree with the planning authority and the report into objections to the 2009 local plan amendment that this would be a natural and linear progression of the existing facility, which would provide suitable containment and seclusion. I am not satisfied that the northern part of the site proposed in the representation would be so appropriate because it is in a more open location, facing towards the village. There is no evidence before the examination which indicates that the allocation in the proposed plan could not be satisfactorily developed as a cemetery, and I do not consider that the alternative put forward should be preferred, or that it would justify the allocation of the remainder of the site for housing.

5. Overall, no adjustment is required to the proposed plan.

Reporter's recommendations:

No modifications.

Issue 148	Housing within the Eastern Strategic Development Area: Eyemouth (AEYEM006- Gunsgreenhill Site C)	
Development plan reference:	Eyemouth Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Eyemouth, page 309)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
357 SEPA		
Provision of the development plan to which the issue relates:	Eyemouth Settlement Profile, Development and Safeguarding Proposals (AEYEM006-Gunsgreenhill Site C)	
Planning authority's summary of the representation(s):		
<p>State that they require a Flood Risk Assessment which assesses the risk from the small watercourses which flow through and on the boundary of the site.</p> <p>The contributor requests an additional requirement should be included to help contribute to the objectives of the River Basin Management Plan.</p>		
Modifications sought by those submitting representations:		
Insertion of a Flood Risk Assessment site requirement.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the</p>		

requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

In addition, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area.

Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

This site may be at risk during a 1 in 200 year pluvial flood event. It would either be required that a pluvial flood risk assessment be required at this site or that surface water runoff be taken into consideration at the site.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policies EP15 and IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Although serviced to some degree, this housing proposal site remains as yet undeveloped. The council does not advise that planning permission is in place for its development.
2. SEPA advises that a flood risk assessment is required to consider the implications for development of the minor watercourses which run through the site and adjacent to its boundary. The site requirements in the proposed plan refer only to an approved planning brief. In section 12 of the approved brief, it is stated that no flood risk assessment will be required.
3. I acknowledge the council’s contention that this matter is capable of being satisfactorily addressed by the wider policies of the plan, and in particular by Policy IS8: *Flooding*. Potential developers of the site would, however, be entitled to rely on the planning brief, which is dated February 2009, but which now appears to run counter to SEPA’s advice.
4. It is disappointing that this matter was not resolved between the council and SEPA earlier in the development planning process. That said, I conclude that the plan would be insufficient in failing to include this matter as a site requirement, in the circumstances set out above.
5. SEPA contends that the development of the site would provide an opportunity to

contribute to the objectives of the River Basin Management Plan. I note, however, that Policy EP15: *Development Affecting the Water Environment* provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. I conclude that the terms of Policy EP15 provide a sufficient basis for development management of this site in respect of the wider water environment and that a specific site requirement to this effect is not necessary.

Reporter's recommendations:

I recommend that the following modification be made:

1. Amend the site requirements for site AEYEM006 as follows:

“Refer to approved Planning Brief, which shall be updated to consider the need for flood risk assessment.”

Issue 149	Housing within the Eastern Strategic Development Area: Eyemouth (AEYEM007- Gunsgreenhill Site B)	
Development plan reference:	Eyemouth Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Eyemouth, page 309)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
357 SEPA		
Provision of the development plan to which the issue relates:	State that they require a Flood Risk Assessment which assesses the risk from the small watercourses which flow through and on the boundary of the site.	
Planning authority's summary of the representation(s):		
State that they require a Flood Risk Assessment which assesses the risk from the small watercourses which flow through and on the boundary of the site.		
Modifications sought by those submitting representations:		
Insertion of a Flood Risk Assessment site requirement.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all</p>		

sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

It is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Although serviced to some degree, this housing proposal site remains as yet undeveloped. The council does not advise that planning permission is in place for its development.
2. SEPA advises that a flood risk assessment is required to consider the implications for development of the minor watercourses which run through the site and adjacent to its boundary. The site requirements in the proposed plan refer only to an approved planning brief. In section 12 of the approved brief, it is stated that no flood risk assessment will be required.
3. I acknowledge the council’s contention that this matter is capable of being satisfactorily addressed by the wider policies of the plan, and in particular by Policy IS8: *Flooding*. Potential developers of the site would, however, be entitled to rely on the planning brief, which is dated February 2009, but which now appears to run counter to SEPA’s advice.
4. It is disappointing that this matter was not resolved between the council and SEPA earlier in the development planning process. That said, I conclude that the plan would be insufficient in failing to include this matter as a site requirement, in the circumstances set out above.

Reporter’s recommendations:

I recommend that the following modification be made:

1. Amend the site requirements for site AEYEM007 as follows:

“Refer to approved Planning Brief, which shall be updated to consider the need for flood risk assessment.”

Issue 150	Housing within the Eastern Strategic Development Area: Eyemouth (BEY2B - Acredale Farm Cottages)	
Development plan reference:	Eyemouth Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Eyemouth, page 309)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
357 SEPA		
Provision of the development plan to which the issue relates:	Eyemouth Settlement Profile, Development and Safeguarding Proposals (BEY2B-Acredale Farm Cottages)	
Planning authority's summary of the representation(s):		
<p>State that they require a Flood Risk Assessment which assesses the risk from the North Burn.</p> <p>The contributor requests an additional requirement should be included to help contribute to the objectives of the River Basin Management Plan.</p>		
Modifications sought by those submitting representations:		
Insertion of a Flood Risk Assessment site requirement.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the</p>		

requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

In addition, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area.

Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

This site may be at risk during a 1 in 200 year pluvial flood event. It would either be required that a pluvial flood risk assessment be required at this site or that surface water runoff be taken into to consideration at the site.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policies EP15 and IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. It was evident on my site inspection that construction is ongoing on this site, with a large part having been completed and occupied. The council has confirmed, in response to a further information request, that extant planning permission is in place for development of the site.
2. SEPA states that for any further development, a flood risk assessment will be required which assesses the risk from the North Burn, and that any further development will likely be heavily constrained.
3. The site requirements in the proposed plan refer only to an approved planning brief, which the council did not originally produce for the purposes of this examination. It was subsequently submitted at my request and I note that at section 5.2 it is stated that a flood risk assessment is unlikely to be necessary.
4. I acknowledge the council’s contention that this matter is capable of being satisfactorily addressed by the wider policies of the plan, and in particular by Policy IS8: *Flooding*. Development of the site appears to be well-progressed, and in these circumstances I am content that reliance on the wider policies of the plan is sufficient.
5. SEPA contends that the development of the site would provide an opportunity to contribute to the objectives of the River Basin Management Plan. I note, however, that Policy EP15: Development Affecting the Water Environment provides guidance in this

matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. I conclude that the terms of Policy EP15 provide a sufficient basis for development management of this site in respect of the wider water environment and that a specific site requirement to this effect is not necessary.

Reporter's recommendations:

No modifications.

Issue 151	Mixed Use Development within the Eastern Strategic Development Area: Eyemouth (MEYEM001- Gunsgreen Mixed Use)	
Development plan reference:	Eyemouth Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Eyemouth, page 310)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
475 Eyemouth Harbour Trust 202 SportScotland		
Provision of the development plan to which the issue relates:	Eyemouth Settlement Profile, Development and Safeguarding Proposals (MEYEM001- Gunsgreen Mixed Use)	
Planning authority's summary of the representation(s):		
<p><u>475 Eyemouth Harbour Trust</u></p> <p>State that the allocation is strongly supported and should be maintained. Stated site is likely to support uses compatible with the harbour; development here will be good for the town and the local economy</p> <p><u>202 SportScotland</u></p> <p>Part of the allocation includes outdoor sport facilities. Should any redevelopment lead to their loss, compensatory provision would be required in line with SPP</p>		
Modifications sought by those submitting representations:		
N/A		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE PROPOSED LOCAL DEVELOPMENT FROM THAT PRESENTED</p> <p>REASONS</p> <p>MEYEM001 is subject to an approved Planning Brief (Core Document 071). Figure 11 Future North End (page 33) states that the majority of MEYEM001 should remain as football pitches, with changing rooms and a squash court. There is also an area to the north east which is stated to be subject to a Visitor Management Report, in this area marine uses are likely to be supported (as it is the area where dive access points are located).</p> <p>As a result it is considered that the Brief responds to the points raised in these representations.</p>		

Reporter's conclusions:

1. I note the council's response that development of site MEYEM001 is subject to an approved planning brief which states that the majority of the site should be retained as football pitches, with changing rooms and a squash court. In these circumstances I am content that the brief, to which the site requirements contained in the proposed plan refer, responds adequately to the matters raised by SportScotland. The requirements of Scottish Planning Policy and the wider policies of the plan would also address this issue at the development management stage.
2. The Harbour Trust's representation in support of the proposal is noted but as it does not raise an unresolved issue it need not have been submitted to this examination for consideration.

Reporter's recommendations:

No modifications.

Issue 152	Development within the Eastern Strategic Development Area: Eyemouth (zEL63 - Eyemouth Industrial Estate and New Site: GEYEM002 - Eyemouth Services (Retail))	
Development plan reference:	Eyemouth Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Eyemouth, page 310)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
490 Crabtree and Crabtree		
Provision of the development plan to which the issue relates:	Eyemouth Settlement Profile, Development and Safeguarding Proposals (zEL63 - Eyemouth Industrial Estate)	
Planning authority's summary of the representation(s):		
<p>State that the site (within zEL63/Eyemouth Industrial Estate) was last fully occupied 6 years ago and that is currently partially let on a short term basis at below market rental valuation. State that there is currently an industrial building, areas of open storage and servicing yards. There is a current 'live' planning application for a 1,300sqm food store (10/00917/PPP). Wish to raise to the Council's attention that the site has been widely marketed, however it continues to lie vacant to no benefit; employment land take up has been limited within the Eastern Borders SDA and at Eyemouth, there is ample further employment land, the Council's own analysis shows this; 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; and the Proposed LDP falls short of carrying out the review required by SPP, despite low take up prior and post recession.</p> <p>Propose an amendment to reallocate the site with a retail zoning and to delete the site from the "Development and Safeguarding Proposals" table</p>		
Modifications sought by those submitting representations:		
An amendment to reallocate the site with a retail zoning and to delete the site from the "Development and Safeguarding Proposals" table, in terms of reference to the site being within zEL63/Eyemouth Industrial Estate		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p><i>N.B. This representation also relates to Schedule 4 020 Policy ED1 Protection of Business and Industrial Land.</i></p> <p>It is noted that no representation on this matter was received during the site call prior to the Main Issues Report (MIR) nor during the MIR consultation period.</p>		

zEL63 was an Employment Land allocation within the Consolidated Local Plan and has been continued as a Business and Industrial Land allocation in the Proposed LDP; it is stated to be a district safeguarded business and industrial site as defined in policy ED1. It is stated in this policy that there is a preference to retain these sites within employment uses. However, development outwith Classes 4, 5 and 6 may be appropriate and the decision is to be based against criteria:

- “a) the loss of business and industrial land does not prejudice the existing and predicted long term requirements for industrial and business land in the locality, and
- b) the alternative land use is considered to offer significant benefits to the surrounding area and community that outweigh the need to retain the site in business and industrial use, and
- c) there is a constraint on the site whereby there is no reasonable prospect of its becoming marketable for business and industrial development in the future, or
- d) the predominant land uses have changed owing to previous exceptions to policy such that a more mixed use land use pattern is now considered acceptable by the Council”

From a policy perspective, in terms of criteria a) whilst it is accepted that there has been limited demand for employment land in Eyemouth over recent years, the long term needs (20 years+) of the settlement must be considered; in terms of criteria b) it is not considered that the proposed amendment to a retail zoning would result in significant community benefits which would outweigh the need to retain the site in employment use; in particular the site is not well related to the town centre of Eyemouth, and Key Outcome 9 of the Proposed LDP is “the focus of development on sustainable locations” and a LDP Aim is “To promote the development and regeneration of town centres”; in terms of criteria c) there are no known constraints on the site which would prevent it becoming marketable for employment development in the future. No evidence has been provided to the contrary in the representation; and criteria d) the predominant land use within the vicinity remains employment, regardless of the recent development of ‘Eyesleep’ (a nearby motel), and in view of the overall policy, it is important to retain this.

It should also be noted that the site is positioned on a longstanding industrial estate and the premises are currently in use. The site is well located in terms of roads infrastructure with good access to the A1 trunk road. The Scotrail franchise which is currently out to tender includes the requirement for a priced option for a new passenger service from Edinburgh to Berwick (and Newcastle). There would be two additional rail halts at Reston and East Linton. The Reston halt would provide excellent accessibility to Eyemouth and would present a step change in its marketing potential. The area also benefits from the availability of European funding which is targeted at the transition from fisheries towards a more widely based economy.

The Council operates within an area of market failure in relation to the provision of employment land in that the costs of provision are greater than the resultant market value. Therefore, it is important to retain existing industrial land provision for the longer term prosperity of the area.

In addition, in 2011 the Council undertook a Retail Capacity Study (Core Document 050) within this it is stated that the leakage of convenience spend to areas outwith Scottish Borders is 81% (page 14). The impacts of this leakage on the convenience spend situation are detailed within the Study:

“The analysis of the convenience expenditure/turnover balance...showed the Eyemouth area trading at a notional deficit because of insufficient trade being retained locally to fully support the town’s convenience floorspace. We have examined in some detail the potential for leakage reduction here, but consider that the proximity and attractiveness of Berwick’s shopping facilities- particularly the Morrison’s store which stands on the A1 on the western approach to Berwick- will tend to frustrate any attempt to achieve a substantial reduction in leakage, because a new small store in Eyemouth would not be capable of offering the range of goods and services available in Berwick’s large stores” (paragraph 5.42, page 43)

It is stated that it would be desirable to decrease the number of 15 mile round-trips to Berwick currently made by residents for their food shopping needs, and to improve quality and choice in Eyemouth; and that a “well-located store, integrated with existing retail facilities, could deliver such benefits” (paragraph 5.43, page 43). However, this would not be achieved by changing part of zEL63 because the site is not well related to the town centre and the existing retail facilities.

It is noted that the Borders has historic town centres that have limited opportunity for redevelopment, but they are extremely vulnerable to competition from out of centre retail locations. It is therefore entirely appropriate to reflect that out-of-centre proposals are least preferred and will therefore only be considered in exceptional circumstances. It is not considered this proposal is an exceptional circumstance.

As a result of the discussion above it is considered that the primary importance for Eyemouth is the retention of business and industrial land and the protection of the town centre, therefore there should be no change to the Local Development Plan from that proposed.

Reporter’s conclusions:

1. This representation seeks the re-allocation of part of a business and industrial safeguarding allocation to a retail zoning. Consequent modifications would require to be made to the Eyemouth proposals map, Policy ED1 (including Table 1) and the Business and Industrial Safeguarding section of the Eyemouth Settlement Profile.
2. At the time of my site inspection the building appeared to be occupied, although the adjacent yard was vacant or at least underused. The representation advises that the property is currently partly let on a short-term basis at below market rental. It is stated that the property had been widely marketed in the 4 years up to 2009, leading to the present owner’s purchase of the site. There is said to be no demand for the site in its present use and condition.
3. In this regard I note that paragraph 103 of Scottish Planning Policy states that: “Where existing business sites are underused, for example where there has been an increase in vacancy rates, reallocation to enable a wider range of viable business or alternative uses should be considered, taking careful account of the potential impacts on existing businesses on the site.”
4. Eyemouth is the largest centre of population within the Eastern Development Area. Site zEL63 is one of only two safeguarded business locations within the town. Two further sites offer partly serviced development land. I find it inevitable, particularly given the recent economic situation, that there are a number of vacant premises within those

areas. I consider it reasonable though to assume that demand for premises will increase as economic growth returns. Overall, I consider that the allocations provide an appropriate range of choice for business and industrial land and sites.

5. That notwithstanding, the potential for Class 1 retail use requires to be assessed against the relationship of the site with the town centre and the particular characteristics of the site. The council, refers to a 2011 retail capacity study which concluded that to improve retail quality and choice in Eyemouth a “well-located store, integrated with existing retail facilities, could deliver such benefits”. The council does not, however, consider this site to be well related to the town centre.

6. At a distance of about 670 metres, I agree that the site is relatively remote from the town centre. In terms of the order of preference listed in Scottish Planning Policy (paragraph 68), the site is therefore an out-of-centre location, the fourth and final category of choice. SPP requires a flexible and realistic application of the sequential approach. In this respect, I note the contention in the representation that there are no sequentially more preferable sites available in Eyemouth. That contention is not evidenced, although it appears not to be disputed by the council.

7. Nevertheless, I note that National Planning Framework 3 reflects the importance of town centres as a key element in the economic and social fabric of Scotland. In addition, SPP advocates a ‘town centre first’ policy. I afford these considerations significant weight.

8. In these circumstances, and taking account of all of the above, I agree with the council that the twin imperatives of protecting the town centre and providing for sufficient business and employment land outweigh any potential advantages likely to arise from re-allocation of this site.

9. In concluding I note also that development proposals within safeguarded business and industrial sites would stand to be considered against the wider policies of the plan, including, as the council points out, Policy ED1: *Protection of Industrial and Business Land*. I agree with the council that this policy is relatively permissive of uses outwith Use Classes 4-6, subject to certain criteria. The policy could not fairly be said to prohibit retail development within such areas. That consideration also weighs against re-allocation of the site.

10. There is one final consideration that I must take into account. Paragraph 64 of Circular 6/2013: *Development Planning* states that: “Many authorities run a “Call for Sites” prior to preparing the Main Issues Report. This is not a requirement of the legislation, but it can be a useful part of the process. This stage allows landowners and prospective developers to put forward for consideration by the planning authority the sites for which they have an aspiration for development. It is important in meeting the requirements for strategic environmental assessment that full information on sites and alternative options is submitted early and not held back until the later stages of plan preparation or even the Examination. Promoters of sites would be advised to respond positively at this point, and to provide the necessary evidence to justify their site’s inclusion as a preferred option at the Main Issues Report stage. Engaging at this early stage is likely to ensure that the planning authority is able to properly assess the merits of the proposal, with it being more likely to be subject to public engagement and strategic environmental assessment at the Main Issues Report stage and to neighbour notification at the Proposed Plan stage (should the planning authority propose that the site be allocated in the plan). **Even if a**

site is not included in the Proposed Plan, evidence of it being subject to community engagement will be useful if the issue is considered at a subsequent Examination, helping ensure that the reporter is furnished with the necessary information to reach a conclusion, and if appropriate to recommend a modification to the plan.” (my emphasis).

11. The council advises that this suggested modification was not raised at either call for sites or MIR stages. Although the council has provided an assessment of the proposal incorporating brief details on environmental and other impacts, I have no evidence before me of public consultation on this proposal. On a topic engaging new food store provision and protection of the town centre, which are often locally controversial, I consider that to be a crucial failing in the evidence base before me.

12. All told, I cannot conclude that the proposed plan is clearly inappropriate or insufficient in failing to provide for retail development at this location.

Reporter’s recommendations:

No modifications.

Issue 153	Redevelopment within the Eastern Strategic Development Area: Eyemouth (REYEM005- Whale Hotel)	
Development plan reference:	Eyemouth Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Eyemouth, page 310)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
357 SEPA		
Provision of the development plan to which the issue relates:	Eyemouth Settlement Profile, Development and Safeguarding Proposals (REYEM005- Whale Hotel)	
Planning authority's summary of the representation(s):		
<p>State that the site has previously flooded and so redevelopment should carefully consider the sensitivity of use in line with our land use vulnerability guidance; redevelopment should not increase flood risk elsewhere. The FRA should consider all sources of flooding.</p>		
Modifications sought by those submitting representations:		
Insertion of a Flood Risk Assessment site requirement.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.</p>		

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

It is noted that the site requirements refer to “Consideration of potential coastal flood risk” A redevelopment allocation allows for a variety of potential uses, within the constraints of Policy IS8 Flooding.

It is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. SEPA advises that a flood risk assessment is required, in order to assess the risk from all sources of potential flooding. SEPA’s indicative flood mapping appears to identify the site as being at risk from a 1:200 year river and coastal flood event.
2. It is disappointing that this matter was not resolved between the council and SEPA earlier in the development planning process. I note however, that the site requirements set out in the proposed plan include that consideration be given to potential coastal flood risk.
3. In these circumstances I am content that adequate warning of flood risk is set out in the site requirements and I agree with the council that this matter is capable of being satisfactorily considered at the development management stage, within the framework of the wider policies of the plan and in particular Policy IS8: *Flooding*.

Reporter’s recommendations:

No modifications.

Issue 154	Housing outwith the Strategic Development Areas: Fountainhall (AFOUN005 – South Fountainhall)	
Development plan reference:	Fountainhall Settlement Profile and Map, Site AFOUN005 – South Fountainhall	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Fountainhall Housing Land	
Planning authority’s summary of the representation(s):		
<p>The contributor objects to this site in that they would require a flood risk assessment which would assess the risk from the Pirntation Burn which flows along part of the site boundary. As there are known problems of flooding in Fountainhall, the site may be constrained due to flood risk. Careful consideration should be given to culvert/bridge structures within/near the site. Surface water runoff from the nearby hills may be an issue. Mitigation measures may be required at design stage. It is noted that the Planning Brief for the site states that flood risk from the burn to the north west of the site and from overland water flow would require to be addressed and mitigated.</p>		
Modifications sought by those submitting representations:		
The contributor seeks an additional site requirement for a flood risk assessment.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SITE REQUIREMENTS OF HOUSING ALLOCATION AFOUN005</p> <p>REASONS</p> <p>This site was first formally allocated within the Scottish Borders Consolidated Local Plan 2011 (Core Document 007). Prior to that the site had been included within the Scottish Borders Finalised Local Plan Amendment 2009 (Core Document 010) however, as the site received no objections it was not considered by the Local Plan Amendment Examination Reporter.</p> <p>It is noted that the respondent did not respond on this matter to the Scottish Borders Main Issues Report (MIR) (Core Document 076 SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “<i>the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.</i>” Furthermore, paragraph 4.3 states “<i>This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation</i>”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments</p>		

from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed Local Development Plan makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that *“Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”* Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

It is also noted that the contributor acknowledges that the approved Supplementary Planning Guidance Planning Brief for the site (refer to Core Document 069 page 3) states that *“flood risk from the burn to the north west of the site and from overland water flow would require to be addressed and mitigated”*.

Reporter’s conclusions:

1. The site is situated on the west side of Old Stage Road, at the southern edge of Fountainhall, immediately to the north of Fountainhall Farm, and opposite a number of traditionally designed houses. The Pirntation Burn runs along the site’s north western boundary. The site itself extends to around 1.1 hectares, and comprises a field used for grazing.
2. The allocation of the site for housing in the proposed plan is a continuation of the allocation in the adopted 2011 Consolidated Scottish Borders Local Plan (which included it for the first time). The site is included in the 2014 housing land audit, with development on site estimated to commence in 2018 and to complete in 2019. The indicative site capacity given in the audit and the proposed plan is 6 houses, with all 6 being in the effective housing land supply. A modest development on this site would be a natural extension of Fountainhall. It would integrate reasonably well with the form and fabric of the village, including the housing to the north and opposite. It would also link well with the farm buildings at Fountainhall Farm, and would be only a short distance from the new Borders railway station at Stow. In essence, the representation seeks an additional site requirement of a flood risk assessment because of the Pirntation Burn.
3. All the site requirements for this allocation are set out in the approved mini planning brief, which the proposed plan refers to. In its introduction, the brief refers to the adjacent Pirntation Burn as a strength of this location. In the site analysis, it describes the Pirntation Burn as flowing on the north western edge of the site. Under the site constraints, it indicates that the flood risk from the burn to the north west of the site, and from the overland water flow, will require to be addressed and mitigated. I consider that there is little doubt for any reader of the brief that the issue of flooding requires further investigation in this case, and that the Pirntation Burn should be the focus of attention. The most obvious way for any potential applicant to investigate this issue is to prepare a flood risk assessment (or its equivalent). In the circumstances, I am satisfied that the issue has been adequately covered, and that there is no need to add a site requirement for a flood risk assessment in either the proposed plan or the brief.

4. Overall, no adjustment is required to the proposed plan.

Reporter's recommendations:

No modifications.

Issue 155	Business and Industrial within the Central Strategic Development Area: Galashiels (BGALA002 – Galafoot)	
Development plan reference:	Galashiels Settlement Profile and Map (pages 320 – 331) BGALA002 – Galafoot	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency 476 Health and Safety Executive		
Provision of the development plan to which the issue relates:	Business and Industrial Site BGALA002 – Galafoot	
Planning authority’s summary of the representation(s):		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The Contributor supports the inclusion of FRA in the site requirements. Modification is requested to the site requirements to help contribute to the objectives of the River Basin Management Plan.</p> <p><u>476 Health and Safety Executive</u></p> <p>Business and industrial allocation could encroach upon the consultation zone associated with the Dewarton/Selkirk (L02 & L03) Major Accident Hazard Pipeline operated by Scottish Gas Network Ltd.</p>		
Modifications sought by those submitting representations:		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The Contributor seeks the modification of the site requirements to include contributions towards the objectives of the River Basin Management Plan.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributors support for the inclusion of a FRA in the site requirements is noted. The Council’s Flood Protection Officer advises that this site is at risk from a 1 in 200 year fluvial flood event and would require that a flood risk assessment (FRA) be undertaken to assess the flood risk to the property and the amount of compensatory storage that would be required. It is worth noting that The Netherdale Flood Prevention works that are</p>		

currently being undertaken may reduce the risk at this site.

However, it is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in its preamble that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. Developers are required to consider potential impacts and mitigations to enhance and restore the water environment. The Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area.

Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor’s proposal is not necessary.

476 Health and Safety Executive

The contributor’s comments are noted. Exclusion zones on major accident hazard pipelines are covered by PADHI self assessments through the planning application consultation process. Scotland Gas Networks and HSE would also be consulted through the planning application process.

Policy IS12 on Development within Exclusion Zones states the Council’s clear position that it will refuse proposals if it is judged to result in unacceptable levels of pollution, nuisance or result in an unacceptable hazard to the public or environment. It is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS12.

Reporter’s conclusions:

1. Site BGALA002, Galafoot, is allocated for business and industrial development.
2. As in other cases, I recognise the hope of the Scottish Environment Protection Agency that the development of the site would provide an opportunity to contribute to the objectives of the River Basin Management Plan. Nevertheless, Policy EP15,

Development Affecting the Water Environment, provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. Opportunities to enhance and restore the water environment in support of biodiversity are set out in supplementary guidance.

3. On the basis of the foregoing, I conclude that the terms of Policy EP15 provide a clear basis for development management of this site in respect of the water environment and that a further site requirement to this effect is not necessary.

4. I acknowledge that proposed development within the consultation zone of a major accident hazard pipeline fall within the scope of Planning Advice for Developments Near Hazardous Installations. Consultation would take place with the operator (in this case, Scottish Gas) and the Health and Safety Executive and a policy base for development management is provided by Policy IS12, Development within Exclusion Zones. Nevertheless, insofar as development within the Galafoot site could encroach within the consultation zone of a major accident hazard pipeline, I consider that in the interests of public safety it is appropriate for the proposed plan to provide early guidance by means of a site requirement. This would remove any doubt from the need to consider the implications for development due to the proximity of the consultation zone.

Reporter's recommendations:

I recommend the following modification be made:

1. In the Business and Industrial section of the Development and Safeguarding Proposals of the Galashiels settlement profile, under site requirements for site BGALA002, Galafoot, add a further bullet point (the fifth) as follows:

“Any implications in respect of the consultation zone associated with the Dewarton/Selkirk major accident hazard pipeline must be assessed.”

Issue 156	Business and Industrial Safeguarding within the Central Strategic Development Area: Galashiels (BGALA003 – Langhaugh)	
Development plan reference:	Galashiels Settlement Profile and Map (pages 320 – 331) (BGALA003 – Langhaugh Business and Industrial Safeguarding)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Business and Industrial site BGALA003 – Langhaugh Business and Industrial Safeguarding	
Planning authority’s summary of the representation(s):		
<p>The Contributor seeks a modification of the site requirements to include a flood risk assessment (FRA) to assess the risk from the Gala Water. In addition, review of the surface water 1 in 200 year flood map shows that there may be flooding issues at this site. This should be investigated further and it is recommended that contact is made with the Council’s flood prevention officer.</p>		
Modifications sought by those submitting representations:		
<p>The Contributor seeks a modification of the site requirements to include a flood risk assessment (FRA) to assess the risk from the Gala Water.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.</p>		

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

The Council’s Flood Protection Officer advises that this site is within the 1 in 200 year fluvial and pluvial flood extents. It is likely a FRA may be needed.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site BGALA003, Langhaugh, is safeguarded for business and industrial use as a “district” site under the terms of Policy ED1.
2. I note from the flood maps of the Scottish Environment Protection Agency that the site lies partially within an area with a medium risk of river flooding.
3. In this instance, the council’s Flood Protection Officer indicates that it is likely a flood risk assessment will be needed. Although the site is established there is the possibility of future development. In the event of proposed additional development, albeit limited in extent, or redevelopment I believe the flooding implications are such that a flood risk assessment is justified. In turn, I agree with the Scottish Environment Protection Agency that this should be included as a site requirement.

Reporter’s recommendations:

I recommend the following modification be made:

1. In the Business and Industrial section of the Development and Safeguarding Proposals of the Galashiels settlement profile, under site requirements for site BGALA003, Langhaugh, add a further bullet point as follows:

“In the event of further proposed development or redevelopment, a flood risk assessment is required.”

Issue 157	Business and Industrial within the Central Strategic Development Area: Galashiels (BGALA005 – Easter Langlee)	
Development plan reference:	Galashiels Settlement Profile and Map (pages 320 – 331) (BGALA005 – Easter Langlee Renewable Energy Park)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
436 J Hewit		
Provision of the development plan to which the issue relates:	Business and Industrial Site BGALA005 – Easter Langlee	
Planning authority’s summary of the representation(s):		
<p>Contributor proposes area of land at Easter Langlee for allocation as renewable energy park. It will be dedicated to the generation of renewable energy and contribute towards meeting national and local targets and strategies for renewable energy generation. There are no areas allocated within the proposed plans policy maps specifically for renewable energy generation on the scale proposed.</p> <p>The site lies in close proximity to Easter Langlee Waste Treatment Plan/Thermal Plant and is considered an appropriate land use given the potential amenity issues. Expressions of interest have been received from developers of ground mounted solar arrays demonstrating that there is market demand.</p> <p>It is contended that the site offers a sustainable location sufficiently distant from the population centre yet in an area that has seen significant development.</p>		
Modifications sought by those submitting representations:		
The contributor seeks a modification of the plan to include land for allocation as a renewable energy park.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>Policy 10 of the SESPlan Strategic Development Plan (SDP) (Core Document 001) seeks to promote sustainable energy sources across the SESPlan area. Local Development Plans will set a framework for the encouragement of renewable energy proposals that aim to contribute towards achieving national targets. Policy ED9 of the Proposed LDP supports proposals for both large scale and community scale renewable energy developments where they can be accommodated without unacceptable adverse impacts on the environment.</p>		

Renewable energy proposals, including the proposed renewable energy park proposed by the contributor, will be supported by the Proposed LDP where they are situated in appropriate locations, however it is not intended to specifically allocate land for this purpose on the grounds of a perceived forthcoming planning application. It is submitted that development proposals for renewable energy developments at this location (no details have been submitted along with the contributors representation) can be tested through the planning application process and assessed against Proposed LDP policy, including ED2 – Employment Uses Outwith Business and Industrial Land, ED7 – Business, Tourism and Leisure Development in the Countryside, ED9 – Renewable Energy Development and PMD4 – Development Outwith Development Boundaries. Other policies may also be relevant.

The comments submitted by the Council’s Roads Planning Service also relate to Schedule 4 No 166 on the proposed housing allocation site reference AGALA030.

This land, or at least a southerly portion of it, can be developed, but it will rely on a significant upgrading of the Langshaw road leading to it from the town, and in particular the length past Easter Langlee, in order to achieve a less tortuous road alignment. It should be noted that this will affect land outwith the road boundary and will impact directly on the roadside cottage. The road alignment just north of the top Coopersknowe junction will also need to be realigned. The pedestrian and lighting infrastructure in the Langshaw road will need to be extended out from the town. Furthermore, the main distributor road (Hawthorn Road) serving the existing Langlee housing development to the south west will have to be extended to join the Langshaw road in order to achieve proper connectivity and to allow proper integration with the existing street network in the vicinity.

The section of the Langshaw road adjacent to the site will require upgrading, in terms of carriageway widening and extending the footway and lighting infrastructure out from the town, and the northern part of the road may require realignment in order to facilitate safe access to it. On balance, it would appear that this site may be suitable for development from a Roads perspective but the requirements detailed above would have to be taken into account to allow the site to be appropriately serviced.

Reporter’s conclusions:

1. The proposed renewable energy development is located in the countryside to the immediate north of the Galashiels settlement boundary.
2. Both the National Planning Framework 3 and Scottish Planning Policy require the planning system to facilitate the transition to a low carbon economy. Efficient supply of low carbon and low cost heat and the regeneration of heat and electricity from renewable energy resources are vital to reducing greenhouse gas emissions and can create significant opportunities for communities.
3. The provisions of SESplan endorse this national guidance and under Policy 10, Sustainable Energy Technologies, requires local development plans to set a framework for the encouragement of renewable energy proposals that aims to contribute towards achieving national targets for electricity and heat.
4. In turn, the proposed local development plan deals with the matter under Policy ED9, Renewable Energy Development. Various aspects of this policy have been examined under Issues 26-32 and 330.

5. The proposed site at Easter Langlee would have three phases with the first phase of “ground mounted solar development” which, from the accompanying drawing, appears to comprise photovoltaic panels. The second and third phases would comprise “other appropriate renewable technologies” such as biomass or anaerobic digestion. In principle, Policy ED9 offers encouragement to such proposals. However, the policy is explicit in stating that renewable technologies that require a countryside location will be assessed against the relevant environmental protection policies.

6. As the council explains, it is not intended to specifically allocate land for renewable energy development. This is a reasonable approach and allows the merits of any particular proposal to be assessed in the context of the appropriate policy guidance as confirmed in Policy ED9. In this case, on the basis of the information provided, it is not possible to make an assessment of the specific planning merits of the proposal. Such an assessment would be best undertaken through the development management process when the required level of detail has been provided, perhaps as part of a planning application. On this basis, it is not appropriate to allocate the site for a “renewable energy park”.

Reporter’s recommendations:

No modifications.

Issue 158	Business and Industrial Safeguarding within the Central Strategic Development Area: Galashiels (zEL40 – Netherdale Industrial Estate)	
Development plan reference:	Galashiels Settlement Profile and Map (pages 320 – 331) (zEL40 – Netherdale Industrial Estate)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>357 Scottish Environment Protection Agency 481 Murray & Burrell Ltd</p>		
Provision of the development plan to which the issue relates:	Business and Industrial Safeguarding - zEL40 – Netherdale Industrial Estate	
Planning authority's summary of the representation(s):		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor requests a modification of the site requirements to require a FRA which assesses the risk from the Gala Water. The FRA is required to inform the area of redevelopment, type of development, and finished floor levels. It is important to consider sensitivity of use in line with our land use vulnerability guidance. The Contributor would not support any development which increases the flood risk to existing/proposed development.</p> <p><u>481 Murray & Burrell Ltd</u></p> <p>There is general acceptance to the continuation of business and industrial uses at Netherdale. The Contributor would also welcome support for uses falling within the neighbouring zED2 'Education' allocation being acceptable on part of their closest to Borders College. This may include: further educational facilities, Halls of Residence, related or community leisure facilities.</p>		
Modifications sought by those submitting representations:		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor seeks a modification of the site requirements to include a FRA.</p> <p><u>481 Murray & Burrell Ltd</u></p> <p>The contributor seeks a modification of the allocated site to allow alternative uses on part of the site closest to Heriot-Watt University Netherdale Campus to include education, halls of residence and leisure/community facilities.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p>		

REASONS

357 Scottish Environment Protection Agency

It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal in site requirements is not necessary. A modification of the Planning Brief would not be possible through the Examination process as this is an approved document.

This site is at risk from a 1 in 200 year fluvial flood event. The Council’s Flood Protection Officer would require that a flood risk assessment (FRA) be undertaken at this site to assess the flood risk to the property and the amount of compensatory storage that would be required. The Netherdale Flood Prevention works are currently being undertaken that will reduce the risk at this site.

481 Murray & Burrell Ltd

The contributor’s comments are acknowledged and noted. The allocated site zEL40 is covered by Policy ED1: Protection of Business and Industrial Land within the Proposed LDP. This policy aims to ensure that adequate supplies of business and industrial land are retained for business and industrial use and are not diluted by a proliferation of other uses. This policy provides rigorous protection of strategic high amenity sites, district sites (of which zEL40) is one and local sites. Development other than Use Classes 4, 5 and 6 may be accepted on district business sites in order to, where appropriate allow a more mixed use area. Proposals will be considered against a number of criteria contained within Policy ED1. This policy would, provided the criteria can be met, allow for an alternative land use where predominant land uses have changed such that a more mixed use land pattern is now considered acceptable. This may include further educational facilities, halls of residence, related or community leisure facilities as suggested by the contributor. It is submitted that a modification of the allocation is not required and

proposals for non-industrial uses on land close to Education Safeguarding zED2 can be adequately dealt with through the provisions of the mainstream policy ED1.

Reporter’s conclusions:

1. Site zEL40, Netherdale Industrial Estate, is safeguarded for business and industrial use as a “district” site under the terms of Policy ED1.
2. I note from the flood maps of the Scottish Environment Protection Agency that the site lies largely within an area with a medium risk of river flooding with a high risk area close to the Gala Water at the northern boundary of the site.
3. In this instance, the council’s Flood Protection Officer indicates that it is likely a flood risk assessment will be needed. Although the site is established there is the possibility of future development. In the event of proposed additional development on the vacant plots, or redevelopment, I believe the flooding implications are such that a flood risk assessment is justified. In turn, I agree with the Scottish Environment Protection Agency that this should be included as a site requirement.
4. I accept that in terms of proximity, there may be some benefit in the use of part of site zEL40 in connection with the educational activities on the neighbouring Borders College campus. However, the College has not made known any requirements in this respect. To this extent, therefore, it would not be appropriate to make an allocation for specific educational purposes. However, under certain circumstances, as the council has explained, Policy ED1 makes provision for “a more mixed use land use pattern” in sites within the “district” category.
5. Whilst it is not for this examination to impinge on the development management function, the council has itself recognised that mixed uses in this location may include a range of education related facilities as suggested by Murray and Burrell Ltd. On this basis I do not consider it is necessary to change the terms of Policy ED1 in respect of the scope of development that may be permitted on site zEL40, Netherdale Industrial Estate.

Reporter’s recommendations:

I recommend the following modification be made:

1. In the Business and Industrial section of the Development and Safeguarding Proposals of the Galashiels settlement profile, under site requirements for site zEL40, Netherdale Industrial Estate, add a further bullet point as follows:

“In the event of further proposed development or redevelopment, a flood risk assessment is required.”

Issue 159	Business and Industrial Safeguarding within the Central Strategic Development Area: Galashiels (zEL41 – Huddersfield Street Mill)	
Development plan reference:	Galashiels Settlement Profile and Map (pages 320 – 331) (zEL41 – Huddersfield Street Mill)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Business and Industrial Safeguarding - zEL41 – Huddersfield Street Mill	
Planning authority’s summary of the representation(s):		
<p>The contributor requests a modification of the site requirements to require a FRA which assesses the risk from the Gala Water. The FRA is required to inform the area of redevelopment, type of development, and finished floor levels. It is important to consider sensitivity of use in line with our land use vulnerability guidance. The Contributor would not support any development which increases the flood risk to existing/proposed development.</p>		
Modifications sought by those submitting representations:		
The contributor seeks a modification of site requirements to include FRA.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.</p>		

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

The Council’s Flood Protection Officer advises that this site is at risk of flooding during a fluvial and pluvial 1 in 200 year flood event. Dependant on the proposals it would be most likely a flood risk assessment would be required at this site.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal in site requirements and/or Planning Brief is not necessary.

Reporter’s conclusions:

1. Site zEL41, Huddersfield Street Mill, is safeguarded for business and industrial use as a “district” site under the terms of Policy ED1.
2. I note from the flood maps of the Scottish Environment Protection Agency that the site lies largely within an area with a medium risk of river flooding with a high risk area close to the Gala Water at the northern boundary of the site.
3. In this instance, the council’s Flood Protection Officer indicates that it is most likely a flood risk assessment will be needed. Although the site is established, there is the possibility of future development. In the event of proposed additional development, or redevelopment, I believe the flooding implications are such that a flood risk assessment is justified. In turn, I agree with the Scottish Environment Protection Agency that this should be included as a site requirement.

Reporter’s recommendations:

I recommend the following modification be made:

1. In the Business and Industrial section of the Development and Safeguarding Proposals of the Galashiels settlement profile, under site requirements for site zEL41, Huddersfield Street Mill, add a further bullet point as follows:

“In the event of further proposed development or redevelopment, a flood risk assessment is required.”

Issue 160	Business and Industrial Safeguarding within the Central Strategic Development Area: Galashiels (zEL42 – Wheatlands Road)	
Development plan reference:	Galashiels Settlement Profile and Map (pages 320 – 331) (zEL42 – Wheatlands Road)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Business and Industrial Safeguarding - zEL42 – Wheatlands Road	
Planning authority’s summary of the representation(s):		
<p>The contributor requests a modification of the site requirements to require a FRA which assesses the risk from the Gala Water. The FRA is required to inform the area of redevelopment, type of development, and finished floor levels. It is important to consider sensitivity of use in line with SEPA’s land use vulnerability guidance. The contributor would not support any development which increases the flood risk to existing/proposed development. The site will likely be heavily constrained due to flood risk.</p>		
Modifications sought by those submitting representations:		
The contributor seeks a modification of site requirements to include FRA.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.</p>		

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

The Council’s Flood Protection Officer advises that the whole of this site is at risk during a 1 in 200 year flood event from both fluvial and pluvial flooding. Therefore, it would be required that a flood risk assessment be undertaken to fully assess the flood risk at this site.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal in site requirements and/or Planning Brief is not necessary.

Reporter’s conclusions:

1. Site zEL42, Wheatlands Road, is safeguarded for business and industrial use as a “district” site under the terms of Policy ED1.
2. I note from the flood maps of the Scottish Environment Protection Agency that the site lies largely within an area with a high risk of river flooding with most of the remainder being a medium risk area.
3. In this instance, the council’s Flood Protection Officer indicates that a flood risk assessment will be needed. Although the site is established, there is the possibility of future development. In the event of proposed additional development, or redevelopment, I believe the flooding implications are such that a flood risk assessment is justified. In turn, I agree with the Scottish Environment Protection Agency that this should be included as a site requirement.

Reporter’s recommendations:

I recommend the following modification be made:

1. In the Business and Industrial section of the Development and Safeguarding Proposals of the Galashiels settlement profile, under site requirements for site zEL42, Wheatlands Road, add a further bullet point as follows:

“In the event of further proposed development or redevelopment, a flood risk assessment is required.”

Issue 161	Education within the Central Strategic Development Area: Galashiels (zED2 – Heriot Watt University – Netherdale Campus)	
Development plan reference:	Galashiels Settlement Profile and Map (pages 320 – 331) zED2 – Heriot Watt University – Netherdale Campus	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Education Site - zED2 – Heriot Watt University – Netherdale Campus	
Planning authority’s summary of the representation(s):		
<p>The contributor requires a flood risk assessment to assess the risk from the Gala Water. The FRA is required to inform the area of redevelopment, type of development, and finished floor levels. It is important to consider sensitivity of use in line with our land use vulnerability guidance. We would not support any development which increases the flood risk to existing/proposed development.</p>		
Modifications sought by those submitting representations:		
The contributor seeks a modification of site requirements to include FRA.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.</p>		

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

The Council’s Flood Protection Officer advises that this site is at risk from a 1 in 200 year fluvial flood event. A flood risk assessment (FRA) would be required to be undertaken at this site to assess the flood risk to the property and the amount of compensatory storage that would be required. The Netherdale Flood Prevention works are currently being undertaken that may reduce the risk at this site.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site zED2, Heriot Watt University, Netherdale Campus, is safeguarded for education use under the terms of Policy IS17.
2. I note from the flood maps of the Scottish Environment Protection Agency that the site lies within an area with a medium risk of river flooding.
3. In this instance, the council’s Flood Protection Officer indicates that a flood risk assessment will be needed. Although the site is established, there is the possibility of future development. In the event of proposed additional development, or redevelopment, despite a potential reduction in risk on the completion of flood prevention works in the vicinity, I believe the current flooding implications are such that a flood risk assessment is justified. In turn, I agree with the Scottish Environment Protection Agency that this should be included as a site requirement.

Reporter’s recommendations:

I recommend the following modification be made:

1. In the Education section of the Development and Safeguarding Proposals of the Galashiels settlement profile, under site requirements for site zED2, Heriot Watt University, Netherdale Campus, add a further bullet point as follows:

“In the event of further proposed development or redevelopment, a flood risk assessment is required.”

Issue 162	Galashiels Settlement Profile	
Development plan reference:	Galashiels Settlement Profile and Map (pages 320 – 331)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
327 Scottish Natural Heritage		
Provision of the development plan to which the issue relates:	Galashiels Settlement Statement	
Planning authority's summary of the representation(s):		
The contributor recommends that the National Scenic Area's (NSA's) are referred to in the settlement profiles for Galashiels. Designated areas including NSA's are important contributors to placemaking.		
Modifications sought by those submitting representations:		
The contributor seeks a modification of the settlement profile for Galashiels to refer to NSA's. Designated areas including NSA's are important contributors to placemaking.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE GALASHIELS SETTLEMENT STATEMENT AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is acknowledged and agreed that designated areas including National Scenic Area's are important contributors to placemaking, however, Galashiels is not located within a NSA and therefore there is no need for the settlement statement to make any reference to this.</p> <p>Paragraph 1.1 of the preamble to Policy EP4 – National Scenic Areas states that “The aim of the policy is to protect and enhance the scenic qualities....by influencing the nature of development both within the sites and outwith them where the development affects the setting and context of the NSA.</p> <p>Where development proposals may potentially impact an NSA, developers will be required to carry out detailed assessments through the planning application process. It is therefore submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP4, and that the insertion of the contributor's proposal is not necessary.</p>		

Reporter's conclusions:

1. Scottish Natural Heritage makes the general statement that National Scenic Areas are important contributors to place-making in some of the Scottish Borders towns and settings. Accordingly, the settlement profiles of relevant settlements should include a reference to National Scenic Areas. Galashiels is specified as an example but, by implication, is not the only place where, in the opinion of Scottish Natural Heritage, National Scenic Areas are important.
2. The council does not dispute the general premise that National Scenic Areas contribute to place-making but argues that as Galashiels is not within such an area, a reference is not required. The council has not responded to the wider point made by Scottish Natural Heritage.
3. I note that the profiles for settlements within the two National Scenic Areas include a reference to the designations: Broughton in the Upper Tweeddale area and Redpath, Eildon, Newtown St Boswells, Melrose and Newstead in the Eildon and Leaderfoot area. However, settlements close to the boundaries such as Peebles and Earlston contain no reference to National Scenic Areas.
4. The objective of Policy EP4, National Scenic Areas, is essentially focussed on the protection of the two areas themselves rather than to assist in place-making in the settlements within or surrounding the designated areas. I believe this to be the correct approach ensuring that the protective requirements of Policy EP4 are directed towards the central subjects of the policy – the two National Scenic Areas.
5. To achieve its objective, the policy does seek to restrict development that may affect the objectives of designation and not compromise the overall landscape value of the areas and their surrounds. To this extent, the two National Scenic Areas will influence development and, in turn, will also contribute to the place-making objectives of the proposed plan, albeit indirectly. The policy will make this contribution to place-making no matter whether or not reference to the National Scenic Areas is contained in settlement profiles.
6. Although the Eildon and Leaderfoot National Scenic Area lies relatively close to the east of the town, it is not the principal contributor to the landscape setting of Galashiels. I therefore agree with the council that there is no requirement to include a reference in the Galashiels settlement profile. I accept that there is perhaps a stronger argument for references in some other settlement profiles but, overall, I do not consider lack of such references to be a significant omission.

Reporter's recommendations:

No modifications.

Issue 163	Housing within the Central Strategic Development Area: Galashiels (AGALA024 – Easter Langlee Expansion Area)	
Development plan reference:	Galashiels Settlement Profile and Map (pages 320 – 331) AGALA024 – Easter Langlee Expansion Area	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Housing Allocation AGALA024 – Easter Langlee Expansion Area	
Planning authority’s summary of the representation(s):		
<p>The contributor seeks a modification of the developer requirements/Planning Brief to require a flood risk assessment (FRA) and to require the development layout to minimise the risk of nuisance from co-location with the existing landfill and a future advanced thermal treatment plant.</p>		
Modifications sought by those submitting representations:		
<p>The Contributor seeks a modification of the developer requirements/Planning Brief to require a flood risk assessment (FRA) and to require the development layout to minimise the risk of nuisance from co-location with the existing landfill and a future advanced thermal treatment plant.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>This representation is cross referenced with Schedule 4 No 164 relating to Housing Allocation AGALA027 – Birks View Expansion Area</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to</p>		

ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and PAN 69.

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

The risk and nuisance from co-location with the existing landfill and a future advanced thermal treatment plant in relation to the housing allocation was previously raised as an issue by SEPA during the planning application consultation process for planning consent 12/00803/FUL. This application was approved in November 2012. It is worth noting that the site was initially allocated for housing in the Adopted Local Plan (2008) (Core Document 008), appendix D of which, requires that the master plan for the area should “contain a detailed consideration of...adjacency and compatibility issues with adjoining sites”.

When considering the land as a possible allocated site, the Local Plan Inquiry Reporter (Core Document 020 page 4-18) stated that “provided that it is properly managed, the waste disposal site should not pose a threat to the new housing area, especially as the prevailing wind would take any airborne emissions away to the north north-east” and, in considering extension of the allocation to include the strip north of Easter Langlee House, the reporter concluded that this was accepted provided the Master Plan covered this area. The approved master plan covers the entire site including the strip of land north of Easter Langlee House.

When SEPA were consulted on the proposed allocation from its original consultation draft proposal in 2004 up to the examination of the Consolidated Local Plan (Core Document 007) in 2010 and they made no comments regarding land use conflict issues. These matters only being raised during the 2012 planning application process. However, these matters were taken into consideration during the assessment of the 2012 application and appropriate mitigation measures, through condition, were put in place.

The comments submitted by the contributor are noted but it is considered that these matters have been properly and fully addressed through the detailed planning application process.

Reporter’s conclusions:

1. Site AGALA024, Easter Langlee Expansion Area, is allocated for housing. Part of the site has already been developed. It appears that most of the remaining part of the site has been prepared for development. Construction is proceeding with a show house and sales centre.
2. The potential for the residential development of the site has been considered at a previous local plan inquiry and the site is allocated in the current local plan. Even more

significantly, in addition to the houses that have been built, detailed planning permission has been granted for the balance of the site. The council explains that the concerns of the Scottish Environment Protection Agency were taken into account at the time the planning application was considered.

3. This is an instance of the planning process moving forward and implementation of the detailed planning permission is underway. Under these circumstances it is not appropriate to stipulate any further site requirements.

Reporter's recommendations:

No modifications.

Issue 164	Housing within the Central Strategic Development Area: Galashiels (AGALA027 – Expansion of Birks View)	
Development plan reference:	Galashiels Settlement Profile and Map (pages 320 – 331)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>83 G Hamilton 121 A Seaton & K Purves 177 Tweed Homes 248 Birks View Residents Association 331 Lord Devonport 357 Scottish Environment Protection Agency 382 Edmunds</p>		
Provision of the development plan to which the issue relates:	Housing Allocation AGALA027 – Expansion of Birks View	
Planning authority’s summary of the representation(s):		
<p><u>83 G Hamilton</u></p> <p>Supports allocation.</p> <p><u>121 A Seaton & K Purves</u></p> <p>Object to the proposed allocation on the following grounds:</p> <ul style="list-style-type: none"> •Lack of demand for houses in Birks View •Disruption to existing residents •Increased traffic •Damage to the road and pavements •Lack of alternative routes to Birks View •Ownership of land to the west end of Birks View •Numbering of houses on Birks View. <p><u>177 Tweed Homes</u></p> <p>Contributor supports proposed allocation.</p> <p><u>248 Birks View Residents Association</u></p> <p>The contributor expresses concerns over the proposed allocation for housing. There are concerns that construction vehicles will cause subsidence to the gardens of existing dwellings and would have difficulty turning resulting in vehicles reversing along Birks View. There would be an increase in vehicular traffic that will result in a risk to road safety. Manse Street currently affords access to 4 residential streets. As there is no through road, there is no alternative means of escape in the event of a major incident. Concerns are also expressed over the lack of drainage within the existing system. Any</p>		

new development should be of a similar build and design quality to existing.

331 Lord Devonport

The site, together with others, is anticipated to provide a total of 630 units to meet requirements of HNDA. Without windfall and constrained sites the delivery of HNDA units is unrealistic against actual housing market performance. The allocation of Birks View site is premature in the Central SDA and contradicts Policy PMD4 Development outwith Development Boundaries and undermines the value of SPG Countryside Around Towns. The site does not conform to SPG New Housing in the Borders Countryside as it is an undeveloped field, has no natural boundaries to define the edge of the site and sits on an exposed ridge.

357 Scottish Environment Protection Agency

Contributor supports the requirement within the site requirements for the use of water resilient materials.

382 Edmunds

Object strongly to the proposal:

- The development would result in the loss of privacy and loss of light.
- The value of existing neighbouring properties would be compromised.
- Development on a site at Langlee would not involve privacy of existing properties being compromised and would not involve traffic needing to drive through the town centre.

Modifications sought by those submitting representations:

121 A Seaton & K Purves, 248 Birks View Residents Association, 331 Lord Devonport and 382 Edmunds

Contributors object to the allocation of this site for housing and seek its removal from the plan.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN

REASONS

83 G Hamilton

The contributors support comments are noted.

121 A Seaton & K Purves

- The SESplan Strategic Development Plan (SDP) (Core Document 001) sets out future housing land requirements across the SESplan area. The Local Development Plan is required to conform to the SDP. The Core Document 017 shows that the Proposed LDP meets the provisions of the SESplan SDP and its associated Supplementary

Guidance in providing land (including site AGALA027) to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year land supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy (Core Document 024).

- Disruption to existing residents during the construction period is not a material planning consideration.
- The Council is aware of the issues relating the vehicular limits/increase in traffic on the local road network and has indicated an indicative site capacity of 20 units if the site comes forward.
- Any damage to existing roads or pavements caused during the construction period would be a matter for Regulatory Services to investigate. It would be normal practice for the developer to repair any defects caused by construction vehicles
- It is anticipated that any development of the site would not prejudice a future road link to the A72.
- Land ownership is private legal matter which would require to be investigated by those parties involved. However, it should be noted that Tweed Homes (developer of Birks View 1) has confirmed, via e-mail (8 July 2014) and the submission of Titles, the extent of land within their ownership. The Titles also confirm that the land required to access the proposed allocation is owned by Mr Robert Hamilton's family who originally sold the land at Birks View 1 to Tweed Homes with the option for future phases. There would appear to be no ransom strip of land ownership obstacles that would prevent the proposed allocation from being accessed or developed.
- House numbering is not a material planning consideration.

177 Tweed Homes

The contributors support comments are noted.

248 Birks View Residents Association

- Any damage to existing properties caused during the construction period would be a matter for Regulatory Services to investigate. It would be normal practice for the developer to ensure that construction vehicles do not cause damage and to repair any defects caused by construction vehicles. The existing road network should be of a suitable standard to accommodate axle weight limits of construction traffic.
- Construction traffic would turn within the development site and exit Birks View in a forward gear.
- At the Main Issues Report (MIR) (Core Document 006) stage road safety concerns were also raised by contributors. The Council is aware of the issues relating to connecting to other roads and limits in the local road network, and only a development of around 20 units would be supported. An indicative site capacity of 20 units is included in the site requirements on page 324 of the Proposed LDP.
- The council is also aware of the fact that there is no through road. This is not uncommon. In the unfortunate event of a major incident the relevant authorities including HSE and the emergency services would ensure the safety of residents.
- It is noted that the contributor states that any new development should be of a similar build and design quality to existing. The topography and size of the allocated site would, to a certain extent, restrict development. It is anticipated that any new housing on this site would follow the general pattern of development used in Birks View 1 and any proposals brought forward for this site would be assessed against prevailing

national and local policy/guidance.

331 Lord Devonport

This representation is cross referenced with Schedule 4 No 250 relating to the Housing Allocation MNEWS001 – Newstead East

Galashiels is located within the Central Strategic Development Area set out by the SESplan Strategic Development Plan (SDP) (Core Document 001). The Core Document 017 shows that the Proposed LDP meets the provisions of the SESplan SDP and its associated Supplementary Guidance in providing land (including site AGALA027) to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year land supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy (Core Document 024). It is therefore not premature to bring this site forward at this time.

Policy PMD4 is designed to ensure that most development is located on allocated sites within defined settlement boundaries. This policy would not apply in this case as the proposed allocation is located within a revised development boundary. It would only apply to proposals for development outwith the development boundary.

The settlement profile for Galashiels has been amended to include the proposed allocation and this has been reflected in Figure EP6A – Countryside Around Towns of the Proposed LDP. The proposed allocation therefore, does not undermine the aims of this policy.

The Councils Supplementary Planning Guidance (SPG) New Housing in the Borders Countryside (Core Document 065) is not relevant in this case as it refers to development outwith defined settlements. It is designed to guide development to established building groups in the countryside, not influence proposed housing allocations within settlement boundaries. This guidance note is not relevant to this allocation.

357 Scottish Environment Protection Agency

Support for the use of water resilient materials in the site requirements is noted.

382 Edmunds

This representation is cross referenced with Schedule 4 No 163 relating to the Housing Allocation AGALA024 – Easter Langlee Expansion Area

- It is considered that the site could be appropriately developed without having an adverse impact upon existing/future residents in respect of light/loss of privacy. This would be considered in more detail during the process of a planning application.
- The loss of value upon a property is not a material planning consideration.
- The site at Easter Langlee (AGALA024) is an existing allocated housing site within the Consolidated Local Plan 2011 and it is proposed to continue with this allocation in the LDP. Full planning consent (12/00803/FUL) has been granted for the development of this site and work is currently ongoing.

In summary, this site presents a logical opportunity to extend the recent Birks View development albeit not an idyllic proposal. The development of this site will be very prominent from many parts of the town, however, it is not skyline for the most part, sitting under the hill behind, and so with care it can be developed. An extension of this sort, running alongside the hill, would not be at odds with how the town has developed already along the valley sides, albeit it will be a challenge to produce a pleasing townscape, given the likely regimented nature of the site layout such a sloping site would lead to. It is noted the SBC Landscape Architect can support development on the lower two thirds of the site and it is also noted the proposal can be supported by the Roads Planning Service.

In conclusion, it is considered that the allocation of this site for housing is appropriate and in accordance with the requirements of SESplan. The site was identified in the Council's Main Issues Report (Core Document 006) as a preferred site for residential development and there is no change in circumstances which would now justify its removal from the plan.

Reporter's conclusions:

1. Site AGALA027, Extension of Birks View, is allocated for housing.
2. The representations submitted by Graham Hamilton, Tweed Homes and the Scottish Environment Protection Agency do not raise any unresolved issues and therefore did not require to be brought to the attention of the examination.
3. Although the allocation is questioned in a wider context and lack of demand for houses has been claimed, there is a requirement to meet the strategic targets set out in SESplan. These matters have been considered under Issues 49 and 80 where it is concluded that the allocated housing land in the local development plan is unlikely to satisfy the strategic requirement.
4. Site AGALA027 involves the extension of the cul-de-sac at Birks View which, in physical terms would not appear to provide a problem. The road appears to have been constructed with the possibility of a future extension in mind. The ground comprising the proposed extension is currently in agricultural use and rises upwards from the existing built-up area. There is also a slope to the north-east, the site lying on the southern side of the valley through which the Gala Water flows. As pointed out by Lord Devonport, the site is not defined and is in an exposed elevated situation. Indeed, the council accepts that although development would not be viewed against a skyline, it would nevertheless be very prominent from parts of Galashiels. I agree with this assessment.
5. The council also accepts that the nature of the site is such that development is likely to be regimented. Again I agree and envisage a simple, linear extension of Birks View. Whilst this might reflect the general form of Galashiels along the valley sides, I consider the prominence of the site on the upper valley slopes to be unacceptable. When viewed from the A7 to the north-east, the completed part of Birks View is partly obscured by the local landform. The extension would be fully exposed with clear and widespread visibility. On this basis, and noting especially that the council regards the site as "not an idyllic proposal", I conclude that the visual impact would be significant. Despite the strategic context, I conclude that the allocation should be deleted.
6. I have also noted the various other concerns expressed. As the council has explained, land ownership is not usually a planning consideration although, clearly, land

must be within the control of a developer to enable a development to proceed. Careful detailed design could ensure that any impact on existing property is not significantly adverse and that a suitable drainage system is provided.

7. It is self-evident that development would cause a degree of disturbance to the established amenity of Birks View. However, construction activity would be temporary and could be controlled through development management. Additional traffic would be generated but the council believes that the local road network could accommodate the extra vehicles. I can appreciate concern that a major incident could cause access problems. However, the council believes this is not an uncommon situation and is confident that any problems in this respect could be overcome. House numbering is a practical matter that should be capable of resolution.

Reporter's recommendations:

I recommend the following modifications be made:

1. In the Galashiels settlement profile, under the Housing section of the Development and Safeguarding Proposals, delete the reference to site AGALA027, Extension to Birks View.
2. Delete site AGALA027 from the Galashiels settlement map, including the areas shown for structure planting/landscaping.
3. Amend the text of the settlement profile and remove the reference to two new housing sites (the Netherbarns site is also recommended for deletion – see Issue 165).
4. House building totals elsewhere in the proposed local development plan should also be adjusted as appropriate.

Issue 165	Housing within the Central Strategic Development Area: Galashiels (AGALA029 – Netherbarns)	
Development plan reference:	Galashiels Settlement Profile and Map (pages 320 – 331)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>116 Dr S Davies 172 Stavert 334 Ballantyne Ltd 357 Scottish Environment Protection Agency 378 McDevitt 434 The Board of Trustees of The Abbotsford Trust 482 N Watson</p>		
Provision of the development plan to which the issue relates:	Housing Allocation AGALA029 – Netherbarns	
Planning authority’s summary of the representation(s):		
<p><u>116 Dr S Davies</u></p> <p>The Contributor reiterates previous comments made in their correspondence of 14 May 2012 regarding the impact of development on Abbotsford, particularly now that the grounds are open to the public. It is important that visitors are able to enjoy the view enjoyed by Scott himself. The contributor also has concerns about traffic congestion that will impact on the A7.</p> <p><u>172 Stavert</u></p> <p>Object to the proposed allocation on the following grounds:</p> <ul style="list-style-type: none"> • The site was probably the most controversial proposal of the last Local Plan, both its inclusion in that plan and a proposed housing development were rejected at two separate inquiries, mainly due to the effect development would have on Abbotsford House and its designed landscape. • Since these Inquiries were held, efforts have been made to return Abbotsford House to the major tourist attraction it once was. The return of the railway will likely increase visitor levels. It is ironic that Bradshaw’s Handbook, the original tourist guide, described Abbotsford as ‘... overlooking the rippling Tweed, and the beautiful haughs of Ettrick on the opposite banks’. Those beautiful haughs did not include a modern housing estate which will be fully visible during the winter months and partially visible during the summer months. Designating the site for housing directly contradicts paragraph 3.17 of the Online Local Development Plan which states “The Borders Railway will provide an important boost to the tourism sector and, in particular, build upon the current enhancements at Abbotsford”. • Since the previous public inquiries the tree screen has been further damaged and Abbotsford House is now visible from the upper part of the site even in summer through gaps in the foliage. Any structures built on the higher parts of the site, 		

particularly on or above the 120m contour would be visible from the upper stories of Abbotsford and from the surrounding designed landscape over the tops of the remaining tree screen.

- Abbotsford House was the first example of the Scots Baronial architectural style and it is therefore imperative that not only the actual building, but its wider setting is protected from any further development that could conceivably destroy that unique setting.
- Development of this site would contradict paragraphs 8.7.1, 8.10.1 and 8.10.3 of the Online Local Development Plan (para 1.1 of Policy EP7 Listed Buildings and paras 1.1 and 1.3 of Policy EP10 Gardens and Designed Landscapes).
- Every working day there is already stationary traffic on the A7 at the entrance to the Kingsknowes estate. Netherbarns is too far from existing employers for residents to walk and the bus is expensive and subject to the same traffic jams as cars. The existing St Peters Primary School is too far for small children to walk to unaccompanied from Kingsknowes, which results in them being driven to school by their parents. The problem will worsen if the Galashiels schools are centralised at the Academy site (which would be in easy walking distance of Hollybush SGALA016). Netherbarns will also be equidistant from the two local railways stations, which will lead to commuters either driving to the station or, having got into their cars, not using the railway at all. This allocation therefore contradicts paras 2.20 of the Online Local Development Plan (para 2.16) and para 5.1.2 (Policy PMD1: Sustainability).
- There is no evidence of any need for this allocation.
- The local community made it quite clear during the previous public inquiries that housing on this site was not supported.
- The map of the site has removed some of the existing landscaping from the eastern boundary of the site, including trees covered by preservation orders.

334 Ballantyne Ltd

The contributor welcomes and supports the allocation of this site for housing having promoted the site for many years. The site is well served by public transport and is within recommended walking distances to Galashiels town centre. The contributor is agreeable to the preparation of a design brief for this site and recognises landscape sensitivities of the site as well as the setting of Abbotsford House. Landscape framework was developed and Historic Scotland confirms they are not opposed to residential development on this site. The landscape framework and additional planting will help screen the development from Abbotsford. Partial implementation of the landscape framework has already begun. The site is owned by the contributor and can be brought forward. Although a gas pipeline crosses the site it is free from constraints to development. It is considered highly marketable and can be delivered within the plan period. Contributor notes the Council's identification of this site for the provision of a primary school and will explore this possibility. The site can be considered effective. It is suggested the indicative housing numbers (45 dwellings) is low and would not make effective use of the land. It would not promote effective land use in the context of maintaining an effective 5 year supply of land and the indicative capacity should be increased or removed and replaced with reference being set as a result of masterplanning.

357 Scottish Environment Protection Agency

Modification to developer requirements to require a flood risk assessment (FRA).

378 McDevitt

Object to 45 new dwellinghouses at Netherbarns. Problems with traffic coming to and from Kingsknowes roundabout at 40mph all day and night. There is a particular problem at rush hours with traffic build up at the roundabout in all directions. Extra traffic at this location will add to the existing problem.

434 The Board of Trustees of The Abbotsford Trust

Object to allocation. Disappointed that the site is being considered again so soon after Public Enquiry and Local Plan Enquiry both within last 10 years. Site is greenfield lying opposite Abbotsford House, gardens and wider estate and designed landscape. Abbotsford is Cat A listed and one of Scotland's most iconic buildings lying within a historically important designed landscape. Development would have an unacceptable adverse impact in many ways, especially visually, on Abbotsford.

482 N Watson

Abbotsford and its designed landscape are internationally important cultural treasures and of considerable economic importance to the wider Borders. The Contributor objects to the indicative number of 45 dwellings and objects to there being no mention of substantial tree planting and to the lack of landscaping indicated on the plan. This would be inadequate for this site given that many sensitive views of the site are from higher ground. Objects to the mention of further consideration of educational uses on this site due to sloping ground and damage to setting of Abbotsford caused by noise and lighting. A few well designed dwellings with paddock and substantial tree planting could have benefits:

- bringing closure to the inappropriate expansion of Galashiels Westwards up the Tweed Valley
- protecting in the longer term the setting of Abbotsford and the designed landscape
- restoring in part the loss of fine trees on this edge of Galashiels
- improving the setting of listed buildings Netherby and Brunswickhill
- breaking, in time, the hard lower edge of Netherbank which is visible even from Scott's View
- considerably lessening the impact of decay in the beech trees on the North bank of the Tweed opposite Abbotsford
- mitigating nearby developments
- providing local amenity
- helping redress the Scottish Borders' significant deficiency in native woodland.

Substantial tree planting is crucial to the success of such a scheme. It is suggested that less than 12 houses would be a good guide with a mix of villas and smaller properties reflecting the historic development on the edge of Galashiels.

Modifications sought by those submitting representations:

357 Scottish Environment Protection Agency

The contributor seeks a modification of the site requirements to include the requirement for a Flood Risk Assessment.

116 Dr S Davies, 172 Stavert, 378 McDevitt, 434 The Board of Trustees of The Abbotsford Trust and 482 N Watson

The Contributors seek the removal of this site from the Proposed Plan.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN HOWEVER, THE REPORTER IS REQUESTED TO CONSIDER THE MATTER FURTHER

REASONS

334 Ballantyne Ltd

The Council acknowledge the contributor's support for this site.

357 Scottish Environment Protection Agency

It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 "the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP." Furthermore, paragraph 4.3 states "This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation". This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.

Policy IS8 sets out the requirement that "Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk."

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor's proposal is not necessary.

116 Dr S Davies

The circumstances leading up to the allocation of this site in the Proposed LDP have changed significantly following the removal of Historic Scotland's original objections. There is now support for a masterplan led approach to the development of this site that would protect the setting of Abbotsford House and the Garden and Designed Landscape. Assessment of this site through the Finalised Local Plan amendment process confirms

that this site is suitable for development. The site was identified in the Council's Main Issues Report (MIR) (Core Document 006) as a preferred site for housing and it is considered appropriate to bring this allocation forward in order to meet the provisions of the SESplan Strategic Development Plan (Core Document 001) and its associated Supplementary Guidance in providing land to meet the housing requirement.

The site is adjacent to the A7 which has the benefit of street lighting and a 40mph speed limit; a footway for pedestrians including a crossing island in the main road; and public transport provision by way of bus lay-bys and shelters. The existing road junction serving Kingsknowes Drive, which would also serve this site, has the benefit of a right turn lane in the A7 to assist with traffic flow on the main road. As such, the Roads Officer is content that much of the transport infrastructure required to serve this site is already in place. Transport Scotland have previously commented on the development of the site through the process of a planning application in 2004 (04/00706/FUL) and raised no objections provided conditions are attached to any consent granted relating to visibility splays, an upgraded junction and drainage connections.

172 Stavert

- It should be noted that circumstances have changed for development of the Netherbarns site. A previous full planning application for the erection of 79 dwellinghouses was called in by Scottish Ministers and ultimately refused in September 2007. The call-in coincided with the process of determining the Local Plan 2008. At the time the site had been identified for housing in both the consultative draft and the finalised version of the Plan. The Reporter dismissed the site on the following grounds: "Development would be undesirable because of the potential risk of damage to very important landscape, historic and cultural interests, and to the contribution of tourism to the Borders economy" referring to the Scott's Abbotsford estate. Consequently the site was excluded from the adopted Local Plan 2008 (Core Document 008). During the process of the Local Plan Amendment shortly afterwards, the land owners again submitted the site for inclusion in the Plan proposing some 85 dwellinghouses. At the time it was considered there were more suitable sites in Galashiels for housing (e.g. Easter Langlee, Coopersknowe, and Winston Road) and the Council did not support the proposal. The Scottish Government Reporters agreed this position and rejected the inclusion of the site in the Local Plan, also making reference again to the potential impact on Abbotsford House. The landowners have since provided further proposed landscaping and layout plans and as a result Historic Scotland withdrew their objection of the development. In the preparation of the Proposed Local Development Plan a number of housing sites were considered to satisfy an identified housing need within the Central Borders / Galashiels area. Finding suitable land for housing in Galashiels was problematic given various constraints around the town such as topography and below standard access routes. In respect of the Netherbarns site it was considered that given Historic Scotland had withdrawn their objection, the landowners had submitted further mitigation details and the site capacity was reduced considerably to 45 dwellinghouses which satisfactorily addressed identified constraints, the site was identified by the Council as a preferred housing site within the Main Issues Report 2012.
- The existing mature woodland on the southern boundary of the site renders the site inconspicuous from Abbotsford House. Furthermore, additional planting by the developer coupled with a lower density of housing than previously suggested will allow the development to fit well into the existing landscape. It is not considered that the development of the site in the manner proposed would have a detrimental impact on views from Abbotsford House, the gardens and designed landscape or tourism.

- It is not considered that the development of the site, in the manner proposed, would have a detrimental impact upon the character and setting of Abbotsford House. Indeed, Historic Scotland does not object to the proposed allocation.
- The site is adjacent to the A7 which has the benefit of street lighting and a 40mph speed limit; a footway for pedestrians including a crossing island in the main road; and public transport provision by way of bus lay-bys and shelters. The existing road junction serving Kingsknowes Drive, which would also serve this site, has the benefit of a right turn lane in the A7 to assist with traffic flow on the main road. As such, the Roads Officer is content that much of the transport infrastructure required to serve this site is already in place. Transport Scotland have previously commented on the development of the site through the process of a planning application in 2004 (04/00706/FUL) and raised no objections provided conditions are attached to any consent granted relating to visibility splays, an upgraded junction and drainage connections. Whilst it is accepted that there is often queuing traffic at Kingsknowes Roundabout at peak times this tends to be short lived. As suggested by the contributor, it is likely that rail commuters using the re-instated Borders Railway (currently under construction) will use their cars to travel to the Galashiels Transport Interchange or Tweedbank Station. However, the allocation of this site for housing will play an important role in the future success of the railway which will in turn provide an important boost to tourism in the Borders and, in particular, build upon the current enhancements at nearby Abbotsford.
- Galashiels is located within the Central Strategic Development Area set out by the SESplan Strategic Development Plan (SDP) (Core Document 001). The Core Document 017 shows that the Proposed LDP meets the provisions of the SESplan SDP and its associated Supplementary Guidance in providing land to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year land supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy (Core Document 024). The allocation of this site will therefore contribute towards meeting the housing land requirement.
- The settlement map does not indicate existing landscaping at the site. The green areas on the plan indicate planting which would be expected as part of any forthcoming planning application. This is indicative at this stage.

378 McDevitt

The site is adjacent to the A7 which has the benefit of street lighting and a 40mph speed limit; a footway for pedestrians including a crossing island in the main road; and public transport provision by way of bus lay-bys and shelters. The existing road junction serving Kingsknowes Drive, which would also serve this site, has the benefit of a right turn lane in the A7 to assist with traffic flow on the main road. As such, the Roads Officer is content that much of the transport infrastructure required to serve this site is already in place. Transport Scotland have previously commented on the development of the site through the process of a planning application in 2004 (04/00706/FUL) and raised no objections provided conditions are attached to any consent granted relating to visibility splays, an upgraded junction and drainage connections. No further comments have been submitted through the Proposed LDP process by Transport Scotland

434 Trustees of The Abbotsford Trust

As stated earlier in the discussions, the circumstances leading up to the allocation of this site in the Proposed LDP have changed significantly following the removal of Historic

Scotland's original objections. There is now support for a masterplan led approach to the development of this site that would protect the setting of Abbotsford House and the Garden and Designed Landscape. Assessment of this site through the Finalised Local Plan amendment process confirms that this site is suitable for development.

482 N Watson

It is acknowledged that Abbotsford and its designed landscape are internationally important cultural treasures and of considerable economic importance to the wider Borders. However, following the withdrawal of Historic Scotland's objection to this allocation it is now considered that there are no changes in circumstances which would now justify its removal from the Plan.

The MIR (Core Document 006) required further consideration to be given for the need to provide a primary school on the Netherbarns site. This is also reflected in the site requirements for the site in the Proposed LDP. The need to provide educational facilities on the site will require further consideration in consultation with the Council's Education Department and the impact of such development on the wider landscape setting of Abbotsford House will be considered in full at the Development Management stage of the process. This will include a full consultation and neighbour notification process and will include internal and external stakeholders such as Historic Scotland.

The development of this site will be supported by a Planning Brief in the form of Supplementary Planning Guidance. This is set out in the site requirements within the Proposed LDP. The site requirements state that the site will "comprise of a low density housing development with further work to be done on appropriate housing designs and their locations within this sensitive landscape via a masterplan". Furthermore, the site requirements include the need for access links to improve connectivity with existing residential areas as well as appropriate landscaping for the site. It is contended that the contributor's points have been fully addressed in the site requirements for the Netherbarns housing allocation. The indicative housing capacity of 45 will allow the site to be developed in accordance with current national policy Designing Streets (Core Document 032) and Designing Places (Core Document 033), supplemented by Scottish Borders Council Supplementary Planning Guidance on Placemaking and Design (Core Document 059).

A summary of main reasons as to why the site is considered appropriate for a residential allocation are as follows :

- The site was identified in the Council's Main Issues Report as a preferred site for housing. There are no changes in circumstances which could now justify its removal from the Plan
- The site will contribute to meeting the housing land requirement as defined by SESplan and its supplementary guidance.
- The site, once developed, will play an important role in the future success of the Borders Railway, boosting tourism and supporting nearby Abbotsford House.
- Historic Scotland withdrew their objections to the proposal in terms of any potential impact of the site on Abbotsford House
- A lower density of 45no units is now proposed for the site
- Existing mature woodland on the southern boundary render the site inconspicuous from Abbotsford House. Notwithstanding this the land owner's submission and the Local Dev Plan propose further planting and woodland management around the perimeter of the site

- The site has well defined boundaries around it including mature landscaping and it appears a natural extension to Galashiels
- A planning brief will be prepared with consultation from external bodies to ensure an appropriate development on the site
- There are no insurmountable planning issues in respect of the site and it is considered preferable to other site options which have more onerous constraints and issues to be addressed and mitigated.

However the council notes the provisions within paragraph 87 of Circular 6/2013 on Development Planning which state that 'the Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations'.

The council acknowledges that site AGALA029 (Netherbarns) has been subject to previous reporter decisions. These are in respect of a planning application refusal at appeal for 79 houses (04/00706/FUL) in September 2007, and for the omission of a site of 70 units proposed in the Scottish Borders Local Plan adopted in 2008. In that respect, the council would accept that the site could be deleted from the plan, and would accept the Reporter's decision on this matter.

Reporter's conclusions:

1. Site AGALA029, Netherbarns, is allocated for housing. There is also a site requirement to consider the need to provide educational facilities on the site. The site lies on rising ground on the north bank of the River Tweed, between the river and the A7. To the south-east, on the opposite bank of the River Tweed is the designated Abbotsford Garden and Designed Landscape within which is situated, Abbotsford, the home of Sir Walter Scott, a category A listed building.

2. Development has previously been proposed for the Netherbarns site. An appeal against the refusal of planning permission was dismissed in 2007. The matter was further considered at the inquiry into the Scottish Borders Local Plan, adopted 2008. The report of that inquiry accepted without doubt the importance of the locality in terms of landscape, historic and cultural interest, and in respect of tourism, including the international attraction of Abbotsford. Despite some screening - reduced during the winter - it was considered that there would be an increased visual impact on Abbotsford as a consequence of any urban development of Netherbarns. Existing development was acknowledged but the development of the site was regarded as a threshold which should not be crossed. Overall, it was concluded that the development of the site "would be undesirable because of the potential risk of damage to very important landscape, historic, and cultural interests, and to the contribution of tourism to the Borders economy".

3. I have noted the arguments of the council in favour of the development of Netherbarns which include a reference to the withdrawal of objections by Historic Scotland. I also recognise the reduced density of 45 houses now included in the proposed plan and N Watson has suggested a maximum of 12 houses with significant tree planting (although M & J Ballantyne Ltd have indicated that a higher density would be preferable).

4. In addition to the impact on Abbotsford, other concerns have also been expressed, including problems that would be created by the level of traffic generation. I have no reason to believe that the local road network, including the capacity of the A7, would be

incapable of accommodating the additional traffic generated by the development of the site.

5. All-in-all, despite the lack of a formal objection by Historic Scotland, I concur with the conclusions reached at the previous local plan inquiry. It appears to me that cultural and landscape considerations combine to provide an asset which should remain free of the impact of the suggested allocation and any subsequent development of Netherbarns. I do not accept that the woodland screening would adequately mitigate the adverse impacts of the allocation on the setting of the house or the designed landscape. Additionally, the re-opening of the railway link to Galashiels is likely to increase the volume of visitors to Abbotsford, therefore further strengthening the need to protect the heritage of the vicinity. On this basis, I conclude the allocation, including the somewhat obscure reference to educational facilities, should be removed from the proposed plan.

6. In reaching the above conclusion I have noted the strategic housing context which has been examined under Issues 49 and 80. It has been concluded that the housing land designations in the local development plan are unlikely to satisfy the strategic requirement. However, the local issues pointing to the deletion of site AGALA029, Netherbarns are so compelling that they are not to be set aside by wider considerations.

Note: on the basis of the foregoing conclusion it is not necessary to further consider the representation from Scottish Environment Protection Agency in respect of the need for a flood risk assessment.

Reporter's recommendations:

I recommend the following modifications be made:

1. In the Galashiels settlement profile, under the Housing section of the Development and Safeguarding Proposals, delete the reference to site AGALA029, Netherbarns.
2. Delete site AGALA029 from the Galashiels settlement map, including the areas shown for structure planting/landscaping.
3. Amend the text of the settlement profile and remove the reference to two new housing sites (the Birks View site is also recommended for deletion – see Issue 164).
4. House building totals elsewhere in the proposed local development plan should also be adjusted as appropriate.

Issue 166	Housing within the Central Strategic Development Area: Galashiels (AGALA030 – Hawthorn Road)	
Development plan reference:	Galashiels Settlement Profile and Map (pages 320 – 331)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
436 J Hewit (2 of 2)		
Provision of the development plan to which the issue relates:	Proposed New Housing Allocation AGALA030 – Hawthorn Road	
Planning authority’s summary of the representation(s):		
<p>Contributor requests that land at Hawthorn Road, Galashiels is allocated for 6 residential dwellings and community allotments. This would be a modest extension to the settlement boundary but would not further north than the existing boundary further west.</p> <p>The site represents a logical position for a modest residential development and a natural expansion to existing residential areas. A defensible boundary would run along the north of the site from existing dwellings to the west.</p> <p>The proposed houses would be softened by landscaping along the northern boundary and will be a natural continuation from screening further west.</p> <p>Housing would promote renewable energy techniques where possible and connect to the proposed renewable energy developments close to the site.</p>		
Modifications sought by those submitting representations:		
The Contributor seeks a modification of the settlement boundary to accommodate this land and to allocate the site for residential development of 6 No dwellinghouses.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>Galashiels is located within the Central Strategic Development Area set out by the SESplan Strategic Development Plan (SDP) (Core Document 001). The Core Document 017 shows that the Proposed LDP meets the provisions of the SESplan SDP and its associated Supplementary Guidance in providing land to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year land supply of land within each of the Council’s housing market areas to meet demand as required by Scottish Planning Policy.</p>		

In addition Core Document 17 states that the Proposed LDP provides substantial flexibility in the form of identified redevelopment sites and sites with potential for longer term development. As a result it is not considered that there is any requirement for additional housing sites in Galashiels as more appropriate sites are available within the Housing Market Area.

In addition, the proposed allocation is in close proximity to the existing landfill site located to the north east of the site. There is risk and nuisance associated with locating housing close to an existing operational landfill site and the proposed advanced thermal treatment plant. It is worth noting that this was previously raised as an issue by SEPA during the planning application consultation process for planning application 12/00803/FUL at Easter Langlee. It is also worth noting that when the Easter Langlee site was initially allocated for housing in the Adopted Local Plan 2008 (Core Document 008), appendix D, requires that the master plan for the area should “*contain a detailed consideration of...adjacency and compatibility issues with adjoining sites*”. Notwithstanding the extant planning permission on the Easter Langlee site it is submitted that the proposed allocation would result in unacceptable adverse impacts on the residential amenity of the proposed dwellings as result of noise and odour nuisance from the adjacent landfill site.

Consideration should also be given to paragraph 191 of Scottish Planning Policy 2014 (Core Document 026) which states that “Planning Authorities should consider the need for buffer zones between dwellings or other sensitive receptors and some waste management facilities. As a guide, appropriate buffer distances may be:

- 100m between sensitive receptors and recycling facilities, small-scale thermal treatment or leachate treatment plant;
- 250m between sensitive receptors and operations such as outdoor composting, anaerobic digestion, mixed waste processing, thermal treatment or landfill gas plant; and
- greater between sensitive receptors and landfill sites.

The proposed housing allocation would be located less than 100m from the Langlee landfill site and would therefore contrary to up to date national policy on acceptable distances between landfill sites and housing.

The comments submitted by the Council’s Roads Planning Service also relate to Schedule 4 No 157 on the proposed renewable energy park site reference BGALA005

This land, or at least a southerly portion of it, can be developed, but it will rely on a significant upgrading of the Langshaw road leading to it from the town, and in particular the length past Easter Langlee, in order to achieve a less tortuous road alignment. It should be noted that this will affect land outwith the road boundary and will impact directly on the roadside cottage. The road alignment just north of the top Coopersknowe junction will also need to be realigned. The pedestrian and lighting infrastructure in the Langshaw road will need to be extended out from the town. Furthermore, the main distributor road (Hawthorn Road) serving the existing Langlee housing development to the south west will have to be extended to join the Langshaw road in order to achieve proper connectivity and to allow proper integration with the existing street network in the vicinity.

The section of the Langshaw road adjacent to the site will require upgrading, in terms of carriageway widening and extending the footway and lighting infrastructure out from the town, and the northern part of the road may require realignment in order to facilitate safe

access to it. On balance, it would appear that this site may be suitable for development from a Roads perspective but the requirements detailed above would have to be taken into account to allow the site to be appropriately serviced.

There is a strong and robust mature shelter belt immediately to the south the proposed allocation which provides a sense of enclosure to this part of the Galashiels settlement boundary. It currently defines the northern boundary of the adjacent Coopersknowe residential development and is considered to be a significant landscape feature which should be retained. The proposed allocation is located outwith the defined settlement boundary as shown on the settlement profile map for Galashiels and would not represent a logical extension of the built up area. Where these boundaries are defined, they indicate the extent to which towns and villages should be allowed to expand during the local plan period. Policy PMD4 – Development Outwith Development Boundaries of the Proposed LDP aims to ensure that development is located within this defined boundary and development outwith this boundary and not on allocated sites will normally be refused.

In conclusion, it is submitted that this site would not represent a logical extension of the built up area as it would extend the settlement beyond an existing mature shelter belt to the north of Coopersknowe. This would prejudice the character and natural built up edge of the settlement to the detriment of the landscape setting. Whilst it would be achievable, appropriate levels of access arrangements can be made provided significant upgrading works are carried out to the existing road network. Furthermore, the proximity of the site to the existing landfill site would be contrary to prevailing National policy leading to unacceptable adverse impacts on the residential amenity of the proposed dwellings as result of noise and odour nuisance from the adjacent landfill site.

Reporter's conclusions:

1. Although Mr Hewit suggests that the site is partly within the settlement boundary, despite the small scale of the Galasheils proposals map, it appears that the majority of the site lies beyond the boundary.
2. At this point the settlement boundary follows a distinct ridge, the crest of which is covered by mature trees. The housing at Coopersknowe is visually contained on the slope below the crest to the south of the ridge whilst, to the north, there is no visual urban impact on the land.
3. Approaching the site from the north, the land to the west of the road has a pleasant countryside appearance and the crest of the hill provides a distinct entrance to Galasheils. The construction of the houses, as proposed, would have a marked visual impact and severely detract from the local importance of this land within the landscape setting of the town.
4. Whilst the proposed community allotments would be unlikely to have a significant impact, the construction of even a small number of houses at this location would not be acceptable in either visual or landscape character terms.
5. Irrespective of the location of the site within the landscape, the proximity of the Easter Langlee landfill operation is a practical concern. The distance between the proposed residential development and the landfill site would be less than 100 metres. Noting the guidance in Scottish Planning Policy I agree with the council that this would not be

acceptable.

6. The council has also referred to the wider housing situation but I do not consider that development of the scale proposed has any strategic significance. Similarly, although the council has referred to the local road network, this does not appear to be an overwhelming constraint.

Reporter's recommendations:

No modifications.

Issue 167	Housing within the Central Strategic Development Area: Galashiels (AGALA031 – Damhead, King Street)	
Development plan reference:	Galashiels Settlement Profile and Map (pages 320 – 331)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
481 Murray & Burrell Ltd		
Provision of the development plan to which the issue relates:	Proposed New Housing Allocation AGALA031 – Damhead, King Street	
Planning authority’s summary of the representation(s):		
<p>The Contributor recommends that the site be allocated for the development of 5 residential dwellings and be added to Table 5 of ‘Appendix 2 – Meeting the Housing Land Requirement’. It is recognised that matters such as flood risk would require to be addressed as part of any future planning application. The site is currently zoned as ‘white land’ within the settlement boundary and Roads Planning has confirmed suitable access arrangements can be met for up to 5 houses.</p>		
Modifications sought by those submitting representations:		
<p>The Contributor seeks the allocation of the site for residential development of 5 No dwellinghouses.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>Galashiels is located within the Central Strategic Development Area set out by the SESplan Strategic Development Plan (Core Document 001). The Core Document 017 shows that the Proposed LDP meets the provisions of SESplan and its associated Supplementary Guidance in providing land to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year land supply of land within each of the Council’s housing market areas to meet demand as required by Scottish Planning Policy. In addition Core Document 017 states that the Proposed LDP provides substantial flexibility in the form of identified redevelopment sites and sites with potential for longer term development. Details of the housing calculations are included in the updated Appendix 2 – Meeting the Housing Land Requirement of the Proposed LDP.</p> <p>As a result it is not considered that there is any requirement for additional housing sites in Galashiels.</p>		

The land is identified as 'white land' within the Proposed LDP and would be covered by Policy PMD5 – Infill Development of the Proposed LDP which supports appropriate infill development opportunities where a number of criteria can be met. Proposed residential development on this site can therefore be tested through the submission of a planning application and assessed against appropriate infill development policies.

However, in terms of information that this Council has concerning flood risk to this site, The Indicative River, Surface Water & Coastal Hazard Map (Scotland) known as the "third generation flood mapping" prepared by SEPA indicates that the site is at risk from a flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any one year. There have been reports of flooding previously on King Street in 1891, 1948 (where flooding was to a depth of 4 feet) and 1984.

The site is part of the land affected by Operation 2 (embankment) of the Galashiels Flood Protection Scheme which was approved under planning application 11/00422/FUL and is the site of the flood embankment constructed under the 1987 Plumbtree and Wilderhaugh (Galashiels) Flood Prevention Scheme. In a letter to the contributor dated 26 January 2011 (Supporting Document 167-1), the Council's Flood Protection Programme Manager sets out why this site is not a suitable site for housing development. It is unlikely that the site would achieve planning permission without land raising, provision of compensatory storage and additional conveyance in the reach. Any raised site would become an island without safe emergency access and egress. If the flood prevention scheme was altered to raise the site or increase the defences this would substantially reduce the area of land available for development and significantly increase flood risk in other areas.

Due to the design and imminent implementation of the flood prevention scheme, the Council's Roads Planning Service is unable to support this proposal.

In view of the above, it is not considered that this would be an appropriate this site for housing allocation within the LDP. It is worth noting that planning application 08/01973/OUT for residential development on this site was withdrawn following discussions with the case officer. It is also worth noting the Council's Flood Protection Officer objected to this application on the grounds of flood risk.

Reporter's conclusions:

1. Although the council argues that there is no requirement for additional housing to meet the strategic target, the scale of the development proposed for this site is such that it has no significance in a wider context.
2. I have noted the terms of the letter dated 26 January 2011 from the Flood Protection Programme Officer to Murray and Burrell Ltd. It is clear that even with ongoing flood protection work that the various options for the development of the site would involve significant mitigation measures. In turn, the scope for the development of the site would probably be either restricted physically or in terms of financial viability. There also appears to be some doubt about access arrangements. Although Murray and Burrell Ltd indicate that a suitable access could be provided for four or five houses, the council states that the Roads Planning Service is unable to support the proposal.
3. As matters stand, I consider that the uncertainties in terms of flooding potential and access are such that it would be inappropriate to allocate the site for residential development. In due course, once flood prevention work is complete, it may be that a

technical solution could be devised to allow the development of the site. In any event, lack of a formal allocation for housing would not rule out the principle of residential development as the site lies within the settlement boundary. As explained by the council, Policy PMD5, Infill Development, is a criteria based policy to allow the assessment of development on sites such as this.

Reporter's recommendations:

No modifications.

Issue 168	Housing within the Central Strategic Development Area: Galashiels (EGL17B – Buckholm Corner)	
Development plan reference:	Galashiels Settlement Profile and Map (pages 320 – 331) EGL17B – Buckholm Corner	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency 481 Murray & Burrell Ltd		
Provision of the development plan to which the issue relates:	Housing Allocation EGL17B – Buckholm Corner	
Planning authority's summary of the representation(s):		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>Modification to developer requirements/ Planning Brief to require a flood risk assessment (FRA) which assesses the risk from the small watercourse which flows through the site and to help contribute to the objectives of the River Basin Management Plan. The contributor also requests an additional site requirement for a feasibility study to be undertaken to assess the potential for channel restoration by removing the existing or possible culverts.</p> <p><u>481 Murray & Burrell Ltd</u></p> <p>Support the continued allocation of site EGL17B for the development of 60 residential dwellings. It also supports the continued allocation of the adjoining 'Buckholm North' site which would be accessed via the 'Buckholm Corner' site.</p>		
Modifications sought by those submitting representations:		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor requires a flood risk assessment to assess the risk from the small watercourse which flows through the site and to help contribute to the objectives of the River Basin Management Plan.</p> <p>The contributor also requests an additional site requirement for a feasibility study to be undertaken to assess the potential for channel restoration by removing the existing or possible culverts.</p>		
Summary of responses (including reasons) by planning authority:		
NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN		

REASONS

357 Scottish Environment Protection Agency

It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

The Council’s Flood Protection Officer has not identified any fluvial issues on the site, but has advised that this site may be at risk from pluvial flooding during a 1 in 200 year flood event. It is recommended that surface water runoff and management be considered if the development were to take place as there could be runoff potential from Buckholm Hill. This matter can be adequately dealt with through the provisions of the mainstream policy IS8.

It is noted that the respondent did not respond on the matter of watercourse restoration to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to culvert removal and channel restoration. Policy EP15 on Development Affecting the Water Environment states in its preamble that the policy aim is to ensure that

development does not adversely affect any of the complex components of the water environment. It refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. Developers are required to consider potential impacts and mitigations to enhance and restore water the environment. Policy EP15 states the Council's clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters. This includes in sub section d) the need for compliance with best practice in relation to canalisation and culverting.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor's proposal is not necessary.

481 Murray & Burrell Ltd

Support comments noted.

Reporter's conclusions:

1. Site EGL17B, Buckholm Corner, is allocated for housing.
2. I note from the Scottish Environment Protection Agency flood maps that small sections of the southern part of the site are identified as being at medium risk of surface water flooding. A very limited area is shown to be at high risk.
3. The council's Flood Prevention Officer is aware of the proposed development. Although the possibility of fluvial flooding and surface water run-off has been recognised, a requirement for a flood risk assessment has not been stipulated. Under these circumstances I accept the council's argument that Policy IS8 provides an adequate basis for the development management of any proposals that might come forward for the site.
4. As in other cases, I acknowledge the hope of the Scottish Environment Protection Agency that the redevelopment of the site would provide an opportunity to help contribute to the objectives of the River Basin Management Plan. Nevertheless, Policy EP15, Development Affecting the Water Environment, provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. Opportunities to enhance and restore the water environment in support of biodiversity are set out in supplementary guidance.
5. On the basis of the foregoing, I conclude that the terms of Policy EP15 provide a clear basis for development management of this site in respect of the water environment and that a further site requirement to this effect is not necessary.
6. I accept that the water environment can be improved as a result of the removal of culverts. In this respect I consider attention should be drawn to the need to consider this possibility.
7. The representation submitted by Murray and Burrell Ltd does not raise an unresolved issue and did not require to be brought to the attention of the examination.

Reporter's recommendations:

I recommend the following modification be made:

1. In the Galashiels Settlement Profile under the Housing section of the Development and Safeguarding Proposals schedules, add a second bullet point in the site requirements for site EGL17B, Buckholm Corner:

“Consider the potential for culvert removal and channel restoration.”

Issue 169	Housing within the Central Strategic Development Area: Galashiels (EGL19B – Mossilee)	
Development plan reference:	Galashiels Settlement Profile and Map (pages 320 – 331) Housing Allocation EGL19B – Mossilee	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Housing Allocation EGL19B – Mossilee	
Planning authority’s summary of the representation(s):		
<p>The contributor requests an additional requirement should be included to help contribute to the objectives of the River Basin Management Plan. The contributor also requests an additional site requirement for a feasibility study to be undertaken to assess the potential for channel restoration by removing the existing or possible culverts.</p>		
Modifications sought by those submitting representations:		
<p>The contributor seeks a modification of the site requirements to include measures that would help contribute to the objectives of the River Basin Management Plan.</p> <p>The contributor also requests an additional site requirement for a feasibility study to be undertaken to assess the potential for channel restoration by removing the existing or possible culverts.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related</p>		

to the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area.

Policy EP15 states the Council's clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

This site may be at risk during a 1 in 200 year pluvial flood event. It would either be required that a pluvial flood risk assessment be required at this site or that surface water runoff be taken into consideration at the site.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor's proposal is not necessary.

It is also noted that the respondent did not respond on the matter of channel restoration to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 "the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP." Furthermore, paragraph 4.3 states "This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation". This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to culvert removal and channel restoration. Policy EP15 on Development Affecting the Water Environment states in its preamble that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. Developers are required to consider potential impacts and mitigations to enhance and restore water the environment. Policy EP15 states the Council's clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters. This includes in sub section d) the need for compliance with best practice in relation to canalisation and culverting.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor's proposal is not necessary.

Reporter's conclusions:

1. Site EGL19B, Mossilee, is allocated for housing. Residential development has taken

place over a significant part of the site.

2. As in other cases, I acknowledge the hope of the Scottish Environment Protection Agency that the redevelopment of the site would provide an opportunity to contribute to the objectives of the River Basin Management Plan. Nevertheless, Policy EP15, Development Affecting the Water Environment, provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. Opportunities to enhance and restore the water environment in support of biodiversity are set out in supplementary guidance.

3. On the basis of the foregoing, I conclude that the terms of Policy EP15 provide a clear basis for development management of this site in respect of the water environment and that a further site requirement to this effect is not necessary.

4. I accept that the water environment can be improved as a result of the removal of culverts. In this respect I consider attention should be drawn to the need to consider this possibility.

Reporter's recommendations:

I recommend the following modification be made:

1. In the Galashiels Settlement Profile under the Housing section of the Development and Safeguarding Proposals add a further bullet point in the site requirements for site EGL19B, Mossilee:

“Consider the potential for culvert removal and channel restoration.”

Issue 170	Housing within the Central Strategic Development Area: Galashiels (EGL32B – Ryehaugh)	
Development plan reference:	Galashiels Settlement Profile and Map (pages 320 – 331) Housing Allocation EGL32B – Ryehaugh	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Housing Allocation EGL32B – Ryehaugh	
Planning authority’s summary of the representation(s):		
<p>The contributor requires a flood risk assessment to assess the risk from the Gala Water and the small watercourse which flows along the eastern boundary. Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage. There is also a mill lade (disused) along the southern boundary which will require investigation.</p>		
Modifications sought by those submitting representations:		
Modification of the site requirements to include a FRA.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.</p>		

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

The Council’s Flood Protection Officer advises that this site is not at risk during a 1 in 200 year flood event and would have no objections to the proposed allocation on the grounds of flooding.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site EGL32B, Ryehaugh, is allocated for housing.
2. The Scottish Environment Protection Agency flood map does not show the site to be at risk of flooding although the Gala Water flows close to part of the southern boundary. The council’s Flood Protection Officer is aware of the proposal but has not stipulated a requirement for a flood risk assessment.
3. Under the circumstances I accept the council’s argument that Policy IS8, Flooding, provides an adequate basis for development management should any proposals be brought forward.

Reporter’s recommendations:

No modifications.

Issue 171	Housing within the Central Strategic Development Area: Galashiels (EGL41 – Buckholm North)	
Development plan reference:	Galashiels Settlement Profile and Map (pages 320 – 331) Housing Allocation EGL41 – Buckholm North	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Housing Allocation EGL41 – Buckholm North	
Planning authority’s summary of the representation(s):		
<p>The Contributor seeks a Modification of the site requirements to help contribute to the objectives of the River Basin Management Plan.</p> <p>The contributor requests an additional site requirement for a feasibility study to be undertaken to assess the potential for channel restoration by removing the existing or possible culverts.</p>		
Modifications sought by those submitting representations:		
<p>The contributor requests an additional requirement should be included to help contribute to the objectives of the River Basin Management Plan.</p> <p>The contributor also requests an additional site requirement for a feasibility study to be undertaken to assess the potential for channel restoration by removing the existing or possible culverts.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p>		

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area.

Policy EP15 states the Council's clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

It is noted that the Council's Flood Protection Officer advises that this site may be at risk from pluvial flooding during a 1 in 200 year flood event. It is recommended that surface water runoff and management be considered if the development were to take place as there could be runoff potential from Buckholm Hill.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor's proposal is not necessary.

It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 "the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP." Furthermore, paragraph 4.3 states "This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation". This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to culvert removal and channel restoration. Policy EP15 on Development Affecting the Water Environment states in its preamble that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. Developers are required to consider potential impacts and mitigations to enhance and restore water the environment. Policy EP15 states the Council's clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters. This includes in sub section d) the need for compliance with best practice in relation to canalisation and culverting.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor's proposal is not necessary.

Reporter's conclusions:
<p>1. Site EGL41, Buckholm North, is allocated for housing.</p> <p>2. As in other cases, I acknowledge the hope of the Scottish Environment Protection Agency that the redevelopment of the site would provide an opportunity to contribute to the objectives of the River Basin Management Plan. Nevertheless, Policy EP15, Development Affecting the Water Environment, provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. Opportunities to enhance and restore the water environment in support of biodiversity are set out in supplementary guidance.</p> <p>3. On the basis of the foregoing, I conclude that the terms of Policy EP15 provide a clear basis for development management of this site in respect of the water environment and that a further site requirement to this effect is not necessary.</p> <p>4. I accept that the water environment can be improved as a result of the removal of culverts. In this respect I consider attention should be drawn to the need to consider this possibility.</p>
Reporter's recommendations:
<p>I recommend the following modification be made:</p> <p>1. In the Galashiels Settlement Profile under the Housing section of the Development and Safeguarding Proposals, add a second bullet point in the site requirements for site EGL41, Buckholm North:</p> <p>“Consider the potential for culvert removal and channel restoration.”</p>

Issue 172	Housing within the Central Strategic Development Area: Galashiels (EGL43 – Balmoral Avenue)	
Development plan reference:	Galashiels Settlement Profile and Map (pages 320 – 331) Housing Allocation EGL43 – Balmoral Avenue	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Housing Allocation EGL43 – Balmoral Avenue	
Planning authority’s summary of the representation(s):		
<p>The contributor requires a flood risk assessment to assess the risk from the Mossilee Burn which flows along the boundary of the site. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues at this site. This should be investigated further and it is recommended that contact is made with the Council’s flood prevention officer.</p>		
Modifications sought by those submitting representations:		
Modification of the site requirements to include a FRA.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.</p>		

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

The Council’s Flood Protection Officer advises that this site may be at risk from pluvial flooding during a 1 in 200 year flood event. It is recommended that surface water runoff and management be considered if the development were to take place as there could be runoff potential from Mossilee Burn and Balmoral Road.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site EGL43, Balmoral Avenue, is allocated for housing.
2. I note from the Scottish Environment Protection Agency flood maps that land close to the southern part of the site is identified as being at medium risk of surface water flooding. A very limited area is shown to be at high risk.
3. The council’s Flood Prevention Officer is aware of the proposed development and recognises the risk of pluvial flooding during a 1:200 year flood event. However, a requirement for a flood risk assessment has not been stipulated although surface water run-off management should be considered. Under these circumstances I accept the council’s argument that Policy IS8, Flooding, provides an adequate basis for the development management of any proposals that might come forward for the site.

Reporter’s recommendations:

No modifications.

Issue 173	Redevelopment within the Central Strategic Development Area: Galashiels (RGALA004 - Bylands)	
Development plan reference:	Galashiels Settlement Profile and Map (pages 320 – 331) – RGALA004 (Bylands)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
396 Eribé		
Provision of the development plan to which the issue relates:	Redevelopment Opportunity in Galashiels RGALA004 – Bylands	
Planning authority’s summary of the representation(s):		
The contributor objects to the inclusion of redevelopment opportunity RGALA004 – Bylands. The contributor raises concerns regarding road safety issues along Manse Street and the potential for this to worsen should RGALA004 be developed.		
Modifications sought by those submitting representations:		
The contributor seeks the removal of the redevelopment opportunity RGALA004 – Bylands from the Proposed Local Development Plan.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO GALASHIELS SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It should be noted that this regeneration opportunity was included within the Main Issues Report (MIR) (Core Document 006, page 90) and has been carried forward into the Proposed Local Development Plan. This site is also included within the Scottish Vacant and Derelict Land Survey, under site code CENGAL101 (Core Document 040, page 4).</p> <p>This site is a brownfield site located amongst residential properties and would benefit from redevelopment. The site does not have any planning history and does not have a current land use however the site has become overgrown.</p> <p>Regarding the details of the road safety issues along Manse Street these will be addressed by the Council’s Roads Planning Team when a planning application is submitted for the site.</p>		
Reporter’s conclusions:		
<ol style="list-style-type: none"> 1. Site RGALA004, Bylands, is allocated for housing. 2. The site is small, extending, to 0.2 hectares and is vacant land within an area of 		

residential character. Residential development would be compatible and eliminate a brownfield site that makes a negative contribution to the neighbourhood. Clearly, the development of the site would lead to additional traffic generation. Despite the concerns expressed by Ms Eribé, I have no evidence to suggest that the local road network would be unable to absorb the higher level of vehicles. In turn, I do not believe that the residential ambience of the area would be threatened. Indeed, to the contrary, I believe a well-designed residential development would be beneficial and improve local character.

Reporter's recommendations:

No modifications.

Issue 174	Redevelopment within the Central Strategic Development Area: Galashiels (RGALA001 – St Aidans Church)	
Development plan reference:	Galashiels Settlement Profile and Map (pages 320 – 331) (RGALA001 – St Aidans Church)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Redevelopment Site RGALA001 – St Aidans Church	
Planning authority’s summary of the representation(s):		
The contributor requires a flood risk assessment (FRA) to assess the risk from the Mossilee Burn. The updated SEPA Flood map indicates a flow path along Livingstone Place, St Andrews Street and St John Street.		
Modifications sought by those submitting representations:		
The contributor seeks a modification of site requirements to include a FRA.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.</p> <p>Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk</p>		

assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site RGALA001, St Aidan’s Church, is allocated for redevelopment.
2. I note the Scottish Environment Protection Agency flood maps show the streets surrounding this town centre site to be subject to a medium risk of river flooding. Indeed, the Agency has explained that these are flow paths resulting from flooding of the Mossilee Burn.
3. In this case, I do not have comments from the council’s Flood Protection Officer. Despite the provisions of Policy IS8, Flooding, it appears to me that it would be prudent to specify the possible need for a flood risk assessment as a site requirement.

Reporter’s recommendations:

I recommend the following modification be made:

1. In the Redevelopment section of the Development and Safeguarding Proposals of the Galashiels settlement profile, under site requirements for site RGALA001, St Aidan’s Church, add a second bullet point as follows:

“Flood risk assessment may be required.”

Issue 175	Redevelopment within the Central Strategic Development Area: Galashiels (RGALA002 – Vacant Buildings at Kirk Brae)	
Development plan reference:	Galashiels Settlement Profile and Map (pages 320 – 331) (RGALA002 – Vacant buildings at Kirk Brae)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Redevelopment Site RGALA002 – Vacant Buildings at Kirk Brae	
Planning authority’s summary of the representation(s):		
The contributor requires a flood risk assessment. There is a small watercourse shown to be located on the opposite side of the road to the development. The contributor would recommend that flood resistant/resilient materials are considered during the construction.		
Modifications sought by those submitting representations:		
The contributor seeks a modification of site requirements to include FRA.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.</p> <p>Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk</p>		

assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

This site may be at risk from pluvial flooding during a 1 in 200 year flood event. However, these houses have raised steps to the property and as long as floor levels were provided and were satisfactory the Council’s Flood Protection Officer would have no objections to this proposal on the grounds of flooding.

The use of water/flood resistant/resilient materials can be covered through the development management planning application process and building standards process. There would be no need to add additional site requirements in this regard.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site RGALA002, vacant buildings at Kirk Brae, is allocated for redevelopment.
2. I note the Scottish Environment Protection Agency flood map indicates that low or medium risk of surface water flooding in the proximity of the site. The council’s Flood Prevention Officer does not object to the proposal and I therefore accept that the provisions of Policy IS8, Flooding, provide a basis for the development management of any proposals that might come forward.

Reporter’s recommendations:

No modifications.

Issue 176	Redevelopment within the Central Strategic Development Area: Galashiels (zCR2 – Huddersfield Street/Hill Street)	
Development plan reference:	Galashiels Settlement Profile and Map (pages 320 – 331) (zCR2 – Huddersfield Street/Hill Street)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Redevelopment Site zCR2 – Huddersfield Street/Hill Street	
Planning authority’s summary of the representation(s):		
<p>The contributor requests a modification of the site requirements/Planning Brief to require a FRA which assesses the risk from the mill lade which flows adjacent to the site. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues at this site. This should be investigated further and it is recommended that contact is made with the Council’s flood prevention officer.</p>		
Modifications sought by those submitting representations:		
Modification of site requirements to include FRA		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.</p>		

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal in site requirements and/or Planning Brief is not necessary.

Reporter’s conclusions:

1. Site zCR2, Huddersfield Street / Hill Street, is allocated for redevelopment.
2. The Scottish Environment Protection Agency flood map shows a relatively small section of the north-eastern part of the site to be subject to a medium risk of river flooding. The Agency is concerned about a mill lade which flows adjacent to the site and believes there “may be flooding issues.” I do not have comments from the council’s Flood Protection Officer but consider that, in this case, the provisions of Policy IS8, Flooding, provide the basis for the development management of any proposals that might come forward.

Reporter’s recommendations:

No modifications.

Issue 177	Redevelopment within the Central Strategic Development Area: Galashiels (zCR3 – Stirling Street)	
Development plan reference:	Galashiels Settlement Profile and Map (pages 320 – 331) (zCR2 – Stirling Street)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Redevelopment Site zCR3 – Stirling Street	
Planning authority’s summary of the representation(s):		
The contributor supports the requirement for FRA in the Planning Brief and requests a modification of the site requirements to help contribute to the objectives of the River Basin Management Plan.		
Modifications sought by those submitting representations:		
The contributor seeks a modification of site requirements to help contribute to the objectives of the River Basin Management Plan.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required</p>		

to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area. Policy EP15 states the Council's clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

The Council's Flood Protection Officer advises that this site is at risk of flooding during a fluvial and pluvial 1 in 200 year flood event. A redevelopment would most likely require a flood risk assessment to be undertaken at this site.

It is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor's proposal is not necessary.

Reporter's conclusions:

1. Site zCR3, Stirling Street, is allocated for redevelopment.
2. Insofar as the approved planning brief for the site indicates the need for a flood risk assessment, there is no need for further specification under the site requirements.
3. I acknowledge the hope of the Scottish Environment Protection Agency that the redevelopment of the site would provide an opportunity to contribute to the objectives of the River Basin Management Plan. Nevertheless, Policy EP15, Development Affecting the Water Environment, provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. Opportunities to enhance and restore the water environment in support of biodiversity are set out in supplementary guidance.
4. On the basis of the foregoing, I conclude that the terms of Policy EP15 provide a clear basis for development management of this site in respect of the water environment and that a further site requirement to this effect is not necessary.

Reporter's recommendations:

No modifications.

Issue 178	Redevelopment within the Central Strategic Development Area: Galashiels (zRO202 – Melrose Road)	
Development plan reference:	Galashiels Settlement Profile and Map (pages 320 – 331) (zRO202 – Melrose Road)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Redevelopment Site – zRO202 – Melrose Road	
Planning authority’s summary of the representation(s):		
The contributor requests a modification of the site requirements/planning brief to require a FRA which assesses the risk from surface water runoff from the nearby hills. May require mitigation measures during design stage.		
Modifications sought by those submitting representations:		
The contributor seeks a modification of site requirements/planning brief to include FRA.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.</p> <p>Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk</p>		

assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

The Council’s Flood Protection Officer advises that the site may be at risk from a 1 in 200 year pluvial flood event. It is recommended that surface water runoff from Melrose Road is taken into consideration during the design stage.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal in site requirements and/or Planning Brief is not necessary.

Reporter’s conclusions:

1. Site zRO202, Melrose Road, is allocated for redevelopment.
2. The Scottish Environment Protection Agency flood maps show a medium risk from river flooding over a small part the southern section of the site. Nevertheless, the Agency is concerned about possible surface water run-off and the council’s Flood Protection Officer agrees that this is a design consideration. In this instance I believe that Policy IS8, Flooding, would provide a reasonable basis for development management in respect of any proposals that might be submitted.

Reporter’s recommendations:

No modifications.

Issue 179	Redevelopment within the Central Strategic Development Area: Galashiels (zRO4 – Plumbtreehall Brae)	
Development plan reference:	Galashiels Settlement Profile and Map (pages 320 – 331) (zRO4 – Plumbtreehall Brae)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Redevelopment Site – zRO4 – Plumbtreehall Brae	
Planning authority’s summary of the representation(s):		
<p>The contributor requests a modification of the site requirements to require a flood risk assessment to assess the risk from the Gala Water. Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage. The contributor also seeks a modification to the developer requirements to help contribute to the objectives of the River Basin Management Plan.</p>		
Modifications sought by those submitting representations:		
<p>The contributor seeks a modification of site requirements to include FRA and contributions towards the objectives of the River Basin Management Plan.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.</p>		

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal in site requirements and/or Planning Brief is not necessary.

In addition, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area. Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

The Council’s Flood Protection Officer advises that this site may be at risk during both a fluvial and pluvial 1 in 200 year flood event. Dependant on the location of the building, an FRA will likely be required.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site zRO4, Plumbtreehall Brae, is allocated for redevelopment.
2. The Scottish Environment Protection Agency flood maps show the western part of the site, adjacent to the Gala Water, subject to a medium risk of river flooding. I note the council’s Flood Prevention Officer considers there is a risk during both a fluvial and pluvial 1:200 year event. On this basis, a flood risk assessment may be required depending on the location within the site.
3. In view of the comments of the Flood Prevention Officer, I believe it would be appropriate to provide an additional site requirement to the effect that a flood risk assessment might be necessary.
4. As in other cases, I acknowledge the hope of the Scottish Environment Protection Agency that the redevelopment of the site would provide an opportunity to contribute to the objectives of the River Basin Management Plan. Nevertheless, Policy EP15, Development Affecting the Water Environment, provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. Opportunities to enhance and restore the water environment in support of biodiversity are set out in supplementary guidance.

5. On the basis of the foregoing, I conclude that the terms of Policy EP15 provide a clear basis for development management of this site in respect of the water environment and that a further site requirement to this effect is not necessary.

Reporter's recommendations:

I recommend the following modification be made:

1. In the Redevelopment section of the Development and Safeguarding Proposals of the Galashiels settlement profile, under site requirements for site zRO4, Plumbtreehall Brae, add a second bullet point as follows:

“Flood risk assessment may be required.”

Issue 180	Redevelopment within the Central Strategic Development Area: Galashiels (zRO6 – Roxburgh Street)	
Development plan reference:	Galashiels Settlement Profile and Map (pages 320 – 331) (zRO6 – Roxburgh Street)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency 481 Murray & Burrell Ltd		
Provision of the development plan to which the issue relates:	Redevelopment Site – zRO6 – Roxburgh Street	
Planning authority's summary of the representation(s):		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor supports the inclusion of the requirement for FRA in the site requirements.</p> <p><u>481 Murray & Burrell Ltd</u></p> <p>Supports the continued allocation of site zR06 as a 'Redevelopment' site but suggests that various parts be more clearly defined. The contributor seeks that the site be cross referenced within Table 5 of 'Appendix 2 – Meeting the Housing Land Requirement'. The individual elements under the Contributor's ownership would be as follows:</p> <ul style="list-style-type: none"> • 'Old Burns Mill': Redevelopment for flatted residential development of approximately 20 units with potential ancillary retail on ground floor (eg. corner shop/pharmacy). • 'Botany Mill': Redevelopment of existing Mill Building and outbuildings for approximately 25 residential units. 		
Modifications sought by those submitting representations:		
<p><u>481 Murray & Burrell Ltd</u></p> <p>The contributor supports of the allocation of this land as a redevelopment opportunity but seeks a modification of the plan to specify individual elements of the site within the contributor's ownership.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p><u>357 Scottish Environment Protection Agency</u> - The contributors support comments are noted.</p>		

<p><u>481 Murray & Burrell Ltd</u></p> <p>The contributor’s support of this allocation is noted. However, cross referencing the individual elements of the allocation within the contributor’s ownership within Table 5 of Appendix 2 of the Proposed LDP Volume 2 is not considered necessary.</p> <p>Galashiels is located within the Central Strategic Development Area set out by the SESplan Strategic Development Plan (SDP) (Core Document 001). The Core Document 017 shows that the Proposed LDP meets the provisions of SESplan and its associated Supplementary Guidance in providing land to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year land supply of land within each of the Council’s housing market areas to meet demand as required by Scottish Planning Policy. In addition Core Document 017 states that the Proposed LDP provides substantial flexibility in the form of identified redevelopment sites and sites with potential for longer term development.</p> <p>As a result it is not considered that there is any requirement for additional housing sites in Galashiels. It is submitted that the development of this site for housing can be adequately dealt with through the provisions of mainstream policy PMD3 – Land Use Allocations. Sites proposed for redevelopment or mixed use may be developed for a variety of uses, including housing, subject to other local plan policies such as (but not exclusive to) PMD2 – Quality Standards and PMD5 – Infill Development.</p>
<p>Reporter’s conclusions:</p> <ol style="list-style-type: none"> 1. Site zRO6, Roxburgh Street, is allocated for redevelopment. 2. The representation of the Scottish Environment Protection Agency does not raise an unresolved issue and did not therefore require to be brought to the attention of the examination. 3. I agree with the council that a more general “redevelopment” allocation is appropriate. This would provide scope for a variety of uses at this town centre location. Of course, it would not be surprising if the site should eventually be redeveloped for residential development through new-build and/or conversion. Indeed, it has been concluded under Issues 49 and 80 that the housing land designations in the local development plan are unlikely to satisfy the strategic requirement. The proposed plan policies would not prejudice the principle of future residential use of all or part of this site subject to compliance with the relevant policies.
<p>Reporter’s recommendations:</p> <p>No modifications.</p>

Issue 181	Transportation within the Central Strategic Development Area: Galashiels (zTI1 – Galashiels Interchange)	
Development plan reference:	Galashiels Settlement Profile and Map (pages 320 – 331) (zTI1 – Galashiels Interchange)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Transportation Site zTI1 – Galashiels Interchange	
Planning authority’s summary of the representation(s):		
The contributor requests an additional requirement should be included to help contribute to the objectives of the River Basin Management Plan.		
Modifications sought by those submitting representations:		
The contributor seeks a modification of site requirements to include an additional requirement to help contribute towards the objectives of the River Basin Management Plan.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required</p>		

to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area.

Policy EP15 states the Council's clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

The Council's Flood Protection Officer advises that this site may be at risk from a 1 in 200 year fluvial and pluvial flood event. However, Scottish Planning Policy states that "transport" may be allowed to be built in this area if it is essential for operational reasons. This transport interchange meets this criterion.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor's proposal is not necessary.

Reporter's conclusions:

1. Site zTI1, Galashiels Interchange, is allocated for transportation purposes.
2. As in other cases, I acknowledge the hope of the Scottish Environment Protection Agency that the redevelopment of the site would provide an opportunity to contribute to the objectives of the River Basin Management Plan. Nevertheless, Policy EP15, Development Affecting the Water Environment, provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. Opportunities to enhance and restore the water environment in support of biodiversity are set out in supplementary guidance.
3. On the basis of the foregoing, I conclude that the terms of Policy EP15 provide a clear basis for development management of this site in respect of the water environment and that a further site requirement to this effect is not necessary.

Reporter's recommendations:

No modifications.

Issue 182	Housing within the Central Strategic Development Area: Gattonside (AGATT007 – St Aidans)	
Development plan reference:	Gattonside Settlement Profile and Map (pages 332 – 335) AGATT007 – St Aidans	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
393 Cameron 453 Simon McAree		
Provision of the development plan to which the issue relates:	Existing Housing Allocation - AGATT007 – St Aidans	
Planning authority's summary of the representation(s):		
<p><u>393 Cameron</u></p> <p>The contributor is concerned that the allocated site includes the contributor's existing dwellinghouse and garden ground.</p> <p><u>453 Simon McAree</u></p> <p>The contributor is concerned by the potential for additional vehicular traffic on the B6360 and questions whether there are plans for traffic calming. Concerned that existing footpath towards west of village is narrow and asks whether there any plans to alter the wall and widen the path. Are safety measures in place for construction traffic using the public road to the west of the village?</p> <p>Traffic should be limited to residents of Baker Street.</p> <p>Contributor is concerned by strain placed on services, incl education and also impact on ecology in the area.</p> <p>Assurances are required of continued foul drainage via existing septic tank, or connection to mains at developer's expense.</p>		
Modifications sought by those submitting representations:		
<p><u>393 Cameron</u></p> <p>The contributor seeks a modification of the site boundary to remove the land within her ownership from housing allocation AGATT007 – St Aidans.</p>		
Summary of responses (including reasons) by planning authority:		
NON-SIGNIFICANT CHANGE PROPOSED TO SITE BOUNDARY OF AGATT007 – ST AIDANS TO REMOVE CONTRIBUTORS PROPERTY AND GARDEN GROUND		

REASONS

393 Cameron

The south eastern corner of allocation AGATT007 within the Proposed LDP incorporates an existing dwellinghouse (known as 'Achnacairidh' on Bakers Road) and its garden ground which is within private ownership. The contributor requests that this be removed from the overall allocation. It is considered this is not an unreasonable request in the circumstances and would accurately reflect the boundaries of the allocated site at this location. The proposed development at St Aidans does not propose to incorporate this area of land (see attached Supporting Document SD182-1). In these particular circumstances it is agreed the respondent's property and garden ground should be removed from the allocated site. This is considered to be a non-significant change to the Plan.

453 Simon McAree

The site has the benefit of full planning permission (ref no 09/01043/FUL) and all the issues raised by the respondent would have been addressed at the planning application stage. It is further noted that the requirements set out in the proposed Plan in relation to the point of access to the site and its need for careful consideration cover the main points raised by the representation.

Reporter's conclusions:

1. Site AGATT007, St Aidan's, is allocated for housing.
2. As proposed by the council, it is appropriate to adjust the boundary of the site to exclude the property and curtilage of "Archnacairidh". The adjusted boundary more accurately reflects the extent of the proposed development. In this respect, I note that a planning application proposing the development of the site did not include Archnacairidh and its grounds.
3. In respect of Mr McAree's representation, the council explains that the site benefits from full planning permission. The application has been approved by the council subject to conditions and a requirement to conclude a "planning obligation". The obligation involves a legal agreement requiring financial contributions in respect of various matters deemed necessary to allow the development to proceed. That agreement has not been concluded and so the planning permission has not yet been issued.
4. When the planning application was submitted, the council considered matters related to traffic generation and natural heritage. Indeed, the required planning obligation includes a contribution towards a local traffic study. In respect of education, the Director of Education made no comments on the proposal although the planning obligation also includes a requirement for a contribution for local schools and improved play facilities.
5. Insofar as it was decided that planning permission should be granted, the planning process has overtaken the provisions of the proposed plan and, subject to concluding the required planning obligation, the development of the site could move forward.
6. I recognise that the granting of planning permission and the conclusion of the required planning obligation does not guarantee the implementation of the approved development.

However, it is clear that the council has assessed those matters raised by Mr McAree, insofar as relevant to the residential development of the site. In my opinion, that assessment was comprehensive and does not lead me to conclude that allocation AGATT007, St Aidan's, is not justified. Similarly, the site requirements listed in the proposed plan are reasonable.

7. The concern raised by Mr McAree in respect of drainage is a not a matter for the proposed plan but is likely to involve private legal agreements between the parties involved.

Reporter's recommendations:

I recommend that the following modification be made:

1. In the Gattonside proposals map, remove the property and curtilage of "Archnacairidh", Bakers Road, from site AGATT007, St Aidan's. The revised boundary should reflect the site plan for application 09/01043/FUL (document SD182-1).

Issue 183	Housing within the Central Strategic Development Area: Gattonside (AGATT011 – Site North of Montgomerie Terrace)	
Development plan reference:	Gattonside Settlement Profile and Map (pages 332 – 335) AGATT011 – North of Montgomerie Terrace	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
272 G Thomas		
Provision of the development plan to which the issue relates:	New Proposed Housing Allocation - AGATT011 – North of Montgomery Terrace	
Planning authority’s summary of the representation(s):		
Land was promoted by the contributor at MIR stage. It is considered necessary to identify further land allocations at Gattonside on a strategic timescale, ensuring continued investment in the village. Contributor believes that through good design and appropriate density, the potential landscape impact can be mitigated.		
Modifications sought by those submitting representations:		
The contributor seeks the inclusion of this land in the Proposed LDP as an allocation for housing.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE GATTONSIDE SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>This representation also relates to Schedule 4 No 184 on site AGATT010 (Monkswood Extension) as well as Schedule 4 No 185 on site AGATT013 (Castlefield/Gateside Meadow).</p> <p>REASONS</p> <p>Gattonside is located within the Central Strategic Development Area set out by the SESplan Strategic Development Plan (SDP) (Core Document 001). The Core Document 017 shows that the Proposed LDP meets the provisions of the SESplan SDP and its associated Supplementary Guidance in providing land to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year land supply of land within each of the Council’s housing market areas to meet demand as required by Scottish Planning Policy. In addition Core Document 017 states that the Proposed LDP provides substantial flexibility in the form of identified redevelopment sites and sites with potential for longer term development. Details of the housing calculations are included in the updated Appendix 2 – Meeting the Housing Land Requirement (Core Document 017) of the Proposed LDP. As a result it is not considered that there is any requirement for additional</p>		

housing sites in Gattonside.

The consultative draft second stage Local Plan proposed land at Castlefield/Gateside Meadow (AGATT001) (Supporting Document 183-1 – Gattonside Settlement Map). However, the reporter at the Public Inquiry preferred the site immediately north of Montgomerie Terrace with an indicative capacity of 25no houses and recommended its inclusion instead of the Castlefield/Gateside Meadow site (Core Document 020, Volume 2, sections 4-21 to 4-24).

The area of land to the north of Montgomerie Terrace was considered as part of the Local Plan Inquiry (Core Document 020) and the Reporter concluded that whilst this site will be visible from higher viewpoints to the south, it is much lower and less obtrusive than land at Castlefield/Gateside Meadow. Development could be accommodated here without prejudice to the character and setting of the village, the Eildon and Leaderfoot National Scenic Area (NSA), Tweed, Ettrick and Yarrow Confluences Special Landscape Area (SLA) and the Abbotsford Designed Landscape. However, during the modifications to the Local Plan, a substantive new issue was submitted by Scottish Natural Heritage (SNH) which effectively objected to the proposed land allocated to the north of Montgomerie Terrace. SNH formally objected to the modification as it considered that the proposed development would alter the character of the existing settlement, which would have an adverse impact on the NSA. This was in conflict with the reporters findings. In light of this, land to the north of Montgomerie Terrace was excluded from the Local Plan (Core Document 008, pages 289 – 291).

The Local Plan Amendment Report of Examination (Core Document 021 pages 178 -182) concludes that this site includes fields that slope down towards the settlement. The site would involve a significant area of development in relation to the scale of Gattonside, particularly if combined with the Castlefield/Gateside Meadow site (Gattonside Mains). In view of its elevated position and slope, development would be prominent when viewed from the immediate vicinity and in more distant views from the south, including the Eildon Hills. Development of this greenfield site would also have an adverse effect on the rural setting of this part of Gattonside.

In summary, this site has previously been assessed in the Local Plan process and is unacceptable as its elevated and prominent nature would have a detrimental impact on the sensitivity of the character and setting of the settlement and the National Scenic Area. The site is constrained in the Landscape Character Assessment. It is not recommended to take this site forward to contribute to the strategic housing requirement.

Reporter’s conclusions:

1. Mr Thomas acknowledges allocated sites EGT10B, Orchard, and AGATT007, St Aidan’s. Additionally, several houses remain to be constructed at the Monkwood site. A development of over 40 houses has been approved, subject to the conclusion of a legal obligation, at the St Aidan’s site. In my opinion, the potential for new housing is commensurate with the size of Gattonside and offers the prospect of a reasonable range of choice. I therefore cannot accept the claim that it is necessary to identify further housing allocations.

2. Despite the foregoing conclusion, it is necessary to consider the attributes of the suggested site north of Montgomery Terrace. In the past, this land has been regarded as suitable for housing in the belief that development would not prejudice the character and

setting of the village. It was also considered there would be no adverse impact on the Eildon and Leaderfoot National Scenic Area and other nearby areas with formal landscape designations. Mr Thomas argues that, in any event, good design and an appropriate density would mitigate any landscape impact. More recently, Scottish Natural Heritage has objected to the development on the basis of impact on the character of the village and the National Scenic Area.

3. I can accept that the development of the site would have less visual and landscape impact than the wider allocation of the land considered under Issue 185. Indeed, by comparison, the site north of Montgomery Crescent is of a modest scale. Nevertheless, the allocation of this land would breach a clear boundary in this vicinity where the interface between the village and agricultural land is well defined. I therefore agree with Scottish Natural Heritage and consider that development would not respect the established form of Gattonside. Taking into account the potential for residential development on other sites in the village, I do not consider an extension of the settlement boundary is justified at Montgomery Terrace.

4. I also agree with Scottish Natural Heritage that development at this location, even if provided with good quality landscaping, would have a wider impact on the national scenic area although I think this adverse effect would not be of major significance.

Reporter's recommendations:

No modifications.

Issue 184	Housing within the Central Strategic Development Area: Gattonside (AGATT010 – Monkswood Extension)	
Development plan reference:	Gattonside Settlement Profile and Map (pages 332 – 335) AGATT010 – Monkswood Extension	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
496 JS Crawford and Renaissance Limited		
Provision of the development plan to which the issue relates:	Proposed New Housing Allocation - AGATT010 – Monkswood Extension	
Planning authority's summary of the representation(s):		
Object to the exclusion of a small area of land at Monkswood (AGATT010) for housing (referred to as field 4838 in the submission). The respondent wishes the settlement development boundary to be amended to include this land and that it should be formally allocated for housing development.		
Modifications sought by those submitting representations:		
The Development boundary of Gattonside should be extended to incorporate the site AGATT010 and it should be formally allocated for housing development.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE GATTONSIDE SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>The site was first submitted for inclusion within the Gattonside development boundary during the preparation of the Local Plan Amendment (LPA) in 2009. The purpose of that Plan was principally to identify substantial new housing sites to address a housing shortfall.</p> <p>One of the main requirements of the LPA was that it would not consider new sites which had a capacity of less than 5no houses. In considering the site for inclusion within the LPA it was noted that any new development should be in keeping with the density of other housing in the vicinity and that this part of Gattonside has a very low density of large detached properties with large gardens. Site AGATT010 is small and could not incorporate the required number of houses to be accommodated within the Plan and which would also be in character with the density of other house plots in the area. Surrounding protected mature trees were also considered likely to impact on the no of units which could be built on the site. This matter was subject to a Schedule 4 during the Examination of the LPA considered by a Reporter. The Reporter concluded that it was not appropriate to include the site within that Plan predominantly on the grounds that any development on the site was likely to be less than the 5no units the Plan required for</p>		

consideration of inclusion and that an exception to this could not be made (Core Document 020).

However, the Local Development Plan process does consider the adjusting of development boundaries where it is considered there is a justifiable reason for doing so. The site represents a small gap surrounded by development on three sides with countryside to the east. It does appear that site AGATT010 is a natural and acceptable extension of the development boundary at this point. The actual number of houses allowable on the site will be determined by Development Management at the planning application stage which would give consideration to matters such as relationship to the design and density of other houses within the Monkswood development and appropriate measures to ensure the protection of surrounding trees. Consequently for these reasons the site has been included within the development boundary of Gattonside (see page 335 of proposed Plan).

It appears to be suggested by the contributor that the site should also be formally allocated for housing development. However, standard practice would not normally allocate small sites for less than 5no units and the development of such small scale sites would be judged on infill policy criteria. It is also noted that the adjoining land within the Monkswood housing development is nearing completion and there is no formal housing allocation identified in this Plan or indeed previous Plans for this site (the original approval dates back to 1964). Consequently whilst including the site within the development boundary it is not considered site AGATT010 should be formally allocated for housing.

Reporter’s conclusions:

1. Development at Monkswood (field 4838) is continuing with relatively few plots remaining although the site has been laid out. I share the opinion of the council that as the site is within the Gattonside settlement boundary as defined within the proposed plan, there is no requirement for a formal housing allocation.

Reporter’s recommendations:

No modifications.

Issue 185	Housing within the Central Strategic Development Area: Gattonside (AGATT013 – Castlefield/Gateside Meadow)	
Development plan reference:	Gattonside Settlement Profile and Map (pages 332 – 335) AGATT013 – Castlefield/Gateside Meadow	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
496 J S Crawford & Renaissance Ltd		
Provision of the development plan to which the issue relates:	Proposed New Housing Allocation - AGATT013 - Castlefield/Gateside Meadow	
Planning authority's summary of the representation(s):		
<p>The Contributor believes that the site 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.</p> <p>Gattonside is a linear settlement which is densely developed at the centre and thins towards the edges. The main components of the settlement are:</p> <ul style="list-style-type: none"> • 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. <p>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 Monkswood. They adjoin Monkswood and are the obvious location for further settlement growth.</p> <p>In addition to the above, the case in support of Gateside Meadow/Castlefield can be summarised as follows:</p> <ol style="list-style-type: none"> 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.

Modifications sought by those submitting representations:

The contributor seeks a modification of the plan to include land at Gateside Meadow/Castlefield as a housing allocation.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE GATTONSIDE SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN

This representation also relates to Schedule 4 No 184 on site AGATT010 (Monkwood Extension) as well as Schedule 4 No 183 on site AGATT011 (Site North of Montgomerie Terrace).

REASONS

Gattonside is located within the Central Strategic Development Area set out by the SESplan Strategic Development Plan (SDP) (Core Document 001). The Core Document 017 shows that the Proposed LDP meets the provisions of the SESplan SDP and its associated Supplementary Guidance in providing land to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and out with Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year land supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy. In addition Core Document 017 states that the Proposed LDP provides substantial flexibility in the form of identified redevelopment sites and sites with potential for longer term development. Details of the housing calculations are included in the updated Appendix 2 – Meeting the Housing Land Requirement (Core Document 017) of the Proposed LDP. As a result it is not considered that there is any requirement for additional housing sites in Gattonside.

The consultative draft second stage Local Plan proposed land at Castlefield/Gateside Meadow (AGATT001) (Supporting Document 185-1 – Gattonside Settlement Map). However, the reporter at the Public Inquiry preferred the site immediately north of Montgomerie Terrace with an indicative capacity of 25no houses and recommended its inclusion instead of the Castlefield/Gateside Meadow site (Core Document 020, Volume 2, sections 4-21 to 4-24).

The reporter considered that the fields to the north of Gattonside are a conspicuous hillside that would be readily seen from the Eildon Hills and other sensitive viewpoints as an excessively large and obtrusive expansion of the village. The development of this area would also be very noticeable to local walkers on paths and minor roads to the north. The reporter also considered that development on the eastern side of the hillside would also have an unacceptable impact on the landscape, due to elevation and sloping aspect, and character of the settlement. The reporter recommended that the Settlement Profile was amended so that it only stated that due to the sensitivities of the character and setting of

Gattonside it has not been possible to identify an area of longer term expansion at this stage. This was carried out and the site directly north of Montgomerie Terrace was included in the proposed modifications to the Plan.

In terms of landscape and impact Scottish Natural Heritage (SNH) did not support the development of houses in the Castlefield/Gateside Meadow area during the Local Plan Inquiry (Core Document 020) or as part of planning application ref 03/01969/OUT for the development of land to the north of Gattonside. SNH confirmed that they objected to the planning application as they considered that the proposed development would alter the character of the existing settlement, and would have an adverse impact on the Eildon and Leaderfoot National Scenic Area. SNH also objected to a revision of the application which partly included the eastern part of the site at Castlefield/Gateside Meadow.

The area of land to the north of Montgomery Terrace was also considered as part of the Local Plan Inquiry (Core Document 020) and the Reporter concluded that whilst this site is also be visible from higher viewpoints to the south, it is much lower and less obtrusive. Development here could be accommodated here without prejudice to the character and setting of the village, the NSA, SLA and the Abbotsford Designed Landscape. However, during the modifications to the Local Plan a substantive new issue was submitted by SNH which effectively objected to the proposed land allocated to the north of Montgomerie Terrace. SNH formally objected to the modification as it considered that the proposed development would alter the character of the existing settlement, which would have an adverse impact on the Eildon and Leaderfoot National Scenic Area. This was in conflict with the reporters findings. In light of this land to the north of Montgomerie Terrace was excluded from the Local Plan (Core Document 008).

The Local Plan Amendment Report of Examination (Core Document 021) concludes Castlefield/Gateside Meadow site includes fields that slope down towards the settlement. The site would involve a significant area of development in relation to the scale of Gattonside, particularly if combined with the Gattonside Mains site. In view of its elevated position and slope, development would be prominent when viewed from the immediate vicinity and in more distant views from the south, including the Eildon Hills. Development of this greenfield site would also have an adverse effect on the rural setting of this part of Gattonside.

In terms of the objection, the contributor suggests that the site could be developed with low density housing averaging 0.84 hectares per plot and would support the 'transition from the countryside to a densely built core'. However, the Reporter in his assessment of this allocation through the Local Plan Inquiry (Core Document 020) does not agree with this interpretation "as these very large plots would be likely to accommodate very large houses set on the hillside within ornamental gardens".

The contributor sees the land at Castlefield/Gateside Meadow as a housing allocation to cover the potential failure of St Aidens to deliver all or part of its allocation and if the strategic site at Newtown St Boswells does not come forward within the Local Plan period and to contribute to the wider housing land supply. Whilst this site may have previously been judged to be suitable for development by the Reporter and the Council through earlier assessments, it is maintained that this site should not be included in the Proposed LDP for the reasons above.

The actual delivery of housing is not entirely within the control of the Council and the Local Plan but dependant on the development industry and other factors. Additional land

cannot be allocated simply on the assumption that an existing allocation with extant planning permission may or may not be fully developed. It is not considered that there is a requirement for additional housing sites in Gattonside as the housing land requirement has been met elsewhere within the Central Housing Market Area.

The contributor also argues that housing allocations should be well related to the Borders Railway Development and that these sites should be given priority. It is considered that there is already a plentiful supply of land within the Central Strategic Development Area that is well related to the Borders Railway project. The land allocations and areas proposed for longer term expansion will not only meet the effective 5 year land supply but will also help support the Borders Railway. Additional land is therefore not required.

During the LP Examination (Core Document 021) the Reporter confirms that it would be inappropriate to designate either of the two sites (Gattonside Mains & Castlefield/Gateside Meadow) for longer term expansion until the longer term housing requirements have been informed by SESplan SDP. It is contended that the Proposed LDP meets the provisions of the SESplan SDP and its associated Supplementary Guidance in providing land to meet the housing requirement. It also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year land supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy. There is no need, therefore, to allocate further land for housing as the effective land supply has been met.

Reporter's conclusions:

1. Gattonside is a relatively small settlement (population noted in the proposed plan at 381) located within the Central Borders Strategic Development Area. It appears to offer very little in the way of services, although it is fairly close to Melrose and Galashiels.
2. The proposed plan provides for 2 housing proposals within the village, amounting to a notional capacity of 45 units. A development of over 40 houses has been approved, subject to the conclusion of a legal obligation, at the St Aidan's site. Additionally, several houses remain to be constructed at the Monkswood site. In my opinion, the potential for new housing is commensurate with the size of Gattonside and offers the prospect of a reasonable range of choice. Even in the circumstances set out under my conclusions on Issue 080 I cannot, therefore, accept the claim that it is necessary to identify further housing allocations at this location.
3. Even if that were not the case, I agree with the findings of a previous reporter who noted that, in view of its elevated position and slope, development would be prominent when viewed from the immediate vicinity and in more distant views from the south, including the Eildon Hills. Development of this greenfield site would also have an adverse effect on the rural setting of this part of Gattonside. I am not satisfied that development at a low density would satisfactorily resolve those matters. That is a consideration to which I must attach great weight given the likely impact on the Eildon and Leaderfoot National Scenic Area.
4. Finally, it appears to me that the matters raised in regard to field 4838 are dealt with under Issue 184.

Reporter's recommendations:

No modifications.

Issue 186	Development outwith Strategic Development Areas: Proposed Development Boundary SBGLE001 – Glen Estate	
Development plan reference:	Development Boundary SBGLE001 – Glen Estate	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
298 Glen Estate		
Provision of the development plan to which the issue relates:	Development Boundary Glen Estate	
Planning authority’s summary of the representation(s):		
<p>The contributor objects to the non inclusion of a Development Boundary around Glen Estate. It is not considered that Policy HD2 with its threshold restrictions on new development would enable the development potential of the area to be realised.</p>		
Modifications sought by those submitting representations:		
The contributor seeks a Development Boundary at Glen Estate.		
Summary of responses (including reasons) by planning authority:		
<p>NO INCLUSION OF A DEVELOPMENT BOUNDARY AT GLEN ESTATE</p> <p>REASONS</p> <p>The site at Glen Estate is located outwith the Strategic Development Areas as identified within the SESplan Strategic Development Plan (Core Document 001) where there is a limited housing land requirement. Outwith the Strategic Development Areas the SESplan Supplementary Guidance on Housing Land (Core Document 002) has a requirement of 80 units.</p> <p>It is not considered appropriate to identify a Development Boundary at this location. The proposed boundary appears sporadic and illogical in that a significant proportion of the Boundary takes in a long strip of land along the roadside and for much part does not follow any boundaries on the ground. Any proposed new development here can already be assessed against the Development in the Countryside Policies.</p> <p>It is therefore considered that the allocation of a Development Boundary at this location is seen as Unacceptable as development would not be appropriate to this location at there are other more suitable site available in and around existing settlements to meet the housing land requirement.</p> <p>Site specific reasons for the non-inclusion of the potential Development Boundary at Glen Estate are set out in the site assessment (Supporting Document 186-1), in summary these are: the Proposed Boundary takes in a large concentration of listed buildings and is</p>		

located with a Historic Garden and Designed Landscape that is included within the Inventory. There are also a number of archaeology points within the area. The proposal is also located within a Special Landscape Area.

The Site Comparison Report (Core Document 077) identifies the most suitable sites available to meet the housing requirement outwith the Strategic Development Areas. Sites have been allocated at Birgham, Bonchester Bridge, Eddleston, Greenlaw, and Swinton. It is sites within these particular settlements which contribute to meeting the Housing Land requirement.

The new sites brought forward through the Proposed Plan allow for a generous distribution of housing land outwith the Strategic Development Areas taking account of proximity to settlements where key services and facilities are located.

It is therefore considered that the Proposed Local Development Plan meets the provisions of the SESplan Strategic Development Plan (Core Document 001) and its associated Supplementary Guidance on Housing Land (Core Document 002) in providing land to meet the housing requirement (refer to Core Document 017 Updated Appendix 2 Meeting the Housing Land Requirement). In addition, the Proposed Plan provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan. There is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy 2014 (Core Document 026). In addition it should be noted that the Proposed Plan also provides additional flexibility in the form of redevelopment sites and sites with potential for longer term development.

Reporter's conclusions:

1. The site is situated in countryside, on the west side of the B709, to the south west of Innerleithen and Traquair. Glen House, a category "A" listed building, and stables are to the south. The site itself extends to 9.3 hectares, is of an irregular shape, and contains estate and farm buildings, and cottages. Access is from a minor road, leading off the B709. It is narrow and single tracked.

2. In the proposed plan, the site lies outwith a development boundary, is designated countryside, is in a special landscape area, is included, at least in part, in a site identified as an historic garden and designed landscape, and contains a number of listed buildings. It also has a countryside designation in the adopted 2011 Consolidated Scottish Borders Local Plan, and is similarly affected by designations. The proposed plan and the 2014 housing land audit identify no housing sites at this location. In essence, the representation seeks a development boundary around the site.

3. The site forms part of a private estate – the Glen Estate. The aim of the proposal is to bring new residential opportunities into the estate community. However, the effects of introducing a development boundary here on the qualities of the special landscape area, the listed buildings, including their settings, and the garden and designed landscape are unclear. I am concerned that the development boundary would cover a large area, and I agree with the planning authority that the line proposed lacks logic because it does not always follow features on the ground and extends along the access road for some distance. A large scale development could potentially be accommodated within the boundary which could have a significant adverse effect on this attractive rural location and landscape. It would be served by a difficult, inadequate access road, and it would

rely, in the main, on services and facilities in other settlements, most notably Innerleithen and Peebles. It could also lead to ribbon development along the access road. Larger scale development proposals should, in the main, be directed to existing settlements. In the circumstances, I am not persuaded that it would be appropriate to place a development boundary around these estate and farm buildings and cottages. I believe that in a rural location such as this, it would be best if development proposals for housing were assessed against policy HD2, Housing in the Countryside, along with other relevant environmental protection policies. This would allow the rate of expansion of this group of buildings to be properly controlled, and would take full account of the likely impact of any proposal.

4. Overall, no adjustment is required to the proposed plan.

Reporter's recommendations:

No modifications.

Issue 187	Development outwith the Strategic Development Areas: Gordon (AGORD003 - Kelso Road West and RGORD001- East of Station Road)	
Development plan reference:	Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Gordon, pages 339 to 341)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
416 Richard Amos Ltd		
Provision of the development plan to which the issue relates:	Gordon Settlement Profile, Development and Safeguarding Proposals	
Planning authority's summary of the representation(s):		
<p>States a proposal to provide an infill housing plot between Gordon Cemetery and housing on Kelso Road. States it would be relatively inexpensive to develop and would provide opportunity for one or two individual plots. Landscaping as indicated would enhance any development.</p> <p>States a proposal to provide a mixed use employment and housing zone for which it is stated there is already a demand. States there is no commercial/industrial land in Gordon and that the village would benefit from such an allocation.</p>		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> - Addition of a housing site (AGORD003) into the Gordon Settlement Profile - Addition of a mixed use (RGORD001) employment and housing zone into the Gordon Settlement Profile 		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.</p> <p>REASONS</p> <p>No representation on these issues was received during the Main Issues Report (MIR) site call nor the MIR consultation period.</p> <p>Gordon is located outwith the three Strategic Development Areas set out by the SESplan SDP. The Core Document 017 shows that the Proposed LDP meets the provisions of the SESplan SDP and its associated Supplementary Guidance in providing land to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy. In addition Core Document 017 states the Proposed LDP</p>		

provides substantial flexibility in the form of identified redevelopment sites and sites with potential for longer term development. As a result no further housing land within Gordon is required to meet the identified housing requirement.

Gordon is a small village that already has an allocated site within the Proposed LDP BGO9D, which has an indicative capacity of 18 units. It is considered this land is sufficient to meet housing demand in the village.

Single or small scale housing plots are not normally presented as housing land allocations within the plan. Their suitability could be assessed through a pre-application enquiry. In this case the primary policy would be Policy PMD4 Development outwith Development Boundaries which states that where development boundaries are defined they limit the extent to which settlements should be allowed to expand within the period of the Local Development Plan. It is also stated that exceptional approvals may be granted providing relevant criteria are met. It is therefore considered that this proposal is better dealt with by the Development Management process.

In terms of the regeneration potential, it is considered that the site RGORD001 is on land outwith the settlement boundary and that provision is made for its potential development, provided that the criteria of relevant policy, particularly HD2 Housing in the Countryside, PMD4 Development Outwith Development Boundaries and ED7 Business, Tourism and Leisure Development in the Countryside are met.

As a result of the discussion above no amendments to the Gordon Settlement Profile in the Local Development Plan are considered necessary.

Reporter's conclusions:

1. This representation seeks the addition of a small housing proposal site to the south of the village and a mixed use proposal on the northern edge of the village.

2. It is important to note that neither site was proposed for development, either at the call for sites stage or at the MIR consultation stage. Their appearance at this late stage in the plan-making process runs counter to the interests of a front-loaded planning system. In this regard, paragraph 64 of Circular 6/2013: *Development Planning* states that: "It is important in meeting the requirements for strategic environmental assessment that full information on sites and alternative options is submitted early and not held back until the later stages of plan preparation or even the Examination. Promoters of sites would be advised to respond positively at this point, and to provide the necessary evidence to justify their site's inclusion as a preferred option at the Main Issues Report stage. Engaging at this early stage is likely to ensure that the planning authority is able to properly assess the merits of the proposal, with it being more likely to be subject to public engagement and strategic environmental assessment at the Main Issues Report stage and to neighbour notification at the Proposed Plan stage (should the planning authority propose that the site be allocated in the plan). Even if a site is not included in the Proposed Plan, evidence of it being subject to community engagement will be useful if the issue is considered at a subsequent Examination, helping ensure that the reporter is furnished with the necessary information to reach a conclusion, and if appropriate to recommend a modification to the plan."

3. In this case, I have been provided with no such evidence of community engagement. Consequently, in the absence of such information, I do not consider it appropriate to

recommend that either site be allocated for development in the proposed plan.

4. I did, however, note the partly derelict and under-used condition of the proposed mixed use site to the north of the village. I agree with the council that any proposed development of this site could be assessed under the wider policy framework of the plan. In particular, Policy PMD4: *Development Outwith Development Boundaries* appears to establish a pragmatic context for the assessment of such proposals.

5. Failing that, both sites would stand to be assessed when the plan is next reviewed.

Reporter's recommendations:

No modifications.

Issue 188	Housing outwith the Strategic Development Areas: Greenlaw (AGREE007 - Greenlaw Poultry Farm)	
Development plan reference:	Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Greenlaw, page 344-348)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
430 Unknown (Acorus Rural Property Services)		
Provision of the development plan to which the issue relates:	Greenlaw Settlement Profile, Development and Safeguarding Proposals	
Planning authority's summary of the representation(s):		
<p>State a proposal to include a site at the eastern edge of Greenlaw. State clients would like to explore options with the site and would like to register interest. Stated site adjoins the development boundary and is across the road to it to the north. Stated that there are houses at both of these locations and so the site would continue houses to the south of Marchmont Road and be in line with those to the north. Stated site has good access and a road frontage. Is close to the sewage works and close to amenities of Greenlaw.</p>		
Modifications sought by those submitting representations:		
Addition of the site AGREE007 into the Greenlaw Settlement Profile within the Local Development Plan		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>No representation on this issue was received during the Main Issues Report (MIR) site call nor the MIR consultation period.</p> <p>Greenlaw is located outwith the three Strategic Development Areas set out by the SESplan SDP. The Core Document 017 shows that the Proposed LDP meets the provisions of the SESplan SDP and its associated Supplementary Guidance in providing land to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy. In addition Core Document 017 states the Proposed LDP provides substantial flexibility in the form of identified redevelopment sites and sites with potential for longer term development. As a result no further housing land within Greenlaw is required to meet the identified housing requirement.</p>		

It is noted that Greenlaw already has ample housing land allocated through the sites BG200, AGREE006 and AGREE004.

As a result of the discussion above it is not considered necessary to amend the Greenlaw settlement profile in the Local Development Plan as a result of the representation.

Reporter's conclusions:

1. This representation seeks the addition of a 2.2 hectare housing proposal site, currently occupied by poultry houses, on the eastern edge of the village.

2. It is important to note that this site was not proposed for development, either at the call for sites stage or at the MIR consultation stage. Its appearance at this late stage in the plan-making process runs counter to the interests of a front-loaded planning system. In this regard, paragraph 64 of Circular 6/2013: Development Planning states that: "It is important in meeting the requirements for strategic environmental assessment that full information on sites and alternative options is submitted early and not held back until the later stages of plan preparation or even the Examination. Promoters of sites would be advised to respond positively at this point, and to provide the necessary evidence to justify their site's inclusion as a preferred option at the Main Issues Report stage. Engaging at this early stage is likely to ensure that the planning authority is able to properly assess the merits of the proposal, with it being more likely to be subject to public engagement and strategic environmental assessment at the Main Issues Report stage and to neighbour notification at the Proposed Plan stage (should the planning authority propose that the site be allocated in the plan). Even if a site is not included in the Proposed Plan, evidence of it being subject to community engagement will be useful if the issue is considered at a subsequent Examination, helping ensure that the reporter is furnished with the necessary information to reach a conclusion, and if appropriate to recommend a modification to the plan."

3. In this case, I have been provided with no such evidence of community engagement. Consequently, in the absence of such information, I do not consider it appropriate to recommend that the site be allocated for development in the proposed plan.

Reporter's recommendations:

No modifications.

Issue 189	Housing outwith the Strategic Development Areas: Greenlaw (AGREE006 - Marchmont Road II)	
Development plan reference:	Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Greenlaw, page 346)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
301 Culham		
Provision of the development plan to which the issue relates:	Greenlaw Settlement Profile, Development and Safeguarding Proposals (AGREE006-Marchmont Road II)	
Planning authority's summary of the representation(s):		
State that the allocation is supported and should be maintained. It should also be noted that the allocation is not specifically for affordable housing and is in multiple ownership and agreement over access will need to be reached between parties.		
Modifications sought by those submitting representations:		
Statement within the site requirements that the site is not specifically for affordable housing, and is in multiple ownership and agreement over access will need to be reached between parties.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>Support for the allocation is noted.</p> <p>It is not considered necessary to amend the site requirements because it is only where a site <i>is</i> purely for affordable housing that this would need to be stated. In addition, the site requirements state that a Planning Brief in the form of Supplementary Guidance will be undertaken for the site, within this brief it is expected that affordable housing will be dealt with and that a statement will be included to ensure that any proposal on the site meets the requirements of the Proposed LDP policy HD1: Affordable and Special Needs Housing.</p> <p>It is expected that within the Brief that access issues will also be explored and within this a statement on multiple ownership could be included. The Brief will be subject to public consultation.</p> <p>As a result of the discussion above no amendment to the Greenlaw settlement profile in the Local Development Plan is considered necessary.</p>		

Reporter's conclusions:
<p>1. The site requirements for this significant housing proposal are set out on page 346 of the proposed plan. The first of those states an intention by the council to prepare a planning brief, in the form of supplementary guidance, to inform development of the site.</p> <p>2. It is stated nowhere in the settlement profile for Greenlaw that this site is allocated specifically for affordable housing. The council indicates that the proposed brief is expected to consider how any proposal for development of the site would meet the requirements of Policy HD1: <i>Affordable and Special Needs Housing</i>. I find this position to be clear, and consistent with the treatment of other similar housing proposals in the plan. Taking all of that into account, I find no clear need to modify the plan to state that the site is not specifically allocated for affordable housing development.</p> <p>3. I am content also that the detail of ownership and the requirement to mutually agree the specific details of access to the site can be appropriately considered in the supplementary guidance.</p>
Reporter's recommendations:
No modifications.

Issue 190	Development outwith the Strategic Development Areas: Greenlaw (MGREE001- South of Edinburgh Road and SGREE003- Halliburton Road)	
Development plan reference:	Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Greenlaw, page 347)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
416 Richard Amos Ltd		
Provision of the development plan to which the issue relates:	Greenlaw Settlement Profile, Development and Safeguarding Proposals (MGREE001- South of Edinburgh Road and SGREE003- Halliburton Road)	
Planning authority's summary of the representation(s):		
<ul style="list-style-type: none"> - Object to the allocation of site 'MGREE001', instead of site 'SGREE003' in the Finalised Scottish Borders Local Development Plan (LDP) for Greenlaw. Site 'MGREE001' has leap-frogged site 'SGREE003', already identified in the current Local Plan for future development. - State it is agreed that an additional housing allocation should be provided in Greenlaw, however strongly believe the location of the proposed site ('MGREE001') to be unsuitable, having previously been refused planning permission, and set out below an alternative proposal for the village. - Proposed that the Finalised LDP site 'MGREE001' be deemed inappropriate and that the alternative site 'SGREE003' be brought within the Village Development Plan boundary. The land should be allocated to satisfy the identified needs of the Village 		
Modifications sought by those submitting representations:		
That the Finalised LDP site 'MGREE001' be deemed inappropriate and that the alternative site 'SGREE003' be brought within the Village Development Plan boundary		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>MGREE001 was included within the Proposed LDP to meet a perceived business need within the town. It is considered the site would be an appropriate site to achieve this end; the possibility of limited housing development to continue the frontage of Edinburgh road was also considered appropriate. The site has been assessed as a part of the production of the Local Development Plan and it has been found to be a suitable site for development (Supporting Document 190-1). It is noted that MGREE001 is not a housing allocation; instead a coherent mixed use scheme will be expected in terms of any future proposal for development.</p>		

MGREE001 is 1.2ha in size and there is an indicative site capacity for 6 housing units, which would be alongside complementary uses. SGREE003 is 3.4ha and it is considered that this level of additional development land is not required at this time within Greenlaw, particularly given the perceived limited business demand (which could also be located within a complimentary scheme at MGREE003 or at zEL63) and the prevalence of undeveloped housing allocations (AGREE004, AGREE006 and BG200)

Greenlaw is located outwith the three Strategic Development Areas set out by the SESplan SDP. The Core Document 017 shows that the Proposed LDP meets the provisions of the SESplan SDP and its associated Supplementary Guidance in providing land to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy. In addition Core Document 017 states the Proposed LDP provides substantial flexibility in the form of identified redevelopment sites and sites with potential for longer term development. As a result no further housing land within Greenlaw is required to meet the identified housing requirement.

As a result of the discussion above it is not considered necessary to amend the Greenlaw settlement profile in the Local Development Plan due to the representation.

Reporter's conclusions:

1. Circular 6/2013: *Development Planning* states at paragraph 117 that: "Only if the Proposed Plan is insufficient or inappropriate should they [reporters] consider other sites or approaches. They are not tasked with making the plan as good as it can be, but with modifying those parts that are clearly inappropriate or insufficient."
2. I must first, therefore, consider whether the allocation of proposal MGREE001 is in some way inappropriate or insufficient. The proposed plan states that this allocation would be expected to deliver a mixed use scheme involving complementary uses, with an indicative capacity of 6 units for the housing element of that scheme.
3. The representation refers to an earlier refusal of planning permission of which this proposal site formed part. It is stated that the reason for refusal included an indication that the site would not form a logical extension to the settlement and that there would be adverse visual impacts. Access arrangements for the site are also called into question.
4. The council has not directly addressed those criticisms in its response to the representation. It has, however, submitted as a supporting document (SD190-1) its assessment of the site. The landscape assessment of the site notes the site to be prominent on the entrance into Greenlaw, but that increased planting could screen the development from Edinburgh Road. I found this relatively small site to relate fairly well to the settlement edge and surrounding landscape, and note that the plan proposal requires structural planting around the site periphery. I also note from the council's site assessment that no specific issues are raised in regard to site access; I have no evidence to question that conclusion.
5. Overall, I concur with the conclusions of the council's site assessment that there are no issues which would clearly preclude development of the site, and that it could, as part of a mixed use development, provide some opportunity for employment-generating uses.

On that basis, I find the allocation of this site to be appropriate.

6. I now turn to consider whether proposal SGREE003, currently a longer term housing allocation, ought to be brought forward as a housing proposal.

7. The overall housing land supply position has been considered under Issue 080. Even in the circumstances set out under that Issue, I do not consider the bringing forward of this proposal to presently be justified. In this regard I note that Greenlaw is located outwith any strategic development area, that it is relatively remote from the main centres of population and employment opportunities, and that the settlement itself currently offers a restricted range of services and employment opportunities. I note also that the 3 currently proposed housing allocations could provide between them something in the order of 100 units. I consider that to be commensurate with the size and facilities of the settlement and that to further add to that supply would be inappropriate.

8. The site is, however, allocated as a longer term site and it would stand to be considered for development during the plan period, should the terms of Policy HD4: *Further Housing Land Safeguarding* be met.

Reporter's recommendations:

No modifications.

Issue 191	Mixed Use outwith the Strategic Development Areas: Greenlaw (MGREE003 - Extension to Former Duns Road Industrial Site)	
Development plan reference:	Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Greenlaw, page 347)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
306 Marchmont Farms		
Provision of the development plan to which the issue relates:	Greenlaw Settlement Profile, Development and Safeguarding Proposals (MGREE003- Extension to Former Duns Road Industrial Site)	
Planning authority's summary of the representation(s):		
<p>State site was previously allocated for employment land and is currently allocated for mixed use. Stated that this is a step forward but that the owners have consistently argued that the site will only be released for residential development and as a result should be a housing allocation. Stated it is partially serviced and eminently developable, and that the only thing holding it back is Local Plan status. State the structural planning should be retained.</p>		
Modifications sought by those submitting representations:		
Amendment of the allocation from mixed use to a housing allocation.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>Greenlaw is located outwith the three Strategic Development Areas set out by the SESplan SDP. The Core Document 017 shows that the Proposed LDP meets the provisions of the SESplan SDP and its associated Supplementary Guidance in providing land to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy. In addition Core Document 017 states the Proposed LDP provides substantial flexibility in the form of identified redevelopment sites and sites with potential for longer term development. As a result no further housing land within Greenlaw is required to meet the identified housing requirement.</p> <p>It is noted that Greenlaw already has ample housing land allocated through the sites BG200, AGREE006 and AGREE004.</p>		

It is also noted that there is a perceived need for office development for local Greenlaw businesses. This need was illustrated in supporting documentation for a planning application (12/00283/PPP) where a table was provided with developers, employee numbers and their requirements (Supporting Document 191-1)

As a result of the discussion above it is not considered necessary to amend the Greenlaw settlement profile in the Local Development Plan as a result of the representation.

Reporter’s conclusions:

1. Circular 6/2013: Development Planning states at paragraph 117 that: “Only if the Proposed Plan is insufficient or inappropriate should they [reporters] consider other sites or approaches. They are not tasked with making the plan as good as it can be, but with modifying those parts that are clearly inappropriate or insufficient.”
2. I must, therefore, consider whether the allocation of proposal MGREE003 is in some way inappropriate or insufficient. This 0.4 hectare site is allocated for employment-related development in the currently adopted local plan, but for mixed use development in the proposed plan. The site requirements state that any scheme should be of a suitable mixed use nature and that the amenity of adjacent houses should be taken into account.
3. The representation states that the site is accessed through a residential area and backs onto existing dwellings. I note, however, that the site is also coterminous with an existing business and industrial safeguarding area.
4. The overall housing land supply position has been considered under Issue 080. Within that context, I note that Greenlaw is located outwith any strategic development area, that it is relatively remote from the main centres of population and employment opportunities, and that the settlement itself currently offers a restricted range of services and employment opportunities. I note also that the 3 currently proposed housing allocations could provide between them something in the order of 100 units. I consider that to be commensurate with the size and facilities of the settlement. The addition of this modestly-sized site would not have a significant effect on these considerations.
5. Of more importance, I think, is the relationship of the site with neighbouring uses. The allocation of the site for mixed use development clearly does not preclude an element of residential development. This seems to me to offer sufficient flexibility to devise a layout which acknowledges neighbouring land use, whilst at the same time meeting the aspirations of the landowner and the council. I find, therefore, the allocation contained in the proposed plan to be appropriate.

Reporter’s recommendations:

No modifications.

Issue 192	Key Greenspace: Greenlaw	
Development plan reference:	Greenlaw Settlement Profile and Map, Key Greenspace – GSGREE001	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
381 Greenlaw and Hume Community Council		
Provision of the development plan to which the issue relates:	Greenlaw Key Greenspace	
Planning authority's summary of the representation(s):		
The contributor states that site GSGREE001 has been called Greenlaw Football Club within the Proposed Plan however its correct name is WS Happer Memorial Park. The Community Council therefore seeks that this issue is corrected.		
Modifications sought by those submitting representations:		
The contributor seeks site GSGREE001 to be renamed WS Happer Memorial Park.		
Summary of responses (including reasons) by planning authority:		
<p>AMEND THE SITE NAME OF KEY GREENSPACE SITE GSGREE001 TO “<i>WS HAPPER MEMORIAL PARK</i>”. THIS IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL</p> <p>REASONS</p> <p>It is considered that the proposed amendment as suggested by the contributor will correct an error within the Plan and would constitute a non-significant change.</p>		
Reporter's conclusions:		
1. I note and agree with the council that key greenspace GSGREE001 should be accurately named in the plan.		
Reporter's recommendations:		
<p>I recommend that the following modification be made:</p> <p>1. Within the settlement profile for Greenlaw, delete reference to key greenspace GSGREE001 as “Greenlaw Football Club” and replace with “WS Happer Memorial Park”.</p>		

Issue 193	Business and Industrial Safeguarding within the Central Strategic Development Area: Hawick (zEL49 - Burnfoot)	
Development plan reference:	Hawick Settlement Profile and Map (pages 349 – 359) zEL49 - Burnfoot	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Business and Industrial Safeguarding – zEL49 - Burnfoot	
Planning authority’s summary of the representation(s):		
<p>The contributor requires a FRA which assesses the risk from the River Teviot and Boonraw Burn. A FRA is required to inform the area of redevelopment, type of development, and finished floor levels. It is important to consider sensitivity of use in line with our land use vulnerability guidance. Redevelopment should not increase flood risk elsewhere. Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage.</p>		
Modifications sought by those submitting representations:		
The contributor seeks a modification of the site requirements to include a FRA.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE HAWICK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.</p>		

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

The Council’s Flood Protection Officer advises that this site may be at risk of fluvial and pluvial flooding at a 1 in 200 year flood event. Dependant on the type and location of the development it may be required that a flood risk assessment be undertaken. If not, surface water management techniques and water resilient materials should be used at the site.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site zEL49, Burnfoot, is a large area of established business and industrial use safeguarded as a “district” site under Policy ED1.
2. The Scottish Environment Protection Agency flood map shows the River Teviot to represent a high or medium flood risk along the southern boundary of the site. The Boonraw Burn flows to the east of the site to a confluence with the Teviot and constitutes a localised high risk of flooding. There are some small areas at medium risk of surface water flooding within the site zEL49.
3. I note the council’s Flood Protection Officer recognises the possible need for a flood risk assessment along with a requirement to adopt other flood mitigation measures. Nevertheless, the council believes that Policy IS8, Flooding, provides an adequate basis for development management.
4. The emphasis of the proposed plan is to safeguard this existing business and industrial site. Clearly there is a potential for property to be redeveloped or for changes of use. In such instances, account would require to be taken of the particular site conditions, including the potential for flooding. This consideration would be particularly important in the proximity of the River Teviot and Boonraw Burn and to the limited areas within the site subject to surface water flooding.
5. Under the circumstances, particularly in view of the established character of the Burnfoot business and industrial area, I consider the threat from flood risk to be tangible but not significant to the extent that a specific reference is necessary as a site requirement. I share the opinion of the council that Policy IS8, Flooding, provides an adequate basis for development management within this area.

Reporter’s recommendations:

No modifications.

Issue 194	Business and Industrial Safeguarding within the Central Strategic Development Area: Hawick (zEL50 – Mansfield Road)	
Development plan reference:	Hawick Settlement Profile and Map (pages 349 – 359) zEL50 – Mansfield Road	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Business and Industrial Safeguarding – zEL50 – Mansfield Road	
Planning authority’s summary of the representation(s):		
<p>The contributor requires a FRA which assesses the risk from the River Teviot and small watercourse which flows along the boundary of the site which may be culverted in parts. A FRA is required to inform the area of redevelopment, type of development, and finished floor levels. It is important to consider sensitivity of use in line with our land use vulnerability guidance. Re-development should not increase flood risk elsewhere. Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage.</p>		
Modifications sought by those submitting representations:		
The contributor seeks a modification of the site requirements to include a FRA.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE HAWICK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions</p>		

of Scottish Planning Policy, SEPA policy and the PAN 69.

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

The Council’s Flood Protection Officer advises that this site is fully within the fluvial 1 in 200 year flood extent and may also be affected by pluvial flooding during a 1 in 200 year flood event. It would be required that a Flood Risk Assessment (FRA) be undertaken at this site. Compensatory storage would be required but It is unlikely that there is any capacity to provide compensatory storage at this site.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site zEL50, Mansfield Road, is an established business and industrial use safeguarded as a “district” site under Policy ED1.
2. The Scottish Environment Protection Agency flood map shows the River Teviot to represent a high or medium flood risk over the entire site. I note the Agency also refers to a small watercourse along the boundary of the site.
3. Under these circumstances it is not surprising that the council’s Flood Protection Officer identifies a general requirement for a flood risk assessment. It is also significant that it is unlikely any required compensatory storage could be provided on the site.
4. I appreciate that Policy ED1 has been applied to safeguard this area of established development. I also recognise that the council believes that Policy IS8, Flooding, provides an adequate basis for development management. Nevertheless, in view of the possibility of redevelopment or change of use proposals being brought forward I consider that, in this instance, it would be appropriate and helpful to specify the need for a flood risk assessment as a site requirement.

Reporter’s recommendations:

I recommend that the following modification be made:

1. In the Hawick Settlement Profile under the Business and Industrial Safeguarding section of the Development and Safeguarding Proposals, add a bullet point in the site requirements for site zEL50, Mansfield Road:

“A flood risk assessment is required for proposed development within this area.”

Issue 195	Business and Industrial Safeguarding within the Central Strategic Development Area: Hawick (zEL52 – Liddesdale Road)	
Development plan reference:	Hawick Settlement Profile and Map (pages 349 – 359) zEL52 - Liddesdale Road	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Business and Industrial Safeguarding – zEL52 - Liddesdale Road	
Planning authority’s summary of the representation(s):		
<p>The contributor requires a FRA which assesses the risk from the Slitrig Water and any potential mill lades flowing through or adjacent to the site. Any nearby bridges should also be considered as the Slitrig has mobilised large amounts of woody debris in the past.</p>		
Modifications sought by those submitting representations:		
The contributor seeks a modification of the site requirements to include a FRA.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE HAWICK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.</p> <p>Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk</p>		

assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

The Council’s Flood Protection Officer advises that this site may be within the 1 in 200 year pluvial flood risk. There would need to be consideration of surface water runoff and road drainage issues at this site.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site zEL52, Liddesdale Road, is a well-established “district” business and industrial site, safeguarded under the provisions of Policy ED1.
2. The Scottish Environment Protection Agency flood map shows the Slitrig Water on the north-west boundary of the site to be subject to flooding although within a very confined area. The Agency also refers to potential mill lades and the possibility of debris collecting under nearby bridges.
3. I note the council’s Flood Protection Officer recognises certain flooding issues but has not suggested the need for a flood risk assessment. The emphasis of the proposed plan is to safeguard this existing business and industrial site. Clearly there is a potential for property to be redeveloped or for changes of use. In such instances, account would require to be taken of site conditions, including the potential for flooding.
4. Under the circumstances, particularly in view of the established character of the Liddesdale Road site, I consider the threat from flood risk to be tangible but not significant to the extent that a specific reference is necessary as a site requirement. I share the opinion of the council that Policy IS8, Flooding, provides an adequate basis for development management within this area.

Reporter’s recommendations:

No modification.

Issue 196	Business and Industrial Safeguarding within the Central Strategic Development Area: Hawick (zEL62 – Weensland)	
Development plan reference:	Hawick Settlement Profile and Map (pages 349 – 359) zEL62 - Weensland	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Business and Industrial Safeguarding – zEL62 - Weensland	
Planning authority’s summary of the representation(s):		
<p>The contributor requires a FRA which assesses the risk from the River Teviot and mill lade which flows through the site which may be culverted in parts. A FRA is required to inform the area of redevelopment, type of development, and finished floor levels. It is important to consider sensitivity of use in line with our land use vulnerability guidance. Redevelopment should not increase flood risk elsewhere. The site will likely be heavily constrained due to flood risk. Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage.</p>		
Modifications sought by those submitting representations:		
The contributor seeks a modification of the site requirements to include a FRA.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE HAWICK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions</p>		

of Scottish Planning Policy, SEPA policy and the PAN 69.

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

The Council’s Flood Protection Officer advises that this site is fully within the fluvial 1 in 200 year flood extent and may also be affected by pluvial flooding during a 1 in 200 year flood event. It would be required that a Flood Risk Assessment (FRA) be undertaken at this site. Compensatory storage would be required but It is unlikely that there is any capacity to provide compensatory storage at this site.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site zEL62, Weensland, is an established business and industrial use safeguarded as a “district” site under Policy ED1.
2. The Scottish Environment Protection Agency flood map shows the River Teviot to represent a high or medium flood risk over the entire site.
3. Under these circumstances it is not surprising that the council’s Flood Protection Officer identifies a general requirement for a flood risk assessment. It is also significant that it is unlikely any required compensatory storage could be provided on the site.
4. I appreciate that Policy ED1 has been applied to safeguard this area of established development. I also recognise that the council believes that Policy IS8, Flooding, provides an adequate basis for development management. Nevertheless, in view of the possibility of redevelopment or change of use proposals being brought forward I consider that, in this instance, it would be appropriate and helpful to specify the need for a flood risk assessment as a site requirement.

Reporter’s recommendations:

I recommend that the following modification be made:

1. In the Hawick Settlement Profile under the Business and Industrial Safeguarding section of the Development and Safeguarding Proposals, add a bullet point in the site requirements for site zEL62, Weensland:

“A flood risk assessment is required for proposed development within this area.”

Issue 197	Redevelopment within the Central Strategic Development Area: Hawick (zRO8 – Commercial Road)	
Development plan reference:	Hawick Settlement Profile and Map (pages 349 – 359) (zRO8 – Commercial Road)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>477 Wilton Mills Ltd 339 Scottish Government, including Transport Scotland and Historic Scotland 357 Scottish Environment Protection Agency</p>		
Provision of the development plan to which the issue relates:	Hawick Settlement Map and Redevelopment Site zRO8 – Commercial Road	
Planning authority's summary of the representation(s):		
<p><u>477 Wilton Mills Ltd</u></p> <p>Redevelopment site zR08 should be included within the town centre boundary. It would increase the range of land uses that would contribute towards regeneration. The site could function as part of the town centre and is already well connected to the town centre by a pedestrian only footbridge. The site would offer a natural extension of the town centre and public realm.</p> <p>The Hawick settlement profile states that it has been extended in recognition of new retail development along Commercial Road. The proposed extension of the town centre can be justified in anticipation of, and to encourage new land uses that could make a positive contribution to the vitality and viability of the town centre.</p> <p>Part of development site zRO8 is located within the extended town centre boundary and there is nothing material to distinguish this land from the subject site. It benefits from the same edge of town centre status and strong existing pedestrian links to the rest of the town centre.</p> <p>The site is included within the Hawick conservation area. The condition of certain buildings on site is having a negative impact on the character and appearance of the conservation area. Inclusion of the site within the town centre would increase the ability to deliver viable regeneration of the site and with it, the potential to make a positive contribution to the conservation area.</p> <p><u>339 Scottish Government, including Transport Scotland and Historic Scotland</u></p> <p>The main issues for proposals for development along this section of trunk road will relate to the provision of suitable access, cumulative impact on the Commercial Road/Albert Road junction and the provision of parking. Proposals will require to be discussed with Transport Scotland as trunk roads authority at an early juncture, particularly in respect to the performance of the Commercial Road/Albert Road junction</p>		

<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor supports the requirement for FRA in the Planning Brief.</p>
<p>Modifications sought by those submitting representations:</p>
<p><u>477 Wilton Mills Ltd</u></p> <p>The Contributor seeks a modification of the town centre boundary to include Redevelopment Site zRO8.</p>
<p>Summary of responses (including reasons) by planning authority:</p>
<p><u>477 Wilton Mills Ltd</u></p> <p>This representation also relates to Schedule 4 No 021 on Policy ED3 – Town Centres and Shopping Development.</p> <p>Policy ED3 was developed alongside work undertaken for the council by Robert Drysdale Consultancy on retail capacity (Core Document 050). Amongst the key findings from that study was that with the exception of Galashiels, there was limited capacity for further retail floor space. In particular, it found that there would be no spare capacity to support new stores in Hawick.</p> <p>This finding confirmed previous work undertaken for the Council by Roderick MacLean Consultancy (Core Document 049) prior to the development of the Sainsbury store on Commercial Road.</p> <p>It is therefore concluded that it would be inappropriate to extend the town centre boundary so that further retail development could be accommodated within Hawick.</p> <p>The development of allocation zRO8 would be assessed against relevant Proposed LDP policies and guided by the approved Planning Brief for this allocation (Core Document 072). Policy ED5 – Regeneration stipulates that Scottish Planning Policy encourages Councils’ to promote opportunities for regeneration for a variety of uses including economic development, town centre improvement and sustainable development. Provided a number of criteria can be met, Policy ED5 aims to encourage the redevelopment of this site for a variety of uses to support the opportunity of bringing such land back into productive use and to enhance the surrounding environment. Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy ED5 and that the insertion of the contributor’s proposal is not necessary.</p>
<p><u>339 Scottish Government, including Transport Scotland and Historic Scotland</u></p> <p>The contributor’s comments are noted. Access arrangements, traffic flows, parking arrangements etc associated with the development of this site could be covered by the planning application process and submission of Transport Assessment. The proposals would then be assessed against Proposed LDP policies PMD2 – Quality Standards, PMD3 – Land Use Allocations, PMD5 - Infill Development, ED5 – Regeneration, IS6 – Road Adoption Standards and IS7 – Parking Provision and Standards following a full consultation process which including Transport Scotland.</p>

357 Scottish Environment Protection Agency

The contributor's support comments noted.

Reporter's conclusions:

1. Site zRO8, Commercial Road, is allocated for redevelopment. The site is some 3.9 hectares in extent.
2. The need to redevelop the site was recognised in the supplementary guidance entitled Commercial Road, Hawick, which was prepared in February 2009. In that document, the wider area of the "zRO8 Redevelopment Site " was identified. Part of that site has subsequently been redeveloped and includes the Sainsbury's superstore and Lidl. That section of the site has been incorporated within the town centre under the provisions of the proposed local development plan. The northern part of the site, the subject of this issue, remains outside the designated town centre.
3. The approved planning brief indicates that the character of the study area is largely determined by the river, the history of industrial development and the proximity of the town centre on the opposite bank. The clock tower at Wilton Mills (within the site) is recognised as one of the main landmarks in and around the town centre. As indicated, the designated town centre has been extended across the river and now provides the southern boundary to the Wilton Mills site.
4. The "strengths" of the site set out in the planning brief include proximity to the town centre and the opportunity to enhance the western part of the town centre. The "opportunities" include revitalising and regenerating the local area, improving connectivity to the town centre, providing commercial and/or residential opportunities within Hawick and using the capacity within the Hawick area for small scale food retail/non-food retail purposes.
5. In assessing the potential concepts, the planning brief recognises the prospect of enhancing not only the site but also Hawick town centre. However, the Wilton Mills Ltd section of the site is thought most likely to be developed for residential use.
6. It is clear that the planning brief recognised the close relationship between the wider site zRO8 and the town centre. Indeed, that relationship has been taken forward through the retail development that has occurred in the southern part of the site and the inclusion of that section within the town centre designation.
7. I believe there to be great merit in securing an appropriate form of development which would benefit the wider townscape of Hawick, and contribute positively to the town centre ambience, the river frontage and, hopefully, restore the listed buildings to meaningful use.
8. Although Wilton Mills Ltd argues that the site offers a logical extension to the town centre, no substantive evidence has been provided to support this contention in terms of a need for further retail floor space.
9. Two retail capacity studies have been commissioned: Hawick Retail Capacity Study 2007 and Scottish Borders Retail Capacity Study 2011. I attach greater weight to the second of these studies as it is more recent and was prepared following the retail development undertaken in the southern part of the Commercial Road development site.

The 2011 study regards the town centre retail turnover as more than adequate, suggesting a “healthy if not exceptional performance”. The amount of convenience floorspace in the town centre is regarded as broadly in balance with the level of expenditure being attracted into the centre. For comparison shopping, the town centre is also believed to be trading a “a healthy level.”

10. Overall, I do not consider there is a strong argument for the required designation of the Wilton Mills Ltd site as part of the town centre. In reaching this conclusion, I have noted the terms of Policy ED5, Regeneration. The site is identified in the policy as a regeneration opportunity. Although not specified as a “Town Centre Redevelopment Opportunity”, retail use would not be precluded under the criteria listed under Policy ED5. I accept that under Policy ED3, Town Centres and Shopping Development, town centre locations will be preferred to edge-of-centre locations. Indeed, this is the order of preference set out in Scottish Planning Policy. Together, Policies ED3 and ED5 provide a reasonable basis for considering any future development proposal for the site, including any proposal including a retail component.

11. I have also noted the representations of the Scottish Government in respect of the implications for Commercial Road, which is part of the A7 trunk road. I accept that any traffic related matters in respect of development could be dealt with through the development management process.

12. The support of the Scottish Environment Protection Agency for a flood risk assessment does not raise an unresolved issue and accordingly there was no requirement for this matter to be brought to the local development plan examination.

Reporter’s recommendations:

No modifications.

Issue 198	Housing within the Central Strategic Development Area: Hawick (AHAWI006 – Guthrie Drive)	
Development plan reference:	Hawick Settlement Profile and Map (pages 349 – 359) AHAWI006 – Guthrie Drive	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Housing Allocation AHAWI006 – Guthrie Drive	
Planning authority’s summary of the representation(s):		
<p>The contributor requires a flood risk assessment to assess the risk from the small watercourse which flows through/adjacent to the site. Consideration should be given to any culverts/bridges nearby/within the site which may exacerbate flooding. Surface water run off from the nearby hills may be an issue. May require mitigation measures during design stage.</p>		
Modifications sought by those submitting representations:		
The contributor seeks a modification of the site requirements to include a FRA.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE HAWICK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.</p>		

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

The Council’s Flood Protection Officer advises that this site may be at risk from pluvial flooding in a 1 in 200 year flood event. Consideration of surface water runoff from the nearby hills should also be taken into account.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site AHAWI006, Guthrie Drive, is allocated for housing.
2. The Scottish Environment Protection Agency raises a number of issues and the council’s Flood Prevention Officer refers to pluvial flooding and surface water runoff but does not require a flood risk assessment.
3. The Agency flood maps show medium and high risk of surface water flooding along the burn that crosses the site diagonally. The affected areas are closely confined to the line of the burn itself.
4. In this instance I share the council’s opinion that Policy IS8, Flooding, provides a sound basis for development management in respect of any issues that might arise. In particular, should it be thought necessary, a flood risk assessment could be required. I therefore do not consider that a specific site requirement is necessary in terms of flood risk assessment.

Reporter’s recommendations:

No modifications.

Issue 199	Housing within the Central Strategic Development Area: Hawick (AHAWI013 – Gala Law)	
Development plan reference:	Hawick Settlement Profile and Map (pages 349 – 359) AHAWI013 – Gala Law	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Housing Allocation AHAWI013 – Gala Law	
Planning authority’s summary of the representation(s):		
<p>The contributor requires a flood risk assessment which assesses the risk from the small watercourse which flows along the boundary of the site. Consideration should be given to any culverts/bridges nearby/ within the site which may exacerbate flooding. Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage.</p>		
Modifications sought by those submitting representations:		
<p>The contributor seeks a modification of the site requirements/planning brief to include a FRA.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE HAWICK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.</p>		

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

The Council’s Flood Protection Officer advises that this site may be at risk from pluvial flooding in a 1 in 200 year flood event. Consideration of surface water runoff from the nearby hills should be taken into account.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site AHAWI013, Gala Law, is allocated for housing.
2. The Scottish Environment Protection Agency raises a number of issues and the council’s Flood Prevention Officer refers to pluvial flooding and surface water runoff but does not require a flood risk assessment.
3. The Scottish Environment Protection Agency flood maps show a very limited area of medium and high risk of surface water flooding along the line of the burn that follows the western boundary of the site.
4. In this instance I share the council’s opinion that Policy IS8, Flooding, provides a sound basis for development management in respect of any issues that might arise. In particular, should it be thought necessary, a flood risk assessment could be required. I therefore do not consider that a specific site requirement is necessary in terms of flood risk assessment.

Reporter’s recommendations:

No modifications.

Issue 200	Housing within the Central Strategic Development Area: Hawick (RHA12B – Summerfield 1)	
Development plan reference:	Hawick Settlement Profile and Map (pages 349 – 359) RHA12B – Summerfield 1	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Housing Allocation RHA12B – Summerfield 1	
Planning authority’s summary of the representation(s):		
The contributor requires a flood risk assessment which assesses the risk from the small watercourse which flows along the boundary of the site. Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage.		
Modifications sought by those submitting representations:		
The contributor seeks a modification of the site requirements/planning brief to include a FRA.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE HAWICK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.</p> <p>Policy IS8 sets out the requirement that “Developers will be required to provide, including</p>		

if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

The Council’s Flood Protection Officer advises that this site may be at risk from pluvial flooding in a 1 in 200 year flood event. Consideration of surface water runoff from the nearby hills should be taken into account.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site RHA12B, Summerfield 1, is allocated for housing.
2. The Scottish Environment Protection Agency raises a number of issues and the council’s Flood Prevention Officer refers to pluvial flooding and surface water runoff but does not require a flood risk assessment.
3. The Scottish Environment Protection Agency flood maps show an area of high risk of surface water flooding along the line of the burn in the northern part of the site.
4. In this instance I share the council’s opinion that Policy IS8, Flooding, provides a sound basis for development management in respect of any issues that might arise. In particular, should it be thought necessary, a flood risk assessment could be required. I therefore do not consider that a specific site requirement is necessary in terms of flood risk assessment.

Reporter’s recommendations:

No modifications.

Issue 201	Housing within the Central Strategic Development Area: Hawick (RHA13B – Summerfield 2)	
Development plan reference:	Hawick Settlement Profile and Map (pages 349 – 359) RHA13B – Summerfield 2	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency 370 MacDonald (1 of 1 & 1 of 2)		
Provision of the development plan to which the issue relates:	Housing Allocation RHA13B – Summerfield 2	
Planning authority’s summary of the representation(s):		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor requires a flood risk assessment which assesses the risk from the small watercourse which flows along the boundary of the site. Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage.</p> <p><u>370 MacDonald (1 of 1 & 1 of 2)</u></p> <p>Site RHA13B includes land within the contributor’s ownership. It is expected that this is corrected and the land be excluded from the boundaries of the site.</p>		
Modifications sought by those submitting representations:		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor requires a flood risk assessment which assesses the risk from the small watercourse which flows along the boundary of the site. Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage.</p> <p><u>370 MacDonald (1 of 1 & 1 of 2)</u></p> <p>Site RHA13B includes land within the contributor’s ownership. It is expected that this is corrected and the land be excluded from the boundaries of the site.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE HAWICK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN TO INCLUDE A FRA IN RELATION TO 357</p> <p>NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL PROPOSED IN RELATION TO THE REMOVAL OF CONTRIBUTORS PROPERTY FROM THE PROPOSED ALLOCATION RHA13B IN RELATION TO 370</p>		

REASONS

357 Scottish Environment Protection Agency

It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

The Council’s Flood Protection Officer advises that this site may be at risk from pluvial flooding in a 1 in 200 year flood event. Consideration of surface water runoff from the nearby hills should be taken into account.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

370 MacDonald

The Council notes the provisions within paragraph 87 of Circular 6/2013 on Development Planning which state that “The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations.” In that respect the Council acknowledges that the site boundary could be amended to remove the land within the ownership of the contributor (MacDonald). This area could be reverted back to ‘white land’ and proposals for development could be tested in the future through the application process against Infill Policy PMD5. The Council would accept the Reporter’s decision on this matter.

Reporter’s conclusions:

1. Site RHA13B, Summerfield 1, is allocated for housing.
2. The Scottish Environment Protection Agency raises a number of issues and the council’s Flood Prevention Officer refers to pluvial flooding and surface water runoff but

does not require a flood risk assessment.

3. The Agency flood maps show a very limited area of medium risk of surface water flooding along the line of the burn in the north-east extremity of the site.

4. In this instance I share the council's opinion that Policy IS8, Flooding, provides a sound basis for development management in respect of any issues that might arise. In particular, should it be thought necessary, a flood risk assessment could be required. I therefore do not consider that a specific site requirement is necessary in terms of flood risk assessment.

5. The land identified by Mr MacDonald as being within his ownership appears to be part of the curtilage of Woodgate. The council is content to remove this land from site RHA13B and apply a "white land" allocation. I concur.

Reporter's recommendations:

I recommend the following modifications be made:

1. In the Hawick proposals map, reduce the size of site RHA13B, Summerfield 2, to the extent shown on the location map accompanying representation 370, MacDonald, 2 of 2. The land removed from the site should be re-allocated as "white land".

2. Make any consequential adjustments to the size and indicative capacity of the site in the Housing section of the Development and Safeguarding Proposals of the Hawick settlement profile along with any other statistical adjustments elsewhere in the proposed plan.

Issue 202	Housing within the Central Strategic Development Area: Hawick (RHA25B – Stirches 2)	
Development plan reference:	Hawick Settlement Profile and Map (pages 349 – 359) RHA25B – Stirches 2	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Housing Allocation RHA25B – Stirches 2	
Planning authority’s summary of the representation(s):		
<p>The contributor requires a flood risk assessment which assesses the risk from the small watercourse which flows along the boundary of the site. Consideration should be given to any culverts/bridges nearby/ within the site which may exacerbate flooding. Surface water runoff from the nearby hills may be an issue. May require mitigation measures during design stage.</p>		
Modifications sought by those submitting representations:		
<p>The contributor seeks a modification of the site requirements/planning brief to include a FRA.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE HAWICK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.</p>		

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site RHA25B, Stirches 2, is allocated for housing.
2. The Scottish Environment Protection Agency raises a number of issues in respect of a small watercourse flowing along the side of the site. I have no comments from the council’s Flood Prevention Officer.
3. The Agency flood maps show no areas at risk of flooding within the site.
4. In this instance I share the council’s opinion that Policy IS8, Flooding, provides a sound basis for development management in respect of any issues that might arise. In particular, should it be thought necessary, a flood risk assessment could be required. I therefore do not consider that a specific site requirement is necessary in terms of flood risk assessment.

Reporter’s recommendations:

No modifications.

Issue 203	Longer Term Housing within the Central Strategic Development Area: Hawick (SHAWI003 – Burnfoot Phase 1)	
Development plan reference:	Hawick Settlement Profile and Map (pages 349 – 359) SHAWI003 – Burnfoot Phase 1	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Housing Allocation SHAWI003 – Burnfoot Phase 1	
Planning authority’s summary of the representation(s):		
<p>Historic maps shows a watercourse flowing through the middle of the site which may now be culverted. The contributor requires a FRA which assesses the risk from this culvert. PAN 69 states that "buildings must not be constructed over an existing drain (including a field drain) that is to remain active". Review of the surface water 1 in 200 year flood map shows that there may be flooding issues at this site. This should be investigated further and it is recommended that contact is made with the Council’s flood prevention officer.</p>		
Modifications sought by those submitting representations:		
The contributor seeks a modification of the site requirements to include a FRA.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE HAWICK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.</p>		

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

The Council’s Flood Protection Officer advises that this site may be at risk of pluvial flooding in a 1 in 200 year flood. It would be required that surface water management be taken into consideration and there may be the need for a flood risk assessment at the site.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site SHAWI003, Burnfoot Phase 1, is allocated as potential longer term housing land (subject to review).
2. The Scottish Environment Protection Agency draws attention to the possibility of culverts within the site and the prospect of flooding. The council’s Flood Prevention Officer accepts there may be a need for a flood risk assessment.
3. The Agency flood maps show no areas of flooding risk within that part of the site allocated for development. However, the southern part of the site, which is low lying wetland identified as key green space, is shown to be at high risk of surface water flooding.
4. In the event that the development of the site is proposed in due course, the sloping nature of the land, the low lying wetland to the south and the possibility of culverts will be challenging considerations. The Flood Prevention Officer is not adamant that a flood risk assessment would be required and, in any event, Policy IS8, Flooding, makes provision for requiring a flood risk assessment. However, in this instance I believe it would be appropriate for the site requirements to include a reference to the possibility of providing a flood risk assessment. Additionally, it would be helpful to draw attention to the prospect of culverts within the site.

Reporter’s recommendations:

I recommend the following modification be made:

1. In the Hawick Settlement Profile under the Potential Longer Term Housing Land (Subject to Review) section of the Development and Safeguarding Proposals, amend the second bullet point in the site requirements for site SHAWI003, Burnfoot Phase 1, as follows:

“Development to take cognisance of the possibility of a culverted water course within the site, the need for a sustainable drainage system and the wetland area to the south west. A flood risk assessment may be required.”

Issue 204	Housing within the Central Strategic Development Area: Hawick (AHAWI024 – Former Stonefield Quarry)	
Development plan reference:	Hawick Settlement Profile and Map (pages 349 – 359) AHAWI024 – Former Stonefield Quarry	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number:		
373 Cook		
Provision of the development plan to which the issue relates:	Proposed New Housing Site (AHAWI024 – Former Stonefield Quarry)	
Planning authority’s summary of the representation(s):		
The contributor proposes site AHAWI024 for inclusion within the Proposed LDP for housing.		
Modifications sought by those submitting representations:		
The contributor seeks a modification of the Hawick settlement profile to include site AHAWI024 for housing.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE HAWICK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is accepted that the site has a natural means of enclosure on three sides however the site is located outwith the Hawick development boundary which is strongly defined in this area by the former railway line to the west of the site. Allowing inclusion of this site would set an undesirable precedent for other allocations outwith this clearly defined boundary and the proposal cannot be supported.</p> <p>Given that the site is not located within the Hawick settlement boundary, any planning application for residential development would be assessed against Policy HD2 for Housing in the Countryside and Policy PMD4 for Development outwith Development Boundaries to establish whether the principle of housing on the site could be established.</p> <p>Hawick is located within the Central Strategic Development Area set out by the SESplan Strategic Development Plan (SDP) (Core Document 001). The updated Appendix 2 – Meeting the Housing Land Requirement (Core Document 017) shows that the Proposed LDP meets the provisions of the SESplan SDP and its associated Supplementary Guidance in providing land to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year land supply of land within each of the Council’s housing</p>		

market areas to meet demand as required by Scottish Planning Policy. In addition Core Document 017 states that the Proposed LDP provides substantial flexibility in the form of identified redevelopment sites and sites with potential for longer term development. As a result it is not considered that there is any requirement for additional housing sites in Hawick. Details of the housing calculations are included in the updated Appendix 2 – Meeting the Housing Land Requirement of the Proposed LDP.

The access serving this site is inappropriate for the vehicles associated with housing development in terms of gradient and surfacing and as the site is brownfield land, its historic use may present development constraints in terms of land contamination.

It is submitted that the development of this site for housing can be adequately dealt with through the provisions of the mainstream policy HD2 and policy PMD4 relating to housing development in the countryside and development outwith development boundaries as well as policy IS6 and policy IS13 in relation to road adoption standards and contaminated land.

Reporter’s conclusions:

1. The written submission simply requires the site of the former Stonefield Quarry to be included within the plan. The accompanying drawing is entitled “Proposed House at Quarry Site, Stonefield.”
2. I share the council’s opinion that the embankment of the former railway line provides a very well-defined settlement boundary in this part of Hawick. Access to the site would be via an existing bridge through the embankment with an incline from Stonefield, the nearest public road. The embankment and the means of access would ensure development of the site would be largely unconnected with the settlement of Hawick both visually and physically. In turn, development would not contribute to place-making, a central principle of Scottish Planning Policy.
3. In addition, I believe that the confines of the site, located within a former quarry and bounded to the north by the high embankment, would not lead to a residential ambience of high quality.
4. As it appears only one house is intended within the former quarry, there is no strategic significance in the potential development of the site.
5. All-in-all, I conclude that the land of the former Stonefield Quarry should not be allocated for residential development, be it a single house or a small group of houses. Similarly, the settlement boundary should not be adjusted at this location. As pointed out by the council, any formal proposal would be assessed against the relevant policies of the local development plan.

Reporter’s recommendations:

No modifications.

Issue 205	Redevelopment within the Central Strategic Development Area: Hawick (RHAWI009 – Knitwear Factory)	
Development plan reference:	Hawick Settlement Profile and Map (pages 349 – 359) RHAWI009 – Knitwear Factory	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Redevelopment Opportunity - RHAWI009 – Knitwear Factory	
Planning authority’s summary of the representation(s):		
The contributor supports the inclusion of a FRA in the site requirements but requests an additional requirement should be included to help contribute to the objectives of the River Basin Management Plan.		
Modifications sought by those submitting representations:		
The contributor seeks a modification of the site requirements to contribute to the objectives of the River Basin Management Plan.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE HAWICK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required</p>		

to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area. Policy EP15 states the Council's clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

The Council's Flood Protection Officer advises that this site may be at risk from pluvial flooding at a 1 in 200 year flood. Surface water management may need to be considered.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor's proposal is not necessary.

Reporter's conclusions:

1. Site RHAWI009, Knitwear Factory, is allocated for redevelopment.
2. I recognise the hope of the Scottish Environment Protection Agency that the redevelopment of the site would provide an opportunity to contribute to the objectives of the River Basin Management Plan. Nevertheless, Policy EP15, Development Affecting the Water Environment, provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. Opportunities to enhance and restore the water environment in support of biodiversity are set out in supplementary guidance.
3. On the basis of the foregoing, I conclude that the terms of Policy EP15 provide a clear basis for development management of this site in respect of the water environment and that a further site requirement to this effect is not necessary.

Reporter's recommendations:

No modifications.

Issue 206	Housing within the Western Strategic Development Area: Innerleithen (AINNE004 – Kirklands/Willowbank II)	
Development plan reference:	Innerleithen Settlement Profile and Map, Site AINNE004 – Kirklands/Willowbank II	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>357 Scottish Environment Protection Agency 388 Barry Horsburgh 392 Thomas Ferguson</p>		
Provision of the development plan to which the issue relates:	Innerleithen Housing Land	
Planning authority's summary of the representation(s):		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor objects to this site in that they would require a flood risk assessment to be included within the list of site requirements. It is noted that there are two small watercourses, one on the northern and other on the southern boundary of the site.</p> <p><u>388 Barry Horsburgh</u></p> <p>The contributor objects that the site boundary is not correct in that the map does not show the new access road and associated planting that has been constructed to their property.</p> <p><u>392 Thomas Ferguson</u></p> <p>The contributor objects to the allocation of site AINNE004, stating that their recently built property which is located in close vicinity to the site benefits from a ground source heat pump. The contributor continues by stating that the heat pump is reliant on the water fissures that run under the mountain and down to their property. Furthermore, the contributor states that the approved planning application for their property included this heating system which they are now concerned will be compromised by the ground works for the drainage and house building of site AINNE004.</p>		
Modifications sought by those submitting representations:		
<p><u>357 Scottish Environment Protection Agency:</u></p> <p>The contributor seeks an additional site requirement for a flood risk assessment.</p> <p><u>388 Barry Horsburgh</u></p> <p>The contributor seeks an amendment to the site boundary to take account of recent development.</p>		

392 Thomas Ferguson

The contributor seeks removal of site AINNE004 from the Plan.

Summary of responses (including reasons) by planning authority:

AMEND SOUTHERN EDGE OF BOUNDARY OF HOUSING ALLOCATION AINNE004. THIS BOUNDARY AMENDMENT IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL

NO CHANGE PROPOSED IN RESPECT OF THE REMAINING MATTERS

REASONS

It is noted that the respondents did not respond to the Scottish Borders Main Issues Report (MIR) (for SEPA response refer to Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 *“the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.”* Furthermore, paragraph 4.3 states *“This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”*. In respect to contributor 357, this information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

The site is an allocated housing allocation within the Scottish Borders Consolidated Local Plan 2011 (Core Document 007). The site was first allocated within the Scottish Borders Finalised Local Plan Amendment (Core Document 010) and was also considered by the Local Plan Amendment Reporter (refer to Core Document 021). The Proposed Local Development Plan continues to allocate the site.

Innerleithen is located in the Western Development Area as set out in the Strategic Development Plan (SESplan) (Core Document 001) Development Strategy. Site AINNE004 has the potential to accommodate 150 units.

The site was identified in the Development and Landscape Capacity Study (Core Document 044) which was commissioned by the council and supported by Scottish Natural Heritage.

It is also noted that the Planning Authority has a responsibility to keep their plans up to date, and to ensure that the housing land requirement which is set by the Strategic Development Plan SESplan is met. Allocating sites within the Plan is fundamental to meeting that requirement. Furthermore the Local Development Plan is required to allocate a generous supply of housing land which is set out within Scottish Planning Policy (SPP) 2014 (Core Document 026 paragraph 110) which states:

“The planning system should:

- *identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times ...”*. It is considered that this site contributes to meeting the housing requirements as set out in the SPP.

357 Scottish Environment Protection Agency

The Proposed Local Development Plan makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that *“Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”*

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

388 Barry Horsburgh

It is accepted that as a result of recent development on the southern edge of sites T1200 and AINNE004 has meant that the site boundary of AINNE004 no longer follows elements on the ground at this location. The changes that have taken place on site are considered to have had a minor change to the site both in terms of its area and in relation to how the site may be development in line with the approved Supplementary Planning Guidance Planning Brief Kirklands (Core Document 067).

The approved Planning brief for the site identifies a buffer protection zone for planting and a further buffer protection zone for no ground disturbance within the vicinity of the recently constructed access. In consideration of the approved planning brief, within the assessment section of the Officers Report (refer to Supporting Document 206-1) on the planning application 08/00701/Out – Erection of two dwellinghouses and formation of new access road, the officer considered that: *“The new access will be through an area of land allocated for housing development T1200) in the Scottish Borders Local Plan and within a buffer Protection Zone in the approved Planning Brief for Kirklands. However, provided that an adequate buffer zone can still be maintained and the loss of developer land is kept to a minimum the proposal the new access is considered to be acceptable, subject to a condition on any detailed consent to ensure that the additional landscaping is carried out concurrently with the development of the new access route”*.

392 Thomas Ferguson

It is noted that the planning application (10/01232/Ful which relates to the contributors property was submitted in September 2010 (refer to Supporting Document 206-2). Site AINNE004 is an allocated housing site which was first formally allocated within the Consolidated Local Plan 2011 (Core Document 007). Before its formal allocation in the Adopted Local Plan, the site was first identified within the Consultative Draft Local Plan Amendment 2008 and then within the Finalised Local Plan Amendment 2009 (Core Document 010). Therefore, at the time that the contributor submitted their detailed planning application for their property, it was already within the public domain that the Council were seeking to allocate site AINNE004 within the Local Plan.

Reporter’s conclusions:

1. It is important to note that this site is being carried forward from the adopted local plan.

There is clear advantage in providing for certainty in the development planning process, as plans move through different iterations.

2. Given the wider housing land supply position discussed under Issue 080, there is every reason to retain in the plan sites which demonstrate acceptable environmental and other impacts. In this case, I am satisfied that the points raised in regard to the recent construction of an adjacent dwelling, and the impact of this proposal on that dwelling, raise either legal issues, or matters that would most appropriately be addressed at the development management and building standards stage. I note also the council's contention that the prospect of development on this site was in the public domain when the detailed planning application for the erection of the adjacent dwelling was submitted.

3. SEPA advises that a flood risk assessment is required to consider the implications for development of the 2 minor watercourses which run adjacent to the site. There are 7 site requirements relevant to development of this site listed on page 371 of the proposed plan. None of these refer to any need to assess flooding risk or even take account of the presence of the watercourses. I acknowledge the council's contention that this matter is capable of being satisfactorily addressed by the wider policies of the plan, and in particular by Policy IS8: *Flooding*.

4. Potential developers of the site would, however, be entitled to rely on the otherwise detailed site requirements already set out, some of which could be fairly described as being less crucial to development of the site than the potential for flooding. I conclude that the plan would be insufficient in failing to include this matter as a site requirement, in the circumstances set out above.

5. I consider it appropriate that the Innerleithen proposals map be amended to more accurately reflect the southern boundary of this site, which has been affected by recent adjacent development.

Reporter's recommendations:

I recommend that the following modifications be made to the plan:

1. Insert an additional site requirement for site AINNE004 as follows:

"A flood risk assessment is required to inform the site layout, design and mitigation"

2. Amend the southern boundary of site AINNE004 in accordance with the plan submitted by the council in response to FIR 16.

Issue 207	Housing within the Western Strategic Development Area: Innerleithen (TI200 – Kirklands/Willowbank)	
Development plan reference:	Innerleithen Settlement Profile and Map, Site TI200 – Kirklands/Willowbank	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency 388 Barry Horsburgh		
Provision of the development plan to which the issue relates:	Innerleithen Housing Land	
Planning authority's summary of the representation(s):		
<p><u>357 Scottish Environment Protection Agency:</u></p> <p>The contributor supports this site as a flood risk assessment is required in the Planning Brief.</p> <p><u>388 Barry Horsburgh</u></p> <p>The contributor objects that the site boundary is not correct in that the map does not show the new access road and associated planting that has been constructed to their property.</p>		
Modifications sought by those submitting representations:		
<p><u>388 Barry Horsburgh:</u></p> <p>The contributor seeks the amendment of the site boundary to take account of recent development and landscaping which has been put in place.</p>		
Summary of responses (including reasons) by planning authority:		
<p>AMEND SOUTHERN EDGE OF BOUNDARY OF HOUSING ALLOCATION TI200. THIS BOUNDARY AMENDMENT IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL</p> <p>REASONS</p> <p>It is noted that contributor 357 supports the site in that as a flood risk assessment is required in the Planning Brief.</p> <p>This site was first allocated within the Scottish Borders Local Plan 2008 and then carried through into the Consolidated Local Plan 2011 (Core Document CD007). The Proposed Local Development Plan continues to allocate the site.</p> <p>It is noted that the respondent (contributor 388) did not respond on this matter to the Main</p>		

Issues Report (MIR). The MIR (Core Document 006) states in paragraph 4.2 *“the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.”* Furthermore, paragraph 4.3 states *“This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”*.

It is accepted that as a result of recent development on the southern edge of site T1200 has meant that the site boundary of T1200 no longer follows elements on the ground at this location. The changes that have taken place on site are considered to have had a minor change to the site both in terms of its area and in relation to how the site may be development in line with the approved Supplementary Planning Guidance Planning Brief Kirklands (Core Document 067).

The approved Planning brief for the site identifies a buffer protection zone for planting and a further buffer protection zone for no ground disturbance within the vicinity of the recently constructed access. In consideration of the approved planning brief, within the assessment section of the Officers Report (refer to Supporting Document 207-1) on the planning application 08/00701/Out – Erection of two dwellinghouses and formation of new access road, the officer considered that: *“The new access will be through an area of land allocated for housing development T1200) in the Scottish Borders Local Plan and within a buffer Protection Zone in the approved Planning Brief for Kirklands. However, provided that an adequate buffer zone can still be maintained and the loss of developer land is kept to a minimum the proposal the new access is considered to be acceptable, subject to a condition on any detailed consent to ensure that the additional landscaping is carried out concurrently with the development of the new access route”*.

Reporter’s conclusions:

1. SEPA’s comment that the planning brief requires a flood risk assessment does not amount to an unresolved representation on the proposed plan and did not, therefore, require to be submitted to this examination.
2. I consider it appropriate that the Innerleithen proposals map be amended to more accurately reflect the southern boundary of this site, which has been affected by recent adjacent development.

Reporter’s recommendations:

I recommend that the following modification be made to the plan:

1. Amend the southern boundary of site T1200 in accordance with the plan submitted by the council in response to FIR 18.

Issue 208	Business and Industrial within the Western Strategic Development Area: Innerleithen (zEL16 – Traquair Road East)	
Development plan reference:	Innerleithen Settlement Profile and Map, Site zEL16 – Traquair Road East	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Innerleithen Business and Industrial	
Planning authority’s summary of the representation(s):		
<p>The contributor objects to this site in that they would require a flood risk assessment to be included within the list of site requirements. They state that the area is at significant flood risk, it is essential that any new development will have a neutral impact on flood risk. They state that they would only support redevelopment of a similar use in line with their land use vulnerability guidance. A Flood Risk Assessment is required to inform the area of redevelopment, type of development, finished floor levels and ensure that the development has a neutral impact on flood risk. Furthermore flood resilient and resistant materials should be used.</p> <p>In addition they would also require a second additional site requirement for a feasibility study to be undertaken to assess the potential for channel restoration by removing the existing or possible culverts. In addition there may be an opportunity to restore the water environment to its natural state by removing the culvert.</p>		
Modifications sought by those submitting representations:		
<p>The contributor seeks two additional site requirements; the first is for a requirement for a flood risk assessment and a second for the requirement of a feasibility study to assess the potential for channel restoration.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE BUSINESS AND INDUSTRIAL ALLOCATION zEL16</p> <p>REASONS</p> <p>This site is an employment allocation within the Scottish Borders Consolidated Local Plan 2011(Core Document 007). It is recommended that no change to the Business and Industrial Allocation as set out in the Proposed Local Development Plan (LDP) should be undertaken.</p> <p>It is noted that the respondent did not respond on this matter to the Scottish Borders Main Issues Report (MIR) (Core Document 076 SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan</p>		

and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

It is also noted that the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to culvert removal and channel restoration. Policy EP15 on Development Affecting the Water Environment states in its preamble that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. Developers are required to consider potential impacts and mitigations to enhance and restore water the environment. Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters. This includes in sub section d) the need for compliance with best practice in relation to canalisation and culverting.

Therefore, it is submitted that these matters can be adequately dealt with through the provisions of the mainstream policies IS8 and EP15, and that the insertion of the contributor’s proposals are not necessary.

Reporter’s conclusions:

1. SEPA advises that this area is at significant flood risk and that a flood risk assessment is required to inform any development of the site. The site requirements do not refer to any need to assess flooding risk. SEPA also advises that development of the site may present an opportunity for channel restoration by removing existing or possible culverts.
2. I acknowledge the council’s contention that these matters are capable of being satisfactorily addressed by the wider policies of the plan, and in particular by IS8: *Flooding* and Policy EP15: *Development Affecting the Water Environment*.
3. Potential developers of the site would, however, be entitled to rely on the site requirements set out in support of the proposal. It is disappointing that this matter was not resolved between the council and SEPA earlier in the development planning process. That said, I conclude that the plan would be insufficient in failing to include them as a site requirement, in the circumstances set out above.
4. Although not included in the council’s summary of modifications sought, SEPA also

contends that the development of the site would provide an opportunity to contribute to the objectives of the River Basin Management Plan. I note, however, that Policy EP15: *Development Affecting the Water Environment* provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. I conclude that the terms of Policy EP15 provide a sufficient basis for development management of this site in respect of the wider water environment and that a specific site requirement to this effect is not necessary.

Reporter's recommendations:

I recommend that the following modification be made:

1. Insert an additional site requirement for site zEL16 as follows:

“A flood risk assessment is required to inform the site layout, design and mitigation, and consideration should be given to the potential for channel restoration”

Issue 209	Business and Industrial Safeguarding within the Western Strategic Development Area: Innerleithen (zEL200 – Traquair Road)	
Development plan reference:	Innerleithen Settlement Profile and Map, Site zEL200 – Traquair Road	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Innerleithen Business and Industrial Safeguarding	
Planning authority’s summary of the representation(s):		
<p>The contributor objects to this site in that they would require a flood risk assessment to be included within the list of site requirements. They state the area is at significant flood risk, it is essential that any new development will have a neutral impact on flood risk. They would only support redevelopment of a similar use in line with our land use vulnerability guidance. A Flood Risk Assessment is required to inform the area of redevelopment, type of development, finished floor levels and ensure that the development has a neutral impact on flood risk. Furthermore flood resilient and resistant materials should be used.</p>		
Modifications sought by those submitting representations:		
<p>The contributor seeks an additional site requirement for a flood risk assessment, and that flood resilient and resistant material to be used.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE BUSINESS AND INDUSTRIAL SAFEGUARDING ALLOCATION zEL200</p> <p>REASONS</p> <p>This site is a safeguarded employment allocation within the Consolidated Local Plan 2011(Core Document 007). It is noted that the recent SEPA flood risk maps identifies parts of the site to be at risk of flooding. It is recommended that no change to the Business and Industrial Allocation as set out in the Proposed Local Development Plan should be undertaken.</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076 SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “<i>the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.</i>” Furthermore, paragraph 4.3 states “<i>This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation</i>”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore</p>		

disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed Local Development Plan makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that “*Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.*”

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site zEL200 is safeguarded for business and industrial use as a district site under the terms of Policy ED1: *Protection of Business and Industrial Land*.
2. I note from SEPA’s indicative flood maps that large parts of the designation are located within an area with a high risk of river flooding.
3. The site is in the main currently developed and occupied. However, in the event of proposed additional development or redevelopment I believe the flooding implications for this site are such that a flood risk assessment is justified.
4. I acknowledge the council’s contention that these matters are capable of being satisfactorily addressed by the wider policies of the plan, and in particular by IS8: *Flooding*. Potential developers of the site would, however, be entitled to rely on the site requirements set out in support of the proposal. It is disappointing that this matter was not resolved between the council and SEPA earlier in the development planning process. That said, I conclude that the plan would be insufficient in failing to include this as a site requirement, in the circumstances set out above.

Reporter’s recommendations:

I recommend that the following modification be made:

1. Insert an additional site requirement for site zEL200 as follows:

“In the event of further proposed development or redevelopment, a flood risk assessment is required to inform the site layout, design and mitigation”

Issue 210	Redevelopment within the Western Strategic Development Area: Innerleithen (RINNE002 – Caerlee Mill)	
Development plan reference:	Innerleithen Settlement Profile and Map, Site RINNE002 – Caerlee Mill	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
491 Calder Weir Properties		
Provision of the development plan to which the issue relates:	Innerleithen Redevelopment	
Planning authority's summary of the representation(s):		
<p>The contributor seeks the allocation of the site for Redevelopment to allow for residential-led regeneration/redevelopment (with potential reuse of retained listed buildings for other compatible uses). It is noted that the Proposed Plan identifies Caerlee Mill as a Regeneration Opportunity in numerous sections throughout the Plan, within the 'Vision, Aims and Spatial Strategy', Policy ED5 Regeneration and within the Innerleithen Settlement Profile. The listed mill located on the site was previously occupied by JJ & HB Cashmere Mills Limited until January 2010 when it closed. Since then no related or suitable alternative use has been found. The site is centrally located within Innerleithen and within a short walk of the Town Centre. It is ideally located to take advantage of local facilities and infrastructure and meets sustainable development principles. It is noted that a Planning Brief was adopted as Supplementary Planning Guidance by the Council in 2011. The purpose of the SPG is to act as a stimulus for development, providing guidance and a degree of assurance to any prospective new owner on the preferred way forward. The contributor has recently acquired the site and this is the reason why they did not submit representations earlier in the process. It is considered that an allocation at this location could provide flexibility as in accordance with SESplan Policy 6 Housing Land Flexibility. The contributor states that they have concerns that the set housing requirements are not being met in full and seek for this site to be allocated with a site capacity of 50 units. As the site is located within the Development Boundary it is sustainably located and brownfield sites should be considered superior to those that are greenfield. It is noted that Scottish Planning Policy (SPP) requires planning authorities to promote and support opportunities for regeneration and the development of brownfield sites in order to attract investment into an area, the SPP also recognises the importance of the historic environment to regeneration.</p>		
Modifications sought by those submitting representations:		
<p>The contributor seeks the allocation of site RINNE002 for Redevelopment to allow for residential-led regeneration/redevelopment (with potential reuse of retained listed buildings for other compatible uses).</p>		

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE PROPOSED PLAN

REASONS

This is a new site that has only come forward during the Representation Period of the Proposed Plan, and has not been considered at any other time throughout the Local Development Plan Process.

Although the site is a brownfield site, the Caerlee Mill is a category 'B' Listed Building (refer to Supporting Document 210-1) and it is envisaged that any redevelopment of the site must include the restoration of the historic core of the site. The site had previously been occupied by JJ & HB Cashmere Mills Limited until January 2010 however, that company was placed in administration. A phoenix company emerged from the previous company and were located on part of the site for a short time.

It was considered by the Council that in combination with the Listed Building status, the buildings location within the Conservation Area, along with the recent economic climate resulted in market failure. It is also acknowledged that this site is a very complex site which would require considerable specialist input particularly in relation to conservation, restoration, planning, funding and construction. In addition it is generally acknowledged that where expertise in any of these matters is lacking, projects can fail.

In response to market failure relating to risk/uncertainty and lack of information regarding the site and its future potential, the Council has undertaken considerable work alongside stakeholders who had been involved in the site or had an interest in the site. As part of that work the Council commissioned two studies to assist in the production of a Supplementary Planning Guidance (SPG) (refer to Core Document 068 SPG Planning Brief for Caerlee Mill). Those studies are included in and form part of the SPG. Furthermore, to assist in addressing the issue of uncertainty, the Council submitted an application for Listed Building Consent for the "Demolition of weaving sheds, knitting sheds, mill shop and outbuildings. The Officers Report on that application provides a short summary of the recent history relating to the closure of the Caerlee Mill and the work that the Council had been involved in to bring forward the Listed Building Consent Application (refer to Supporting Document 210-2).

The application for Listed building Consent was approved on 13 October 2011 (refer to Supporting Document 210-3).

It is noted that the contributor seeks the allocation of the site for Redevelopment to allow for "*residential-led regeneration/redevelopment (with potential reuse of retained listed buildings for other compatible uses)*". However, it is the view of the Council that any redevelopment of the site must include the restoration and conversion of the historic core of the Caerlee Mill. The approved SPG for the Caerlee Mill site states on page 20 (Core Document 068) that "*the demolition of parts of the listed Caerlee mill will only be supported in order to allow the enabling development to take place, thereby securing the long-term future of the category 'B' listed Caerlee Mill*". Also, the representation submitted by the contributor does not provide an assurance to the Council that the new owners of the site actually intend to restore the historic core of the site as required by the SPG (Core Document 068). It should be noted also that the approach for the future of the site as contained within the SPG was supported by Historic Scotland (refer to Supporting

Document 210-4).

It is noted that Scottish Planning Policy 2014 (SPP) (Core Document 026) paragraph 142 states that: *“Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset”*. This is considered the case in relation to the Caerlee Mill site.

Even with the cross-subsidy/enabling development that any new development on the site can provide (as required by the SPG); it is still considered that important to the success of restoring the listed building is finding a viable economic use that can support the initial restoration and conversion, provide the owner or developer with a reasonable return in their investment and which can generate sufficient income to ensure the long term maintenance of the building fabric and its associated outdoor space. The representation submitted to the Proposed Plan does not include any such information.

Given the many constraints and issues raised above in relation to the Caerlee Mill site including the listed status of the mill building, the Council does not consider it appropriate to allocate the site. Whilst it is acknowledged that there is now developer interest in the site, it is considered that the site may not be effective. Paragraph 119 of the SPP (Core Document 026) states *“Local development plans in city regions should allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption. They should provide for a minimum of 5 years effective land supply at all times. In allocating sites, planning authorities should be confident that land can be brought forward for development within the plan period and that the range of sites allocated will enable the housing supply target to be met”*.

However as the contributor acknowledges, the Council has identified the Caerlee Mill site as a regeneration opportunity within the Proposed Plan. It is the view of the Council that the site could come forward as an infill opportunity and thereby has the potential to provide flexibility for additional housing land at Innerleithen.

After assessment, the inclusion of site RINNE002 within the Plan is seen as Unacceptable (refer to Supporting Document 210-5), allocation of the site for redevelopment will not guarantee the retention and conversion of the listed buildings on site.

In addition there are other more suitable sites available to meet the housing requirement within the Western Strategic Development Area and within the Northern Borders Housing Market Area, see details in the Site Comparison Report (Core Document 076).

The Site Comparison Report (Core Document 076) identifies the most suitable sites available to meet the housing requirement in within the Western Strategic Development Area. These sites are APEEB041 Violet Bank, APEEB021 South of South Park, and two mixed use sites at Cardrona MCARD006 North of Horsbrugh and MCARD007 South of Horsbrugh, have all been allocated within the Proposed Local Development Plan. It is these particular sites which contribute to meeting the Housing Land requirement. These sites brought forward through the Proposed Plan already allow for a generous supply of housing land as required by Scottish Planning Policy 2014 (Core Document CD026 paragraph 110).

It is therefore considered that the Proposed Local Development Plan meets the provisions of the SESplan Strategic Development Plan (Core Document 001) and its associated Supplementary Guidance - Housing Land (Core Document 002) in providing land to meet the housing requirement (refer to Core Document 017 Updated Appendix 2 Meeting the Housing Land Requirement). In addition, the Proposed Plan provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan. There is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy 2014 (Core Document 026). In addition it should be noted that the Proposed Plan also provides additional flexibility in the form of redevelopment sites and sites with potential for longer term development.

It is contended that this site should not be allocated within the Local Development Plan.

Reporter's conclusions:

1. This site contains the category B-listed Caerlee Mill and is located within the settlement boundary of Innerleithen. Although the site is referred to as a regeneration opportunity within the settlement profile and elsewhere within the proposed plan, it is not identified in the profile or on the proposals map as a redevelopment proposal. The representation seeks such a designation, in the form of residential-led redevelopment with an indicative capacity of 50 units.

2. It is important to note that such a designation was not proposed either at the call for sites stage or at the MIR consultation stage. Its appearance at this late stage in the plan-making process runs counter to the interests of a front-loaded planning system. In this regard also, paragraph 64 of Circular 6/2013: *Development Planning* states that: "It is important in meeting the requirements for strategic environmental assessment that full information on sites and alternative options is submitted early and not held back until the later stages of plan preparation or even the Examination. Promoters of sites would be advised to respond positively at this point, and to provide the necessary evidence to justify their site's inclusion as a preferred option at the Main Issues Report stage. Engaging at this early stage is likely to ensure that the planning authority is able to properly assess the merits of the proposal, with it being more likely to be subject to public engagement and strategic environmental assessment at the Main Issues Report stage and to neighbour notification at the Proposed Plan stage (should the planning authority propose that the site be allocated in the plan). Even if a site is not included in the Proposed Plan, evidence of it being subject to community engagement will be useful if the issue is considered at a subsequent Examination, helping ensure that the reporter is furnished with the necessary information to reach a conclusion, and if appropriate to recommend a modification to the plan."

3. In this case, I have been provided with no such evidence of community engagement. Consequently, even taking account of other matters including the overall housing land supply position, I am not satisfied that I have sufficient information to safely recommend that the site be designated as a redevelopment proposal in the proposed plan.

4. Having said that, the retention of the listed building and redevelopment of the wider site is clearly a priority for the council. In that regard it has granted listed building consent for a degree of demolition, and has adopted a planning brief as supplementary planning guidance to inform the regeneration of the site. In addition, the site is located within the settlement boundary and an appropriate regeneration will be consistent with the wider

objectives of the plan. To that extent, the absence of a specific redevelopment proposal ought not to hinder the listed building and the surrounding site being brought back into productive use.

Reporter's recommendations:

No modification.

Issue 211	Redevelopment within the Western Strategic Development Area: Innerleithen (zRO9 – High Street Gap Site)	
Development plan reference:	Innerleithen Settlement Profile and Map, Site zRO9 (High Street Gap Site)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Innerleithen Redevelopment	
Planning authority's summary of the representation(s):		
The contributor objects to this site in that they would require a flood risk assessment to be included within the list of site requirements. They state that the potential development of the allocation could increase the probability of flooding elsewhere.		
Modifications sought by those submitting representations:		
The contributor seeks an additional site requirement for a flood risk assessment.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE REDEVELOPMENT ALLOCATION zRO9</p> <p>REASONS</p> <p>This site is a redevelopment allocation within the Consolidated Local Plan 2011(Core Document 007). It is noted that the recent SEPA flood risk maps identifies parts of the site to be at risk of flooding. However, it should be noted that this is a previously developed site and is located within the centre of Innerleithen. It is recommended that no change to the redevelopment allocation as set out in the Proposed Local Development Plan should be undertaken.</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076 SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 <i>“the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.”</i> Furthermore, paragraph 4.3 states <i>“This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”</i>. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed Local Development Plan makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation</p>		

to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that “*Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.*”

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. This redevelopment proposal site consists partly of an unsightly gap site in the High Street, and partly of a vacant building fronting Waverley Road. Like much of Innerleithen town centre, SEPA’s indicative flood mapping shows it to be at risk from a 1:200 year event river flood.
2. SEPA advises that there is potential that redevelopment of the site could increase the probability of flooding elsewhere and consequently that a flood risk assessment is required to consider the implications for development.
3. The site is currently partly developed and I am in no doubt that its redevelopment would clearly contribute towards the wider objectives of the plan. The council contends that this matter is capable of being satisfactorily addressed by the wider policies of the plan, and in particular by Policy IS8: *Flooding*. I am in no doubt that in the circumstances of this case a pragmatic approach to redevelopment is appropriate and that reliance on the wider policies of the plan is sufficient.

Reporter’s recommendations:

No modification.

Issue 212	Longer Term Housing within the Western Strategic Development Area: Innerleithen (SINNE001 – Kirklands II)	
Development plan reference:	Innerleithen Settlement Profile and Map, Site SINNE001 – Kirklands II	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Innerleithen Longer Term Housing Land	
Planning authority's summary of the representation(s):		
<p>The contributor objects to this site in that they would require a flood risk assessment to be included within the list of site requirements. It is noted that there are two small watercourses, one on the northern and other on the southern boundary of the site.</p>		
Modifications sought by those submitting representations:		
The contributor seeks an additional site requirement for a flood risk assessment.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO LONGER TERM HOUSING SITE SINNE001</p> <p>REASONS</p> <p>The site has been identified as a potential longer term housing site within the Scottish Borders Consolidated Local Plan 2011 (Core Document 007). The site was first identified within the Scottish Borders Finalised Local Plan Amendment (Core Document 010) and was also considered by the Local Plan Amendment Reporter (refer to Core Document 021 page 254). The Proposed Local Development Plan continues to identify the site.</p> <p>It is noted that the respondent did not respond on this matter to the Scottish Borders Main Issues Report (MIR) (Core Document 076 SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 <i>“the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.”</i> Furthermore, paragraph 4.3 states <i>“This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”</i>. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed Local Development Plan makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to</p>		

discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that “*Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.*”

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. This longer term housing site is being rolled forward from the adopted local plan.
2. SEPA advises that a flood risk assessment is required to consider the implications for development of the 2 minor watercourses which run along the northern and southern site boundaries. There are 5 site requirements relevant to development of this site listed on page 372 of the proposed plan. None of these refer to any need to assess flooding risk or even take account of the presence of the watercourses. I acknowledge the council’s contention that this matter is capable of being satisfactorily addressed by the wider policies of the plan, and in particular by Policy IS8: *Flooding*.
3. Potential developers of the site would, however, be entitled to rely on the otherwise detailed site requirements already set out, some of which could be fairly described as being less crucial to development of the site than the potential for flooding.
4. It is disappointing that this matter was not resolved between the council and SEPA earlier in the development planning process. That said, I conclude that the plan would be insufficient in failing to include this matter as a site requirement, in the circumstances set out above.

Reporter’s recommendations:

I recommend that the following modification be made:

1. Insert an additional site requirement for site SINNE001 as follows:

“A flood risk assessment is required to inform the site layout, design and mitigation”

Issue 213	Redevelopment within the Western Strategic Development Area: (RINNE001 - Former Gas Works)	
Development plan reference:	Innerleithen Settlement Profile and Map (pages 369 – 375) – RINNE001 (Former Gas Works)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Redevelopment Opportunity at the Former Gas Works (RINNE001) in Innerleithen.	
Planning authority's summary of the representation(s):		
<p>The contributor recommends the removal of this site due to flood risk. Review of the SEPA Flood Map shows that the entire site boundary of RINNE001 lies within the medium likelihood flood extent for fluvial flooding.</p> <p>Halcrow has recently carried out some hydraulic modelling work in Innerleithen for SEPA as part of a flood warning development project. Eight cross-sections of the Leithen Water channel and floodplain were surveyed to determine flood levels through Innerleithen.</p> <p>There is also the risk of direct flooding from the Leithen Water overtopping its banks adjacent the development site. As the site will be subjected to flooding, there is a risk of erosion to a development and the surrounding areas and this is another reason that this site is not suitable for development.</p> <p>The site is deemed at risk of flooding based on the SEPA flood map and historic information. Although the development site was formally used as a gas works, it appears that there is no development on the site. SPP paragraph 203 states that “development on the functional floodplain will not only be at risk itself, but will add to the risk elsewhere”. It continues “functional floodplains store and convey flood water during times of flood... development on the functional flood plain will not only be at risk itself, but will add to the risk elsewhere.. Piecemeal reduction of the flood plain should be avoided because of the cumulative effects of reducing storage capacity)’. As a result we cannot support the redevelopment of this site as it will increase the risk of flooding locally.</p>		
Modifications sought by those submitting representations:		
The contributor recommends that the redevelopment opportunity at the Former Gas Works (RINNE001) is removed from the Proposed Local Development Plan.		
Summary of responses (including reasons) by planning authority:		
NO CHANGE TO INNERLEITHEN SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN; HOWEVER THE REPORTER IS REQUESTED TO CONSIDER THE MATTER FURTHER		

REASONS

This site was initially identified as a redevelopment opportunity within the Main Issues Report (MIR) (Core Document 006, page 96).

It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076 - SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

It is noted that SEPA do not object to the inclusion of the site within the Plan, but recommend that it should be removed. It is therefore submitted that this matter could be dealt with through the provisions of the mainstream policy IS8.

However, the Council notes the provisions within paragraph 87 of Circular 6/2013 on Development Planning which state that “The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations.” In that respect the Council acknowledges that in the interests of clarity for developers and the public the site could be removed from the Plan, and the Council would accept the Reporter’s decision on this matter.

Reporter’s conclusions:

1. This redevelopment proposal sits just within the settlement boundary, on the southern edge of Innerleithen.
2. SEPA’s indicative flood mapping indicates that the entire site lies within the medium likelihood flood event for fluvial flooding. Reference is made to a recent severe flood event in the area. Hydraulic modelling carried out in support of an ongoing flood warning development project demonstrates the severity of the risk at this location. In summary, SEPA does not support redevelopment of the site, as it would be at risk itself and increase the risk of flooding locally.
3. The council acknowledges in its response to this representation that it may be in the interests of clarity for developers and the public to remove the site from the plan.

4. The site lies outwith the formally developed part of the town, in an area which could fairly be described as transitioning between urban and rural. I do not find that the overall objectives of the plan would be compromised in the event that the site is not redeveloped. Taking this, the severity of the flood risk, and the council's comment on clarity into account, I conclude that the redevelopment proposal ought to be deleted from the plan.

5. The site would remain within the settlement boundary, however, and any redevelopment proposals, should they come forward, would stand to be assessed against the wider plan policies, including Policy IS8: *Flooding*. That does not amount to actively encouraging its redevelopment by the inclusion of a specific proposal in the plan.

Reporter's recommendations:

I recommend that the following modification be made:

1. Delete proposal RINNE001 from the Innerleithen settlement profile; from the proposals map; and from the accompanying text under the section headed *Place Making Considerations*.

Issue 214	Business and Industrial Safeguarding within the Central Strategic Development Area: Jedburgh (zEL34 - Bankend South Industrial Estate)	
Development plan reference:	Jedburgh Settlement Profile and Map (pages 376 – 383) – zEL34 (Bankend South Industrial Estate)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Business and industrial safeguarding allocation in Jedburgh – Bankend South Industrial Estate (zEL34)	
Planning authority’s summary of the representation(s):		
<p>The contributor requires a Flood Risk Assessment (FRA) as the area is at significant flood risk, it is essential that any new development will have a neutral impact on flood risk. The contributor would only support redevelopment of a similar use in line with the SEPA land use vulnerability guidance. The FRA is required to inform the area of redevelopment, type of development, finished floor levels and ensure that the development has a neutral impact on flood risk. Furthermore flood resilient and resistant materials should be used.</p>		
Modifications sought by those submitting representations:		
<p>The contributor requires a Flood Risk Assessment which assesses the risk from the small watercourses which flow along the boundary of the site.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO JEDBURGH SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>This site was included within the Roxburgh Local Plan 1995 as an employment land safeguarded site and has been carried forward into each subsequent plan for this use.</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076 - SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure</p>		

that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site zEL34, Bankend South Industrial Estate, is a “district” business and industrial site, safeguarded under the provisions of Policy ED1. The area is well established with some scope for additional development on an area of derelict and currently unused land.
2. The Scottish Environment Protection Agency flood map shows the Jed Water to the immediate south of the site which, for the most part, is subject to high or medium risk river flooding.
3. The emphasis of the proposed plan is to safeguard this existing business and industrial site. Clearly there is a potential for property to be redeveloped or for changes of use. In particular, the vacant land has the potential for redevelopment. In such instances, account would require to be taken of site conditions, including the identified flooding risks.
4. The Bankend South Industrial Estate is one of several existing sites in Jedburgh subject to business and industrial safeguarding. The proposed plan does not provide site requirements for any of the sites other than confirmation that they are safeguarded under Policy ED1. I have no indication that the council’s Flood Protection Officer requires a flood risk assessment.
5. Whilst I recognise the significant flooding potential across site zEL34, I do not consider that it is necessary to insert a requirement in respect of the need for a flood risk assessment for established sites. Should development proposals come forward, Policy IS8, Flooding, provides a basis for development management.

(see also Issue 225)

Reporter’s recommendations:

No modifications.

Issue 215	Business and Industrial Safeguarding within the Central Strategic Development Area: Jedburgh (zEL37 - Bongate North)	
Development plan reference:	Jedburgh Settlement Profile and Map (pages 376 – 383) – zEL37 (Bongate North)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Business and industrial safeguarding allocation in Jedburgh – Bongate North (zEL37)	
Planning authority’s summary of the representation(s):		
<p>The contributor requires a Flood Risk Assessment (FRA) as the area is at significant flood risk, it is essential that any new development will have a neutral impact on flood risk. The contributor would only support redevelopment of a similar use in line with the SEPA land use vulnerability guidance. The FRA is required to inform the area of redevelopment, type of development, finished floor levels and ensure that the development has a neutral impact on flood risk. Furthermore flood resilient and resistant materials should be used.</p>		
Modifications sought by those submitting representations:		
<p>The contributor requires a Flood Risk Assessment which assesses the risk from the small watercourses which flow along the boundary of the site.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO JEDBURGH SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>This site was included within the Roxburgh Local Plan 1995 as an employment land safeguarded site and has been carried forward into each subsequent plan for this use.</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076 - SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure</p>		

that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site zEL37, Bongate North, is a “district” business and industrial site, safeguarded under the provisions of Policy ED1. The area is well established with little scope for additional development.
2. The Scottish Environment Protection Agency flood map shows the Jed Water to the north of the site which, to a large extent, is subject to medium risk river flooding with small high risk areas.
3. The emphasis of the proposed plan is to safeguard this existing business and industrial site. Clearly there is a potential for property to be redeveloped or for changes of use. In such instances, account would require to be taken of site conditions, including the identified flooding risks.
4. Bongate North is one of several existing sites in Jedburgh subject to business and industrial safeguarding. The proposed plan does not provide site requirements for any of the sites other than confirmation that they are safeguarded under Policy ED1. I have no indication that the council’s Flood Protection Officer requires a flood risk assessment.
5. Whilst I recognise the significant flooding potential across site zEL37, I do not consider that it is necessary to insert a requirement in respect of the need for a flood risk assessment for established sites. Should development proposals come forward, Policy IS8, Flooding, provides a basis for development management.

Reporter’s recommendations:

No modifications.

Issue 216	Business and Industrial Safeguarding within the Central Strategic Development Area: Jedburgh (zEL35 - Bongate South)	
Development plan reference:	Jedburgh Settlement Profile and Map (pages 376 – 383) – zEL35 (Bongate South)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Business and industrial safeguarding allocation in Jedburgh – Bongate South (zEL35)	
Planning authority’s summary of the representation(s):		
<p>The contributor requires a Flood Risk Assessment (FRA) as the area is at significant flood risk, it is essential that any new development will have a neutral impact on flood risk. The contributor would only support redevelopment of a similar use in line with the SEPA land use vulnerability guidance. The FRA is required to inform the area of redevelopment, type of development, finished floor levels and ensure that the development has a neutral impact on flood risk. Furthermore flood resilient and resistant materials should be used.</p>		
Modifications sought by those submitting representations:		
<p>The contributor requires a Flood Risk Assessment which assesses the risk from the small watercourses which flow along the boundary of the site.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO JEDBURGH SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076 - SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish</p>		

Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site zEL35, Bongate South, is a “district” business and industrial site, safeguarded under the provisions of Policy ED1. The area is well established with little scope for additional development.
2. The Scottish Environment Protection Agency flood map shows the Jed Water to the north west of the site which is significantly subject to medium risk river flooding with a small area within the high risk category.
3. The emphasis of the proposed plan is to safeguard this existing business and industrial site. Clearly there is a potential for property to be redeveloped or for changes of use. In such instances, account would require to be taken of site conditions, including the identified flooding risks.
4. Site zEL35, Bongate North, is one of several existing sites in Jedburgh subject to business and industrial safeguarding. The proposed plan does not provide site requirements for any of the sites other than confirmation that they are safeguarded under Policy ED1. I have no indication that the council’s Flood Protection Officer requires a flood risk assessment.
5. Whilst I recognise the significant flooding potential across site zEL35, I do not consider that it is necessary to insert a requirement in respect of the need for a flood risk assessment for established sites. Should development proposals come forward, Policy IS8, Flooding, provides a basis for development management.

Reporter’s recommendations:

No modifications.

Issue 217	Business and Industrial Safeguarding within the Central Strategic Development Area: Jedburgh (zEL33 - Edinburgh Road)	
Development plan reference:	Jedburgh Settlement Profile and Map (pages 376 – 383) – zEL33 (Edinburgh Road)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Business and industrial safeguarding allocation in Jedburgh – Edinburgh Road (zEL33)	
Planning authority’s summary of the representation(s):		
<p>The contributor requires a Flood Risk Assessment (FRA) as the area is at significant flood risk, it is essential that any new development will have a neutral impact on flood risk. The contributor would only support redevelopment of a similar use in line with the SEPA land use vulnerability guidance. The FRA is required to inform the area of redevelopment, type of development, finished floor levels and ensure that the development has a neutral impact on flood risk. Furthermore flood resilient and resistant materials should be used.</p>		
Modifications sought by those submitting representations:		
<p>The contributor requires a Flood Risk Assessment which assesses the risk from the small watercourses which flow along the boundary of the site.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO JEDBURGH SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>This site was included within the Roxburgh Local Plan 1995 as an employment land safeguarded site and has been carried forward into each subsequent plan for this use.</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076 - SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure</p>		

that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site zEL33, Edinburgh Road, is a “district” business and industrial site, safeguarded under the provisions of Policy ED1. The area is well established with little scope for additional development.
2. The Scottish Environment Protection Agency flood map shows the Jed Water to the east of the site which is subject to high or medium risk river flooding.
3. The emphasis of the proposed plan is to safeguard this existing business and industrial site. Clearly there is a potential for property to be redeveloped or for changes of use. In such instances, account would require to be taken of site conditions, including the identified flooding risks.
4. Site zEL33, Edinburgh Road, is one of several existing sites in Jedburgh subject to business and industrial safeguarding. The proposed plan does not provide site requirements for any of the sites other than confirmation that they are safeguarded under Policy ED1. I have no indication that the council’s Flood Protection Officer requires a flood risk assessment.
5. Whilst I recognise the significant flooding potential across site zEL33, I do not consider that it is necessary to insert a requirement in respect of the need for a flood risk assessment for established sites. Should development proposals come forward, Policy IS8, Flooding, provides a basis for development management.

Reporter’s recommendations:

No modifications.

Issue 218	Housing within the Central Strategic Development Area: Jedburgh (AJEDB013 - Oakieknowe)	
Development plan reference:	Jedburgh Settlement Profile and Map (pages 376 – 383) – AJEDB013 (Oakieknowe)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
253 Jedburgh Community Council		
Provision of the development plan to which the issue relates:	Site at Oakieknowe (AJEDB013) to be allocated for housing.	
Planning authority's summary of the representation(s):		
The contributor objects to the non-inclusion of AJEDB013 (Oakieknowe) within the Proposed Local Development Plan. The contributor would like this site allocated for housing within the Plan.		
Modifications sought by those submitting representations:		
Site at Oakieknowe (AJEDB013) to be allocated as a housing site within the Local Development Plan.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO JEDBURGH SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>This site has historically been referred to as Hartrigge Park (ARJ13) and was previously allocated within the Roxburgh Local Plan (1995) for 80 units. The site was removed from the Plan during the following Local Plan Review due to issues with site access, topography of the site, and the proximity of the Industrial Estate. The site was also non-effective as the site was constrained due to ownership issues.</p> <p>Since the removal of the site from the Plan the site has been resubmitted during previous public consultations for allocation as a housing site and a potential Primary School site. Most recently the site was submitted during the consultation period on the Main Issues Report (MIR).</p> <p>The site has no planning history and following the representation received at the MIR stage the site has been fully assessed. The overall site assessment for the site was 'Doubtful' (Supporting Document 218-1) and was therefore not taken forward into the Proposed Plan as it was considered there were more appropriate sites within the Central Strategic Development Area to meet the identified housing land requirement.</p> <p>A site comparison was also undertaken for all sites within the Central Borders Strategic</p>		

Development (Core Document 077) and it was considered that sites in Bonchester Bridge, Galashiels and Kelso were seen as more appropriate than AJEDB013. In addition to this, there are several housing allocations within Jedburgh that remain undeveloped and it is not felt that there is a need for further sites to be allocated within the town.

The housing sites allocated within the Proposed Local Development Plan meet the provisions of the SESplan Strategic Development Plan (Core Document 001) and the associated Supplementary Guidance (Core Document 002) in providing land to meet the housing requirement. Within the Scottish Borders there is a generous and effective 5 year supply of land within each of the housing market areas to meet demand as required by Scottish Planning Policy (Core Document 026, paragraph 110). Details of the housing calculations are included in the updated Appendix 2 – Meeting the Housing Land Requirement (Core Document 017).

Therefore due to the outcome of the site assessment the site should not be allocated for housing within the Local Development Plan.

Reporter’s conclusions:

1. The site is unallocated “white land” within the Jedburgh settlement boundary.
2. The development of the site would clearly be challenging. Topography provides a natural constraint and access provides practical difficulties as the site has little direct relationship with the existing local road network. Visual and physical relationship with the established industrial land to the east has an impact on the attraction of the land. Additionally, I note the council has drawn attention to ownership issues and, consequently, the effectiveness of the site in this respect is questionable.
3. The community council has not provided any substantive argument to support the request for the allocation of the land for residential development. In view of the characteristics of the site and the availability of other land in Jedburgh, I conclude that site AJEDB013, Oakieburn, should not be allocated for residential purposes. In reaching this conclusion I have taken account of the conclusion in Issues 49 and 80 that the housing land designations in the local development plan are unlikely to satisfy the strategic requirement. In this case I believe that local considerations should take precedence.
4. Despite this conclusion, the possibility of future residential development is not precluded. The land lies within the Jedburgh development boundary and any future proposals would therefore be assessed against relevant policies, in particular, Policy PMD5, Infill Development.

Reporter’s recommendations:

No modifications.

Issue 219	Housing within the Central Strategic Development Area: Jedburgh (AJEDB014 - Riverside Mill 2)	
Development plan reference:	Jedburgh Settlement Profile and Map (pages 376 – 383) – AJEDB014 (Riverside Mill 2)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
408 McDonald		
Provision of the development plan to which the issue relates:	Site at Riverside Mill 2 (AJEDB014) in Jedburgh to be allocated for housing.	
Planning authority's summary of the representation(s):		
<p>The contributor objects to the inclusion of the redevelopment opportunity at Riverside Mill, Jedburgh (RJEDB002) within the Proposed Local Development Plan. The contributor would like the size of the site to be increased to incorporate the adjacent site at Laidlaw's Yard. The contributor would like this larger modified site (AJEDB014) to be allocated for residential development rather than being allocated as a redevelopment opportunity due to issues regarding access to the site.</p>		
Modifications sought by those submitting representations:		
<p>The contributor seeks the allocation of Riverside Mill 2 (AJEDB014) as a housing site within the Local Development Plan to replace the identified redevelopment opportunity at Riverside Mill (RJEDB002).</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO JEDBURGH SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that this proposal was not raised as part of the site call prior to the Main Issues Report or during the consultation period of the Main Issues Report.</p> <p>The majority of this site was identified within Main Issues Report (Core Document 006, page 94) as a key regeneration site at Riverside Mill (RJEDB002) and the site was carried forward into the Proposed Plan. The site is a brownfield site and the former buildings on the site have recently been demolished and the site is cleared and currently vacant.</p> <p>The existing proposal in the Proposed Plan identifying the site as a redevelopment opportunity would allow for a variety of uses to be developed on the site however the contributor proposes to reallocate the site solely for housing. However by allocating the site for redevelopment it leaves the option for more end users on this site and therefore the site does not need to be restricted to a housing allocation, as a redevelopment</p>		

allocation would also allow for this use.

In recent years there have been two planning applications submitted which cover part of this site. Firstly, 07/00380/OUT and secondly 10/01555/PPP, both of these applications were for residential use. In relation to planning application 07/00380/OUT, in their consultation response Scottish Environmental Protection Agency (SEPA) requested a Flood Risk Assessment for the site.

Regarding planning application 10/01555/PPP, SEPA objected to the application due to flood risk (Supporting Document 219-1). SEPA advised that they would object to any residential use at this location and would only accept commercial uses on the site. Therefore, there is an issue that a housing allocation would be unfeasible for this site and could result in an allocation which cannot be developed for the proposed use. This is supported by the Council's Flood Team who provided a consultation response to the application advising that the site is not appropriate for residential development and would recommend retaining the site for commercial use (Supporting Document 219-2). Within the Plan the site requirements for RJEDB002 within the Proposed Plan also state the requirement for a Flood Risk Assessment which is supported by SEPA.

The site has also gone through the LDP site assessment process for a redevelopment opportunity RJEDB002 (Supporting Document 219-3) and following this submission a larger site at the same location has also been assessed for housing AJEDB014 (Supporting Document 219-4). The outcome of the site assessments is the site is currently at significant flood risk, which would require further investigation and mitigation measures during the process of any planning application. Although flood risk is a significant constraint, the site has previously been developed and the principle of redevelopment of this site is regarded as acceptable.

Jedburgh is located within the Central Strategic Development Areas set out by the SESplan Strategic Development Plan (SDP) (Core Document 001). The SDP shows that the Proposed LDP meets the provisions of the SESplan SDP and its associated Supplementary Guidance in providing land to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy. In addition Appendix 2 Meeting the Housing Land Requirement – Update (Core Document 017) states the Proposed LDP provides substantial flexibility in the form of identified redevelopment sites and sites with potential for longer term development. As a result no further housing land within Jedburgh is required to meet the identified housing requirement.

In conclusion, it is considered that the site is appropriate for redevelopment and a variety of uses may be appropriate for the site. As a result of the comments from SEPA in relation to previous applications for housing on the site it is considered unviable to allocate the site for residential development. This is due to the flooding constraints on the site which may result in the site not being developable for its proposed use. There is also no requirement for additional housing sites to be identified within the Central Strategic Development Area. Therefore the site should remain as a brownfield redevelopment opportunity within the Local Development Plan.

Reporter's conclusions:

1. The building and joinery businesses to the east and south of the proposed redevelopment site are stated by Mr McDonald to be no longer appropriate in this location. I can accept that the proximity of uses such as this could have the potential for incompatibility with the nearby residential area. It is also clear that access to the site is not ideal with a narrow approach leading from Old Bongate. In turn I can understand that the amalgamation of this area with site RJEDB002 for housing purposes would improve the residential amenity of the vicinity.

2. On the other hand, it is clear that the area is subject to flood risk: the Scottish Environment Protection Agency flood maps show the site at medium or high risk of flooding from the adjacent Jed Water. Both the Scottish Environment Protection Agency and the council's flood team have expressed concern in this respect. Indeed, the Agency has objected to the prospect of any residential development at this location. These concerns must be taken seriously and, on this basis, I believe the council is correct to allocate only the area identified as RJEDB002 for redevelopment. This provides scope for the precise nature of any future redevelopment to be resolved at development management stage. Residential development would not be precluded as a matter of principle. However, as indicated in the Jedburgh settlement profile, a flood risk assessment would be required along with details of possible mitigation measures.

3. The lack of a specific allocation on the adjacent land, as required by Mr McDonald, would not prevent the future redevelopment of the wider area. Any proposal coming forward would be assessed under the relevant policies of the local development plan, in particular, Policy PMD5, Infill Development. However, the flooding issue would clearly be a crucial aspect in the assessment of any development proposal, especially, residential.

4. I have noted that the council has also drawn attention to the strategic housing requirements but I do not consider that the scale of development considered under this issue has any significant implications for the wider housing land supply.

Reporter's recommendations:

No modifications.

Issue 220	Housing within the Central Strategic Development Area: Jedburgh (RJ14B – Oxnam Road)	
Development plan reference:	Jedburgh Settlement Profile and Map (pages 376 – 383) – RJ14B (Oxnam Road)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
377 Beaton		
Provision of the development plan to which the issue relates:	Site boundary of housing allocation in Jedburgh - Oxnam Road (RJ14B).	
Planning authority's summary of the representation(s):		
The contributor states the site boundary of RJ14B includes land within their ownership. The contributor would like the site boundary amended and the land to be excluded from the boundaries of the site.		
Modifications sought by those submitting representations:		
The contributor seeks the site boundary of RJ14B to be amended to exclude land within their ownership.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO JEDBURGH SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>The housing site at Oxnam Road (RJ14B) is an existing allocation which has been carried forward into the Proposed Plan. Although the site is partially developed it was not considered significantly developed enough to be removed from the Plan as less than 50% of the units are completed, therefore the site continues to be included.</p> <p>During the next Local Plan review if the site has been developed further and over 50% of the units are completed then the site will be removed from the Plan. Until this time it is considered the site and the site boundary should remain unchanged within the Proposed Local Development Plan.</p>		
Reporter's conclusions:		
<p>1. Site RJ14B, Oxnam Road, is partly developed with a number of well-established houses although building has ceased and the developers are not currently on the site. Nevertheless, as more than half the site remains to be completed, I accept the council's wish for the entire allocation to be retained within the local development plan. The</p>		

retention of the allocation has no implications for the purchasers of those properties already constructed. As Mr Beaton points out, the extent of his ownership will be shown on the title deeds for the property.

Reporter's recommendations:

No modifications.

Issue 221	Redevelopment within the Central Strategic Development Area: Jedburgh (RJEDB001 – The Anna)	
Development plan reference:	Jedburgh Settlement Profile and Map (pages 376 – 383) – RJEDB001 (The Anna)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Redevelopment Opportunity in Jedburgh – RJEDB001 (The Anna).	
Planning authority’s summary of the representation(s):		
<p>The contributor requests an additional requirement should be included for this site to help contribute to the objectives of the River Basin Management Plan. Development should not add any further morphological pressures to the Jed Water or result in any deterioration in status which is currently moderate. Any opportunities to improve modified habitat should also be harnessed.</p> <p>The contributor supports the site as the site requirements include the requirement for a Flood Risk Assessment.</p>		
Modifications sought by those submitting representations:		
<p>The contributor requests an additional site requirement be included to help contribute to the objectives of the River Basin Management Plan.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO JEDBURGH SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the contributor supports the site as a Flood Risk Assessment is required as set out in the site requirements.</p> <p>This site was initially identified as a redevelopment opportunity within the Finalised Local Plan Amendment 2009 (Core Document 010, page 163-6) and the site was taken forward into the Scottish Borders Consolidated Local Plan 2011 (Core Document 007, page 370-4). The site had been subject to public consultation prior to its inclusion in the Plan.</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076 - SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states</p>		

“This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area. Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site RJEDB001 is shown on the proposals map as lying within the town centre boundary of Jedburgh and is allocated for redevelopment. SEPA support inclusion of the site as a flood risk assessment is identified in the proposed plan as a site requirement.
2. As in other cases, I recognise the hope of SEPA that the redevelopment of the site would provide an opportunity to contribute to the objectives of the River Basin Management Plan. Nevertheless, Policy EP15: *Development Affecting the Water Environment* provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. Opportunities to enhance and restore the water environment in support of biodiversity are set out in supplementary guidance.
3. On the basis of the foregoing, I conclude that the terms of Policy EP15 provide a clear basis for development management of this site in respect of the water environment and that a further site requirement to this effect is not necessary.

Reporter’s recommendations:

No modifications.

Issue 222	Housing within the Central Strategic Development Area: Jedburgh (RJ27D – Wildcat Cleuch)	
Development plan reference:	Jedburgh Settlement Profile and Map (pages 376 – 383) – RJ27D (Wildcat Cleuch)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Housing allocation in Jedburgh – Wildcat Cleuch (RJ27D).	
Planning authority’s summary of the representation(s):		
<p>The contributor requests an additional site requirement for a feasibility study to be undertaken to assess the potential for channel restoration by removing the existing or possible culverts. In addition there may be an opportunity to restore the water environment to its natural state by removing the culvert.</p> <p>The contributor requires a Flood Risk Assessment (FRA) to assess the risk of flooding. The small watercourse flows along western boundary and is culverted beneath Wildcat Cleugh road and should be assessed within any FRA.</p>		
Modifications sought by those submitting representations:		
<p>The contributor requests an additional site requirement for a feasibility study to be undertaken to assess the potential for channel restoration by removing the existing or possible culverts.</p> <p>The contributor also requires a Flood Risk Assessment to assess the risk of flooding.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO JEDBURGH SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>This housing site was added to the Plan by the Reporter during the Local Plan Inquiry 2007 (Core Document 020, chapter 12 page 25). This allocation has been carried forward into each subsequent Plan including the Consolidated Local Plan 2011 (Core Document 007, pages 370-4).</p> <p>In relation to the request for a feasibility study, it is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076 - SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be</p>		

carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to culvert removal and channel restoration. Policy EP15 on Development Affecting the Water Environment states in its preamble that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. Developers are required to consider potential impacts and mitigations to enhance and restore water the environment. Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters. This includes in sub section d) the need for compliance with best practice in relation to canalisation and culverting.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor’s proposal is not necessary.

In relation to the requirement for a Flood Risk Assessment, it is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076 - SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site RJ27D, Wildcat Cleuch, is allocated for housing.
2. The Scottish Environment Protection Agency flood maps do not show the site to be

affected by any potential flooding issue. Flood threat does not seem to be an obvious constraint in this case although there is a burn along the western boundary of the site. Clearly, the possibility of channel restoration is to be welcomed as an improvement to the water environment. I accept the council's argument that Policy IS8, Flooding, provides an adequate basis for dealing with flood risk, including the possibility of requiring a formal assessment. It would nevertheless be appropriate to make a reference to the need to consider channel restoration.

3. In addition to requiring a flood risk assessment and possible channel restoration, I note that the Agency also requires the developer to help contribute to the objectives of the River Basin Management Plan.

4. As in other cases, I recognise the hope of the Scottish Environment Protection Agency that the redevelopment of the site would provide an opportunity to help contribute to the objectives of the River Basin Management Plan. Nevertheless, Policy EP15, Development Affecting the Water Environment, provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. Opportunities to enhance and restore the water environment in support of biodiversity are set out in supplementary guidance.

5. On the basis of the foregoing, I conclude that the terms of Policy EP15 provide a clear basis for development management of this site in respect of the water environment and that a further site requirement to this effect is not necessary.

Reporter's recommendations:

I recommend the following modification be made:

1. In the Jedburgh Settlement Profile under the Housing sites section of the Development and Safeguarding Proposals, add a fourth bullet point to the site requirements for site RJ27D, Wildcat Cleuch:

“Consider the potential for culvert removal and channel restoration.”

Issue 223	Housing within the Central Strategic Development Area: Jedburgh (AJEDB005 – Wildcat Gate South)	
Development plan reference:	Jedburgh Settlement Profile and Map (pages 376 – 383) – AJEDB005 (Wildcat Gate South)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency 436 Hewit (2 of 2)		
Provision of the development plan to which the issue relates:	Site boundary of housing allocation at Wildcat Gate South (AJEDB005).	
Planning authority's summary of the representation(s):		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor requires a Flood Risk Assessment (FRA) to assess the risk of flooding. The area along the southern boundary of the site is shown to be at pluvial flood risk which has picked up the route of the small watercourse.</p> <p><u>436 Hewit (2 of 2)</u></p> <p>The contributor supports the retention of site AJEDB005 for the development of 20 residential dwellings.</p>		
Modifications sought by those submitting representations:		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor requires a Flood Risk Assessment assess the risk of flooding.</p> <p><u>436 Hewit (2 of 2) - N/A</u></p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO JEDBURGH SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p><u>436 Hewit (2 of 2) - Support noted.</u></p> <p><u>357 Scottish Environment Protection Agency</u></p> <p>This site was identified as a housing allocation within the Consultative Draft Local Plan Amendment (Core Document 009, page 104) and the Finalised Local Plan Amendment 2009 (Core Document 010, page 166) and the site was taken forward into the Scottish</p>		

Borders Consolidated Local Plan 2011 (Core Document 007). The site had been subject to public consultation prior to its inclusion in the Plan.

It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076 - SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site AJEDB005, Wildcat Gate, is allocated for housing.
2. Mr Hewit supports the allocation and therefore this representation should not have been brought forward for examination as it does not constitute an unresolved issue.
3. The Scottish Environment Protection Agency flood map shows the Howden Burn, which forms the southern boundary of the site, to constitute a medium risk of surface water flooding. The affected area is linear and is adjacent to that part of the site allocated for structure planting/landscaping.
4. I note the proposed plan indicates that the site is the subject of an approved planning brief and, under the circumstances, I consider it would be inappropriate to extend the site requirements at this time. In any event, as explained by the council, Policy IS8, Flooding, provides a firm basis for the development management of the site in this respect.

Reporter’s recommendations:

No modifications.

Issue 224	Retail within the Central Strategic Development Area: Jedburgh (GJEDB001 - Edinburgh Road Retail - Large)	
Development plan reference:	Jedburgh Settlement Profile and Map (pages 376 – 383) – GJEDB001 (Edinburgh Road Retail - Large)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
013 Hewit		
Provision of the development plan to which the issue relates:	Edinburgh Road Retail - Large (GJEDB001) to be allocated for Class 1 retail use.	
Planning authority's summary of the representation(s):		
The contributor objects to the non-inclusion of GJEDB001 (Edinburgh Road Retail - Large) as an allocated food retail site within the Proposed Plan.		
Modifications sought by those submitting representations:		
The contributor seeks the allocation of site GJEDB001 for Class 1 retail use within the Local Development Plan.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO JEDBURGH SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p><i>Note: This Schedule 4 should be cross-referenced with the Schedule 4 for Policy ED1 Protection of Business and Industrial Land and the Schedule 4 for Policy ED3 Town Centres and Shopping Development.</i></p> <p>REASONS</p> <p>It is noted that this proposal was not raised as part of the site call prior to the Main Issues Report or during the consultation period of the Main Issues Report.</p> <p>The site referred to by the contributor is identified within the Proposed Local Development Plan as a business and industrial safeguarded site (zEL33). This site is a long standing allocation and was included in the Roxburgh Local Plan 1995 and each subsequent Local Plan since.</p> <p>This type of allocation is protected by policy ED1 – Protection of Business and Industrial Land. Policy ED1 has recently been revised in order to avoid the dilution of employment land supply in the Scottish Borders.</p> <p>The site has been subject to several recent planning applications for the erection of retail foodstore with associated parking and access infrastructure (10/01201/PPP, 11/01121/PPP and 11/01455/PPP). Each of these applications was refused by the</p>		

Planning and Building Standards Committee as the proposals were contrary to policy ED1 and the loss of employment land would set an undesirable precedent for other uses outwith Classes 4, 5 and 6 on safeguarded business and industrial land sites. The proposals were also contrary to policy ED3 as the site is at an out-of-centre location that would affect the vitality and viability of the town centre and the applications did not adequately demonstrate that sequentially this is the most appropriate site for a new food store in Jedburgh.

Policy ED1 sets out a hierarchy of business and industrial sites and the site at Edinburgh Road (zEL33) is classified as a District site. The policy states that there is a presumption in favour of the retention of industrial and business use on strategic and district sites, including new land use proposals for business and industrial land. In respect of established or proposed industrial estates, as identified on the Proposals Maps, and other industrial locations will be retained for industrial development primarily as set out in Classes 4, 5 and 6. Proposals outwith these class uses will be considered against the following criteria:

- (a) the loss of employment land does not prejudice the existing and predicted long term requirements for industrial and business land in the locality, and*
- (b) the alternative land use is considered to offer significant benefits to the surrounding area and community that outweigh the need to retain the site in business and industrial use, and*
- (c) there is a constraint on the site whereby there is no reasonable prospect of it becoming marketable for employment development in the future, or*
- (d) the predominant land uses have changed owing to previous exceptions to policy such that a more mixed use land use pattern is now considered acceptable by the Council.*

In all employment land site categories development must:

- *respect the character and amenity of the surrounding area, and be landscaped accordingly, and*
- *be compatible with neighbouring employment uses.*

Specifically, the policy states that shops and outright retail activities will not be allowed on Strategic or District Sites, the only retailing permissible will be that which is considered to be ancillary to some other acceptable activity (e.g. manufacture; wholesale). For the purposes of this policy, ancillary is taken as being linked directly to the existing use of the unit and comprising no more than 10% of the total floor area.

In respect of criterion (a), whilst it is accepted that there has been limited demand for employment land in Jedburgh over recent years, the long term needs (20 years+) of the settlement must be considered. The site is high profile and highly accessible and attractive to employment as well as other uses as retail. The loss of employment sites to alternative uses must be avoided; once they're lost they cannot be replaced.

In respect of criterion (b) it is not considered that the proposed development would result in significant community benefits which would outweigh the need to retain the site in employment use. By allocating this site for retail use there are no significant benefits for existing local businesses and detrimental effects on the town centre will have negative effects on services for the local community.

In respect of criterion (c), the site has operated in employment use until relatively recently and there are no known constraints on the site which would mean that there is reasonable prospect of it becoming marketable for business and industrial use in the future (Supporting Document 224-1).

In respect of criterion (d), the predominant land use within the vicinity is business and industrial and in view of the overall policy, it is important to retain this.

The most recent planning application on the site is 13/01048/FUL which proposed the change of use from Class 4 - 6 (industry/storage) to Class 1 (retail). The application site covered 0.08ha the site is the northern most building within allocation 'zEL33', which is currently vacant and last occupied a number of years ago.

This application was assessed on its own merits and specifically relates to using the building for camping accessories by Borders Leisure. This does not set a precedent for similar future proposals. It is not considered that there are any other suitable sites within Jedburgh to accommodate the scale and requirement of the business, given the bulky nature of the goods. There is also some logic to the choice of site given its relationship with the nearby caravan park. To ensure that the unit is used by Borders Leisure for the purposes stated, conditions were attached to the planning consent these included:

- Restricting the consent solely to Borders Leisure to ensure that should the company cease trading the building reverts back to Use Class 4-6, thus the employment use is not being lost in perpetuity. Any other future Class 1 use would require to be assessed as part of a planning application,
- Restricting the goods to be sold to camping accessories, this ensures that no convenience goods are sold which could have a negative impact upon the vitality and viability of the town centre,
- A time restriction to three years to strike a balance that will allow the business to establish but to allow re-assessment of the position in the future should demands for employment land increase.

In 2011, the Council undertook a Scottish Borders Retail Capacity Study (Core Document 050, page 6). The study found that in Jedburgh, the amount of convenience floorspace appears broadly in balance with the amount of turnover being attracted into the town centre, while there is a small shortfall of comparison turnover. The high level of vacant units suggests that some conversion of vacant retail floorspace to other uses could be beneficial. Nearly half of Jedburgh's comparison retail floorspace is located outside the town centre, although almost all of that is accounted for by the Edinburgh Woollen Mill. A significant amount of convenience and a high amount of comparison spending is exported to Galashiels, despite the travel distance.

The report also stated that in relation to the future potential for additional retail floor space in Jedburgh in 2016 for convenience shopping the report found there is insufficient spending potential to support new stores in either Selkirk or Jedburgh, and consequently any case for new development in these towns would have to rely on qualitative factors.

The Employment Land Audit 2013 (Core Document 038) includes four business and industrial sites within Jedburgh with a combined site area of 8.6ha. Of these sites, one site is immediately available for take-up, one site is available in 1-5 years and the remaining two sites are both available beyond five years. Whilst it may appear that there is an adequate range and supply of employment land and premises which are available immediately and in the long term, it is contended that there is in actual fact a very limited supply of immediately available employment land within Jedburgh. Due to various constraints, approximately six hectares of employment land supply in Jedburgh is not expected to be available within the next five year period. It is therefore essential that sites such as Edinburgh Road (zEL33) remain safeguarded and not be diluted by a proliferation of other uses.

It is considered that allocating this site for retail use would have a detrimental effect on Jedburgh and would set an undesirable precedent for re-allocating business and industrial sites for retail use (Supporting Document 224-2). There is financial difficulty in bringing forward appropriate new business and industrial sites in a rural area such as the Borders and therefore existing sites must be protected. Consequently this site should remain allocated for business and industrial safeguarding within the Local Development Plan.

Reporter's conclusions:

1. The potential of this site for retail use requires to be assessed against a) its relationship with the town centre and b) the particular characteristics of the site location.
2. The site has no relationship with the town centre either visually or physically being located adjacent to the settlement boundary at the most northern part of Jedburgh.
3. In terms of the order of preference listed in Scottish Planning Policy, the site is an out-of-centre location, the fourth and final category of choice. Adjacent to the A68, a bus route, there is the potential for accessibility to a choice of transport modes. However, the site does not offer other characteristics such as significant footfall or the range of other uses generally associated with a town centre. There appears to be little potential for the future provision of these attributes. Accordingly, retail use of the site could not be regarded as an addition to the existing town centre and could not be contemplated on this basis.
4. The site fronts the A68 which, at this point, includes a range of retail and business uses on both the east and west side of the road. For the most part, retail uses, including the Edinburgh Woollen Mill and also a petrol filling station, are concentrated to the western side of the road.
5. The land to the east of the road is designated under Policy ED1, Protection of Business and Industrial Land, as allocation zEL33. The site which is the subject of this issue is at the northern end of the allocation. It contains two buildings, one of which, Borders Leisure, has a retail planning permission. As the council explains, several qualifying conditions have been applied to this permission. The second building is occupied by a printing business, appropriate for an area of business use. The designation for food retail use, as required by Mr Hewit, would not be justified to meet any local demand there being no nearby residential areas. Combined with the existing retail floorspace on the opposite side of the A68, it is likely that an adverse impact on the town centre could be anticipated.
6. Mr Hewit has provided no reasons to support his request for a food retail allocation at this location. Although Borders Leisure operates under a Class 1 planning permission, this has been restricted to protect the vitality and viability of the town centre. I conclude that it would not be appropriate to include a retail allocation at this location within the proposed local development plan.

(See also Issue 217)

Reporter's recommendations:

No modifications.

Issue 225	Retail within the Central Strategic Development Area: Jedburgh (GJEDB002 - Bankend South Retail)	
Development plan reference:	Jedburgh Settlement Profile and Map (pages 376 – 383) – GJEDB002 (Bankend South Retail)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
013 Hewit		
Provision of the development plan to which the issue relates:	Bankend South Retail (GJEDB002) to be allocated for class 1 retail use.	
Planning authority's summary of the representation(s):		
The contributor objects to the non-inclusion of GJEDB002 (Bankend South Retail). The contributor would like this site to be allocated within the Local Development Plan for food retail use.		
Modifications sought by those submitting representations:		
The contributor seeks the allocation of site GJEDB002 for Class 1 retail use within the Local Development Plan.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO JEDBURGH SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p><i>Note: This Schedule 4 should be cross-referenced with the Schedule 4 for Policy ED1 Protection of Business and Industrial Land and the Schedule 4 for Policy ED3 Town Centres and Shopping Development.</i></p> <p>REASONS</p> <p>It is noted that this proposal was not raised as part of the site call prior to the Main Issues Report or during the consultation period of the Main Issues Report.</p> <p>The site referred to by the contributor is identified within the Proposed Local Development Plan as a business and industrial safeguarded site at Bankend South Industrial Estate (zEL34). This site is a long standing allocation and was included in the Roxburgh Local Plan 1995 and each subsequent Local Plan since.</p> <p>This type of allocation is protected by policy ED1 – Protection of Business and Industrial Land. Policy ED1 has recently been revised in order to avoid the dilution of employment land supply in the Scottish Borders.</p> <p>The site has been subject to a recent planning application for the erection of retail foodstore with associated access and parking (11/00243/PPP). The planning application</p>		

was refused by the Planning and Building Standards Committee as the proposal was contrary to policy ED1 and the loss of employment land would set an undesirable precedent for other uses outwith Classes 4, 5 and 6 on safeguarded business and industrial land sites (Supporting Document 225-1). The Officer's report also states that although there has been limited demand for employment land in Jedburgh the long term needs of the settlement must be taken into account. The town will benefit from having a range of sizes and types of sites in different locations for business use, especially when the economy becomes stronger and so the loss of employment land to alternative uses must be avoided.

The proposal was also contrary to policy ED3 as the site is at an out-of-centre location that would affect the vitality and viability of the town centre and the applications did not adequately demonstrate that sequentially this is the most appropriate site for a new food store in Jedburgh.

Policy ED1 sets out a hierarchy of business and industrial sites and the site at Bankend South Industrial Estate (zEL34) is classified as a District site. The policy states that there is a presumption in favour of the retention of industrial and business use on strategic and district sites, including new land use proposals for business and industrial land. In respect of established or proposed industrial estates, as identified on the Proposals Maps, and other industrial locations will be retained for industrial development primarily as set out in Classes 4, 5 and 6. Proposals outwith these class uses will be considered against the following criteria:

(a) the loss of employment land does not prejudice the existing and predicted long term requirements for industrial and business land in the locality, and

(b) the alternative land use is considered to offer significant benefits to the surrounding area and community that outweigh the need to retain the site in business and industrial use, and

(c) there is a constraint on the site whereby there is no reasonable prospect of it becoming marketable for employment development in the future, or

(d) the predominant land uses have changed owing to previous exceptions to policy such that a more mixed use land use pattern is now considered acceptable by the Council.

In all employment land site categories development must:

- *respect the character and amenity of the surrounding area, and be landscaped accordingly, and*
- *be compatible with neighbouring employment uses.*

Specifically, the policy states that shops and outright retail activities will not be allowed on Strategic or District Sites, the only retailing permissible will be that which is considered to be ancillary to some other acceptable activity (e.g. manufacture; wholesale). For the purposes of this policy, ancillary is taken as being linked directly to the existing use of the unit and comprising no more than 10% of the total floor area.

In respect of criterion (a), whilst it is accepted that there has been limited demand for employment land in Jedburgh over recent years, the long term needs (20 years+) of the settlement must be considered. The site is high profile and highly accessible and attractive

to employment as well as other uses as retail. The loss of employment sites to alternative uses must be avoided; once they're lost they cannot be replaced.

In respect of criterion (b) it is not considered that the proposed development would result in significant community benefits which would outweigh the need to retain the site in employment use. By allocating this site for retail use there are no significant benefits for existing local businesses and detrimental effects on the town centre will have negative effects on services for the local community.

In respect of criterion (c), the site has operated in employment use until relatively recently and there are no known constraints on the site which would mean that there is reasonable prospect of it becoming marketable for business and industrial use in the future.

In respect of criterion (d), the predominant land use within the vicinity is business and industrial and in view of the overall policy, it is important to retain this.

In relation to the planning application it should also be noted the Indicative River & Coastal Flood Map (Scotland) known as the "second generation flood mapping" prepared by SEPA indicated that the South East part of the site and the access road from the A68 is affected from a flood event with a return period of 1 in 200 years. SEPA objected to the application on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy and PAN 69.

In 2011, the Council undertook a Scottish Borders Retail Capacity Study (Core Document 050, page 6). The study found that in Jedburgh, the amount of convenience floorspace appears broadly in balance with the amount of turnover being attracted into the town centre, while there is a small shortfall of comparison turnover. The high level of vacant units suggests that some conversion of vacant retail floorspace to other uses could be beneficial. Nearly half of Jedburgh's comparison retail floorspace is located outside the town centre, although almost all of that is accounted for by the Edinburgh Woollen Mill. A significant amount of convenience and a high amount of comparison spending is exported to Galashiels, despite the travel distance.

The report also stated that in relation to the future potential for additional retail floor space in Jedburgh in 2016 for convenience shopping the report found there is insufficient spending potential to support new stores in either Selkirk or Jedburgh, and consequently any case for new development in these towns would have to rely on qualitative factors.

The Employment Land Audit 2013 (Core Document 038) includes four business and industrial sites within Jedburgh with a combined site area of 8.6ha. Of these sites, one site is immediately available for take-up, one site is available in 1-5 years and the remaining two sites are both available beyond five years. Whilst it may appear that there is an adequate range and supply of employment land and premises which are available immediately and in the long term, it is contended that there is in actual fact a very limited supply of immediately available employment land within Jedburgh. Due to various constraints, approximately six hectares of employment land supply in Jedburgh is not expected to be available within the next five year period. It is therefore essential that sites such as Bankend South Industrial Estate (zEL34) remain safeguarded and not be diluted by a proliferation of other uses.

It is considered that allocating this site for retail use would have a detrimental effect on Jedburgh and would set an undesirable precedent for re-allocating business and industrial

<p>sites for retail use (Supporting Document 225-2). There is financial difficulty in bringing forward appropriate new business and industrial sites in a rural area such as the Borders and therefore existing sites must be protected. Consequently this site should remain allocated for business and industrial safeguarding within the Local Development Plan.</p>
<p>Reporter's conclusions:</p>
<p>1. The potential of this site for retail use requires to be assessed against a) its relationship with the town centre and b) the particular characteristics of the site.</p> <p>2. The site has no relationship with the town centre either visually or physically. The Bankend industrial area, allocated zEL34, is served by a cul-de-sac close to the northern periphery of Jedburgh. The industrial estate is bounded to the south by the Jed Water which adds to the isolation from the town centre.</p> <p>3. In terms of the order of preference listed in Scottish Planning Policy, the site could be virtually discounted at the outset. It is an out-of-centre location but it does not appear to have the capability of been made easily accessible to a choice of transport modes. Additionally, the site does not offer other characteristics such as significant footfall or the range of other uses generally associated with a town centre. There is no potential for the future provision of these attributes. Accordingly, retail use of the site could not be contemplated as an addition to the existing town centre.</p> <p>4. The site is vacant, derelict land within the Bankhead industrial area. As a retail location it has little inherent attraction and does not lie close to residential development to satisfy local retail demand. As pointed out by the council, the area is subject to flood risk and a previous development proposal was opposed by the Scottish Environment Protection Agency.</p> <p>5. Mr Hewit has provided no reasons to support his request for a food retail allocation at this location and I conclude that it would not be appropriate to include such a provision within the proposed local development plan.</p>
<p>Reporter's recommendations:</p>
<p>No modifications.</p>

Issue 226	Development within the Central Strategic Development Area: Jedburgh (zEL33 – Edinburgh Road) (GJEDB003 - Edinburgh Road Retail - Small)	
Development plan reference:	Jedburgh Settlement Profile and Map (pages 376 – 383) – zEL33 (Edinburgh Road) and GJEDB003 (Edinburgh Road Retail - Small)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
490 Crabtree & Crabtree (1 of 2)		
Provision of the development plan to which the issue relates:	Edinburgh Road (zEL33) to be replaced with Edinburgh Road Retail - Small (GJEDB003)	
Planning authority’s summary of the representation(s):		
<p>The contributor objects to the non-inclusion of GJEDB003 (Edinburgh Road Retail - Small) within the Plan. The contributor seeks the allocation of GJEDB003 for Class 1 retail use. The contributor states the site has been widely marketed for over two years as an employment land allocation and there has been no interest from Class 4-6 businesses during this time. The site lies vacant with no benefit to the local community or economy and demand does not therefore exist.</p> <p>The contributor makes reference to policy 2 of the SESplan SDP which supports the need for flexibility and for mixed communities on employment land particularly those that are compatible and that create employment. The contributor states the redevelopment of this site for retail will provide a significant contribution to the local economy via the creation of new jobs in Jedburgh. The site would also retain trade within the town and attract of new trade.</p> <p>The contributor undertook their own retail vacancy survey which showed the vacancy rate within Jedburgh town centre to be below 10% with strong levels of footfall. The contributor raises concerns that the Proposed LDP does not identify new retail sites and therefore fails to meet policy requires outlined in SPP in terms of identifying appropriate local sites to meet a growing retail deficiency and local consumer demand in Jedburgh.</p> <p>The contributor also makes reference to a recent planning application (13/01048/FUL) for part of zEL33 for change of use from Class 4-6 to Class 1. As part of the application a review was undertaken of retail units and sites in Jedburgh. There was a low level of vacant units on the High Street and only two available sites on the edge of town centre but both were discounted for a variety of availability and suitability reasons. This portion was accepted by the Council in its consideration of the application. The approval of the application for restricted Class 1 use clearly demonstrates that there are no sequentially preferable sites either within the town centre or edge-of-centre sites.</p> <p>The contributor seeks the removal of the business and industrial safeguarded site at Edinburgh Road (zEL33) from the Plan. The contributor states the site has been widely marketed for over two years and there has been no interest from Class 4-6 businesses during this time. The contributor quotes paragraph 46 of SPP which requires a regular review of sites and reallocation for other uses through development plans where sites do not meet anticipated market expectations. The contributor makes reference to the Scottish</p>		

<p>Borders Council Employment Land Audit and considers there to be a high level of immediately available Employment Land within the Central HMA and that take-up in Jedburgh is extremely low. The contributor considers the Business and Industrial allocated in the Proposed Plan will provide more than enough capacity to accommodate employment land in Jedburgh and the Central Strategic Development Area (SDA) over the Plan period and the loss of 0.63ha through the redevelopment of part of the site for retail (GJEDB003) would have no adverse impact on overall employment land supply in the area.</p>
<p>Modifications sought by those submitting representations:</p>
<p>The contributor seeks the allocation of site GJEDB003 for Class 1 retail use within the Local Development Plan and the removal of the Business and Industrial Safeguarding site at Edinburgh Road (zEL33) from the Jedburgh Settlement Profile and Map.</p>
<p>Summary of responses (including reasons) by planning authority:</p>
<p>NO CHANGE TO JEDBURGH SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p><i>Note: This Schedule 4 should be cross-referenced with the Schedule 4 for Policy ED1 Protection of Business and Industrial Land and the Schedule 4 for Policy ED3 Town Centres and Shopping Development.</i></p> <p>REASONS</p> <p>It is noted that this proposal was not raised as part of the site call prior to the Main Issues Report or during the consultation period of the Main Issues Report.</p> <p>The site referred to by the contributor is part of a larger allocation identified within the Proposed Local Development Plan as a business and industrial safeguarded site (zEL33). This site is a long standing allocation and was included in the Roxburgh Local Plan 1995 and each subsequent Local Plan since.</p> <p>This type of allocation is protected by policy ED1 – Protection of Business and Industrial Land. Policy ED1 has recently been revised in order to avoid the dilution of employment land supply in the Scottish Borders.</p> <p>The site has been subject to several recent planning applications each for the erection of retail foodstore with associated parking and access infrastructure (10/01201/PPP, 11/01121/PPP, and 11/01455/PPP). Each of these applications was refused by the Planning and Building Standards Committee as the proposals were contrary to policy ED1 and the loss of employment land would set an undesirable precedent for other uses outwith Classes 4, 5 and 6 on safeguarded business and industrial land sites. The proposals were also contrary to policy ED3 as the site is at an out-of-centre location that would affect the vitality and viability of the town centre and the applications did not adequately demonstrate that sequentially this is the most appropriate site for a new food store in Jedburgh.</p> <p>Policy ED1 sets out a hierarchy of business and industrial sites and the site at Edinburgh Road (zEL33) is classified as a District site. The policy states that there is a presumption in favour of the retention of industrial and business use on strategic and district sites, including new land use proposals for business and industrial land. In respect of established or proposed industrial estates, as identified on the Proposals Maps, and other industrial</p>

locations will be retained for industrial development primarily as set out in Classes 4, 5 and 6. Proposals outwith these class uses will be considered against the following criteria:

(a) the loss of employment land does not prejudice the existing and predicted long term requirements for industrial and business land in the locality, and

(b) the alternative land use is considered to offer significant benefits to the surrounding area and community that outweigh the need to retain the site in business and industrial use, and

(c) there is a constraint on the site whereby there is no reasonable prospect of it becoming marketable for employment development in the future, or

(d) the predominant land uses have changed owing to previous exceptions to policy such that a more mixed use land use pattern is now considered acceptable by the Council.

In all employment land site categories development must:

- *respect the character and amenity of the surrounding area, and be landscaped accordingly, and*
- *be compatible with neighbouring employment uses.*

Specifically, the policy states that shops and outright retail activities will not be allowed on Strategic or District Sites, the only retailing permissible will be that which is considered to be ancillary to some other acceptable activity (e.g. manufacture; wholesale). For the purposes of this policy, ancillary is taken as being linked directly to the existing use of the unit and comprising no more than 10% of the total floor area.

In respect of criterion (a), whilst it is accepted that there has been limited demand for employment land in Jedburgh over recent years, the long term needs (20 years+) of the settlement must be considered. The site is high profile and highly accessible and attractive to employment as well as other uses as retail. The loss of employment sites to alternative uses must be avoided; once they're lost they cannot be replaced.

In respect of criterion (b) it is not considered that the proposed development would result in significant community benefits which would outweigh the need to retain the site in employment use. By allocating this site for retail use there are no significant benefits for existing local businesses and detrimental effects on the town centre will have negative effects on services for the local community.

In respect of criterion (c), the site has operated in employment use until relatively recently and there are no known constraints on the site which would mean that there is reasonable prospect of it becoming marketable for business and industrial use in the future.

In respect of criterion (d), the predominant land use within the vicinity is business and industrial and in view of the overall policy, it is important to retain this.

In 2011, the Council undertook a Scottish Borders Retail Capacity Study (Core Document 050, page 6). The study found that in Jedburgh, the amount of convenience floorspace appears broadly in balance with the amount of turnover being attracted into the town centre, while there is a small shortfall of comparison turnover. The high level of vacant units suggests that some conversion of vacant retail floorspace to other uses could be

beneficial. Nearly half of Jedburgh's comparison retail floorspace is located outside the town centre, although almost all of that is accounted for by the Edinburgh Woollen Mill. A significant amount of convenience and a high amount of comparison spending is exported to Galashiels, despite the travel distance.

The report also stated that in relation to the future potential for additional retail floor space in Jedburgh in 2016 for convenience shopping the report found there is insufficient spending potential to support new stores in either Selkirk or Jedburgh, and consequently any case for new development in these towns would have to rely on qualitative factors.

The Employment Land Audit 2013 (Core Document 038) includes four business and industrial sites within Jedburgh with a combined site area of 8.6ha. Of these sites, one site is immediately available for take-up, one site is available in 1-5 years and the remaining two sites are both available beyond five years. Whilst it may appear that there is an adequate range and supply of employment land and premises which are available immediately and in the long term, it is contended that there is in actual fact a very limited supply of immediately available employment land within Jedburgh. Due to various constraints, approximately six hectares of employment land supply in Jedburgh is not expected to be available within the next five year period. It is therefore essential that sites such as Edinburgh Road (zEL33) remain safeguarded and not be diluted by a proliferation of other uses.

It is considered that allocating this site for retail use would have a detrimental effect on Jedburgh and would set an undesirable precedent for re-allocating business and industrial sites for retail use. There is financial difficulty in bringing forward appropriate new business and industrial sites in a rural area such as the Borders and therefore existing sites must be protected. Consequently this site should remain allocated for business and industrial safeguarding within the Local Development Plan.

It is considered that allocating this site for retail use would have a detrimental effect on Jedburgh and would set an undesirable precedent for re-allocating business and industrial sites for retail use (Supporting Document 226-1). This business and industrial safeguarded site is a long standing allocation and is protected by policy ED1. There is financial difficulty in bringing forward appropriate new business and industrial sites in a rural area such as the Borders and therefore existing sites must be protected. In conclusion GJEDB003 should not be allocated for retail use within the Plan; the site should remain allocated for business and industrial safeguarding under site code zEL33.

Reporter's conclusions:

1. In parallel with the required Class 1 retail allocation, Crabtree and Crabtree Ltd. seeks to delete property in the company's ownership from the zEL33 designation, as shown in the Jedburgh Settlement Map, and safeguarding under both Policy ED1 (including Table 1) and the Business and Industrial Safeguarding section of the Jedburgh Settlement Profile.
2. There are seven areas in Jedburgh allocated for business and industrial safeguarding under Policy ED1, Table 1. Six of these sites are areas of existing development with the seventh offering serviced land. There is one large existing concern, site zEL32, Hartrigge Park, whilst the remaining sites, including zEL33, are occupied by a range of smaller commercial concerns. Inevitably there are some vacant premises and land but, in general terms, the safeguarded areas give the impression of a reasonable degree of occupancy and activity. In turn, I believe it is reasonable to assume that the areas are beneficial to the

local economy.

3. Overall, I consider the allocations provide the required range of choice for business and industrial land and sites. Accordingly, I am not of the opinion that there is a strong case to remove any of these areas from protective safeguarding. In particular I believe that site zEL33 should remain, in its entirety, within Policy ED1, Table 1, and within the Business and Industrial Safeguarding section of the Jedburgh settlement profile.

4. Although it has been claimed that marketing the property has been unsuccessful, there are currently no signs indicating the availability of the premises. The northernmost of the two buildings appears to be occupied currently. In any event, despite recent difficulties, it may be that an improving economic situation may offer more favourable circumstances for letting commercial premises.

5. Notwithstanding the foregoing conclusion, the potential for Class 1 retail use requires to be assessed against the relationship of the site with the town centre and the particular characteristics of the site.

6. At a distance of some 1.25km, the site has no direct relationship with the town centre either visually or physically. In terms of the order of preference listed in Scottish Planning Policy, the site is therefore an out-of-centre location, the fourth and final category of choice.

7. Scottish Planning Policy requires a flexible and realistic application of the sequential approach. In this respect, I note that the council has previously granted planning permission for the retail use of the most northerly unit in site zEL33 (see Issue 224). However, this permission was qualified and does not bestow unrestricted Class 1 retail status of the site.

8. I also acknowledge that the Crabtree & Crabtree site is readily accessible with a frontage to the A68, a bus route. At this point, the opposite side of the A68 has a significant retail presence in the guise of the Edinburgh Woollen Mill premises. Indeed, the council explains, this business provides almost half the comparison retail floorspace in Jedburgh.

9. Despite these considerations, I believe it is significant that National Planning Framework 3 reflects the importance of town centres as a key element in the economic and social fabric of Scotland. Scottish Planning Policy advocates a “town centre first” policy. In turn, I believe that any additional concentration of Class 1 retail use along the A68 frontage within the zEL33 allocation would be likely to lead to an adverse impact on Jedburgh town centre, contrary to the terms of National Planning Framework 3 and Scottish Planning Policy. In turn, I do not agree that any part of allocation zEL33 should be designated for Class 1 retail use.

(See also Issue 217)

Reporter’s recommendations:

No modifications.

Issue 227	Business and Industrial Safeguarding in the Central Strategic Development Area: Kelso (BKELS005 – Pinnaclehill Industrial Estate)	
Development plan reference:	Kelso Settlement Profile and Map (pages 384 – 393) – BKELS005 (Pinnaclehill Industrial Estate)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Business and Industrial Safeguarding in Kelso BKELS005 (Pinnaclehill Industrial Estate).	
Planning authority’s summary of the representation(s):		
The contributor requires a Flood Risk Assessment to assess the risk of flooding. There is a small watercourse/drain showing to be located within development site and is culverted partially through development site.		
Modifications sought by those submitting representations:		
The contributor requires a Flood Risk Assessment to assess the risk of flooding.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO KELSO SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>This site is a long standing employment land safeguarding allocation and was allocated within the Scottish Borders Local Plan 2008 (Core Document 009, page 326) and subsequent plans since. The site has been re-coded from zEL205 to BKELS005, distinguishing it from the site on the adjacent side of the road. However, the site remains allocated as business and employment safeguarding.</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076 - SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential</p>		

flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site BKELS005, Pinnaclehill Industrial Estate, is a “strategic” business and industrial site, safeguarded under the provisions of Policy ED1. The area is well established with little scope for additional development.
2. The Scottish Environment Protection Agency flood map shows the Wooden Burn to the east of the site to be subject to flooding although within a very confined area of the Wooden Dean. A small part of the site is shown to be at low risk from surface water flooding. The Agency refers to a partially culverted small watercourse or drain within the site.
3. The emphasis of the proposed plan is to safeguard this existing business and industrial site. Clearly there is a potential for property to be redeveloped or for changes of use. In such instances, account would require to be taken of site conditions, including the potential for flooding. This consideration would be particularly important in the proximity of the small watercourse within the site.
4. Under the circumstances, particularly in view of the established character of the Pinnaclehill Industrial Estate, I consider the threat from flood risk to be tangible but not significant to the extent that a specific reference is necessary as a site requirement. I share the opinion of the council that Policy IS8, Flooding, provides an adequate basis for development management within this area.

Reporter’s recommendations:

No modifications.

Issue 228	Business and Industrial in the Central Strategic Development Area: Kelso (zEL206 – Extension to Pinnaclehill Industrial Estate)	
Development plan reference:	Kelso Settlement Profile and Map (pages 384 – 393) – zEL206 (Extension to Pinnaclehill Industrial Estate)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Business and Industrial site in Kelso zEL206 (Extension to Pinnaclehill Industrial Estate).	
Planning authority’s summary of the representation(s):		
<p>The contributor requests an additional site requirement for a feasibility study to be undertaken to assess the potential for channel restoration by removing the existing or possible culverts. In addition there may be an opportunity to restore the water environment to its natural state by removing the culvert.</p> <p>The contributor requires a Flood Risk Assessment to assess the risk of flooding. A small watercourse flows along southern boundary. The surface water flood map picks up this low lying area.</p>		
Modifications sought by those submitting representations:		
<p>The contributor requests an additional site requirement for a feasibility study to be undertaken to assess the potential for channel restoration by removing the existing or possible culverts.</p> <p>The contributor also requires a Flood Risk Assessment to assess the risk of flooding.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO KELSO SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>This business and industrial site was added to the Plan by the Reporter during the Local Plan Inquiry 2007 (Core Document 020, chapter 13 page 39). This allocation has been carried forward into each subsequent Plan including the Consolidated Local Plan 2011 (Core Document 007, pages 375-380).</p> <p>In relation to the request for an additional site requirement for a feasibility study, it is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076 - SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and</p>		

site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to culvert removal and channel restoration. Policy EP15 on Development Affecting the Water Environment states in its preamble that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. Developers are required to consider potential impacts and mitigations to enhance and restore water the environment. Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters. This includes in sub section d) the need for compliance with best practice in relation to canalisation and culverting.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor’s proposal is not necessary.

In relation to the need for a Flood Risk Assessment, it is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site zEL206, Extension to Pinnaclehill Industrial Estate, is a “strategic” business and

industrial site, safeguarded under the provisions of Policy ED1. Some site roads have been laid out.

2. The Scottish Environment Protection Agency flood map shows the burn along the southern boundary of the site to be at medium risk of causing surface water flooding along its course with some localised areas at high risk.

3. I do not believe that the information provided justifies a specific site requirement for a flood risk assessment, especially as I have no indication that the council's Flood Prevention Officer requires a formal assessment. In these circumstances, I accept the council's argument that Policy IS8, Flooding, provides an adequate basis for development management in respect of flooding issues.

4. However, I do accept that attention should be drawn to the need to consider the possibility of securing improvements by means of culvert removal and channel restoration.

Reporter's recommendations:

I recommend the following modification be made:

1. In the Kelso Settlement Profile under the Potential Longer Term Housing Sites (Subject to Review) [*incorrectly titled?*] section of the Development and Safeguarding Proposals add a further bullet point (to be third in the list of bullet points) in the site requirements for site zEL206, Extension to Pinnacle Industrial Estate:

“Consider the potential for culvert removal and channel restoration.”

Issue 229	Business and Industrial in the Central Strategic Development Area: Kelso (BKELS003 – Wooden Linn)	
Development plan reference:	Kelso Settlement Profile and Map (pages 384 – 393) – BKELS003 (Wooden Linn)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Business and Industrial site in Kelso BKELS003 (Wooden Linn).	
Planning authority’s summary of the representation(s):		
<p>The contributor requests an additional site requirement for a feasibility study to be undertaken to assess the potential for channel restoration by removing the existing or possible culverts. In addition there may be an opportunity to restore the water environment to its natural state by removing the culvert.</p> <p>The contributor supports the site as the site requirements include the requirement for a Flood Risk Assessment.</p>		
Modifications sought by those submitting representations:		
<p>The contributor requests an additional site requirement for a feasibility study to be undertaken to assess the potential for channel restoration by removing the existing or possible culverts.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO KELSO SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the contributor supports the site as a Flood Risk Assessment is required as set out in the site requirements.</p> <p>This site was identified as an employment land allocation within the Consultative Draft Local Plan Amendment 2008 (Core Document 009, page 106) and the Finalised Local Plan Amendment 2009 (Core Document 010, 169). The site was taken forward into the Scottish Borders Consolidated Local Plan 2011 (Core Document 007, page 380). The site had been subject to public consultation prior to its inclusion in the Plan.</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076 - SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and</p>		

site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed Local Development Plan makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to culvert removal and channel restoration as well as the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in its preamble that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area. Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters. This also includes in sub section d) the need for compliance with best practice in relation to canalisation and culverting.

Therefore, it is submitted that these matters can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor’s proposals are not necessary.

Reporter’s conclusions:

1. Site BKELS003, Wooden Linn is a “strategic” business and industry site safeguarded under the provisions of Policy ED1.
2. Although the council believes that matters related to the water environment are subject to adequate control through Policy EP15, I consider it would be appropriate to add a reference to the potential for improvement as part of the site requirements for site BKELS003.

Reporter’s recommendations:

I recommend the following modification be made:

1. In the Kelso Settlement Profile under the Potential Longer Term Housing Sites (Subject to Review) section [*incorrectly titled?*] of the Development and Safeguarding Proposals, add the following to the second bullet point in the site requirements for site BKELS003, Wooden Linn:

“along with consideration of the potential for culvert removal and channel restoration.”

Issue 230	Housing within the Central Strategic Development Area: Kelso (AKELS021 – Nethershot)	
Development plan reference:	Kelso Settlement Profile and Map (pages 384 – 393) – AKELS021 (Nethershot) and Appendix 3: Supplementary Guidance and Standards (pages 161 – 168)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
332 Lord Kerr, Ferniehirst Trust, Roxburghe Estates		
Provision of the development plan to which the issue relates:	The requirement for a Planning Brief for Nethershot (AKELS021) within the site requirements and Appendix 3.	
Planning authority's summary of the representation(s):		
<p>The contributor welcomes and supports the allocation. However the contributor objects to the requirement for a Planning Brief for Nethershot (AKELS021) within the site requirements and Appendix 3. The contributor notes a Planning Brief is to be produced for the site and suggests it should be noted that an indicative masterplan has been produced by the contributor and considers it beneficial to allow for a joint working approach on any required Brief. In reference to Appendix 3 - Development Briefs the contributor also states the advanced nature of proposals have addressed many of the requisite considerations within the urban design and landscape context.</p>		
Modifications sought by those submitting representations:		
Remove reference to the requirement for a Planning Brief for Nethershot (AKELS021) within the site requirements and within Appendix 3: Supplementary Guidance and Standards.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO KELSO SETTLEMENT STATEMENT OR APPENDIX 3 AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>A larger site at this location is subject to a recent planning approval for a mixed use development including housing, site for school, community facilities and associated landscaping, roads and footpaths (13/00427/PPP). The approval covers the housing site at Nethershot (AKELS021) and the New Kelso High School (DKELS001).</p> <p>Within the site requirements for AKELS021 in the Proposed Local Development Plan states the intention to produce a Planning Brief for the site. Reference is also made to the need for a Planning Brief within Appendix 3 of the Plan. It is intended that Planning Briefs will be produced for key sites brought forward in the Local Development Plan to provide guidance on site layout, access, design and environmental constraints. The Briefs will also provide an indication as to whether developer contributions will be required for the</p>		

site.

It is noted a masterplan has been produced for the site as part of the planning application process. However the Council takes a pragmatic view of the situation in relation to any site before commencing the preparation of a Planning Brief. Although the site is subject to a planning approval the planning application may not come to fruition. Therefore a Planning Brief would be beneficial in the future should another application come forward.

Reporter's conclusions:

1. Appendix 3 of the local development plan relates to supplementary guidance and standards and deals with development briefs. I have assumed that the terms "development brief", used in the appendix, and "planning brief", used in the Kelso settlement profile, are synonymous and interchangeable. The appendix explains that briefs indicate how sites are to be laid out, including arrangements for access, and provide guidance on various other matters including an indication of the need for developer contributions. Briefs take the form of supplementary guidance and guide the determination of planning applications and any associated conditions or agreements.
2. In general, I believe development briefs are beneficial insofar as they describe the basis for the development of key sites. The brief provides a link between the land use allocations in the local development plan and the detail contained in a subsequent planning application, albeit that the application may initially be limited to seeking planning permission in principle.
3. It has not been disputed that site AKELS021, Nethershot (Phase 1), is an important site, particularly when considered along with the adjacent site DKELS001, New Kelso High School. The requirement for a planning brief for the site is therefore logical in terms of the objectives set out in Appendix 3. Equally, the expectation that the site should be master-planned is also justified to ensure a cohesive development which, under the usual course of events, would follow and evolve from the provisions of the planning brief.
4. As has been demonstrated in this instance, planning is a dynamic process. An application for planning permission in principle was submitted in April 2013 seeking permission for housing and a new school along with associated access and landscaping proposals. The committee report prepared in respect of the application noted a number of supporting documents. These included
 - Design and Access Statement
 - Transport Appraisal
 - Access Appraisal
 - Archaeology Assessment
 - Ecology Assessment
 - Housing Land Supply Assessment
 - Landscape and Visual Assessment
 - Indicative Layout and Street Scenes
5. The report recommended that planning permission in principle should be granted subject to a number of conditions and a legal agreement concerning education infrastructure and affordable housing. The council has indicated that the application was approved on these terms but that the legal agreement has not yet been concluded. The

issue of the planning certificate will therefore await the formal conclusion of the agreement.

6. As claimed by Lord Kerr, the Ferniehirst Trust and Roxburghe Estates, the proposals have already addressed various design and landscape aspects. Indeed, I accept that the planning application for permission in principle has dealt with those aspects likely to be central to a planning brief. Additionally, the question of developers' contributions is the subject of a proposed formal legal agreement.

7. In respect of the current development proposal, it is clear the preparation of a planning brief is no longer required.

8. On the other hand, as the council points out, the granting of planning permission does not guarantee that the approved development will be implemented. Despite the stated commitment of the applicants, unforeseen events and changed circumstances could result in any planning permission remaining unimplemented and ultimately lapsing. To this extent, whilst I accept the need for a planning brief for the current proposal has been superseded, the possibility of a brief being required in the future should not be precluded. Accordingly, the reference to the production of a planning brief should be retained as a site requirement.

9. In reaching this conclusion, I do not consider that the potential developers of the site are prejudiced or disadvantaged as, once issued, the terms of the planning permission in principle provide a clear basis for development.

Reporter's recommendations:

No modifications.

Issue 231	Longer Term Housing within the Central Strategic Development Area: Kelso (SKELS004 – Nethershot Longer Term)	
Development plan reference:	Kelso Settlement Profile and Map (pages 384 – 393) – SKELS004 (Nethershot Longer Term)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
332 Lord Kerr, Ferniehirst Trust, Roxburghe Estates		
Provision of the development plan to which the issue relates:	Longer term housing site SKELS004 (Nethershot Longer Term)	
Planning authority’s summary of the representation(s):		
<p>The contributor strongly supports the retention of this site as a longer term housing site, forming a natural and well contained expansion area linked to allocated housing site AKELS021 and allocated school site DKELS001. The landowners are fully supportive of a masterplanned approach and have demonstrated site effectiveness via supporting studies with Planning Application reference 13/00427/PPP (site AKELS021).</p> <p>The contributor considers it unnecessary to attach the caveat ‘subject to review’ to the site. The site has undertaken spatial and landscape assessment and establishes Nethershot is one of the limited areas for longer term expansion. The contributor is fully supportive of a master planned approach to development at this location.</p>		
Modifications sought by those submitting representations:		
Remove ‘subject to review’ in reference to the longer term housing site SKELS004 (Nethershot – Longer Term).		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO KELSO SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>The site referred to by the contributor is included in the Proposed Local Development Plan as a potential longer term housing site, SKELS004. The site was originally identified as part of a larger longer term housing site within the Consultative Draft Local Plan Amendment (Core Document 009, page 108) and the Finalised Local Plan Amendment (Core Document 010, page 172) under site code SKELS001. The site was then carried forward into the adopted Consolidated Local Plan (Core Document 007, page 380).</p> <p>Within the Main Issues Report (Core Document 006, page 73) and Proposed Local Development Plan part of this potential longer term site has been brought forward as</p>		

phase one of the Nethershot housing allocation (AKELS021) with an indicative capacity of 100 units, part of the site has also been identified as a new High School site (DKELS001). The remainder of the allocation is still identified as a potential longer term housing site within the Proposed Plan, site code SKELS004. It should also be noted within Kelso a second potential longer term housing site has been identified to the north east of the settlement at Hendersyde (SKELS005).

Within the Plan the longer term sites have been identified within the larger settlements of the Scottish Borders and indicative the preferred direction of future development. The sites are subject to review as part of the next Local Plan review which provides the opportunity to reassess the situation alongside other proposals and other potential opportunities within the Housing Market Area prior to being released for development. This is the appropriate process for the Plan to go through and therefore the reference to longer term sites being 'subject to review' should not be removed as these sites will be reassessed as part of the Local Plan process.

Reporter's conclusions:

1. Site SKELS004 is allocated as a potential longer term housing site although this is subject to review.
2. Wider assessment of the housing land allocations has been undertaken under Issues 49 and 80. It is concluded that the housing land designations in the local development plan are unlikely to satisfy the strategic requirement. On this basis, the allocation of site SKELS004, Nethershot as housing land for development within the period of the proposed local development plan, albeit towards the end of the plan period, could contribute to the wider shortfall of housing land.
3. Lord Kerr, Ferniehirst Trust, Roxburghe Estates explain that the area has been subject of an urban design and landscape assessment as part of the wider Nethershot development area. A masterplanned approach to the development of the entire area is therefore supported. Access would be taken from the first phase of the development – Nethershot (Phase 1).
4. I note the site area in the local development plan is 13 hectares. However, the design framework prepared on behalf of Lord Kerr, Ferniehirst Trust, Roxburghe Estates shows a future development area of 5.3 hectares with land to the south west retained as a field with hedge boundaries. There is also potential to augment woodland subject to ownership considerations. I believe this to be an acceptable approach to reduce impact on the Floors Castle Designed Landscape, as set out in the site requirements. Precluding development on the land to the south west also preserves the entrance to Kelso from the north.
5. For these reasons I see significant merit in bringing forward all or part of this site for development during the plan period. It has been concluded under Issue 080 though, that this would stand to be assessed by the council during preparation of the supplementary guidance required by the recommended modification under Issue 080. That would clearly entail a comparative assessment of available sites.
6. That being the case, I see no need for now to recommend that the proposed plan be modified as sought.

Reporter's recommendations:

No modifications.

Issue 232	Housing within the Central Strategic Development Area: Kelso (RKE12B – Rosebank 2)	
Development plan reference:	Kelso Settlement Profile and Map (pages 384 – 393) – RKE12B (Rosebank 2)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Housing allocation in Kelso – Rosebank 2 (RKE12B).	
Planning authority’s summary of the representation(s):		
<p>The contributor requests an additional requirement should be included for this site to help contribute to the objectives of the River Basin Management Plan. Development should not add any further morphological pressures to the River Tweed or result in any deterioration in status which is currently moderate. Any opportunities to improve modified habitat should also be harnessed.</p> <p>The contributor supports the site as the site requirements include the requirement for a Flood Risk Assessment.</p>		
Modifications sought by those submitting representations:		
<p>The contributor requests an additional requirement should be included for this site to help contribute to the objectives of the River Basin Management Plan.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO KELSO SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the contributor supports the site as a Flood Risk Assessment is required as set out in the site requirements.</p> <p>This site was initially identified as a housing allocation within the Roxburgh Local Plan 1995 and carried forward into subsequent Plans including the adopted Scottish Borders Consolidated Local Plan 2011 (Core Document 007, pages 375-381).</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076 - SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or</p>		

addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area. Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site RKE12B, Rosebank 2, is allocated for housing. The River Tweed is to the south east of the site.
2. As in other cases, I recognise the hope of the Scottish Environment Protection Agency that the redevelopment of the site would provide an opportunity to contribute to the objectives of the River Basin Management Plan. Nevertheless, Policy EP15, Development Affecting the Water Environment, provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. Opportunities to enhance and restore the water environment in support of biodiversity are set out in supplementary guidance.
3. On the basis of the foregoing, I conclude that the terms of Policy EP15 provide a clear basis for development management of this site in respect of the water environment and that a further site requirement is not necessary.

Reporter’s recommendations:

No modifications.

Issue 233	Redevelopment within the Central Strategic Development Area: Kelso (RKELS002 – Former Kelso High School)	
Development plan reference:	Kelso Settlement Profile and Map (pages 384 – 393) – RKELS002 (Former Kelso High School)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency 429 McGuigan		
Provision of the development plan to which the issue relates:	Redevelopment Opportunity at Former Kelso High School, Kelso - RKELS002.	
Planning authority's summary of the representation(s):		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor supports the site.</p> <p><u>429 McGuigan</u></p> <p>The contributor objects to the allocation of RKELS002 as a redevelopment opportunity. The contributor states any future development on the site should take cognisance of the surrounding land uses which are residential and recreational. The contributor considers commercial or industrial uses on the site would not be appropriate and potentially have an adverse impact on neighbouring property prices.</p>		
Modifications sought by those submitting representations:		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>N/A</p> <p><u>429 McGuigan</u></p> <p>The contributor seeks the site to be identified as a housing or recreational allocation.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO KELSO SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the site is supported by the Scottish Environment Protection Agency.</p> <p>This redevelopment opportunity has come forward due to the proposal to relocate Kelso High School to a new site at Nethershot (DKELS001). As stated within the site</p>		

requirements for RKELS002, it is considered that a variety of uses may be appropriate for the site.

Any planning application that comes forward for the site would be assessed against policy PMD2 Quality Standards. Criterion (k) of this policy requires that all development is compatible with, and respects the character of the surrounding area, neighbouring uses and neighbouring built form. The site requirements for RKELS002 also state that structure planting may be required to enhance the setting of the residential amenity of neighbouring properties.

The site assessment for RKELS002 (Supporting Document 233-1) found the site to be an appropriate brownfield redevelopment opportunity and provides a range of opportunities. Appendix 3 of the Plan also makes reference to the intention to produce a planning brief for the site to provide guidance for developing the site.

It is therefore considered that there should be no change to the allocation within the Local Development Plan and the site should remain as a redevelopment opportunity.

Reporter's conclusions:

1. Site RKELS002, former Kelso High School, is allocated for redevelopment.
2. The Scottish Environment Protection Agency does not object to the redevelopment of site RKELS002 and therefore no unresolved Agency issue required to be brought to the examination.
3. The redevelopment site extends over 2.5 hectares, a substantial area within the urban fabric of Kelso. Such an area offers significant potential for new uses and, once the school relocates to a new site, every effort must clearly be made to secure benefits from the redevelopment of this brownfield land.
4. The proposed plan simply indicates that a variety of uses may be appropriate although emphasis is placed on the retaining the existing character of the site, including the main school building, listed under category B.
5. As Mr McGuigan points out, the surrounding area is largely residential although the grounds of Kelso Rugby Club lie to the south-east. Although he is concerned about the impact of an industrial or commercial use, the council points to Policy PMD2, Quality Standards, and the requirement for all development to be compatible with neighbouring uses. Indeed, site RKELS002 requires possible structure planting to protect neighbouring properties.
6. I can appreciate concern about the prospect of significant redevelopment adjacent to an established residential area, particularly when the nature of the redevelopment is not specified. However, I am confident that the development management process provides the basis to ensure protection for existing levels of amenity. The text for Policy PMD2 explains that the aim of the policy is to ensure that all new developments, not just housing, is of a high quality and respects the environment in which it is contained. The preparation of a development brief will also assist in guiding an appropriate form of redevelopment to the site.
7. In addition to these procedural safeguards, I believe it would nevertheless be

appropriate to include a reference to the need to have regard to existing levels of amenity, especially residential amenity.

Reporter's recommendations:

I recommend the following modification be made:

In the Redevelopment section of the Development and Safeguarding Proposals of the Kelso settlement profile, under the under site reference RKELS002, Former Kelso High School, modify the first bullet point as follows:

A variety of uses may be appropriate for the site but, in all cases, the established amenity of neighbouring land and property must be protected.

Issue 234	Housing outwith the Strategic Development Areas: Lauder (ALAUD001 – West Allanbank)	
Development plan reference:	Lauder Settlement Profile and Map, Site ALAUD001 – West Allanbank	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Lauder Housing Land	
Planning authority's summary of the representation(s):		
<p>The contributor supports this site as a flood risk assessment is required as set out in the site requirements.</p> <p>The contributor requests an additional site requirement to require the development layout to minimise risk of nuisance from co-location. They consider that decisions on development proposals such as housing close to regulated sites should be made with full knowledge of the potential interaction between the two. In relation to this site, it is close to a Council regulated poultry unit. Locating additional housing close to this existing site may increase the number of people potentially affected by nuisance.</p>		
Modifications sought by those submitting representations:		
<p>The contributor seeks an additional site requirement to require the development layout to minimise risk of nuisance from co-location.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE HOUSING ALLOCATION ALAUD001</p> <p>REASONS</p> <p>It is noted that the contributor supports the site as a flood risk assessment is required as set out in the site requirements.</p> <p>This site was first formally allocated within the Scottish Borders Consolidated Local Plan 2011 (Core Document 007) following the recommendation of the Local Plan Amendment Examination Reporter (refer to Core Document 021 Scottish Borders Local Plan Amendment Examination Report) (Issue 084 site reference ALAUD001). The site had been subject to public consultation prior to its inclusion in the Plan.</p> <p>It is noted that the respondent did not respond on this matter to the Scottish Borders Main Issues Report (MIR) (Core Document 076 SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 <i>“the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of</i></p>		

policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states *“This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”*. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

The Proposed Local Development Plan includes a number of policies that any application for this site would be assessed against. The key policies in relation to the issue raised by the contributor are: Policy PMD2 Quality Standards (page 24) and Policy HD3 Protection of Residential Amenity (page 79).

Policy PMD2 Quality Standards seeks that all new development will be designed to fit with the Scottish Borders townscapes and to integrate with its landscape surroundings. In respect of ‘Placemaking and Design’, bullet point ‘K’ states that in relation to the new development: *“it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form”*.

Policy HD3 Protection of Residential Amenity aims to protect the amenity of both existing established residential areas and proposed new housing developments. In addition, the Introduction section of Policy HD3 refers to Scottish Planning Policy and the need for high quality layout in housing developments in order to protect residential amenity. In that respect paragraph 36 of Scottish Planning Policy 2014 (refer to Core Document 026) states: *“Planning’s purpose is to create better places. Placemaking is a creative, collaborative process that includes design, development, renewal or regeneration of our urban or rural built environments. The outcome should be sustainable, well-designed places and homes which meet people’s needs”*.

In addition, it should be noted that it is intended that a planning brief in the form of Supplementary Guidance will be produced for the site. It is therefore considered that there is the potential for this issue to be considered further through that process.

Reporter’s conclusions:

1. The site is situated on the west edge of Lauder, on the southern side of the B6362 (Stow Road). To the west of the site is a poultry unit. The site itself extends to around 8.2 hectares, and comprises a large field, with well defined, planted boundaries.
2. The allocation of the site for housing in the proposed plan is a continuation of the allocation in the adopted 2011 Consolidated Scottish Borders Local Plan (which included it for the first time). The site is included in the 2014 housing land audit, with development on site estimated to commence in 2018 and continue post 2021. The indicative site capacity given in the audit and the proposed plan is 100 houses, with 30 being in the effective housing land supply. In essence, the representation seeks an additional site requirement, which ensures that the layout takes account of the adjacent poultry unit. It supports the requirement for a flood risk assessment.
3. The planning authority suggests that the possible nuisance arising from the adjacent poultry unit could be dealt in the planning brief proposed for this site, which is intended to take the form of supplementary guidance. However, I note that the brief has not yet been prepared, and that the proposed plan already includes a list of site requirements, which are likely to be covered in more detail in any brief. Poultry units can be a source of

nuisance for neighbouring residential properties. In this case, as the housing site is adjacent to the poultry unit, there is a risk of nuisance arising. Although the matter may be considered at the development management stage, I consider that there would be a benefit in highlighting the potential risk in the proposed plan so that it can be taken into account early on in preparing the proposals. I therefore consider that a further site requirement is necessary.

4. Overall, an adjustment is required to the proposed plan.

Reporter's recommendations:

I recommend that the following modification be made:

1. On page 399 of Volume 2 Settlements, under the Development and Safeguarding Proposals section, add a further site requirement to site ALAUD001 (West Allanbank) which reads:

“...- Flood risk from a watercourse on the west end of the site should be evaluated and mitigated

- *the development layout and design should take into account the potential risk of nuisance from the adjacent poultry unit.*”

Issue 235	Housing outwith the Strategic Development Areas: Lauder (ELA12B – Wyndhead II)	
Development plan reference:	Lauder Settlement Profile and Map, Site ELA12B – Wyndhead II	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>389 Brian Martin 390 Dr Connie Martin 397 Iain S Campbell</p>		
Provision of the development plan to which the issue relates:	Lauder Housing Land	
Planning authority's summary of the representation(s):		
<p><u>389 Brian Martin</u></p> <p>The contributor is a resident on the northern end of the north eastern boundary of site ELA12B and is concerned that at this section of the site, the land is 8 to 10 feet above the level of the neighbouring properties. Any new development at this location if built without significant excavation would have a major negative impact by totally dominating the outlook from the back of the existing neighbouring properties.</p> <p><u>390 Dr Connie Martin</u></p> <p>The contributor objects to the allocation of site ELA12B stating that the site should be recognised as an official open space. In addition developing at this location would detract from the area. The contributor lives adjacent to the site, for their property to be built the plot had to be excavated; the contributor therefore has concerns regarding the future neighbouring development particularly with regards to height and privacy. The contributor continues that the proposed new houses should they be built be limited to single storey. A wide belt of mature planted trees on the south eastern edge should be required to block the view from and to any new houses. Alternatively the site could be excavated but leaving a mound to the south eastern edge to be landscaped, so that any new units are not looking down directly into the houses bordering this edge.</p> <p>Development at this location will have a negative impact not only on our well being but also on property values.</p> <p><u>397 Iain S Campbell</u></p> <p>The contributor states that while they are in favour of affordable housing, they have some questions regarding the detail of the proposed development on site ELA12B, these relate to details regarding roofline, traffic control.</p>		

Modifications sought by those submitting representations:
<p><u>389 Brian Martin</u></p> <p>The contributor seeks that the new development includes the excavation of the north eastern part of the site.</p> <p><u>390 Dr Connie Martin</u></p> <p>The contributor seeks that the site be identified for open space. However, should the proposed new houses be built they should be limited to single storey and a wide belt of mature planted trees should be planted along the south eastern edge of the site, alternatively the site could be excavated leaving a mound to the south eastern edge of the site to be landscaped.</p> <p><u>397 Iain S Campbell</u></p> <p>The contributor seeks additional information on how the site may be developed.</p>
Summary of responses (including reasons) by planning authority:
<p>NO CHANGE TO THE HOUSING ALLOCATION ELA12B</p> <p>REASONS</p> <p>This site was first formally allocated within the Scottish Borders Local Plan 2008 (Core Document 008) following the recommendation of the Local Plan Inquiry Reporter (refer to Core Document 020 Scottish Borders Local Plan Inquiry Report) (pages 10-12 to 10-15 with Reporters Recommendations on page 10-15 (site reference ELA12B)). The site continues to be allocated within the Scottish Borders Consolidated Local Plan 2011 (refer to Core Document 007).</p> <p>It is noted that the respondents did not respond on this matter to the Scottish Borders Main Issues Report (MIR). The MIR (Core Document 006) states in paragraph 4.2 <i>“the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.”</i> Furthermore, paragraph 4.3 states <i>“This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”</i>.</p> <p>In relation to the questions/issues raised including building heights and if excavation would be required as well as issues regarding roads traffic, these are issues which would be dealt with through any future planning application. It should also be noted that the Roads Planning section of the Council can support the allocation of this site.</p> <p>The Proposed Local Development Plan includes a number of site requirements for the site (refer to page 398 of the Proposed Plan) and includes requirements relating to vehicular and pedestrian access, amenity access, landscaping as well as requirements for mitigation measures to prevent any impact on the River Tweed Special Area of Conservation and further assessment and mitigation on nature conservation interest along with archaeology.</p>

In addition, it should be noted that any application on the site would be required to meet the provisions of Local Development Plan Policy HD3: Protection of Residential Amenity (page 79). That policy states that “*Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted*”.

This site is an allocated housing site within the Scottish Borders Consolidated Local Plan 2011 (refer to Core Document 007) for 30 units and is located within the Northern Housing Market Area. The Scottish Borders Housing Land Audit 2013 (Core Document 038) states that the site contributes 10 units to the effective housing land supply with development programmed for years 17, 18, 19 and 20. The site therefore contributes to providing a generous effective housing land supply over the life time of the Plan.

390 Dr Connie Martin

In respect to consideration of the site as greenspace, it should be noted that the Council has set out the assessment of greenspaces within the Key Greenspaces Technical Note (refer to Core Document 018). It should also be noted that housing site ELA12B has not been identified as a greenspace within the Council’s Supplementary Planning Guidance on Green Space (refer to Core Document 062). In addition, Appendix 5 of the Scottish Borders Main Issues Report (refer to page 111 of Core Document 006) identified the Greenspace sites for inclusion within the Proposed Plan. It should be noted that the Community Council submitted a response to the Main Issues Report (Supporting Document 235-1) in relation to greenspace and their submission only sought an amendment to greenspace site GSLAUD001, they did not seek the inclusion of additional greenspace sites.

397 Iain S Campbell

Comments in relation to the affordable housing are noted, and the detailed aspects of any proposal will be dealt with at planning application stage.

Reporter’s conclusions:

1. The site is situated to the west of East High Street, between Factor’s Park and Thirlestane Drive in a predominantly residential area in the southern part of Lauder. It extends to around 1.2 hectares, and is a grassed area, with a footpath along the boundary with Millburn Park.
2. The allocation of the site for housing in the proposed plan is a continuation of the allocation in the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Consolidated Scottish Borders Local Plan. The site is included in the 2014 housing land audit, with development on site estimated to commence in 2018 and be completed in 2021. The indicative site capacity given in the proposed plan and audit is 30 houses, with 10 being in the effective housing land supply. In essence, the representations seek the removal of this housing allocation from the plan, and express concern about the adverse impact that development of the site could have on the wider area and the adjacent housing.
3. The site is well contained within a built-up, residential area of Lauder. I acknowledge that it has an informal open space function. However, it lacks facilities, and has all the appearance of an area of temporary open space. I note that there is further open space within the immediate surroundings, and that an area of key greenspace is proposed in the

plan in a more central, appropriate location in Lauder. Taking these factors together with the long standing allocation of this site for development in the development plan, I am not satisfied that it would be appropriate to change the allocation to open space from housing. I consider that a housing allocation on this site is acceptable in principle, and note that the proposed plan sets out site requirements for landscape enhancement, and provision of amenity access for pedestrians and cyclists (including links to core paths), amongst others. While concerns were raised about the potential impact of development on the existing adjacent housing (for example, the type and height of housing, and the need for further traffic controls and excavation), I agree with the planning authority that these are detailed matters which can reasonably be addressed at the development management stage through the policy framework of the plan. In the circumstances, I consider that the housing allocation should be retained.

4. Overall, no adjustment is required to the proposed plan.

Reporter's recommendations:

No modifications.

Issue 236	Business and Industrial Safeguarding outwith the Strategic Development Areas: Lauder (zEL61 – Lauder Industrial Estate)	
Development plan reference:	Lauder Settlement Profile and Map, Site zEL61 – Lauder Industrial Estate	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency The representations are concerned about flooding at this location.		
Provision of the development plan to which the issue relates:	Lauder Business and Industrial Safeguarding	
Planning authority's summary of the representation(s):		
The contributor objects to this site in that they would require a flood risk assessment to be included within the list of site requirements. They state that there are two sources of flood risk. One from the flood protection scheme and the associated culvert and also the small unnamed watercourse which flows along the southern boundary of the site and is also culverted beneath the development site. They state that they are unsure whether the two culverts join beneath the site. A Flood Risk Assessment would have to be submitted for any new development.		
Modifications sought by those submitting representations:		
The contributor seeks an additional site requirement for a flood risk assessment.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE BUSINESS AND INDUSTRIAL SAFEGUARDING ALLOCATION zEL61</p> <p>REASONS</p> <p>This site is an allocated safeguarded business and industrial site within the Consolidated Local Plan 2011(refer to Core Document CD007). The Proposed Local Development Plan (LDP) intends to continue to safeguard the site in line with Policy ED1: Protection of Business and Industrial Land.</p> <p>It should be noted that this site is located out with the 1 in 200 year flood extent. However, the Council's Flood Prevention Officer considers that surface water management would require to be considered at this site.</p> <p>It is noted that the respondent did not respond on this matter to the Scottish Borders Main Issues Report (MIR) (Core Document 076 SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 "<i>the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.</i>" Furthermore,</p>		

paragraph 4.3 states “*This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation*”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that “*Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.*”

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. The site is situated towards the northern end of Lauder, on the western side of Edinburgh Road (A68). The built up area of Lauder lies to the south, and countryside to the west, north and east. The site extends to around 3.6 hectares, and comprises an existing industrial estate (Lauder Industrial Estate).
2. The allocation of the site for business and industrial safeguarding in the proposed plan is a continuation of its employment land safeguarding in the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Consolidated Scottish Borders Local Plan. The representation requests that a flood risk assessment be included in the requirements listed for this site in the proposed plan.
3. The Scottish Environment Protection Agency highlights 2 sources of flood risk at this location – the flood protection scheme and the associated culvert, and the small unnamed burn on the site’s southern boundary (which also flows in a culvert underneath the site). The site lies outwith the 1 in 200 year flood risk area. I note that the site is already a fully functioning industrial estate and, as the allocation in the proposed plan seems to be mainly a safeguarding one covering existing industrial uses, I do not consider that it is necessary to add a specific site requirement for a flood risk assessment. I consider that any future development proposal that comes forward on the estate can be assessed quite satisfactorily in relation to flooding issues within the context provided by policy IS8 (flooding) of the proposed plan. I am also satisfied that the concerns of the planning authority’s flood prevention officer about surface water management can be reasonably addressed at the development management stage.
4. Overall, no adjustment is required to the plan.

Reporter’s recommendations:

No modifications.

Issue 237	Business and Industrial outwith the Strategic Development Areas: Lauder (BLAUD002 – North Lauder Industrial Estate)	
Development plan reference:	Lauder Settlement Profile and Map, Site BLAUD002 - North Lauder Industrial Estate	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency 470 E Maitland-Carew		
Provision of the development plan to which the issue relates:	Lauder Business and Industrial	
Planning authority's summary of the representation(s):		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor objects to this site in that they would require a flood risk assessment to be included within the list of site requirements. They state that a Flood Risk Assessment would have to assess the risk of flooding from all sources and ensure that development has a neutral impact on flood risk and doesn't affect the flood protection scheme.</p> <p><u>470 E Maitland-Carew</u></p> <p>Business and Industrial allocation BLAUD002 is strongly supported and should be maintained. The site is deliverable and the owner is keen to see development take place in the short term.</p>		
Modifications sought by those submitting representations:		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor seeks an additional site requirement for a flood risk assessment.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE BUSINESS AND INDUSTRIAL ALLOCATION BLAUD002</p> <p>REASONS</p> <p>It is noted that contributor 470 supports the allocation of the site for business and industrial.</p> <p>This site is an allocated employment site within the Consolidated Local Plan 2011. It is recommended that no change to the Business and Industrial Allocation as set out in the Proposed Local Development Plan (LDP) should be undertaken.</p> <p>It is noted that the respondent, contributor 357 did not respond on this matter to the</p>		

Scottish Borders Main Issues Report (MIR) (Core Document 076 SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 *“the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.”* Furthermore, paragraph 4.3 states *“This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”*. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

The site was previously considered by the Local Plan Amendment Examination Reporter (refer to Core Document 021 (Issue 085)). At that time the Scottish Environment Protection Agency did not object to the sites inclusion into the Plan or the absence of a site requirement for a flood risk assessment. It should be noted that this site is located out with the 1 in 200 year flood extent. However, the Council’s Flood Prevention Officer considers that surface water management would require to be considered at this site. It is suggested that this is an issue that can be dealt with at detailed planning stage.

It should be noted that a planning application has already been approved on the site for the ‘Change of use of agricultural land to form employment land and construction of new access road and services’ – application reference 10/00170/Ful (refer to Supporting Document 237-1). It should be noted that a condition of the planning consent was that information relating to the drainage layout and details, including Sustainable Urban Drainage Systems (SUDS). It should also be noted that all works associated with this application are almost complete.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that *“Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”*

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. The site is situated at the northern tip of Lauder, on the western side of Edinburgh Road (A68). The site is an extension of Lauder Industrial Estate, which lies to the south, and there is countryside to the west, north and east. The site extends to around 2 hectares, and the access road and services (including street lighting and landscaping) for the proposed industrial estate (North Lauder Industrial Estate) appear to have been laid out.

2. The allocation of the site for business and industry in the proposed plan is a continuation of its allocation for employment in the adopted 2011 Consolidated Scottish Borders Local Plan (which included it for the first time). One representation requests that

a flood risk assessment be included in the requirements listed for this site in the proposed plan. The other representation supports the allocation of this site, and does need not to be considered any further.

3. The Scottish Environment Protection Agency highlights that a flood risk assessment should ensure that development has a neutral impact on flood risk and does not affect the flood protection scheme. The site lies outwith the 1 in 200 year flood risk area.

I note that planning permission was granted to the council in 2010 for the change of use of the site from agricultural land to employment land and construction of new access road and services. A planning brief for the site was subsequently approved. As the works to create the industrial estate have been granted permission and, as they appear to be either complete, or nearly complete, I do not consider that it is necessary to add, or that anything would be gained from adding, a specific site requirement for a flood risk assessment. I consider that future development proposals that come forward to complete and occupy the estate can be assessed quite satisfactorily in relation to flooding issues within the context provided by policy IS8 (flooding) of the proposed plan. I am also satisfied that the concerns of the planning authority's flood prevention officer about surface water management can be reasonably addressed at the development management stage.

4. Overall, no adjustment is required to the plan.

Reporter's recommendations:

No modifications.

Issue 238	Redevelopment outwith the Strategic Development Areas: Lauder (RLAUD002 – Burnmill)	
Development plan reference:	Lauder Settlement Profile and Map, Site RLAUD002 – Burnmill	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Lauder Redevelopment	
Planning authority’s summary of the representation(s):		
<p>The contributor objects to this site in that they would require an additional requirement should be included for this site to help contribute to the objectives of the River Basin Management Plan. Development should not add any further morphological pressures to the Lauder Burn or result in any deterioration in status which is currently moderate. Any opportunities to improve modified habitat should also be harnessed.</p> <p>The contributor supports this site as a flood risk assessment is required as set out in the site requirements.</p>		
Modifications sought by those submitting representations:		
<p>The contributor seeks an additional requirement should be included for this site to help contribute to the objectives of the River Basin Management Plan.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE REDEVELOPMENT ALLOCATION RLAUD002</p> <p>REASONS</p> <p>It is noted that the contributor also supports the site as a flood risk assessment is required as set out in the site requirements.</p> <p>This site is an allocated Redevelopment site within the Consolidated Local Plan 2011 (Core Document 007). The site was included within the Finalised Local Plan Amendment 2009 (refer to Core Document 010) and was not subject to representation, as a result the site was not considered at Examination. It is recommended that no change to the Redevelopment Allocation as set out in the Proposed Local Development Plan (LDP) should be undertaken.</p> <p>It is noted that the respondent did not respond on this matter to the Scottish Borders Main Issues Report (MIR) (Core Document 076 SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “<i>the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of</i></p>		

policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “*This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation*”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area. Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. The site is situated on the west side of East High Street, at the south western edge of the village. It is adjacent to Mill Wynd, Lauder Burn, and the Southern Way. The site itself extends to around 0.8 of a hectare, and is in use as a car park. It is identified as a redevelopment opportunity for the first time in the proposed plan. The site is included in the 2014 housing land audit, with development on site estimated to commence in 2019 and be completed in 2020. The indicative site capacity given in the proposed plan and audit is 5 houses, with 3 being in the effective land supply. Development here would be a reasonable extension of the village, and would integrate well with its form and fabric. The representation is concerned with the risk of flooding and improving the water environment.

2. It is clear that the inclusion of a requirement for a flood risk assessment in the list of site requirements in the proposed plan satisfies the concern about the risk of flooding at this location. The Scottish Environment Protection Agency hopes that the development of this allocation would provide an opportunity to contribute to the objectives of the River Basin Management Plan. However, in general terms, I believe that policy EP15 (development affecting the water environment) provides adequate guidance on this matter. The supporting text for policy EP15 indicates that where appropriate the council will adhere to the sustainable management objectives set out in the river basin management plans covering the Borders, and that opportunities to enhance and restore the water environment in support of biodiversity are set out in supplementary guidance. Additionally, in this case, I note that the terms of policy EP15 are to be reinforced by another site requirement which indicates that the nature conservation interest of Lauder Burn is to be conserved and enhanced. In the circumstances, I consider that it is unnecessary to add a further specific site requirement to the allocation, along the lines

suggested.

3. Overall, no adjustment is required to the proposed plan.

Reporter's recommendations:

No modifications.

Issue 239	Longer Term Housing outwith the Strategic Development Areas: Lauder (SLAUD001 – Lauder South)	
Development plan reference:	Lauder Settlement Profile and Map, Site SLAUD001 – Lauder South	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
470 E Maitland-Carew		
Provision of the development plan to which the issue relates:	Lauder Longer Term Housing	
Planning authority’s summary of the representation(s):		
<p>The contributor proposes a new site for Longer Term Housing – SLAUD001. The site is deliverable in the medium to long term and can adopt the same high quality design and layout as are exhibited on the adjoining land north west of the site. Surface water run-off, structure planting and landscaping will be incorporated into the development in due course.</p>		
Modifications sought by those submitting representations:		
The contributor seeks the identification of site SLAUD001 for Longer Term Housing.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE FOR LAUDER IN RELATION TO LONGER TERM EXPANSION</p> <p>REASONS</p> <p>It is noted that this is a new site that has only come forward during the Representation Period of the Proposed Plan, and has not been considered at any other time throughout the Local Development Plan Process. Furthermore it should be noted that the Council undertook a call for sites (Expressions of Interest) from 12 October 2010 through to 28 January 2011 as encouraged by Circular 6/2013 Development Planning (Core Document 031) (paragraph 64), however, as a result of a low response rate the time period was extended through to 28 February 2011.</p> <p>A site at this location was previously considered by the Local Plan Inquiry Reporter (refer to Core Document 020 Scottish Borders Local Plan Inquiry Report) (pages 10-17 to 10-19 (site reference ELA10D) for location of site ELA10D refer to map – Supporting Document 239-1). In addition at that time within the Scottish Borders Finalised Local Plan (2005) (refer to Core Document 011) the Settlement Profile included a reference to an area of longer term expansion at Lauder “... to the west and south of the settlement. Expansion in these directions will be dependant upon appropriate access and structural landscape planting to provide high quality development edges. ...”</p>		

Within the Inquiry Report (Core Document 020 Page 10-17), the Reporter stated the site takes the form of *“open land in a prominent location at the southern gateway to Lauder, easily seen from those approaching the village on the A68 and B6362. Development here would form a very conspicuous south ward extension of the settlement”*. The Reporter continued stating that *“development at this location would be less suitable than development on the west side of Lauder”*.

Following consideration by the Inquiry Reporter, the Reporter recommended (Core Document 020 Page 10-19) that the longer term text within the Finalised Local Plan be amended to omit reference to the south of the settlement. A similar statement to that recommended by the Inquiry Reporter has been included within the Proposed Local Development Plan within the Place Making Considerations section of the Lauder Settlement Profile.

A Development and Landscape Capacity Study (Core Document 045) has been undertaken for Lauder. This site and its surrounding area were identified within the Study as constrained. The Study states that the area is *“severely constrained by wetland and potential seasonal flooding of the Lauder Burn”*. In addition development at this location *“would also disrupt the potentially fine sense of arrival which will be created when the young planting has matured to complement the stand of mature broadleaves at the B6362/A68 junction”*. The Study was commissioned by the council and supported by Scottish Natural Heritage. The Study states that this area of Lauder contributes to the immediate setting of the settlement.

After assessment, the inclusion of site SLAUD001 (refer to Supporting Document 239-2) within the Plan is seen as Unacceptable as there is flood risk onsite, there are already sites awaiting development within the settlement; there is a moderate biodiversity risk and the site is constrained within the Development and Landscape Capacity Study. In addition there has been a previous Local Plan Inquiry Reporter Decision recommending that the site not be developed as noted above.

It is contended that the area proposed by the contributor has previously been examined in detail and is not suitable for longer term expansion for inclusion in the Plan.

Reporter’s conclusions:

1. The site is situated on the west side of the A68, on the southern edge of the village of Lauder. It is bound by Lauder Burn and countryside to the west, a recent modern housing development at the edge of the village to the north, and further countryside, beyond the A68, including a caravan site, to the east and south. The site itself extends to 5.9 hectares, comprises low lying fields, and stretches to a point on the A68 well beyond its junction with the B6362.

2. The site is identified in the proposed plan as being in the countryside. It also has a countryside designation in the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Consolidated Scottish Borders Local Plan. The proposed plan and the 2014 housing land audit identify several sites for housing within the village. Housing land supply matters are dealt with at issues 49 and 80. The representation seeks recognition of the site as an area to be reserved or safeguarded for the future expansion of the village. The site would be able to accommodate a large number of houses.

3. This representation has very little supporting information. It came forward for the first

time in 2014 during the period for making representations to the proposed plan, rather than when the planning authority made a “call for sites” between the end of 2010 and the beginning of 2011, which would have been a more appropriate time. I note that a smaller site at this location was considered by the reporters at the inquiry into objections to the 2005 finalised local plan, and that they concluded that development here would form a very conspicuous southward extension of Lauder. The 2008 Lauder Development and Landscape Capacity Report concluded that there were better locations for expanding the village.

4. I accept that there appear to be potential options that could be considered for accessing the site, including through the housing development to the north. However, in landscape terms, the edge of Lauder at this point is currently well defined by a generous belt of woodland. I consider that this in combination with the prominent, open fields of the site form an important part of the setting of the village when approaching it from the south. Lauder’s historic character around the West and East High Streets is clearly evident at present because of the limited amount of new development on the main road, and I am concerned that extending the area of new development significantly further south would undermine this characteristic. The site is also constrained by being within a 1 in 200 year flood risk area, and there is no indication of how this may affect any development. In the circumstances, I am not persuaded that it would be appropriate to reserve or safeguard the site as an area suitable for the future expansion of Lauder. Instead, I believe it likely that there are more acceptable locations for future expansion in other parts of the village, and note that the proposed plan highlights the preferred areas.

5. Overall, no adjustment is required to the proposed plan.

Reporter’s recommendations:

No modifications.

Issue 240	Housing outwith the Strategic Development Areas: Leitholm (BLE2B- Main Street)	
Development plan reference:	Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Leitholm, p403)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
419 Unknown (Strutt and Parker)		
Provision of the development plan to which the issue relates:	Leitholm Settlement Profile, Development and Safeguarding Proposals (BLE2B- Main Street)	
Planning authority's summary of the representation(s):		
<p>Supports identification of BLE2B for development of 25 houses and affordable housing. Does not support site requirement of a Planning Brief to be prepared by the Council. States the aim of the Planning Brief is identified as “providing appropriate structure planting...” States that these issues are best dealt with at the planning application stage. State unconvinced that the proposed Planning Brief will add anything that would not be adequately dealt with in the Development Management process.</p>		
Modifications sought by those submitting representations:		
Deletion of the site requirement “It is intended that a Planning Brief in the form of Supplementary Guidance will be produced for this site”		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>Support of BLE2B noted.</p> <p>It is noted that were the site to come forward early in the Plan period then there would be no requirement for a Brief.</p> <p>It is not considered that the aim of the proposed Planning Brief is “providing appropriate structure planting”; this is listed as a separate site requirement. However if a Brief was prepared appropriate structure planting would be an element considered.</p> <p>The Council puts forward a place making approach through the Proposed LDP and it is considered the development of a planning brief provides valuable guidance in terms of design that will be a material consideration in the determination of any future planning application. Any Planning Brief produced would be subject to 12 weeks public consultation and therefore there would be ample opportunity for comment.</p>		

<p>Due to the discussion above it is not considered necessary to amend the Leitholm Settlement Profile in the Local Development Plan as a result of the representation.</p>
<p>Reporter’s conclusions:</p>
<p>1. Paragraph 36 of Scottish Planning Policy states the purpose of planning “is to create better places”. In accordance with the place-making agenda I support in general terms the council’s intention to prepare a planning brief to inform development of this site.</p> <p>2. Leitholm has a distinctive layout and character and I consider that would be best responded to through detailed consideration in a planning brief. That ought, in turn, to provide appropriate guidance and reassurance to prospective developers of the site. The intended scope of the brief would be wider than simply the consideration of structure planting, as the representation appears to suggest.</p> <p>3. I note in any event the council’s reassurance that were the site to come forward early in the plan period then the lack of a planning brief would not preclude early consideration of any planning application submitted.</p> <p>4. In these circumstances I consider the intention to prepare a brief, signalled in the site requirements, to be entirely appropriate.</p>
<p>Reporter’s recommendations:</p>
<p>No modifications.</p>

Issue 241	Development outwith the Strategic Development Areas: Lennel (ALENN001- Land North West of A6112 and Proposed Lennel Settlement boundary)	
Development plan reference:	N/A	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
310 Sir Ilay Campbell Estate		
Provision of the development plan to which the issue relates:	Proposed Local Development Plan Volume 2 Settlement Profiles	
Planning authority's summary of the representation(s):		
<p>State that they have land which brings the opportunity to consolidate the village of Lennel. Land extends approximately 1.7ha and comprises grazing land. States that the LDP should identify Lennel as a settlement, include a settlement boundary and proposals for its consolidation. State the land could help achieve this, and form part of a contribution towards SESplan requirement of 50 units in the "areas outwith SDA category". Also states that SBC responded to a MIR consultation by pointing out that a very similar site was rejected by Reporters, although the response does not offer any detailed assessment of the proposals. State the site could offer a small number of new houses with frontages to the south west of the road mirroring the approach adopted on the north-east side of the road. Individual new houses have recently been approved in this area. State that Lennel is clearly a settlement, with its own identity, a 30mph limit and that the LDP should identify and safeguard the future of this area</p>		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> - Inclusion of ALENN001 within Lennel as a settlement within the Local Development Plan. - Include a settlement boundary for Lennel and a settlement profile with proposals for Lennel's consolidation 		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>Lennel is located outwith the three Strategic Development Areas set out by the SESplan SDP. The Core Document 017 shows that the Proposed LDP meets the provisions of the SESplan SDP and its associated Supplementary Guidance in providing land to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy. In addition Core Document 017 states the Proposed LDP</p>		

provides substantial flexibility in the form of identified redevelopment sites and sites with potential for longer term development. As a result no further housing land within Lennel is required to meet the identified housing requirement.

It is considered this issue was dealt with by the Reporter at the Local Plan Inquiry relating to the adoption of the Scottish Borders Local Plan 2008 (Core Document 020: page 11-26 to 11-27), which dealt with a very similar site (Supporting Document 241-1). The Reporter noted that ‘whilst the site is on the opposite side of a road junction that faces a row of existing houses, the site is open rolling farmland which is readily visible in the open countryside. The fact that the site is contained to an extent by walls and woodland, and that any housing development here would be largely over the brow of a hill and so not seen when viewed from the minor road to the north of the site, are not sufficient reasons to allocate it for housing when it is remote from Coldstream’

It is noted that Coldstream already has housing (ACOLD004, BCS5B, BCS3A), redevelopment (zRO17, zRO18, zRO19) and longer term development options (SCOLD001 and SCOLD002) and that these options provide adequate, more sustainable, potential to meet development demand in the locale.

As a result it is not considered necessary to amend the Local Development Plan from that proposed.

Reporter’s conclusions:

1. Circular 6/2013: Development Planning states at paragraph 117 that: “Only if the Proposed Plan is insufficient or inappropriate should they [reporters] consider other sites or approaches. They are not tasked with making the plan as good as it can be, but with modifying those parts that are clearly inappropriate or insufficient.”
2. The overall housing land supply position has been considered under Issue 080. Even in the circumstances set out under that Issue, I do not consider the bringing forward of this suggested proposal to be justified. In this regard I note that Lennel is located outwith any strategic development area, that it is relatively remote from the main centres of population and employment opportunities, and that the settlement itself currently offers no public services. It is likely that residents would be required to travel into Coldstream, or even beyond, to access even the most basic of services and retail facilities. Access to employment opportunities appears to me also to be a significant factor pointing against an allocation of this scale at this location.
3. I note also that the 3 currently proposed housing allocations at Coldstream could provide between them something in the order of 87 units.
4. I conclude all told that this allocation would not be commensurate with the size and facilities of the settlement and that it would run entirely counter to the interests of sustainable development.

Reporter’s recommendations:

No modifications.

Issue 242	Housing within the Central Strategic Development Area: Lilliesleaf (EL16B – Muselie Drive)	
Development plan reference:	Lilliesleaf Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, pages 405 – 408)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
447 Lilliesleaf, Ashkirk and Midlem Community Council 481 Murray & Burrell Ltd		
Provision of the development plan to which the issue relates:	Volume 2 Settlement Profiles, Lilliesleaf, Housing allocation EL16B – Muselie Drive	
Planning authority's summary of the representation(s):		
<p><u>447 Lilliesleaf, Ashkirk and Midlem Community Council</u></p> <p>There is recent evidence of some flooding on this site. This should be checked and if necessary acknowledged in the requirements for the development. The village lacks communal green space close to the street. A site such as that at the west end next to Lilliesleaf Plantation might provide attractive space, perhaps with a pond, and is close to the pub and coffee shop.</p> <p><u>481 Murray & Burrell Ltd</u></p> <p>Support the continued allocation of the site for residential development.</p>		
Modifications sought by those submitting representations:		
<p><u>447 Lilliesleaf, Ashkirk and Midlem Community Council</u></p> <p>Addition of site requirement referring to possible flood risk</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p><u>447 Lilliesleaf, Ashkirk and Midlem Community Council</u></p> <p>The new SEPA flood risk maps, which are available on-line, do not identify any flood risk at the site. However, the Council's Flood Protection Officer advises that surface water management may need to be considered at this site although it is not considered to be a major issue and could be considered at the planning application stage.</p>		

Any issues regarding the need for greenspace would also be discussed at planning application stage and would take cognisance of site layout and number of houses.

481 Murray & Burrell Ltd

The contributor's comments are noted.

As a result of the discussion above it is not considered necessary to amend the settlement profile in the Local Development Plan from that proposed.

Reporter's conclusions:

1. Murray and Burrell Ltd supports the housing land allocation at site EL16B, Muselie Drive, and therefore no unresolved issue remains that requires to be brought to the examination.
2. The community council has expressed concern about the potential for flooding. However, I can endorse the council's response and confirm that the Scottish Environment Protection Agency flooding map shows no likelihood of risk from either rivers or surface water. I agree it would be prudent to consider the matter further but this would be best undertaken when detailed development proposals were being prepared. Policy IS8, Flooding, provides the basis for the development management process to offer the opportunity to impose any required controls.
3. Additionally, the community council makes reference to the lack of a communal green space close to the street. In this respect, the Lilliesleaf Green Plantation has been suggested as a possible location. I accept that Lilliesleaf has a traditional linear form and therefore does not include a central village green. Clearly, public open space that can be used for both active and passive recreation is generally beneficial. However, lacking any detailed requirements or supporting arguments I am not in a position to take this matter further. It may be more appropriate for the community council to pursue this matter as a separate project.

Reporter's recommendations:

No modifications.

Issue 243	Development outwith the Strategic Development Areas: Longformacus (Conservation Area; number of listed buildings; potential limited housing; flood risk of Dye Water	
Development plan reference:	Longformacus Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Longformacus, page 409-411)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
462 Cranshaws, Ellemford & Longformacus Community Council		
Provision of the development plan to which the issue relates:	Longformacus Settlement Profile	
Planning authority's summary of the representation(s):		
<p>It is stated that there are a high number of listed buildings in the area, and that a number of these present a distinct local "estate" style. Possibly that of George Fortune of Duns. As a result state that consideration ought to be given to designating a Conservation Area. In addition it is stated it remains largely within its traditional footprint and has an attractive setting along the Dye with the Lammermuirs as a backdrop and these add to the sense of place</p> <p>It is stated that the settlement profile understates the number of listed buildings- this should be 13 C listed and 1 B listed. Other A listed are just outwith.</p> <p>Stated a small amount of sensitive, small scale housing development within the settlement would be welcomed</p>		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> - Creation of a Conservation Area for Longformacus within the Local Development Plan - Correction of listed building numbers within the Placemaking Considerations of the Settlement Profile - Correction of mention of flood risk of Dye Water 		
Summary of responses (including reasons) by planning authority:		
<p>THE AMENDMENT TO THE REFERENCE FOR LISTED BUILDINGS IN THE LONGFORMACUS SETTLEMENT PROFILE IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL</p> <p>NO OTHER CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p>		

REASONS

Conservation Areas were reviewed as part of the adopted Local Plan and this proposal could be reviewed as part of any future review that takes place. It is noted that Conservation Area designation is subject to a separate legislative process

The objector is correct that the settlement profile should list 13 C listed and 1 B listed buildings and it is considered that amending the relevant text would provide a factual update and would constitute a non-significant change.

It is considered there may be infill housing potential within the village and if an application was received within the development boundary then this could be considered against relevant LDP policies

The SEPA Flood Risk Management Maps confirm that the Dye Water is at 'High' risk of river flooding. These can be accessed on SEPA's website but are not available for re-production.

It is considered that the only required change to the settlement profile in the Local Development Plan is to confirm that there are 13 C listed and 1 B listed buildings in Longformacus as this would provide a factual update and would constitute a non-significant change.

Reporter's conclusions:

1. I found Longformacus, during my site inspection, to be an attractive rural village retaining many buildings of traditional character. The council advises that conservation areas were reviewed during the last round of plan-making leading up to the adoption of the current local plan. I infer that Lonformacus was not considered a suitable candidate for conservation area status at the time of that fairly recent review. I have no real evidence to conclude to the contrary, and note the council's stated intention that the situation in regard to Longformacus could be revisited when the area's conservation areas are next reviewed. I acknowledge also the council's comment that designation of conservation areas is subject to separate legislative process.

2. The settlement profile contains a sentence quantifying the listed buildings within the village. This appears to be factually incorrect and I consider it appropriate that the settlement profile be amended to correctly reflect the position.

3. The representation seeks the allocation of small-scale housing proposals in order to maintain the viability of the village. There are, however, no specific sites suggested for such an allocation. In these circumstances, I agree with the council's contention that suitable development proposals within the settlement boundary would most appropriately be considered against the wider policies of the plan.

4. I am satisfied that the statement within the settlement profile referring to the flood risk from the Dye Water factually represents the position as set out in SEPA's indicative flood mapping.

Reporter's recommendations:

I recommend that the following modification be made:

1. In the settlement profile for Longformacus, the second paragraph under *Place Making Considerations* should be amended to state:

“There are 13 C-listed buildings and 1 B-listed building in the village.”

Issue 244	Key Greenspace: Longformacus	
Development plan reference:	Longformacus Settlement Profile and Map, Key Greenspace	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
462 Cranshaws, Ellemford & Longformacus Community Council		
Provision of the development plan to which the issue relates:	Longformacus Key Greenspace	
Planning authority's summary of the representation(s):		
<p>The contributor welcomes the protection of Key Greenspace in the Local Development Plan.</p> <p>The contributor suggests that the inclusion of two new Key Greenspace sites within the Plan - the Old Kirk Graveyard and the New Graveyard outwith the Development Boundary.</p>		
Modifications sought by those submitting representations:		
The contributor seeks the identification of two new Key Greenspaces - the Old Kirk Graveyard and the New Graveyard outwith the Development Boundary		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE LONGFORMACUS SETTLEMENT PROFILE</p> <p>REASONS</p> <p>It is noted that the contributor welcomes the protection of Key Greenspaces in the Local Development Plan.</p> <p>In relation to the contributor's suggestion for the identification of two additional spaces at Longformacus, it should be noted that the Main Issues Report (MIR) (Core Document 006) set out in Appendix A5 the Key Greenspaces proposed for identification within the new Local Development Plan (LDP). In addition, it is noted that the respondent did not respond on this matter to the MIR.</p> <p>The Technical Note on Key Greenspaces (Core Document 018) provides additional information on how the greenspaces were assessed for inclusion within the Proposed LDP. As noted within that document consideration of the value and function of the greenspaces was crucial. The document continued "... <i>inline with PAN</i> [Planning Advice Note] 65, <i>it is considered that only the most important greenspaces within settlements will be identified and safeguarded through the LDP</i>".</p>		

As noted within the introductory text of Proposed LDP Policy EP11 Protection of Greenspace (page 108), “*The Local Development Plan identifies Key Greenspaces within Development Boundaries. The spaces identified within the Plan are those spaces which are considered to be of greatest value to the community and are therefore worthy of protection. ... Whilst the Local Development Plan identifies Key Greenspaces within settlements, the policy acknowledges that there are other greenspaces also within settlements. This policy also extends protection to those other greenspaces.*” However, it should be noted that the Proposed LDP does not identify Key Greenspaces located outwith Development Boundaries as is the case in relation to the new graveyard at Longformacus.

It should be noted that the Proposed LDP identifies Key Greenspace GSLONG001-Recreation Ground at Longformacus. Due to the significance of that site, the Development Boundary was extended to afford it recognition and protection as a Key Greenspace within the Plan.

It should be noted that the Council has produced a Supplementary Planning Guidance (SPG) on Greenspace (refer to Core Document 062), that document includes an audit of greenspaces within settlement areas. It should also be noted that the SPG on Greenspace already offers protection to those spaces identified within the greenspace audit, which includes both graveyards suggested by the contributor.

It is therefore worthy to note that Policy EP11 Protection of Greenspace aims to give protection to a wide range of greenspaces within settlements and to prevent their piecemeal loss to development.

It is therefore contended that the areas proposed by the contributor do not require to be identified as Key Greenspace in the Plan.

Reporter’s conclusions:

1. Paragraph 224 of Scottish Planning Policy states that: “Local development plans should identify and protect open space identified in the open space audit and strategy as valued and functional or capable of being brought into use to meet local needs.” The council refers to its Technical Note on Key Greenspaces (CD018) which notes Planning Advice Note 65: *Planning and Open Space* to state that: “Development plans should safeguard important open spaces from development in the long term and identify spaces that require significant improvement”.

2. The conclusion of the council’s technical note on this matter is that the proposed plan ought to: “identify the key important spaces within settlements that will be protected from development as identified within the Proposed Plan on the settlement maps. The spaces identified are considered to be of greatest value to the community. A policy which will protect Key Greenspaces as well as other greenspaces will also be included within the LDP.”

3. I consider this approach to be consistent with national planning policy and advice. The recreation ground is safeguarded as key greenspace in the Longformacus settlement profile. There is no doubt that this is the most significant area of greenspace within the settlement boundary and that it is deserving of that protection.

4. I note also that the council’s Supplementary Planning Guidance on Green Space

affords protection to the old graveyard and the new cemetery at Longformacus, and also that Policy EP11: Protection of Greenspace would confer a proportionate degree of protection on both of these sites.

5. I am, therefore, satisfied that the proposed plan appropriately responds to this matter.

Reporter's recommendations:

No modifications.

Issue 245	Housing within Central Strategic Development Area: Melrose (EM32B – Dingleton Hospital)	
Development plan reference:	Melrose Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Melrose, page 416)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency 398 White		
Provision of the development plan to which the issue relates:	Volume 2 Settlement Profiles, Melrose, Housing Allocation EM32B – Dingleton Hospital	
Planning authority's summary of the representation(s):		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor requires a Flood Risk Assessment (FRA) which assesses the risk from a number of watercourses flowing through the site, some of which are culverted. Any new development in this area would have to be supported by a FRA.</p> <p><u>398 White</u></p> <p>The contributor queries what action is being taken by the Council in respect of the condition of the boundary wall around the site and highlights that existing woodland within the site is unsuitable for development. This should be excluded from the allocation.</p>		
Modifications sought by those submitting representations:		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor seeks a modification of the site requirements to include a FRA.</p> <p><u>398 White</u></p> <p>The contributor seeks a modification of the allocation to remove the existing woodland.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SITE REQUIREMENTS IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED IN RESPECT OF 357</p> <p>NO CHANGE PROPOSED IN RESPECT OF 398, HOWEVER THE REPORTER IS INVITED TO CONSIDER FURTHER THE INCLUSION OF A LANDSCAPE AREA WITHIN THE SITE COVERING THE AREA SUBJECT TO A TREE PRESERVATION ORDER (TPO)</p>		

357 Scottish Environment Protection Agency

It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

The Council’s Flood Protection Officer advises that this site is out with the 1 in 200 year flood extents. However, the Huntly Burn and several small streams may affect the site and this means that surface water runoff will have to be mitigated at this site. It is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8 and assessed through the planning application process.

398 White

The condition of the boundary wall is a matter for the Council’s Maintenance Section to investigate. This investigation is currently underway. The woodland in question is protected by a Tree Preservation Order (TPO). This TPO also covers other trees/woodlands within the overall allocated site. Although the allocated site covers an extensive area, this does not necessarily mean that the entire site would be developed for housing. Indeed, the site requirements for the site require that existing trees should be retained and protected. The woodland in question is not the subject of any permission for development and the TPO in place would preclude this.

However, the Council notes the provisions within paragraph 87 of Circular 6/2013 on Development Planning which state that “The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations.” In that respect the Council acknowledges that the area of woodland referred to in 398 White could be deleted from the Plan, and the Council would accept the Reporter’s decision on this matter.

As a result of the discussion above it is considered that no amendment is proposed to the Melrose settlement profile, however the Reporter is invited to consider further the potential to identify a landscape area within the site that would cover the area designated as a TPO in the interests of clarity for the public and developers.

Reporter's conclusions:

1. Site EM32B, Dingleton Hospital, is allocated for residential development. Houses have already been built on a significant part of the site and construction is ongoing. Clearly, it is not appropriate to require a flood risk assessment for that part of the site that has been completed or where work is continuing.
2. It is to be anticipated that development proposals will come forward for those parts of the site not currently the subject of planning permission. The Scottish Environment Protection Agency draws attention to a number of watercourses flowing through the site, some of which are culverted. However, the council's Flood Prevention Officer points out that the site is not within the 1 in 200 year flood extents. I note the Agency flood maps show only very limited areas where there is a low risk of surface water flooding within the undeveloped section of the site.
3. In these circumstances I accept the council's opinion that any flood risk issues arising could be addressed through the policy base set out in Policy IS8, Flooding. In turn, I conclude there is not a requirement to add the need for a flood risk assessment to the site requirements.
4. The concern raised in respect of the condition of the boundary wall is not a matter for inclusion in the proposed plan. I note that the council passed this matter for consideration by another department.
5. The council has explained that the trees about which Mr White is concerned are the subject of a tree preservation order. Indeed, the site requirements make reference to the preservation order and need for the trees to be retained. Nevertheless, I can appreciate that the allocation of land for housing in an area of trees, albeit subject to a preservation order, can give rise to fears over the future of the woodland.
6. In an attempt to allay fears about the long-term safety of the trees, the council has suggested a modification whereby those areas which are the subject of a tree preservation order are allocated as a "landscape area". I agree that this approach provides the basis for an appropriate modification. The site requirement to retain and protect existing trees should be unaltered. This would enable provision for the protection of existing trees beyond the development site boundary from the effects of site works.

Reporter's recommendations:

I recommend the following modifications be made:

1. In the Melrose proposals map, remove the "Housing" allocation from that part of site EM32B, Dingleton Hospital, subject to tree preservation orders and replace it with a "Structure Planting/Landscaping" allocation.
2. Adjust the size of the site as appropriate in the Housing section of the Development and safeguarding Proposals of the Melrose settlement statement.

Issue 246	Housing within Central Strategic Development Area: Melrose (EM4B – The Croft)	
Development plan reference:	Melrose Settlement Profile and Map (pages 415 – 418) EM4B – The Croft	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Housing Allocation – EM4B – The Croft	
Planning authority’s summary of the representation(s):		
<p>The contributor supports the inclusion of a FRA in the site requirements but requests an additional requirement should be included to help contribute to the objectives of the River Basin Management Plan.</p> <p>The contributor also requests an additional site requirement for a feasibility study to be undertaken to assess the potential for channel restoration by removing the existing or possible culverts.</p>		
Modifications sought by those submitting representations:		
<p>The contributor seeks a modification of site requirements to contribute to the objectives of the River Basin Management Plan and requests an additional site requirement for a feasibility study to be undertaken to assess the potential for channel restoration by removing the existing or possible culverts.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE MELROSE SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p>		

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan.

Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area. Policy EP15 states the Council's clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

The Council's Flood Protection Officer advises that this site may be within the 1 in 200 year pluvial flood risk. There would need to be consideration of surface water runoff and road drainage issues at this site.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor's proposal is not necessary.

It is also noted that the respondent did not respond on the matter of watercourse restoration to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 "the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP." Furthermore, paragraph 4.3 states "This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation". This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to culvert removal and channel restoration. Policy EP15 on Development Affecting the Water Environment states in its preamble that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. Developers are required to consider potential impacts and mitigations to enhance and restore water the environment. Policy EP15 states the Council's clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters. This includes in sub section d) the need for compliance with best practice in relation to canalisation and culverting.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor's proposal is not necessary.

Reporter's conclusions:

1. Site EM4B, The Croft, is allocated for residential development. The site requirements draw attention to the approved planning brief and the Scottish Environment Protection Agency acknowledges that the brief states a flood risk assessment may be necessary. There is not a specific request by the Agency to include the need for a flood risk assessment as a site requirement.

2. As in other cases, I recognise the hope of the Scottish Environment Protection Agency that the redevelopment of the site would provide an opportunity to contribute to the objectives of the River Basin Management Plan. Nevertheless, Policy EP15, Development Affecting the Water Environment, provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. Opportunities to enhance and restore the water environment in support of biodiversity are set out in supplementary guidance.

3. On the basis of the foregoing, I conclude that the terms of Policy EP15 provide a clear basis for development management of this site in respect of the water environment and that a further site requirement is not necessary.

4. Despite my conclusion in terms of the River Basin Management Plan, I accept that the water environment can be improved as a result of the removal of culverts. In this respect I believe attention should be drawn to the need to consider this possibility.

Reporter's recommendations:

I recommend the following modification be made:

1. In the Melrose settlement profile under the Housing section of the Development and Safeguarding Proposals, add a further bullet point in the site requirements for site EM4B, The Croft:

“Consider the potential for culvert removal and channel restoration.”

Issue 247	Development within the Central Strategic Development Area: Midlem (AMIDL003 – Townhead and amendment of settlement boundary to the west and amendment of settlement boundary to north)	
Development plan reference:	Proposed Local Development Plan, Volume 2 Settlement Profiles, Midlem (Pages 419 – 421)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
447 Lilliesleaf, Ashkirk and Midlem Community Council 206 J & D Hedges 384 Purves		
Provision of the development plan to which the issue relates:	Volume 2 Settlement Profiles, Midlem	
Planning authority’s summary of the representation(s):		
<p><u>447 Lilliesleaf, Ashkirk and Midlem Community Council</u></p> <p>Content with proposals.</p> <p><u>206 J & D Hedges</u></p> <p>The contributor seeks an amendment to the settlement boundary around the village of Midlem. Requests that the settlement boundary is amended so that it relates to physical features on the ground rather than an arbitrary line shown on the LDP settlement profile map. The Consolidated Local Plan indicates this land to be within the settlement boundary but it has been removed from the Proposed LDP. This has not been explained in supporting documentation for the MIR. Benefits of amending settlement boundary would represent the actual physical containment of the village and would relate to the historical use of the land. It would reflect the line of the ancient track that circles the village and will result in a more coherent edge to the settlement. An amended boundary will improve the appearance of this dilapidated edge of the settlement through the inclusion of land that will bring about the opportunity to enhance and relate it further to the building group. The proposed settlement boundary cuts through an existing building and an area of land within the ownership of the Contributor.</p> <p>A small scale modification of the settlement boundary is requested and an amendment to the criteria in 5.4 PMD4 - Development Boundaries is also requested to take account of retiring residents in villages and families with special needs or requirements.</p> <p><u>384 Purves</u></p> <p>The contributor seeks an amendment to the settlement boundary of Midlem to the west of the village to incorporate the following proposals:</p> <ul style="list-style-type: none"> • Erection of a bed and breakfast establishment to support local employment in the area and would attract tourists to the area; • Erection of four affordable dwellinghouses. These would help meet the needs of the community; 		

- The existing natural boundary of mature trees would be reinforced with further new planting.
- The access road would be brought up to an adoptable standard.

Modifications sought by those submitting representations:

206 J & D Hedges

The contributor seeks a modification of the settlement boundary.

384 Purves

The contributor seeks a modification of the settlement boundary to include this site as a housing allocation for the erection of a bed and breakfast and 4 No affordable houses.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE MIDLEM SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN

REASONS

447 Lilliesleaf, Ashkirk and Midlem Community Council

Comments noted.

206 J&D Hedges

The response is related to Schedule 4 019 Policy PMD 4 Development Outwith Development Boundaries.

It is noted that there has been no change to the Midlem settlement boundary in the process of the preparation of the Proposed Local Development Plan (LDP). As a result the settlement remains the same as it was delineated in the Consolidated Local Plan (Core Document 007 page 408). In addition, it is noted that the settlement boundary does not cut through any building as suggested in the representation; instead it is judged that the settlement boundary is located around the white-roofed lean-to which, in turn, is attached to the black-roofed barn building, this means that the building as a whole is within the settlement boundary.

It is considered that the settlement boundary does relate to physical features on the ground in that it follows a stone wall. It is noted that this has been the settlement boundary since at least the Finalised Local Plan (Core Document 011) which dates to 2005. It is also questioned as to whether the amendment, as suggested, would result in a settlement boundary that relates better to the settlement. It is accepted that the amendment may relate to the historical land use and an ancient track that circles the village, and that it may help the chance of improving the amenity of the immediate locale; however it is not clear as to how this amendment would provide a definitive edge to the settlement as the current settlement boundary does. It is noted that there is no physical 'boundary' on the edge proposed.

384 Purves

It is noted that this site was not raised at the Main Issues Report (MIR) site call or during the MIR consultation period.

Midlem is located within the Central Strategic Development Area set out by the SESplan Strategic Development Plan (SDP). The Core Document 017 shows that the Proposed LDP meets the provisions of the SESplan SDP and its associated Supplementary Guidance in providing land to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and out with Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year land supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy. In addition Core Document 017 states that the Proposed LDP provides substantial flexibility in the form of identified redevelopment sites and sites with potential for longer term development. As a result it is not considered that any housing land is required at Midlem.

It is noted that a similar larger site was proposed for inclusion in the Local Plan Amendment but was not included. The site assessment (Supporting Document 247-1 p781 to 784) found that the site was in an elevated position and that as a result it was prominent in the landscape; in addition, it was judged that the site was not suitable for roads access and that a pedestrian route would not be able to be provided from the site to the rest of the village.

As a result of the discussion above it is not considered necessary to make any amendment to the Midlem settlement profile within the Local Development Plan as a result of the relevant representations.

Reporter's conclusions:

1. Lilliesleaf, Ashkirk and Midlem Community Council has no objections and therefore no unresolved issue remains that required to be brought to the examination.
2. Although the scale of the Midlem settlement profile map is relatively small, the boundary appears to have regard to land uses along the northern perimeter. For the most part, the edge of the settlement is formed by the rear boundaries of residential properties. The exception is a small section where the boundary moves inwards to the rear of agricultural buildings. As the council points out, the boundary does not impinge on the buildings which remain within the settlement. The land to the rear of the buildings appears to be more related to the agricultural use to the north and, in my opinion, the council is justified in excluding this from the settlement.
3. I note the council's assertion that there is no requirement for housing in Midlem to meet strategic demands. However, under Issues 49 and 80 it has been concluded that the housing land designations in the local development plan are unlikely to satisfy the strategic housing requirement. Nevertheless, the scale of development envisaged within the suggested settlement boundary extension to the west of the village has no significant wider implications.
4. Many of the existing houses in Midlem form part of the medieval rig layout and provide the fundamental basis for the conservation area. The settlement profile indicates that any new development must strongly reflect the layout and architectural character of

the village. Furthermore, any development will be limited to small-scale infill which must maintain the character and setting of the conservation area. I believe this approach to be fully justified.

5. On the basis of the foregoing it is not surprising that the settlement boundary closely follows the boundaries of the residential properties of the village. In itself, this discourages the principle of the extension of the boundary to the west. Such an extension would provide the potential for additional development over currently vacant land with little relationship to the conservation area. Indeed, as the council argues, the land is elevated and would be prominent in the landscape. This could reduce the value of the setting of the conservation area within the wider landscape.

6. Development at this location would not integrate well with the village in terms of appearance and character. Significantly, I believe it would not contribute to “place-making”, a central guiding principle in Scottish Planning Policy.

7. The nature of the development indicated further demonstrates that the essential character of Midlem, which has been largely retained despite some more recent building, would be threatened.

8. I recognise the potential for creating employment although I am not convinced that a quasi-commercial operation such as that proposed would be appropriate at the head of a residential cul-de-sac.

9. All-in-all, I find little merit in extending the settlement boundary as proposed.

Reporter’s recommendations:

No modifications.

Issue 248	Housing outwith the Strategic Development Areas: Newcastleton (ANEWC010 – Newcastleton West)	
Development plan reference:	Newcastleton Settlement Profile and Map (pages 432 – 436) ANEWC010 – Newcastleton West	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency 489 Newcastleton & District Community Council		
Provision of the development plan to which the issue relates:	Housing Allocation ANEWC010 – Newcastleton West	
Planning authority’s summary of the representation(s):		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor recommends that this site is removed from the Plan due to flood risk from the Liddel Water and surface water sources.</p> <p><u>489 Newcastleton & District Community Council</u></p> <p>The contributor cannot understand why 50 houses are proposed on land that is prone to flooding where there are other dwellings in the village available to buy or rent. There is a shortage of local jobs and good transport links to sustain a healthy community and access to this site is limited.</p>		
Modifications sought by those submitting representations:		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor recommends that this site is removed from the Plan due to flood risk.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE NEWCASTLETON SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN HOWEVER, THE REPORTER IS REQUESTED TO CONSIDER THE MATTER FURTHER</p> <p>REASONS</p> <p><u>357 Scottish Environment Protection Agency</u></p> <p>It is noted that the contributor did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out</p>		

the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation". This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.

Policy IS8 sets out the requirement that "Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk."

It is noted that SEPA do not object to the inclusion of the site within the Plan, but recommend that it should be removed. It is therefore submitted that this matter could be dealt with through the provisions of the mainstream policy IS8. The Council's Flood Protection Officer advises that this site is almost fully inundated with flood water during a 1 in 200 year flood and it would be difficult for the site to provide compensatory storage. A FRA would be required at this site. This is detailed in the site requirements for this site.

The southern part of this site (ANEWC003) was first introduced into the Draft Local Plan Amendment (Core Document 009) following extensive consultation with SEPA. At the time it was accepted the site has some flooding issues to be addressed but it was considered these could be mitigated subject to a FRA being carried out and necessary flooding matters being resolved. The northern part of this site was then added to ANEWC003 in the Finalised Local Plan Amendment (Core Document 010) and consolidated as a housing allocation (ANEWC010) with an indicative site capacity of 50 units. It is acknowledged in both Plans that the site is at risk of flooding and this is reflected in the site requirements where a FRA will be required.

However, since the adoption of the Consolidated Local Plan 2011 (Core Document 007) SEPA has developed new 1 in 200 year flood maps which identify the majority of the allocation is potentially at medium to high risk of flooding. SEPA advise that the entire boundary of ANEWC010 lies within the medium likelihood flood extent for both fluvial and surface water sources. The site is open space/paddock within the flood plain and SEPA advise that any form of development within this area would not be compliant with the principles of Scottish Planning Policy or Flood Risk Management (Scotland) Act 2009 and would therefore be unacceptable.

Notwithstanding the fact that the site remains allocated for residential development within the Proposed LDP, the Council acknowledges that the site may be at risk of flooding. However, the Council notes the provisions within paragraph 87 of Circular 6/2013 on Development Planning which state that "The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations." In that respect the Council acknowledges that in the interests of clarity for developers and the public the site could be removed from the Plan, and the Council would accept the Reporter's decision on this matter.

489 Newcastleton & District Community Council

The Council notes and acknowledges the contributors comments regarding flood risk. This matter is discussed in the paragraphs above in response to contributor No 357 – SEPA. While the contributor does not seek a modification of the plan, concerns are raised regarding a perceived shortage of local jobs and good transport links which would sustain a healthy community. The contributor is also concerned that access to this allocated site is limited.

Newcastleton is located outside the Central Borders Strategic Development Area as defined by SESplan (Core Document 001). The Core Document 017 shows that the Proposed LDP meets the provisions of the SESplan SDP and its associated Supplementary Guidance in providing land to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year land supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy.

Newcastleton is located in the upland valley of Liddesdale midway between Jedburgh and Carlisle and about 21 miles south of Hawick. Its remoteness means that the community is concerned about its relationship to the wider regional land use and development strategies and this is reflected in the Community Council's response to the Proposed LDP. The Proposed LDP is founded on the premise of supporting and encouraging sustainable development to support community services and facilities as well as the local economy by providing new jobs. The allocation of this land for housing will ensure that there continues to be a generous and effective 5 year land supply within the Southern Housing Market Area that will contribute to the sustainable development of the town and help support local services, businesses and the local economy.

It is acknowledged that the site is constrained to a certain degree in terms of potential flood risk and accessibility although it may be possible to resolve these matters through flood mitigation and alternative parking arrangements to improve vehicular access. The site requirements for the allocation confirm that a Planning Brief for the site will be produced and the submission of a Flood Risk Assessment will be required. However, the Council notes the provisions within paragraph 87 of Circular 6/2013 on Development Planning which state that "The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations." In that respect the Council acknowledges that in the interests of clarity for developers and the public the site could be removed from the Plan, and the Council would accept the Reporter's decision on this matter.

Reporter's conclusions:

1. The site is situated towards the southern end of Newcastleton, at its western edge, on the west side of the B6357 (South Hermitage Street). In the main, it is bound by housing to the south, east and north, and by an embankment and a minor watercourse to the west. Liddel Water flows along the eastern edge of the village. The site itself extends to around 2.6 hectares, is very low lying and flat, and comprises a paddock.

2. The proposed allocation of the site for housing is a continuation of its housing designation in the adopted 2011 Consolidated Scottish Borders Local Plan (which

included it for the first time). The site is included in the 2014 housing land audit, with development on site estimated to commence in 2019 and to continue beyond 2021. The indicative site capacity given in the audit and the proposed plan is 50 houses, with 5 being in the effective housing land supply. In essence, the representations are mainly concerned about the potential for flooding on site, the potential access to it, and the need to improve employment opportunities and transport links. While the site is situated behind the properties facing the main street through Newcastleton, I note that access is available, and I consider it unlikely that the concerns over it would constitute an insurmountable problem.

3. The entire housing allocation lies within the 1 in 200 year flood map area as shown on the Scottish Environment Protection Agency's Flood Map. The Scottish Environment Protection Agency highlights that this area has been subject to flooding in the recent past, and believes that a flood study undertaken for the council shows that a significant area is at potential fluvial flood risk from Liddel Water. Both the Scottish Environment Protection Agency and the council's flood protection officer have concerns about flood risk on site. The latter indicates that it would be difficult to provide compensatory storage. The former indicates that the site is at medium to high risk of flooding, refers to a risk of both fluvial and surface water flooding, and explains that a nearby bridge could exacerbate any flooding. It is of the clear view that the housing allocation should be removed from the proposed plan.

4. Superficially, I accept that this is an attractive, logical site for housing because it is adjacent to existing housing, is well contained by the embankment, and is within the development boundary. I also acknowledge that Newcastleton is remote from the main communities within the Scottish Borders, and believe that developments such as this are important because they can help sustain the local economy, including supporting local employment and public transport links. However, in light of the above concerns about flooding, I believe that the site is physically constrained, that this constraint is likely to remain in place, and that there is little potential for this housing site to become effective in the period of the proposed plan. I am not satisfied that either policy IS8 on flooding or a further flood risk assessment would be likely to resolve the concerns. In the circumstances, I am of the view that the removal of the site from the plan would be justified.

5. Overall, an adjustment is required to the proposed plan as set out below.

Reporter's recommendations:

I recommend that the following modifications be made:

1. On page 436 of Volume 2 Settlements, delete housing allocation ANEWC010 (Newcastleton West) from the settlement map.
2. On page 434 of Volume 2 Settlements, delete from the settlement profile, under the Development and Safeguarding Proposals section, the entry for housing allocation ANEWC010 (Newcastleton West).
3. On pages 432-436 of Volume 2 Settlements, adjust the settlement profile and settlement map where necessary to take account of the deletion of housing allocation ANEWC010 (Newcastleton West).

Issue 249	Housing outwith the Strategic Development Areas: Newcastleton (RNE2B – South of Holmhead)	
Development plan reference:	Newcastleton Settlement Profile and Map (pages 432 – 436) RNE2B – South of Holmhead	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Housing Allocation – RNE2B – South of Holmhead	
Planning authority’s summary of the representation(s):		
<p>The contributor requires a FRA which assesses the risk from a minor watercourse (potentially partly culverted) which flows adjacent to site. Also large part of site is within the surface water flood map. This should be investigated further and it is recommended that contact is made with the Council’s flood prevention officer.</p>		
Modifications sought by those submitting representations:		
The contributor seeks a modification of the site requirements to include a FRA.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE NEWCASTLETON SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.</p> <p>Policy IS8 sets out the requirement that “Developers will be required to provide, including</p>		

if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

The Council’s Flood Protection Officer advises that this site may be at risk of pluvial flooding during a 1 in 200 year flood event. There is also a flow shown to the West of the site, so it would be required that surface water management is considered at this site.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. The site is situated towards the northern end of Newcastleton, at its western edge, on the west side of the B6357 (North Hermitage Street). In the main, it is adjacent to housing. There is a right of way along the southern boundary, and what appears to be a partially culverted minor watercourse to the west. Liddel Water flows along the eastern boundary of the village. The site itself extends to around 0.3 of a hectare, is low lying and flat, is fenced in, and is used for grazing.

2. The proposed allocation of the site for housing is a continuation of its housing designation in the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Scottish Borders Consolidated Local Plan. The site is included in the 2014 housing land audit, with development on site estimated to commence in 2019 and to continue beyond 2021. The site capacity given in the audit and the proposed plan is 3 houses, with 2 being in the effective land supply. In essence, the representation requests that a flood risk assessment be added to the list of requirements for this site in the proposed plan.

3. The Scottish Environment Protection Agency indicates that a large part of the site is included in the surface water flood maps, highlights the watercourse to the west, and proposes further investigations. The council’s flood protection officer advises that the site may be subject to a 1 in 200 year risk of pluvial flooding, and that this together with the watercourse to the west, will require consideration of surface water management on site. I acknowledge that policy IS8 on flooding requires an assessment of potential flooding issues. However, combining the views of the Scottish Environment Protection Agency and the flood protection officer, with the fact that the council’s flood contingency plan identifies Newcastleton as being at risk of flooding, I consider that it would be appropriate and prudent to add a further site requirement in this case for a flood risk assessment.

4. Overall, an adjustment is required to the proposed plan.

Reporter’s recommendations:

I recommend that the following modification be made:

1. On page 433 of Volume 2 Settlements, under the Development and Safeguarding Proposals section, add a further site requirement for site RNE2B (South of Holmhead) to read:
 “...- Existing trees to the north, south and west of the site to be retained and protected where possible. A tree protection plan will be required.
 - *Flood risk assessment will be required.*”

Issue 250	Development within the Central Strategic Development Area: Newstead (MNEWS001 – Newstead East)	
Development plan reference:	Newstead Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Newstead, pages 437-439)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
331 Lord Devonport		
Provision of the development plan to which the issue relates:	Volume 2 Settlement Profiles, Newstead	
Planning authority's summary of the representation(s):		
<p>The contributor seeks the allocation of this site for housing development as it would offer more compliance with policy compared to the allocated site at Birks View, Galashiels. It would provide mixed-use development including market and AH, live/work units and a small amount of retail space. It is contained by natural and man made boundaries and complies with SPG New Housing in the Borders Countryside. Site benefits from planning permission for residential development on adjacent land which reinforces the potential for developing this land. It is a deliverable site and would enhance the village by offer working from home opportunities. The site does not extend into arable land and would offer a contained site and would act as a gateway into the village.</p>		
Modifications sought by those submitting representations:		
<p>The Contributors seeks a modification of the settlement boundary and allocation of MNEWS001 for housing, live/work units and retail space.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>Newstead is located within the Central Strategic Development Area set out by the SESplan Strategic Development Plan (SDP). The Core Document 017 shows that the Proposed LDP meets the provisions of the SESplan SDP and its associated Supplementary Guidance in providing land to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year land supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy. In addition Core Document 017 states that the Proposed LDP provides substantial flexibility in the form of identified redevelopment sites and sites with potential for longer term development. As a result it is not considered that any land allowing further housing</p>		

is required within Newstead.

A very similar site was considered within the Local Plan Amendment (ANEWS001) although it extended slightly further east. The site assessment for ANEWS001 stated that there was a major constraint in the form of the Roman Camp and Fort, located to the east, and that the site was unsuitable for development because of the adverse impact this would have on the Scheduled Monument. It is considered this reasoning is still relevant when examining MNEWS001.

It is also the case that the site is located within the Eildon and Leaderfoot National Scenic Area and the Countryside Around Towns area. As a result this is considered to be a sensitive landscape with a high quality living environment. It is therefore considered that there are better options already identified for development within the Proposed LDP.

As a result of the discussion above it is considered that no amendments to the settlement profile or allocation of any further sites are required in the Local Development Plan from that proposed.

Reporter's conclusions:

1. The site lies to the immediate east of the Newstead settlement boundary to the south of the B6361.
2. Housing land supply in a wider context has been examined under Issues 49 and 80 and it is concluded that the land designated for housing in the local development plan is unlikely to satisfy the strategic requirement.
3. Turning to local considerations, the council argues that the proximity of the Roman camp and fort, Trimontium, a scheduled monument, provides a major constraint to the development of the site. However, because of the sheltered and constrained nature of the proposed development site, I consider that the impact on land to the east, towards Trimontium, would be relatively limited. On this basis, whilst the impact on cultural heritage would represent a constraint, I do not believe that, in itself, this consideration should preclude development.
4. Lord Devonport has emphasised the contained nature of the site and contends that this is beneficial in respect of development. I agree that the site has little wider prominence in the landscape although it is within the Eildon and Leaderfoot National Scenic Area and therefore, in general terms, assumes landscape importance. Additionally, I believe that the site is a valuable element in the landscape setting of Newstead. Indeed, in this respect, I concur with the Newstead settlement profile in stating that the fields to the east should be protected from future development as they are considered to form part of the character of the village.
5. Despite the planning permission granted for some limited development at the eastern edge of Newstead, I believe the boundary at this location to be clear and worthy of retention. The current sense of entry to the village would be lost should the suggested development take place. This would be contrary to the principle of place-making set out in Scottish Planning Policy.
6. All-in-all, despite the assessment of strategic housing requirements, I conclude on the basis of local considerations that the land should not be included within the Newstead

settlement boundary and allocated for development.

Reporter's recommendations:

No modifications.

Issue 251	Business and Industrial within the Central Strategic Development Area: Newtown St Boswells (BNEWT001 – Tweed Horizons Expansion)	
Development plan reference:	Newtown St Boswells Settlement Profile and Map (pages 440 – 445) BNEWT001 – Tweed Horizons Expansion	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
339 Scottish Government, including Transport Scotland and Historic Scotland 357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Business and Industrial Allocation BNEWT001 – Tweed Horizons Expansion	
Planning authority’s summary of the representation(s):		
<p><u>339 Scottish Government, including Transport Scotland and Historic Scotland</u></p> <p>The contributor raises issues relating to the existing junction, capacity and safety issues would limit the size of any development that would be acceptable. The promotion of the land area within the indicated boundary may require to be supported by the construction of the proposed roundabout required for the Newtown St Boswells extension which would potentially be required to be provided prior to occupation of dwellings.</p> <p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor supports the inclusion of FRA in the site requirements but seeks a modification of the developer requirements to help contribute to the objectives of the River Basin Management Plan and requests an additional site requirement for a feasibility study to be undertaken to assess the potential for channel restoration by removing the existing or possible culverts.</p>		
Modifications sought by those submitting representations:		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor seeks a modification to the developer requirements to help contribute to the objectives of the River Basin Management Plan. The contributor also requests an additional site requirement for a feasibility study to be undertaken to assess the potential for channel restoration by removing the existing or possible culverts.</p>		
Summary of responses (including reasons) by planning authority:		
NO CHANGE TO THE NEWTOWN ST BOSWELLS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN		

REASONS

339 Scottish Government, including Transport Scotland and Historic Scotland

The requirement for a new roundabout to serve the allocation is noted. This point is covered as a bullet point within the list of site requirements for this allocation. The precise location of the roundabout would be considered through the Development Management process following the submission of an application for infrastructure proposals serving this site.

357 Scottish Environment Protection Agency

It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan.

Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area. Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

The Council’s Flood Protection Officer advises that this site is out with the 1 in 200 year flood extent. There may be a need to consider runoff from the nearby fields.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor’s proposal is not necessary.

It is also noted that the respondent did not respond on the matter of watercourse restoration to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This

information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to culvert removal and channel restoration. Policy EP15 on Development Affecting the Water Environment states in its preamble that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. Developers are required to consider potential impacts and mitigations to enhance and restore water the environment. Policy EP15 states the Council's clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters. This includes in sub section d) the need for compliance with best practice in relation to canalisation and culverting.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor's proposal is not necessary.

Reporter's conclusions:

1. Site BNEWT001, Tweed Horizons Expansion, is allocated as a strategic high amenity site for business and industrial development under Policy ED1.
2. The council accepts that the requirement for a roundabout is likely. Indeed, the site requirements include a reference to a roundabout but simply state a need "to consider" a new roundabout. I believe it would be preferable to set out the site requirement in respect of a roundabout to more accurately reflect the advice provided by Transport Scotland.
3. As in other cases, I recognise the hope of the Scottish Environment Protection Agency that the redevelopment of the site would provide an opportunity to contribute to the objectives of the River Basin Management Plan. Nevertheless, Policy EP15, Development Affecting the Water Environment, provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. Opportunities to enhance and restore the water environment in support of biodiversity are set out in supplementary guidance.
4. On the basis of the foregoing, I conclude that the terms of Policy EP15 provide a clear basis for development management of this site in respect of the water environment and that a further site requirement is not necessary.
5. Despite my conclusion in terms of the River Basin Management Plan, I accept that the water environment can be improved as a result of the removal of culverts. In this respect I consider attention should be drawn to the need to consider this possibility.

Reporter's recommendations:

I recommend the following modifications be made:

1. In the Business and Industrial section of the Development and Safeguarding Proposals of the Newton St Boswells settlement profile, under site BNEWT001, Tweed Horizons Expansion:

(a) amend the eighth bullet point as follows:

“Development of the site should include a new access from the A68 and may require to be supported by a new roundabout on the A68 in conjunction with the Newtown expansion to the west of the A68.”

(b) amend the eleventh bullet point as follows:

“Flood risk assessment recommended to inform site layout. The assessment should include consideration of the potential for culvert removal and channel restoration.”

Issue 252	Housing in the Central Strategic Development Area: Newtown St Boswells (ENT4B – Melrose Road)	
Development plan reference:	Newtown St Boswells Settlement Profile and Map (pages 440 – 445) ENT4B – Melrose Road	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Housing Allocation – ENT4B – Melrose Road	
Planning authority’s summary of the representation(s):		
<p>The contributor advises that a very small portion of site shown to be at risk of Flooding and recommends that a FRA is carried out if any development is located within the within the vicinity of the flood envelope. Vast majority of site developable.</p>		
Modifications sought by those submitting representations:		
The contributor seeks a modification of the site requirements to include a FRA.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE NEWTOWN ST BOSWELLS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 76). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.</p> <p>Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk</p>		

assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

The Council’s Flood Protection Officer advises that this site may be at risk of flooding during a 1 in 200 year flood extent. It would be unlikely, given the small percentage of the site at risk, that there would be the need for an FRA. However, surface water management should be considered.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site ENT4B, Melrose Road, is allocated for housing. The small stream that forms most of the southern boundary is shown on the Indicative Flood Map to be subject to a 1:200 year river flood. This is shown as being in the high risk category.
2. Although the Scottish Environment Protection Agency acknowledges that a very small portion of the site is shown to be at risk of flooding, a flood risk assessment is recommended. The council’s Flood Protection Officer believes it unlikely that a flood risk assessment would be required although surface water management should be considered.
3. Under these circumstances I accept the council’s argument that Policy IS8, Flooding, provides an adequate basis for ensuring that any proposals are subject to proper assessment in terms of potential flooding issues.

Reporter’s recommendations:

No modifications.

Issue 253	Mixed Use in the Central Strategic Development Area: Newtown St Boswells (MNEWT001 – Auction Mart)	
Development plan reference:	Newtown St Boswells Settlement Profile and Map (pages 440 – 445) MNEWT001 – Auction Mart	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
450 John Swan & Son Plc		
Provision of the development plan to which the issue relates:	Mixed Use Allocation – MNEWT001 – Auction Mart	
Planning authority’s summary of the representation(s):		
<p>The contributor states that outline planning permission was ‘minded to grant’ subject to conditions and legal agreement in 2007. A planning brief was subsequently prepared and largely reflects the proposed uses within the ‘minded to grant’ permission. Within the brief, the following uses are noted as being acceptable:</p> <ul style="list-style-type: none"> • Class 1 • Class 2 • Class 3 • Class 4 • Class 9 • Class 10 • Sui-Generis – Medical practice <p>However, the contributor believes that there are two points that should be amended:</p> <ol style="list-style-type: none"> 1. The site area should be noted as 9.6 Hectares not 8.9 Hectares. 2. The indicative site capacity as noted within the 'minded to grant permission' is for the development of up to 220 dwellings not 180 dwellings as noted in the proposed plan. 		
Modifications sought by those submitting representations:		
<p>The contributor seeks an amendment to the ‘Mixed Use’ table within the settlement profile to include a modification of site size from 8.9 ha to 9.6ha and increase the indicative site capacity from 180 to 220. The following should also be included as acceptable uses for the Auction Mart Site:</p> <ul style="list-style-type: none"> • Class 1 – Shops • Class 2 – Financial & Professional Services • Class 3 – Food & Drink • Class 4 – Business • Class 9 – Houses • Class 10 – Non-residential institutions • Sui-Generis – Medical Healthcare Facility 		

Summary of responses (including reasons) by planning authority:
<p>THE MODIFICATION TO REFLECT THE ACTUAL THE SIZE OF THE SITE AND THE INDICATIVE CAPACITY TO REFLECT THE MINDED TO APPROVE DECISION ARE CONSIDERED NON-SIGNIFICANT CHANGES ACCEPTABLE TO THE COUNCIL</p> <p>This representation also relates to Schedule 4 Issue No 254 on the Newtown St Boswells Settlement Profile and Schedule 4 Issue No 256 on the proposed new mixed use development site - MNEWT003</p> <p>The modification of the text to reflect the actual site area and the indicative housing capacity would provide a factual update and would constitute a non-significant change.</p> <p>Reference to the acceptable uses for this site is included in the approved Planning Brief (Core Document 073) and it considered unnecessary to duplicate this information within the Mixed Use table on page 443 of the Proposed LDP. It is submitted that this matter can be adequately dealt with through the approved Planning Brief and that the insertion of the contributor's proposal is not necessary.</p>
Reporter's conclusions:
<p>1. Site MNEWT001, Auction Mart, is allocated for mixed use development. The site size is shown as 8.9 hectares with an indicative capacity of 180 houses. The council accepts that the proposal relates to a larger site with a greater number of proposed houses. In this respect I note that the committee report on the planning application submitted in 2007 states the site to be 9.6 hectares with an indicative capacity of 200-220 houses. I therefore agree that the schedule in the settlement profile should be adjusted.</p>
Reporter's recommendations:
<p>I recommend the following modifications be made:</p> <p>1. In the Mixed Use section of the Development and Safeguarding Proposals of the Newtown St Boswells settlement profile, under site MNEWT001, Auction Mart, amend the site size to "9.6" and the indicative site capacity to "220".</p> <p>2. House building totals in other parts of the proposed local development plan should also be adjusted as appropriate.</p>

Issue 254	Newtown St Boswells Settlement Profile	
Development plan reference:	Newtown St Boswells Settlement Profile and Map (pages 440 – 445)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>449 Newtown St Boswells & Eildon Community Council 450 John Swan & Son Plc</p>		
Provision of the development plan to which the issue relates:	Newtown St Boswells Settlement Profile	
Planning authority's summary of the representation(s):		
<p><u>449 Newtown St Boswells & Eildon Community Council</u></p> <p>The CC view the plan for large scale as out of place and inappropriate for Newtown St Boswells. However the CC feels that it has little option but to accept the situation. Welcome the Development Framework identified in the proposed LDP as a high level document but the lack of discussion on important issues gives the village concern regarding funding for community improvements. The main interest and focus is the development of the Auction Mart site to enable regeneration of the village centre. The CC would also like to see development of site R023 (Langlands Mill) and for the LDP to include improvements to the old Cooks van hire site. Consideration should be given to relocate Service Line and provide adequate off street parking.</p> <p>Settlement profile should be amended to read that the Health Centre “does require upgrade or development”.</p> <p>AH is welcomed but it should be noted that the village has around 80% affordable housing. New developments will represent an opportunity for more balanced housing design. More sheltered housing is required.</p> <p>Concern that access to ENT15B will increase the numbers of vehicles using Sergeants Park and Sprouston Road. A new connecting road from Sergeants Park to Bowden road would resolve this and it is requested that this is in place before housing on this site is completed.</p> <p><u>450 John Swan & Son Plc</u></p> <p>Settlement profile recognises its importance in the delivery of public sector services and also notes mixed use opportunities that will encourage regeneration.</p> <p>The Auction Mart is defined as ‘mixed use’ and a development brief has been produced. There are two points which should be amended:</p> <ol style="list-style-type: none"> 1. The site area should be 9.6 Ha not 8.9Ha; 2. The indicative site capacity as noted in the ‘minded to grant permission’ is for up to 220 dwellings not 180 dwellings as noted in the proposed plan. 		

There is a lack of allocation to reflect the 'minded to grant' permission related to the Borders Rural Centre outlined in Appendix 2. The Contributor is unsure why this has been omitted given the Council have minded to grant mixed use development. Borders Rural Centre should be added to the Mixed Use table within the Settlement Profile and should include reference to Auction Mart Planning Brief. Acceptable Auction Mart Uses would include:

- Class 1
- Class 2
- Class 3
- Class 4
- Class 9
- Class 10
- Sui-Generis

Acceptable Borders Rural Centre uses would include:

- Action Mart building and pens
- Offices
- Tourist Info Centre
- Retailing
- Managers Dwelling
- Landscaping and infrastructure

Settlement boundary to include John Swan Ltd Borders Rural Centre site.

Modifications sought by those submitting representations:

449 Newtown St Boswells & Eildon Community Council

The contributor seeks an amendment of the settlement profile to read that the Health Centre "does require upgrade or development".

450 John Swan & Son Plc

The contributor seeks a modification of the plan to amend the site area from 8.9Ha to 9.6Ha and to increase the indicative capacity of the site to reflect the minded to approve decision of up to 220 dwellings. In addition, the Borders Rural Centre should be added to the Mixed Use table within the Settlement Profile and should include reference to Auction Mart Planning Brief.

Summary of responses (including reasons) by planning authority:

IN RESPECT OF 449 THE MODIFICATION TO THE TEXT WITHIN THE SETTLEMENT PROFILE TO INCLUDE THE WORD 'DOES' IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL

IN RESPECT OF 450 THE MODIFICATION TO THE SIZE OF THE SITE AND INDICATIVE CAPACITY TO REFLECT THE MINDED TO APPROVE DECISION ARE CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL

NO CHANGE TO THE NEWTOWN ST BOSWELLS SETTLEMENT PROFILE IN RESPECT OF THE ALLOCATION OF BORDERS RURAL CENTRE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN IN RESPECT OF 450

449 Newtown St Boswells & Eildon Community Council

Paragraph 3 of Infrastructure Considerations on page 441 of the Proposed LDP Volume 2 Settlements states that “The current premises *may* require upgrade or development”. The inclusion of the word ‘*does*’ to replace the word ‘*may*’, would constitute a non-significant change.

450 John Swan & Son Plc

This representation also relates to Schedule 4 No 253 on the Auction Mart Site - MNEWT001 and Schedule 4 256 on the proposed Mixed Use Development Site (MNEWT003 – Borders Rural Centre)

The modification of the text to reflect the actual site area and the indicative housing capacity would provide a factual update and would constitute a non-significant change.

It is considered that contributor’s request to include the Borders Rural Centre within the Mixed Use table on page 443 of the Proposed LDP is not necessary. This is a stand alone ‘minded to approve’ planning permission (06/02506/OUT) subject to the conclusion of a legal agreement covering a number of issues including landscaping, control of retail floor space and developer contributions. The development of this site for mixed use will be covered by the grant of planning permission and any subsequent application for the approval of matters specified in conditions. It is submitted that this matter can be adequately dealt with through the processing of any detailed application and that the insertion of the contributor’s proposal is not justified.

Reporter’s conclusions:

1. The council’s response to the Newtown St Boswells and Eildon Community Council deals only with the single issue of upgrading the health centre. In this respect, I agree that the text should be amended to read “does require upgrade or development”.
2. It is also necessary to address the other matters raised:
3. Firstly, faced with the prospect of very significant new housing development (the Newtown Expansion Area has an indicative site capacity of 900) I consider that the community council has a valid concern in respect of the future of the village centre. The proposed plan indicates that the “outline of development” will be determined in a master planning exercise to be undertaken in consultation with the local communities. Furthermore, it is a site requirement that the outcome of community consultations should be incorporated in development and regeneration of the village centre.
4. It is clear that the council intends to relate the expansion area to the village centre and to involve the community. I believe this is an approach to be endorsed and although the community council is critical about the extent of participation and “real engagement” thus far, the plan does provide a clear statement of the need for ongoing consultation. It is to be hoped that this consultation will prove to be meaningful and beneficial. I note the settlement profile text refers to the preparation of a development framework to support

and provide guidance for the redevelopment of the village. It would seem appropriate to also incorporate the provisions of the framework in future consultation. Indeed, various matters raised by the community council could no doubt be legitimately addressed through consultations. These matters could include funding implications, and the future of various village centre sites referred to by the community council such as site zRO23 which is allocated for redevelopment.

5. Secondly, the community council requests the provision of sheltered housing close to the village centre. It may be that the redevelopment of the Auction Mart site (with a modified indicative capacity of 220 houses) might provide scope for such provision but this is another matter that could be meaningfully discussed in the village centre community consultation process.

6. Thirdly, the community council has expressed concern about the traffic generation anticipated with the development of site ENT15B, Sergeants Park II. I note that the proposed plan indicates that a planning brief for this site has been approved and, in turn, I assume that it has been determined that traffic does not constitute an insurmountable constraint to the development. I note also that site ENT15B adjoins the northern section of the expansion area. It may well be that the master plan for the expansion area will provide the opportunity for a road link to be provided between Sergeants Park and Bowden Road as required by the community council. This, however, is a further matter for future consultation.

7. All in all, I believe the community council has raised several issues which are fundamental to the successful major expansion of Newton St Boswells. These are not matters that require to be specified further in the proposed plan but should certainly be encompassed by the consultation exercises proposed in respect of the Newtown expansion area.

8. The site size and capacity of site MNEWT001, Auction Mart, has been addressed under Issue 253. Additionally, John Swan & Son PLC require a specific detailed reference to site "MNEWT002, Borders Rural Centre" with the settlement boundary extended to include this site. This site lies to the east of the A68 opposite the Auction Mart.

9. An outline planning application (now known as planning permission in principle) was submitted in 2006 which proposed the "erection of mixed use rural centre comprising livestock auction mart, tourist visitor centre, business space, retailing and restaurant facilities with associated infrastructure and highway improvements." (See also Issue 256).

10. The council regarded the proposed development as a "rural resource centre" and determined to grant planning permission subject to conditions and the conclusion of a planning obligation to be secured through a legal agreement. It is my understanding that the agreement has not yet been signed and the application therefore remains pending. Noting the description as contained in the application form and the council's assessment, I believe the proposal, which is linked to the relocation of the auction mart, if implemented, could be regarded as generally falling within the scope of Policy PMD4, Development Outwith Development Boundaries. On this basis, there is no requirement to extend the settlement boundary to incorporate the planning application site.

11. Should the boundary be extended and, for whatever reason, the proposal does not

proceed to implementation, the settlement area of Newtown St Boswells would then have crossed the clear boundary formed by the A68. Such an extension would leave an area of agricultural land within, but not associated with the built up area of Newtown St Boswells. This would appear as a contrived extension and could encourage development proposals that would not be appropriate for this location.

12. Insofar as the site has the benefit of planning permission, albeit subject to a legal agreement, there is no requirement for the development to be specified in the schedule of Development and Safeguarding Proposals. I therefore agree with the council that the matter can progress through the planning application and development management process. Again, considering the possibility that the proposal is not taken forward, the site should not be regarded as likely to attract a further planning permission as a matter of course. The inclusion of the site in the schedule could therefore prove to be misleading.

Reporter’s recommendations:

I recommend the following modification be made:

1. In the Infrastructure Considerations section of the Newtown St Boswells settlement profile, amend the second sentence of the third paragraph as follows:

“The current premises require upgrade or development.”

Issue 255	Housing in the Central Strategic Development Area: Newtown St Boswells (ANEWT008 – Newtown Expansion 2)	
Development plan reference:	Newtown St Boswells Settlement Profile and Map (pages 440 – 445) ANEWT008 – Newtown Expansion 2	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
461 CWP		
Provision of the development plan to which the issue relates:	Proposed New Housing Site – ANEWT008 – Newtown Expansion 2	
Planning authority’s summary of the representation(s):		
<p>Contributor is fully supportive of settlement expansion proposals within the Proposed LDP and seeks to extend the allocation southwards by an additional 37 hectares.</p> <p>There is an essential requirement for the Proposed LDP to identify additional housing land if the housing requirement is to be met, and if the Proposed LDP is to conform to SESplan Supplementary Guidance and Scottish Planning Policy. The Central Borders SDA is the primary focus for growth within the Scottish Borders and offers capacity for additional development.</p> <p>Given Newtown St Boswell’s highly accessible location within the Central Borders SDA and the Council’s established support for settlement expansion at this location, the allocation of the 37 hectare landholding for housing represents a clear and appropriate opportunity to help address the substantial shortfall in the Scottish Borders housing land supply.</p> <p>Development of the site would adopt and continue the previously established design parameters of creating housing zones between existing and proposed landscaped areas. The indicative site masterplan proposes the location of a substantial tree belt along the site’s southern boundary including the south-east boundary closest to the village. The proposed tree belt will be approximately 40 metres wide and provide a green link with existing tree belts in the locality. It will create a visual barrier to the development, and provide for enhanced leisure/recreation opportunities via the creation of woodland walkways and cycle paths. Additional landscape ‘pockets’ will be provided throughout the development.</p>		
Modifications sought by those submitting representations:		
The contributor seeks a modification of the plan to include an additional site for housing.		
Summary of responses (including reasons) by planning authority:		
NO CHANGE TO THE NEWTOWN ST BOSWELLS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN		

REASONS

The contributor supports the allocation of ANEWT005 but also wants the land to the south of the southern expansion area to be identified for housing. Site ANEWC005 was originally brought forward as a housing allocation in the Local Plan Amendment (Core Document 010) and has previously been identified at the Inquiry into the adopted Local Plan (Core Document 020) as the preferred location to expand Newtown St Boswells (NSB). The allocations to the west and south of NSB identified in the Proposed LDP reflect the allocations brought forward in the Local Plan Amendment and Consolidated Local Plan (Core Document 007).

NSB is located within the Central Strategic Development Area set out by the SESplan Strategic Development Plan (Core Document 001). The Core Document 017 shows that the Proposed LDP meets the provisions of the SESplan SDP and its associated Supplementary Guidance in providing land to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year land supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy. Details of the housing calculations are included in the Core Document 017.

As a result it is not considered that there is any requirement for additional housing sites in NSB over and above those sites already identified. Furthermore, more appropriate sites are available within the Central Housing Market Area.

The Consolidated Local Plan (Core Document 007) does not identify specific areas for potential future growth or indicate the direction of potential future growth for NSB. The Contributor however, suggests that allocation ANEWT005 is extended southwards by an additional 37 hectares (ANEWT008) "to help address the substantial shortfall in the Scottish Borders housing land supply". As discussed above, it is contended that the Proposed LDP meets the provisions of SESplan and the associated supplementary guidance in providing a generous and effective 5 year land supply and that there is no requirement for additional sites over and above those already identified.

The proposed expansion of ANEWT005 would be located outwith the Leaderfoot National Scenic Area and Tweed Lowlands Special Landscape Area, however, it would extend into an area of land covered by Policy EP6 – Countryside Around Towns of the Proposed LDP. Policy EP6 aims to ensure that the identified Countryside Around Towns (CAT) area is protected from piecemeal development and that coalescence of settlements is avoided. It is contended that the proposed allocation of additional land to the south of NSB and beyond the existing allocation would result in the coalescence of NSB and St Boswells, contrary to the aims of Policy EP6.

There is currently a separation distance of approximately 600m between the south boundary of allocation ANEWT005 and the north west edge of the St Boswells development boundary but this would be completely removed if the proposed extension was supported. The inquiry into the adopted Local Plan (Core Document 020) concludes that this distance would be adequate as the intervening area is occupied by a small but pronounced hill, which maintains the separate visual containment of both settlements. The inquiry also concludes that the future of the area between NSB and St Boswells is inextricably linked and the land along the west side of the A68 between NSB and St Boswells, including the small hill, should be kept free of urban development (this land is

not included in the proposed allocation ANEWT008) to provide a green buffer along the trunk road and to separate the proposed expansion area (ANEWT005) from St Boswells. The land further west, along the north side of the A699 should also be kept free of urban development to preserve the rural setting of the southern expansion area. The Reporters recommend that land to the west of the A68, from the southern access junction serving NSB, southwards towards the edge of St Boswells and westwards along the north side of the A699 as far as the shelter belt to the west of the former Waverley line should be deleted from the plan. This is reflected in the consolidated local plan and the Proposed LDP.

It is acknowledged that contributor seeks to develop this land by adopting the previously established design parameters of creating housing zones between existing and proposed landscaped areas. This is welcomed. The indicative site masterplan submitted with the contributors response proposes the location of a substantial tree belt along the site's southern boundary including the south-east boundary closest to the village and would provide a green link with existing tree belts in the locality. It is suggested that it will create a visual barrier to the development, and provide for enhanced leisure/recreation opportunities via the creation of woodland walkways and cycle paths. Additional landscape 'pockets' will be provided throughout the development. This is reflected in the site requirements for ANEWT005 and includes the submission of a detailed masterplan along with any application for the site. The site requirements include, but are not limited to consideration of access from the A68, full integration with existing street network, provision of open space, landscaping to provide buffer zones and a strong boundary to the settlement, scale and design of the development to consider sensitive landscape and setting, conservation and enhancement of National Scenic Area.

In conclusion, there is no requirement to allocate or safeguard longer term development in Newtown St Boswells over and above the planned expansion of the settlement. (ANEWT005).

Reporter's conclusions:

1. Housing land supply has been considered in a wider context under Issues 49 and 80 of this examination. In terms of strategic housing land supply, it is concluded that the housing land designations in the local development plan do not satisfy the strategic requirement.
2. Insofar as local considerations are concerned, the council has drawn attention to the findings of the report into the inquiry of the current local plan. That report emphasised the importance of the settlement identities of Newtown St Boswells and St Boswells to the south. Taking into account the proposed housing land allocation at site ANEWT005, the separation distance is some 600 metres. This is a narrow but sensitive strip which I agree is important in visually containing the two settlements. The contours of the land within the strip, particularly the low hillock, assist in providing visual separation.
3. The findings of the previous inquiry also attached importance to the need to retain the northern side of the A699 free from development. I agree that, despite the tree belt shown on the indicative plan, the degree of urban encroachment on the A699 would be unacceptable and result in an adverse landscape character impact on this area of essentially rural character.
4. Having regard to the local adverse impact that would result as a consequence of the

proposed enlarged expansion area, despite the strategic housing land assessment, I conclude that the additional housing land allocation is not justified.

Reporter's recommendations:

No modifications.

Issue 256	Mixed Use in the Central Strategic Development Area: Newtown St Boswells (MNEWT003 – Borders Rural Centre)	
Development plan reference:	Newtown St Boswells Settlement Profile and Map (pages 440 – 445) MNEWT003 – East of Auction Mart	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
450 John Swan & Son Plc		
Provision of the development plan to which the issue relates:	Proposed New Mixed Use Allocation – MNEWT003 – East of Auction Mart	
Planning authority’s summary of the representation(s):		
<p>The contributor states that outline planning permission was ‘minded to grant’ subject to conditions and legal in 2007 for mixed use rural centre comprising of livestock auction mart, tourist visitor centre, business space, retailing and restaurant facilities.</p> <p>There is a lack of allocation to reflect the ‘minded to grant’ permission related to the Borders Rural Centre outlined in Appendix 2 of the Proposed LDP. The Contributor is unsure why this has been omitted given the Council have minded to grant mixed use development.</p> <p>Borders Rural Centre should be added to the Mixed Use table within the Settlement Profile and should include reference to Auction Mart Planning Brief. Acceptable Borders Rural Centre uses would include:</p> <ul style="list-style-type: none"> • Action Mart building and pens • Offices • Tourist Info Centre • Retailing • Managers Dwelling • Landscaping and infrastructure <p>Settlement boundary to include John Swan Ltd Borders Rural Centre site.</p>		
Modifications sought by those submitting representations:		
The contributor seeks a modification of the settlement boundary and profile to include this site for mixed used development.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE NEWTOWN ST BOSWELLS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>This representation also relates to Schedule 4 Issue No 254 on the Newtown St Boswells Settlement Profile and Schedule 4 Issue No 253 on the Action Mart site - MNEWT001</p>		

REASONS

This site is subject of a stand alone ‘minded to approve’ planning permission reference 06/02506/OUT subject to the conclusion of a legal agreement covering a number of issues including landscaping, control of retail floor space and developer contributions. The development of this site for mixed use will be covered by this grant of planning permission and any subsequent application for the approval of matters specified in conditions.

It should be noted that this permission relates primarily to the relocation of the Newtown St Boswells Auction Mart and the justification for its approval was specific to that particular requirement. It is not considered that in general terms there is a requirement for mixed use land of this scale without the presence of the Mart and therefore it is not considered appropriate to zone this land for mixed use. It is submitted that this matter is adequately dealt with through the provisions of the extant ‘minded to approve’ position.

Reporter’s conclusions:

1. This matter is considered under Issue 254 where it is concluded that there is no justification for either an extension of the settlement boundary or the inclusion of a further site in the Mixed Use section of the Development and Safeguarding Proposals.

Reporter’s recommendations:

No modifications.

Issue 257	Housing outwith the Strategic Development Areas: Oxton (AOXTO001 – Station Yard)	
Development plan reference:	Oxton Settlement Profile and Map, Site AOXTO001 – Station Yard	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency 404 Edwin Thompson		
Provision of the development plan to which the issue relates:	Oxton Housing Land	
Planning authority's summary of the representation(s):		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor objects to this site in that they would require an additional site requirement for a feasibility study to be undertaken to assess the potential for channel restoration by removing the existing or possible culverts. In addition there may be an opportunity to restore the water environment to its natural state by removing the culvert. The contributor also states that they advise to minimise nuisance from the proximity with the sewage works.</p> <p>The Agency supports this site as a flood risk assessment is required as set out in the site requirements.</p> <p><u>404 Edwin Thompson</u></p> <p>The contributor objects to site AOXTO001 stating that it was allocated in the Consolidated Local Plan 2011 and remains undeveloped, there is also no live application relating to the site. The site is naturally constrained by its elongated layout limiting its marketability as a developable site, in addition the site is clearly visible from the A68 compromising Oxtons' countryside setting and contradicting the local plan aim to restrict development to the north and east of Oxton.</p>		
Modifications sought by those submitting representations:		
<p><u>357 Scottish Environment Protection Agency:</u></p> <p>The contributor seeks an additional site requirement for a feasibility study to assess the potential for channel restoration, the contributor also seeks for nuisance to be minimised from the proximity with the sewage works.</p> <p><u>404 Edwin Thompson</u></p> <p>The contributor seeks the removal of the site from the Plan.</p>		

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE HOUSING ALLOCATION AOXTO001

Note: This Schedule 4 should be cross-referenced with the Schedule 4 for housing site AOXTO005 at Oxton, refer to Issue 258.

REASONS

It is noted that contributor 357 also supports the site as a flood risk assessment is required as set out in the site requirements.

This site was first formally allocated within the Scottish Borders Consolidated Local Plan 2011 (Core Document 007). The site had been included within the Scottish Borders Finalised Local Plan Amendment prior to its inclusion in that Adopted Plan however; the site did not receive any representations and so was not considered by the Local Plan Amendment Examination Reporter. Prior to the formal allocation of the site, the site was also included within the Oxton Development Boundary in the Scottish Borders Local Plan 2008 (Core Document 008).

It is noted that the respondents did not respond on these matters to the Scottish Borders Main Issues Report (MIR) (for SEPA Response refer to Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 *“the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.”* Furthermore, paragraph 4.3 states *“This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”*. In relation to contributor 357 this information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

In addition the site is a brownfield site that comprises a former railway embankment, previously used as industrial yard. It should be noted that an application has been approved on the site for nine houses and two affordable houses. The planning application 08/02110/FUL was approved by the Planning and Building Standards Committee in August 2009 (refer to Supporting Document 257-1), however planning consent has not yet been issued as the application is subject to a legal agreement in relation to development contributions being concluded.

357 Scottish Environment Protection Agency

It is considered that the Proposed Local Development Plan makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to culvert removal and channel restoration. Policy EP15 on Development Affecting the Water Environment states in its preamble that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. Developers are required to consider potential impacts and mitigations to enhance and restore water the environment. Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters. This includes in sub section d) the need for compliance

with best practice in relation to canalisation and culverting.

In relation to the contributor's comments regarding the sites proximity to the sewage works, the Proposed Local Development Plan includes a number of policies that any application for this site would be assessed against. The key policies in relation to this issue on proximity to the sewage works are: Policy PMD2 Quality Standards (page 24) and Policy HD3 Protection of Residential Amenity (page 79).

Policy PMD2 Quality Standards seeks that all new development will be designed to fit with the Scottish Borders townscapes and to integrate with its landscape surroundings. In respect of 'Placemaking and Design', bullet point 'K' states that in relation to the new development: *"it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form"*.

Policy HD3 Protection of Residential Amenity aims to protect the amenity of both existing established residential areas and proposed new housing developments. In addition, the Introduction section of Policy HD3 refers to Scottish Planning Policy and the need for high quality layout in housing developments in order to protect residential amenity. In that respect paragraph 36 of Scottish Planning Policy 2014 (refer to Core Document 026) states: *"Planning's purpose is to create better places. Placemaking is a creative, collaborative process that includes design, development, renewal or regeneration of our urban or rural built environments. The outcome should be sustainable, well-designed places and homes which meet people's needs"*.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, PMD2 and HD3 and that the insertion of the contributor's proposals are not necessary.

404 Edwin Thompson

It is noted that the allocated site AOXTO001 Station Yard is not constrained within the Scottish Borders Housing Land Audit (HLA) 2013 (Core Document 039). In addition the HLA has recorded that a developer has an interest in the site. Construction is also programmed for years 2017 and 2018.

It is noted that the contributor has made a further objection to the Plan in that they seek the allocation of an alternative site for housing at Oxton (refer to Issue 258). In that respect it should be noted that Scottish Planning Policy 2014 (Core Document 026) (paragraph 40) requires development plans to promote a sustainable pattern of development appropriate to the area by *"... considering the re-use or re-development of brownfield land before new development takes place on greenfield sites ..."*.

In addition, it should be noted that the settlement of Oxton is not located within any the Strategic Development Areas as set out in SESplan Strategic Development Plan (Core Document 001). Outwith the Strategic Development Areas, the SESplan Supplementary Guidance on Housing Land (Core Document 002) sets out a requirement of 80 units.

Whilst it is noted that the Settlement Profile for Oxton within the Proposed Plan states that *"Development to the north and east of the settlement will be resisted where it would have a significant effect on the international nature conservation value of the Leader Water or impact on the countryside setting of the settlement as viewed from the A68 trunk road"*; as noted above the site is a brownfield site which offers the opportunity to enhance the

settlement and particularly views into the settlement from the north east and from within the settlement. The site is well screened and it is considered that the site offers the opportunity for a modest scale of development outwith the Strategic Development Areas.

Reporter's conclusions:

1. The site is situated to the west of the A68, on the northern side of Station Road, at the north eastern edge of the small village of Oxton. There are houses adjoining the site to the west and east. There are also open fields, a waste water treatment works, and Leader Water in the area. The site itself extends to around 0.5 of a hectare, sits on top of an embankment, and forms part of a larger area, extending outwith the development boundary. It was used as an industrial yard. Its northern edge is defined by a burn which flows underneath the site through a culvert.

2. The allocation of the site for housing in the proposed plan is a continuation of the allocation in the adopted 2011 Consolidated Scottish Borders Local Plan (which included it for the first time). The adopted 2005 Scottish Borders Local Plan shows that the site is within the development boundary, but not allocated for any purpose. The site is included in the 2014 housing land audit, with development on site estimated to commence in 2018 and to complete in 2019. The indicative site capacity given in the audit and the proposed plan is 10 houses, all in the effective housing land supply. In 2009, the planning authority approved an application for 11 houses on the larger area, including 2 affordable ones. However, no planning permission has been issued because a legal agreement concerning developer contributions has not yet been concluded. In essence, the representations seek the removal of this allocation from the proposed plan and, if it remains, additional site requirements are sought designed to achieve improvements to the water environment, and to minimise nuisance from proximity to the sewage works.

3. The site is noted in the 2013 and 2014 housing land audits as having developer interest and no constraints, and it is estimated that development will start and be completed within the next 5 years. The capacity indicated for the site is proportionate to the size of the village. The site is within the village and brownfield and, as such, is a preferred location for development. The site is visible in an open landscape, but the indications are that a landscape scheme, including structural planting, can be devised and provide acceptable containment. The proposed plan sets out the site requirements for landscaping. Development here would also integrate well with the fabric of the village, and would be unlikely to materially detract from its countryside setting. I see little to support the assertion that the site is constrained because of its elongated nature. Drawing all these elements together, I am satisfied that this is a reasonable and suitable allocation for housing, and that it should be retained in the plan.

4. The Scottish Environment Protection Agency has concerns about the risk of flooding, but is content that the proposed plan includes a site requirement for a flood risk assessment. It hopes that the development of this allocation would provide an opportunity to contribute to the objectives of the River Basin Management Plan. However, I believe that policy EP15 (development affecting the water environment) provides adequate guidance on this matter, and that it is unnecessary to add a specific site requirement to the allocation. The supporting text for policy EP15 indicates that where appropriate the council will adhere to the sustainable management objectives set out in the river basin management plans covering the Borders, and that opportunities to enhance and restore the water environment in support of biodiversity are set out in supplementary guidance. Additionally, in this case, I note that the terms of policy EP15

are reinforced by a site requirement in the proposed plan – evaluation and mitigation of moderate biodiversity interest, including potential impact on Leader Water, Tweed Special Area of Conservation.

5. I acknowledge that the removal of culverts, which are a significant pressure point, and channel restoration, can help improve the water environment and, as such, I consider it reasonable to highlight the need to consider this possibility as a site requirement. While it may be that this matter has not been considered in relation to the planning application referred to above, and that it is now too late to take into account, I consider that it is still appropriate to add the requirement because, if the legal agreement is not completed and the proposal does not proceed, it can be taken into account in future planning applications for the site.

6. The nearby wastewater treatment works is small and, while it is close to the site, it is already close to existing housing within the village. Any nuisance problems affecting the site would therefore be likely to equally affect existing houses. I am not satisfied that it has been demonstrated in this case that this issue needs to be highlighted in the site requirements listed in the proposed plan. Instead, I believe that it can reasonably be dealt with at the development management stage, within the context of the overall policy framework in place. This matter therefore requires no change to be made.

7. Overall, an adjustment is required to the proposed plan as set out below.

Reporter’s recommendations:

I recommend that the following modification be made:

1. On page 450 of Volume 2 Settlements, under the Development and Safeguarding Proposals section, adjust the fourth site requirement for site AOXTO001 (Station Yard) so that it reads:

“- Consider the need for a topographic survey to determine site levels and following this a flood risk assessment and appropriate mitigation may be required, because of the culvert under the site and, additionally, consider the potential for culvert removal and channel restoration.”

Issue 258	Housing outwith the Strategic Development Areas: Oxton (AOXTO005 – Nether Howden)	
Development plan reference:	Oxton Settlement Profile and Map, Site AOXTO005 – Nether Howden	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
404 Edwin Thompson		
Provision of the development plan to which the issue relates:	Oxton Housing Land	
Planning authority's summary of the representation(s):		
<p>The contributor proposes a new site at Nether Howden (AOXTO005). The site is 4.4 acres and has potential to accommodate 30 units. The site is unconstrained and could provide a range of housing types and tenures. The site is also capable of coming forward during the Local Development Plan period and there is scope for the site to be served by fresh water, waster water, electricity and roads. The advantages of this site is that it is a logical expansion of the village being contained between Justice Park and Nether Howden Farm, adjoins a modern development to the east offering continuity, is naturally screened from the A68 thereby protecting the countryside setting of Oxton, is relatively flat and unconstrained, is easily accessible, and there is market demand in Oxton.</p>		
Modifications sought by those submitting representations:		
The contributor seeks the allocation of site AOXTO005 for housing.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO HOUSING ALLOCATION AT OXTON</p> <p>Note: This Schedule 4 should be cross-referenced with the Schedule 4 for housing site AOXTO001 at Oxton, refer to Issue 257.</p> <p>REASONS</p> <p>It is noted that this is a new site that has only come forward during the Representation Period of the Proposed Plan, and has not been considered at any other time throughout the Local Development Plan Process. Furthermore it should be noted that the Council undertook a call for sites (Expressions of Interest) from 12 October 2010 through to 28 January 2011 as encouraged by Circular 6/2013 Development Planning (Core Document 031) (paragraph 64), however, as a result of a low response rate the time period was extended through to 28 February 2011.</p> <p>It is also noted that the Proposed Plan continues to allocate housing site AOXTO001 Station Yard which is formally allocated within the Scottish Borders Consolidated Local Plan 2011 (Core Document 007) and is a brownfield site. In addition an application has</p>		

been approved on that site for nine houses and two affordable houses. The planning application 08/02110/FUL was approved by the Planning and Building Standards Committee in August 2009 (refer to Officer Report - Supporting Document 258-1), however planning consent has not yet been issued as the application is subject to a legal agreement in relation to development contributions being concluded. In addition it is also noted that Scottish Planning Policy 2014 (Core Document 026) (paragraph 40) requires development plans to promote a sustainable pattern of development appropriate to the area by “... *considering the re-use or re-development of brownfield land before new development takes place on greenfield sites ...*”.

Furthermore in respect to the allocated site AOXTO001 Station Yard, it is noted that the site is not constrained within the Scottish Borders Housing Land Audit (HLA) 2013 (Core Document 039) and the HLA has recorded that a developer has an interest in the site. Construction is also programmed for years 2017 and 2018.

The representation site at Oxton is located outwith the Strategic Development Areas where there is a limited housing land requirement. The Proposed Local Development Plan already allows for a generous supply of housing land as required by Scottish Planning Policy 2014 (Core Document 026) (paragraph 110). Outwith the Strategic Development Areas the SESplan Supplementary Guidance on Housing Land (Core Document 002) identifies a requirement of 80 units. The new sites brought forward through the Proposed Plan allow for a generous distribution of housing land outwith the Strategic Development Areas taking account of proximity to settlements where key services and facilities are located.

After assessment, the inclusion of site AOXTO005 within the Plan is seen as Doubtful as development would not be appropriate at this location as there are other more suitable sites available to meet the housing requirement outwith the Strategic Development Areas. Site specific reasons for the non-inclusion of site AOXTO005 are set out in the site assessment (Supporting Document 258-2), in summary these are: the site has limited access to services and sits adjacent to Special Landscape Area, the site would require significant landscape enhancement particularly to the south. The size of the site at 1.9ha is considerable and is not required at present. There is already an allocated brownfield site within the settlement awaiting development. The site is located outwith the Strategic Development Areas where there is limited housing land requirement.

The Site Comparison Report (Core Document 077) identifies the most suitable sites available to meet the housing requirement outwith the Strategic Development Areas. Sites have been allocated at Birgham, Bonchester Bridge, Eddleston, Greenlaw, and Swinton. It is sites within these particular settlements which contribute to meeting the Housing Land requirement.

It is therefore considered that the Proposed Local Development Plan meets the provisions of the SESplan Strategic Development Plan (Core Document 001) and its associated Supplementary Guidance on Housing Land (Core Document 002) in providing land to meet the housing requirement (refer to Core Document 017 Updated Appendix 2 Meeting the Housing Land Requirement). In addition, the Proposed Plan provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan. There is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy 2014 (Core Document 026). In addition it should be noted that the Proposed Plan also provides additional flexibility in the form of

<p>redevelopment sites and sites with potential for longer term development.</p>
<p>Reporter’s conclusions:</p>
<p>1. The site is situated to the west of the A68, at the south eastern edge of the small village of Oxton. There are houses adjoining the site to the west and north, open fields to the south, and Nether Howden Farm to the east. The site itself extends to around 1.9 hectares, and comprises a reasonably elevated open field, sloping up towards the south, with access being taken from the minor road to the north, which links with Station Road. It appears to be visible from the A68.</p> <p>2. The site is identified in the proposed plan as being in the countryside. It also has a countryside designation in the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Consolidated Scottish Borders Local Plan. There is a special landscape area on the eastern side of the A68. The proposed plan and the 2014 housing land audit identify a site for housing within the village. Housing land supply matters are dealt with at issues 49 and 80. The representation seeks the allocation of the site for housing. While it proposes up to 30 houses, the site is large enough to accommodate around 45 houses.</p> <p>3. This representation has little supporting information. It came forward for the first time in 2014 during the period for making representations to the proposed plan, rather than when the planning authority made a “call for sites” between the end of 2010 and the beginning of 2011, which would have been a more appropriate time.</p> <p>4. I accept that this area could possibly be a reasonable direction for the future expansion of Oxton, and that the Borders railway and the station at Stow are close enough to benefit the village. However, the scale of development that could be accommodated on a greenfield site of this size would be disproportionately large compared to the size of the village, a more appropriate brownfield housing opportunity, which is proportionate to the size of the village and within the development boundary, has been identified in the proposed plan, there is no satisfactory landscape assessment to judge whether this is an acceptable, and an appropriate, site for the long term expansion of the village (taking into account its countryside setting, and views from the A68), it would appear from the representation that the housing allocation in the plan would take up most of the indicative available capacity in the Oxton waste water treatment works, and that this proposal, taken as a whole, would exceed that capacity. Taking all these factors together, I do not believe that it would be appropriate to allocate the site for housing at this time.</p> <p>5. Overall, no adjustment is required to the proposed plan.</p>
<p>Reporter’s recommendations:</p>
<p>No modifications.</p>

Issue 259	Peebles Settlement Profile - Affordable Housing	
Development plan reference:	Peebles Settlement Profile and Map, Affordable Housing	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
289 Community Council of The Royal Burgh of Peebles & District		
Provision of the development plan to which the issue relates:	Peebles Affordable Housing	
Planning authority's summary of the representation(s):		
<p>The contributor states that there is still a requirement for more truly affordable housing in Peebles; that is housing that people can afford to buy or rent and should not be interpreted as poorly designed or cheaply constructed housing.</p>		
Modifications sought by those submitting representations:		
The contributor seeks more affordable housing within Peebles.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE</p> <p>REASONS</p> <p>Scottish Planning Policy 2014 (Core Document 026 paragraph 129) states that “... <i>Planning authorities should consider the level of affordable housing contribution which is likely to be deliverable in the current economic climate, as part of a viable housing development. The level of affordable housing required as a contribution within a market site should generally be no more than 25% of the total number of houses</i>”.</p> <p>In respect to the Proposed Local Development Plan, policy ‘HD1 Affordable and Special Needs’ sets out that where there is a need for affordable housing, a contribution which is currently at 25% will be required. (It should be noted that this relates to developments of two or more units). Therefore any application submitted would be assessed against this policy and also against Supplementary Planning Guidance (SPG) on Affordable Housing (Core Document 060). In relation to the level of the development contribution set, the SPG on Affordable Housing (CD 060) states that “<i>It is proposed to apply a baseline or minimum requirement of 25% of the total unit development size of all new private housing sites to be made available for affordable housing. The proposed targets are supported by the HNDAs, and an adjustment has been made to ensure the continued attractiveness of the Borders to developers. This also reflects the 25% benchmark figure included in Scottish Planning Policy and previous adjustment to consider market conditions</i>”.</p>		

Reporter's conclusions:
<p>1. Policy HD1: <i>Affordable and Special Needs Housing</i> sets out the criteria against which housing proposals will be assessed, in order to ensure that affordable housing is delivered on both allocated and windfall sites. The council intends also to prepare supplementary guidance in support of that policy.</p> <p>2. I consider it appropriate that this policy operates on a plan-wide basis, and am content that it will ensure the provision of appropriate levels of affordable housing in settlements such as Peebles. I do not, therefore, consider it necessary that any specific modification is made to the Peebles settlement profile in this regard.</p>
Reporter's recommendations:
<p>No modifications.</p>

Issue 260	Peebles Settlement Profile and Map: Core Activity Area	
Development plan reference:	Peebles Settlement Profile and Map, Core Activity Area	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
289 Community Council of The Royal Burgh of Peebles & District		
Provision of the development plan to which the issue relates:	Peebles Core Activity Area	
Planning authority's summary of the representation(s):		
The contributor states that the 'Core Activity Area' should be extended to include the Northgate, Cuddy Bridge, Old Town and frontage to the east of Eastgate.		
Modifications sought by those submitting representations:		
The contributor seeks that the 'Core Activity Area' be extended to include the Northgate, Cuddy Bridge, Old Town and frontage to the east of Eastgate.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE PEEBLES CORE ACTIVITY AREA AS SET OUT IN THE PROPOSD LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>Proposed Local Development Plan policy 'ED4 Core Activity Areas in Town Centres' states that within core activity areas "<i>a mix of uses appropriate to the town centre will be allowed. Class 1 and 3 of the Use Class Orders are seen as appropriate uses ...</i>" the policy continues "<i>Proposals for other uses including Class 2 will be assessed in terms of their contribution towards the core retail function of the area and will only be acceptable where there is a significant positive contribution to the core retail function</i>".</p> <p>It is considered that the proposed additional areas are peripheral to the core activity area. It should be noted that outwith the core activity areas but still within town centres the Proposed Local Development Plan (page 39 paragraph 1.4) states that "<i>Appropriate development, as well as Class 1 shop uses, could include food and drink (Class 3 of the Use Classes Order), Offices (classes 2 and 4), commercial leisure and entertainment (including cinemas and theatres), residential, particularly flats above ground floor level, health care, education and tourism- related uses</i>".</p> <p>Reducing the number of uses or the opportunity for those uses to take place would detract from the town centre as a whole as well as the potential to result in a negative impact on the success of the town. Scottish Planning Policy 2014 (Core Document 026 paragraph 60) states: "<i>Planning for town centres should be flexible and proactive, enabling a wide range</i></p>		

of uses which bring people into town centres. The planning system should:

- *apply a town centre first when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities;*
- *encourage a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening;*
- *ensure development plans, decision-making and monitoring support successful town centres; and*
- *consider opportunities for promoting residential use within town centres where this fits with local need and demand”.*

It is therefore not considered appropriate to include those areas identified by the contributor as core activity areas.

Reporter’s conclusions:

1. Policy ED4: *Core Activity Areas in Town Centres* sets out the range of uses appropriate within the area’s delineated core activity areas. The Peebles core activity area is shown in the proposed plan as being limited largely to the High Street.
2. Although the Northgate, Cuddy Bridge, Old Town and frontage to the east of Eastgate were not delineated in the representation, I am satisfied that I was able to identify those areas during my site inspection.
3. My inspection of the area confirms the council’s view that these additional 4 areas, although located immediately adjacent to the proposed core activity area, are clearly peripheral. I noted those areas to accommodate a wider range of uses than would be permitted under Policy ED4. Scottish Planning Policy (SPP) places great emphasis on the role of town centres. The council refers to paragraph 60 of that document, which states that: “Planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres.”
4. I am satisfied that the extent of the core activity area as currently proposed strikes a reasonable balance between protecting the core retail frontage, but also allowing a wider range of uses to be accommodated around that core area. I conclude that to enlarge that core activity area would be likely to unreasonably restrict the vitality of the town centre, which would in turn run counter to SPP.

Reporter’s recommendations:

No modifications.

Issue 261	Business and Industrial within the Western Strategic Development Area: Peebles	
Development plan reference:	Peebles Settlement Profile and Map, Employment	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
368 Peebles Civic Society 289 Community Council of The Royal Burgh of Peebles & District		
Provision of the development plan to which the issue relates:	Peebles Employment Land	
Planning authority's summary of the representation(s):		
<p><u>368 Peebles Civic Society</u></p> <p>The contributor expresses concern in relation to the shortage of employment land available in the short term to satisfy the projected increase in population of Peebles. Sites zEL204, zEL2 and zEL46 are already fully used for business. The only indication of future provision for business is in the long term mixed used site SPEEB005 which is well past the proposed planning period to 2024.</p> <p><u>289 Community Council of The Royal Burgh of Peebles & District</u></p> <p>The contributor states that insufficient attention is given to the provision of economic development land.</p>		
Modifications sought by those submitting representations:		
The contributors seek additional provision of employment land for Peebles.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE</p> <p>Note: This Schedule 4 should be cross-referenced with the Schedule 4 for site APEEB042 – South Parks, refer to Issue 267.</p> <p>REASONS</p> <p>It is noted that Peebles is located in the Western Strategic Development Area as set out in the Strategic Development Plan SESplan (Core Document 001).</p> <p>The Scottish Borders Employment Land Audit (2013) (Core Document 038) carried out on a yearly basis by the Council acknowledges that “<i>There is a lack of immediately available employment land within the Northern area (2.3ha).</i>”</p>		

It is noted that Scottish Planning Policy 2014 (Core Document 026), paragraph 93 states that: *“The planning system should:*

- *promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;*
- *allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; ...”.*

The Council have sought to allocate additional land at Peebles for Business and Industrial use (refer to Supporting Document 261-1 Site Assessments and map). However, it should be noted that the Proposed Plan provides the opportunity to bring forward employment land on longer term mixed use site SPEEB005 Peebles East (South of the River) should it be required.

In addition, it should also be noted that as part of the Scottish Borders Local Plan Amendment Process the Council identified two sites BPEEB001 (South of South Park) and BPEEB003 (South Park II) (refer to Core Document 010 – Finalised Local Plan Amendment 2009). Those sites were considered by the Local Plan Amendment Examination Reporter (Core Document 021 refer to Issues 101 and 102) and the Reporter recommended that both sites be removed from the Plan.

Reporter’s conclusions:

1. These representations seek the allocation of additional employment land in Peebles. In its response, the council refers to the Scottish Borders Employment Land Audit (2013), which notes a lack of immediately available employment land in the area. It is disappointing, in that context, that the proposed plan fails to allocate additional such land in a settlement as significant as Peebles.

2. The representations do not, however, propose any specific allocations. On that basis I conclude that I have no evidence which could reasonably lead me to recommending the allocation of specific sites. I note, however, that proposal SPEEB005 may allow for the bringing forward of employment land opportunities within a mixed use development. That site appears to me to be well placed to build upon the clearly successful development of the nearby Cavalry Park business park.

3. I also bear in mind the representations raised under this Issue when dealing with other Issues affecting business and industrial allocations in Peebles.

Reporter’s recommendations:

No modifications.

Issue 262	Business and Industrial Safeguarding within the Western Strategic Development Area: Peebles (zEL2 Cavalry Park)	
Development plan reference:	Peebles Settlement Profile and Map, Site zEL2 – Cavalry Park	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Peebles Employment Land	
Planning authority’s summary of the representation(s):		
<p>The contributor objects to this site in that they would require a flood risk assessment to be included within the list of site requirements should the application differ from that which they have previously agreed. They state that they would require a flood risk assessment to assess the flood risk from the River Tweed.</p>		
Modifications sought by those submitting representations:		
The contributor seeks an additional site requirement for a flood risk assessment.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE EMPLOYMENT ALLOCATION</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Scottish Borders Main Issues Report (MIR) (Core Document 076 SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “<i>the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.</i>” Furthermore, paragraph 4.3 states “<i>This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation</i>”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that “<i>Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the</i></p>		

flood risk.”

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. SEPA is concerned about the flooding potential of the adjacent River Tweed. The agency’s flood protection map indicates a 1:200 year event flood risk affecting some very limited and peripheral parts of the allocation.
2. This is an existing business and industrial site, largely developed, which is being safeguarded in the proposed plan for such use. However, there is potential for property to be redeveloped or for changes of use. In such instances, account would require to be taken of the particular site conditions, including the concerns referred to by SEPA.
3. Under the circumstances, particularly in view of the very advanced state of development of the business and industrial area, I consider the threat from flood risk to be possible but not significant to the extent that a specific reference is necessary as a site requirement.
4. I am satisfied, therefore, that Policy IS8: *Flooding* provides an adequate basis for the ongoing development management of the business park.

Reporter’s recommendations:

No modifications.

Issue 263	Peebles Settlement Profile and Map: Future Development of Peebles	
Development plan reference:	Peebles Settlement Profile and Map, Future Development of Peebles	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
289 Community Council of The Royal Burgh of Peebles & District		
Provision of the development plan to which the issue relates:	Future Development of Peebles	
Planning authority's summary of the representation(s):		
<p>Existing development to the south east of Peebles is disconnected from the town and more building in this area will make the current bad situation worse. In addition the polarisation of the town (north of the river and south of the river) will only get worse with further housing arising from a second bridge. This will result in “split town”. In addition traffic levels and localised traffic congestion are not at a level that warrants a second bridge. The existing road layout needs to be optimised through physical improvements and demand management before promoting a second bridge. There is a need for more effort on reconnecting the existing settlement pattern through upgrading paths and cycle networks amongst other issues. It is considered that a second bridge for Peebles is secondary in importance to a foot bridge/cycle bridge around the same sort of proposed location. Connectivity across Peebles is poor, whilst there are plenty of paths and green spaces they are not joined in a coherent whole that meets the needs of both the community and visitors. More needs to be done to accommodate the movement of children to and from school, residents to and from services and facilities. Such proposals fit well with the Plans focus on Green Networks and not to do something suggest that Green Networks are more spin than practice.</p> <p>Future housing needs requires to be re-allocated to other sites north and south of the river. Medium and longer term provision can not be accommodated within the current development boundary north of the river without genuine improvements to access routes and supporting community services. The physical setting of Peebles is such that its boundaries can not be reasonably expanded much further, there are opportunities for modest infill and expansion but not for large-scale development.</p> <p>There also needs to be some recognition of the impact of the recently revised flood risk modelling undertaken by SEPA, part of which shows the land to the south east of the town to be at high risk of regular flooding.</p> <p>The contributor also suggests that an appropriate disaster response strategy should be developed should the existing Tweed Bridge be closed as opposed to building a second bridge.</p>		

Modifications sought by those submitting representations:
<p>The contributor seeks increased pedestrian and cycle connectivity within Peebles, and that the Local Development Plan identifies future housing requirements to both the north and south sides of the river; in addition the contributor also seeks that the Plan recognises the recently revised SEPA flood risk maps.</p>
Summary of responses (including reasons) by planning authority:
<p>NO CHANGE TO THE PEEBLES SETTLEMENT PROFILE</p> <p>REASONS</p> <p>Peebles is located in the Western Strategic Development Area as set out in the SESplan Strategic Development Plan (Core Document 001), and as a main town can as such expect to contribute to the “delivery of additional land for housing and employment and other development requirements” (paragraph 30 of SESplan).</p> <p>It should be noted that the issue of the Longer Term Expansion of Peebles has been considered previously by both the Local Plan Inquiry Reporter (refer to Core Document 020 pages 7-31 to 7-35) who considered the objections into the Finalised Local Plan 2005 and the Local Plan Amendment (2009) Examination Reporter (refer to Core Document 021 (Issues 098, 099 and 100)). The Inquiry Reporter recommended that the Council promote the necessary studies with a view to bringing forward an alteration to the Local Plan to set out the planning framework for the expansion area. The Council subsequently undertook a Local Plan Amendment and identified three sites within the Plan for potential longer term development at Peebles (refer to (Core Document 007 Scottish Borders Consolidated Local Plan 2011). These three sites SPEEB003, SPEEB004 and SPEEB005 have continued to be identified within the Proposed Local Development Plan. It should be noted that each of the longer term sites identified within in the Proposed Local Development Plan will be subject to further assessment and review during the next Local Development Plan Review. The allocation of these sites will also be dependant on the Housing Land Requirement set out in the future SESPlan – the Strategic Development Plan for the south east of Scotland.</p> <p>It should be noted that work to help identify a favoured option for a proposed new bridge across the River Tweed is currently on-going and as part of that exercise, Transport Consultants recently suggested that the existing Tweed Bridge would reach capacity by 2020 (refer to Supporting Document 263-1).</p> <p>Increased connectivity is an issue that the Council are keen to pursue. In that respect the Council are currently undertaking work to assist in bringing forward a new bridge for Peebles which would not only accommodate pedestrians and cyclists but also vehicles. It should be noted that Peebles is the last remaining major settlement within the Scottish Borders that is located on a river which relies on a single vehicular crossing. Therefore in the event that any incident occurs which would result in the Tweed Bridge (vehicular bridge) being closed, vehicles wishing to travel north to south of the river or vice versa would be required to travel via Cardrona. In addition to the Tweed Bridge at Peebles, the settlement also benefits from two pedestrian bridges - Fotheringham Bridge in the west of the settlement and Priorsford Bridge (located to the east of the Tweed Bridge). Whilst the Council have not yet made a decision on whether a new bridge for Peebles will be taken forward as further study work is progressing, provision of a new bridge linking north and</p>

south of the settlement would not only improve connectivity north and south of the river for vehicular traffic but would also improve connectivity for pedestrians and cyclists.

The settlement map for Peebles as contained within the Proposed Local Development Plan identifies the Key Greenspaces within the settlement and are protected by Policy EP11 Protection of Greenspace. It should also be noted that Peebles is located within the Scottish Borders Strategic Green Network as identified in Figure EP12a (refer to Policy EP12 Green Networks). The aim of Policy EP12 is to promote and support developments that enhance Green Networks. The Green Networks Technical Note (refer to Core Document 019) provides more information on the Green Networks identified within the Proposed Plan.

In respect to the contributor's comments regarding flood risk, it should be noted that the Scottish Environment Protection Agency has not sought the removal of any of the longer term sites identified within the Proposed Local Development Plan. (They do however as a result of the new flood risk data seek an additional site requirement for a flood risk assessment in respect of site SPEEB003 South West of Whitehaugh (Issue 273)).

It is noted that the contributor also seeks that an appropriate disaster response strategy be developed should the existing Tweed Bridge be closed. It is considered that this is not a Local Development Plan Issue but rather a matter that would be dealt with by Emergency Planning.

Reporter's conclusions:

1. The community council's representation comments on the future development direction of Peebles, but does not appear to raise specific concerns in regard to specific proposal sites. I note in this regard also that the proposed plan simply carries forward the proposals of the adopted plan in regard to housing proposal site TP7B and the 3 longer term development sites to its west and east. This being the case, I find no convincing reason under this representation to recommend that these proposals be deleted.

2. As far as the wider issue of connectivity within Peebles is concerned, the council advises that it is keen to pursue connectivity improvements within the town and is currently working to assist in bringing forward provision of a new bridge that would provide for pedestrian, cycle and vehicular traffic. I note in this regard that provision of such a link is identified as a site requirement for proposal SPEEB005.

3. I note the conclusions of the *Seeing Issues Clearly* transport study that the capacity of the existing Tweed Bridge is expected to be reached around 2020. That conclusion has not been directly challenged in this representation. As the proposed plan is required to plan beyond that time horizon, I find the site requirement for provision of a new bridge to be consistent with the findings of the study referred to above.

4. I find those comments in regard to connectivity of greenspace to be reasonable but no specific modifications to the proposed plan are suggested in this regard.

5. The council advises that SEPA does not, arising from recent flood risk modelling, seek the removal of any of the longer term sites in the south-east part of Peebles. It does, however, seek an additional site requirement for proposal SPEEB003, which is considered separately under Issue 273.

6. Finally, I concur with the council's contention that development of a disaster response strategy, premised on closure of the Tweed Bridge, falls outwith the scope of the proposed plan.

Reporter's recommendations:

No modifications.

Issue 264	Housing within the Western Strategic Development Area: Peebles (APEEB021 – Housing south of South Park)	
Development plan reference:	Peebles Settlement Profile and Map, Site APEEB021 – Housing south of South Park	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>79 Lawrie and Symington 289 Community Council of The Royal Burgh of Peebles & District 357 Scottish Environment Protection Agency 368 Peebles Civic Society 451 John Swanson</p>		
Provision of the development plan to which the issue relates:	Peebles Housing Land	
Planning authority’s summary of the representation(s):		
<p><u>79 Lawrie and Symington</u></p> <p>The contributor supports the allocation of site APEEB021. The contributor also states that the landowner is in discussion with a leading house builder and that this demonstrates that the site is not being promoted on a purely speculative basis.</p> <p>However, the contributor also objects in that they take issue with four of the site requirements set out in the Proposed Plan these are:</p> <p>The requirement for a flood risk assessment, the requirement for a watercourse buffer strip and the restriction of no development on the functional flood plain; as well as the provision of structure planting as set out within the Proposed Plan.</p> <p>In respect to the requirements in relation to flood risk assessment, a buffer strip and no built development to take place on the functional flood plain; the contributor refers to page 6 of the Technical Note on ‘Existing Flood Prevention Schemes’, stating that that information suggests that a form of mitigation is already in place. The contributor also refers to the Strategic Environmental Assessment (SEA) of the Proposed Plan which states that “flood risk assessment is not applicable” and also refers to the following comments included –“ SEPA Consultation Response: Request a flood risk assessment and a buffer strip to be included as site requirements. As well as no development should take place o the functional flood plain or over existing culverts.”</p> <p>The contributor continues stating that as the site lies within the Flood Prevention Scheme, they consider that the key matter in the case of flood risk is the form and habitat of the Edderston Burn. Matters relating to flood potential of this land was considered by Fairhurst consultants who stated that “The proposed development site at Edderston Road is shown to be outside the indicative flood risk area based on the SEPA flood map”. The contributors continue stating that Fairhurst recommended a Surface Water Management Plan would be developed to determine the requirements of a surface water drainage design. The contributor therefore requests that the recommendation by Fairhurst replaces the</p>		

requirements noted above within the Plan relating to flood risk.

The contributor states that they do not object to the site requirement regarding the culvert management.

The contributor also states that they take issue in respect to the site requirement regarding structural planting in relation to this site. They state that there is no specific justification or reason offered by the Council for the landscaping boundary as indicated and that it is unclear whether the landscaping boundary should be delivered as part of the application for this site.

289 Community Council of The Royal Burgh of Peebles & District

The contributor objects to the allocation of the site on the grounds of access and traffic congestion. Development for both housing and economic development at this location has previously been considered and rejected through the Local Plan Amendment process. Caledonian Road is effectively a single track road in the area of the Ambulance and Fire Station, and a pinch point associated with the roundabout at the bottom of Edderston Road. These traffic management issues require resolution before any further residential development in this area is included in the Plan.

357 Scottish Environment Protection Agency

The contributor supports this site as a flood risk assessment is required as set out in the site requirements and it is also noted that no development over the culvert or on the functional flood plain can take place.

368 Peebles Civic Society

The contributor states that there are currently two windfall housing applications submitted in Peebles, it is considered that should one of these sites receive planning consent, then one of the safeguarded sites should be moved to the following plan period. In addition, the contributor expresses concern in relation to the traffic on Caledonian Road.

451 John Swanson

The contributor objects to the allocation of the site on grounds of access and traffic generation along narrow twisting roads.

Modifications sought by those submitting representations:

79 Lawrie and Symington

The contributor seeks removal of four of the site requirements - the requirement for a flood risk assessment, the requirement for a watercourse buffer strip and the restriction of no development on the functional flood plain; as well as the provision of structure planting as set out within the Proposed Plan.

368 Peebles Civic Society

The contributor seeks for the site to be moved to the following plan period should windfall planning applications recently submitted be approved.

289 Community Council of The Royal Burgh of Peebles & District and 451 John Swanson

The contributors seek the removal of the site from the Plan.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE HOUSING ALLOCATION APEEB021

Note: This Schedule 4 should be cross-referenced with the Schedule 4 for longer term site SPEEB006 at Peebles, refer to Issue 275

REASONS

It should be noted that the contributor 79 Lawrie & Symington has also supported the allocation of this site. In addition, contributor 357 Scottish Environment Protection Agency also supports the site as a flood risk assessment is required as set out in the site requirements, they also note that no development is to take place over the culvert or on the functional flood plain.

Site APEEB021 was identified along with site APEEB041 in the Scottish Borders Main Issues Report (Core Document 006) for housing. The site assessment for site APEEB021 (Supporting Document 264-1), which is proposed for housing, concluded that the site is acceptable and that the allocation of this site will assist in meeting the housing land requirement identified in the SESplan Supplementary Guidance on Housing Land (Core Document 002).

Site APEEB021 is included in the Proposed Local Development Plan and the site requirements set out in the settlement profile deal with the issues to be addressed which were identified through the site assessment process. It is contended that this site is appropriate for housing purposes and all concerns have been satisfactorily addressed.

The Site Comparison Report (Core Document 077) identifies the most suitable sites available to meet the housing requirement in within the Western Development Area. This site APEEB021 South of South Park, and sites APEEB041 Violet Bank, and two mixed use sites at Cardrona MCARD006 North of Horsbrugh and MCARD007 South of Horsbrugh, have all been allocated within the Proposed Local Development Plan. It is these particular sites which contribute to meeting the Housing Land requirement. These sites brought forward through the new Plan already allow for a generous supply of housing land as required by Scottish Planning Policy 2014 (Core Document 026 paragraph 110). Therefore the site should remain in the Local Development Plan.

79 Lawrie and Symington

It is noted that the site assessment (Supporting Document 264-1) notes that the site is located out with the area identified on the SEPA flood risk maps. However, as also noted within the site assessment, SEPA were consulted both in advance of the publication of the Scottish Borders Main Issues Report (MIR) and at the time that the MIR was published and their comments have been fed into the site assessment. It was at their request that the Proposed Local Development Plan sets out requirements for a flood risk assessment, with no built development to take place on the functional floodplain and for a watercourse buffer strip.

In relation to the contributors submission, the Council's Flooding Officers states: "*It should be noted that there is an association with flooding around this area and there has been the following historical flooding;*

- *1926 – Many roads in Peebles impassable.*
- *1984 – Edderston Burn overflows into the back gardens of Edderston Road. This water joined the general surface water on Edderston Road to be carried to the corner of South Park Drive. There was also water carried from the Industrial Estate road to South Park Drive and this water could not be carried away as the culvert was already full.*
- *2004 – Flooding from the Edderston Burn, Diversion Channel and overland down roads caused flooding at South Park and at the base of Edderston Burn to around fifteen properties.*
- *2005 – Tweed Green flooded from the main rivers in Peebles.*

It is suggested within the response from Colliers International dated 19th December 2013 that there is mitigation in place at the site, in the form of the Southpark Area Flood Prevention Scheme 1987. However, I would note that the proposed area sits within the Diversion Channel Catchment described in the Peebles (South Park) Flood Prevention Scheme 1987 Final Report, compiled in 2006 by JBA Consulting [refer to Supporting Document 264-2]. Furthermore, within the study it is claimed that "overtopping at the drainage diversion channel is observed in the model for flows at greater than 0.56 m^{3/s}, which is the equivalent to a 1 in 2 year return period.....The areas that would appear to be at risk match the areas that have been flooded in the past, including Dukehaugh, Caledonian Road and South Park Drive". Therefore, although some areas are protected to a higher return period, there is the possibility that the proposed area could still be at risk during a 1 in 2 year flood event.

I would state that within the Colliers response, a report undertaken by Fairhurst with regards to flood risk at the site is referred to, the council does not have a record of, or access to this report at this time.

As there is a flood risk closely associated with the site, I would recommend that a flood risk assessment be undertaken to fully assess the flood risk at the site and any potential flood risk that could be moved downstream by building on the flood plain.

I would also maintain that the grill should be kept clear and maintained and that the implementation of a water course buffer strip would help reduce the impact of flooding".

In respect of the required buffer strip, attention is drawn to Proposed Local Development Plan policy EP15 on Development Affecting the Water Environment which states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area. It is therefore considered that provision of a buffer strip at this location will assist in meeting the objectives of the River Basin Management Plan and assist in the proposed development complying with policy EP15.

In terms of landscaping, it is noted that the Development and Landscape Capacity Study for Peebles (Core Document 046) supports development at this location, the site

requirements in the settlement profile confirms the need for adequate screening on the east, west and south. It is contended that the site is appropriate within the landscape and required planting around the perimeter of the site will ensure the development will appear a natural addition to the town with no adverse impact on the amenity of any existing residential property in the vicinity. It is considered that the proposed landscaping set out in the Proposed Local Development Plan will provide a setting, shelter and containment of the new allocated site in addition to reinforcing the settlement edge.

289 Community Council of The Royal Burgh of Peebles & District and 451 John Swanson

It should be noted that as set out in the site assessment for APEEB021 (Supporting Document 264-1), the Roads Planning section of the Council acknowledge that there are issues in relation to the local road network, however, they do not object to the allocation of this site. They state that whilst they have expressed concern about the site, the site does benefit from its *“relative close proximity to the town centre. This favours well from a sustainable transport point of view”*. The Roads Planning section further state that a Transport Assessment will be required to assist in determining the extent of adjustments required to the road infrastructure to ensure adequate access means and to ensure sustainable transport provision.

In respect to comments that the site has been previously considered, it is noted that an enlarged housing site which had been promoted by a developer was previously considered by the Local Plan Inquiry Reporter (Core Document 020, site TP1 page 7-20). (For location of site TP1 refer to Supporting Document 264-3). In addition, an enlarged site for mixed use was consider by the Local Plan Amendment Reporter (Core Document 021, site MPEEB002 Issue 103) as well as an additional enlarged site for housing site (APEEB016 Issue 88 (for location of site refer to Supporting Document 264-4)). It is also noted that both reporters who considered these issues recommended the exclusion of each of those sites from the Plan on traffic matters relating to access via Caledonia Road and South Parks and the Tweed crossing.

However, it is acknowledged that a site of the same extent as APEEB021 was brought forward by the Council for employment through the Local Plan Amendment process; and it is noted that the reporter also recommended the exclusion it from the Plan.

368 Peebles Civic Society

Allocating sites within the Plan is fundamental to meeting that requirement. Furthermore the Local Development Plan is required to allocate a generous supply of housing land which It is noted that the contributor does not object in principle to site APEEB021 being allocated for housing although, it is noted that they express concerns in relation to the traffic on Caledonian Road. However it should be noted that the site now identified in the Proposed Plan is a smaller site from that previously considered by the Local Plan Amendment Examination Reporter. In addition it is considered that issues in relation to roads are capable of being addressed.

Nevertheless, the Planning Authority has a responsibility to keep their plans up to date, and to ensure that the housing land requirement which is set by the Strategic Development Plan SESplan is met. is set out within Scottish Planning Policy (SPP) 2014 (Core Document 026 paragraph 110) which states: *“The planning system should:*

- *identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at*

least a 5-year supply of effective housing land at all times;...”.

In relation to infill sites, the Government considers through SPP 2014 (Core Document 026 paragraph 117) that infill or windfall sites can contribute to the supply of housing land.

Reporter’s conclusions:

1. I deal first with the representations seeking either to have the proposal deleted from the proposed plan, or to have the site programmed for development in a subsequent plan period.

2. Paragraph 117 of Circular 6/2013: *Development Planning* states that “Scottish Ministers intend the reporter within the bounds of the issues raised in representations, primarily to examine the appropriateness and sufficiency of the content of the Proposed Plan. Only if the Proposed Plan is insufficient or inappropriate should they consider other sites or approaches”. I must first, therefore, consider the appropriateness of the site for housing development. The site is located on the western edge of Peebles and would effectively extend the recent residential development which has taken place at South Park further to the west. I find the characteristics of the site and its surroundings, in principle, to be suited to further residential development.

3. Those representations seeking deletion of the site concentrate on the nature of the local road network between the town centre and the site. In response, the council states that although the Roads Planning section has raised concerns about the site, it has not objected to its inclusion in the proposed plan. It is pointed out that the relatively close proximity of the site to the town centre favours sustainable transport journeys. In addition, a transport assessment will be required to assist in considering the nature of adjustments to the local road network to facilitate development of the site. I agree that those considerations weigh in favour of inclusion of the site in the plan.

4. I am mindful, however, that previous proposals for development at this location have been excluded from proposed plans at the recommendation of reporters. Whilst most of these proposals were of a larger scale than this relatively modest development with a notional capacity of 50 units, the council acknowledges that an employment proposal of the same extent as this proposal was also previously recommended for exclusion on traffic grounds.

5. That brings me to the question of adequacy of the housing land supply. Peebles is located within the Western Strategic Development Area, one of the SDAs where SESplan requires the bulk of housing land supply within the Scottish Borders to be provided. My conclusions as to the adequacy of that overall supply are set out under Issue 080. Within that context I do not find the traffic impacts of the proposal to be so clearly adverse as to justify its deletion from the proposed plan. In that regard I am content that necessary improvements to the local roads network will require to be addressed in a transport assessment. The proximity of the site to the town centre also cannot be ignored.

6. Taking all of these factors together, I find the inclusion of the site in the proposed plan to be appropriate. In addition, given the overall housing land supply position set out at Issue 080, any re-programming of the site to a subsequent development plan period would not be justified.

7. I now turn to consider those representations relating to the site requirements. SEPA

states a flood risk assessment to be required and that no development should take place over the culvert or on the functional flood plain. Conversely, a representation seeks to have these requirements deleted. Both of these matters are currently addressed in the site requirements set out in the proposed plan, and I am satisfied, given the location of the site and the record of flooding events in the area, that those requirements are necessary as is the one requiring the provision of a watercourse buffer strip. These are all matters which will, of course, stand to be assessed in greater detail prior to and during development management stage.

8. Lastly, I have already noted the site to be located on the western edge of Peebles. The site would be bounded by open countryside to the west and south. In these circumstances I consider it entirely appropriate that a landscaped settlement edge is provided. I note, however, that buffer planting is also denoted on the proposals map as extending along the eastern boundary of the site with the adjacent residential development. It is in my experience good practice to provide landscape buffers between residential developments, although there is clearly less justification for this in comparison with the western and southern site boundaries. The extent of the landscape buffer along the eastern boundary will require to be carefully considered at development management stage.

Reporter's recommendations:

No modifications.

Issue 265	Housing within the Western Strategic Development Area: Peebles (APEEB031 – George Place)	
Development plan reference:	Peebles Settlement Profile and Map, Site APEEB031 – George Place	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>177 Tweed Homes 357 Scottish Environment Protection Agency 451 John Swanson</p>		
Provision of the development plan to which the issue relates:	Peebles Housing Land	
Planning authority's summary of the representation(s):		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor supports this site as a flood risk assessment is required as set out in the site requirements.</p> <p>The contributor objects to this site in that they would require an additional requirement should be included for this site to help contribute to the objectives of the River Basin Management Plan. Development should not add any further morphological pressures to the Eddleston Water or result in any deterioration in status which is currently bad. Any opportunities to improve modified habitat should also be harnessed.</p> <p><u>177 Tweed Homes</u></p> <p>The contributor states that the site is shown to be at risk of flooding within the recently published Flood Maps. Therefore this site could be an ineffective allocation until a Flood Prevention Scheme is implemented in Peebles, and would suggest that additional sites are considered to ensure a generous supply of housing.</p> <p><u>451 John Swanson</u></p> <p>The contributor states that this is a poor site for residential building. In six instances of flooding since 2012, this site was under water on each occasion. Raising the land to allow for development will only transfer the problem elsewhere.</p>		
Modifications sought by those submitting representations:		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor seeks an additional site requirement for the site to contribute to the objectives of the River Basin Management Plan.</p>		

177 Tweed Homes and 451 John Swanson

The contributors seeks the removal of the site from the Plan.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE HOUSING ALLOCATION APEEB031

REASONS

It should be noted that the contributor 357 Scottish Environment Protection Agency (SEPA) have also supported this site as a flood risk assessment is required as set out in the site requirements.

This site was first formally allocated within the Scottish Borders Consolidated Local Plan 2011 (Core Document 007) following the recommendation of the Local Plan Amendment Examination Reporter (refer to Core Document 021 Scottish Borders Local Plan Amendment Examination Report) (Issue 095). The site had been subject to public consultation prior to its inclusion in the Consolidated Local Plan.

It should be noted that the site benefited from an earlier planning consent although the consent has now lapsed. The planning consent was for outline permission for 36 units (04/01653/OUT).

It is noted that the respondents did not respond on these matters to the Scottish Borders Main Issues Report (MIR) (for SEPA response to MIR refer to Core Document 077). The MIR (Core Document 006) states in paragraph 4.2 *“the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.”* Furthermore, paragraph 4.3 states *“This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”*. In respect to contributor 357, this information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

357 Scottish Environment Protection Agency

The Proposed Local Development Plan makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area. Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor's proposal is not necessary.

177 Tweed Homes and 451 John Swanson

As noted above SEPA have supported the site in that a requirement has been included in the Plan for a flood risk assessment.

It should be noted that this site is a brownfield site and as noted Scottish Planning Policy 2014 (Core Document 026) paragraph 40 states that: "*decisions should be guided by the following policy principles: ...*

- *considering the re-use or re-development of brownfield land before new development takes place on greenfield sites; ...*"

It should also be noted that the allocated site APEEB031 George Place is not constrained within the Scottish Borders Housing Land Audit (HLA) 2013 (Core Document 039). In addition the HLA has recorded that a developer has an interest in the site. Construction is also programmed for years 2017, 2018 and 2019.

The Council as Planning Authority has a responsibility to keep their plans up to date, and to ensure that the housing land requirement which is set by the Strategic Development Plan SESplan is met. Allocating sites within the Plan is fundamental to meeting that requirement. Furthermore the Local Development Plan is required to allocate a generous supply of housing land which is set out within Scottish Planning Policy (SPP) 2014 (Core Document 026 paragraph 110) which states: "*The planning system should:*

- *identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times; ...*". It is considered that this site contributes to meeting the housing requirements as set out in the SPP.

The Scottish Borders Consolidated Local Plan 2011 (Core Document 007) also allocated another site within a similar location in Peebles – site APEEB025 also for housing. Whilst that site had similar constraints to site APEEB031, site APEEB025 has been recently developed for housing and has therefore now been removed from the Plan.

It is therefore considered that the Proposed Local Development Plan meets the provisions of the SESplan Strategic Development Plan (Core Document 001) and its associated Supplementary Guidance on Housing Land (Core Document 002) in providing land to meet the housing requirement (refer to Core Document 017 Updated Appendix 2 Meeting the Housing Land Requirement). In addition, the Proposed Plan provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan. There is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy 2014 (Core Document 026). The Proposed Plan also provides additional flexibility in the form of redevelopment sites and sites with potential for longer term development.

Reporter's conclusions:

1. This housing proposal site is located within the urban area of Peebles and is currently occupied as a car workshop and an apparently partly-used yard. Given its close proximity to existing housing areas, I am in no doubt that development of the site for residential purposes is to be encouraged in principle.
2. SEPA supports development of the site as the site requirements include the provision of a flood risk assessment. It contends, in addition, that development of the site would provide an opportunity to contribute to the objectives of the River Basin Management Plan. I note, however, that Policy EP15: *Development Affecting the Water Environment* provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. I conclude that the terms of Policy EP15 provide a sufficient basis for development management of this site in respect of the wider water environment and that a specific site requirement to this effect is not necessary.
3. I now turn to consider those representations seeking deletion of the site. I agree with the council that SPP sets out explicit support, in principle, for the re-development of brownfield sites such as this one. I note also that the site is not recorded in the HLA as being constrained, and that there appears to be developer interest. Circular 6/2013: *Development Planning* states that: "Scottish Ministers intend the reporter within the bounds of the issues raised in representations, primarily to examine the appropriateness and sufficiency of the content of the Proposed Plan. Only if the Proposed Plan is insufficient or inappropriate should they consider other sites or approaches".
4. Within that context my attention has not been drawn to any insurmountable considerations which would suggest that inclusion of this site in the proposed plan is inappropriate, or that would outweigh the advantages of its re-development.

Reporter's recommendations:

No modifications.

Issue 266	Housing within the Western Strategic Development Area: Peebles (APEEB041 – Violet Bank II)	
Development plan reference:	Peebles Settlement Profile and Map, Site APEEB041 – Violet Bank II	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>357 Scottish Environment Protection Agency 368 Peebles Civic Society 431 Miller Homes 451 John Swanson</p>		
Provision of the development plan to which the issue relates:	Peebles Housing Land	
Planning authority's summary of the representation(s):		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor states that although the need for a flood risk assessment is included in the site requirements, they have not supported the site. They note that the boundary has been changed to reflect the agreement of the planning permission in 2010. They also state that they have previously commented on the site and agreed a flood level which stands, however should any subsequent application differ from what has been previously agreed, then they would object to a planning application unless a satisfactory flood risk assessment was submitted in support of that application.</p> <p>In addition, the contributor further objects to the site in that they would require an additional site requirement for a feasibility study to be undertaken to assess the potential for channel restoration by removing the existing or possible culverts. In addition there may be an opportunity to restore the water environment to its natural state by removing the culvert.</p> <p><u>368 Peebles Civic Society</u></p> <p>There are currently two windfall housing applications submitted in Peebles, it is considered that should one of these sites receive planning consent, then one of the safeguarded sites should be moved to the following plan period. In addition, the contributor expresses concern in relation to the traffic on Rosetta Road.</p> <p><u>431 Miller Homes</u></p> <p>The contributor supports this housing allocation with an indicative capacity for 25 units. In relation to the site requirements set out in the Proposed Plan, Miller Homes support the opportunity to agree a Planning Brief for the site. An indicative layout has already been prepared for the site. In addition much work has already been undertaken to meet these requirements. They also note that the site is deliverable and effective.</p>		

<p><u>451 John Swanson</u></p> <p>The contributor objects to the site as it is located partially in the high flood risk area.</p>
<p>Modifications sought by those submitting representations:</p>
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor seeks for a new flood risk assessment and for an additional requirement for a feasibility study to be undertaken to assess the potential for channel restoration by removing existing or possible culverts.</p> <p><u>368 Peebles Civic Society</u></p> <p>The contributor seeks for the site to be moved to the following plan period should windfall planning applications recently submitted be approved.</p> <p><u>451 John Swanson</u></p> <p>The contributor seeks the removal of the site from the Plan.</p>
<p>Summary of responses (including reasons) by planning authority:</p>
<p>NO CHANGE TO THE HOUSING ALLOCATION APEEB041 AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It should be noted that contributor 431 Miller Homes support the allocation of this site.</p> <p>Site APEEB041 (enlarged) was identified along with site APEEB021 in the Main Issues Report (Core Document 006) for housing. The site assessment for APEEB041 (Supporting Document 266-1), which is proposed for housing, concluded that the site is acceptable and that the allocation of this site will assist in meeting the housing land requirement identified in the SESplan Supplementary Guidance (Core Document 002).</p> <p>Site APEEB041 is included in the Proposed Local Development Plan and the site requirements set out in the settlement profile deal with the issues to be addressed which were identified through the site assessment process. In addition, it should be noted that the site has been substantially reduced from that consulted on within the Main Issues Report (Core Document 006).</p> <p>The Site Comparison Report (Core Document 077) identifies the most suitable sites available to meet the housing requirement in within the Western Development Area. This site APEEB041 Violet Bank, and sites APEEB021 South of South Park, and two mixed use sites at Cardrona - MCARD006 North of Horsbrugh and MCARD007 South of Horsbrugh, have all been allocated within the Proposed Local Development Plan. It is these particular sites which contribute to meeting the Housing Land requirement. These sites brought forward through the Proposed Plan allow for a generous supply of housing land as required by Scottish Planning Policy 2014 (Core Document 026 paragraph 110).</p> <p>It is contended that this site is appropriate for housing purposes and all concerns have</p>

been satisfactorily addressed. Therefore the site should remain in the Local Development Plan.

431 Miller Homes

Comments and support noted.

357 Scottish Environment Protection Agency

It is noted that the contributor does not object in principle to site APEEB041 being allocated for housing. It is also noted that the Proposed Local Development Plan (LDP) already includes a site requirement for a flood risk assessment for site APEEB041. In addition, it should be noted that the Council's Flooding Officer states: "*This site is out with the 1 in 200 year flood extent. It is recommended that surface water management be addressed at this site.*"

In respect to the request for an additional site requirement for a feasibility study to assess the potential for channel restoration by removing the existing or possible culverts, it is noted that the respondent did not respond on this issue to the Main Issues Report (MIR) (Core Document 076 SEPA Response).

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to culvert removal and channel restoration. Policy EP15 on Development Affecting the Water Environment states in its preamble that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. Developers are required to consider potential impacts and mitigations to enhance and restore the water environment. Policy EP15 states the Council's clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters. This includes in sub section d) the need for compliance with best practice in relation to canalisation and culverting.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor's proposal is not necessary.

368 Peebles Civic Society

It is noted that the contributor does not object in principle to site APEEB041 being allocated for housing although, it is noted that they express concerns in relation to the traffic on Rosetta Road.

In relation to roads, it should be noted that as set out in the site assessment for APEEB041 (Supporting Document 266-1), the Roads Planning section of the Council can support the allocation of this site. In addition they state that Transport Assessment may be required to assist in determining the extent of adjustments required to the road infrastructure to ensure adequate access means and to ensure sustainable transport provision.

The Planning Authority has a responsibility to keep their plans up to date, and to ensure

that the housing land requirement which is set by the Strategic Development Plan SESplan is met. Allocating sites within the Plan is fundamental to meeting that requirement. Furthermore the Local Development Plan is required to allocate a generous supply of housing land which is set out within Scottish Planning Policy (SPP) 2014 (Core Document 026 paragraph 110) which states: “*The planning system should:*

- *identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times;...*”.

In relation to infill sites, the Government considers through SPP 2014 (Core Document 026 paragraph 117) that infill or windfall sites can contribute to the supply of housing land.

451 John Swanson

It is noted that SEPA do not object to the principle of site APEEB041 being allocated for housing. It is also noted that the Proposed Local Development Plan already includes a site requirement for a flood risk assessment for site APEEB041. In addition, it is also noted that the Council’s Flooding Officer states: “*This site is out with the 1 in 200 year flood extent. It is recommended that surface water management be addressed at this site.*”

Site APEEB041 (enlarged) was identified along with site APEEB021 in the Main Issues Report (Core Document 006) for housing. The site assessment for APEEB041 (Supporting Document 266-1), which is proposed for housing, concluded that the site is acceptable and that the allocation of this site will assist in meeting the housing land requirement identified in the SESplan Supplementary Guidance (Core Document 002).

Site APEEB041 is included in the Proposed Local Development Plan and the site requirements set out in the settlement profile deal with the issues to be addressed which were identified through the site assessment process. It is contended that this site is appropriate for housing purposes and all concerns have been satisfactorily addressed.

Reporter’s conclusions:

1. Peebles is located within the Western Strategic Development Area where SESplan requires the addition to the housing land supply of capacity for 110 new units. This new proposal site lies immediately to the east of an active residential development site. Miller Homes, the developer of the adjacent site, has submitted a representation in support of allocation of this site, which aims to demonstrate how development could overcome the site constraints. All other things being equal, I take this as an indication of the marketability of the proposed site.

2. SEPA advises that it does not encourage development of this site but that, essentially, it intends to adhere to previously agreed flood levels. Any alteration to the agreed levels would, however, require to be supported by a satisfactory flood risk assessment. The proposed plan includes the submission of a flood risk assessment as a site requirement for development of this site.

3. Overall, I find the proposed site, in regard to its location and close relationship to an ongoing development site, to represent a sensible extension of the built area of Peebles. I am satisfied also that any risks to the site or other sites potentially affected by its development would require to be resolved prior to permission being granted for its

development.

4. SEPA states also that development of the site would provide an opportunity to investigate the potential for channel restoration by removing existing or possible culverts. I note that Policy EP15: *Development Affecting the Water Environment* provides guidance in regard to canalisation and culverting of watercourses. It seems to me though, that this refers to the assessment of proposals for such works, rather than situations where such works could be removed. I therefore find the terms of Policy EP15 to be insufficient to address the opportunity for culvert removal identified by SEPA. Given the location and characteristics of the site I consider it appropriate to recommend that the site requirement be modified accordingly in this regard.

5. Taking all of the above into account, and within the housing land supply context set out under Issue 080, I conclude that there is no justification for recommending that the site be deleted from the proposed plan, or that it be re-programmed to a later plan period.

Reporter's recommendations:

I recommend that the following modification be made:

1. Insert an additional site requirement for site APEEB041 as follows:

“Investigation of the potential for culvert removal and resultant channel restoration”

Issue 267	Housing within the Western Strategic Development Area: Peebles (APEEB042 – South Parks)	
Development plan reference:	Peebles Settlement Profile and Map, Site APEEB042 – South Parks	Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
199 RH Miller Group Ltd		
Provision of the development plan to which the issue relates:	Peebles Housing Land	
Planning authority’s summary of the representation(s):		
<p>The contributor seeks the allocation of site APEEB042 for housing. The site takes in part of the Safeguarded Business and Industrial site – zEL46, and allocated Business and Industrial site - zEL204. The western part of the site is currently an area of grassland while the eastern part of the site is the location of Millers Town and Country’s unit. The company is seeking to relocate to an alternative location which would attract a greater level of passing trade and appeal to larger market including tourists and are considering a number of options to the east of Peebles. The new housing site can be released in two phases with the western part coming forward first and the easterly part coming forward once Millers Town and Country have relocated. In support of allocating this site for housing, the contributor states: employment allocations within the Proposed Plan for the Western Borders areas are considerably higher than levels of take up over recent years; the loss of employment land at South Parks would not have an adverse impact on overall employment land supply; while housing development is underway, other sites are constrained and as such it is important that appropriate flexibility is applied in identifying further short to medium term development sites; sites within the Development boundary or are brownfield should be considered superior to greenfield sites outwith the boundary; sites within the Strategic Development Area such as this site should be preferred to those that fall outside it; The reuse of this site for housing development could reduce the need to rely on the release of alternative greenfield sites.</p> <p>The site provides a natural extension to housing at the Edderston Ridge. Whilst the site has been assessed previously by the Council, the contributors state that they are disappointed that the site has not been included in the Plan and that the assessment clearly demonstrates that there is no major physical constraints to the development of the site for housing. The contributor raises the issue that the assessment highlights a potential conflict between residential at this location and the adjacent employment site, yet this very issue is not raised within the site assessment for the nearby housing site APEEB021. In addition, the contributor does not consider that the Plan can deliver the housing requirements that are set out and refers to table 4 in Appendix 2 which states that the current build out rate is 503 houses per year, over a 10 year period 2009-2019 this equates to 5030 houses. This is 928 houses below the required target of 5958. This is further confirmed in Appendix 2 which states that over the last 5 year 41-54% of housing completions has come from windfall sites.</p>		

Modifications sought by those submitting representations:
<p>The contributor seeks the allocation of site APEEB042 for housing.</p>
Summary of responses (including reasons) by planning authority:
<p>NO CHANGE TO EMPLOYMENT ALLOCATIONS zEL46 AND zEL204.</p> <p>Note: This Schedule 4 should be cross-referenced with the Schedule 4 for Peebles Employment Land, refer to Issue 261.</p> <p>REASONS</p> <p>Peebles is located in the Western Strategic Development Area as set out in the SESplan Strategic Development Plan (Core Document 001) and has a SESplan Supplementary Guidance on Housing Land (Core Document 002) requirement of 110 units.</p> <p>After assessment (refer to Supporting Document 267-1 Site Assessment), the inclusion of site APEEB042 within the Plan is seen as Unacceptable. Development for housing would not be appropriate at this location as the site is on an allocated Employment site as well as part of a Safeguarded Employment site which is protected by SESplan Strategic Development Plan (Core Document 001) Policy 2 Supply and Location of Employment Land. There is a shortage of developable employment land in Peebles, and the loss of these sites would exacerbate that position. Cavalry Park is now complete, and site zEL204 provides the remaining available supply. In addition it is considered that housing at this location would result in a risk of conflict between existing neighbouring employment land and potential new housing. In addition, the Economic Development Section of the Council object to the loss of employment land at this location.</p> <p>The Site Comparison Report (Core Document 077) identifies the most suitable sites available to meet the housing requirement in within the Western Development Area. These sites APEEB041 Violet Bank, APEEB021 South of South Park, and two mixed use sites at Cardrona MCARD006 North of Horsbrugh and MCARD007 South of Horsbrugh, have all been allocated within the Proposed Local Development Plan. It is these particular sites which contribute to meeting the Housing Land requirement. These sites brought forward through the Proposed Plan already allow for a generous supply of housing land as required by Scottish Planning Policy 2014 (Core Document 026 paragraph 110).</p> <p>It is therefore considered that the Proposed Local Development Plan meets the provisions of the SESplan Strategic Development Plan (Core Document 001) and its associated Supplementary Guidance on Housing Land (Core Document 002) in providing land to meet the housing requirement (refer to Core Document 017 Updated Appendix 2 Meeting the Housing Land Requirement). In addition, the Proposed Plan provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan. There is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy 2014 (Core Document 026). In addition it should be noted that the Proposed Plan also provides additional flexibility in the form of redevelopment sites and sites with potential for longer term development.</p>

Scottish Planning Policy 2014 (Core Document 026), paragraph 93 states that: “*The planning system should:*

- *promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;*
- *allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; and*
- *give due weight to net economic benefit of proposed development”.* The Scottish Borders Employment Land Audit (2013) (Core Document 038) carried out on a yearly basis by the Council identifies the western part of the proposed housing site APEEB042 as part of the established employment land supply (site PE002 within the Audit), and also notes that the site is constrained by ownership and infrastructure. Paragraph 3.4.1 of the Employment Land Audit notes that “*There is a lack of immediately available employment land within the Northern area (2.3ha).*” It is therefore considered that this emphasises the importance of retaining the business and industrial use at South Park.

It should be noted that the Council have sought to allocate additional land at Peebles for Business and Industrial use but have been unable to find an appropriate new site (refer to Supporting Documents 267-2 Site Assessments). However, it should be noted that the Proposed Plan provides the opportunity to bring forward employment land on longer term mixed use site SPEEB005 Peebles East (South of the River) should it be required.

It is contended that this site is not appropriate for housing purposes, provides important employment opportunities for the area and should not be allocated within the Local Development Plan.

Reporter’s conclusions:

1. Paragraph 117 of Circular 2013: *Development Planning* states that: “Scottish Ministers intend the reporter within the bounds of the issues raised in representations, primarily to examine the appropriateness and sufficiency of the content of the Proposed Plan. Only if the Proposed Plan is insufficient or inappropriate should they consider other sites or approaches”.

2. The eastern part of this site is currently occupied and is part of a wider business and industrial safeguarding allocation. The western part is undeveloped but is allocated as a business and industrial proposal site (zEL204), in both the adopted local plan and the proposed plan.

3. That western part of the site forms part of the established employment land supply as set out in the council’s Employment Land Audit. That audit states there to be a lack of immediately available employment land within the northern area. Site zEL204 is the only business and industrial site allocation in Peebles, the council having advised that it was unable in the plan preparation process to identify additional appropriate business and industrial sites in the town.

4. Both the community council and the civic society have, in their representations set out under Issue 261, drawn attention to the perceived lack of business land in the town. I consider the very modest allocation of 0.9 hectares to be noteworthy for a settlement of this size, particularly in the context set out in the Employment Land Audit. I recognize that longer term business and industrial land may become available through proposal SPEEB005, but clearly this would not be for some time and would not address the

immediate need for business land which is apparent. The site under consideration here currently accommodates business use and is well placed to accommodate further such development.

5. Even in the housing land supply position set out under Issue 080, I find this consideration to outweigh the need to identify further housing land in the area. To that extent I find the proposed plan's allocations for this site to be appropriate.

Reporter's recommendations:

No modifications.

Issue 268	Housing within the Western Strategic Development Area: Peebles (APEEB043 – Tantah)	
Development plan reference:	Peebles Settlement Profile and Map, Site APEEB043 – Tantah	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
177 Tweed Homes		
Provision of the development plan to which the issue relates:	Peebles Housing Land	
Planning authority's summary of the representation(s):		
<p>The contributor seeks the allocation of site APEEB043 for housing. The site is already located within the Development Boundary and is available for development. Landscaping has already been carried out and maintained on the site since 2002 which would lessen the visual impact of the new housing.</p>		
Modifications sought by those submitting representations:		
The contributor seeks the allocation of site APEEB043 for housing.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE HOUSING ALLOCATIONS</p> <p>REASONS</p> <p>Peebles is located in the Western Strategic Development Area as set out in the SESplan Strategic Development Plan (Core Document 001) and has a SESplan Supplementary Guidance on Housing Land (Core Document 002) requirement of 110 units.</p> <p>It is noted the site is already located within the Development Boundary therefore its development is not dependent on an allocation within the Plan. The contributor could if they so wished submit a planning application at any time to test the appropriateness of the site for housing. It is acknowledged that new landscaping has already been introduced on the site. However it is noted that after assessment (refer to Supporting Document 268-1 Site Assessment), the inclusion of site APEEB043 within the Proposed Plan is seen as Doubtful, mainly due to the fact that the Roads Planning section of the Council state that considerable road upgrades would be required. In addition, there are other more suitable sites available to meet the housing requirement within the Western Strategic Development Area.</p> <p>The Site Comparison Report (Core Document 077) identifies the most suitable sites available to meet the housing requirement within the Western Development Area. These sites are APEEB041 Violet Bank, APEEB021 South of South Park, and two mixed use sites at Cardrona MCARD006 North of Horsbrugh and MCARD007 South of Horsbrugh,</p>		

have all been allocated within the Proposed Local Development Plan. It is these particular sites which contribute to meeting the Housing Land requirement. These sites brought forward through the Proposed Plan already allow for a generous supply of housing land as required by Scottish Planning Policy 2014 (Core Document 026 paragraph 110).

It is therefore considered that the Proposed Local Development Plan meets the provisions of the Strategic Development Plan SESplan (Core Document 001) and its associated Supplementary Guidance on Housing Land (Core Document 002) in providing land to meet the housing requirement (refer to Core Document 017 Updated Appendix 2 Meeting the Housing Land Requirement). In addition, the Proposed Plan provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan. There is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy 2014 (Core Document 026). In addition it should be noted that the Proposed Plan also provides additional flexibility in the form of redevelopment sites and sites with potential for longer term development.

It is contended that this site should not be allocated within the Local Development Plan.

Reporter's conclusions:

1. This proposed allocation is located within the settlement boundary of Peebles as identified in both the adopted local plan and the proposed plan. As the site represents 'white land' within the settlement boundary, I agree with the council that its development for residential purposes does not depend upon a specific housing land allocation in the proposed plan.
2. That alone is not, however, sufficient reason for the site not being specifically allocated for residential development. I note though that the council's assessment of the site highlights the need for significant access improvements and for that reason concludes the prospects of development to be doubtful. Although the representation states that the access could be widened, there is insufficient detail provided to enable me to safely conclude that the site is potentially effective.
3. In these circumstances I consider that any proposed development of the site would best be pursued by submission of a planning application, which would enable a detailed consideration of matters such as site access. The principle of development, as set out in paragraph 1 above, should not be at issue in that process. Should the site prove to be developable, it would make a modest windfall contribution to the housing land supply.

Reporter's recommendations:

No modifications.

Issue 269	Housing within the Western Strategic Development Area: Peebles (APEEB044 – Rosetta Road)	
Development plan reference:	Peebles Settlement Profile and Map, Site APEEB044 – Rosetta Road	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
448 Aberdeen Asset Management Ltd		
Provision of the development plan to which the issue relates:	Peebles Housing Land	
Planning authority’s summary of the representation(s):		
<p>The contributor seeks the allocation of site APEEB044 for housing. The owners are keen to improve the existing facilities in order to maximise the park’s full potential. The Plan recognises that tourism is one of the main employment sectors in the Borders and that the Borders environment has a special quality which should be sought to be protected in order to improve its legacy for future generations and tourism. Housing at this location would contribute to the aims and aspirations of the Plan and assist in cross-funding the improvement of the Holiday Park. Affordable housing can also be provided. The site along with site MPEEB006 has the potential to accommodate 200 units.</p>		
Modifications sought by those submitting representations:		
The contributor seeks the allocation of site APEEB044 for housing.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE HOUSING ALLOCATIONS</p> <p>Note: This Schedule 4 should be cross-referenced with the Schedule 4 for mixed use site MPEEB006 at Peebles, refer to Issue 276.</p> <p>REASONS</p> <p>Peebles is located in the Western Strategic Development Area as set out in the SESplan Strategic Development Plan (Core Document 001) and has a SESplan Supplementary Guidance on Housing Land (Core Document 002) requirement of 110 units for the period 2009 to 2024.</p> <p>After assessment (refer to Supporting Document 269-1 Site Assessment), the inclusion of site APEEB044 within the Plan is seen as Unacceptable. Development would not be appropriate at this location as the site is located on the Rosetta Road Caravan Park and housing here would result in the loss of an attractive tourism asset, the biodiversity risk on the site is moderate/major, and any development at this location would have an adverse impact on the setting of two category B listed Buildings onsite as well as resulting in a negative impact on the attractiveness of the approach into the settlement. In addition,</p>		

there are other more suitable sites available to meet the housing requirement within the Western Strategic Development Area. It is noted that the contributor intends to relocate the Caravan Park to the west of the site and outwith the Development Boundary.

The Site Comparison Report (Core Document 077) identifies the most suitable sites available to meet the housing requirement within the Western Development Area. These sites are APPEEB041 Violet Bank, APPEEB021 South of South Park, and two mixed use sites at Cardrona MCARD006 North of Horsbrugh and MCARD007 South of Horsbrugh, have all been allocated within the Proposed Local Development Plan. It is these particular sites which contribute to meeting the Housing Land requirement. These sites brought forward through the Proposed Plan already allow for a generous supply of housing land as required by Scottish Planning Policy 2014 (Core Document 011 paragraph 110).

It is therefore considered that the Proposed Local Development Plan meets the provisions of the SESplan Strategic Development Plan (Core Document 001) and its associated Supplementary Guidance on Housing Land (Core Document 002) in providing land to meet the housing requirement (refer to Core Document 017 Updated Appendix 2 Meeting the Housing Land Requirement). In addition, the Proposed Plan provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan. There is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy 2014 (Core Document 026). In addition it should be noted that the Proposed Plan also provides additional flexibility in the form of redevelopment sites and sites with potential for longer term development.

In respect to the contributors comments regarding affordable housing, it should be noted that any planning application submitted would be assessed against Local Development Plan (page 74) Policy HD1 Affordable and Special Needs Housing and Supplementary Planning Guidance on Affordable Housing (Core Document 060).

It is contended that this site is not appropriate for housing purposes and should not be allocated within the Local Development Plan.

It should also be noted that contributor 448 Aberdeen Asset Management Ltd has also submitted an objection in relation to the non allocation of site MPPEEB006 which is subject to a separate Schedule 4.

Reporter's conclusions:

1. Paragraph 117 of Circular 6/2013: *Development Planning* states that: "Scottish Ministers intend the reporter within the bounds of the issues raised in representations, primarily to examine the appropriateness and sufficiency of the content of the Proposed Plan. Only if the Proposed Plan is insufficient or inappropriate should they consider other sites or approaches."
2. In so far as I have concluded under Issue 080 that the housing land supply provided for in the proposed plan is insufficient, I must consider whether sites such as this one merit inclusion in the plan in order to increase that supply.
3. This site is located on the northern edge of Peebles – a principal settlement located within the Western Strategic Development Area. That weighs in favour, in principle, of inclusion of the site. The site currently comprises the Rosetta Holiday Park. At the time

of my site inspection the park appeared to be well-used and well-maintained, offering a range of static caravans, pitches and other holiday accommodation. The site is located within the settlement boundary as defined in the proposed plan, but is not subject to any specific safeguarding designation or proposal. Housing proposal site TP200 is located immediately to the east across Rosetta Road, and is currently under development.

4. In its schedule 4 response set out above, the council resisted allocation of the site for housing development for a range of site-specific reasons, and indicated that the site did not compare favourably in a comparative assessment of other potential housing sites. It came to my attention during the examination that progress was being made in the council's consideration of the planning application for development of this site. By means of a further information request (FIR 20) I requested that the council advise me of current progress in its determination of the planning application; whether in the light of that it wished either to update its response on Issues 269 and 276; or alternatively whether it wished me to take account of current progress; and, in any event; the notional housing capacity of the site and whether that is considered to be effective.

5. The council responded that its Planning and Building Standards Committee had considered a report on a mixed use development comprising of new housing, the relocation of the caravan park and other ancillary development, and that the committee was minded to grant planning permission subject to conditions and the conclusion of a legal agreement. The council advises that the permission would be subject to a condition requiring the provision of a new bridge connecting Kingsland Square and Dalatho Street over the Eddleston Water. The council's response makes clear its view that provision of the bridge is unlikely to be straightforward.

6. The council advises that it does not wish to amend its response on the representations to the proposed plan in this regard, but is content for me to take account of recent progress made. It considers that the capacity of the site would be unlikely to exceed 100 units, and that due to the requirement for the bridge, the site cannot currently be considered to be effective.

7. In response, Savills advises that technical work is underway to examine the impacts of providing the road link, and that title searches indicate that the land required to achieve this is in the ownership of the council. It therefore relies on paragraph 55 of PAN 2/2010: *Affordable Housing and Housing Land Audits* to contend that the site should be considered to be effective. I find that, on the balance of the available evidence, to be likely.

8. Paragraph 64 of Circular 6/2013: *Development Planning* states that: "Even if a site is not included in the Proposed Plan, evidence of it being subject to community engagement will be useful if the issue is considered at a subsequent Examination, helping ensure that the reporter is furnished with the necessary information to reach a conclusion, and if appropriate to recommend a modification to the plan." I am satisfied that the material provided as part of the examination, together with the information supplied on the council's assessment of the planning application referred to above, provides me with sufficient information on the environmental and other impacts of the proposal, and in regard to public engagement. On balance, I agree with the council's committee report that impacts arising from the proposed development are acceptable, and that any adverse impacts are outweighed by the advantages of the development scheme.

9. Taking all of the above into account, not least the imperative to provide for additional

housing land, and the recent progress in assessing the planning application, I see significant merit in allocating this site for housing development during the plan period.

10. I am mindful that modification of the plan to provide for the allocation of this site should not frustrate the matters which the council currently seeks to have safeguarded by means of legal agreement and planning condition. I recommend a relevant site requirement in this regard.

11. I recommend that the notional capacity of the site be set at 100 units. That should not, however, be viewed as a limit; the precise capacity will stand to be assessed during the development management process.

12. My conclusions on this Issue affect, and are reflected in my conclusions on Issue 276.

Reporter's recommendations:

I recommend that the following modifications be made:

1. Site APEEB044 be allocated as a housing proposal on the Peebles proposals map and in the Development and safeguarding proposals section of the Peebles settlement profile.

2. The indicative site capacity should be set at 100 units.

3. The following site requirement should be included:

“Development of the site shall proceed in accordance with the requirements agreed by the council in regard to its consideration of planning application 13/00444/PPP. Should that development not be implemented, a Planning Brief in the form of Supplementary Guidance will require to be produced for this site.”

4. Any minor consequential modifications to the plan are left to the discretion of the council.

Issue 270	Housing within the Western Strategic Development Area: Peebles (APEEB045 – Venlaw)	
Development plan reference:	Peebles Settlement Profile and Map, Site APEEB045 – Venlaw	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
488 Sidon Ventures Ltd		
Provision of the development plan to which the issue relates:	Peebles Housing Land	
Planning authority’s summary of the representation(s):		
<p>The contributor seeks extension of the Peebles Development Boundary to include site APEEB045 and is allocated for residential development to contribute in the future to meeting the demand for family housing. They consider that future development proposals for the site should be assessed in terms of Policy PMD5 Infill Development rather than Policy PMD4 Development outwith Development Boundaries. It is noted that the Scottish Borders benefits from 46% of its housing completions from windfall sites. Windfall sites are generally infill sites. The inclusion of the site within the settlement would be a minor addition and would not prejudice the character, visual cohesion or natural built up edge of the settlement as it is already surrounded by mixed development and fringe woodland. The site does not contribute to the sense of arrival in Peebles on arriving from the north. The site would not alter the landscape framework of Venlaw Hill as it nestles into the lower slopes. A sense of enclosure to the settlement is given by the wider landscape setting rather than wholly by this enclosed site alone.</p> <p>The site is visually contained and its setting can be enhanced by additional landscaping which would also protect the historic cultivation terraces thereby respecting the key principles of the Development and Landscape Capacity Study.</p> <p>The service Statement for Planning and Development published by Scottish Natural Heritage in June 2012 provides guidance on sites they would consider to be of strategic landscape importance which does not include this part of Venlaw Hill. Development at this location would provide the opportunity for improvement of the management of the surrounding sinuous woodland as far as Castle Venlaw Hotel and potentially the road itself in co-operation with local residents and businesses to provide a safer access and improved management of surface water run-off. The site is located to the north of Peebles and therefore not subject to the constraint of the need for a second vehicle crossing over the Tweed unlike the longer term sites located to the south of the river.</p>		
Modifications sought by those submitting representations:		
The contributor seeks the allocation of site APEEB045 for housing.		

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE HOUSING ALLOCATIONS

REASONS

Peebles is located in the Western Strategic Development Area as set out in the SESplan Strategic Development Plan (Core Document 001) and has a SESplan Supplementary Guidance on Housing Land (Core Document 002) requirement of 110 units.

It should be noted that a similar site at this location was previously considered by the Local Plan Amendment Examination Reporter (refer to Core Document 021) (Issue 086 (site reference APEEB001) for location of site refer to Supporting Document 270-1). That Reporter recommended that the site not be included within the Plan and stated that *“irrespective of the strategic housing target, that the site is not suitable for housing and the local plan amendment should not allocate the land for that purpose.”*

It is also noted that a similar site was submitted at the Expressions of Interest (Call for sites) stage – site APEEB032 and after assessment that site (refer to Supporting Document 270-2 Site Assessment), was found to be Unacceptable. Some of the site specific reasons for the exclusion of the site from the Plan are that the topography of the site would affect the ease of access particularly for walking and cycling, development at this location would result in a negative impact on archaeology and the nearby listed building. It is considered that the site would not integrate well into its surroundings. The site is also within the Special Landscape Areas and would negatively impact on it. Access into the site is constrained. In addition, there are other more suitable sites available to meet the housing requirement within the Western Strategic Development Area.

Following an additional site assessment for site APEEB045 (refer to Supporting Document 270-3 Site Assessment APEEB045), this site was also found to be Unacceptable. Through this assessment it has been found that the same constraints which applied to site APEEB032 also apply to site APEEB045. However, it is noted that this site also includes the historic cultivation terraces. Development on this site is not considered to be appropriate as the site was considered as part of the previous Local Plan Review and was discounted by the Council. Since that time the Development and Landscape Capacity Study (refer to Core Document 046) has identified this site as constrained. In addition the site was also considered as part of the Local Plan Amendment process and the Examination Reporter recommended that the site should not be included in the Plan (refer to Core Document 021). The topography of the site would affect the ease of access particularly for walking and cycling. Impact on archaeology and listed building. It is considered that the site would not integrate into its surroundings. It is also located within the Special Landscape Area and would negatively impact on it. The site is constrained by access into the site. In addition, there are other more suitable sites available to meet the housing requirement within the Western Strategic Development Area.

The Site Comparison Report (Core Document 077) identifies the most suitable sites available to meet the housing requirement within the Western Development Area. These sites are APEEB041 Violet Bank, APEEB021 South of South Park, and two mixed use sites at Cardrona MCARD006 North of Horsbrugh and MCARD007 South of Horsbrugh, have all been allocated within the Proposed Local Development Plan. It is these particular sites which contribute to meeting the Housing Land requirement. These sites brought

forward through the Proposed Plan already allow for a generous supply of housing land as required by Scottish Planning Policy 2014 (Core Document 026 paragraph 110).

It is therefore considered that the Proposed Local Development Plan meets the provisions of the SESplan Strategic Development Plan (Core Document 001) and its associated Supplementary Guidance on Housing Land (Core Document 002) in providing land to meet the housing requirement (refer to Core Document 017 Updated Appendix 2 Meeting the Housing Land Requirement). In addition, the Proposed Plan provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan. There is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy 2014 (Core Document 026). In addition it should be noted that the Proposed Plan also provides additional flexibility in the form of redevelopment sites and sites with potential for longer term development.

It is contended that this site should not be allocated within the Local Development Plan.

Reporter's conclusions:

1. Paragraph 117 of Circular 6/2013: *Development Planning* states that: "Scottish Ministers intend the reporter within the bounds of the issues raised in representations, primarily to examine the appropriateness and sufficiency of the content of the Proposed Plan. Only if the Proposed Plan is insufficient or inappropriate should they consider other sites or approaches. They are not tasked with making the plan as good as it can be, but with modifying those parts that are clearly inappropriate or insufficient."

2. In so far as I have concluded under Issue 080 that the housing land supply set out in the proposed plan is insufficient, I must consider whether sites such as this one merit inclusion in the plan in order to increase that supply. The site is located on the north-eastern edge of Peebles – a principal settlement located within the Western Strategic Development Area. That weighs in favour, in principle, of inclusion of the site. I note also that development of the site is unlikely to be constrained by the requirement for a second road crossing of the Tweed.

3. In considering the specific characteristics of the site, the council draws my attention to the conclusion of a previous reporter that the site is not suitable for housing, irrespective of the strategic housing target.

4. The representation contends the site to be a minor addition to the settlement and that its inclusion would not affect the character or visual cohesion of the settlement edge. It is stated that a sense of enclosure to the settlement is provided by the wider landscape, rather than by this site alone. Issues such as the road access and the presence of the historic cultivation terraces are not insurmountable.

5. I consider that the presence of the cultivation terraces, whilst likely to significantly reduce the notional capacity of the site, is highly unlikely render the entire site undevelopable. The council's roads officer appears, in the council's site assessment prepared as a supporting document, to be strongly opposed to development of the site. I agree that the preponderance of minor and individual accesses along this length of busy main road and the often difficult conditions for drivers and pedestrians arising from that, do not suggest that the situation ought to be further complicated by the addition of a new access for what could be a development site of significant scale. I am not convinced,

though, that a technical solution could not be arrived at which would facilitate some development on the site.

6. My main concern relates to landscape fit. I must pay particular regard to this as the site is located within a Special Landscape Area. I agree with the council that the existing settlement is well-contained at this point by rising topography to the east. I found that to be a very attractive feature of this important vehicular entrance to the town. Development of the site is likely to lead to the appearance of urban sprawl ascending the higher land to the east.

7. I conclude overall that the potential benefits of increasing the land supply by allocation of this site are outweighed by the likely significant adverse impact on the character and visual amenity of this sensitive settlement edge location.

Reporter's recommendations:

No modifications.

Issue 271	Housing within the Western Strategic Development Area: Peebles (TP7B – Whitehaugh)	
Development plan reference:	Peebles Settlement Profile and Map, Site TP7B Whitehaugh	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Peebles Housing Land	
Planning authority’s summary of the representation(s):		
<p>The contributor objects to this site in that they require an additional two site requirements to be added to the list contained within the Plan. The first additional requirement they require relates to a flood risk assessment to assess the flood risk from the Haystoun Burn. In addition they state that development may be constrained at this site due to flood risk.</p> <p>The second additional requirement they are seeking relates to the objectives of the River Basin Management Plan. They state that development should not add any further morphological pressures to the Glensax Burn or result in any deterioration in status which is currently good. Any opportunities to improve modified habitat should also be harnessed.</p>		
Modifications sought by those submitting representations:		
<p>The contributor seeks two additional requirements; the first for a flood risk assessment and a second seeking that site contributes to the objectives of the River Basin Management Plan.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE HOUSING ALLOCATION TP7B</p> <p>REASONS</p> <p>This site was first allocated within the Scottish Borders Local Plan 2008 and then carried through into the Consolidated Local Plan 2011 (Core Document 007). The Proposed Local Development Plan continues to allocate the site. In addition it should be noted that the site benefits from planning permission and construction of the site is well underway. In that respect, it should be noted that the Scottish Borders Housing Land Audit 2013 (Core Document 039) states that the site (TP99) has a site capacity of 215 units with a total of 137 units having been completed.</p> <p>It is noted that the respondent did not respond on this matter to the Scottish Borders Main Issues Report (MIR) (Core Document 076 SEPA Response). The MIR (Core Document</p>		

006) states in paragraph 4.2 “*the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.*” Furthermore, paragraph 4.3 states “*This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation*”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that “*Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.*”

In addition the Proposed Plan also makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area. Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

Therefore, it is submitted that the site is moving towards completion and in any event these matters can be adequately dealt with through the provisions of the mainstream policies IS8 and EP15 for any potential future applications on the site, and that the insertion of the contributor’s proposals are not necessary.

Reporter’s conclusions:

1. This site is allocated for housing in both the adopted local plan and the proposed plan. The 2014 Housing Land Audit indicates 167 units to have been completed out of a total capacity of 215 units. It was obvious during my site inspection that construction is proceeding apace.
2. Significantly, the council states in its response to the representation that the site benefits from planning permission.
3. This is an example of the planning process moving forward and I am satisfied that any further issues arising from development of the site could be satisfactorily addressed through consideration of the detailed policies of the plan. Those most relevant in this instance include Policy IS8: *Flooding* and EP 15: *Development Affecting the Water Environment*.

4. Under these circumstances I do not find the proposed plan to be inadequate in this regard.

Reporter's recommendations:

No modifications.

Issue 272	Longer Term Housing within the Western Strategic Development Area: Peebles	
Development plan reference:	Peebles Settlement Profile and Map	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
451 John Swanson		
Provision of the development plan to which the issue relates:	Peebles Longer Term Sites Roads Infrastructure	
Planning authority's summary of the representation(s):		
<p>For Longer Term sites SPEEB003 and SPEEB004, a road connecting Glen Road and Kingsmeadows is mentioned in the Plan yet no route as been safeguarded. The route needs to be defined now so that a proper by pass route can get traffic from the A72 across a new bridge to Kingsmeadows. It is also important that efficient connectivity between a new bridge and a new road is made; i.e the road and bridge should align from the A72 across the river to Kingsmeadows Road and on to Glen Road. This is important to persuade motorists to use the route and avoid the High Street/Tweed Bridge at peak times.</p>		
Modifications sought by those submitting representations:		
<p>The contributor seeks that the Local Development Plan safeguards a route for the proposed road that will connect Glen Road and Kingsmeadows and that sufficient connectivity between the new road and the new bridge is made.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE LONGER TERM</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Scottish Borders Main Issues Report (MIR). The MIR (Core Document 006) states in paragraph 4.2 <i>“the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.”</i> Furthermore, paragraph 4.3 states <i>“This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”</i>.</p> <p>It is also noted that the site requirements for sites SPEEB003 and SPEEB004 as set out within the Proposed Local Development Plan seeks a vehicular link between Glen Road and Kingsmeadows Road via the Whitehaugh land. However, it should also be noted that Appendix 3 of the Proposed Plan – ‘Supplementary Guidance and Standards’ sets out on page 164 that the Peebles South East area will be subject to planning framework</p>		

preparation in advance of the next Local Development Plan Review. It is therefore considered that the location of the linking road is a matter that should be dealt with through the planning framework that is proposed for the Peebles South East area and not through the Local Development Plan.

With respect to a proposed new bridge for Peebles, it should be noted that the Council has undertaken a significant amount of work in relation to determining a favoured bridge option for the town, but at the present time no final decision has been made. There are currently three route options currently being considered for the site of a potential new road bridge for Peebles and it must be noted that all of the existing route options are in the vicinity of the Cavalry Park area of the town. However, it must also be noted that no final decision on the funding of a new bridge has been taken by Scottish Borders Council at the present time. Therefore until a final decision has been made regarding the potential location for the new bridge, the decision was taken not to safeguard a potential line at the present time.

Reporter’s conclusions:

1. The site requirements for sites SPEEB003 and SPEEB004 seek a vehicular link between Glen Road and Kingsmeadows Road. In this regard the council draws my attention to Appendix 3 of the proposed plan. This makes clear the council’s intention that the Peebles South East area will be subject to planning framework preparation in advance of the next local development plan review. In the absence of any detailed proposals for the line of the link road I find it appropriate that this matter be progressed as part of the Peebles South East planning framework.
2. Similarly, in regard to links to a proposed new bridge for Peebles, the council advises that significant work has been carried out in relation to determining a favoured bridge option for the town. Currently, however, no final decision has been taken as to which of the 3 route options currently being considered are to be progressed. Significantly also, the council advises that there is no final decision on the funding of a new bridge.
3. Consequently, I consider that it would be premature for the proposed plan to safeguard a potential line and local road connections at the present time.

Reporter’s recommendations:

No modifications.

Issue 273	Longer Term Housing within the Western Strategic Development Area: Peebles (SPEEB003 – South West of Whitehaugh)	
Development plan reference:	Peebles Settlement Profile and Map, Site SPEEB003 – South West of Whitehaugh	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Peebles Longer Term Housing	
Planning authority’s summary of the representation(s):		
<p>The contributor objects to this site in that they would require a flood risk assessment to be included within the list of site requirements. They state that they would require a flood risk assessment to assess the flood risk from the Haytoun Burn.</p>		
Modifications sought by those submitting representations:		
The contributor seeks an additional site requirement for a flood risk assessment.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE LONGER TERM SITE SPEEB003</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Scottish Borders Main Issues Report (MIR) (Core Document 076 SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “<i>the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.</i>” Furthermore, paragraph 4.3 states “<i>This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation</i>”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that “<i>Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.</i>”</p>		

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor's proposal is not necessary.

Reporter's conclusions:

1. This longer term housing proposal is allocated in both the adopted local pan and the proposed plan.
2. SEPA advises that a flood risk assessment is required which assesses the flood risk from the Haytoun Burn. There are 10 site requirements relevant to development of this site listed on page 459 of the proposed plan. None of these refer to any need to assess flooding risk or even take account of the presence of the watercourse. I acknowledge the council's contention that this matter is capable of being addressed by the wider policies of the plan, and in particular by Policy IS8: *Flooding*.
3. Potential developers of the site would, however, be entitled to rely on the otherwise very detailed site requirements already set out, some of which could be fairly described as being less crucial to development of the site than the potential for flooding.
4. It is disappointing that this matter was not resolved between the council and SEPA prior to proposed plan stage. That said, I conclude that the plan would be insufficient in failing to include this matter as a site requirement, in the circumstances set out above.

Reporter's recommendations:

I recommend that the following modification be made:

1. Insert an additional site requirement for site SPEEB003 as follows:
 "A flood risk assessment is required to assess the flood risk from the Haytoun Burn"

Issue 274	Longer Term mixed Use within the Western Strategic Development Area: Peebles (SPEEB005 – Peebles East (South of River))	
Development plan reference:	Peebles Settlement Profile and Map, Site SPEEB005 – Peebles East (South of River)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
333 Taylor Wimpey UK Ltd & AWG Property Ltd 357 Scottish Environment Protection Agency 451 John Swanson		
Provision of the development plan to which the issue relates:	Peebles Longer Term Mixed Use	
Planning authority's summary of the representation(s):		
<p><u>333 Taylor Wimpey UK Ltd & AWG Property Ltd</u></p> <p>The contributor seeks the reallocation of part of site SPEEB005 from Longer Term Mixed Use to an allocation of Housing. The site can be brought forward to assist the Council in meeting housing requirements and in maintaining the necessary continuous minimum five year supply of effective housing land. In addition earlier phasing of development on the site provides a unique opportunity for Scottish Borders Council to secure significant funding towards the building of a new bridge crossing the River Tweed which has been identified by the Council as a requirement. Peebles is the last river town in the Borders to rely on a single river crossing. The contributor also states that they would expect development contributions from all parties that would benefit from the new bridge including those sites allocated within the Plan. The site can also be developed in association with the adjacent site SPEEB003 owned by Taylor Wimpey and both Taylor Wimpey and AWG are willing to work together to progress development on both sites. The delivery of this infrastructure would be of significant benefit to the local community improving the environmental quality of the High Street. The Council will not be able to allocate suitable financial resources to the promotion of this project without contributions from the private sector. Importantly a significant early contribution to the cost of the bridge is required in order to ensure its delivery in the period to 2020. A financial appraisal has been undertaken, and a full residential development on the site generates greater level of potential funding towards a new bridge. Taylor Wimpey secured planning consent for the adjacent housing site TP7B in December 2007. To date they have sold 168 new homes on the site with 46 homes remaining to be built. It is anticipated that with sales of 27 per annum, completion of the site is expected in mid 2015. This demonstrates that even taking account of the economic downturn, Taylor Wimpey has experienced a strong demand in this part of the town which it anticipates will increase with the market. Several studies have been undertaken for the site including landscape and visual assessment, ecological assessment, archaeological assessment, utilities assessment, assessment of flood risk and consideration of transport and access issues. These studies have confirmed the suitability of the site for development. A conceptual Masterplan has been prepared showing how the site might integrate with the current housing development to the west and the existing eastern edge. Taking into account the need for a landscape framework, requirements for open space, recreation, access and circulation it is</p>		

anticipated that the site has an indicative capacity of 290 units. The site is considered by the Council in their site assessment as being acceptable and has many distinct advantages. Development would be carefully controlled with development phased in agreement with the Council via a Section 75 Legal Agreement. Payments toward the new bridge could be linked to the above phasing.

357 Scottish Environment Protection Agency

The contributor supports this site as a flood risk assessment is required as set out in the site requirements.

The contributor objects to this site in that they would require an additional requirement should be included for this site to help contribute to the objectives of the River Basin Management Plan. Development should not add any further morphological pressures to the Glensax Burn or result in any deterioration in status which is currently good. Any opportunities to improve modified habitat should also be harnessed.

451 John Swanson

The contributor states that the site is located within an area at high risk of flooding.

Modifications sought by those submitting representations:

333 Taylor Wimpey UK Ltd & AWG Property Ltd

The contributor seeks the reallocation of part of site SPEEB005 from Longer Term Mixed Use to an allocation of Housing.

357 Scottish Environment Protection Agency

The contributor seeks an additional site requirement for the site to contribute to the objectives of the River Basin Management Plan.

451 John Swanson

The contributor seeks removal of the site from the Plan.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE LONGER TERM SITE SPEEB005

REASONS

Peebles is located in the Western Strategic Development Area as set out in the SESplan Strategic Development Plan (Core Document 001) and has a SESplan Supplementary Guidance on Housing Land (Core Document 002) requirement of 110 units.

This longer term mixed use site was first formally identified within the Scottish Borders Consolidated Local Plan 2011 (Core Document 007) following the recommendation of the Local Plan Amendment Examination Reporter (refer to Core Document 021 Scottish Borders Local Plan Amendment Examination Report) (Issue 100) for mixed use development. The site had been subject to public consultation prior to its inclusion in the

Consolidated Local Plan. It should be noted that the Proposed Plan provides the opportunity to bring forward employment land on longer term mixed use site SPEEB005 Peebles East (South of the River) should it be required.

It is noted that contributor 357 Scottish Environment Protection Agency also supports the site as a flood risk assessment is required as set out in the site requirements.

333 Taylor Wimpey UK Ltd & AWG Property Ltd

As noted above, this mixed use site was previously considered by the Local Plan Amendment Examination Reporter, that Reporter recommended that the site should not be allocated for housing and stated that *“I do not accept that site SPEEB005 should be allocated for housing ...”*

The site requirements for the site as contained within the Proposed Local Development Plan requires that the site allow for the *“Provision of land for housing, employment, potential new school site and recreation ground. The site should also allow for the potential for tourism facilities”*.

Scottish Planning Policy (SPP) 2014 (Core Document 026) promotes mixed use communities and paragraph 40 states that: *“decisions should be guided by the following policy principles: ...*

- *using land within or adjacent to settlements for a mix of uses. This will also support the creation of more compact, higher density, accessible and more vibrant cores; ...”*. Paragraph 78 continues: *“... development that considers place and the needs of people before the movement of motor vehicles. It could include using higher densities and a mix of uses that enhance accessibility by reducing reliance on private cars and prioritising sustainable and active travel choices, such as walking, cycling and public transport. ...”*. In addition paragraph 122 also states that: *“Local development plans should allocate appropriate sites to support the creation of sustainable mixed communities and successful places and help to ensure the continued delivery of new housing”*.

The Site Comparison Report (Core Document 077) identifies the most suitable sites available to meet the housing requirement within the Western Development Area. These sites are APEEB041 Violet Bank, APEEB021 South of South Park, and two mixed use sites at Cardrona MCARD006 North of Horsbrugh and MCARD007 South of Horsbrugh, have all been allocated within the Proposed Local Development Plan. It is these particular sites which contribute to meeting the Housing Land requirement. These sites brought forward through the Proposed Plan already allow for a generous supply of housing land as required by Scottish Planning Policy 2014 (Core Document 026 paragraph 110).

It is therefore considered that the Proposed Local Development Plan meets the provisions of the SESplan Strategic Development Plan (Core Document 001) and its associated Supplementary Guidance on Housing Land (Core Document 002) in providing land to meet the housing requirement (refer to Core Document 017 Updated Appendix 2 Meeting the Housing Land Requirement). In addition, the Proposed Plan provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan. There is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy 2014 (Core Document 026). In addition it should be noted that the Proposed Plan also provides additional flexibility in the form of

redevelopment sites and sites with potential for longer term development. It should also be noted that the Proposed Plan provides the opportunity to bring forward employment land on longer term mixed use site SPEEB005 Peebles East (South of the River) should it be required.

In respect to the comments by contributor 333, it is acknowledged by the Council that the provision of a potential new road bridge for Peebles would require contributions from the private sector in order to provide this additional piece of infrastructure for the town.

357 Scottish Environment Protection Agency

It is noted that the respondent did not respond on this matter to the Scottish Borders Main Issues Report (MIR) (Core Document 076 SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 *“the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.”* Furthermore, paragraph 4.3 states *“This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”*. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed Local Development Plan makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area. Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor’s proposal is not necessary.

451 John Swanson

It should be noted that the contributor 357 Scottish Environment Protection Agency (SEPA) (refer to Supporting Document 274-1) have also supported this site as a flood risk assessment is required as set out in the site requirements.

Reporter’s conclusions:

1. This longer term mixed use site was first identified in the development plan in 2011. It is located on the south-eastern edge of Peebles, a principal town located within the Western Strategic Development Area.

2. SEPA supports development of the site as the site requirements seek the submission of a flood risk assessment. It does, however, seek an additional site requirement to help contribute to the objectives of the River Basin Management Plan. In this regard I note that Policy EP15: *Development Affecting the Water Environment* provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. I conclude that the terms of Policy EP15 provide a sufficient basis for development management of this site in respect of the wider water environment and that a specific site requirement to this effect is not necessary.

3. As SEPA supports this site, subject to the site requirement setting out the need for a flood risk assessment, I see no basis for recommending that the site be deleted from the plan due to flood risk.

4. Finally, a representation seeks the re-allocation of part of the site from longer-term mixed use to a housing proposal site. My conclusions at Issue 080 on the overall housing land supply position weigh in favour of bringing part of this site forward for residential development, as does the location of Peebles within the Western Strategic Development Area.

5. This site is not without constraints. It is, however, located in an attractive edge of settlement location and immediately adjacent to an active residential development site. The representation sets out the advantages of re-allocating part of the site for housing development. Significant funding towards the cost of a second road bridge over the Tweed could be secured. Taylor Wimpey is currently experiencing strong demand at its neighbouring development site and it is anticipated that this will increase at this location with an improving market. Taylor Wimpey and AWG are willing to work together to progress development of both sites. Studies appear to confirm the suitability of the site for development.

6. For these reasons I see significant merit in bringing forward all or part of this site for development during the plan period. I have concluded under Issue 080 though, that this would stand to be assessed by the council during preparation of the supplementary guidance required by my recommended modification under Issue 080. That would clearly entail a comparative assessment of available sites.

7. I have also noted elsewhere in this report the perceived lack of business development sites in the town. That seems to me also to add weight to the desirability of allocating this wider site for development during the current plan period.

Reporter's recommendations:

No modifications.

Issue 275	Longer Term Housing within the Western Strategic Development Area: Peebles (SPEEB006 – South West of Peebles)	
Development plan reference:	Peebles Settlement Profile and Map, Site SPEEB006 – South West of Peebles	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
79 Lawrie and Symington		
Provision of the development plan to which the issue relates:	Peebles Longer Term Mixed Use	
Planning authority's summary of the representation(s):		
<p>The contributor considers that a longer term area of expansion (SPEEB006) of housing set within a defined structural landscape extending south and west towards Edderston Farm could be achieved in the longer term. This area offers an alternative longer term expansion direction to that which is supported in the Consolidated Local Plan and this emerging Local Development Plan.</p>		
Modifications sought by those submitting representations:		
<p>The contributor seeks the allocation of site SPEEB006 from Longer Term expansion for housing.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE LONGER TERM SITES</p> <p>Note: This Schedule 4 should be cross-referenced with the Schedule 4 for housing site APEEB021 at Peebles, refer to Issue 264.</p> <p>REASONS</p> <p>Peebles is located in the Western Strategic Development Area as set out in the SESplan Strategic Development Plan (Core Document 001) and has a SESplan Supplementary Guidance on Housing Land (Core Document 002) requirement of 110 units for the period 2009 to 2024.</p> <p>The Proposed Local Development Plan allocates a reduced site for housing in the short term – site APEEB021 at this location. It is noted that the contributor supports the general principle of that housing allocation but does object to a number of site requirements set out in the Proposed Plan (refer to Issue 264).</p> <p>It should also be noted that the Scottish Borders Consolidated Local Plan 2011 (Core Document 007) already identifies an area to the south east of Peebles for potential longer term development. Sites SPEEB003, SPEEB004 and SPEEB005 which have continued to be identified within the Proposed Local Development Plan, were also considered by the</p>		

Local Plan Amendment Examination Reporter, (refer to Core Document 021 Scottish Borders Local Plan Amendment Examination Report) (Issues 098, 099 and 100).

In addition, a reduced site at this location (site MPEEB002) was also considered by the Local Plan Amendment Examination Reporter (refer to Core Document 021 Scottish Borders Local Plan Amendment Examination Report) (Issue 103). That Reporter concluded that the “*site MPEEB002 should not be safeguarded for long-term housing development.*”

After assessment site SPEEB006 (refer to Supporting Document 275-1 Site Assessment), was found to be Unacceptable. Some of the site specific reasons for the exclusion of the site from the Plan are that SEPA objected to a site at this location during the Local Plan Amendment process on flooding grounds. There is a moderate biodiversity risk, there is also a potential for archaeology onsite. In addition, the lower fields are enclosed and relatively contained in character and are strongly influenced by the adjacent settlement to which they are orientated, and by which they are partially contained. However the higher fields and slopes are what contribute to the degree of containment on the lower fields. It is therefore not appropriate to develop on the higher fields. It was also noted that alternative longer term sites have already been identified through the Local Plan Amendment Process, to the south east of Peebles.

It is therefore contended that site SPEEB006 should not be identified as a longer term site.

Reporter’s conclusions:

1. The identification of this site, to the west of Peebles, as a longer term housing site is sought in preference to longer term allocation SPEEB005 to the south-east of the town.
2. Paragraph 117 of Circular 6/2013: *Development Planning* states that: “Scottish Ministers intend the reporter within the bounds of the issues raised in representations, primarily to examine the appropriateness and sufficiency of the content of the Proposed Plan. Only if the Proposed Plan is insufficient or inappropriate should they consider other sites or approaches.”
3. I have found under Issue 274 that SPEEB005 ought for now to remain identified in the plan as a longer term mixed use site. To that extent there is no requirement to replace that site with this one. In any event, the comparative merits of this site over SPEEB005 are far from clear.
4. I have, however, found under Issue 080 that supplementary guidance requires to be produced by the council to increase the housing land supply. I have left it to the discretion of the council whether it wishes to replace any longer term sites brought forward as allocations to be developed during the life of the proposed plan. It will be for the council to consider sites such as this one should it decide to do so.
5. In these circumstances I find no reason to recommend that the site be modified as requested.

Reporter’s recommendations:

No modifications.

Issue 276	Mixed Use within the Western Strategic Development Area: Peebles (MPEEB006 – Rosetta Road)	
Development plan reference:	Peebles Settlement Profile and Map, Site MPEEB006 – Rosetta Road	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
448 Aberdeen Asset Management Ltd		
Provision of the development plan to which the issue relates:	Peebles Mixed Use	
Planning authority’s summary of the representation(s):		
<p>The contributor seeks the allocation of site MPEEB006 for mixed use. The owners are keen to improve the existing facilities in order to maximise the park’s full potential. The Plan recognises that tourism is one of the main employment sectors in the Borders and that the Borders environment has a special quality which should be sought to be protected in order to improve its legacy for future generations and tourism. Housing at this location would contribute to the aims and aspirations of the Plan and assist in cross-funding the improvement of the Holiday Park. Affordable housing can also be provided. The site along with site APEEB044 has the potential to accommodate 200 units.</p>		
Modifications sought by those submitting representations:		
The contributor seeks the allocation of site MPEEB006 for mixed use.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE PEEBLES ALLOCATIONS</p> <p>Note: This Schedule 4 should be cross-referenced with the Schedule 4 for housing site APEEB044 at Peebles, refer to Issue 269.</p> <p>REASONS</p> <p>Peebles is located in the Western Strategic Development Area as set out in the SESplan Strategic Development Plan (Core Document 001) and has a SESplan Supplementary Guidance on Housing Land (Core Document 002) requirement of 110 units.</p> <p>After assessment (refer to Supporting Document 276-1 Site Assessment), the inclusion of site MPEEB006 within the Plan is seen as Doubtful. The site is Doubtful as it has an established use as a caravan and camping site, the biodiversity risk on the site is moderate, and any development here would result in some loss of at least some of the tourism asset which is in walking distance from town centre. There may be scope for some development. Caution is however required regarding impact that development could have on heritage and landscape assets onsite and the settlement. Road improvements would be required. In addition, there are other more suitable sites available</p>		

to meet the housing requirement within the Western Strategic Development Area.

It is noted that the contributor intends to locate part of the Caravan Park on this site and outwith the Development Boundary.

The Site Comparison Report (Core Document 077) identifies the most suitable sites available to meet the housing requirement within the Western Development Area. These sites are APEEB041 Violet Bank, APEEB021 South of South Park, and two mixed use sites at Cardrona MCARD006 North of Horsbrugh and MCARD007 South of Horsbrugh, have all been allocated within the Proposed Local Development Plan. It is these particular sites which contribute to meeting the Housing Land requirement. These sites brought forward through the Proposed Plan already allow for a generous supply of housing land as required by Scottish Planning Policy 2014 (Core Document 026 paragraph 110).

It is therefore considered that the Proposed Local Development Plan meets the provisions of the SESplan Strategic Development Plan (Core Document 001) and its associated Supplementary Guidance on Housing Land (Core Document 002) in providing land to meet the housing requirement (refer to Core Document 017 Updated Appendix 2 Meeting the Housing Land Requirement). In addition, the Proposed Plan provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan. There is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy 2014 (Core Document 026). It should also be noted that the Proposed Plan also provides additional flexibility in the form of redevelopment sites and sites with potential for longer term development.

In respect to the contributors comments regarding affordable housing, any planning application submitted would be assessed against Local Development Plan (page 74) Policy HD1 Affordable and Special Needs Housing and Supplementary Planning Guidance on Affordable Housing (Core Document 060).

It is contended that this site is not appropriate for housing purposes and should not be allocated within the Local Development Plan.

It should also be noted that contributor 448 Aberdeen Asset Management Ltd has also submitted an objection in relation to the non allocation of site APEEB044 which is subject to a separate Schedule 4.

Reporter's conclusions:

1. I have concluded under Issue 269 that, in order to increase the housing land supply, that site ought to be allocated for housing development in the proposed plan. This site (MPEEB006) is put forward in the representation as a mixed use development site complementary to the redevelopment of the current holiday park for residential development.
2. Allocation of this site would allow for the relocation and enhancement of the existing holiday accommodation and related facilities. I note in this regard that the proposed plan recognises tourism as one of the main employment sectors in the plan area.
3. In its schedule 4 response set out above, the council resisted allocation of the site for mixed use development for a range of site-specific reasons, and indicated that the site did

not compare favourably in a comparative assessment of other potential sites. It came to my attention during the examination that progress was being made in the council's consideration of the planning application for development of this site. By means of a further information request (FIR 20) I requested that the council advise me of current progress in its determination of the planning application; whether in the light of that it wished either to update its response on Issues 269 and 276; or alternatively whether it wished me to take account of current progress.

4. The council responded that its Planning and Building Standards Committee had considered a report on a mixed use development comprising of new housing, the relocation of the caravan park and other ancillary development, and that the committee was minded to grant planning permission subject to conditions and the conclusion of a legal agreement. The council advises that the permission would be subject to a condition requiring the provision of a new bridge connecting Kingsland Square and Dalatho Street over the Eddleston Water. The council's response makes clear its view that provision of the bridge is unlikely to be straightforward.

5. The council advises that it does not wish to amend its response on the representations to the proposed plan in this regard, but is content for me to take account of recent progress made.

6. Paragraph 64 of Circular 6/2013: *Development Planning* states that: "Even if a site is not included in the Proposed Plan, evidence of it being subject to community engagement will be useful if the issue is considered at a subsequent Examination, helping ensure that the reporter is furnished with the necessary information to reach a conclusion, and if appropriate to recommend a modification to the plan." I am satisfied that the material provided as part of the examination, together with the information supplied on the council's assessment of the planning application referred to above, provides me with sufficient information on the environmental and other impacts of the proposal, and in regard to public engagement. On balance, I agree with the council's committee report that impacts arising from the proposed development are acceptable, and that any adverse impacts are outweighed by the advantages of the development scheme.

7. Taking all of the above into account, not least the recent progress in assessing the planning application, I see significant merit in allocating this site for mixed use development.

8. I am mindful that modification of the plan to provide for the allocation of this site should not frustrate the matters which the council currently seeks to have safeguarded by means of legal agreement and planning condition. I recommend a relevant site requirement in this regard.

9. My conclusions on this Issue arise from, and are reflected in my conclusions on Issue 269.

Reporter's recommendations:

I recommend that the following modifications be made:

1. Site MPEEB006 be allocated as a mixed use proposal on the Peebles proposals map and in the Development and safeguarding proposals section of the Peebles settlement profile.

2. The following site requirement should be included:

“Development of the site shall proceed in accordance with the requirements agreed by the council in regard to its consideration of planning application 13/00444/PPP. Should that development not be implemented, a Planning Brief in the form of Supplementary Guidance will require to be produced for this site.”

3. Any minor consequential modifications to the plan are left to the discretion of the council.

Issue 277	Peebles Settlement Profile: Education Text	
Development plan reference:	Peebles Settlement Profile and Map, Education Text	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
289 Community Council of The Royal Burgh of Peebles & District		
Provision of the development plan to which the issue relates:	Education Text	
Planning authority's summary of the representation(s):		
<p>A clear statement is required which states that Priorsford Primary School is now at capacity and that additional pupils will need to be directed to Kingsland Primary (which is nearly full) and Halyrude Primary. In addition a further statement is required which states that the High School is at full capacity and its catchment area (9 primary schools) needs to be reduced to contain numbers.</p>		
Modifications sought by those submitting representations:		
<p>The contributor seeks additional wording within the settlement profile stating that Priorsford Primary School is now at capacity and additional pupils will need to be directed to Kingsland Primary and Halyrude Primary. In addition the contributor seeks a further statement which states that the High School is at full capacity and its catchment area (9 primary schools) needs to be reduced to contain numbers.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE PEEBLES SETTLEMENT PROFILE</p> <p>REASONS</p> <p>The Infrastructure Considerations section of the Peebles Settlement Profile within the Proposed Local Development Plan makes reference to education provision and to the requirement for Development Contributions which would contribute towards the cost of providing additional school spaces resulting from any new developments within specific school catchments. In addition, the Council keeps the occupancy levels of all schools under review and it should be noted that figures can fluctuate. Furthermore it is considered that occupancy figures show only a snapshot in time.</p> <p>It should be noted that in relation to the contributor's comments regarding directing pupils from Priorsford Primary school to Kingsland and Halyrude Primary schools, the Council's Schools Admissions Policy (Supporting Document 277-1) already addresses this issue in section 7; however, it should be noted that in respect to primary school provision in Peebles, the Council are monitoring the position with the number of available pupil places. It should also be noted that the longer term mixed use site SPEEB005 currently</p>		

sets out a requirement that the site may be required to accommodate a new school.

In relation to the contributor's comments regarding the High School, the school is not at capacity but is currently running at 85-90% occupancy however, the occupancy and suitability of the school for the number of pupils is kept under review by the Council.

Reporter's conclusions:

1. The second paragraph of the Infrastructure Considerations section of the Peebles Settlement Profile refers to capacity constraints likely to be experienced at Peebles High School from 2016 onwards. In addition, the potential need for an additional primary school south of the Tweed is also addressed.

2. The council contends that occupancy levels at all schools are kept under review and makes the obvious point that occupancy levels can fluctuate over time. In support of its position, it submits its 2010 *Schools Admissions Policy* which sets out its policy and procedures for addressing school admissions.

3. Paragraph 40 of *Scottish Planning Policy* requires: "spatial strategies within development plans to promote a sustainable pattern of development appropriate to the area. To do this decisions should be guided by the following policy principles: optimising the use of existing resource capacities, particularly by co-ordinating housing and business development with infrastructure investment including transport, education facilities...".

4. I am satisfied, in accordance with this requirement, that education capacity issues in Peebles are already sufficiently addressed in the proposed plan. I consider that to modify the plan as suggested in the representation would introduce inflexibility and stray into matters more properly considered under the council's educational policies.

Reporter's recommendations:

No modifications.

Issue 278	Peebles Whole Town Masterplan	
Development plan reference:	Peebles Settlement Profile and Map, Whole Town Masterplan	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
368 Peebles Civic Society		
Provision of the development plan to which the issue relates:	Whole Town Masterplan	
Planning authority's summary of the representation(s):		
<p>With the potential for significant housing development to take place through the potential longer term sites, and the impact that that development would have on the current infrastructure of Peebles, it is suggested that before any of this development takes place and the second bridge is decided on – a whole town masterplan addressing all infrastructure issues and the resulting effect on the town centre is undertaken.</p>		
Modifications sought by those submitting representations:		
The contributor seeks that a Whole Town Masterplan is undertaken.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE PROPOSD LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>The Local Development Plan is considered to be the high level masterplan for Peebles. In producing or updating the Local Development Plan, the Council are required to consider the implications on a town's infrastructure and the resulting effects on a town.</p> <p>Scottish Planning Policy (SPP) 2014 (Core Document 026 paragraph 40) requires that: <i>"... spatial strategies within development plans to promote a sustainable pattern of development appropriate to the area. To do this decisions should be guided by the following policy principles:</i></p> <ul style="list-style-type: none"> • <i>optimising the use of existing resource capacities, particularly by co-ordinating housing and business development with infrastructure investment including transport, education facilities, water and drainage, energy, heat networks and digital infrastructure;</i> • <i>using land within or adjacent to settlements for a mix of uses. This will also support the creation of more compact, higher density, accessible and more vibrant cores;</i> • <i>considering the re-use or re-development of brownfield land before new development takes place on greenfield sites;</i> • <i>considering whether the permanent, temporary or advanced greening of all or some of a site could make a valuable contribution to green and open space networks, particularly where it is unlikely to be developed for some time, or is unsuitable for development due to</i> 		

its location or viability issues; and

• locating development where investment in growth or improvement would have most benefit for the amenity of local people and the vitality of the local economy”.

In addition, paragraph 6 of Circular 6/2013 Development Planning (Core Document 031) states: *“Development plans are spatial, land use plans which are primarily about place. They guide the future use of land in our cities, towns and rural areas, by addressing the spatial implications of economic, social and environmental change. Development plans should be a corporate document for the planning authority and its Community Planning Partners. The plan should apply the land use elements of the Community Plan and other Council and Government strategies into an overall spatial plan for the local area providing a means to join up messages about place and delivery. Development plans should set out ambitious but realistic long-term visions for their areas. They should indicate where development should happen and where it should not, providing confidence to investors and communities alike.”*

It should be noted that in the process of producing the Local Development Plan, the Forward Planning section consults with various Council sections including Roads Planning and Education. In addition, consultation is also carried out with the NHS, Transport Scotland, along with other stakeholders. The responses and feedback of those consultees then contributes to the production of the new Plan.

It addition it should be noted that Appendix 3 Supplementary Guidance and Standards of the Proposed Local Development Plan (page 164) states that a number of areas that are identified for potential longer term development within the Plan and which includes Peebles South East, will be subject to planning framework preparation in advance of the next Local Development Plan.

Reporter’s conclusions:

1. I agree with the council’s contention that *Scottish Planning Policy* (specifically at paragraph 40) and Circular 6/2013: *Development Planning*, taken together, make it clear that the local development plan is to address holistically all considerations contributing to spatial strategies, including for towns such as Peebles.
2. Within that context I find that the suggested preparation of a whole town masterplan would be superfluous and that it would potentially lead to confusion and delay the development of much needed housing sites.
3. I note also that Appendix 3 of the proposed plan states at page 164 that a number of areas that are identified for potential longer term development, including Peebles South East, are to be subject to planning framework preparation in advance of the next round of plan preparation. I am satisfied that this ought to address the concerns raised in the representation which arise from the scale of future development within the town.

Reporter’s recommendations:

No modifications.

Issue 279	Redevelopment within the Western Strategic Development Area: Peebles (RPEEB001 – Dovecot Road)	
Development plan reference:	Peebles Settlement Profile and Map, Site RPEEB001 – Dovecot Road	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
289 Community Council of The Royal Burgh of Peebles & District 368 Peebles Civic Society		
Provision of the development plan to which the issue relates:	Peebles Redevelopment Land	
Planning authority's summary of the representation(s):		
<p><u>289 Community Council of The Royal Burgh of Peebles & District</u></p> <p>The contributor states that there is concern that current/future allocations for economic land fall far short of requirements and this presents a real and current problem with the identification of the Dovecot site for redevelopment. This is currently home to a range of business, efforts to identify premises that they can reasonably move to have been singularly unsuccessful. Either redevelopment of the site for economic use or significant additional sites for economic development should be identified.</p> <p><u>368 Peebles Civic Society</u></p> <p>The contributor notes that the site is listed for redevelopment. They state that they presume that this will remain for business and industrial use.</p>		
Modifications sought by those submitting representations:		
The contributors seek that the site be redeveloped for business and industrial use.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE REDEVELOPMENT ALLOCATIONS</p> <p>REASONS</p> <p>It is noted that neither contributor 289 or 368 responded on this matter to the Scottish Borders Main Issues Report (MIR). The MIR (Core Document 006) states in paragraph 4.2 <i>“the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.”</i> Furthermore, paragraph 4.3 states <i>“This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”</i>.</p> <p>Site RPEEB001 was first allocated within the Scottish Borders Local Plan 2008 and then</p>		

carried through into the Scottish Borders Consolidated Local Plan 2011 (Core Document 007). The Proposed Local Development Plan continues to allocate the site.

It is also noted that the allocation of this site was previously considered by the Local Plan Amendment Examination Reporter (refer to Core Document 021) (Issue 096 (site reference RPEEB001)). That Reporter recommended that the site be included within the Plan and stated that *“Although the occupiers of the site may continue to operate in a satisfactory manner, it may be that progressive redevelopment in the immediate vicinity might also encourage the redevelopment of site RPEEB001. This could involve the provision of new purpose-built units for a continued employment use of the site or another use. This would be a matter for the development management process.”*

It should be noted that the Council have sought to allocate additional land at Peebles for Business and Industrial use (refer to Supporting Documents 279-1 Site Assessments and map). However, it should be noted that the Proposed Local Development Plan provides the opportunity to bring forward employment land on longer term mixed use site SPEEB005 Peebles East (South of the River) should it be required.

It is therefore contended that this site should be retained within the Local Development Plan.

Reporter’s conclusions:

1. The site is located in what could fairly be described as a mixed use area, although recent housing development is evident nearby. It is currently occupied by a builders’ merchant and other industrial/ commercial uses.
2. The council refers to the conclusions of the reporter examining the previous local plan amendment. Those conclusions make it clear that any future redevelopment of the site, whether for residential or business use, would stand to be considered during the development management process.
3. The proposed plan does not specify the nature of any proposed redevelopment of the site nor does it preclude redevelopment of the site for business use. In the context of the current condition of the site and the nature of surrounding development I am satisfied that the proposed plan appropriately sets out a flexible framework for the consideration of any redevelopment proposals should they arise.

Reporter’s recommendations:

No modifications.

Issue 280	Redevelopment within the Western Strategic Development Area: Peebles (RPEEB002 – George Street)	
Development plan reference:	Peebles Settlement Profile and Map, Site RPEEB002 – George Street	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>177 Tweed Homes 357 Scottish Environment Protection Agency 451 John Swanson</p>		
Provision of the development plan to which the issue relates:	Peebles Redevelopment Land	
Planning authority's summary of the representation(s):		
<p><u>177 Tweed Homes</u></p> <p>The contributor states that the site is shown to be at risk of flooding within the recently published Flood Maps. Therefore this site could be an ineffective allocation until a Flood Prevention Scheme is implemented in Peebles, and would suggest that additional sites are considered to ensure a generous supply of housing.</p> <p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor supports this site as a flood risk assessment is required as set out in the site requirements.</p> <p>The contributor objects to this site in that they would require an additional requirement should be included for this site to help contribute to the objectives of the River Basin Management Plan. Development should not add any further morphological pressures to the Eddleston Water or result in any deterioration in status which is currently bad. Any opportunities to improve modified habitat should also be harnessed.</p> <p><u>451 John Swanson</u></p> <p>The contributor states that the site is located within an area at high risk of flooding.</p>		
Modifications sought by those submitting representations:		
<p><u>177 Tweed Homes</u></p> <p>The contributor seeks the removal of the site from the Plan and for additional sites to be allocated.</p> <p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor seeks an additional site requirement for the site to help contribute to the</p>		

objectives of the River Basin Management Plan.

451 John Swanson

The contributor seeks the removal of the site from the Plan.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE REDEVELOPMENT ALLOCATIONS

REASONS

It is noted that none of the contributors responded on this matter to the Scottish Borders Main Issues Report (MIR) (for SEPA MIR response refer to Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 *“the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.”* Furthermore, paragraph 4.3 states *“This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”*. In respect to the Scottish Environment Protection Agency (SEPA), this information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Site RPEEB002 was first allocated within the Scottish Borders Local Plan 2008 and then carried through into the Scottish Borders Consolidated Local Plan 2011 (Core Document 007). The Proposed Local Development Plan continues to allocate the site.

As a Redevelopment site, any application at this location would be considered against Local Development Plan Policy ED5 Regeneration. That policy aims to encourage redevelopment of such allocations for a variety of uses including housing, employment or retailing which will support the opportunity of bringing such land back into productive use and to enhance the surrounding environment.

It should be noted that this site is a brownfield site and as noted Scottish Planning Policy 2014 (Core Document 026) paragraph 40 states that: *“decisions should be guided by the following policy principles: ...*

- considering the re-use or re-development of brownfield land before new development takes place on greenfield sites; ...”*

In respect to flooding it should be noted that contributor 357 SEPA supports this site as a flood risk assessment is required as set out in the site requirements.

177 Tweed Homes, 451 John Swanson

As noted above SEPA have supported the site in that a requirement has been included in the Plan for a flood risk assessment.

The Scottish Borders Consolidated Local Plan 2011 (Core Document 007) also allocated another site within a similar location in Peebles – site APEEB025 for housing. Whilst that site had similar constraints to site RPEEB001, site APEEB025 has been recently developed for housing and has therefore now been removed from the Plan.

177 Tweed Homes

It should also be noted that the Council have sought to allocate additional land at Peebles for Business and Industrial use (refer to Supporting Documents 280-1 Site Assessments and map). However, it should be noted that the Proposed Plan provides the opportunity to bring forward employment land on longer term mixed use site SPEEB005 Peebles East (South of the River) should it be required.

As a Redevelopment site allocated in the Proposed Plan, it should be noted that the Plan does not set out an indicative site capacity for the site and as such does not contribute to the established housing land supply.

The Site Comparison Report (Core Document 077) identifies the most suitable sites available to meet the housing requirement within the Western Development Area. These sites are APPEEB041 Violet Bank, APPEEB021 South of South Park, and two mixed use sites at Cardrona MCARD006 North of Horsbrugh and MCARD007 South of Horsbrugh, have all been allocated within the Proposed Local Development Plan. It is these particular sites which contribute to meeting the Housing Land requirement. These sites brought forward through the Proposed Plan already allow for a generous supply of housing land as required by Scottish Planning Policy 2014 (Core Document 026 paragraph 110).

It is therefore considered that the Proposed Local Development Plan meets the provisions of the SESplan Strategic Development Plan (Core Document 001) and its associated Supplementary Guidance on Housing Land (Core Document 002) in providing land to meet the housing requirement (refer to Core Document 017 Updated Appendix 2 Meeting the Housing Land Requirement). In addition, the Proposed Plan provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan. There is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy 2014 (Core Document 026). It should be noted that the Proposed Local Development Plan provides additional flexibility in the form of redevelopment sites such as site RPEEB002 and sites with potential for longer term development.

357 Scottish Environment Protection Agency

The Proposed Local Development Plan makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area. Policy EP15 states the Council's clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor's proposal is not necessary.

It is therefore contended that this site should be retained within the Local Development Plan.

Reporter's conclusions:

1. This redevelopment proposal site appears currently to be vacant and is located within a small mixed use area adjoining a larger housing area. I am in no doubt that its redevelopment would significantly improve this part of Peebles. It is important to note also that as the site is brownfield, its redevelopment draws significant support from *Scottish Planning Policy*. Its location close to a supermarket and within easy walking distance of the town centre adds to its attractiveness as a sustainable development location. Lastly, as noted below, SEPA does not object to this allocation on grounds of flooding.

2. The site is allocated for redevelopment, and the site requirements do not specifically require housing development. The allocation included in the proposed plan could not therefore be said to prejudice the allocation or identification of other housing proposals. I note though that the site is included, as part of a larger site (TP100) in the council's Housing Land Audit. This larger site is classed as effective and the audit notes live developer interest, with the site programmed for development commencing in 2015. I have been provided with no convincing evidence which points to the site being ineffective. Given the clear advantages of development of the site set out in the paragraph above, I find its inclusion in the proposed plan to be entirely appropriate.

3. SEPA supports redevelopment of the site as the site requirements seek submission of a flood risk assessment. It does, however, seek an additional site requirement to help contribute to the objectives of the River Basin Management Plan. In this regard I note that Policy EP15: *Development Affecting the Water Environment* provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. I conclude that the terms of Policy EP15 provide a sufficient basis for development management of this site in respect of the wider water environment and that a specific site requirement to this effect is not necessary.

Reporter's recommendations:

No modifications.

Issue 281	Redevelopment within the Western Strategic Development Area: Peebles (RPEEB003 – Tweedbridge Court)	
Development plan reference:	Peebles Settlement Profile and Map, Site RPEEB003 – Tweedbridge Court	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>177 Tweed Homes 357 Scottish Environment Protection Agency 451 John Swanson</p>		
Provision of the development plan to which the issue relates:	Peebles Redevelopment Land	
Planning authority's summary of the representation(s):		
<p><u>177 Tweed Homes</u></p> <p>The contributor states that the site is shown to be at risk of flooding within the recently published Flood Maps. Therefore this site could be an ineffective allocation until a Flood Prevention Scheme is implemented in Peebles, and would suggest that additional sites are considered to ensure a generous supply of housing.</p> <p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor supports this site as a flood risk assessment is required as set out in the site requirements.</p> <p>The contributor objects to this site in that they would require an additional requirement should be included for this site to help contribute to the objectives of the River Basin Management Plan. Development should not add any further morphological pressures to the River Tweed or result in any deterioration in status which is currently moderate. Any opportunities to improve modified habitat should also be harnessed.</p> <p><u>451 John Swanson</u></p> <p>The contributor objects to the allocation of the site on grounds of access and traffic generation along narrow twisting roads.</p>		
Modifications sought by those submitting representations:		
<p><u>177 Tweed Homes</u></p> <p>The contributor seeks the removal of the site from the Plan and for additional sites to be allocated.</p>		

357 Scottish Environment Protection Agency

The contributor seeks an additional site requirement for the site to help contribute to the objectives of the River Basin Management Plan.

451 John Swanson

The contributor seeks the removal of the site from the Plan.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE REDEVELOPMENT ALLOCATIONS

REASONS

It is noted that none of the contributors responded on this matter to the Scottish Borders Main Issues Report (MIR) (Core Document 076 SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 *“the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.”*

Furthermore, paragraph 4.3 states *“This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”*. In respect to the Scottish Environment Protection Agency (SEPA), this information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Site RPEEB003 was first allocated within the Scottish Borders Consolidated Local Plan 2011 (Core Document 007). The Proposed Local Development Plan continues to allocate the site. It is also noted that the allocation of this site was previously considered by the Local Plan Amendment Examination Reporter (refer to Core Document 021) (Issue 097 (site reference RPEEB003)).

It should be noted that this site is a brownfield site and as noted Scottish Planning Policy 2014 (Core Document 026) paragraph 40 states that: *“decisions should be guided by the following policy principles: ...*

- *considering the re-use or re-development of brownfield land before new development takes place on greenfield sites; ...”*

177 Tweed Homes

It should be noted that contributor 357 SEPA supports this site as a flood risk assessment is required as set out in the site requirements.

It should be noted that the Scottish Borders Housing Land Audit 2013 (Core Document 039) states that the site (TP120) has a site capacity of 50 units and that those 50 units contribute to the effective housing land supply. In addition the units are programmed for year 2017, furthermore it is noted that a developer (Margaret Blackwood Housing Association) has an interest in the site.

The Site Comparison Report (Core Document 077) identifies the most suitable sites available to meet the housing requirement within the Western Development Area. These

sites APEEB041 Violet Bank, APEEB021 South of South Park, and two mixed use sites at Cardrona MCARD006 North of Horsbrugh and MCARD007 South of Horsbrugh, have all been allocated within the Proposed Local Development Plan. It is these particular sites which contribute to meeting the Housing Land requirement. These sites brought forward through the Proposed Plan already allow for a generous supply of housing land as required by Scottish Planning Policy 2014 (Core Document 026 paragraph 110).

It is therefore considered that the Proposed Local Development Plan meets the provisions of the SESplan Strategic Development Plan (Core Document 001) and its associated Supplementary Guidance on Housing Land (Core Document 002) in providing land to meet the housing requirement (refer to Core Document 017 Updated Appendix 2 Meeting the Housing Land Requirement). In addition, the Proposed Plan provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan. There is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy 2014 (Core Document 026). It should be noted that the Proposed Plan provides additional flexibility in the form of redevelopment sites such as site RPEEB002 and sites with potential for longer term development.

357 Scottish Environment Protection Agency

The Proposed Local Development Plan makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area. Policy EP15 states the Council's clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor's proposal is not necessary.

451 John Swanson

As noted above this site was previously considered by the Local Plan Amendment Examination Reporter (refer to Core Document 021) (Issue 097 (site reference RPEEB003)). That Reporter stated that "*... concern is expressed by the community council about excessive traffic generation but the council's roads department has no objections to the principle of the redevelopment of the site for housing. I am satisfied that potential traffic generation has been taken into account and that the development management process would enable the assessment of any forthcoming detailed proposal*".

It is therefore contended that this site should be retained within the Local Development Plan.

Reporter's conclusions:
<p>1. This redevelopment proposal site appears currently to be occupied by vacant or largely vacant residential development located within a wider housing area. I am in no doubt that its redevelopment would significantly enhance this part of Peebles. It is important to note also that as the site is brownfield, its redevelopment draws significant support from Scottish Planning Policy. Its location within easy walking distance of the town centre adds to its attractiveness as a sustainable development location. Lastly, as noted below, SEPA does not object to this allocation of grounds of flooding.</p> <p>2. The site requirements state that residential development will be required and set the notional capacity of the site at 50 units. The council's Housing Land Audit classes the site as effective and notes live developer interest, with the site programmed for development commencing in 2017. I have been provided with no convincing evidence which points to the site being ineffective. Given the clear advantages of development of the site set out in the paragraph above, I find its inclusion in the proposed plan to be entirely appropriate.</p> <p>3. SEPA supports redevelopment of the site as the site requirements seek submission of a flood risk assessment. It does, however, seek an additional site requirement to help contribute to the objectives of the River Basin Management Plan. In this regard I note that Policy EP15: <i>Development Affecting the Water Environment</i> provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. I conclude that the terms of Policy EP15 provide a sufficient basis for development management of this site in respect of the wider water environment and that a specific site requirement to this effect is not necessary.</p>
Reporter's recommendations:
<p>No modifications.</p>

Issue 282	Key Greenspace: Peebles	
Development plan reference:	Peebles Settlement Profile and Map, Key Greenspace	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
289 Community Council of The Royal Burgh of Peebles & District 368 Peebles Civic Society		
Provision of the development plan to which the issue relates:	Peebles Key Greenspace	
Planning authority's summary of the representation(s):		
<p><u>289 Community Council of The Royal Burgh of Peebles & District</u></p> <p>Whilst the contributor supports the Greenspace sites identified within the Plan. They also note that additional sites in relation to structured woodland and/or fields/beds that would benefit from increased levels of protection. The contributor notes the woodland associated with Kingsmeadows House (which is currently for sale with a brochure suggesting potential for significant development of new housing), and the need to protect green corridors surrounding and associated with access to the town's four schools.</p> <p><u>368 Peebles Civic Society</u></p> <p>The contributor supports the Greenspace sites identified within the Plan.</p>		
Modifications sought by those submitting representations:		
<p><u>289 Community Council of The Royal Burgh of Peebles & District</u></p> <p>The contributor seeks the identification of additional sites in relation to structured woodland and/or fields/beds and green corridors surrounding and associated with access to the town's four schools.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE PEEBLES SETTLEMENT PROFILE</p> <p>REASONS</p> <p>It is noted that the contributor 368 Peebles Civic Society supports the Key Greenspace sites identified within the Proposed Local Development Plan.</p> <p>In relation to the contributor 298 Community Council Of The Royal Burgh Of Peebles & District suggestion for the identification of additional spaces at Peebles, it should be noted that the Proposed LDP already identifies many Key Greenspaces within the settlement.</p>		

The Technical Note on Key Greenspaces (Core Document 018) provides additional information on how the greenspaces were assessed for inclusion within the Proposed LDP. As noted within that document consideration of the value and function of the greenspaces was crucial. The document continued "... *inline with PAN [Planning Advice Note] 65, it is considered that only the most important greenspaces within settlements will be identified and safeguarded through the LDP*".

As noted within the introductory text of Proposed LDP Policy EP11 Protection of Greenspace (page 108), "*The Local Development Plan identifies Key Greenspaces within Development Boundaries. The spaces identified within the Plan are those spaces which are considered to be of greatest value to the community and are therefore worthy of protection. ... Whilst the Local Development Plan identifies Key Greenspaces within settlements, the policy acknowledges that there are other greenspaces also within settlements. This policy also extends protection to those other greenspaces.*"

It should be noted that the Council has produced a Supplementary Planning Guidance (SPG) on Greenspace (refer to Core Document 062), that document includes an audit of greenspaces within settlement areas. It should also be noted that the SPG on Greenspace already offers protection to those spaces identified within the greenspace audit, which includes many of the types of greenspaces suggested by the contributor.

It is therefore worthy to note that Policy EP11 Protection of Greenspace aims to give protection to a wide range of greenspaces within settlements and to prevent their piecemeal loss to development.

It is therefore contended that the areas proposed by the contributor do not require to be identified as Key Greenspace in the Plan.

Reporter's conclusions:

1. Paragraph 224 of Scottish Planning Policy states that: "Local development plans should identify and protect open space identified in the open space audit and strategy as valued and functional or capable of being brought into use to meet local needs." The council refers to its Technical Note on Key Greenspaces (CD018) which notes Planning Advice Note 65: *Planning and Open Space* to state that: "Development plans should safeguard important open spaces from development in the long term and identify spaces that require significant improvement". The Technical Note also states: "... *inline with PAN [Planning Advice Note] 65, it is considered that only the most important greenspaces within settlements will be identified and safeguarded through the LDP*".

2. The conclusion of the council's technical note on this matter is that the proposed plan ought to: "identify the key important spaces within settlements that will be protected from development as identified within the Proposed Plan on the settlement maps. The spaces identified are considered to be of greatest value to the community. A policy which will protect Key Greenspaces as well as other greenspaces will also be included within the LDP."

3. I note in addition that the SPG on Greenspace offers protection to those areas identified within the greenspace audit, which includes many of the types of greenspaces referred to in the representation. I consider this overall approach to be consistent with national planning policy and advice.

4. The council's Supplementary Planning Guidance on Green Space (CD062) affords protection to some of the additional sites identified by the community council. I recognise also that Policy EP11: *Protection of Greenspace* would confer a proportionate degree of protection on such sites, and that Policies PMD2 and PMD4 both require impacts of development on open space to be taken into account.

5. I agree with the council that this policy framework is sufficient on the whole to protect areas of greenspace not specifically identified on the proposals map. There are, however, 2 exceptions to this. Those are the Violet Bank Playing Fields and the High School Playing Fields, identified respectively as sites 24 and 25 in the community council's further written submission. I acknowledge that these sites are in the ownership or control of the council and receive protection by virtue of that also. However, I consider the proposed plan to be insufficient in failing to adequately recognise the significance of these sites and their contribution to recreation within the town. I consider that identification of these sites as Key Greenspace would be consistent with the council's Technical Note on Key Greenspaces and with PAN 65.

6. I conclude, therefore, that the proposed plan largely responds to this matter appropriately, but that 2 additional areas of Key Greenspace ought to be identified in the Peebles Settlement Profile.

Reporter's recommendations:

I recommend that the following modification be made:

1. Identify within the Peebles Settlement Profile, and on the Peebles proposals map, the following additional areas of Key Greenspace:

Violet Bank Playing Fields (denoted No. 24 on the community council's submission); and

High School Playing Fields (2 sites denoted No. 25 on the community council's submission).

The reference numbers and precise naming of these sites are left to the council's discretion.

Issue 283	Development outwith the Strategic Development Areas: Polwarth (APOLW001- Land North and West of Cheviot View)	
Development plan reference:	N/A	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
306 Marchmont Farms		
Provision of the development plan to which the issue relates:	Proposed Local Development Plan Volume 2 Settlements	
Planning authority's summary of the representation(s):		
<p>Promote development of old settlement at Polwarth. Area is occupied by a historic settlement. Believe the site would provide an increase in the number and choice of development sites in the Berwickshire HMA as well as making good use of redundant, previously developed land. Access would be from the east using a minor road. Site is deliverable in the short term with services nearby; ongoing housing development on adjacent plots is good evidence of the site's deliverability</p>		
Modifications sought by those submitting representations:		
To include a settlement profile for Polwarth.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>It is considered there are significant issues with Polwarth as a settlement, there is a lack of existing facilities that would sustain employment, education or other resident needs, and a likelihood of increased car usage as a result; there is a major biodiversity constraint, as there is ancient woodland (Blaeberry Plantation on site); there is likely to be archaeological remains; and there may be roads access issues (Supporting Document 283-2).</p> <p>Polwarth is located outwith the three Strategic Development Areas set out by the SESplan SDP. The Core Document 017 shows that the Proposed LDP meets the provisions of the SESplan SDP and its associated Supplementary Guidance in providing land to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy. In addition Core Document 017 states the Proposed LDP provides substantial flexibility in the form of identified redevelopment sites and sites with potential for longer term development. As a result no further housing land within</p>		

Polwarth is required to meet the identified housing requirement.

In addition, a site on the same land was put forward within the Local Plan Examination: Scottish Borders Council Local Plan Amendment (Supporting Document 283-1) and the Reporter agreed with the Council’s position and did not allocate the site: “I also accept the Council’s view that with the completion of the developments covered by existing planning permissions the group of buildings at Polwarth will have reached saturation point. It is an isolated community with no services, and the council adds significant concerns against the site’s development, which I also accept. I find there is no justification for any further housing here” (Core Document 021: page 122)

In summary it is not considered that any amendment to the Local Development Plan from that proposed is required.

Reporter’s conclusions:

1. As I understand it, the representation seeks the identification of a settlement boundary around land said to be the site of the historic settlement of Polwarth. The stated aim of this is to facilitate the residential development of the site, bringing with it an opportunity to undertake archaeological research into the historic settlement.
2. I have been drawn to no wider policy or guidance on the circumstances which would justify the identification of a settlement boundary, nor to factors to take into account when considering whether to do so. In this case though, I am certain that nothing that could fairly be described as a settlement currently exists on the ground, nor does that appear to be contended.
3. Paragraph 78 of Circular 6/2013: Development Planning states that: “The Proposed Plan should address the spatial implications of economic, social and environmental change, be clear about the scale of that anticipated change and in particular identify opportunities for development and set out the authority’s policies for the development and use of land.” It seems to me, due to its relative remoteness, its location outwith a strategic development area, and its complete lack of facilities or services, that it would run counter to the interests of sustainable development to encourage significant growth at this location.
4. Any proposals for development at this site would stand to be assessed against the wider policies of the plan, and principally in this case Policy HD2: *Housing in the Countryside*, which does provide some scope for proportionate residential development within the rural area.

Reporter’s recommendations:

No modifications.

Issue 284	Redpath Settlement Profile	
Development plan reference:	Redpath Settlement Profile (pages 469 – 471)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
444 Redpath Village Hall Association		
Provision of the development plan to which the issue relates:	Redpath Settlement Profile	
Planning authority's summary of the representation(s):		
The contributor objects to the Redpath Settlement Profile and would like reference to be made to the presence of a heritage oak tree in the village which is at least 300 years old.		
Modifications sought by those submitting representations:		
<p>The contributor would like the following wording added to the Redpath Settlement Profile:</p> <p><i>An ancient, 300 year old oak tree stands on Redpath Village Green and is recognised as one of the few Heritage Trees in the Scottish Borders. It is protected by a Tree Preservation Order.</i></p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO REDPATH SETTLEMENT PROFILE AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>The tree which the contributor refers to is located within the Redpath Conservation Area, adjacent to the village hall. As the contributor states the tree is protected by a Tree Preservation Order (TPO) this Order provides adequate protection to the tree.</p> <p>The Redpath Settlement Profile within the Proposed Local Development provides extensive detail about the village and its history under the Place Making Considerations section. It is therefore considered that this is suitable and should remain unchanged within the Proposed Local Development Plan.</p>		
Reporter's conclusions:		
<p>1. Although there is no necessity for the settlement profile to refer to the "heritage" oak tree, the council accepts that the "Place Making Considerations" provide extensive detail. On this basis, a brief reference to the oak tree would not be out of place.</p>		

Reporter's recommendations:

I recommend the following modification be made:

1. In the Place Making Considerations section of the Redpath settlement profile, amend the fourth sentence as follows:

“Other distinct features are an ancient oak tree near the village hall, and the rows of cottages

Issue 285	Key Greenspace: Redpath	
Development plan reference:	Redpath Settlement Profile and Map, Key Greenspace	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
440 Paul Gregory		
Provision of the development plan to which the issue relates:	Redpath Key Greenspace	
Planning authority's summary of the representation(s):		
<p>The contributor suggests the inclusion of the Village Green as they consider the inclusion of the space will provide protection as warranted by a refusal of a planning application and a subsequent decision by the Local Review Body. A statement by the review panel implied that the future of this land would be for amenity and recreational use and that it was important to the local community. The contributor considers that the Green could well be under threat at some time in the future and that it is now appropriate for the Council to define its future role in the village structure.</p>		
Modifications sought by those submitting representations:		
<p>The contributor seeks the identification of the Village Green at Redpath as a Key Greenspace.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE REDPATH SETTLEMENT PROFILE</p> <p>REASONS</p> <p>It should be noted that the Main Issues Report (MIR) (Core Document 006) set out in Appendix A5 the Key Greenspaces proposed for identification within the new Local Development Plan (LDP). In addition, it is also noted that the respondent did not respond on this matter to the MIR.</p> <p>The Technical Note on Key Greenspaces (Core Document 018) provides additional information on how the greenspaces were assessed for inclusion within the Proposed Local Development Plan (LDP). As noted within that document consideration of the value and function of the greenspaces was crucial. The document continued "... <i>inline with PAN [Planning Advice Note] 65, it is considered that only the most important greenspaces within settlements will be identified and safeguarded through the LDP</i>".</p> <p>As noted within the introductory text of Proposed LDP Policy EP11 Protection of Greenspace (page 108), "<i>The Local Development Plan identifies Key Greenspaces within Development Boundaries. The spaces identified within the Plan are those spaces which</i></p>		

are considered to be of greatest value to the community and are therefore worthy of protection. ... Whilst the Local Development Plan identifies Key Greenspaces within settlements, the policy acknowledges that there are other greenspaces also within settlements. This policy also extends protection to those other greenspaces."

It should be noted that the Council has produced a Supplementary Planning Guidance (SPG) on Greenspace (refer to Core Document 062), that document includes an audit of greenspaces within settlement areas. It should also be noted that the area suggested by the contributor has not been identified within the SPG on Greenspace.

It should therefore be noted that Policy EP11 Protection of Greenspace aims to give protection to a wide range of greenspaces within settlements and to prevent their piecemeal loss to development. This also includes greenspace within settlements that are not identified as Key Greenspace.

In addition it should be noted that all of the settlement of Redpath and an area beyond, benefits from Conservation Area status (refer to Proposed LDP page 471 Settlement Map). In that respect any proposal at this location would require to be assessed against Proposed LDP Policy EP9 Conservation Areas. The aim of Policy EP9 is to preserve or enhance the character or appearance of Conservation Areas.

It is therefore contended that the area proposed by the contributor does not require to be identified as Key Greenspace in the Plan.

Reporter's conclusions:

1. I recognise the importance attached to the open space regarded by residents as "the village green". The local value of the area appears to be acknowledged by the council but I note the report to the Local Review Body in respect of a planning application for a house stated:

"Although traditionally agricultural land, the site is now in use as open space for the community, serving as a 'village green'. However, it has no formal status as such, either within the Adopted Local Plan or within the Council's green space strategy."

2. As the council points out, the identification and safeguarding process should be applied to the most important green spaces. Indeed, an audit of green spaces within settlement areas has been undertaken but the area in question was not identified as a "key greenspace". On the basis that the audit was undertaken in a consistent manner, I am prepared to accept the council's argument that the land at Redpath should not be the subject of a specific allocation.

3. In my opinion, although the area clearly has local value, the open space is not a "key" element within the traditional structure of the village. Redpath has a linear form and therefore is not structured to incorporate a traditional village green. The space in question is a small open area, almost a gap site, within the linear form of the village. Although access is possible through two gates, there is a stone wall along the street frontage. This creates a visual barrier and detracts significantly from the "village green" concept.

4. In reaching this conclusion I have noted the terms of Policy EP11, Protection of Greenspace, which not only safeguards identified areas but also extends protection to

other green spaces within settlements. All in all, I consider that there is adequate policy protection for the area without the need for formal designation as key greenspace.

Reporter's recommendations:

No modifications.

Issue 286	Housing within the Eastern Strategic Development Area: Reston (BR6- Rear of Primary School)	
Development plan reference:	Reston Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Reston, page 473)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
357 SEPA		
Provision of the development plan to which the issue relates:	Reston Settlement Profile, Development and Safeguarding Proposals (BR6- Rear of Primary School)	
Planning authority's summary of the representation(s):		
State that they require a Flood Risk Assessment which assesses the risk from the small watercourse, particularly the culvert or structure which may exacerbate flood levels. Surface water from nearby hills may be an issue.		
Modifications sought by those submitting representations:		
Insert a Flood Risk Assessment site requirement.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to culvert removal and channel restoration. Policy EP15 on Development Affecting the Water Environment states in its preamble that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. Developers are required to</p>		

consider potential impacts and mitigations to enhance and restore water the environment. Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters. This includes in sub section d) the need for compliance with best practice in relation to canalisation and culverting.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. This housing proposal site remains as yet undeveloped. The council does not advise that planning permission is in place for its development.
2. SEPA advises that a flood risk assessment is required which assesses the risk from the small watercourse, and that consideration should be given to the downstream culvert or structure which may exacerbate flood levels. Surface water from nearby hills may also be an issue. There are 6 detailed site requirements relevant to development of this site listed on page 473 of the proposed plan. None of these refer to any need to assess flooding risk or even take account of the presence of the watercourse. I acknowledge the council’s contention that this matter is capable of being satisfactorily addressed by the wider policies of the plan, and in particular by Policy EP15: *Development Affecting the Water Environment*.
3. Potential developers of the site would, however, be entitled to rely on the otherwise detailed site requirements already set out, some of which could be fairly described as being less crucial to development of the site than the potential for flooding.
4. It is disappointing that this matter was not resolved between the council and SEPA earlier in the development planning process. That said, I conclude that the plan would be insufficient in failing to include this matter as a site requirement, in the circumstances set out above.
5. Although not included in the council’s summary of modifications sought, SEPA also contends that the development of the site would provide an opportunity to contribute to the objectives of the River Basin Management Plan. I note, however, that Policy EP15: *Development Affecting the Water Environment* provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. I conclude that the terms of Policy EP15 provide a sufficient basis for development management of this site in respect of the wider water environment and that a specific site requirement to this effect is not necessary.

Reporter’s recommendations:

I recommend that the following modification be made:

1. Insert an additional site requirement for site BR6 as follows:

“A flood risk assessment is required to inform the site layout, design and mitigation”

Issue 287	Development outwith the Strategic Development Areas: Reston (FREST001- Houndwood (cemetery))	
Development plan reference:	Reston Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Reston, page 474)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
376 John Brown 371 L C & H A Argent 379 Victoria Ross		
Provision of the development plan to which the issue relates:	Reston Settlement Profile, Development and Safeguarding Proposals (FREST001- Houndwood)	
Planning authority's summary of the representation(s):		
<p><u>376 John Brown</u></p> <p>States the area marked red on the plan is his property and that he will not be selling any land to the Council for a cemetery</p> <p><u>371 L C & H A Argent</u></p> <p>Object strongly to the proposal as the site is too close to their property. State that the field in question is prone to flash flooding</p> <p><u>379 Victoria Ross</u></p> <p>States the site is too close to her property. States that the rest of Houndwood cemetery is a garden-space distance which is acceptable in relation to the residential properties of Glendale Cottage and Glenside flat.</p>		
Modifications sought by those submitting representations:		
Removal of FREST001 from the Local Development Plan (LDP).		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED, HOWEVER, THE REPORTER IS REQUESTED TO CONSIDER THE MATTER FURTHER</p> <p>REASONS</p> <p>The site has been brought forward from the accepted Consolidated Local Plan and was identified following advice from the Council's Cemeteries team. However the current view from the Cemeteries team is that the site is unlikely to be developed for a cemetery.</p>		

The Council notes the provisions within paragraph 87 of Circular 6/2013 on Development Planning which state that “The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations.” In that respect the Council acknowledges that given that the allocated site is unlikely to be implemented it is proposed that the Reporter considers the allocation could be deleted from the Plan, and the Council would accept the Reporter’s decision on this matter.

Reporter’s conclusions:

1. The owner of the site, in his representation on this matter, advises that he has no intention of disposing of the site to the council for the purposes of extending the existing graveyard. That does not, of course, preclude such an allocation in the development plan. I note, however, that the council’s Cemeteries Team has advised the Planning Service that the site is unlikely to be developed for the purpose allocated in the proposed plan.
2. In these circumstances, I find this allocation to be no longer appropriate.

Reporter’s recommendations:

I recommend that the following modification be made:

1. Delete proposal FREST001 from the Reston Settlement Profile and from the accompanying proposals map.

Issue 288	Mixed Use within the Eastern Strategic Development Area: Reston (MREST001- Auction Mart)	
Development plan reference:	Reston Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Reston, page 474)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
380 David Cree 357 SEPA		
Provision of the development plan to which the issue relates:	Reston Settlement Profile, Development and Safeguarding Proposals (MREST001- Auction Mart)	
Planning authority's summary of the representation(s):		
<p><u>380 David Cree</u></p> <p>States that at present there is access along this part of the proposed development for vehicular access and deliveries. States that the latest plan indicated this access could be lost. This may lead to more parking on the main street which may cause further congestion. Would like the planning department to explore options for this part of the site.</p> <p><u>357 SEPA</u></p> <p>State that if development comes forward that is different from that consented or if a new application differs from what has been previously agreed then an updated FRA would be required to assess the risk from the Briery Burn.</p>		
Modifications sought by those submitting representations:		
Insertion of site requirement stating that a Flood Risk Assessment may be required (if existing consent was not implemented).		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p><u>380 David Cree</u></p> <p>There was no change in the site area from the Consolidated Local Plan (zRO13) to the Proposed Local Development Plan (MREST001). It is considered that the "latest plan" referred to is in fact a site layout associated with a planning application (08/01531/FUL) which was agreed by Council Committee in principle in 2009 subject to legal agreements.</p>		

Any future planning applications would consider this issue and would be subject to public consultation

357 SEPA

Comments noted. However, it is considered that if the planning application was not implemented or it was changed this would be done through the Development Management process and that as a result no change is necessary within the settlement profile.

As a result of the discussion above it is not considered necessary to amend the settlement profile in the Local Development Plan.

Reporter's conclusions:

1. The council advises in its response to Mr Cree's representation that there may be some confusion between the plan allocation, which I note is largely carried forward from the adopted local plan, and plans submitted in support of a planning application for the site. I agree with the council that detailed matters such as access and parking stand fairly to be assessed during the development management process, at which point neighbours of the site will have the opportunity to respond to specific proposals.
2. SEPA states that advice on flooding was previously given on an earlier application but if the proposal were to change, an updated flood risk assessment would be required to assess the risk from the Briery Burn. I am content that such a change in circumstances would be properly addressed at the development management stage, in the context of the earlier flood risk assessment and the wider policies of the plan, principally Policy IS8: *Flooding*.

Reporter's recommendations:

No modifications.

Issue 289	Longer Term Mixed Use within the Eastern Strategic Development Area: Reston (SREST001- Reston Long Term 1)	
Development plan reference:	Reston Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Reston, page 474)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
357 SEPA		
Provision of the development plan to which the issue relates:	Reston Settlement Profile, Development and Safeguarding Proposals (SREST001- Reston Long Term 1)	
Planning authority's summary of the representation(s):		
State that they will require a FRA from the small watercourses within the site, one of which may be culverted. PAN 69 states that buildings may not be constructed over an existing drain that is to remain active.		
Modifications sought by those submitting representations:		
Insertion of site requirement stating that a Flood Risk Assessment may be required for both SREST001 and SREST002.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to culvert removal and channel restoration. Policy EP15 on Development Affecting the Water Environment states in its preamble that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It refers to the need for any activity to comply with the 2011 Water</p>		

Environment (Controlled Activities) (Scotland) Regulations. Developers are required to consider potential impacts and mitigations to enhance and restore water the environment. Policy EP15 states the Council’s clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters. This includes in sub section d) the need for compliance with best practice in relation to canalisation and culverting.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. SEPA states that a flood risk assessment will be required which assesses the risk from the small watercourse within the site, and from another watercourse which may be culverted through the site.
2. The site requirements in the proposed plan refer only to an approved planning brief, which the council did not originally produce for the purposes of this examination. It was subsequently submitted at my request and I note that at paragraph 12.5 it is stated that a flood risk assessment is unlikely to be necessary.
3. I acknowledge the council’s contention that this matter is capable of being satisfactorily addressed by the wider policies of the plan, and in particular by Policy EP15: *Development Affecting the Water Environment*. Potential developers of the site would, however, be entitled to rely on the planning brief, which is dated May 2008, but which now appears to run counter to SEPA’s advice.
4. It is disappointing that this matter was not resolved between the council and SEPA earlier in the development planning process. That said, I conclude that the plan would be insufficient in failing to include this matter as a site requirement, in the circumstances set out above.
5. SEPA also contends, although that is not summarised in the Schedule 4, that the development of the site would provide an opportunity to contribute to the objectives of the River Basin Management Plan. I note, however, that Policy EP15: *Development Affecting the Water Environment* provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. I conclude that the terms of Policy EP15 provide a sufficient basis for development management of this site in respect of the wider water environment and that a specific site requirement to this effect is not necessary.

Reporter’s recommendations:

I recommend that the following modification be made:

1. Amend the site requirements for site SREST001 as follows:

“Refer to approved Planning Brief (Reston Auction Mart), which shall be updated to consider the need for flood risk assessment.”

Issue 290	Longer Term Mixed Use within the Eastern Strategic Development Area: Reston (SREST002- Reston Long Term 2)	
Development plan reference:	Reston Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Reston, page 474)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
357 SEPA		
Provision of the development plan to which the issue relates:	Reston Settlement Profile, Development and Safeguarding Proposals (SREST002- Reston Long Term 2)	
Planning authority's summary of the representation(s):		
State that they will require a FRA from the small watercourse within the SE corner of the site which may result in localised flooding.		
Modifications sought by those submitting representations:		
Insertion of site requirement stating for a Flood Risk Assessment.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the</p>		

flood risk.”

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. SEPA states that a flood risk assessment may be required which assesses the risk from the small watercourse in the south-eastern part of the site.
2. The site requirements in the proposed plan refer only to an approved planning brief, which the council did not originally produce for the purposes of this examination. It was subsequently submitted at my request and I note that at paragraph 12.5 it is stated that a flood risk assessment is unlikely to be necessary.
3. I acknowledge the council’s contention that this matter is capable of being satisfactorily addressed by the wider policies of the plan, and in particular by Policy IS8: *Flooding*. Potential developers of the site would, however, be entitled to rely on the planning brief, which is dated May 2008, but which now appears to run counter to SEPA’s advice.
4. It is disappointing that this matter was not resolved between the council and SEPA earlier in the development planning process. That said, I conclude that the plan would be insufficient in failing to include this matter as a site requirement, in the circumstances set out above.

Reporter’s recommendations:

I recommend that the following modification be made:

1. Amend the site requirements for site SREST002 as follows:

“Refer to approved Planning Brief (Reston Auction Mart), which shall be updated to consider the need for flood risk assessment.”

Issue 290a	Housing within the Central Strategic Development Area: Roberton (AROB003 – Site Adjacent to Kirk’oer)	
Development plan reference:	Roberton Settlement Profile and Map (pages 476 – 478) AROBE003 – Site Adjacent to Kirk’oer	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Housing Allocation AROBE003 – Site Adjacent to Kirk’oer	
Planning authority’s summary of the representation(s):		
<p>The contributor requests an additional requirement should be included to help contribute to the objectives of the River Basin Management Plan and for a feasibility study to be undertaken to assess the potential for channel restoration by removing the existing or possible culverts.</p>		
Modifications sought by those submitting representations:		
<p>Modification of the site requirements to include additional requirement to help contribute to the objectives of the River Basin Management Plan and a feasibility study to be undertaken to assess the potential for channel restoration by removing the existing or possible culverts.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SELKIRK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development</p>		

does not adversely affect any of the complex components of the water environment. It also refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area.

Policy EP15 states the Council's clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor's proposal is not necessary.

It is noted that the respondent did not respond on the matter of watercourse restoration to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 "the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP." Furthermore, paragraph 4.3 states "This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation". This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to culvert removal and channel restoration. Policy EP15 on Development Affecting the Water Environment states in its preamble that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. Developers are required to consider potential impacts and mitigations to enhance and restore water the environment. Policy EP15 states the Council's clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters. This includes in sub section d) the need for compliance with best practice in relation to canalisation and culverting.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor's proposal is not necessary.

Reporter's conclusions:

1. Site AROBE003, Adjacent to Kirk'oer, is allocated for housing.
2. As in other cases, I acknowledge the hope of the Scottish Environment Protection Agency that the redevelopment of the site would provide an opportunity to contribute to the objectives of the River Basin Management Plan. Nevertheless, Policy EP15, Development Affecting the Water Environment, provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management

objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. Opportunities to enhance and restore the water environment in support of biodiversity are set out in supplementary guidance.

3. On the basis of the foregoing, I conclude that the terms of Policy EP15 provide a clear basis for development management of this site in respect of the water environment and that a further site requirement to this effect is not necessary.

4. I accept that the water environment can be improved as a result of the removal of culverts. In this respect I consider attention should be drawn to the need to consider this possibility.

Reporter's recommendations:

I recommend the following modification be made:

1. In the Housing section of the Development and Safeguarding Proposals of the Robertson settlement profile, add a further bullet point (to be sixth in the list of bullet points) in the site requirements for site AROBE003, Site Adjacent to Kirk'oer:

“Consider the potential for culvert removal and channel restoration.”

Issue 291	Development with the Central Strategic Development Area: Roxburgh Development Boundary (SBROX001)	
Development plan reference:	Roxburgh Settlement Profile and Map (pages 482 – 484), SBROX001 (Roxburgh Settlement Boundary Amendment)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
460 Briggs		
Provision of the development plan to which the issue relates:	Amendment to the settlement boundary of Roxburgh to incorporate land to the north west SBROX001 (Roxburgh Settlement Boundary Amendment).	
Planning authority's summary of the representation(s):		
<p>The contributor objects to Roxburgh Settlement Boundary within the Proposed Plan and would like land the Settlement Boundary to be amended to include land within their ownership (SBROX001).</p> <p>The site was used a part of the former railway and is now greenfield although the site is not suitable for agricultural use. The contributor states the site is currently used as garden ground for Station House. Some of the garden is already included within the development boundary and the contributor would like the remainder of their garden to be included within the development boundary of Roxburgh.</p>		
Modifications sought by those submitting representations:		
The contributor seeks an amendment to the development boundary of Roxburgh to include site SBROX001 (Roxburgh Settlement Boundary Amendment).		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO ROXBURGH SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>This site was put forward during the call for sites as part of the Expression of Interest period as a proposed housing site. At this stage the site, Land at former Roxburgh Station (AROB002) was fully assessed for as a potential housing site (Supporting Document 291-1). The overall assessment of the site was 'Doubtful' as the only part of the site which could most obviously be developed would be part of the former railway line which is flat. However this area of land is elongated and it is likely to problematic to develop this land and access it without considerable excavation works and alterations to ground levels. Such works would also involve the removal of a considerable amount of mature trees. There are vehicular access and visibility issues which would need to be addressed as well as contamination issues and archaeological matters to be addressed.</p> <p>Following the site assessment process and site visit, the site was not taken forward into the</p>		

Main Issues Report as it was considered there were more appropriate sites to meet the housing land requirement within the Central Strategic Development Area. A site comparison was also undertaken for all sites within the Central Borders Strategic Development (Core Document CD077) and sites in Bonchester Bridge, Galashiels and Kelso were seen as more appropriate than AROXB002.

The site has been resubmitted during the Proposed Plan representation period as a development boundary amendment. The site has been reassessed as a boundary amendment, site code SBROX001 (Supporting Document 291-2) and following a second site assessment the difficulties with developing the site as detailed in the initial site assessment remain and the topography of the site and site access remains a significant issue.

This issue is also referred to within the settlement profile for Roxburgh which describes the settlement as having a strong sense of enclosure due to the topography of the area which is reinforced by the old railway embankments and viaduct. It is considered there is no benefit by incorporating the site into the development boundary due to the very limited opportunity of development.

Although policy 8, criterion (h) of the Strategic Development Plan (Core Document CD001, page 46) seeks to protect former railway routes, there are no plans for reusing the line as a railway and there are no recreational/cycling proposals for this area, and it is noted that the nearby Roxburgh viaduct is physically blocked off for access purposes.

Roxburgh is located within the Central Strategic Development Areas set out by the SESplan Strategic Development Plan (SDP). The SDP shows that the Proposed LDP meets the provisions of the SESplan SDP and its associated Supplementary Guidance in providing land to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy 2014 (Core Document CD026, paragraph 119). In addition Appendix 2 Meeting the Housing Land Requirement – Update (Core Document CD017) states the Proposed LDP provides substantial flexibility in the form of identified redevelopment sites and sites with potential for longer term development. As a result no further housing land within Roxburgh is required to meet the identified housing requirement.

In conclusion, there is no requirement to amend the development boundary of Roxburgh to incorporate additional land to the north west of the settlement.

Reporter’s conclusions:

1. Roxburgh is essentially a linear village running from the Station House in the south-west, along Teviot Road to the north-east.
2. Although the land in question forms part of the curtilage of Station House, it is clearly a former railway embankment with no direct relationship with the built form of the village. In effect, the embankment forms a spur to the north of Station House and is visually unconnected with the remainder of Roxburgh. Accordingly, I conclude that the site has been correctly identified in the proposed plan as being beyond the settlement boundary.

Reporter's recommendations:

No modifications.

Issue 292	Business and Industrial within the Central Strategic Development Area: Selkirk (BSELK002 – Riverside 5)	
Development plan reference:	Selkirk Settlement Profile and Map (pages 485 – 493) BSELK002 – Riverside 5	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
342 Selkirk Community Council 357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Business and Industrial Allocation BSELK002 – Riverside 5	
Planning authority's summary of the representation(s):		
<p><u>342 Selkirk Community Council</u></p> <p>The contributor requests that site description should note that “This site has an important riverside aspect.”</p> <p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor requires a flood risk assessment to assess the risk from the Etrick Water. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues in this area. This should be investigated further and it is recommended that contact is made with the Council’s flood prevention officer.</p> <p>The contributor also requests an additional requirement should be included to help contribute to the objectives of the River Basin Management Plan.</p>		
Modifications sought by those submitting representations:		
<p><u>342 Selkirk Community Council</u></p> <p>The contributor seeks a modification of the site requirements to include the following words: “This site has an important riverside aspect.”</p> <p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor seeks a modification of the site requirements to include a FRA as well as an additional requirement to help contribute to the objectives of the River Basin Management Plan.</p>		
Summary of responses (including reasons) by planning authority:		
NO CHANGE TO THE SELKIRK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN		

REASONS

342 Selkirk Community Council

The contributor's comments are noted. It is acknowledged that the site benefits from a riverside location and as a result has an important riverside aspect. It is therefore important that the development of this site for business and industrial use respects this riverside location and is sympathetic to its neighbouring uses. The layout and design of this site will ultimately be tested through the development management planning application process and any proposals for the development of this site will be considered against relevant local development plan policies, including Policy ED1 and Policy PMD2.

It is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy and that the insertion of the contributor's proposal is not necessary.

357 Scottish Environment Protection Agency

It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 "the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP." Furthermore, paragraph 4.3 states "This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation". This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.

Policy IS8 sets out the requirement that "Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk."

The Council's Flood Protection Officer advises that this site lies within the 1 in 200 year fluvial and pluvial flood extents. It is recommended that a flood risk assessment be undertaken for this site. However, Selkirk is building a flood prevention scheme and this may reduce the risk to property.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor's proposal is not necessary.

Furthermore, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also refers to the need for any

activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area. Policy EP15 states the Council's clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor's proposal is not necessary.

Reporter's conclusions:

1. Site BSELK002, Riverside 5, is allocated for business and industrial purposes as a "district" site under Policy ED1, Protection of Business and Industrial Land. The site lies within a much larger area of generally business and industrial character running from south-west to north-east along the south bank of the Ettrick Water. Flood protection works are currently underway in the vicinity of the site.
2. In seeking a flood risk assessment to be specified as a site requirement, the Scottish Environment Protection Agency further recommends contact with the council's Flood Protection Officer. Significantly the Flood Protection Officer also believes that a flood risk assessment should be undertaken.
3. The council nevertheless believes that this issue can be addressed through Policy IS8, Flooding, arguing also that the flood protection works "may reduce the risk to property".
4. I note that much of the site is shown in the flood maps of the Scottish Environment Protection Agency as being at medium risk of river flooding. Indeed, part of the site may be within the high-risk area immediately adjacent to the Ettrick Water.
5. I acknowledge the provisions of Policy IS8 in respect of requiring proper assessment in relation to potential flooding issues. I also note that the flood protection scheme has been approved, implementation of which has now commenced. Clearly, it is to be hoped that the scheme will lead to significant improvements in the level of flood risk. However, the council has not provided a full guarantee in this respect. The settlement profile refers to a drastic reduction in the risk of flooding and the council's Schedule 4 response states the risk "may" be reduced. On this basis, I conclude that it would be helpful and appropriate to include a reference to both the flood protection scheme and the need for a flood risk assessment in the site requirements for site BSELK002.
6. As in other cases, I acknowledge the hope of the Scottish Environment Protection Agency that the redevelopment of the site would provide an opportunity to contribute to the objectives of the River Basin Management Plan. Nevertheless, Policy EP15, Development Affecting the Water Environment, provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. Opportunities to enhance and restore the water environment in support of biodiversity are set out in supplementary guidance.
7. On the basis of the foregoing, I conclude that the terms of Policy EP15 provide clear

guidance for the development management of this site in respect of the water environment and that a further site requirement to this effect is not necessary.

8. The Royal Burgh of Selkirk & District Community Council is correct in drawing attention to the important riverside aspect. Indeed, this is acknowledged by the council. However, I do not believe that it is necessary for this aspect to receive particular emphasis in the proposed plan (the site is designated *Riverside 5*). As pointed out by the council, there is a clear policy basis for ensuring any future development recognises the characteristics of the site.

Reporter's recommendations:

I recommend that the following modification be made:

1. In the Business and Industrial section of the Development and Safeguarding Proposals of the Selkirk settlement profile, add a bullet point in the site requirements for site BSELK002, Riverside 5:

“Although it is likely that the approved flood protection scheme will reduce the risk posed by the Ettrick Water, a flood risk assessment is required.”

Issue 293	Redevelopment within the Central Strategic Development Area: Selkirk (zRO200 Philiphaugh Mill)	
Development plan reference:	Selkirk Settlement Profile and Map (pages 485 – 493) zRO200 (Philiphaugh Mill)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>342 Selkirk Community Council 357 Scottish Environment Protection Agency 409 Boag</p>		
Provision of the development plan to which the issue relates:	Redevelopment Opportunity zRO200 – Philiphaugh Mill	
Planning authority's summary of the representation(s):		
<p><u>342 Selkirk Community Council</u></p> <p>The contributor requests that an additional bullet point is added: “Site layout and design should be of a high standard to enhance the amenity of the area and safeguard environmental quality.”</p> <p><u>357 Scottish Environment Protection Agency</u></p> <p>Recommend modification: removal of site due to flood risk from the Ettrick Water. The entire site boundary of zRO200 lies within the estimated 1 in 200 year functional floodplain of the Ettrick Water. In addition there is a mill lade which flows through the site which poses an additional flood risk to the site. The contributor cannot support any residential development on this site as a change of use from industrial to residential would be an increase in the sensitivity of use and increase overall flood risk. The contributor would be supportive of redevelopment of the site for a similar industrial use.</p> <p><u>409 Boag</u></p> <p>Strongly objects to the allocation on the following grounds:</p> <ul style="list-style-type: none"> • The site is subject to flooding. Why make the situation worse by building in this high risk area? <p>Proposals to build houses on the land opposite the cottages were refused on the grounds of flood risk. The area was a flood risk then and remains so today. The area was close to flooding recently and the proposals seek to erect houses on a site that resembles a council amenity site. It is understood that the present owner of the site aims to build on the land under discussion.</p> <p>Ettrickhaugh Road considerably narrows once it passes the vehicle entrance to Selkirk Cricket Club. It is currently often difficult to travel up the road. The occupants of Ettrickhaugh Cottages, in the main, have no off street parking. By necessity they have to park on the road, leaving a very narrow space for traffic to pass.</p>		

Modifications sought by those submitting representations:
<p><u>342 Selkirk Community Council</u></p> <p>The contributor requests that an additional bullet point is added: “Site layout and design should be of a high standard to enhance the amenity of the area and safeguard environmental quality.”</p> <p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor seeks the removal of site from the plan due to flood risk.</p> <p><u>409 Boag</u></p> <p>Strongly objects to the allocation on the grounds of flooding and inadequate access.</p>
Summary of responses (including reasons) by planning authority:
<p>NO CHANGE TO THE SELKIRK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p><u>342 Selkirk Community Council</u></p> <p>It is considered that there is no need for an additional bullet point as matters of design and layout can be addressed by Policy PMD2 – Quality Standards (pages 24 – 26) of the Proposed LDP. Paragraph 1.1 of the policy preamble states that “The aim of the policy is to ensure that all new development, not just housing, is of a high quality and respects the environment in which it is contained”. Paragraph 1 of the Policy also states that “All new development will be expected to be of a high quality in accordance with sustainability principles, designed to fit within Scottish Borders townscapes and to integrate with its landscape surroundings”.</p> <p><u>357 Scottish Environment Protection Agency</u></p> <p>It is noted that the contributor did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.</p>

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

The objection site was allocated within the Scottish Borders Adopted Local Plan 2008 (Core Document 008) as well as the Scottish Borders Consolidated Local Plan 2011 (Core Document 007) as a Redevelopment Opportunity for housing. It was previously safeguarded for the retention of industrial uses in the Ettrick and Lauderdale Local Plan 1995.

The Reporters conclusions into the objections received to the Finalised Local Plan (Core Document 020 pages 5-16 – 5-17) confirms that “there is agreement that the part of the site within the proposed development boundary is suitable for some form of redevelopment, as it is largely occupied by the former mill buildings and obviously constitutes a brownfield site within the intended urban area”. The Reporters goes on to conclude that housing would be the most appropriate use for this site as commercial development would be detached from the town centre. Given that the buildings are unused, but in an attractive location on the edge of the settlement, it would be worth recognising the site as a potential redevelopment opportunity (which could possibly include retention of some of the buildings), in order to encourage a suitable development, subject to a flood risk assessment.

The section of the objection site within the development boundary referred to in the Local Plan Inquiry Report 2007 is consistent with the proposed redevelopment opportunity within the Proposed LDP. The Reporter recommends that this site is identified as a redevelopment opportunity for housing. Notwithstanding the objections from SEPA on the grounds of flood risk, there is a lengthy planning history associated with this site which confirms the acceptability of this site as a redevelopment opportunity.

It is noted that SEPA do not object to the inclusion of the site within the Plan, but recommend that it should be removed. Therefore, whilst there is adequate policy protection in respect of this matter, the Council acknowledges that in the interests of clarity for developers and the public the site could be removed from the Plan.

However, the Selkirk Flood Prevention Scheme (which is currently under construction) under the Flood Risk Management (Scotland) Act 2009 would remove flood risk from this area of Selkirk and would subsequently release opportunities for the development of this site. The supporting maps (Supporting Documents 293-1 and 293-2) define areas and addresses in Selkirk that will be removed from being at risk of the 1 in 200 years (plus climate change) flood event by the Selkirk Flood Prevent Scheme. Of note, this includes the Philiphaugh Mill site which will be inside the Scheme’s line of defence and fully connected to the town in terms of access and egress infrastructure. The Scheme was funded in March 2014 and the Council has adopted Development Contributions policy for any new residential development proposals within the protected areas. The flood risk, from a planning perspective, is therefore considered to be removed.

409 Boag

The site was allocated within the Scottish Borders Adopted Local Plan 2008 (Core Document 008) as well as Scottish Borders Consolidated Local Plan 2011 (Core Document 007) as a Redevelopment Opportunity for housing. It was previously safeguarded for the

retention of industrial uses in the Ettrick and Lauderdale Local Plan 1995.

It is acknowledged that the site lies within the estimated 1 in 200 year functional floodplain of the Ettrick Water. However, the Selkirk Flood Prevention Scheme (which is currently under construction) under the Flood Risk Management (Scotland) Act 2009 would remove flood risk from this area of Selkirk and would subsequently release opportunities for the development of this site. The supporting map (Supporting Document 293-1) defines areas in Selkirk that will be removed from being at risk of the 1 in 200 years (plus climate change) flood event by the Selkirk Flood Prevent Scheme. Of note, this includes the Philiphaugh Mill site which will be inside the Scheme's line of defence and fully connected to the town in terms of access and egress infrastructure. The Scheme was funded in March 2014 and the Council has adopted Development Contributions policy for any new residential development proposals within the protected areas. The flood risk, from a planning perspective, is therefore considered to be removed.

The former Mill and its associated buildings would have generated vehicular movements along Ettrickhaugh Road when it was operational. This would have included large delivery vehicles. It is contended that a residential development on this site with an indicative site capacity of 19 (shown on the site requirements table on page 489 of the Proposed LDP) is unlikely to create a significant increase in vehicular movements over and above that of a fully functioning Mill.

The existing road beyond the Cricket Club does not narrow as much as it appears, as the existing roadside vegetation gives the impression of less room being available. There is a good mix of on street and off street parking available for the existing Ettrickhaugh Cottages that allows for natural traffic calming whilst still allowing a relatively free flow for vehicles.

The Council's Roads Planning Service advises that the existing public road will have to be extended to serve this site, and that this will require the upgrading, or more likely replacement, of the existing bridge over the Ettrickhaugh Burn. Localised road widening on the narrower stretch of road leading to the site past the cricket club entrance would be required as a slight improvement to junction visibility where Ettrickhaugh Road meets the main road. All of this work can be undertaken within the existing road boundary.

The upgrading of the road and replacement of the bridge can be considered through the development management process should an application be submitted for the development of this site.

The Council are firmly of the opinion that this redevelopment opportunity for housing should remain as an allocation within the Proposed LDP and should not be removed. It is clear that the site will be protected from the 1 in 200 year (plus climate change) flood event when the Selkirk Flood Prevention Scheme is completed in 2016 and it has been confirmed by the Council's Roads Planning Service that adequate vehicular access is achievable.

Reporter's conclusions:

1. Site zRO200, Philiphaugh Mill, is allocated for redevelopment. Housing use is identified with an indicative capacity of 19 units.
2. The principle concern is the potential for flooding. Whilst the Scottish Environment Protection Agency acknowledges the existing embankment at this location and recognises

that a further flood protection scheme is to be undertaken, a change of use from the existing commercial activity to residential use was opposed. The basis of the concern was that even following the completion of the flood protection works, the mill lade passing through the site would remain active and cause an ongoing risk of flooding.

3. In response to a request for further information, the council explained that the flood protection scheme would remove the Philiphaugh Mill site from all risk up to and including 1:200 years flood events. The mill lade would continue to pass through the new flood protection embankment and cross the site. However, a flow control would be installed in the embankment to limit the maximum flow from the Ettrick Water to the mill lade. The control arrangement has been designed to ensure that the mill lade could not be surcharged with an excess of water. This would ensure the flood risk downstream, including at Philiphaugh Mill, would be removed. The completion of the flood protection scheme work in the Philiphaugh Mill area is scheduled for the latter part of 2015.

4. Despite the ongoing flood protection works and the control of the mill lade, the Scottish Environment Protection Agency maintained opposition to the proposed redevelopment for residential purposes. The Agency believed that failure of the defences could lead to rapid inundation of the site with serious risk of loss of life. Despite the council assurance that the maintenance of the flood protection scheme would be within the control of the local authority, the Agency drew attention to the finite life of flood defences and possible future failure. All in all, the Agency remained of the opinion that the flood history of the site and the residual risks warrant the removal of the residential allocation from the proposed plan.

5. The council subsequently made reference to a further communication from the Agency in response to a planning application consultation. The Agency has indicated that a position statement on development behind flood protection schemes is being finalised and the response to the planning application consultation had been made on the basis of that work. Generally, the need for a precautionary approach is still recommended by the Agency. However, attention is drawn to the framework contained in Scottish Planning Policy paragraph 263 where it is stated that residential development may be suitable in areas at medium to high risk of flooding. Additionally, the Agency has identified other development types that may be acceptable behind a flood protection scheme.

6. The council believes the most recent Agency response in respect of development behind the new flood protection scheme indicates that new development may once again proceed.

7. Despite the council's assurances on both the engineering efficacy of the flood protection scheme and future maintenance, the concerns of the Scottish Environment Protection Agency continued to be expressed in no uncertain terms. Any reference to a serious risk to life cannot be taken lightly.

8. The Agency acknowledged that the completion of the flood scheme would reduce the risk of flooding in Selkirk, but stated site zRO200 would remain within a flood risk area and the defences would not entirely remove the risk. Indeed, in the event of a failure of the scheme, sudden and unexpected flooding could trap water behind the defences and extend the period of inundation.

9. In these particular circumstances, the Agency argued, the consequences of flooding behind defences could be more catastrophic. Under the Flood Risk Management (Scotland) Act 2009, Scottish Ministers, the Agency, Scottish Water and local authorities

must exercise their flood risk related functions with a view to reducing overall risk. This includes a strengthening of approach to proposed development within flood risk areas, including site zRO200 where additional houses should not be constructed.

10. I can appreciate the council's contention that the Selkirk flood prevention scheme will lead to a very significant reduction in the flooding risk. In particular, I accept that an engineering solution is being brought forward which, on the face of the matter, will protect the Philiphaugh Mill site. In general, this opinion appears to be shared by the Agency although a warning has been sounded that there cannot be a guarantee flooding will never take place in the future.

11. Whilst the recent planning application consultation indicates that the Agency accepts that that proposed development accords with the risk framework, no details have been provided to allow a direct comparison to be drawn with the Philiphaugh Mill site. Indeed, although the council is of the opinion that the protection scheme justifies further development (in particular, site zRO200), the Agency has given no clear indication that further residential development could be permitted at this location.

12. I note a position statement is being finalised by the Agency to clarify the types of development considered to be acceptable behind flood protection schemes. However, details of the statement have not been provided.

13. Under the circumstances, I consider that very significant weight is to be attached to the continuing importance given by the Scottish Environment Protection Agency to the need to ensure that development behind a flood protection scheme does not increase the number of people or buildings at overall risk. This leads me to share the Agency's belief that a precautionary approach is necessary. I therefore conclude that the redevelopment of site zRO200 should not include residential use. Indeed, insofar as this is the only use specified in the Development and Safeguarding Proposals, the allocation should be deleted.

14. This conclusion would not prejudice the redevelopment of the site for commercial use, which would be acceptable to the Agency. It may also be that the completion of the flood protection scheme, practical evaluation, and the publication of the Agency's position statement might provide an appropriate opportunity to review the situation in respect of residential development. However, this is a matter for the council to pursue in the light of future circumstances.

15. Mr Boag also expressed concern about access to the site via Ettrickhaugh Road. The use of the site has been considered at a previous local plan inquiry when residential use was endorsed in principle although this was not pursued because of the then current flooding concern. I note the Roads Planning Service has commented on the need for various improvements to secure a satisfactory access to the site. I also note Mr Boag's indication that parking takes place on Ettrickhaugh Road but I have no evidence to suggest that this concern, in itself, should preclude the redevelopment of site zRO200. Indeed, as the council argues, the site has generated commercial traffic over the years, especially at the time the mill was operational. I therefore conclude that traffic cannot be regarded as an overriding constraint but this conclusion is subsumed by my conclusion in paragraph 14 that the residential allocation should be deleted.

16. There can be no dispute with the desire of the community council to ensure that the design of any redevelopment is of a high standard. However, as the council responds,

Policy PMD2, Quality Standards, provides a clear policy basis for achieving high standards.

Reporter's recommendations:

I recommend the following modifications be made:

1. In the "Redevelopment" section of the Development and Safeguarding Proposals of the Selkirk settlement profile, delete site zRO200, Philiphaugh Mill.
2. Delete site zRO200 from the Selkirk settlement map.
3. Relevant references elsewhere and house building totals in other parts of the proposed local development plan should also be adjusted as appropriate.

Issue 294	Business and Industrial within the Central Strategic Development Area: Selkirk (BSELK003 – Riverside 8)	
Development plan reference:	Selkirk Settlement Profile and Map (pages 485 – 493) BSELK003 – Riverside 8	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>335 Edinburgh Woollen Mill Group 342 Selkirk Community Council 357 Scottish Environment Protection Agency</p>		
Provision of the development plan to which the issue relates:	Business and Industrial Allocation BSELK003 – Riverside 8	
Planning authority’s summary of the representation(s):		
<p><u>335 Edinburgh Woollen Mill Group</u></p> <p>Welcome and acknowledge the mixed use redevelopment opportunities for this site. Support and welcome the desire for the presentation of a development brief for the wider area. Further to representations made at the MIR stage, request that the site is identified as a specific redevelopment opportunity with scope a range of mixed uses to include residential, nursing home, tourism, office, retail, leisure and commercial as well as existing business and employment uses. This would reflect the sites brownfield status and would maximise job creation and economic development opportunities.</p> <p>The site is well defined and is located within an existing industrial area. Former mill buildings occupy the site. They are not listed, are in poor condition and are currently vacant. The site is surrounded by a varied mix of existing uses. To the north are established housing sites and to the south are a variety if business, office, workshop and commercial uses. Other adjacent uses include builder’s merchants, Woollen Mill workshop, visitor centre and coffee shop as well as green space and a campsite. The site is highly accessible and well connected. Public transport is available along Dunsdale Road.</p> <p>The site has the opportunity to be developed for a wide range of uses due to the brownfield status of the land; relatively high profile location; accessibility; and surrounding mix of uses.</p> <p>Request that the site along with proposed allocation zEL11 is included as a mixed use redevelopment opportunity, with requirement to prepare a development brief. This would reflect the single land ownership and would be consistent with the advice contained within SPP, SESplan and the objectives of the LDP.</p> <p><u>342 Selkirk Community Council</u></p> <p>The contributor welcomes the production of a Planning Brief for this site, but the site requirements should include “This site not only has an important riverside aspect but the design of any future redevelopment must be sympathetic to its proximity to the Swimming Pool and Victoria Park – important tourism and leisure resources in the town.”</p>		

357 Scottish Environment Protection Agency

The contributor requires a flood risk assessment to assess the risk from the Ettrick Water and the Mill Burn. Consideration should be given to any upstream and downstream structures and culverts which may exacerbate flood risk. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues in this area. This should be investigated further and it is recommended that contact is made with the Council's flood prevention officer. We understand that a Supplementary Guidance will be produced for this site, therefore if this is statutory and includes FRA we can remove the modification.

The contributor also requests an additional requirement should be included to help contribute to the objectives of the River Basin Management Plan.

Modifications sought by those submitting representations:

335 Edinburgh Woollen Mill Group

The contributor seeks a modification of the plan to allocate the site as a specific redevelopment opportunity with scope a range of mixed uses to include residential, nursing home, tourism, office, retail, leisure and commercial as well as existing business and employment uses.

342 Selkirk Community Council

The contributor welcomes the production of a Planning Brief for this site, but seeks a modification of the site requirements to include "This site not only has an important riverside aspect but the design of any future redevelopment must be sympathetic to its proximity to the Swimming Pool and Victoria Park – important tourism and leisure resources in the town."

357 Scottish Environment Protection Agency

The contributor seeks a modification of the site requirements to include a FRA as well as an additional requirement to help contribute to the objectives of the River Basin Management Plan.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE SELKIRK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN

REASONS

335 Edinburgh Woollen Mill Group

This representation also relates to Schedule 4 Issue No 295 on site zEL11 in Selkirk as well as Schedule 4 Issue No 20 in relation to Policy ED1 - Protection of Business and Industrial Land.

Site BSELK003 is allocated for business and industrial use and is covered by Policy ED1 which seeks to provide the appropriate balance between the maintenance of an adequate supply of employment land, while promoting appropriate mixed use development. The

allocated site is within an area that has predominantly been industrial in nature, although there are some small examples of other uses. It is therefore important that the contributor's proposed move towards a more mixed use within the area (to include site zEL11) is subject to the appropriate tests as set out within the policy. The Council has sought to give promotion to mixed uses within site BSELK003 through its designation as a local site within the hierarchy as set out within Table 1. However, there remain large employment users within this area which need to be considered in relation to potential alternative uses. Therefore, the criteria set out within the policy are proportionate in the assessment process.

In conclusion, it is concluded that the proper planning of the area is best served by retaining the employment use allocation on this site as set out in the Proposed LDP.

342 Selkirk Community Council

The contributor's comments are noted. It is acknowledged that the site benefits from a riverside location and as a result has an important riverside aspect. It is therefore important that the development of this site for business and industrial use respects this riverside location and is sympathetic to its neighbouring uses. The layout and design of this site will ultimately be tested through the development management planning application process and any proposals for the development of this site will be considered against relevant local development plan policies, including Policy ED1 and Policy PMD2.

It is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy and that the insertion of the contributor's proposal is not necessary.

357 Scottish Environment Protection Agency

It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 "the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP." Furthermore, paragraph 4.3 states "This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation". This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.

Policy IS8 sets out the requirement that "Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk." Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor's proposal is not necessary.

Furthermore, the Proposed LDP makes adequate policy provision to ensure that any

proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area. Policy EP15 states the Council's clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters. Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor's proposal is not necessary.

The Council's Flood Protection Officer advises that this site lies within the 1 in 200 year fluvial and pluvial flood extents. It is recommended that a flood risk assessment be undertaken for this site. However, the recently approved Selkirk Flood Protection Scheme, which is programmed for commencement of works in November 2014 may reduce the risk to property on this site.

Reporter's conclusions:

1. Site BSELK003, Riverside 8, lies at the south west end of a large area extending along the Ettrick Water which at one time was occupied by traditional industry. The Edinburgh Woollen Mill Group site occupies a significant part of BSELK003. Over the wider area there have been changes in more recent times with the loss of traditional industry. There is now a range of business and commercial uses with some vacant property and land. The general character of the area remains that of employment land although there are some other uses including residential use.
2. Policy ED1, Protection of Business and Industrial Land, applies to site BSELK003 which falls within the "local" category. Despite this protective policy there is clearly scope for continuing change. Indeed, the policy points out that local sites have a lower priority and need for retention in the hierarchy of business and industrial sites. Consequently, says the policy, alternative uses are likely to be supported subject to assessment against the character and amenity of the surrounding area and compatibility with neighbouring businesses and industrial uses.
3. Both the council and the Edinburgh Woollen Mill Group recognise the scope for change. The council believes Policy ED1 provides the means to achieve an appropriate balance between potential mixed uses and the retention of employment land. To this end, the Selkirk settlement profile specifically states that the site would be suitable for mixed use development. It is intended a planning brief should be produced to provide supplementary guidance.
4. The Edinburgh Woollen Mill Group would be prepared to work with the council but considers that the way forward is the specific designation of a redevelopment opportunity for which examples of potential uses are provided.
5. I accept the hope of the parties that appropriate change will take place within the area of BSELK003. However, I believe that the provisions of the proposed plan under Policy

ED1 and the Selkirk settlement profile represent a reasonable approach. A planning brief would allow comprehensive consideration of the wider area of the allocation and provide guidance for all those with an interest in the site. The Edinburgh Woollen Mill Group has indicated a willingness to be involved in this process and that would represent positive collaboration. In turn, I consider it reasonable to anticipate that this process could lead to an acceptable outcome. In reaching this conclusion, I have noted the terms of Policy ED5, Regeneration, which “allocates redevelopment opportunities across the Borders”. These opportunities are shown on Figure ED5a. Site BSELK003 is not included but this does not prejudice the potential for redevelopment as Policy ED5 points out that the identified allocations are not exhaustive.

6. The terms of the proposed plan would fulfil the requirements of the Royal Burgh of Selkirk and District Community Council. The settlement profile specifically recognises the proximity of the site to the Ettrick Water and Policy ED1 requires respect for the character and amenity of the surrounding area.

7. I note that much of the site is shown in the flood maps of the Scottish Environment Protection Agency as being at medium risk of river flooding. This is recognised by the council’s Flood Protection Officer who, as does the Agency, recommends a flood risk assessment.

8. I acknowledge the provisions of Policy IS8, Flooding, in respect of requiring proper assessment in relation to potential flooding issues. I also note that a flood protection scheme has been approved and implementation is anticipated in the short term. Indeed, work has now commenced. Clearly, it is to be hoped that the scheme will lead to significant improvements in the level of flood risk. However, the council has not provided a full guarantee in this respect. The settlement profile refers to a drastic reduction in the risk of flooding and the council’s Schedule 4 response states the works “may” reduce the risk. On this basis, I conclude that it would be helpful and appropriate to include a reference to the flood protection scheme and the need for a flood risk assessment in the site requirements for site BSELK003.

(See also Issue 295)

Reporter’s recommendations:

I recommend that the following modification be made:

1. In the Business and Industrial section of the Development and Safeguarding Proposals of the Selkirk settlement profile, add a further bullet point (to be fourth in the list of bullet points) in the site requirements for site BSELK003, Riverside 8:

“Although it is likely that the approved flood protection scheme will reduce the risk posed by the Ettrick Water, a flood risk assessment is required”

Issue 295	Business and Industrial within the Central Strategic Development Area: Selkirk (zEL11 – Riverside 2)	
Development plan reference:	Selkirk Settlement Profile and Map (pages 485 – 493) zEL11 – Riverside 2	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>335 Edinburgh Woollen Mill Group 342 Selkirk Community Council 357 Scottish Environment Protection Agency</p>		
Provision of the development plan to which the issue relates:	Business and Industrial Allocation zEL11 – Riverside 2	
Planning authority’s summary of the representation(s):		
<p><u>335 Edinburgh Woollen Mill Group</u></p> <p>The contributor welcomes and acknowledges the mixed use redevelopment opportunities for this site. Support and welcome the desire for the presentation of a development brief for the wider area. Further to representations made at the MIR stage, request that the site is identified as a specific redevelopment opportunity with scope a range of mixed uses to include residential, nursing home, tourism, office, retail, leisure and commercial as well as existing business and employment uses. This would reflect the sites brownfield status and would maximise job creation and economic development opportunities.</p> <p>The site is well defined and is located within an existing industrial area. Former mill buildings occupy the site. They are not listed, are in poor condition and are currently vacant. The site is surrounded by a varied mix of existing uses. To the north are established housing sites and to the south are a variety if business, office, workshop and commercial uses. Other adjacent uses include builder’s merchants, Woollen Mill workshop, visitor centre and coffee shop as well as green space and a campsite. The site is highly accessible and well connected. Public transport is available along Dunsdale Road.</p> <p>The site has the opportunity to be developed for a wide range of uses due to the brownfield status of the land; relatively high profile location; accessibility; and surrounding mix of uses.</p> <p>The contributor requests that the site along with proposed allocation BSELK003 is included as a mixed use redevelopment opportunity, with requirement to prepare a development brief. This would reflect the single land ownership and would be consistent with the advice contained within SPP, SESplan and the objectives of the LDP.</p> <p><u>342 Selkirk Community Council</u></p> <p>The contributor requests that the words “This site has an important riverside aspect” are added to the site requirements.</p>		

357 Scottish Environment Protection Agency

The contributor requires a flood risk assessment to assess the risk from the Ettrick Water. The Mill Burn may be culverted through or adjacent to the site. The contributor recommends that contact is made with the local Flood Prevention Officer who may be able to provide further information relating to the culvert. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues at this site. This should be investigated further and it is recommended that contact is made with the Council's flood prevention officer.

Modifications sought by those submitting representations:

335 Edinburgh Woollen Mill Group

The contributor seeks a modification of the plan to allocate the site as a specific redevelopment opportunity with scope a range of mixed uses to include residential, nursing home, tourism, office, retail, leisure and commercial as well as existing business and employment uses.

342 Selkirk Community Council

The contributor seeks a modification of the site requirements to include the words "This site has an important riverside aspect".

357 Scottish Environment Protection Agency

The contributor seeks a modification of the site requirements to include a FRA.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE SELKIRK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN

REASONS

335 Edinburgh Woollen Mill Group

This representation also relates to Schedule 4 Issue No 294 on site BSELK003 in Selkirk as well as Schedule 4 Issue No 020 in relation to Policy ED1 - Protection of Business and Industrial Land.

Site zEL11 is allocated for business and industrial use and is covered by Policy ED1 which seeks to provide the appropriate balance between the maintenance of an adequate supply of employment land, and promoting appropriate mixed use development. The allocated site is within an area that has predominantly been industrial in nature, although there are some small examples of other uses. It is therefore important that the contributor's proposed move towards a more mixed use within the area (to include site BSELK003) is subject to the appropriate tests as set out within the policy. The Council has sought to give promotion to mixed uses within site BSELK003 through its designation as a local site within the hierarchy as set out within Table 1. However, there remain large employment users within this area related to both of these sites which need to be considered in relation to potential alternative uses. Therefore, the criteria set out within the policy are proportionate in the

assessment process.

In conclusion, it is concluded that the proper planning of the area is best served by retaining the employment use allocation on this site as set out in the Proposed LDP.

342 Selkirk Community Council

The contributor's comments are noted. It is acknowledged that the site benefits from a riverside location and as a result has an important riverside aspect. It is therefore important that the development of this site for business and industrial uses respects this riverside location. The layout and design of this site will ultimately be tested through the development management planning application process and any proposals for the development of this site will be considered against relevant local development plan policies, including Policy PMD2 – Quality Standards.

It is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy PMD2 and that the insertion of the contributor's proposal is not necessary.

357 Scottish Environment Protection Agency

It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 "the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP." Furthermore, paragraph 4.3 states "This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation". This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.

Policy IS8 sets out the requirement that "Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk."

The Council's Flood Protection Officer advises that this site lies within the 1 in 200 year fluvial and pluvial flood extents. It is recommended that a flood risk assessment be undertaken for this site. However, the recently approved Selkirk Flood Protection Scheme, which is programmed for commencement of works in November 2014, will remove the risk to property on this site.

It is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor's proposal is not necessary.

Reporter's conclusions:

1. Site zEL11, Riverside 2, lies within a large area extending along the Ettrick Water which at one time was occupied by traditional industry. Land in the ownership of The Edinburgh Woollen Mill Group site occupies the entire site and extends to the south west beyond the allocation boundary and then into allocation BSELK003, Riverside 8 (see Issue 294). Over the wider area there have been changes in more recent times with the loss of traditional industry. There is now a range of business and commercial uses with some vacant property and land. The general character of the area remains that of employment land although there is a limited amount of residential use.
2. Policy ED1, Protection of Business and Industrial Land, applies to site zEL11, identified as a "district" site within the hierarchy listed in Policy ED1, Table 1. Despite the protective policy there is clearly scope for continuing change within the wider "Riverside" area. Indeed, the text associated with Policy ED1 draws attention to the opportunities for mixed use development at "district" sites. Consequently, in terms of the policy, alternative uses are likely to be supported subject to assessment against the character and amenity of the surrounding area and compatibility with neighbouring businesses and industrial uses.
3. Although site zEL11 is specifically identified within the settlement profile and settlement map, it is a relatively small area within the wider Riverside safeguarded area under allocation BKSELK001. It is close to but does not adjoin larger site BSELK003 where the council proposes to prepare a planning brief (see Issue 294). I believe the proposed plan, in identifying site zEL11, seeks to encourage development which, in terms of Policy ED1, could include mixed use. Taking account of the size of the site and its location within allocation BKSELK001, I consider that Policy ED1 provides the appropriate guidance for development management purposes. In turn, I do not accept the suggestion that the site should be included within an area identified as a redevelopment opportunity and consequent allocation under Policy ED5, Regeneration. In any event, areas allocated under Policy ED5 are not "exhaustive".
4. The Royal Burgh of Selkirk and District Community Council correctly points out that the site has an important riverside aspect. However, I share the opinion of the council that the development management is the process whereby any particular proposed development requires to be assessed in the context of the riverside aspect.
5. As in the case of nearby allocation BSELK003 (again see Issue 294), I note that much of the site is shown in the flood maps of the Scottish Environment Protection Agency as being at medium risk of river flooding. This is recognised by the council's Flood Protection Officer who, as does the Agency, recommends a flood risk assessment.
6. I acknowledge the provisions of Policy IS8, Flooding, in respect of requiring proper assessment in relation to potential flooding issues. I also note that a flood protection scheme has been approved and implementation is underway. Clearly, it is to be hoped that the scheme will lead to significant improvements in the level of flood risk. Indeed, the settlement profile refers to a drastic reduction in the risk of flooding. The council's Schedule 4 response asserts the flood protection works will remove the risk to property on the site. Nevertheless, I conclude that it would be helpful and appropriate to include a reference to both the flood protection scheme and the need for a flood risk assessment in the site requirements for site zEL11.

Reporter's recommendations:

I recommend that the following modification be made:

1. In the Business and Industrial section of the Development and Safeguarding Proposals of the Selkirk Settlement Profile, add a further bullet point (to be fourth in the list of bullet points) in the site requirements for site zEL11, Riverside 2:

“Although it is likely that the approved flood protection scheme will reduce the risk posed by the Ettrick Water, a flood risk assessment is required.”

Issue 296	Business and Industrial within the Central Strategic Development Area: Selkirk (zEL15 – Riverside 6)	
Development plan reference:	Selkirk Settlement Profile and Map (pages 485 – 493) zEL15 – Riverside 6	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Business and Industrial Safeguarding zEL15 – Riverside 6	
Planning authority’s summary of the representation(s):		
<p>The contributor requires a FRA which assesses the risk from the Etrick Water. The Mill Burn may be culverted through or adjacent to the site. We recommend that contact is made with the local flood prevention officer who may be able to provide further information relating to the culvert. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues at this site. This should be investigated further and it is recommended that contact is made with the Council’s flood prevention officer.</p>		
Modifications sought by those submitting representations:		
<p>The contributor seeks a modification of the site requirements to include a FRA.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SELKIRK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p>		

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.

Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

The Council’s Flood Protection Officer advises that this site lies within the 1 in 200 year fluvial and pluvial flood extents. It is recommended that a flood risk assessment be undertaken for this site. However, Selkirk is building a flood prevention scheme and this may reduce the risk to property.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site BSELK002, Riverside 6, is allocated for business and industrial purposes as a “district” site under Policy ED1, Protection of Business and Industrial Land. The site lies within a much larger area of generally business and industrial character running from south-west to north-east along the south bank of the Ettrick Water. Flood protection works are currently underway.
2. In seeking a flood risk assessment to be specified as a site requirement, the Scottish Environment Protection Agency further recommends contact with the council’s Flood Protection Officer. In turn, the Flood Protection Officer considers it appropriate to undertake a flood risk assessment.
3. The council nevertheless believes that this issue can be addressed through Policy IS8, Flooding, arguing that the flood protection works “may reduce the risk to property”.
4. I note that the site is shown in the flood maps of the Scottish Environment Protection Agency as being at medium risk of river flooding. I also have had regard to the Scottish Environment Protection Agency indication of a culvert in the proximity.
5. I acknowledge the provisions of Policy IS8, Flooding, in respect of requiring proper assessment in relation to potential flooding issues. I also note that the flood protection scheme has been approved and is underway. Clearly, it is to be hoped that the scheme will lead to significant improvements in the level of flood risk. However, the council has not provided a full guarantee in this respect. The settlement profile refers to a drastic reduction in the risk of flooding and the council’s Schedule 4 response states the risk “may” be reduced. On this basis, and in view of the likely proximity of a culvert, I conclude that it would be helpful and appropriate to include a reference to both the flood protection scheme and the need for a flood risk assessment in the site requirements for site BSELK002.

Reporter's recommendations:

I recommend that the following modification be made:

1. In the Business and Industrial section of the Development and Safeguarding Proposals of the Selkirk settlement profile, add a bullet point (to be the second bullet point) in the site requirements for site zEL15, Riverside 6:

“Although it is likely that the approved flood protection scheme will reduce the risk posed by the Ettrick Water, a flood risk assessment is required.”

Issue 297	Business and Industrial Safeguarding within the Central Strategic Development Area: Selkirk (BSELK001 – Riverside 7)	
Development plan reference:	Selkirk Settlement Profile and Map (pages 485 – 493) BSELK001 – Riverside 7	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>342 Selkirk Community Council 357 Scottish Environment Protection Agency</p>		
Provision of the development plan to which the issue relates:	Business and Industrial Safeguarding BSELK001 – Riverside 7	
Planning authority’s summary of the representation(s):		
<p><u>342 Selkirk Community Council</u></p> <p>The contributor requests that site description should also note that “...The Riverside area contains significant tourist related facilities. Therefore any development of this site which borders the main route (Dunsdale Road) leading from the A7 to the Victoria Park must have an appropriately designed frontage.”</p> <p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor requires a flood risk assessment to assess the risk from the Ettrick Water. The Mill Burn may be culverted through or adjacent to the site. The contributor recommends that contact is made with the Council’s flood prevention officer who may be able to provide further information relating to the culvert. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues at this site. This should be investigated further and it is recommended that contact is made with the flood prevention officer.</p> <p>The contributor also requests an additional requirement should be included to help contribute to the objectives of the River Basin Management Plan.</p>		
Modifications sought by those submitting representations:		
<p><u>342 Selkirk Community Council</u></p> <p>The contributor seeks a modification of the site requirements to note that “...The Riverside area contains significant tourist related facilities. Therefore any development of this site which borders the main route (Dunsdale Road) leading from the A7 to the Victoria Park must have an appropriately designed frontage.”</p>		

357 Scottish Environment Protection Agency

The contributor seeks a modification of the site requirements to include a FRA as well as an additional requirement to help contribute to the objectives of the River Basin Management Plan.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE SELKIRK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN

REASONS

342 Selkirk Community Council

The contributor's comments are noted. It is acknowledged that there are a number of tourist related facilities within the Selkirk Riverside area and the main route from the A7 (Dunsdale Road) runs along the south east boundary of this allocation. It is important that the edge of this site has an appropriately designed frontage to Dunsdale Road as suggested by the contributor. The layout and design of this site will ultimately be tested through the development management planning application process and any proposals for the development of this site will be considered against relevant local development plan policies, in particular PMD2 – Quality Standards.

It is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy PMD2 and that the insertion of the contributor's proposal is not necessary.

357 Scottish Environment Protection Agency

It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 "the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP." Furthermore, paragraph 4.3 states "This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation". This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.

Policy IS8 sets out the requirement that "Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk." Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor's proposal is not necessary.

It is worth noting that the Council's Flood Protection Officer confirms that this site lies within the 1 in 200 year fluvial and pluvial flood extents. It is recommended that a flood risk assessment be undertaken for this site. However, the Selkirk Flood Protection Scheme, which is on programme for commencement of construction in November 2014, will reduce the risk to property.

Furthermore, the Proposed LDP also makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area. Policy EP15 states the Council's clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor's proposal is not necessary.

Reporter's conclusions:

1. Site BSELK001, Riverside 7, is allocated for business and industrial safeguarding as a "district" site under Policy ED1, Protection of Business and Industrial Land. This large site has a generally business and industrial character although there are other uses including some limited residential development. The site runs from south-west to north-east along the south bank of the Ettrick Water. Flood protection works are currently underway in the vicinity of the site.
2. In seeking a flood risk assessment to be specified as a site requirement, the Scottish Environment Protection Agency further recommends contact with the council's Flood Protection Officer. In turn, the Flood Protection Officer considers it appropriate to undertake a flood risk assessment.
3. The council nevertheless believes that this issue can be addressed through Policy IS8, Flooding, arguing that the flood protection works "may reduce the risk to property".
4. I note that the site is shown in the flood maps of the Scottish Environment Protection Agency as being at medium risk of river flooding. Indeed, part of the site appears to be within the high risk area immediately adjacent to the Ettrick Water. I also have had regard to the Scottish Environment Protection Agency indication that a culvert passes through the site.
5. I acknowledge the provisions of Policy IS8 in respect of requiring proper assessment in relation to potential flooding issues. I also note that the flood protection scheme has been approved, implementation of which appears to have commenced. Clearly, it is to be hoped that the scheme will lead to significant improvements in the level of flood risk. However, the council has not provided a full guarantee in this respect. The settlement profile refers to a drastic reduction in the risk of flooding and the council's Schedule 4 response states

the risk “may” be reduced. On this basis, and in view of the likely proximity of a culvert, I conclude that it would be helpful and appropriate to include a reference to both the flood protection scheme and the need for a flood risk assessment in the site requirements for site BSELK001.

6. As in other cases, I acknowledge the hope of the Scottish Environment Protection Agency that the redevelopment of the site would provide an opportunity to contribute to the objectives of the River Basin Management Plan. Nevertheless, Policy EP15, Development Affecting the Water Environment, provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. Opportunities to enhance and restore the water environment in support of biodiversity are set out in supplementary guidance.

7. On the basis of the foregoing, I conclude that the terms of Policy EP15 provide a clear basis for development management of this site in respect of the water environment and that a further site requirement to this effect is not necessary.

8. The council does not dispute the comments on frontage design by the Royal Burgh of Selkirk & District Community Council. I also accept that this is an important consideration but I agree with the council that the proposed plan contains an adequate policy basis to provide suitable development management.

Reporter’s recommendations:

I recommend that the following modification be made:

1. In the Business and Industrial Safeguarding section of the Development and Safeguarding Proposals the Selkirk settlement profile, add a second bullet point in the site requirements for site BSELK001, Riverside 7:

“Although it is likely that the approved flood protection scheme will reduce the risk posed by the Ettrick Water, a flood risk assessment is required for proposed development within this area.”

Issue 298	Housing within the Central Strategic Development Area: Selkirk (ASELK006 – Philiphaugh Steading)	
Development plan reference:	Selkirk Settlement Profile and Map (pages 485 – 493) ASELK006 – Philiphaugh Steading	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>342 Selkirk Community Council 357 Scottish Environment Protection Agency</p>		
Provision of the development plan to which the issue relates:	Housing Allocation ASELK006 – Philiphaugh Steading	
Planning authority’s summary of the representation(s):		
<p><u>342 Selkirk Community Council</u></p> <p>The contributors request that the site requirements should acknowledge that “... any proposals should be in keeping with the flood protection proposals.”</p> <p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor supports the inclusion of FRA in the site requirements.</p>		
Modifications sought by those submitting representations:		
<p><u>342 Selkirk Community Council</u></p> <p>The contributors request that the site requirements should acknowledge that “... any proposals should be in keeping with the flood protection proposals.”</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SELKIRK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN TO INCLUDE REFERENCE TO THE SELKIRK FLOOD PROTECTION PROPOSALS HOWEVER, THE REPORTER IS REQUESTED TO CONSIDER THE MATTER FURTHER</p> <p>REASONS</p> <p><u>342 Selkirk Community Council</u></p> <p>Site ASELK006 has already received 2no outline planning consents for the development of the land (05/00057/OUT and 06/01304/OUT) although these consent have now expired. The Consolidated Local Plan 2011 (Core Document 007) reflects these consents in its allocations and site ASELK006 was allocated for housing through the Local Plan</p>		

Amendment process. A number of site requirements, including the need for a flood risk assessment, were included within the Local Plan Amendment and these have been taken forward to the Proposed LDP.

The Council is aware that there is a risk of flooding on this site and this is reflected in the Site Requirements contained within the Housing Table on page 488 of the Proposed LDP. It is acknowledged that the site is at a high risk of flooding and that a flood risk assessment is required to inform site layout, design and mitigation. It is also acknowledged that no built development should take place on the functional flood plain. This area should be safeguarded as open space. These requirements were added by the Reporter in the Local Plan Amendment Report of Examination (Core Document 021).

The Contributor requests that the site requirements should acknowledge that "... any proposals should be in keeping with the flood protection proposals." Any forthcoming planning application for the development of this site will be supported by a Flood Risk Assessment as stipulated in the site requirements. This will take into account the Selkirk Flood Prevention Scheme, which is fully funded and remains on programme for commencement of construction in November 2014, and will form part of the normal planning application consultation process. It is submitted that the inclusion of the contributor's modification is not necessary as the site requirements already require the submission of a FRA and state that no development should take place on the functional flood plain. Policy IS8 on Flooding also requires the submission of a FRA in areas where there is a risk of flooding. This information will be used to assess any forthcoming planning application including information and advice from consultation with the Council's Flood Team and SEPA.

However, the Council notes the provisions within paragraph 87 of Circular 6/2013 on Development Planning which state that "The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations." In that respect the Council acknowledges that reference to the Selkirk Flood Protection Scheme could be added to the Plan, and the Council would accept the Reporter's decision on this matter.

357 Scottish Environment Protection Agency

The Council acknowledges the contributor's support comments for inclusion of a FRA in the site requirements.

Reporter's conclusions:

1. Site ASELK006, Philiphaugh Steading, is allocated for residential development.
2. The representation of the Scottish Environment Protection Agency does not represent an unresolved issue and did not require to be brought forward for consideration as part of the examination of the proposed plan.
3. The council's response to the community council representation is somewhat ambivalent. However, as previous planning permissions have lapsed and a fresh permission will be required prior to development taking place, I consider a reference to the flood protection scheme would be helpful.

Reporter's recommendations:

I recommend the following modification be made:

1. In the Housing section of the Development and Safeguarding Proposals of the Selkirk settlement profile, add the following sentence to the sixth bullet point in the site requirements for site ASELK006, Philiphaugh Steading:

“In this respect, potential developers should be aware of the provisions of the Selkirk Flood Protection Scheme.”

Issue 299	Housing within the Central Strategic Development Area: Selkirk (ASELK021 – Philiphaugh North)	
Development plan reference:	Selkirk Settlement Profile and Map (pages 485 – 493) ASELK021 – Philiphaugh North	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Housing Allocation ASELK021 – Philiphaugh North	
Planning authority’s summary of the representation(s):		
<p>The contributor requests an additional requirement should be included to help contribute to the objectives of the River Basin Management Plan and for a feasibility study to be undertaken to assess the potential for channel restoration by removing the existing or possible culverts.</p>		
Modifications sought by those submitting representations:		
<p>Modification of the site requirements to include additional requirement to help contribute to the objectives of the River Basin Management Plan and a feasibility study to be undertaken to assess the potential for channel restoration by removing the existing or possible culverts.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SELKIRK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also</p>		

refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area.

Policy EP15 states the Council's clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

The Council's Flood Protection Officer advises that this site is out with the 1 in 200 year flood extents. However, there may be need for surface water considerations as the Long Philip Burn has been problematic in the past.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor's proposal is not necessary.

It is noted that the respondent did not respond on the matter of watercourse restoration to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 "the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP." Furthermore, paragraph 4.3 states "This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation". This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to culvert removal and channel restoration. Policy EP15 on Development Affecting the Water Environment states in its preamble that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. Developers are required to consider potential impacts and mitigations to enhance and restore water the environment. Policy EP15 states the Council's clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters. This includes in sub section d) the need for compliance with best practice in relation to canalisation and culverting.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor's proposal is not necessary.

Reporter's conclusions:

1. Site ASELK021, Philiphaugh North, is allocated for residential development.
2. As in other cases, I acknowledge the hope of the Scottish Environment Protection Agency that the redevelopment of the site would provide an opportunity to contribute to the

objectives of the River Basin Management Plan. Nevertheless, Policy EP15, Development Affecting the Water Environment, provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. Opportunities to enhance and restore the water environment in support of biodiversity are set out in supplementary guidance.

3. As a consequence of the foregoing, I conclude that the terms of Policy EP15 provide a clear basis for development management of this site in respect of the water environment and that a further site requirement to this effect is not necessary.

4. I accept that the water environment can be improved as a result of the removal of culverts. In this respect I consider attention should be drawn to the need to consider this possibility.

Reporter's recommendations:

I recommend the following modification be made:

1. In the Housing section of the Development and Safeguarding Proposals of the Selkirk settlement profile, add a further bullet point in the site requirements for site ASELK021, Philiphaugh North:

“Consider the potential for culvert removal and channel restoration.”

Issue 300	Housing within the Central Strategic Development Area: Selkirk (ESE10B – Linglie Road)	
Development plan reference:	Selkirk Settlement Profile and Map (pages 485 – 493) ESE10B – Linglie Road	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>342 Selkirk Community Council 357 Scottish Environment Protection Agency</p>		
Provision of the development plan to which the issue relates:	Housing Allocation ESE10B – Linglie Road	
Planning authority’s summary of the representation(s):		
<p><u>342 Selkirk Community Council</u></p> <p>The contributor requests that the site requirements should acknowledge that “This is a gateway site and the layout and built form should reflect this as an entrance approach into the town from the west, along the A707.”</p> <p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor notes that flood risk is mentioned in the site requirements. The settlement profile states that development is restricted on this site. Should the application differ from what has been previously agreed the contributor would object and require a FRA which assesses any impact on flood levels of the Ettrick Water from the Flood Prevention Scheme. Review of the available topographic information shows that the site lies at the foot of a steep hillside and therefore may be at risk of surface water flooding. This should be investigated further and it is recommended that contact is made with the Council’s flood prevention officer.</p> <p>The contributor requires a flood risk assessment to assess the risk from the Ettrick Water. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues in this area. This should be investigated further and it is recommended that contact is made with the Council’s flood prevention officer.</p> <p>The contributor also requests an additional requirement should be included to help contribute to the objectives of the River Basin Management Plan.</p>		
Modifications sought by those submitting representations:		
<p><u>342 Selkirk Community Council</u></p> <p>Modification of the site requirements to acknowledge this as a gateway to the settlement.</p>		

357 Scottish Environment Protection Agency

Modification of the site requirements to include a FRA as well as an additional requirement to help contribute to the objectives of the River Basin Management Plan.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE SELKIRK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN

REASONS

342 Selkirk Community Council

The contributor's comments are noted. It is acknowledged that the site is a gateway location into the town from the A707 Linglie Road. It is therefore important that the development of this site for housing respects this gateway location, is sympathetic to its neighbouring residential uses and the context in which it sits. The layout and design of this site will ultimately be tested through the development management planning application process and any proposals for the development of this site will be considered against relevant local development plan policies, including Policy ED1 and Policy PMD2, supplemented by the approved Supplementary Planning Guidance on Placemaking and Design (Core Document 059) as well as Designing Streets: A Policy Statement for Scotland (Core Document 032) and Designing Places: A Policy Statement for Scotland (Core Document 033).

It is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy and that the insertion of the contributor's proposal is not necessary.

357 Scottish Environment Protection Agency

It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 "the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP." Furthermore, paragraph 4.3 states "This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation". This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69.

Policy IS8 sets out the requirement that "Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk."

The Council's Flood Protection Officer advises that this site lies within the 1 in 200 year fluvial and pluvial flood extents. I would recommend that a flood risk assessment be undertaken for this site. However, Selkirk is building a flood prevention scheme and this will reduce the risk to property.

It is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor's proposal is not necessary.

Furthermore, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to matters related to the River Basin Management Plan. Policy EP15 on Development Affecting the Water Environment states in paragraph 1.1 that the policy aim is to ensure that development does not adversely affect any of the complex components of the water environment. It also refers to the need for any activity to comply with the 2011 Water Environment (Controlled Activities) (Scotland) Regulations. In paragraph 1.2, developers are required to consider potential impacts and mitigations to enhance and restore the water environment and the Council states its intention to adhere to the sustainable management objectives of the River Basin Management Plans within its area. Policy EP15 states the Council's clear position that it will refuse proposals that would result in a significant adverse effect on the water environment, and sets out the guides to its consideration of these matters.

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy EP15, and that the insertion of the contributor's proposal is not necessary.

Reporter's conclusions:

1. Site ESE10B, Lingle Road, is allocated for residential development.
2. As in other cases, I acknowledge the hope of the Scottish Environment Protection Agency that the redevelopment of the site would provide an opportunity to contribute to the objectives of the River Basin Management Plan. Nevertheless, Policy EP15, Development Affecting the Water Environment, provides guidance in this matter. The text explains that, where appropriate, the council will adhere to the sustainable management objectives set out to improve the River Tweed in the Solway Tweed River Basin Management Plan. Opportunities to enhance and restore the water environment in support of biodiversity are set out in supplementary guidance.
3. As a consequence of the foregoing, I conclude that the terms of Policy EP15 provide a clear basis for development management of this site in respect of the water environment and that a further site requirement to this effect is not necessary.
4. I accept that the water environment can be improved as a result of the removal of culverts. In this respect I consider attention should be drawn to the need to consider this possibility.
5. I agree with the contention of the council that the site's gateway location can be adequately responded to through the provisions of the wider policies of the plan.

Reporter's recommendations:

I recommend the following modification be made:

1. In the Housing section of the Development and Safeguarding Proposals of the Selkirk Settlement Profile, add a further bullet point (to be inserted as the third bullet point) in the site requirements for site ESE10B, Lingle Road:

“Consider the potential for culvert removal and channel restoration.”

Issue 301	Housing within the Central Strategic Development Area: Selkirk (ESE2 – Kerr’s Land)	
Development plan reference:	Selkirk Settlement Profile and Map (pages 485 – 493) ESE2 – Kerr’s Land	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>339 Scottish Government, including Transport Scotland and Historic Scotland 342 Selkirk Community Council</p>		
Provision of the development plan to which the issue relates:	Housing Allocation ESE2 – Kerr’s Land	
Planning authority’s summary of the representation(s):		
<p><u>339 Scottish Government, including Transport Scotland and Historic Scotland</u></p> <p>Access to this site may be problematic as there is only one point where this may be possible, this being at the south east corner. Whilst it may be possible to achieve the required visibility from the access, the stopping distance for following vehicles seeing a right turning vehicle may not be able to be achieved and, in addition, any vehicle waiting to turn right may not be able to see oncoming southbound traffic. These safety matters would require to be investigated prior to any application for development in order to confirm whether a safe and appropriate access could be formed into the trunk road.</p> <p><u>342 Selkirk Community Council</u></p> <p>“The design and layout of the development should recognise the sensitivity of the Special Landscape Area ... “and the house types should acknowledge the existing contours, for example by split level design to reduce the environmental impact” should be added to the site requirements.</p>		
Modifications sought by those submitting representations:		
<p><u>342 Selkirk Community Council</u></p> <p>The contributor seeks a modification of the first bullet point under the site requirements to so that it reads “The design and layout of the development should recognise the sensitivity of the Special Landscape Area <i>and the house types should acknowledge the existing contours, for example by split level design to reduce the environmental impact</i>”</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SELKIRK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p>		

REASONS**339 Scottish Government, including Transport Scotland and Historic Scotland**

This site was included in the Scottish Borders Local Plan 2008 (Core Document 008) by the Reporter following the local plan inquiry (Core Document 020 Volume 2 Chapters 3-6 pages 5-27 – 5-29) into the finalised Scottish Borders Local Plan 2005. This site has continued to be allocated for housing in the subsequent iterations of the plan including the Consolidated Local Plan 2011 (Core Document 007) and the Proposed LDP. The Reporter gave consideration and reference to road safety issues to be addressed but did not consider that this would create any insurmountable problems. These matters can adequately be covered by supporting information submitted along with any forthcoming planning application. Transport Scotland, as well as the Councils Roads Planning Service, will be consulted on any proposals put forward for this site.

342 Selkirk Community Council

The contributor's comments and request for modification are noted.

The contributor's comments are noted. It is acknowledged that the site is all hillside land, sloping down north eastwards from the A7. It is therefore important that the development of this site for housing not only respects the character of the surrounding area but also respects the topography of the site. The layout and design of this site will ultimately be tested through the development management planning application process and any proposals for the development of this site will be considered against relevant local development plan policies, including Policy ED1 and Policy PMD2.

It is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy and that the insertion of the contributor's proposal is not necessary.

Reporter's conclusions:

1. The site was considered at the local plan inquiry for the Scottish Borders Local Plan 2008. It was decided that the site should be allocated for residential development despite the council's concerns about access. At that time, Transport Scotland did not comment on the proposed allocation but the reporter concluded that access would not cause any insurmountable problems.

2. Transport Scotland has now commented on the allocation in the proposed plan and it is clear that access represents a significant constraint. However, it has not been suggested that development would be precluded because of the access issue. The council believes that this is a matter to be resolved at the time of any future planning application when consultation with Transport Scotland and the Roads Planning Service would be required. As a matter of course, detailed access considerations would be the subject of the development management process. However, I believe it would be appropriate to include a reference to the access in the site requirements in order to ensure that this aspect of the development is made known and given early consideration.

3. The sloping nature of the site on the periphery of the town will ensure a challenging approach to design and layout and I can appreciate the concern of the community council in respect of the topography. However, I believe the site requirements in the proposed plan strike a reasonable balance by drawing attention to the sensitivity of the Special

Landscape Area. The relationship between the site and the landscape setting of Selkirk is the key design concept to address. In this respect, I do not believe it is necessary to make specific reference to the contours or to a particular design solution such as split-level design.

Reporter's recommendations:

I recommend the following modification be made:

In the Housing section of the Development and Safeguarding Proposals of the Selkirk settlement profile, the following should be added to the first bullet point in the Site Requirements for Site ESE2, Kerr's Land:

“and the need to provide an access that meets the standards of Transport Scotland in respect of the A7, a trunk road.”

Issue: 302	Redevelopment within the Central Strategic Development Area: Selkirk (RSELK004 – Souter Court)	
Development plan reference:	Selkirk Settlement Profile and Map (pages 485 – 493) – RSELK004 (Souter Court)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
342 The Royal Burgh of Selkirk & District Community Council 387 Easton		
Provision of the development plan to which the issue relates:	Redevelopment Opportunity at Souter Court, Selkirk - RSELK004	
Planning authority's summary of the representation(s):		
<p><u>342 The Royal Burgh of Selkirk & District Community Council</u></p> <p>The contributor requests a bullet point is added – “<i>development layout and design should reflect the historic associations of this site</i>”</p> <p><u>387 Easton</u></p> <p>The contributor raises concerns that RSELK004 includes land within their ownership. The contributor would like this to be corrected and the land be excluded from the boundaries of the site.</p>		
Modifications sought by those submitting representations:		
<p><u>342 The Royal Burgh of Selkirk & District Community Council</u></p> <p>The contributor requests an additional site requirement as follows: “<i>development layout and design should reflect the historic associations of this site</i>”</p> <p><u>387 Easton</u></p> <p>The contributor seeks the site boundary of RSELK004 to be amended to exclude land within their ownership.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO SELKIRK SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>This site was identified within the Main Issues Report as a key regeneration site (Core Document 006, page 95). The site is within the Selkirk Conservation Area and is within the Town Centre Boundary, the site is also included within the Scottish Vacant and Derelict</p>		

Land Survey under site code HSELKIRK17 (Core Document 040, page 20). The site is located towards the western end of Chapel Street, Selkirk and consists of overgrown land, roadside stone walls and the walls and steps of a former building. Further outbuildings also lie behind the roadside walls. The site is bounded on all sides by existing residential development and by the rear gardens of properties fronting the High Street. The site is currently unkempt and would benefit from redevelopment.

The Council do not hold land ownership information for each of the allocations within the Plan. The ownership of the site is not known and the site may have multiple owners, it should be noted that no map was submitted with the representation showing land ownership boundaries. Multiple ownerships may potentially impede the redevelopment of the site however this would only be known when someone chose to develop the site.

A site covering RSELK004 has been subject to a planning application for residential development, reference 08/00527/OUT (Supporting Document 302-1) which is currently pending decision but has been recommended for approval. There were no objections made in relation to the planning application in relation to the site boundary or ownership issues.

In response to the comments requesting an additional site requirement, this addition is not seen as necessary as policy PMD2 – Quality Standards covers this type of issue. Policy PMD2 has numerous placemaking and design criteria which new developments must adhere to including the need for development to be compatible and respect the character of the surrounding area, neighbouring uses and neighbouring built form.

It is therefore considered there is no justifiable reason to make any changes to the allocation at Souter Court, Selkirk (RSELK004).

Reporter's conclusions:

1. Site RSELK004 is allocated for redevelopment. The small site lies within the conservation area and the town centre. There is no dispute that redevelopment is required. A suitable scheme would bring about beneficial enhancement of the character and appearance of the conservation area and improve the urban fabric of the town centre.
2. I have noted the community council's suggested addition to the site requirements. I do not accept the precise wording: the required link between the development layout and design and the "historic associations" of the site is a difficult concept to interpret. However, as is the case in site RSELK002, St Mary's Church, (see Issue 303), it would be appropriate to include a requirement for the design to conserve and enhance the character of the conservation area.
3. Although Mr Easton draws attention to a land ownership matter, this is not relevant in terms of the land use proposals contained in the proposed plan. As explained, the redevelopment proposal is justified. Indeed, a planning application has been submitted seeking permission for a residential development. In the event of planning permission being granted, the rights of those with title to land within the area of the approval would not be prejudiced. Development could not be undertaken on land not in the control of the developer.

Reporter's recommendations:

I recommend the following modification be made:

In the Redevelopment section of the Development and Safeguarding Proposals of the Selkirk settlement profile, add the following bullet point to the site requirements for site RSELK004, Souter Court:

“Layout and design should conserve and enhance the character of the conservation area.”

Issue 303	Redevelopment within the Central Strategic Development Area: Selkirk (RSELK002 – St Marys Church)	
Development plan reference:	Selkirk Settlement Profile and Map (pages 485 – 493) RSELK002 – St Marys Church	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
342 Selkirk Community Council		
Provision of the development plan to which the issue relates:	Redevelopment Site RSELK002 – St Marys Church	
Planning authority's summary of the representation(s):		
<p>The Contributor queries whether there is an extant planning consent on this site. The Community Council was advised that this permission had lapsed. Currently the site is an eyesore and a brief for the improvement of the site as an environmental asset is urged.</p>		
Modifications sought by those submitting representations:		
The contributor seeks a modification of the site requirements to include a planning brief.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SELKIRK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>Planning permission 05/00341/FUL was granted, subject to conditions, informative and Legal Agreement for a mix of flats and offices. This is a 'minded to approve' decision as the Legal Agreement has not yet been concluded. The principle of mixed use development on this site has therefore been established.</p> <p>The redevelopment site is covered by Policy PMD3: Land Use Allocations which identifies redevelopment opportunities in settlements which have the potential to be developed for a number of uses. The policy makes specific reference to the requirement for a planning brief within the policy text where there is evidence of demand for specific uses or a specific mix of uses. The inclusion of an additional site requirement for a planning brief within the redevelopment table on page 489 of the Proposed LDP is not considered to be necessary in this case as it is covered within the policy.</p> <p>It is concluded that the policy and its introductory text make appropriate reference to mixed use development and the requirement for a planning brief is adequately covered in Policy PMD2. The modification sought by the contributor is therefore not necessary.</p>		

Reporter's conclusions:
<p>1. Site, RSELK002, St Mary's Church, is allocated for redevelopment. This is a small but important site, prominent within the conservation area and the town centre. There is no dispute that redevelopment is required. A suitable scheme would bring about the required enhancement of the character and appearance of the conservation area and improve the urban fabric of the town centre. Although planning permission has been granted, the conclusion of a planning obligation remains outstanding. However, even the issue of a planning permission certificate does not guarantee the implementation of the approved development.</p> <p>2. In the light of the foregoing circumstances the proposed plan is justified in identifying site RSELK002 as a redevelopment opportunity. It is appropriate to draw attention to the approval for a mixed development of flats and offices (albeit subject to a requirement for a legal agreement) and to set out the design parameters in terms of the conservation area and the setting of the listed building. Equally, it is necessary for the proposed plan to show the site in the town centre inset of the Selkirk Settlement Plan.</p>
Reporter's recommendations:
No modifications.

Issue 304	Selkirk Settlement Profile and Map	
Development plan reference:	Selkirk Settlement Profile and Map (pages 485 – 493)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
33 CWP Property Development & Investment		
Provision of the development plan to which the issue relates:	Selkirk Settlement Profile and Map	
Planning authority's summary of the representation(s):		
<p>The contributor objects to the failure of the Council to allocate the existing and approved retail site at Dunsdalehaugh, Selkirk, as a commercial centre within the LDP.</p> <p>The Selkirk Settlement Profile and Map should be amended to show the site designated for commercial use. The site is an established, out-of-centre retail development. The site benefits from two planning permissions (07/01466/FUL and 07/01441/FUL). Request that the new LDP allocates the 1.41 ha site as a commercial centre within a widened network of centres, with the vacant part of the site allocated as a specific retail development opportunity. This would include opportunities for food and non-food retailing on the site. This approach would be consistent with the advice contained within the SPP and would reflect the site's previous and existing uses; the planning permission for further retail development; and the adjacent commercial and retail uses. Flooding issues at the site are being addressed by the forthcoming Selkirk Flood Protection Scheme. Request that the site is identified as a commercial centre in the new LDP, with the vacant part of the site allocated as a specific retail development opportunity.</p>		
Modifications sought by those submitting representations:		
The contributor seeks an amendment to the settlement profile to allocate land at Dunsdalehaugh as a commercial centre.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SELKIRK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>This representation also relates to Schedule 4 Issue No 021 on Policy ED3 – Town Centres and Shopping.</p> <p>REASONS</p> <p>Policy ED3 – Town Centres and Shopping identifies a network of town centres appropriate to a rural area such as the Scottish Borders. The main district centres are set out in paragraph 2 of the policy, and the town centres are identified on the settlement maps. The</p>		

network was informed by the work undertaken by the Robert Drysdale Consultancy in their work on retail capacity for the Council (Core Document 050), and the detailed data that was provided as part of that work.

Amongst the key findings from that study was that with the exception of Galashiels, there was limited capacity for further retail floor space. In particular, although it found that it would be desirable to reduce leakage in some centres such as Selkirk, Jedburgh and Eyemouth, it concluded that there was not enough spare capacity to support new stores in these locations or elsewhere within the Scottish Borders. Therefore, the Proposed LDP has responded appropriately in terms of site allocation, providing a number of key redevelopment opportunities within the Galashiels town centre including Huddersfield St/Hill Street (zCR2) and Stirling Street (zCR3). These sites are/will be promoted by the Council for commercial development.

SESplan Strategic Development Plan (Core Document 001) does not identify any Strategic Town Centres within the Scottish Borders. Whilst there are some small scale, edge of town or out of town retail clusters in the Borders there are no commercial centres of the size and importance to justify in the hierarchy of centres as set out in Scottish Planning Policy 2010 (Core Document 024) and Scottish Planning Policy 2014 (Core Document 026 paragraphs 61 – 63). Development will instead be directed to the identified District Town Centres.

The existing retail units at Dunsdalehaugh, as well as the vacant site approved under extant planning consent reference number 07/01441/FUL (Supporting Document 304-1) are conditioned on the basis that they are used solely for non-food retail purposes only in order to protect the vitality and viability of the town centre. It is submitted that the Council has taken an appropriate approach to its policies on retail, town centres and commercial centres, and that this has been based upon the findings of recent research undertaken by a retailing expert.

It is submitted that the contributors modification to include this site as a commercial centre has been properly considered through the retail assessment and SESplan and that the existing use class restrictions will allow this site to continue to function as an out of centre location without a specific commercial allocation.

Reporter’s conclusions:

1. Scottish Planning Policy is clear in requiring the planning system to “apply a town centre first policy” and, accordingly, Selkirk town centre is the first priority in terms of the order of preference for retail development. Nevertheless, Scottish Planning Policy recognises the need for development plans to identify not only town centres but also “commercial centres” which have a more specific focus. To protect the role of town centres, plans should specify the function of commercial centres.
2. The retail study of the Scottish Borders undertaken in 2011 indicates that Selkirk town centre appears healthy in terms of convenience trading performance. Outside the town centre, there is an apparent excess of convenience floorspace relative to expenditure but not of a scale to be of concern. There is a strong comparison trading picture, with a very healthy performance. Trading levels in out-of-centre comparison stores appears to be broadly in balance with available expenditure. On this basis, I share the council’s opinion that, in general, there is insufficient spare capacity to support new stores.

3. Insofar as there are existing retail units at Dunsdalehaugh along with planning permission for additional floorspace, it is appropriate that these are limited to non-food sales. This qualification was applied by the council to protect the vitality and viability of the town centre. Under the provisions of Scottish Planning Policy, should Dunsdalehaugh be designated as a commercial centre, it would be necessary to specify this continuing limited function.

4. Although the retail study recognises that in terms of sustainability there would be merit in improving the retail offer in Selkirk, the pulling power of Galashiels is regarded as a practical difficulty in this respect. The study recognises that new comparison floorspace at Dunsdalehaugh has the potential to consume all the spare capacity. However, in the intervening years, it appears that there have indeed been problems in providing additional retail floorspace. Much of the existing floorspace at Dunsdalehaugh is vacant and additional floorspace, although approved, has not been provided. As a consequence, Dunsdalehaugh has little commercial or visual ambience and, in my opinion, its designation as a commercial centre would be misconceived.

Reporter's recommendations:

No modifications.

Issue 305	Key Greenspace: Selkirk	
Development plan reference:	Selkirk Settlement Profile and Map, Key Greenspace & GSSELK006	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
342 The Royal Burgh of Selkirk & District Community Council		
Provision of the development plan to which the issue relates:	Selkirk Key Greenspace & GSSELK006	
Planning authority's summary of the representation(s):		
<p>The contributor states that the Plan also includes "The Pringle Park" in this description. Also add "A coherent strategy plan to identify the future of this area (largely part of the town's Common Good) is urgently required. This will avoid piecemeal development which could prejudice the overall public enjoyment and leisure uses of this key resource."</p> <p>The contributor seeks the inclusion of Haining Estate to the identified Key Greenspaces.</p> <p>The contributor seeks the inclusion of Selkirk Hill to the identified Key Greenspaces.</p>		
Modifications sought by those submitting representations:		
<p>The contributor seeks in relation to GSSELK006 that the name of the space also includes "The Pringle Park", they also seek the following additional wording "A coherent strategy plan to identify the future of this area (largely part of the town's Common Good) is urgently required. This will avoid piecemeal development which could prejudice the overall public enjoyment and leisure uses of this key resource."</p> <p>The contributor seeks the identification of the Haining Estate and Selkirk Hill as a Key Greenspaces.</p>		
Summary of responses (including reasons) by planning authority:		
<p>AMEND SITE NAME OF KEY GREENSPACE GSSELK006 TO READ: "THE PRINGLE PARK/SCOTT CRESCENT RECREATION GROUND". THIS AMENDMENT IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL</p> <p>REASONS</p> <p>In relation to Key Greenspace GSSELK006, it is considered acceptable to the Council to include "The Pringle Park" within the site name of site GSSELK006. This is considered a minor amendment which will provide greater clarity and would constitute a non-significant change.</p> <p>In respect to the additional wording to site GSSELK006 as suggested by the contributor,</p>		

this is considered not to be required, as greenspaces including Key Greenspaces are protected by Proposed Local Development Plan (LDP) Policy EP11 Protection of Greenspace. The introductory text to Policy EP11 states: *“The aim of the policy is to give protection to a wide range of defined types of greenspace (also known as open space) within settlements and to prevent their piecemeal loss to development.”* In addition in relation to Key Greenspaces, the policy states: *“Key Greenspaces as identified on Proposal Maps will be protected from development that will result in their loss. Development that protects and enhances the quality of Key Greenspaces will be supported”*.

In relation to the suggestion by the contributor for the identification of additional spaces at Selkirk, it should be noted that the Proposed LDP already identifies many Key Greenspaces within the settlement.

The Technical Note on Key Greenspaces (Core Document 018) provides additional information on how the greenspaces were assessed for inclusion within the Proposed LDP. As noted within that document consideration of the value and function of the greenspaces was crucial. The document continued *“... inline with PAN [Planning Advice Note] 65, it is considered that only the most important greenspaces within settlements will be identified and safeguarded through the LDP”*.

As noted within the introductory text of Proposed LDP Policy EP11 Protection of Greenspace (page 108) states, *“The Local Development Plan identifies Key Greenspaces within Development Boundaries. The spaces identified within the Plan are those spaces which are considered to be of greatest value to the community and are therefore worthy of protection. ... Whilst the Local Development Plan identifies Key Greenspaces within settlements, the policy acknowledges that there are other greenspaces also within settlements. This policy also extends protection to those other greenspaces.”* It should also be noted that the Haining Estate and Selkirk Hill are located outwith the Selkirk Development Boundary.

It should therefore be noted that Policy EP11 Protection of Greenspace aims to give protection to a wide range of greenspaces within settlements and to prevent their piecemeal loss to development. The policy also aims to protect and safeguard the most important spaces within settlements.

However, it should be noted that the Haining Estate and the Selkirk Hills are outwith the settlement boundary and are located within the Strategic Green Network as set out in Proposed LDP Policy EP12 (pages 111 to 113). That policy aims to promote and support developments that enhance Green Networks, as well as protecting existing Green Networks and avoid where possible their fragmentation.

In addition the Tweed, Ettrick and Yarrow Confluences Special Landscape Area (SLA) also take in the Haining Estate and the Selkirk Hills. Therefore, they too are protected by Proposed LDP policy EP5 Special Landscape Areas and the Council’s Supplementary Planning Guidance (SPG) on Local Landscape Designations (refer to Core Document 063). Policy EP5 aims to ensure that SLAs are afforded adequate protection against inappropriate development and that potential maintenance and enhancement of the SLA is provided for. The SPG on Local Landscape Designations provides statements of importance and management recommendations, those measures are designed to help to improve the conservation and management of the SLA, and it is expected that they be referenced in any development proposal.

It is therefore contended that the areas proposed by the contributor do not require to be identified as Key Greenspace in the Plan.

Reporter’s conclusions:

1. The Selkirk settlement map shows “Pringle Park Recreation Ground” to be within key greenspace allocation GSSELK006, Scott Crescent Recreation Ground. On this basis, the intention of the council to include a reference to Pringle Park in the Key Greenspace section of the settlement profile is logical.

2. The settlement profile identifies ten key greenspaces, including allocation GSSELK006, under the development and safeguarding proposals. The list simply provides the site reference, name and size. However, as explained by the council, Policy EP11, Protection of Greenspace, is clear in its objectives. These objectives include general protection and prevention of piecemeal loss. This accords with Scottish Planning Policy which requires local development plans to protect open space identified in the open space strategy as valued and functional. Clearly this open space falls within that category. I agree with the council that the supporting text and the policy itself offer the required level of protection and no additional reference is required in the settlement profile.

3. Insofar as the Haining Estate and Selkirk Hills are not contained within the settlement boundary, they do not fall within the scope of Policy EP11. Nevertheless, these features are encompassed by Policy EP12, Green Networks, and as such, are recognised for their role in enhancing biodiversity, quality of life and sense of place. Additionally, the two areas lie within the Tweed, Ettrick and Yarrow Confluences Special Landscape Area and therefore derive further protection under Policy EP5, Special landscape Areas. All in all, I consider that the policies in the proposed plan offer an appropriate level of protection to Haining Estate and the Selkirk Hills. In turn, I believe the importance of these features within the landscape setting of Selkirk is capable of being retained without any modification of the proposed plan.

Reporter’s recommendations:

I recommend the following modification be made:

In the Key Greenspace section of the Development and Safeguarding Proposals of the Selkirk settlement profile, amend the name for site reference, GSSELK006 to:

“The Pringle Park/Scott Crescent Recreation Ground”.

Issue 306	Housing within the Central Strategic Development Area: Sprouston (RSP3B – Teasel Bank)	
Development plan reference:	Sprouston Settlement Profile and Map (pages 500 – 503) – RSP3B (Teasel Bank)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>177 Tweed Homes (5 of 5) 357 Scottish Environment Protection Agency</p>		
Provision of the development plan to which the issue relates:	Housing allocation in Sprouston – RSP3B (Teasel Bank).	
Planning authority’s summary of the representation(s):		
<p><u>177 Tweed Homes (5 of 5)</u></p> <p>The contributor supports the retention of this allocation within the Plan. The contributor intends to resume homebuilding activity as soon as development finance becomes available to their company.</p> <p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor requires a Flood Risk Assessment which assesses the flood risk from the small watercourse in order to inform the design and finished floor levels. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues. This should be investigated further and it is recommended that contact is made with the Council’s Flood Prevention Officer.</p>		
Modifications sought by those submitting representations:		
<p><u>177 Tweed Homes (5 of 5)</u> - N/A</p> <p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor requires a Flood Risk Assessment which assesses the flood risk from the small watercourse in order to inform the design and finished floor levels</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO SPROUSTON SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p><u>177 Tweed Homes (5 of 5)</u></p> <p>Support and comments noted.</p>		

357 Scottish Environment Protection Agency

This site was identified as a housing allocation within the Roxburgh Local Plan 1995 and has been carried forward into each of the subsequent Plans including the Consolidated Local Plan (Core Document 007, page 480).

It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (Core Document 076 - SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed LDP makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that “Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. Site RSP3B, Teasel Bank, is allocated for housing. Although no work is currently being undertaken on the site, Tweed Homes explains that site clearance work took place in 2009. This was confirmed during my inspection of the site. On this basis, a material start appears to have been made to the planning permission granted in 2007. That permission relates to sites RSP3B (the subject of this issue) and site RSP2B on the opposite (north) side of the road. There is a condition requiring appropriate drainage to be agreed with Scottish Water. No condition has been applied requiring a flood risk assessment.

2. It has been indicated that Tweed Homes intends to resume building activity once development finance becomes available. In this respect I note that the Tweed Homes web site is promoting the development although, clearly, houses were not made available during the summer of 2014 as indicated.

3. I have consulted the Scottish Environment Protection Agency Flood Map for Sprouston and note that the burn at the western extremity of the site is liable to cause localised surface water flooding, including some impact in the “highly likely” category. However, the site itself is shown to be unaffected.

4. Although I can appreciate the concern of the Scottish Environment Protection Agency, it is necessary to be pragmatic in this instance. Planning permission has been granted and

although activity on site is currently suspended, there is a firm indication that work will resume. The site itself is not shown to be directly threatened by flood risk but, in any event, a flood risk assessment has not been required as a condition of planning permission. On this basis, a modification of the proposed plan, as required by the Scottish Environment Protection Agency, would serve little purpose and cannot be justified.

Reporter's recommendations:

No modifications.

Issue 307	Business and Industrial Safeguarding within the Central Strategic Development Area: St Boswells (zEL3 - Charlesfield)	
Development plan reference:	St Boswells Settlement Profile and Map (pages 507 – 510) – zEL3 (Charlesfield)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
402 Redpath		
Provision of the development plan to which the issue relates:	Business and Industrial Safeguarding: St Boswells (zEL3 - Charlesfield)	
Planning authority's summary of the representation(s):		
The contributor raises concerns that their property is included within the site boundary of zEL3 which is allocated for Business and Industrial Safeguarding. The contributor would like this to be corrected and their property excluded from the boundaries of the site.		
Modifications sought by those submitting representations:		
The contributor seeks the site boundary of zEL3 to be amended to exclude land within their ownership.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO ST BOSWELLS SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>The site referred to by the contributor is allocated within the Proposed Local Development Plan for business and industrial safeguarding at Charlesfield Industrial Estate, St Boswells. The site is an established long standing allocation within the Local Plan.</p> <p>It is the Council's intention to undertake a detailed review of all allocated business and industrial sites within the Borders with the view to rectify any anomalies and this will be considered at that point in time.</p> <p>However, the Council notes the provisions within paragraph 87 of Circular 6/2013 on Development Planning (Core Document 031) which states that "The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations." In that respect the Council acknowledges that the site boundary for the business and industrial safeguarding site at Charlesfield (zEL3) could be amended within the Plan, and the Council would accept the Reporter's decision on this matter.</p>		

Reporter's conclusions:

1. Site zEL3, Charlesfield, is allocated for business and industrial safeguarding as a strategic site under Policy ED1.
2. The site of Westlea is visually and physically close to the large Charlesfield business and industrial area to the south and east. On the other hand, in terms of use, the property is also associated with other nearby residential properties albeit that the access to Westlea is through the business and industrial area.
3. Although the council intends to undertake a review of business and industrial allocations, I consider that it would be appropriate to take the opportunity of this plan preparation procedure to remove Westlea from the business and industrial allocation. Accordingly, I conclude that a modification to that effect would be justified.

Reporter's recommendations:

I recommend the following modification be made:

1. On the St Boswells proposals map, remove the property known as Westlea from site zEL3, Charlesfield, to be reallocated as "white land". The extent of the land to be re-allocated is as illustrated in the communication dated 2 December 2013 from Scottish Borders Council attached to the representation submitted by Mr and Ms Redpath (no. 402), other than for the access which should be retained within site zEL3.

Issue 308	Development within the Central Strategic Development Area: Stichill Development Boundary (SBSTI001)	
Development plan reference:	Stichill Settlement Profile and Map (pages 511 – 513) – SBSTI001 (Stichill Development Boundary Amendment)	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
421 Leeming		
Provision of the development plan to which the issue relates:	Stichill Settlement Boundary Amendment – SBSTI001	
Planning authority’s summary of the representation(s):		
<p>The contributor objects to the non-inclusion of land to the west of Stichill House within the Plan. The contributor considers the site to be suitable for low density residential development of one or two units and consequently would like the settlement boundary to be amended to incorporate land to the west of the settlement.</p>		
Modifications sought by those submitting representations:		
<p>The contributor seeks the settlement boundary of Stichill to be amended to include land to the west of Stichill (SBSTI001 – Stichill Settlement Boundary Amendment).</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO STICHILL SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>It is noted that this proposal was not raised as part of the site call prior to the Main Issues Report or during the consultation period of the Main Issues Report.</p> <p>The contributor considers the site appropriate for low density housing of one or two units and would like the site to be incorporated in the Stichill Settlement Boundary. The site lies to the west of Stichill House and is currently used for agricultural grazing. There is no planning history on this site which has a site area of 4.4ha and could accommodate approximately 80 houses. The site is bounded by stone walls and established trees and structure planting. Any development proposals on the site should be considered at the planning application stage under Policy G8 - Development Outwith Development Boundaries. The wastewater treatment works in Stichill is currently at capacity however if a developer meets the 5 growth criteria, Scottish Water will initiate a growth project to meet new demand.</p> <p>There has been a recent Eildon Housing Association development of eight units within Stichill to the east of the settlement at Bogle Foot (RST200) which was allocated for housing within the Consolidated Local Plan 2001 (Core Document 007, page 487-8).</p>		

Stichill is a relatively small settlement with limited facilities and due to the recent housing development it is considered that no new sites should be allocated in Stichill in the Proposed Plan.

The settlement boundary amendment has been through the site assessment process (Supporting Document 308-1) and it is considered there is no requirement to amend the settlement boundary of Stichill. The site is disproportionate for the size of the settlement which has already experienced recent development. The site would accommodate significantly more units than the indicative capacity referred to in the contributor's submission.

Stichill is located within the Central Strategic Development Areas set out by the SESplan Strategic Development Plan (SDP) (Core Document 001). The SDP shows that the Proposed LDP meets the provisions of the SESplan SDP and its associated Supplementary Guidance in providing land to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy. In addition the Updated Appendix 2 Meeting the Housing Land Requirement (Core Document 017) states the Proposed LDP provides substantial flexibility in the form of identified redevelopment sites and sites with potential for longer term development. As a result no further housing land within Stichill is required to meet the identified housing requirement.

In conclusion, it is not necessary to amend the development boundary of Stichill to incorporate additional land to the west of Stichill House.

Reporter's conclusions:

1. Insofar as wider housing requirements are concerned, strategic supply has been examined under Issues 49 and 80 where it is concluded that it is unlikely that the land designated for housing in the local development plan will satisfy the strategic requirement.
2. Stichill is a small village with a recent development involving eight residential units. In general terms, I agree with the council that a development of this size accords with the village character.
3. On the other hand, the land required for incorporation within the Stichill settlement boundary extends to 4.4 hectares which, in the context of the size of the village, is a very large site. Although it has been suggested that the scale of development envisaged is "possibly no more than one or two houses", this seems hardly credible. As the council indicates, a site of this size would have the potential for up to 80 houses.
4. In any event, the site proposed for inclusion within the boundary bears little relationship to the existing village either visually or in physical terms. It would represent an unacceptable intrusion into the countryside. Access is poor and the development does not have the support of the council's Roads Department.
5. All in all, I find little merit in the suggested extension of the settlement boundary. I do not believe that the proposal accords with one of the central thrusts of Scottish Planning Policy in terms of "place-making". There would be no enhancement of Stichill as an existing place. Despite the conclusions in respect of the strategic supply of housing land, I

conclude that the boundary should not be adjusted in the light of this representation.

Reporter's recommendations:

No modifications.

Issue 309	Housing outwith the Strategic Development Areas: Stow (ASTOW002 – Craigend Road)	
Development plan reference:	Stow Settlement Profile and Map, Site ASTOW022 – Craigend Road	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
274 The Miller Family 357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Stow Housing Land	
Planning authority's summary of the representation(s):		
<p><u>274 The Miller Family</u></p> <p>The contributor objects to the allocation of site ASTOW022, stating that their client's site ASTWO027 is better located in relation to Stow facilities and the Station when built.</p> <p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor supports this site as a flood risk assessment is required as set out in the site requirements.</p>		
Modifications sought by those submitting representations:		
<p><u>274 The Miller Family</u></p> <p>The contributor seeks the removal of the site from the Plan.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE HOUSING ALLOCATION ASTOW022</p> <p>REASONS</p> <p>It is noted that the site is supported by contributor 357 Scottish Environment Protection Agency as a flood risk assessment is required as set out in the site requirements.</p> <p>This site was first formally allocated within the Scottish Borders Consolidated Local Plan 2011 (Core Document 007) following the recommendation of the Local Plan Amendment Examination Reporter (refer to Core Document 021 Scottish Borders Local Plan Amendment Examination Report) (Issue 105). The site continues to be allocated within the Proposed Local Development Plan.</p> <p>In respect to contributor 274, it is noted that the contributor did not respond on this matter to the Scottish Borders Main Issues Report (MIR). The MIR (Core Document 006) states in</p>		

paragraph 4.2 *“the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.”* Furthermore, paragraph 4.3 states *“This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”*.

It is also noted that the Planning Authority has a responsibility to keep their plans up to date, and to ensure that the housing land requirement which is set by the Strategic Development Plan SESplan is met. Allocating sites within the Plan is fundamental to meeting that requirement. Furthermore the Local Development Plan is required to allocate a generous supply of housing land which is set out within Scottish Planning Policy (SPP) (Core Document 026 paragraph 110) which states: *“The planning system should:*

- *identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times;...”*

It is considered that this site contributes to meeting the housing requirements as set out in the SPP.

It should also be noted that the allocated site ASTOW022 Craigend Road is not constrained within the Scottish Borders Housing Land Audit 2013 (HLA) (Core Document 039). In addition the HLA has recorded that a developer has an interest in the site. Construction is also programmed for years 2017 and 2018.

It is therefore considered that the Proposed Local Development Plan meets the provisions of the SESplan Strategic Development Plan (Core Document 001) and its associated Supplementary Guidance on Housing Land (Core Document 002) in providing land to meet the housing requirement (refer to Core Document 017 Updated Appendix 2 Meeting the Housing Land Requirement). In addition, the Proposed Plan provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan. There is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy 2014 (Core Document 026). The Proposed Plan also provides additional flexibility in the form of redevelopment sites and sites with potential for longer term development.

Reporter's conclusions:

1. The site is situated on the east side of the A7, at the north eastern tip of the village of Stow. It lies on either side of Craigton Road, beyond the existing housing on the eastern side of the road, and between existing housing and Holmlea on the western side of the road. The site extends to around 1 hectare, and comprises open, grassed fields, sloping down towards the south east to Cockholm Burn, which lies beyond its eastern boundary.
2. The allocation of the site for housing in the proposed plan is a continuation of the allocation in the adopted 2011 Consolidated Scottish Borders Local Plan (which included it for the first time). The site is included in the 2014 housing land audit as part of a larger site which includes some of the existing housing to the south and a further area of land to the east. Development on site is estimated to commence in 2018 and be completed in 2019. The indicative site capacity given in the proposed plan and audit is 10 houses. One representation seeks the removal of the allocation from the proposed plan. The other supports the site requirement for a flood risk assessment, and it is unnecessary to consider it any further.
3. The representation expressed concern about the site being further away from the

services and facilities of the village than a possible alternative allocation (ASTOW027), which it is claimed should be preferred. ASTOW027 is dealt with at issue 310. I agree that this site is further away from the services and facilities than ASTOW027. However, I do not consider this matter to be significant because both sites are reasonably accessible by foot and bicycle to the village centre, the railway station, the medical centre and the primary school. The deletion of the site from the proposed plan on this basis could not therefore be justified. Additionally, the site is quite well contained and enclosed in the landscape by the topography and its location in a sheltered side valley. In the 2013 and the 2014 audits, the site is recorded as having developer interest and no constraints. The 2007 Development and Landscape Capacity Study for Stow proposed the fields immediately to the north east of the site as a preferred option for the future expansion of the village, and the proposed plan also refers to future expansion at Craigend. In all the circumstances, I am satisfied that this is an appropriate housing allocation, and that it should be retained in the plan.

4. No adjustments are required to the proposed plan.

Reporter's recommendations:

No modifications.

Issue 310	Housing outwith the Strategic Development Areas: Stow (ASTOW027 – Stagehall II)	
Development plan reference:	Stow Settlement Profile and Map, Site ASTOW027 – Stagehall II	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
089 The Miller Family 274 The Miller Family 495 Parish of Stow Community Council		
Provision of the development plan to which the issue relates:	Stow Housing Land	
Planning authority’s summary of the representation(s):		
<p><u>089 The Miller Family and 274 The Miller Family</u></p> <p>The contributor objects in that site ASTOW027 at Stagehall has not been allocated for 16 units. The site is located to the west of the railway which is due for reinstatement and which will be within walking distance to the new station as well as other Stow facilities. The site is degraded having been previously been used as the site compound by Richmond Homes. That company went into administration and now there is no likelihood of the site being tidied, remediated or returned to agricultural use. Access can be obtained into the site through Wedale View. The site links well with the rest of the settlement and is acceptable in terms of landscape contrary to the Development and Landscape Capacity Study. The site assessment report conforms that there are no objections to the sites development from SEPA, Flood Protection, Ecology, Archaeology or Urban Design. With regards to urban design the assessment states that “some continuation of the existing housing at Wedale View may be appropriate here”, it is therefore considered that the previous reason for rejecting the site in respect of visual and landscape impact may have been superseded. The Scottish Government expects planning authorities to provide a ‘generous supply of housing’ and the emerging revisions to Scottish Planning Policy propose a presumption in favour of sustainable development. In the circumstances there is considerable policy support to enable this site at Stagehall to be allocated yet the Council objects on road traffic grounds whilst supporting other short term and longer term developments that will inevitably result in considerable greater traffic movement. A number of road safety measures have been implemented locally since the site was first considered and whilst it is accepted that these met the concerns of the Roads Authority the increase in road traffic is being used as a reason for rejection, despite our transportation statement assessing nominal increases in road traffic generated from a development of 16 units.</p> <p>The contributor states that they have had discussions with Eildon Housing Association who they say have expressed an interest in the site and state that the site could be developed under the Councils exceptions policy. The objection has been submitted alongside a Transportation Statement which in the view of the contributor confirms that there will be no substantial increase in traffic flows.</p>		

<p><u>495 Parish of Stow Community Council</u></p> <p>The contributor seeks the allocation of this site within the Local Development Plan. The allocation of the site will add to the amenity of the area as the neighbouring development at Wedale View was never completed adequately by the developer and this needs to be addressed.</p>
<p>Modifications sought by those submitting representations:</p>
<p><u>089 The Miller Family, 274 The Miller Family and 495 Parish of Stow Community Council</u></p> <p>Seek the allocation of site ASTOW027 for housing.</p>
<p>Summary of responses (including reasons) by planning authority:</p>
<p>NO CHANGE TO THE STOW HOUSING ALLOCATIONS PROPOSED, HOWEVER THE REPORTER IS REQUESTED TO CONSIDER THE MATTER FURTHER</p> <p>REASONS</p> <p>Stow is located outwith the Strategic Development Areas as set out in the SESplan Strategic Development Plan (Core Document 001) and has a SESplan Supplementary Guidance on Housing Land (Core Document 002) requirement of 80 units for the period 2009 to 2024.</p> <p>The representation site at Stow is located outwith the Strategic Development Areas where there is a limited housing land requirement. The Proposed Local Development Plan already allows for a generous supply of housing land as required by Scottish Planning Policy (SPP) 2014 (Core Document 026) (paragraph 110). Outwith the Strategic Development Areas the SESplan Supplementary Guidance on Housing Land (Core Document 000) has a requirement of 80 units. The new sites brought forward through the Proposed Plan allow for a generous distribution of housing land outwith the Strategic Development Areas taking account of proximity to settlements where key services and facilities are located.</p> <p>Nevertheless, it is appreciated that SPP 2014 (Core Document 026) (paragraph 46) encourages development that: <i>“considers place and the needs of people before the movement of motor vehicles. It could include using higher densities and a mix of uses that enhance accessibility by reducing reliance on private cars and prioritising sustainable and active travel choices, such as walking, cycling and public transport. It would include paths and routes which connect places directly and which are well-connected with the wider environment beyond the site boundary. This may include providing facilities that link different means of travel”</i>. As such the Council acknowledges that with the reinstatement of the Borders Railway and the subsequent stop at Stow, in terms of sustainable transport the settlement does appear attractive for development.</p> <p>Whilst it is noted that contributor 274 also objects to the allocation of site ATOW022; it is considered that the settlement of Stow already benefits from a housing allocation and a mixed use allocation.</p> <p>After assessment (refer to Supporting Document 310-1 Site Assessment), the inclusion of site ASTOW027 within the Plan is seen as Unacceptable. Development would not be</p>

appropriate at this location as the site is constrained within the Development and Landscape Capacity study for Stow (refer to Core Document 047) and Roads Planning are unable to support the allocation of this site.

Whilst it is noted that the site has been identified as constrained within the Development and Landscape Capacity Study, a key issue that the site would require to meet should it come forward would be to provide suitable structure planting and landscaping to assist in strengthening the settlement edge and enclosing the site.

It should be noted that at the time that site ASTOW027 was submitted, the Roads Planning section of the Council strongly objected to the site. The reasons for their objection at that time was due to a number of issues that related to the latter part of Station Road which experienced sections of single lane flow as a result of on-street parking and also reduced forward visibility because of its alignment combined with the parking issue. It was also considered that the railway bridge resulted in further visibility and access concerns, as well as the footway provision which was also considered to be poor. Furthermore it was also considered that as a result of the railway line, the existing housing road leading to the site did not integrate or connect well with the rest of the settlement, and the long cul-de-sac nature of the access road did not lend itself to the type now being promoted by 'Designing Streets' (refer to Core Document 032) or the Council's Supplementary Planning Guidance on Placemaking and Design (refer to Core Document 059). In addition, there is no suitable means of vehicular access to the west of the site. It is acknowledged that since the site was originally submitted and considered a number of issues have been/will be resolved in that several road improvements and proposed pedestrian improvements have arisen. However, the issue of the cul-de-sac nature of Wedale View and the increase of traffic along it and on the road network in general still remains.

It is noted that the contributor has submitted a Transportation Statement however in respect to that document, the Roads Planning section state: *"In recent years, many of the road constraints along Station Road, which had resulted in part to our objection to any future residential development on the western periphery of Stow, have been mitigated to some degree. Details of these mitigation measures were to the contributor on the 11th and 14th of January 2013, but even then, the Roads Planning Service still objected to further development due to the remaining vehicular and pedestrian road safety issues over the narrow Road Bridge on Station Road (near Wedale View), which takes you over the old railway line. Furthermore, there was concern over the cul-de-sac nature of Wedale View and the prospect of extending it, this being at odds with Government policy whereby internally well connected street networks are favoured over cul-de-sac type layouts. With the impending opening of the Borders Railway, further significant road and road safety improvements are to be carried out along Station Road which will greatly reduce these outstanding off-site concerns. These take the form of a new "stand alone" pedestrian footbridge over the new railway, together with the widening of the existing narrow footway down to the new access into the new Railway Station. The formation of the new access into the Station Car Park will also create improved vehicular passing opportunities along Station Road. Furthermore, due to the railway station site itself being cleared of all vegetation and trees, the visibility for drivers on Station Road has already been enhanced, particularly on either side of the existing road bridge. Taking account of the previous improvements to Station Road, and taking cognisance of the proposed road improvement works as detailed above, our original objection to this site has been lessened.*

With the outstanding roads constraints on Station Road being suitably addressed, as detailed above, it is now the proposed site, and the access to it (Wedale View), which are

the main areas of concern, and we still maintain our objection to the allocation of this site for development. It should be noted that we concur with the findings of Dougall Baillie's Transport Statement (2012) regarding traffic flows and speed of vehicles on Station Road, together with the capacity of the Wedale View junction. We confirm there are no vehicular capacity issues both on Station Road or Wedale View, nor is there a capacity issue at the road junction with Station Road and Wedale View. Furthermore, it is accepted that the proposed site stacks up well from a sustainable transport perspective, identifying well with village centre services and public transport provision i.e. A7 bus service and the proposed Stow railway station.

The only realistic access route to serve the proposed site is to utilise the Wedale View residential street. Unfortunately this street is a rather long, gently curving cul-de-sac which is not conducive to current Government "Designing Streets" Standards which support internally connected street layouts. While the site itself can be designed to accord with the required specifications and standards as detailed in this document, it must be noted that the current indicative layout is not acceptable. Notwithstanding the re-design of the proposed site, it is the Wedale View cul-de-sac street which is now the objection issue. While some mitigating measures could be introduced along Wedale View to address the extra traffic that will drive along it, and in particular the likely concerns the existing residents may have with regards to speed, and road safety, it is still its alien relationship with the "Designing Streets" concept that results in our continued objection to this particular site.

Please find below some mitigating measures which could be considered if this site was to be supported for development.

- 1. The existing white lining at the junction of Wedale View with Station Road needs to be slightly realigned and off-set to improve visibility to the west.*
- 2. Specific areas of the existing road to be identified for reconfiguration (narrowing), combined with soft landscaping.*
- 3. A number (2 or 3) of short sections of road require to be formed in a different material and colour, such as rustic block paving in order to break up the street scene.*
- 4. The layout for the proposed development site would need to be more connected in form.*
- 5. In light of our concerns on the layout of the road serving Wedale View, the proposed development site would lend itself to a low density development."*

It is acknowledged that site ASTOW027 has been used by the former developer of the adjacent site. Responsibility of the restoration of the site to its original state lies with the landowner.

In respect to the adjacent housing site – Wedale View, it should be noted that 'M & J Ballantyne Developments' are now in the process of completing that site.

The Site Comparison Report (Core Document 077) identifies the most suitable sites available to meet the housing requirement outwith the Strategic Development Areas. Sites have been allocated at Birgham, Bonchester Bridge, Eddleston, Greenlaw, and Swinton. It is sites within these particular settlements which contribute to meeting the Housing Land requirement.

It is therefore considered that the Proposed Local Development Plan meets the provisions of the SESplan Strategic Development Plan (Core Document 001) and its associated

Supplementary Guidance on Housing Land (Core Document 002) in providing land to meet the housing requirement (refer to Core Document 017 Updated Appendix 2 Meeting the Housing Land Requirement). In addition, the Proposed Plan provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan. There is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy 2014 (Core Document 026 paragraph 110). In addition it should be noted that the Proposed Plan also provides additional flexibility in the form of redevelopment sites and sites with potential for longer term development.

Therefore, whilst the Proposed Local Development Plan meets the provisions of SESplan Supplementary Guidance, it is acknowledged that the delivery of opportunities within Stow would assist and take advantage of the proposed railway. Therefore, subject to satisfactory resolution of the roads access issues this could be considered a potential development site.

However, the Council notes the provisions within paragraph 87 of Circular 6/2013 (refer to Core Document 031) on Development Planning which state that "*The Examination also provides an opportunity to change the plan, so if authorities see merit in a representation they may say so in their response to the reporter, and leave them to make appropriate recommendations.*" In that respect the Council acknowledges that site ASTOW007 could be added to the Plan, and the Council would accept the Reporter's decision on this matter.

Reporter's conclusions:

1. The site is situated on the west side of the A7, to the south of Station Road, on the southern edge of the development boundary of the village of Stow. It is bound by a minor road to the west, with Stagehall Farm and some houses beyond, a housing development nearing completion at Wedale View to the north, the Borders railway line and a station to the east, with Gala Water beyond, and countryside to the south. The site itself extends to around 1.1 hectares, is being used as a site compound for the adjacent housing development, and slopes down from the minor road towards the railway line and Gala Water. Access to the site is currently from the minor road.
2. The site is identified in the proposed plan as being in the countryside. It also has a countryside designation in the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Consolidated Scottish Borders Local Plan. The proposed plan identifies one housing site, and one mixed use site to include housing, within the village, and the 2014 housing land audit identifies 4 housing sites. Housing land supply matters, which are referred to by parties, are dealt with at issues 49 and 80. The representations, including one from Stow Community Council, seek the allocation of the site for housing.
3. Stow has a reasonable village centre and other facilities, including a primary school and a medical centre. It also has reasonable transport connections, including the new railway. These are all reasonably accessible from the site by foot and bicycle. With the opening of the railway and station (which are adjacent to the site), I consider it likely that Stow will become an increasingly attractive location, and I note that the proposed plan indicates that the preferred areas for future expansion are at Craighend to the north east of the village and Lugate to the south west, both of which will have reasonable access to the station. Development of the site with its limited capacity (around 12 houses) would not significantly affect the housing land supply figures, and there is no suggestion that it would have adverse implications for the preferred future expansion plans. Nonetheless, it would

add to the range of housing opportunities currently available in the village, and it would benefit from the new station, which is expected to provide good links to Edinburgh and Tweedbank.

4. The 2007 Development and Landscape Capacity Study for Stow included the site in the east facing slopes character area, where development was not recommended because of its high visibility and prominence, exposure and openness, and steepness. However, I note that the site is only a small part of the character area, that it would be a natural extension of the adjacent housing development, that it would give an opportunity to provide a robust, defensible settlement edge which would reduce its impact (including in views from the A7), and that it is consistent with the form of the settlement, being on higher ground, and would integrate well with it. The Transportation Assessment that accompanied the representation demonstrates the low levels of traffic and speed on Station Road, and the introduction of the railway and station have resulted in a number of road safety improvements along the road for both pedestrians and vehicles. The assessment also shows that the proposal would have little effect on the existing levels of traffic on Station Road and Wedale View. Additionally, the planning authority has set out measures which could be helpful in overcoming the concerns of using Wedale View as the site access. A further access point from the site onto the minor road would be neither necessary nor appropriate in this instance. In the circumstances, I am satisfied that the site could be allocated for housing without having a significant adverse effect on the landscape or unacceptably undermining road safety.

5. Drawing these matters together, particularly the benefits arising from from the new station, I consider that it would be appropriate to allocate the site for residential purposes, and to change the development boundary to accommodate the allocation. I am satisfied that a location such as this is largely consistent with the thrust of national planning policy. The planning authority has indicated that it accepts that a residential allocation here could be added to the proposed plan.

6. Following a further information request, the planning authority identified a site capacity of 12 houses and 6 site requirements for the allocation. The site capacity figure is lower than that proposed in the representation (16 houses), but other parties have accepted it, and I note that it is an indicative figure. The site requirements related to landscaping, the design of the site and the retention of a stone boundary wall, vehicular access, amenity access for pedestrians and cyclists, and dealing with surface water run off. They have also been accepted, and I believe that the list appears reasonable in as far as it goes. Additionally, as a precautionary measure, I believe that there should be a requirement to consider the need for a flood risk assessment because the site lies close to the Gala Water and the 1 in 200 river flood area shown on the Scottish Environment Protection Agency's flood maps, and because Stow is identified as being at risk of flooding in the Council's Flood Contingency Plan. While policy IS8 on flooding requires an assessment of potential flooding issues, I am not satisfied that it is all that should be relied on for sites such as this.

7. Overall, adjustments are required to the proposed plan as set out below.

Reporter's recommendations:

I recommend that the following modifications be made:

1. On page 514 of Volume 2 Settlements, under the Place Making Considerations section, delete the fourth paragraph and replace it with a new paragraph which reads:

“The plan provides one housing allocation to the north of the village along Craigend Road, and another to the south at Stagehall II. A mixed use site is also provided within the centre of the village on the former Royal Hotel site. The plan also provides a new site for a railway station.”

2. On page 516 of Volume 2 Settlements, under the Development and Safeguarding Proposals section and the sub heading of Housing, add a new housing site in a table containing the following information:

“Site Reference: ASTOW027

Site Name: Stagehall II

Site Size (ha): 1.1

Indicative Site Capacity: 12

Site Requirements:

- Existing landscaping on site to be retained and enhanced. The introduction of structure planting along the south and south eastern edges of the site will be required to provide a defensible settlement edge. Buffer areas for new and existing landscaping will be required. The long term maintenance of landscaped areas must be addressed.*
- Careful consideration should be given to the design of the overall site to take account of its position in the landscape and views into the site from the A7.*
- Surface water run off from the surrounding area will be required to be considered during the design stage and mitigation put in place.*
- Consideration to be given to the need for a flood risk assessment.*
- The stone boundary wall on site to be retained and incorporated into the overall design for the site.*
- Vehicular access to be taken from the adjacent housing development – Wedale View. Alterations and traffic calming measures along Wedale View and to its junction with Station Road will also be required. Parking arrangements will be required to be accommodated on site.*
- Provision of amenity access in the development for pedestrians and cyclists. Links to the footpath network to be created and amenity maintained and enhanced.”*

3. On page 517 of Volume 2 Settlements, the settlement plan for Stow should be adjusted to allocate site ASTOW027 (Stagehall II) for housing, and the development boundary should be changed to accommodate the allocation, all as shown on the schedule 4 settlement map for Stow, which was lodged by the planning authority for the examination.

Issue 311	Mixed Use outwith the Strategic Development Areas: Stow (MSTOW001 – Royal Hotel)	
Development plan reference:	Stow Settlement Profile and Map, Site MSTOW001 – Royal Hotel	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency		
Provision of the development plan to which the issue relates:	Stow Mixed Use	
Planning authority’s summary of the representation(s):		
<p>The contributor objects to this site in that they would require a flood risk assessment to be included within the list of site requirements. They state that they would require a flood risk assessment to assess the flood risk from the Crunzie Burn. Consideration should be given to any upstream and downstream bridges and structures which may exacerbate flood levels. Surface water runoff from the nearby hills may be an issue. Mitigation measures may be required during design stage.</p>		
Modifications sought by those submitting representations:		
The contributor seeks an additional site requirement for a flood risk assessment.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE MIXED USE ALLOCATION MSTOW001</p> <p>REASONS</p> <p>It is noted that the respondent did not respond on this matter to the Scottish Borders Main Issues Report (MIR) (Core Document 076). The MIR (Core Document 006) states in paragraph 4.2 <i>“the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.”</i> Furthermore, paragraph 4.3 states <i>“This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”</i>. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.</p> <p>Notwithstanding the above, the Proposed Local Development Plan makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that <i>“Developers will be required to provide, including if necessary at</i></p>		

planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. The site is situated to the east of the A7, in the village centre, on the northern side of Townfoot. On the southern side of Townfoot is Crunzie Burn which flows into the Gala Water on the west side of the A7. The site itself extends to around 0.2 of a hectare, is in the Stow Conservation Area, and is a cleared, gap site, which previously contained the Royal Hotel.
2. The allocation of the site for mixed use in the proposed plan is a continuation of the allocation in the adopted 2011 Consolidated Scottish Borders Local Plan (which included it for the first time). The site is included in the 2014 housing land audit, with development on site estimated to commence in 2019 and be completed in 2020. The indicative site capacity given in the proposed plan and audit is 11 houses. Retail or commercial premises could be placed on the ground floor. The representation requests that a flood risk assessment be included in the requirements for this site.
3. The potential for flooding is not the only issue here because this is a prominent gap site in the streetscape of the village centre and the conservation area, and it is important to achieve a development which appropriately reflects the sensitivity of the location. The mini planning brief prepared sets out the broad approach to be taken to the site, but it makes no reference to flood risk. I acknowledge that policy IS8 on flooding requires an assessment of potential flooding issues. However, Crunzie Burn is immediately opposite the site and the Gala Water nearby. The Scottish Environment Protection Agency’s flood maps shows that the site is adjacent to the 1 in 200 year river flood area, and the Council’s Flood Contingency Plan identifies Stow as being at risk of flooding. In the circumstances, I believe that it would be appropriate and prudent to have a site requirement for a flood risk assessment.
4. Overall, an adjustment is required to the proposed plan as set out below.

Reporter’s recommendations:

I recommend that the following modification be made:

1. On page 516 of Volume 2 Settlements, under the Development and Safeguarding Proposals section, adjust the site requirement for MSTOW001 (Royal Hotel) so that it reads:

“Refer to approved planning brief and, additionally, a flood risk assessment will be required.”

Issue 312	Development outwith Strategic Development Areas: Swinton (ASWIN001- East of Coldstream Road 1; GSWIN001- East of Coldstream Road 2; BSWIN002- Land North of Wellfield and zEL45- Coldstream Road)	
Development plan reference:	Swinton Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Swinton, page 518-521)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
494 Tom Leddy		
Provision of the development plan to which the issue relates:	Swinton Settlement Profile, Development and Safeguarding Proposals (zEL45- Coldstream Road)	
Planning authority's summary of the representation(s):		
<p>State that part of the current allocation zEL45 should change use to housing to allow for affordable housing and be an extension to the proposed MSWIN002 to provide for affordable housing, due to its proximity to the existing primary school and situated between existing residential properties in the existing settlement boundary. Reasons provided include highway safety, environmental impact, need for affordable housing, reducing urban sprawl. The housing would be carbon neutral.</p> <p>State that a strip of the current allocation zEL45 should be a retail zoning</p> <p>States that within the infrastructure considerations there should be an addition to the text on Affordable Housing "These properties should conform to the current and future E.U. Legislation to meet Sustainable and Carbon-Neutral Housing for the future"; and an addition to the text on contributions to Berwickshire High School "There should be exemption for Affordable Housing units built"</p>		
Modifications sought by those submitting representations:		
<ul style="list-style-type: none"> - Re-allocation of part of zEL45 (as shown on the proposal map in the submission) to be an extension of MSWIN002 for affordable housing - Re-allocation of part of zEL45 (as shown on the proposal map in the submission) to provide a strip of land for retail - Remainder of zEL45 to remain as Business and Industrial Land (BSWIN002) - Within the infrastructure considerations, an addition to the text on Affordable Housing "These properties should conform to the current and future E.U. Legislation to meet Sustainable and Carbon-Neutral Housing for the future"; and an addition to the text on contributions to Berwickshire High School "There should be exemption for Affordable Housing units built" 		
Summary of responses (including reasons) by planning authority:		
NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED		

REASONS

It is noted that none of the modifications proposed in terms of allocations were raised within the MIR site call or within the MIR consultation period.

It is considered that an extension of MSWIN002 for affordable housing is not appropriate. One reason is that the site, as put forward in the Proposed Local Development Plan has been assessed and judged to be of a sufficient size to provide opportunity for a coherent mixed use scheme within Swinton; it is not considered necessary to make the site any larger than its current 3.4ha. Another reason is that the site is a mixed use allocation and as a result a coherent mixed use scheme of two or more uses will require to be put forward to be permissible under Local Development Plan policy, PMD 3 Land Use Allocations; as a result it would not be appropriate to have a specific part of the site “closed off” for affordable housing.

In terms of both the affordable housing (ASWIN001) and the retail (GSWIN001) proposals it is considered that these proposals could be better tested by a planning application which would be judged against relevant Local Development Plan policy. This is considered to be the case because the sites are within the settlement boundary of Swinton and are also brownfield or infill development.

The infrastructure considerations are standard statements that highlight matters that will require to be considered at the planning application stage. It is considered that at this time the statement on affordable housing does not require to be changed, although it is noted that for the next Local Development Plan the situation regarding ‘zero carbon’ housing may have changed in terms of national targets. It is also noted that under the Proposed LDP policy, PMD2 Quality Standards, ‘Sustainability’ a), that onus is placed on the developer to show that proposals should maximise the efficient use of energy and resources in line with relevant Council Supplementary Planning Guidance. In terms of developer contributions related to Berwickshire High School it is noted that affordable housing units would not be subject to this requirement. However, it is considered that the statement should remain as is because under any general proposal the development management process will clarify what contributions require to be paid and so there is no need to lengthen what is designed to be a short informative statement.

As a result of the discussion above it is not considered that any changes should be made to the settlement profile in the Local Development Plan from that proposed.

Reporter’s conclusions:

1. Circular 6/2013: *Development Planning* states at paragraph 117 that: “Only if the Proposed Plan is insufficient or inappropriate should they [reporters] consider other sites or approaches. They are not tasked with making the plan as good as it can be, but with modifying those parts that are clearly inappropriate or insufficient.”
2. As I understand it, this representation principally seeks the re-allocation of the south-western leg of this business and industrial safeguarding allocation to provide an affordable housing proposal site and a smaller retail proposal site. The larger north-eastern leg of the allocation would remain safeguarded for its current purpose.
3. It is important to note that these suggested proposals were not proposed for development, either at the call for sites stage or at the MIR consultation stage. Their

appearance at this late stage in the plan-making process runs counter to the interests of a front-loaded planning system. In this regard also, paragraph 64 of Circular 6/2013 states that: “It is important in meeting the requirements for strategic environmental assessment that full information on sites and alternative options is submitted early and not held back until the later stages of plan preparation or even the Examination. Promoters of sites would be advised to respond positively at this point, and to provide the necessary evidence to justify their site’s inclusion as a preferred option at the Main Issues Report stage. Engaging at this early stage is likely to ensure that the planning authority is able to properly assess the merits of the proposal, with it being more likely to be subject to public engagement and strategic environmental assessment at the Main Issues Report stage and to neighbour notification at the Proposed Plan stage (should the planning authority propose that the site be allocated in the plan). Even if a site is not included in the Proposed Plan, evidence of it being subject to community engagement will be useful if the issue is considered at a subsequent Examination, helping ensure that the reporter is furnished with the necessary information to reach a conclusion, and if appropriate to recommend a modification to the plan.”

4. In this case, I have been provided with no such evidence of community engagement. Consequently, even had I been persuaded of the merits of these proposals, I would not have considered it safe to recommend that they be allocated in the proposed plan. Consideration of the merits of these proposals therefore stands fairly to be assessed when the plan is next reviewed. I note also the council’s response that both potential developments, as brownfield or infill development located within the settlement boundary, would be better assessed against the wider policies of the plan.

5. As I am not recommending that the plan be modified to reflect these proposals, the suggested changes to the provisions of the settlement profile as regards infrastructure considerations in Swinton appear less relevant. For completeness though, I am satisfied that those set out in the proposed plan are appropriate.

Reporter’s recommendations:

No modifications.

Issue 313	Development outwith Strategic Development Areas: Swinton (MSWIN002 - Land Adjacent to Swinton Primary School and New Proposed Longer Term Site - Coldstream Road II)	
Development plan reference:	Swinton Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Swinton, page 520)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>417 Allan and Caroline Jeffries 017 Ladykirk Estates</p>		
Provision of the development plan to which the issue relates:	Swinton Settlement Profile, Development and Safeguarding Proposals (MSWIN002- Land Adjacent to Swinton Primary School)	
Planning authority's summary of the representation(s):		
<p><u>417 Allan and Caroline Jeffries</u></p> <p>Object to the allocation, state there is no demand for more housing in Swinton; that there is a lack of public transport; lack of infrastructure (shops/post office) in the village; and that the character is not in keeping with the existing village.</p> <p><u>017 Ladykirk Estates</u></p> <p>Submit that the Proposed Plan provides an indication of the future direction of growth. This would be a continuation of the policy towards directing investment in future growth contained within the adopted Scottish Borders Council Local Plan. This would also enable strategic planting and land management activity in order to ensure that future phases of development in the village to meet local demand are delivered within established landscape and infrastructure frameworks. To this end, we would respectfully request that reference is made within Site Reference MSWIN002 to the future direction of growth in the village being to the west of this allocation and south of the village boundary for mixed use development.</p>		
Modifications sought by those submitting representations:		
<p><u>417 Allan and Caroline Jeffries</u></p> <p>Removal of MSWIN002 from the Local Development Plan</p> <p><u>017 Ladykirk Estates</u></p> <p>Addition to site requirements for MSWIN002 to refer to the future direction of growth in the village being to the west of this allocation and south of the village boundary (SSWIN001)</p>		

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED

REASONS

417 Allan and Caroline Jeffries

Swinton is located outwith the three Strategic Development Areas set out by the SESplan SDP. The Core Document 017 shows that the Proposed LDP meets the provisions of the SESplan SDP and its associated Supplementary Guidance in providing land to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy. It is considered that housing, within a complementary scheme, at MSWIN002 contributes to the housing requirement as set by SESplan and the associated Supplementary Guidance on Housing.

It is also noted that as the allocation is mixed use and will require a complementary scheme involving two or more uses that a proposal may bring forward services or small scale retail within Swinton.

The exact layout, density and form will only be determined at any planning application stage and the Council is promoting a placemaking approach through the LDP, particularly promotion of 'distinctive places' which require high quality, respectful design.

017 Lady Kirk Estates

It is noted that a similar site, although slightly smaller in area, was submitted at the Expressions of Interest stage for the Main Issues Report (MIR) as MSWIN001. This site was not included within the MIR with the site assessment (Supporting Document 313-1) concluding that the site would change the scale and form of the existing settlement; that the site breached a clear southern development boundary along the rear of existing properties; and that it adversely affected the countryside setting of the village, particularly when viewed from Coldstream Road. In addition, the site assessment mentions that at the 2006 Local Plan Inquiry that the Reporters recommended against allocating a mixed use proposal (MSWIN001) on the same site, they stated that the site was isolated from the rest of the settlement, would affect its amenity and was highly visible, particularly from the A6112. It is considered that these findings are still valid in the assessment of the proposed longer term allocation SSWIN001 for the Local Development Plan.

It is also considered that Swinton is a small village and that the allocations within the Proposed LDP, which cover a range of possible complimentary schemes, will provide for development demand in Swinton in the medium to longer term.

As a result of the discussion above it is not considered that any change to the settlement profile is required in the Local Development Plan from that proposed.

Reporter's conclusions:

1. I deal first with the representation that this proposal be deleted. The site, extending to 3.4 hectares, is allocated in the proposed plan for mixed use development with an indicative capacity of 25 housing units. The site requirements state that any development should consider the provision of community facilities including playing fields.
2. I have some sympathy for the contention that the proposal, especially when considered together with the adjacent housing allocation carried forward from the adopted plan, exceeds the capacity of the village to satisfactorily absorb it. I note, however, the overall housing land supply position set out under Issue 080, and consider that in that context the proposal would need to be clearly inappropriate to justify recommending that it be deleted.
3. In this regard I find the site to be well-related to the village school and do not consider that its development would adversely affect the character of the village to any significant degree. It is important also that the proposal is for mixed use development, with the potential to deliver improved facilities for the village, in addition to contributing towards the continued viability of the school.
4. All told I do not find the inclusion of this proposal in the plan to be inappropriate.
5. I have significant misgivings, however, at the suggestion that a future direction of growth is indicated in the plan, encompassing the land to the south-west of this site and running to the south of The Green. I agree with the council that proposals BSW2B and MSWIN002 taken together are likely to satisfy development demand at this location in the medium to longer term.
6. It will, of course, be appropriate to revisit the potential for further growth when the plan is next reviewed, depending upon progress made in the development of the sites already allocated.

Reporter's recommendations:

No modifications.

Issue 314	Key Greenspace: Tweedbank	
Development plan reference:	Tweedbank Settlement Profile and Map, Key Greenspace	Reporter: Richard Dent
Body or person(s) submitting a representation raising the issue (including reference number):		
482 Watson		
Provision of the development plan to which the issue relates:	Tweedbank Key Greenspace	
Planning authority's summary of the representation(s):		
The contributor seeks the inclusion of Killy Holes to the identified Key Greenspaces.		
Modifications sought by those submitting representations:		
The contributor seeks the identification of Killy Holes as a Key Greenspace.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO TWEEDBANK SETTLEMENT PROFILE</p> <p>REASONS</p> <p>The Technical Note on Key Greenspaces (Core Document 018) provides additional information on how the greenspaces were assessed for inclusion within the Proposed Local Development Plan (LDP). As noted within that document consideration of the value and function of the greenspaces was crucial. The document continued "... <i>inline with PAN [Planning Advice Note] 65, it is considered that only the most important greenspaces within settlements will be identified and safeguarded through the LDP</i>".</p> <p>As noted within the introductory text of Proposed LDP Policy EP11 Protection of Greenspace (page 108), "<i>The Local Development Plan identifies Key Greenspaces within Development Boundaries. The spaces identified within the Plan are those spaces which are considered to be of greatest value to the community and are therefore worthy of protection. ... Whilst the Local Development Plan identifies Key Greenspaces within settlements, the policy acknowledges that there are other greenspaces also within settlements. This policy also extends protection to those other greenspaces.</i>"</p> <p>It should be noted that the Council has produced a Supplementary Planning Guidance (SPG) on Greenspace (refer to Core Document 062), that document includes an audit of greenspaces within settlement areas. It should also be noted that the SPG on Greenspace already offers protection to those spaces identified within the greenspace audit, which includes the greenspace suggested by the contributor.</p> <p>It should also be noted that Policy EP11 Protection of Greenspace aims to give protection</p>		

to a wide range of greenspaces within settlements and to prevent their piecemeal loss to development. This also includes greenspace within settlements that are not identified as Key Greenspace.

It is therefore contended that the area proposed by the contributor does not require to be identified as Key Greenspace in the Plan.

Reporter’s conclusions:

1. The council has undertaken an audit of green spaces and has identified those areas considered to be the most important within settlements. There are two such examples within Tweedbank: Tweedbank Sports Centre and Gun Knowe Park. These are fundamental to the structure of the settlement.

2. Other open spaces exist within settlements, including Killies Holes in Tweedbank. Whilst not identified as “key” open spaces, these areas are, nonetheless, locally important. This is recognised by the council through Policy EP11, Protection of Greenspace, which explains that there are other spaces in addition to the key green spaces. The policy is explicit in extending protection to these other green spaces.

3. I recognise that the council has not identified Killie Holes as key green space and agree that, in the hierarchy of green spaces, Killie Holes does not fall within this category. Nevertheless, I accept that the area has local importance and believe that the protection offered under Policy EP11 provides an adequate safeguard.

Reporter’s recommendations:

No modifications.

Issue 315	Housing within the Western Strategic Development Area: Walkerburn (TW200 – Caberston Farm Land)	
Development plan reference:	Walkerburn Settlement Profile and Map, Site TW200 – Caberston Farm Land	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
403 D R Brett 465 Thomson		
Provision of the development plan to which the issue relates:	Walkerburn Housing Land	
Planning authority's summary of the representation(s):		
<p><u>403 D R Brett</u></p> <p>The contributor states that the Community Council and a lot of local residents disagree with the allocation of site TW200. The local farmer would be very upset as it is a green field site and he farms a lot of sheep and cattle. The contributor seeks confirmation that site TW200 will not be accepted.</p> <p><u>465 Thomson</u></p> <p>The contributor supports the allocation of site as the Caberston land provides the opportunity to achieve the dual objectives of a revitalised village centre and new housing investment. The landowner continues to discuss the opportunity with interested parties and looks forward to positive change being delivered in Walkerburn in partnership with the Council.</p>		
Modifications sought by those submitting representations:		
<p><u>403 D R Brett</u></p> <p>The contributor seeks the removal of site TW200 from the Plan.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE HOUSING ALLOCATION TW200</p> <p>REASONS</p> <p>It is noted that the contributor 403 D.R. Brett did not respond on this matter to the Scottish Borders Main Issues Report (MIR). The MIR (Core Document 006) states in paragraph 4.2 “the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.” Furthermore, paragraph 4.3 states “This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and</p>		

also in terms of further land allocation”.

In respect to the representation received, it should be noted that the Council did not receive any additional objections to the allocation of this site. It should however be noted that the landowner – contributor 465 Mr Thomson supports the continued allocation of the site.

This site is an allocated housing site within the Scottish Borders Consolidated Local Plan (refer to Core Document 007) for 30 units and is located within the Western Strategic Development Area. The Scottish Borders Housing Land Audit 2013 (Core Document 039) states that the site contributes 10 units to the effective housing land supply with development programmed for years 18, 19 and 20.

The allocation of a site at this location – site TW1B was considered by the Local Plan Inquiry Reporter (Core Document 020) (pages 8-28 to 8-33) who considered the objections into the Finalised Local Plan (Dec 2005). That particular site also included an area of garden ground which belonged to Caberston House. The Reporter at that time made two recommendations in respect to site TW1B, those recommendations were:

“Delete housing site TW1B, and make consequential adjustments to housing land supply tables”, and

“Retain housing site TW1B, but adjust boundary to exclude land within the curtilage of Caberston House. Commission preparation of development brief for site TW1B”.

The Council agreed to accept the secondary recommendation and the site was allocated within the Local Plan as site TW200.

Appendix 3 – Supplementary Guidance and Standards contained within the Proposed Local Development Plan sets out the proposed Supplementary Guidance in the form of a Planning Brief to be undertaken by the Council. The table on page 164 includes “Caberston Farm/Old Mill Site, Walkerburn”. It is therefore intended that a single planning brief which covers allocated sites zR200, AWALK005 and TW200 will be produced.

It should also be noted that in advance of the preparation of a planning brief, the Proposed Local Development Plan sets out a number of site requirements for the development of site TW200 (refer to Proposed Local Development Plan page 530). The settlement map for Walkerburn also identifies where proposed structure planting/landscaping should take place.

It is also important to note that site TW200, also provides access into the site beyond - AWALK005 which is not subject to Examination.

Reporter’s conclusions:

1. Paragraph 117 of Circular 6/2013: *Development Planning* states that: “Scottish Ministers intend the reporter within the bounds of the issues raised in representations, primarily to examine the appropriateness and sufficiency of the content of the Proposed Plan. Only if the Proposed Plan is insufficient or inappropriate should they consider other sites or approaches.” I must, therefore, in this case consider only whether the identification of this proposal in the proposed plan is clearly inappropriate.

2. This site is allocated in the proposed plan with a notional capacity of 30 units. That

reflects the position in the adopted local plan. Walkerburn is located within the Western Strategic Development Area, within which SESplan requires the bulk of new housing opportunities to be identified.

3. The representation raises no site-specific matters in favour of deletion of the site, other than impacts arising from the loss of the land to the agricultural unit. A counter-representation has been submitted, on behalf of the landowner, which supports allocation of the site.

4. As no evidence has been provided to clearly describe or quantify any adverse impacts resulting from development of this site, I have no reasonable basis on which to conclude that the allocation is inappropriate.

Reporter's recommendations:

No modifications.

Issue 316	Walkerburn Settlement Profile: Longer Term Development Text	
Development plan reference:	Walkerburn Settlement Profile and Map, Longer Term Development Text	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
465 Thomson		
Provision of the development plan to which the issue relates:	Longer Term Development Text	
Planning authority's summary of the representation(s):		
<p>The contributor states that should the housing market recover as hoped, there is added opportunity for Walkerburn to benefit from investment by safeguarding additional housing land to the north of site AWALK005. Reference was made to this possibility in the text of the 2008 Local Plan and reinstatement would provide flexibility for Walkerburn to respond to potential market change in the long period of time up to 2032 which the Plan covers.</p>		
Modifications sought by those submitting representations:		
<p>The contributor seeks the inclusion of additional text within the settlement profile for Walkerburn to allow the safeguarding additional housing land to the north of site AWALK005.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE TEXT FOR WALKERBURN</p> <p>REASONS</p> <p>It is noted that the contributor did not respond on this matter to the Scottish Borders Main Issues Report (MIR). The MIR (Core Document 006) states in paragraph 4.2 <i>"the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP."</i> Furthermore, paragraph 4.3 states <i>"This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation"</i>.</p> <p>It is acknowledged that the settlement profile for Walkerburn within the Scottish Borders Local Plan 2008 (Core Document 008) included the following text: <i>"Once the allocated sites are fully developed the preferred areas for future expansion beyond the period of this Local Plan (2011) will be the area to the North of Walkerburn, beyond the current Housing Allocation at Caberston Farm Land ..."</i>. The allocated housing site at that time was TW200.</p> <p>However, it should be noted that an additional housing site was then allocated through the</p>		

Local Plan Amendment process – site AWALK005 Caberston Farm Land II. It was also at that time that the longer term text was removed from the Plan. The Scottish Borders Consolidated Local Plan (Core Document 007) includes the following text: “*The adopted Local Plan (2008) area for future growth is the site now identified for housing. The Consolidated Local Plan does not identify any further areas for long term development in Walkerburn.*” The Proposed Local Development Plan now includes a similar statement with regards to longer term development at Walkerburn.

As the settlement of Walkerburn has a number of sites currently allocated and given the extent of development that could take place from those proposals, it is considered that it is not appropriate to identify further development land at this time.

Reporter’s conclusions:

1. Paragraph 117 of Circular 6/2013: *Development Planning* states that: “Scottish Ministers intend the reporter within the bounds of the issues raised in representations, primarily to examine the appropriateness and sufficiency of the content of the Proposed Plan. Only if the Proposed Plan is insufficient or inappropriate should they consider other sites or approaches.” I must, therefore, in this case consider whether the housing allocations for Walkerburn which are contained in the proposed plan are clearly insufficient.
2. Walkerburn is located within the Western Strategic Development Area, within which SESplan requires the bulk of new housing opportunities to be identified. The proposed plan identifies 2 housing opportunities at Caberston Farm, with a notional capacity between them of 130 units. There is also a redevelopment opportunity identified in the village centre which could reasonably be expected to provide additional residential development opportunities.
3. The settlement profile advises the population of Walkerburn to have been recorded at 676 in the 2001 Census. There is no reason to believe that this figure would currently be significantly different. Based on that, and on my observations of the limited range of facilities and services on offer in the village, I find that the identification of a further residential development opportunity, even a longer term one, would not be commensurate with the scale and characteristics of the settlement.
4. That is not to say that this matter could not be considered in future reviews of the plan, depending on the rate of take-up of the allocated sites and the nature of services available at that time.

Reporter’s recommendations:

No modifications.

Issue 317	Business and Industrial outwith the Strategic Development Areas: West Linton (zEL18 – Deanfoot Road)	
Development plan reference:	West Linton Settlement Profile and Map, Sites zEL18 – Deanfoot Road	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency 422 Springfield Properties 478 John Warren		
Provision of the development plan to which the issue relates:	West Linton Business and Industrial Land	
Planning authority's summary of the representation(s):		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor objects to this site in that they would require a flood risk assessment to be included within the list of site requirements. They state that they would require a flood risk assessment to assess the flood risk from the small watercourse which enters a culvert adjacent to the site. Surface water runoff from the nearby hills may be an issue. Mitigation measures may be required during design stage.</p> <p><u>422 Springfield Properties</u></p> <p>The contributor objects to the allocation of this site in that the site has been allocated for some time now for business and industrial use and there has been no progress in securing such a use. They continue stating that Scottish Planning Policy highlights that the supply of marketable sites should be regularly reviewed and that new sites should be brought forward where existing allocations do not meet current and anticipated market expectations. The contributor states that this site allocation use should be amended to housing.</p> <p>[It should be noted that contributor 422 Springfield Properties seeks to amend their representation to remove reference to affordable housing, refer to Supporting Document 317-1]</p> <p><u>478 John Warren</u></p> <p>The contributor objects to the allocation of this site and seeks that it be allocated for housing or failing that, it should be changed to a 'Local' site rather than a 'District' site in terms of policy ED1. The site was recommended by a previous Local Plan Inquiry Reporter for removal but the Reporters recommendation was overridden on political grounds. Similarly the planning officers proposed to remove the industrial designation in a previous emerging Local Plan. Neither the Structure Plan nor the now Strategic Development Plan made reference to the West Linton employment site. Industrial Development in the Borders is centred on three key development hubs. The site is not located within any of the three development hubs and as noted by the Council – there is minimal market potential for the</p>		

site. In the 15 years that the site has been allocated, the owner has only been approached for two purposes. The allocation is an inappropriate location for industrial development given its peripheral location on the edge of West Linton and its proximity to housing and access for HGV vehicles. Residential amenity would be affected. The site is “hidden” in a corner of the village and is not visible from main roads. Due to the terms of the Section 75, development on the site would be restricted to Use Class 4. The site has been allocated for 15 years for industry and as such will have appeared on registers of industrial land marketed by Scottish Enterprise and others, which is more than reasonable to “test” the viability of the site. The site is located within the Development Boundary and therefore it is agreed that it is a development site. Should the site not be developed it will become unsightly and overgrown and will detract from the surrounding residential environment. There is in any event existing employment in West Linton in the schools, shop and hotel. The dwelling capacity for the site is relatively small and therefore will not have wide implications for the housing land strategy for the whole of the region. The capacity is approximately 10-12 units.

Modifications sought by those submitting representations:

357 Scottish Environment Protection Agency:

The contributor seeks an additional requirement for a flood risk assessment.

422 Springfield Properties

The contributor seeks the reallocation of the site to housing.

478 John Warren

The contributor seeks the reallocation of the site to housing or failing that, it should be changed to a ‘Local’ site rather than a ‘District’ site in terms of policy ED1.

Summary of responses (including reasons) by planning authority:

NO CHANGE TO THE BUSINESS AND INDUSTRIAL ALLOCATION zEL18.

Note: This Schedule 4 should be cross-referenced with the Schedule 4 for Policy ED1 Protection of Business and Industrial Land, refer to Issue 020.

REASONS

This site is an allocated Employment within the Scottish Borders Consolidated Local Plan 2011(refer to Core Document 007). The Proposed Local Development Plan intends to continue to allocate the site in line with Policy ED1: Protection of Business and Industrial Land.

357 Scottish Environment Protection Agency

It is noted that the respondent did not respond on this matter to the Scottish Borders Main Issues Report (MIR) (Core Document 076 SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 “*the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.*” Furthermore,

paragraph 4.3 states “*This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation*”. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed Local Development Plan makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that “*Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.*”

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

422 Springfield Properties and 478 John Warren

The settlement is situated on the A702, one of the main routes that link the Scottish Borders with Edinburgh to the North. Scottish Planning Policy 2014 (Core Document 026), paragraph 93 states that: “*The planning system should:*

- *promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;*
- *allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; and*
- *give due weight to net economic benefit of proposed development”.*

The Scottish Borders Employment Land Audit (2013) (Core Document 038) carried out on a yearly basis by the Council identifies site zEL18 as part of the established employment land supply (site WL001 within the Audit), and also notes that the site is constrained by ownership. Paragraph 3.4.1 of the Employment Land Audit notes that “*There is a lack of immediately available employment land within the Northern area (2.3ha).*” It is therefore considered that this emphasises the importance of retaining the business and industrial use at West Linton.

It should be noted that the Council through the Economic Development section and the Development Management section, receives regular enquiries from businesses to locate in West Linton.

It should also be noted that although site zEL18 is a small site, it is situated in a remote area of the northern Borders and therefore has a ‘strategic’ dimension in providing the only available employment land at this location. For that reason Proposed Local Development Plan Policy ED1: Protection of Business and Industrial Land identifies site zEL18 as a ‘District’ site.

The Council has undertaken a Technical Feasibility Study (refer to Supporting Document 317-2) for the site and this concludes that the site is suitable for development. That study

also includes a notional development layout for the site.

The representation site at West Linton is located outwith the Strategic Development Areas where there is a limited housing land requirement. The Proposed Local Development Plan already allows for a generous supply of housing land as required by Scottish Planning Policy (SPP) 2014 (Core Document 026) (paragraph 110). Outwith the Strategic Development Areas the SESplan Supplementary Guidance on Housing Land (Core Document 002) identifies a requirement of 80 units.

The Scottish Borders Housing Land Audit 2013 (Core Document 039) (Introduction) found that the Northern HMA has 5.5 years of housing supply currently available when comparing the requirements in the SESplan Housing Need and Demand Assessment.

It is noted that the Proposed Plan continues to allocate housing sites TWL15B School Brae, TWL8B Robinsland and AWEST009 Robinsland Steading, which are formally allocated within the Scottish Borders Consolidated Local Plan (Core Document 007). Site TWL15 is also a brownfield site. It is noted that planning consent has been granted and works have recently commenced at Robinsland.

A site assessment has been undertaken to assess the suitability for housing at this location. Following assessment the inclusion of this site within the Plan is seen as Unacceptable (refer to Supporting Document 317-3 Site AWEST001 Assessment). The main reasons for the exclusion of the site for housing are that the site is an employment site within the Local Plan and is the only employment land site available within West Linton. Development of this site for housing would remove the potential for employment uses to take place within settlement. The housing land requirement for the rest of the Borders can be met elsewhere by other more appropriate sites.

It should also be noted that site zEL18 is subject to a Section 75 Agreement (Supporting Document 317-4) restricting the development of the site for light industrial use in keeping with Use Class 4. As set out in Circular 1/1998 The Town and Country Planning (Use Classes) (Scotland) Order 1997 (Core Document 030), a Class 4 Business Use is defined as one which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

In addition it should be noted that the site was previously considered by the Local Plan Amendment Examination Reporter (refer to Core Document 021) (Issue 119). That Reporter recommended that the site continue to be allocated for employment within the Plan and stated that *“Although site zEL18 is on the periphery of West Linton, it is relatively accessible and I believe it is suited to the employment land use allocation that has been applied in the adopted local plan. The council has pointed out that the site is screened by mature trees and also subject to a restriction whereby the only activities to be undertaken must not be to the detriment of residential amenity. This is clearly important at this location.”* The Reporter continued noting that the site offers the only employment land in the village and stated that *“The current employment land allocation should remain and a housing land designation should not be applied.”*

The Site Comparison Report (Core Document 077) identifies the most suitable sites available to meet the housing requirement outwith the Strategic Development Areas. Sites have been allocated at Birgham, Bonchester Bridge, Eddleston, Greenlaw, and Swinton. It is sites within these particular settlements which contribute to meeting the Housing Land requirement.

The new sites brought forward through the Proposed Plan allow for a generous distribution of housing land outwith the Strategic Development Areas taking account of proximity to settlements where key services and facilities are located.

It is therefore considered that the Proposed Local Development Plan meets the provisions of the SESplan Strategic Development Plan (Core Document 001) and its associated Supplementary Guidance on Housing Land (Core Document 002) in providing land to meet the housing requirement (refer to Core Document 017 Updated Appendix 2 Meeting the Housing Land Requirement). In addition, the Proposed Plan provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan. There is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy 2014 (Core Document 026). In addition it should be noted that the Proposed Plan also provides additional flexibility in the form of redevelopment sites and sites with potential for longer term development.

It is contended that this site is not appropriate for housing purposes and should not be allocated within the Local Development Plan.

Reporter's conclusions:

1. The site is situated on the eastern edge of West Linton, to the south of Deanfoot Road. To the east and south lies countryside and, to the west and north (beyond Deanfoot Road), modern housing. At the north eastern corner of the site, there is a cottage. The site itself extends to around 0.7 of a hectare, has a slight slope down towards the south and some trees around the boundary, and is predominantly scrubland. The Dean Burn flows along its eastern boundary.

2. The allocation of the site for business and industry in the proposed plan is a continuation of the allocation in the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Consolidated Scottish Borders Local Plan. The site is included in the established land supply in the 2013 Employment Land Audit, which notes that it is constrained by ownership and not serviced. It is restricted to class 4 business use in a Section 75 Agreement, dated 1999, which predominantly relates to a larger development of housing on adjoining land. In essence, two representations seek the removal of the business and industry allocation, and its replacement by a housing allocation. The other representation requests that a flood risk assessment be included in the requirements for this site.

3. Bearing in mind the significant expansion West Linton has undergone over the recent past, I consider that it is appropriate to provide business and industrial opportunities in the village. This is the only such allocation, and I believe that this is an important consideration in deciding the merits of the proposed change to a housing site. I also note that the 2013 Employment Land Audit concludes that there is a shortage of sites in the northern area of the Scottish Borders, which includes West Linton, and this underlines the significance of this business and industrial allocation.

4. The site is in a peripheral location in the village, but it is not hidden, and I am satisfied that it is reasonably accessible, and that it could be sign posted from the surrounding road network. Business and industrial areas are often on the edges of settlements, and the site is relatively close to the main road through the village (A702). The allocation is not incompatible with the adjoining housing because the agreement restricts the site to class 4

business uses, which are uses that can be carried out in any residential area. While the site may have been allocated for 15 years and appeared on some registers of industrial land, it has not been demonstrated that it has been widely marketed as a class 4 business site, and there appear to be ownership constraints. I also note that the planning authority indicates that it receives regular enquiries from businesses to locate in West Linton. The planning authority's technical feasibility study demonstrates that an appropriate business development could be accommodated on site, and that there are no physical constraints to development. Such a development could help reduce the need to commute. Reporters have reached different conclusions on this site at different times, and this representation has to be considered on its own terms.

5. Drawing these matters together, I consider that the site contributes to the range and choice of employment sites available, and that it is an important business and industrial allocation in this part of the Scottish Borders, which should be retained as such in the proposed plan. No overriding reason has been drawn to my attention which would justify the release of the site for housing. As it is desirable to retain the site as a business and industrial allocation, I am satisfied that it is appropriate to designate it as a district site under policy ED1, rather than change it to a local site, which would allow alternative uses to be considered and supported.

6. While there is a flood risk because of the Dean Burn and the adjacent culvert, I note that this is a small watercourse, and that the allocation falls outwith the area covered by the Scottish Environment Protection Agency's Flood Maps. Policy IS8 of the proposed plan sets out a framework for dealing with flood risk, and I accept the planning authority's view in this case that this is a satisfactory basis for assessing any proposal that comes forward for this allocation. In the circumstances, I am satisfied that there is no need to add a specific site requirement for a flood risk assessment in this instance. I also believe that any concerns with surface water run off would be adequately covered by policy IS9, which addresses sustainable urban drainage.

7. Overall, no adjustments are required to the proposed plan.

Reporter's recommendations:

No modifications.

Issue 318	Housing outwith the Strategic Development Areas: West Linton (AWEST009 – Robinsland Steading)	
Development plan reference:	West Linton Settlement Profile and Map, Site AWEST009 – Robinsland Steading	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
357 Scottish Environment Protection Agency 422 Springfield Properties		
Provision of the development plan to which the issue relates:	West Linton Housing Land	
Planning authority’s summary of the representation(s):		
<p><u>357 Scottish Environment Protection Agency</u></p> <p>The contributor objects to this site in that they would require a flood risk assessment to be included within the list of site requirements. They state that they would require a flood risk assessment to assess the flood risk from the small watercourse located partially within the site and on the boundary. The watercourse may be culverted through the site and as such this should be investigated as part of any development proposal. PAN 69 states that "buildings must not be constructed over an existing drain (including a field drain) that is to remain active".</p> <p><u>422 Springfield Properties</u> - The contributor supports the continued inclusion of this site.</p>		
Modifications sought by those submitting representations:		
<p><u>357 Scottish Environment Protection Agency</u> - The contributor seeks an additional site requirement for a flood risk assessment.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE HOUSING ALLOCATION AWEST009.</p> <p>REASONS</p> <p>It is noted that the developer for the site, contributor 422 Springfield Properties support the continued inclusion of the site in the Plan.</p> <p>It is noted that contributor 357 Scottish Environment Protection Agency, did not respond on this matter to the Scottish Borders Main Issues Report (MIR) (Core Document 076 SEPA Response). The MIR (Core Document 006) states in paragraph 4.2 <i>“the direct consequence of an up to date development plan and a new strategic plan is that substantial parts of the existing Local Plan in terms of policies and site allocation will be carried forward into the new LDP.”</i> Furthermore, paragraph 4.3 states <i>“This MIR sets out the key issues for consultation in relation to policy adjustment or addition, and also in terms of further land allocation”</i>. This information was reinforced at the regular liaison meetings held with SEPA and Scottish Water. It is therefore disappointing to receive significant</p>		

numbers of further comments from SEPA at the Proposed Plan representation stage.

Notwithstanding the above, the Proposed Local Development Plan makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation to potential flooding issues. Policy IS8 on Flooding in its preamble sets out the intention to discourage development that may be or may become subject to flood risk. It refers to the provisions of Scottish Planning Policy, SEPA policy and the PAN 69. Policy IS8 sets out the requirement that *“Developers will be required to provide, including if necessary at planning permission in principle stage: a) a competent flood risk assessment, including all sources of flooding; and, b) a report of the measures that are proposed to mitigate the flood risk.”*

Therefore, it is submitted that this matter can be adequately dealt with through the provisions of the mainstream policy IS8, and that the insertion of the contributor’s proposal is not necessary.

Reporter’s conclusions:

1. The site is situated on the southern edge of West Linton, to the south of Robinsland Drive and Deanfoot Drive. To the south and east are countryside and fields, and to the north and west are housing and the built up area of West Linton. The site itself extends to around 2.2 hectares and is flat, and construction appears to have started on a housing development.
2. The allocation of the site for housing in the proposed plan is a continuation of the allocation in the adopted 2011 Consolidated Scottish Borders Local Plan (which included it for the first time). The site and the adjacent housing site (TWL8B) are included in the 2014 housing land audit, with development on the 2 sites estimated to commence in 2015 and to complete in 2019. The indicative site capacity figure given in the proposed plan is 86 houses, and the capacity in the audit is 92 houses, with all being in the effective housing land supply. One representation requests that a flood risk assessment be included in the requirements for this site. The other representation indicates that the 2 allocations are covered by existing planning permissions, and supports them. It does not require to be considered any further.
3. The Scottish Environment Protection Agency indicates that there is a small watercourse located partially in the site and on the boundary, and suggests that it may be culverted through the site. I note that there has been significant housebuilding on adjoining land to the west and north in the recent past. As it also appears that planning permission has now been granted for development on this allocation and the adjoining one, and that construction has started, I consider that it is unnecessary to add a further site requirement in the proposed plan for a flood risk assessment or to refer to a possible culvert. Policy IS8 of the proposed plan sets out a framework for dealing with flood risk and, should further planning applications come forward for the allocation, for whatever reason, I consider that this would be a satisfactory basis for assessing them.
4. Overall, no adjustment is required to the proposed plan.

Reporter’s recommendations:

No modifications.

Issue 319	Housing outwith the Strategic Development Areas: West Linton (AWEST012 – Farm East; AWEST013 – South Robinsland; AWEST014 – Extended South Robinsland)	
Development plan reference:	West Linton Settlement Profile and Map, Sites: AWEST012 – Robinsland Farm East AWEST013 – South Robinsland AWEST014 – Extended South Robinsland	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
422 Springfield Properties		
Provision of the development plan to which the issue relates:	West Linton Housing Land	
Planning authority's summary of the representation(s):		
<p><u>AWEST012 – Robinsland Farm East</u></p> <p>The contributor objects in that they would like to see this site identified for longer term housing to meet local demand. In addition the site assessment for this site identifies issues in relation to landscape and setting on West Linton's historical shape and structured planting boundary. It is contended that these issues could be mitigated by replicating the structure planting at a more southerly boundary. In addition the site assessment states that a new road link suggested between Deanfoot Road and Station Road would offer '<i>relief</i>' to the Main Street. This land would be required to facilitate such a link. Issues raised within the site assessment in relation to Archaeology and Heritage and Design are not considered to be barriers to development however mitigation measures can be implemented to ensure these issues are addressed to the satisfaction of the Planning Authority.</p> <p><u>AWEST013 – South Robinsland & AWEST014 – Extended South Robinsland</u></p> <p>The contributor seeks the allocation of this site as it would be able to provide continuity of housing land supply. It is recognised that some of the site sits within the 200 year flood plain and this section could be excluded from the allocation. The site assessment highlights that the site has good accessibility and can accommodate development and states that an extension at this point of the village would integrate well. Issues in relation to Archaeology and Heritage and Design can be mitigated. The site assessment notes that further housing in West Linton is limited by road infrastructure and particularly by Main Street which can not support any additional traffic. The solution to this would appear to be a link road between Deanfoot and Station Road which would require to cross this site. The site assessment highlights that minimal housing could be justified in this area to justify the link road but that the western portion would be easier to support. It is therefore suggested that in the interests of long term planning it would be pragmatic to highlight where development will be located to follow on from the current development at Robinsland. This would also provide an indication of the solution to the traffic problems faced in the village.</p>		

Modifications sought by those submitting representations:
<p>The contributor seeks the allocation of additional land for housing at Robinsland, West Linton.</p>
Summary of responses (including reasons) by planning authority:
<p>NO CHANGE TO THE HOUSING ALLOCATIONS AT WEST LINTON</p> <p>REASONS</p> <p>The representation sites at West Linton are located outwith the Strategic Development Areas where there is a limited housing land requirement. The Proposed Local Development Plan already allows for a generous supply of housing land as required by Scottish Planning Policy (SPP) 2014 (Core Document 026) (paragraph 110). Outwith the Strategic Development Areas the SESplan Supplementary Guidance on Housing Land (Core Document 002) identifies a requirement of 80 units.</p> <p>The Housing Land Audit 2013 (Core Document 038) (Introduction) found that the Northern HMA has 5.5 years of housing supply currently available when comparing the requirements in the SESplan Housing Need and Demand Assessment.</p> <p>It is noted that the Proposed Plan continues to allocate housing sites TWL15B School Brae, TWL8B Robinsland and AWEST009 Robinsland Steading, which are formally allocated within the Scottish Borders Consolidated Local Plan (Core Document 007). Site TWL15 is also a brownfield site. It is noted that planning consent has been granted and works have recently commenced at Robinsland.</p> <p>In respect to site AWEST012, after assessment (refer to Supporting Document 319-1 Site Assessment), the inclusion of this site within the Plan is seen as Unacceptable. It is considered that development of the site would have a moderate impact on the local ecology. The allocation of the site can not be supported by Roads Planning due to congestion in the village centre. In addition the site is not considered acceptable as it is constrained in terms of landscape and the potential size of the development that could take place on a site this size would be out of character for the settlement. The site is also constrained within the Development and Landscape Capacity Study undertaken for the settlement (refer to Core Document 048). There is also no requirement for a site this size to be allocated at this time within West Linton. It should be noted that at the previous Local Plan Inquiry (refer to Core Document 020 Local Plan Inquiry Reporters Report (pages 9-3 to 9-7)) into the 2005 Finalised Local Plan, an objection was made to identify this part of West Linton as an area for longer term development. The Reporter recommended against that objection.</p> <p>With regards to sites AWEST013 and AWEST014 (which overlap), after assessment (refer to Supporting Documents 319-2 & 3 Site Assessments), the inclusion of these sites within the Plan are seen as Doubtful. Development at this location would have a minor impact on the ecology of the area. An extension to this side of the village would integrate well as it would not elongate the village. The Development and Landscape Capacity Study considered the eastern part of these sites to be constrained from development. There is limited requirement for a site this size to be allocated at this time within West Linton. A link through to Robinsland allocated site and leading through to Station Road would be required.</p>

In relation to the three sites, the housing land requirement for outwith the Strategic Development Areas can be met elsewhere by more appropriate sites. West Linton has experienced significant development pressure in recent years. There are also three allocated housing sites within the settlement. It is therefore considered that no new proposals should be considered in the meantime.

The Site Comparison Report (Core Document 077) identifies the most suitable sites available to meet the housing requirement outwith the Strategic Development Areas. Sites have been allocated at Birgham, Bonchester Bridge, Eddleston, Greenlaw, and Swinton. It is sites within these particular settlements which contribute to meeting the Housing Land requirement.

The new sites brought forward through the Proposed Plan allow for a generous distribution of housing land outwith the Strategic Development Areas taking account of proximity to settlements where key services and facilities are located.

It is therefore considered that the Proposed Local Development Plan meets the provisions of the SESplan Strategic Development Plan (Core Document 001) and its associated Supplementary Guidance on Housing Land (Core Document 002) in providing land to meet the housing requirement (refer to Core Document 017 Updated Appendix 2 Meeting the Housing Land Requirement). In addition, the Proposed Plan provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan. There is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy 2014 (Core Document 026). In addition it should be noted that the Proposed Plan also provides additional flexibility in the form of redevelopment sites and sites with potential for longer term development.

It is contended that these sites are not appropriate and should not be allocated within the Local Development Plan.

Reporter's conclusions:

1. The site is situated to the east of Broomlee Crescent and Howiesonhall Farm, and to the south of Robinsland Drive and Deanfoot Drive, on the southern and south eastern edges of West Linton. To the west and north is housing, including sites under construction, and a site allocated for business and industrial purposes, and to the south and east are countryside and fields. The site itself extends to around 25.4 hectares, and comprises flat, open fields.

2. The site is identified in the proposed plan as being in the countryside. It also has a countryside designation in the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Consolidated Scottish Borders Local Plan. The proposed plan and the 2014 housing land audit identify 3 sites for housing within the village. Housing land supply matters are dealt with at issues 49 and 80. The representation seeks the allocation of the western portion of the site for housing (AWEST013 and AWEST014), and promotes the eastern portion for longer term residential development (AWEST012). In the western portion of the site, AWEST013 (6.3 hectares) is shown as sitting within the boundaries of AWEST014 (8.6 hectares). While the planning authority states in its assessments that the indicative capacity of the whole site is 120 houses, it is clearly large enough to accommodate a significantly greater number.

3. The representation has little supporting information to help justify any allocation at this location. The village has recently expanded over the flat, low lying open countryside to its south and south east, and this could possibly be a reasonable direction for some future continued expansion, subject to constraints, including flooding, being satisfactorily addressed. I note that the 2008 Development and Landscape Capacity Study for West Linton identifies the western portion of the site as a preferred option for the future expansion of the village. While the study does not recommend any further options for expansion in this part of the village, I expect that further development pressure in this area beyond the preferred option will arise. The proposed plan does not indicate a preferred area for future expansion of the village.

4. I am concerned that the scale of development that could potentially be accommodated on a greenfield release of the size proposed in the representation would be disproportionately large compared to the size of the village. Development of this scale is not required by the spatial strategy of SESplan, which focuses development on locations in the strategic development areas. Provision has been made in the proposed plan for housing allocations in the village. They are under construction, and they allow for its reasonable and proportionate expansion. The planning authority indicates that Main Street is congested and that this restricts further development. While this difficulty could potentially be overcome by providing a vehicular link between Deanfoot Road and Station Road, I consider that it is important that development of the scale proposed comes forward within a properly planned, agreed framework for the longer term. This would allow an orderly and measured, rather than a piecemeal, approach to development, taking account of all the implications of more housing growth for infrastructure, services, the form and fabric of the village, and the environment. Such a context is not in place. In the circumstances, I believe that it would be inappropriate at this time to allocate sites AWEST013 and AWEST014 for housing, and to identify site AWEST012 for longer term residential development.

5. Overall, no adjustment is required to the proposed plan.

Reporter's recommendations:

No modifications.

Issue 320	Housing outwith the Strategic Development Areas: West Linton (AWEST015 – East of Dryburn Brae)	
Development plan reference:	West Linton Settlement Profile and Map, Sites AWEST015 – East of Dryburn Brae	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
493 Crummock (Scotland) Ltd		
Provision of the development plan to which the issue relates:	West Linton Housing Land	
Planning authority's summary of the representation(s):		
<p>The contributor seeks the allocation of this site to provide housing in the latter stage of the Local Development Plan/Longer Term. West Linton currently does not benefit from any longer term site and as the sites currently allocated for housing at Robinsland have already had 10 units reserved despite development not having commenced, it is likely that these sites will be completed and sold ahead of the schedule identified in the 2012 Housing Land Audit. The site owners suggest that as well as housing development, the site could accommodate other uses such as affordable business space or community allotments. This would be an appropriate means of enabling the village to grow as an integrated, well serviced entity offering benefits beyond new homes. The site would also provide a means of addressing any concerns over West Linton's role as a commuter settlement by introducing new employment and community uses. In relation to the site it appears that there are adequate services and drainage capacity to serve additional development at West Linton although upgrading would be the responsibility of the developer. It also benefits from being south facing. There is also a convenient pedestrian, cycle and vehicular access to the village centre and school. It is noted that West Linton is a popular settlement with a relatively vibrant housing market and demand for new homes and has a good provision of local shops and services serving rural hinterland. Although West Linton is not well served by bus stops there may be a case for improved stops serving the whole village as housing development proceeds on allocated sites. The settlement had a high quality historic core and an attractive landscape setting. The contributor has included some initial design considerations within their submission.</p>		
Modifications sought by those submitting representations:		
The contributor seeks the allocation of site AWEST015 for housing.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE HOUSING ALLOCATIONS AT WEST LINTON</p> <p>REASONS</p> <p>The representation site at West Linton is located outwith the Strategic Development Areas where there is a limited housing land requirement. The Proposed Local Development Plan</p>		

already allows for a generous supply of housing land as required by Scottish Planning Policy (SPP) 2014 (Core Document 026) (paragraph 110). Outwith the Strategic Development Areas the SESplan Supplementary Guidance on Housing Land (Core Document 001) identifies a requirement of 80 units.

The Scottish Borders Housing Land Audit 2013 (Core Document 039) (Introduction) found that the Northern HMA has 5.5 years of housing supply currently available when comparing the requirements in the SESplan Housing Need and Demand Assessment.

It is noted that the Proposed Local Development Plan continues to allocate housing sites TWL15B School Brae, TWL8B Robinsland and AWEST009 Robinsland Steading, which are formally allocated within the Scottish Borders Consolidated Local Plan (Core Document 007). Site TWL15 is also a brownfield site. It is noted that planning consent has been granted and works have recently commenced at Robinsland.

In respect to site AWEST015, after assessment (refer to Supporting Document 320-1 Site Assessment), the inclusion of this site within the Plan is seen as Unacceptable. It is considered that there is limited requirement for a site of this size to be allocated at this time within West Linton, there are other more appropriate sites that are being considered outwith the Strategic Development Areas. Development at this location would have a moderate impact on the ecology of the area. The Development and Landscape Capacity Study for West Linton (Core Document 048) considered this area to be marginal for development. The Roads Planning section of the Council is unable to support the allocation of the site due to congestion in the village centre. The housing land requirement for outwith the Strategic Development Areas can be met elsewhere by more appropriate sites. West Linton has experienced significant development pressure in recent years. There are also three allocated housing sites within the settlement. It is therefore considered that no new proposals should be considered in the meantime.

The Site Comparison Report (Core Document 077) identifies the most suitable sites available to meet the housing requirement outwith the Strategic Development Areas. Sites have been allocated at Birgham, Bonchester Bridge, Eddleston, Greenlaw, and Swinton. It is sites within these particular settlements which contribute to meeting the Housing Land requirement.

The new sites brought forward through the Proposed Local Development Plan allow for a generous distribution of housing land outwith the Strategic Development Areas taking account of proximity to settlements where key services and facilities are located.

It is therefore considered that the Proposed Local Development Plan meets the provisions of the SESplan Strategic Development Plan (Core Document 001) and its associated Supplementary Guidance on Housing Land (Core Document 002) in providing land to meet the housing requirement (refer to Core Document 017 Updated Appendix 2 Meeting the Housing Land Requirement). In addition, the Proposed Plan provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan. There is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy 2014 (Core Document 026). In addition it should be noted that the Proposed Plan also provides additional flexibility in the form of redevelopment sites and sites with potential for longer term development.

It is contended that this site is not appropriate and should not be allocated within the Local Development Plan.

Reporter's conclusions:

1. The site is situated to the north of Deanfoot Road and east of Dryburn Brae, on the eastern edge of West Linton. To the west is housing, and to the north, east and south is countryside. At the south east corner of the site, there is a cottage (Dean Cottage). The site itself extends to around 4.7 hectares, and comprises a field, which is flatter towards its southern end at Deanfoot Road, but slopes up at its northern end, towards the A702. The Dean Burn flows along its western boundary.
2. The site is identified in the proposed plan as being in the countryside. It also has a countryside designation in the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Consolidated Scottish Borders Local Plan. The proposed plan and the 2014 housing land audit identify 3 sites for housing within the village. Housing land supply matters are dealt with at issues 49 and 80. In essence, the representation seeks the allocation of the site for housing, or its identification as longer term housing land. While the planning authority states in its assessment that the indicative capacity of the site is 45 houses, it is large enough to accommodate a greater number.
3. West Linton has undergone significant expansion over the recent past, and I expect that the pressures for development in the village will continue. The proposed plan does not indicate a preferred area for future expansion of the village. However, I note that further provision for development here is not required by the spatial strategy of SESplan, which focuses development on locations in the strategic development areas. I also consider that the proposed plan makes reasonable and proportionate provision for housing development in the village.
4. I acknowledge that the 2008 Development and Landscape Capacity Study for West Linton identifies the southern part of the site closest to Deanfoot Road as a marginal opportunity for housing in landscape terms, and I believe that it could be a possible location for future expansion of the village. However, the representation proposes a larger site than this, which would encroach onto more sensitive, prominent land. Additionally, the current eastern boundary of the village, which is reasonably defined by Dean Burn and existing planting, would be breached. Development here would also not naturally extend and consolidate the village but would elongate it eastwards. I consider it important that a development such as this should come forward in a properly planned, orderly and measured, rather than a piecemeal, way, and that it should take account of all the implications of more housing growth for infrastructure, services, the form and fabric of the village, and the environment. That context is not in place. Drawing all these elements together, I believe that it would be inappropriate to allocate the site for housing at this time, or to identify it for longer term residential development. I see no compelling, overriding reasons which would justify setting aside this conclusion.
5. Overall, no adjustment is required to the proposed plan.

Reporter's recommendations:

No modifications.

Issue 321	Development outwith the Strategic Development Areas: Westruther (MWESR001 - Greenlees I; AWESR008- Greenlees II; and AWESR007- North of Edgar Road)	
Development plan reference:	Westruther Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Westruther, page 537 to 539)	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
416 Richard Amos Ltd		
Provision of the development plan to which the issue relates:	Westruther Settlement Profile, Development and Safeguarding Proposals	
Planning authority's summary of the representation(s):		
<p>Proposes an area to be included for mixed use within a piece of land which is stated to be no longer fit for its current use as a business. States there would be potential for local start up business in a rural setting. Roads access can be within 30mph with good visibility splays.</p> <p>Proposes an area for a single dwelling. States that the site was previously within the Local Plan but has since been omitted. States the site is prominent and has a number of non-domestic buildings on it, believes that the village would benefit from the area being developed. States the site has services.</p> <p>Proposes an area of land to be included in the plan for affordable housing. Site is currently a paddock abutting a stone bothy which is within the development boundary, this is stated to be dilapidated and an eye sore. States site has potential to be developed to mirror properties on Edgar Road and provide much needed affordable housing</p>		
Modifications sought by those submitting representations:		
Inclusion of MWESR001, AWESR006 and AWESR007 within the Westruther settlement profile		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>It is noted that the proposals were not raised as part of the site call prior to the Main Issues Report or during the consultation period of the Main Issues Report.</p> <p>Westruther is located outwith the three Strategic Development Areas set out by the SESplan SDP. The Core Document 017 shows that the Proposed LDP meets the provisions of the SESplan SDP and its associated Supplementary Guidance in providing</p>		

land to meet the housing requirement, it also shows that the Proposed LDP provides additional land for housing within Strategic Development Areas and outwith Strategic Development Areas as required by SESplan, and that there is a generous and effective 5 year supply of land within each of the Council's housing market areas to meet demand as required by Scottish Planning Policy. In addition Core Document 017 states the Proposed LDP provides substantial flexibility in the form of identified redevelopment sites and sites with potential for longer term development. As a result no further housing land within Westruther is required to meet the identified housing requirement.

With regard to MWESR001 it is noted that the site is located outwith the Westruther settlement boundary but that it is adjacent in that it meets at a small section of the southern boundary. It is also noted that the site is brownfield land as it is, or has been, a pheasantry. It is therefore considered that there is opportunity provided through LDP policy for development to take place at this location, providing it meets the relevant criteria of policies HD2 Housing in the countryside (if a housing element was put forward), ED7 Business, Tourism and Leisure Development in the Countryside, and PMD4 Development Outwith Development Boundaries.

With regard to AWESR008 and AWESR007 it is noted that Westruther already has a housing allocation (AWESR005) which is undeveloped and has an indicative capacity of 5 units. This site contributes towards the housing requirements as detailed within the SESplan and associated Supplementary Guidance on housing. It is considered this site is also sufficient to meet housing need, including affordable need, in the village.

In addition, with regard to AWESR007, it is noted that an application for affordable housing (07/01957/OUT) on a smaller piece of land but within the boundaries of AWESR007 was refused in 2008 because it was contrary to Policy G8 of the Scottish Borders Local Plan: Finalised December 2005 in that the application was outwith the development boundary and was in conflict with criteria 5, 7 and 8 in that the form and layout was not a logical or appropriate extension to the village; it would result in a detrimental visual impact on the character and landscape setting of this part of the village; the need for affordable housing had not been adequately demonstrated; and the access was unsuitable for the level of development proposed.

Notwithstanding the above, it is also considered that proposals within both AWESR008 and AWESR007 could be tested through planning applications under policy PMD4 Development outwith development boundaries, HD1 Affordable and special needs housing and HD2 Housing in the Countryside.

As a result of the discussion above it is not considered that any change to the settlement profile in the Local Development Plan from that proposed is necessary.

Reporter's conclusions:

1. It is important to note that these sites were not proposed for development, either at the call for sites stage or at the MIR consultation stage. Their appearance at this late stage in the plan-making process runs counter to the interests of a front-loaded planning system. In this regard also, paragraph 64 of Circular 6/2013 states that; "It is important in meeting the requirements for strategic environmental assessment that full information on sites and alternative options is submitted early and not held back until the later stages of plan preparation or even the Examination. Promoters of sites would be advised to respond positively at this point, and to provide the necessary evidence to justify their site's inclusion

as a preferred option at the Main Issues Report stage. Engaging at this early stage is likely to ensure that the planning authority is able to properly assess the merits of the proposal, with it being more likely to be subject to public engagement and strategic environmental assessment at the Main Issues Report stage and to neighbour notification at the Proposed Plan stage (should the planning authority propose that the site be allocated in the plan). Even if a site is not included in the Proposed Plan, evidence of it being subject to community engagement will be useful if the issue is considered at a subsequent Examination, helping ensure that the reporter is furnished with the necessary information to reach a conclusion, and if appropriate to recommend a modification to the plan.”

2. In this case, I have been provided with no such evidence of community engagement. Consequently, I am not satisfied that I have sufficient information to safely recommend that the sites be allocated in the proposed plan. Consideration of the merits of those sites therefore stands fairly to be assessed when the plan is next reviewed.

3. Alternatively, I note the council’s comment that any proposed development of these sites could be tested against the wider policies of the plan, which contain some flexibility to permit development outwith settlement boundaries in certain circumstances.

Reporter’s recommendations:

No modifications.

Issue 322	Housing outwith the Strategic Development Areas: Yetholm (RY4B - Morebattle Road)	
Development plan reference:	Yetholm Settlement Profile and Map (pages 546 – 549)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
395 Sir John Shepherd		
Provision of the development plan to which the issue relates:	Housing allocation at Morebattle Road (RY4B) for 18 units.	
Planning authority's summary of the representation(s):		
<p>The contributor objects to the housing allocation in Yetholm at Morebattle Road (RY4B). The contributor raises concerns regarding sewage treatment infrastructure within Town Yetholm and whether there is capacity for a further 18 units in addition to the other allocated housing site within the settlement.</p>		
Modifications sought by those submitting representations:		
The contributor seeks the removal of the housing allocation at Morebattle Road (RY4B).		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO YETHOLM SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>Comments noted. Scottish Water are key consultees throughout the plan process and have been consulted on each stage of the Proposed Plan. Regular liaison meetings are also held throughout the year with Scottish Water and SEPA to discuss proposed allocations and any issues relating to existing sites within the Plan.</p> <p>Infrastructure capacity for sites is taken into account during the site assessment process. The Yetholm settlement profile within the Proposed Plan makes reference to wastewater infrastructure within the settlement and states that where upgrades to the system are necessary, contributions will be sought from the developer. The wording within the settlement profile is agreed with Scottish Water and provides an update of the current position in relation to water and waste water at a fixed point in time.</p> <p>The most up to date Scottish Water position in relation to wastewater in Yetholm is that the treatment works is at capacity. If a developer meets the 5 growth criteria, Scottish Water will initiate a growth project to meet new demand.</p> <p>The Morebattle Road site has been fully assessed and is considered appropriate for allocation as a housing site with an indicative capacity of 18 units. Infrastructure issues</p>		

such as wastewater treatment will be addressed in detail when an application is submitted for the site. This will involve further discussion and consultation with Scottish Water. It is therefore considered that RY4B is suitable for development and should remain within the Proposed Local Development Plan.

Reporter's conclusions:

1. The site is at the south western corner of Town Yetholm, to the south of Woodbank Road and Cheviot Road. It is bound by housing to the north and east, and countryside to the south and west. It comprises a grassed field which slopes down towards the east.
2. The allocation of the site for housing in the proposed plan is a continuation of the allocation in the adopted 2008 Scottish Borders Local Plan and the adopted 2011 Consolidated Scottish Borders Local Plan. The site is included in the 2014 housing land audit, with development estimated to commence in 2019 and to complete in 2021. The indicative site capacity figure given in the proposed plan and the audit is 18 houses, with 6 being in the effective housing land supply. The representation seeks the removal of the housing allocation, and expresses concern about the capacity of the existing waste water treatment works to deal with the number of houses proposed in the village.
3. I consider this to be a reasonable housing allocation, which would relate well to, and naturally extend, the built up area of the village. The proposed plan indicates that the waste water treatment works at Yetholm has limited capacity, and the planning authority explains in its response to the representation that the works is now at capacity. However, I do not consider that this undermines the allocation, which establishes the principle of a housing land use on the site. Many matters, including the capacity of the waste water treatment works, will be considered in more detail at the development management stage, when a planning application is submitted. The position regarding the works appears to be that, subject to the relevant growth criteria being satisfied, Scottish Water would provide additional capacity to accommodate development. I note that the planning authority indicates that Scottish Water has been a key consultee throughout the plan process and that regular liaison meetings are held, and I place weight on the fact that Scottish Water has not made a representation, or objected, to the allocation. In the circumstances, I consider this to be an acceptable allocation.
4. Overall, no adjustment is required to the proposed plan.

Reporter's recommendations:

No modifications.

Issue 323	Policy Maps and Settlement Profiles with Maps: Extension of Borders Rail Project	
Development plan reference:	Policy Maps and Settlement Profiles with Maps	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
479 Robert Drysdale 412 The Campaign for Borders Rail		
Provision of the development plan to which the issue relates:	The settlement profiles and maps of various settlements	
Planning authority's summary of the representation(s):		
<p>The contributors' objection centres on the potential extension of the Borders Rail Project to Hawick and ultimately Carlisle, and requests the following amendments:</p> <ul style="list-style-type: none"> • The proposed rail extension to Carlisle as shown in the Policy Map (pages 188-193) should be shown on the appropriate Settlement Proposals Maps; • There is nothing on the Settlement Proposals Maps to indicate that the route is safeguarded; and • There is no mention of the proposed rail extension scheme on many of the Settlement Profiles. <p>The contributors also state that it is unacceptable to show development proposals on the Settlement Proposals Maps which would prevent or greatly hinder the re-opening of the railway extension.</p> <p>The settlement maps that the contributors formally object to are:</p> <ul style="list-style-type: none"> • Darnick; • Hawick; • Melrose; • Newcastleton; • Newstead; • Newtown St Boswells; • St Boswells and • Tweedbank. <p>The contributors also formally object to the following development proposals in relation to railway safeguarding:</p> <p>Development Site EM9B – Chiefswood Road, Darnick Development Site zEL49 – Community Woodland, Darnick Development Site zEL49 – Burnfoot, Hawick Development Site zEL50 – Mansfield Road, Hawick Development Site zEL51 – Lochpark Road/Garfield Street, Hawick</p>		

<p>Development Site RHAWI001 – Slitrig Crescent, Hawick Development Site MNEWC001 – Caravan Park, Newcastleton Development Site ANEWC010 – Newcastleton West, Newcastleton Development Site zEL36 – Waverley Place, Newtown St Boswells Development Site ANEWT005 – Newtown Expansion Area, Newtown St Boswells Development Site zRO21 – Redevelopment, Newtown St Boswells Development Site zRO23 – Redevelopment, Newtown St Boswells Development Site MNEWT001 – Auction Mart, Newtown St Boswells Development Site zEL59 - Tweedbank</p> <p>The contributors also indicate that the proposed safeguarded route should show in all locations an allocation for a double-track formation.</p>
<p>Modifications sought by those submitting representations:</p>
<p>Amendments to Settlement Proposals Maps to indicate a safeguarded route and inclusion of appropriate text within settlement profiles.</p>
<p>Summary of responses (including reasons) by planning authority:</p>
<p>NO CHANGE TO PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS</p> <p>In relation to the future stages of the Borders Rail Project from Tweedbank through to Hawick and to Carlisle, the Proposed Plan contains an indicative safeguarded line within the Policy Maps (at the start of Volume 2 of the Proposed Plan), and a clear statement within Policy IS4. The accompanying text on page 127, para 1.3 of the Proposed LDP states "In the long term, the Council has aspirations to see the reopening of the Borders Railway southwards to Carlisle." Therefore, with regards to Phase 2 beyond Tweedbank there is significant work to be done in identifying the precise route. Once that has been undertaken it would then be appropriate to put the detail into settlement maps within the LDP. It is also suggested that to include un-researched detail within the LDP at this stage could leave the Council open to potential blight representations.</p> <p>Therefore it is submitted that there should be no change to the Proposed Local Development Plan.</p>
<p>Reporter's conclusions:</p>
<p>1. The future extension of the Borders railway to Carlisle is also dealt with at issues 13 and 68. The representations seek an acknowledgement of the safeguarded route on several settlement plans and in settlement profiles, and request that a number of allocations are altered to take it into account. I note that SESplan includes a reference to the extension, and indicates that it is a long term aspiration which does not have Government support.</p> <p>2. The proposed plan makes a number of references to the extension, including at paragraph 3.17 (page 17, Volume 1) and policy IS4 (pages 127-128, Volume 1), and it identifies a line for the railway on the policy map (the beginning of Volume 2). The proposed plan indicates that the railway is a longer term project and, in response to</p>

representations, I recommend that it be made clear, both at paragraph 3.17 and at policy IS4, that it is a long term aspiration, and that Transport Scotland has no current plans to implement it. Within this context, I consider that the planning authority is correct in describing the line on the policy map as an indicative safeguard. There is also significant work still to be done before a more precise route can be looked at. In the circumstances, I believe that it would be inappropriate to change the settlement maps and profiles, and the allocations in the manner requested.

3. Overall, no adjustment is required to the proposed plan.

Reporter's recommendations:

No modifications.

Issue 324	General criticism and Support of the Production of the Proposed Local Development Plan	
Development plan reference:	Proposed Local Development Plan (all)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>102 Dr Fenton Robb 186 Minto Hills Conservation Group 177 Tweed Homes</p>		
Provision of the development plan to which the issue relates:	Proposed Local Development Plan (all)	
Planning authority's summary of the representation(s):		
<p><u>102 Dr Fenton Robb</u></p> <p>States that unless the reader is thoroughly familiar with the existing rules s/he cannot make an informed criticism of the plan.</p> <p>States “attempts to plumb the depths of the data bank via post code reference, proved abortive. Units of measurement were not specified and many data were missing or out-dated. This is no place for the amateur”</p> <p>States the Scottish Government claims to have a mandate from the electorate to interfere in the affairs of local government. States the Proposed Plan must conform to the SESplan and that representatives of local government have conceded this in the SOA arrangement but they have not sought a mandate from their constituents leaving the issue of responsibility unresolved. Adds that there is further complication added by appointment of “Location Directors”, asks who these officials are accountable to? And whether they will be held responsible in law for their actions? And what redress aggrieved individuals have against them?</p> <p><u>186 Minto Hills Conservation Group</u></p> <p>Stated that the Minto Hills Conservation Group welcomes the improvements made in the Proposed LDP 2013 and that they have a high regard for the Council's formulation of planning policy</p> <p><u>177 Tweed Homes</u></p> <p>State that they would like to congratulate SBC on producing a comprehensive and relatively simple to follow document</p>		
Modifications sought by those submitting representations:		
N/A		

Summary of responses (including reasons) by planning authority:
<p>NO CHANGE TO THE PROPOSED LOCAL DEVELOPMENT PLAN FROM THAT PRESENTED</p> <p>REASONS</p> <p><u>186 Minto Hills Conservation Group and 177 Tweed Homes</u></p> <p>Comments and support noted.</p> <p><u>102 Dr Fenton Robb</u></p> <p>Preparation of the Proposed Local Development Plan (LDP) has included a number of different community consultation steps. In addition, the LDP has been prepared in line with Scottish Planning Policy and the Planning Circular 6/2013 Development Planning.</p> <p>The strategic policy direction of the SESplan has also been taken into account within the LDP.</p> <p>The LDP has been prepared with the context of the Council's commitment to deliver against the Government's National Outcomes and the Single Outcome Agreement between the Council and the Government in mind. The LDP is a key arm in the Council's work to meet these ambitions.</p>
Reporter's conclusions:
<p>1. One representation is concerned about the difficulty with making an informed criticism of the proposed plan, the role of SESplan in the plan's preparation, and the adequacy of the data underpinning the plan. Two other representations support the planning authority's approach to the plan, and require no further consideration.</p> <p>2. I note that the proposed plan is required by statute (the 1997 Town and Country Planning [Scotland] Act [as amended]) to be consistent with SESplan. There are also other statutory requirements with which the proposed plan should comply both under the 1997 Act and other legislation, such as the 2009 Climate Change (Scotland) Act. Additionally, it is the case that the proposed plan should reasonably reflect national planning policy, which sets out priorities for the operation of the planning system and for the development and use of land. Given the range of matters, and the size and diverse nature of the area covered by the proposed plan, I consider it almost inevitable that the data and evidence base underpinning it will be large and complex. However, the planning authority has sought to engage the public in the preparation of the plan at various stages, there have been opportunities to make representations, and the plan has been subject to an examination. I am satisfied that the representation raises general criticisms which, in themselves, do not justify any changes being made.</p> <p>3. Overall, no adjustment is required to the proposed plan.</p>
Reporter's recommendations:
<p>No modifications.</p>

Issue 325	General: Consideration of Core Areas of Wild Land	
Development plan reference:	Proposed Local Development Plan (General)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
327 SNH		
Provision of the development plan to which the issue relates:	Proposed Local Development Plan (General)	
Planning authority's summary of the representation(s):		
<p>State that the Council's response to their consultation on Core Areas of Wild Land is noted and welcomed. Would like to see the Proposed LDP consider the principle of some of the recommendations made further. SNH welcome the agreement on the two core areas of wild land identified by the mapping and also the Council desire for smaller areas to be identified. State that Supplementary Guidance is the appropriate location for this work.</p>		
Modifications sought by those submitting representations:		
N/A		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE PROPOSED LOCAL DEVELOPMENT PLAN FROM THAT PRESENTED</p> <p>REASONS</p> <p>Comments noted.</p> <p>The Council Report (Supporting Document 325-1) recommended Committee to welcome identification of those areas of Core Wild Land within the Scottish Borders; a more comprehensive approach to wild land through identification of smaller more local areas of wildness, so as to protect areas with high societal value; and to see these core areas and relative wildness areas given more appropriate policy protection, particularly from inappropriate development.</p> <p>It is considered further conversation could take place as part of the programmed review of Wind Energy Supplementary Planning Guidance where wild land is set out as a factor to be considered.</p>		
Reporter's conclusions:		
<p>1. The representation acknowledges the planning authority's support of the core areas of wild land identified through Scottish Natural Heritage's national mapping exercise, and its</p>		

desire for smaller and more local areas of wildness to be identified. Scottish Planning Policy refers to the wild land character displayed in some of Scotland's remoter upland, mountain and coastal areas, and to the areas of wild land identified on the 2014 Scottish Natural Heritage map of wild land areas. It also indicates that development may be appropriate in some circumstances in areas of wild land.

2. The representation has also been included for consideration at issue 30, one of a number of issues relating to renewable energy, and my conclusions on it, insofar as it relates to that matter, are set out at issue 26. For this issue, the representation indicates that Scottish Natural Heritage would be very happy to work with the planning authority to help further develop any strategy work and associated policy. It is not requesting that any changes be made, and none are necessary.

3. Overall, no adjustment is required to the proposed plan.

Reporter's recommendations:

No modifications.

Issue 326	General: Progress of Habitats Regulations Appraisal and Inclusion of Consideration of European Sites	
Development plan reference:	Proposed Local Development Plan (General)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
327 SNH		
Provision of the development plan to which the issue relates:	Proposed Local Development Plan (General)	
Planning authority's summary of the representation(s):		
<p>State that their SEA response highlights the importance of ensuring the Proposed LDP, Environmental Report, HRA records and other associated LDP documents are consistent in setting out requirements. There are some allocations which are supported by reference to Natura sites in the profile but not in the site requirements, it is more likely developers will read the site requirements and as a result the reference to Natura should be included there as well.</p> <p>Stated that the Habitats Regulations Appraisal (HRA) is still in progress and that they are working in collaboration with SBC to reach a conclusion. Raise two points 1.) that where an individual site has established no Likely Significant Effect (LSE) in an existing HRA this should only be done where there has been no change and that this should be recorded; and 2.) where this approach is acceptable on a site by site basis, it does not mean that these sites should not only be considered in any in-combination assessment.</p>		
Modifications sought by those submitting representations:		
Inclusion of Natura reference in site requirements for relevant sites in settlement profiles where there is only reference in the supporting text.		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE PROPOSED LOCAL DEVELOPMENT PLAN FROM THAT PRESENTED</p> <p>REASONS</p> <p>Since this representation was received the HRA has been completed to the satisfaction of SNH (Supporting Document 326-1). It is now concluded that there is no possibility of likely significant effects on the conservation objectives of any Natura Site from the contents of the Proposed Local Development Plan.</p> <p>It is considered that the combination of the completed HRA record, the LDP Policy EP1 International Nature Conservation Sites and Species, and relevant planning application stage considerations, combine to provide a robust protection for Natura Sites from</p>		

development proposals arising from relevant allocations within the Proposed LDP.

As a result of the discussion no changes to relevant parts of the Local Development Plan are considered to be required.

Reporter's conclusions:

1. The representation was made (3 March 2014) at a time when work was still underway on the Habitats Regulations Appraisal. It expressed concern that mitigation identified for Natura sites in previous Habitats Regulations Appraisals could be overlooked at the planning application stage for some allocated sites, and it included a recommendation that a reference to the relevant Natura site be made in the site requirements in the proposed plan in all cases.
2. A letter was subsequently submitted (22 April 2014) by Scottish Natural Heritage to the planning authority, which stated that "the mitigation set out in the draft Habitats Regulations Appraisal record means that the various elements of the plan will either have no likely significant effects on European sites or, that the plan will not adversely affect the integrity of European sites, either alone or in combination with other plans or projects."
3. The representation therefore appears to have been overtaken by events, and I accept the planning authority's view that the completed Habitats Regulations Appraisal record, policy EP1 of the proposed plan, and relevant considerations at the planning application stage, together, provide satisfactory protection for Natura sites. In the circumstances, I consider that it is unnecessary to make any changes to the plan.
4. I note that modifications arising from this examination will give rise to the need to review the Habitats Regulations Appraisal record to ensure that the modified plan will not adversely affect the integrity of any Natura site.
5. Overall, no adjustment is required to the proposed plan.

Reporter's recommendations:

No modifications.

Issue 327	General: Reference to Strategic High Amenity Business and Industrial Site at Cavalry Park in Peebles	
Development plan reference:	Chapter 3, Vision, Aims and Spatial Strategy, paragraph 3.23, Spatial Strategy section (Proposed Local Development Plan, page 18	Reporter: Scott Ferrie
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>464 Karen Graham 457 Morris Anderson 179 Pearson Donaldson</p>		
Provision of the development plan to which the issue relates:	Vision, Aims and Spatial Strategy, paragraph 3.23, Spatial Strategy section	
Planning authority's summary of the representation(s):		
<p><u>464 Karen Graham</u></p> <p>States a concern that Cavalry Park Peebles will be protected as a “business and industrial” site. Would like the industrial to be deleted in reference to Cavalry Park as the site is intended for clean and peaceful business activity. The arrangement is subject to a Section 32 legal agreement</p> <p><u>457 Morris Anderson</u></p> <p>States a concern that Cavalry Park is stated to be an industrial site believes that a business park is more accurate, and that industrial usages would be undesirable given potential noise, mess, and the peaceful environment. States that industrial use would be in contravention of the Section 32 Planning agreement</p> <p><u>179 Pearson Donaldson</u></p> <p>States concerns Cavalry Park in Peebles is described as a high amenity business and industrial site as there are a number of Section 32 legal restrictions placed on the land by Scottish Enterprise. These relate to allowing clean, high tech, light industry but not allowing untidy, noise generating business and motor trade activity. States it would be tragic if the current peaceful environment was destroyed by the introduction of inappropriate industrial activity. States that there is another existing industrial park at South Park in Peebles and that it should also be safeguarded with any employment interests of an industrial nature directed to this site</p>		
Modifications sought by those submitting representations:		
<p><u>464 Karen Graham, 457 Morris Anderson and 179 Pearson Donaldson</u></p> <p>Deletion of the wording “industrial” in the first line of paragraph 3.23</p>		

Summary of responses (including reasons) by planning authority:

THE AMENDMENT OF THE WORDING AT PARAGRAPH 3.23 IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL

Policy ED1, Protection of Business and Industrial Land, states at Table 1 (page 35) that the site is “Strategic High Amenity”.

It is therefore considered that removal of the wording “business and industrial” from the first sentence of paragraph 3.23 to leave “The strategic high amenity site at Cavalry Park...” is a factual correction of the text and would constitute a non-significant change.

Reporter’s conclusions:

1. The Cavalry Park business park is located on the eastern edge of Peebles and is largely developed out. My inspection of the area confirms that it is of high amenity, and is largely occupied by business uses. The representations refer to legal restrictions on the occupation of sites within the park and this is not disputed by the council.
2. I agree with the council, therefore, that it would be appropriate to delete reference to industry from paragraph 3.23 of Volume 1 of the proposed plan. I consider it appropriate, however, that reference to business use be retained, as that appears to reflect the actuality on the ground.
3. In the interests of consistency it appears to me also that a consequential modification ought to be made to the site requirements for Cavalry Park which are set out on page 460 of Volume 2 of the proposed plan.

Reporter’s recommendations:

I recommend that the following modifications be made:

1. Amend the first sentence of paragraph 3.23 of Volume 1 of the proposed plan as follows:

“The strategic high amenity business site at Cavalry Park...”

2. Amend the site requirements for Cavalry Park set out on page 460 of Volume 2 of the proposed plan as follows:

“This is a strategic high amenity business site...”

Issue 328	General: Safeguarding Existing and Promoting New Railway Routes	
Development plan reference:	Chapter 3, Vision, Aims and Spatial Strategy, paragraph 3.9 and 5 th bullet, Local Development Plan Aims (Proposed Local Development Plan, page 16); Chapter 2, Meeting the Challenges for the Scottish Borders, Infrastructure section Key Outcome 5 (Proposed Local Development Plan, page 12)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
487 Network Rail		
Provision of the development plan to which the issue relates:	Chapter 3, Visions, Aims and Spatial Strategy, paragraph 3.9 and 5 th bullet, Local Development Plan Aims; and Chapter 2, Meeting the Challenges for the Scottish Borders, Infrastructure section Key Outcome 5	
Planning authority's summary of the representation(s):		
<p>State that a key plank of the LDP strategy is to safeguard existing, and promote new, railway routes and question whether (the LDP Aim) <i>“To encourage better connectivity by transport and digital networks”</i> goes far enough to fully articulate the aspiration or could it be better linked to the Council’s corridor safeguarding strategy. Further note that Key Outcome 5 seeks <i>“improvements”</i> to road and rail networks, and thus the aim could be more positive in regard to the need to actively promote the protection and enhancement of the railway network</p>		
Modifications sought by those submitting representations:		
<p>To include more detail on the aspiration to safeguard existing and promote new railway routes, and improvements to road and rail networks within the relevant LDP Aim.</p>		
Summary of responses (including reasons) by planning authority:		
<p>NO CHANGE TO THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED</p> <p>REASONS</p> <p>The Plan aims provide the context for the spatial strategy and are developed from the key outcomes. The Spatial Strategy provides the link to the policies and proposals within the plan.</p> <p>Further detail on the Key Outcomes and the LDP aims is contained within the policies and the Action Programme of the LDP. Policy IS4, Transport Development and Infrastructure, provides more detail on the Council’s aspiration regarding existing and new railway routes.</p> <p>As a result of the discussion above it is not considered necessary to make any amendment to the Local Development Plan from that proposed.</p>		

Reporter's conclusions:
<p>1. The representation seeks a greater commitment to safeguarding existing and promoting new railway routes in the aims of the proposed plan (paragraph 3.9). The aims are broad, brief, interlinked statements covering several matters, which are set out in chapter 2, the introductory part of the plan, and they provide a general context for the more detailed policies and proposals that follow. The transport aim covers all transport modes and digital networks.</p> <p>2. Taking the proposed plan as a whole, I am satisfied that the planning authority's position concerning rails routes is adequately and coherently set out, subject to the recommended modifications arising from this examination. In particular, policy IS4, on transport development and infrastructure, contains the appropriate detail on railway proposals and aspirations, including references to the Borders railway from Tweedbank to the Midlothian border, Reston Station, and the long term aspiration to extend the Borders Railway from Tweedbank southwards to the English Border. Drawing these matters together, I consider that it is unnecessary and inappropriate to change the aim to include a specific, more detailed reference to the railway network.</p> <p>3. Overall, no adjustment is required to the proposed plan.</p>
Reporter's recommendations:
No modifications.

Issue 329	General: Short-term Parking Provision for Visitor Spend in Established Town Centres	
Development plan reference:	Chapter 2, Meeting the Challenges for the Scottish Borders, paragraph 2.7, Economy section (Proposed Local Development Plan, page 11)	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
447 Lilliesleaf, Ashkirk & Midlem Community Council		
Provision of the development plan to which the issue relates:	Meeting the Challenges for the Scottish Borders, paragraph 2.7, Economy section	
Planning authority's summary of the representation(s):		
State that they agree with the observation within the paragraph but also state they believe there should be more stress on short-term parking for those visiting and spending. Particularly important in established town centres that need to compete with out of town.		
Modifications sought by those submitting representations:		
Stress of short-term parking provision in town centres to help provide for visitor spend		
Summary of responses (including reasons) by planning authority:		
<p>AMENDMENT OF THE TEXT IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL</p> <p>The Meeting the Challenges for the Scottish Borders section is a summary of the challenges facing the Borders that have influenced the Key Outcomes. Detail on the action to meet the Key Outcomes is provided within the policies and the Action Programme.</p> <p>The LDP contains policies aimed to increase the vitality of established town centres and there is a cross reference provided to policy on parking provision and standards; the Council's parking standards are detailed in Appendix 3 of the LDP.</p> <p>However, a non-significant change to paragraph 2.7 would be acceptable as follows-</p> <p>Amend second sentence of paragraph 2.7 to read "The town centres in the Borders still remain important for shopping, tourism and other related facilities (including parking provision), but there has been a significant decline in footfall and this has meant that there is a continual problem in terms of vacant units"</p> <p>The above change could be added to provide greater clarity and would constitute a non-significant change.</p>		

Reporter's conclusions:

1. The representation is concerned that paragraph 2.7 (chapter 2) of the proposed plan does not place more stress on providing sufficient short term parking in town centres. In response, the planning authority proposes to change the paragraph to include a reference to parking provision as one of the important related facilities in town centres. This involves a minor change to the wording of the proposed plan, and it reasonably addresses the terms of the representation. It also adequately reflects the planning authority's aim of developing and enhancing the role of town centres, and the provisions of policy IS7 on parking which indicate, amongst other things, that where there appear to be parking difficulties in town centres, the planning authority will consider the desirability of seeking additional public parking provision. In the circumstances, I consider that the change is acceptable and appropriate.

2. Overall, an adjustment is required to the proposed plan as set out below.

Reporter's recommendations:

I recommend that the following modification be made:

1. On page 11 of Volume 1 Policies, adjust paragraph 2.7, chapter 2, so that it reads:

"The traditional town centre is under threat from the rapid rise in internet shopping and out of centre retail development. The town centres in the Borders still remain important for shopping, tourism and other related facilities (including parking provision), but there has been a significant decline in footfall and this has meant that there is a continued problem in terms of vacant units."

Issue 330	Renewable Energy: General	
Development plan reference:	General references to Renewable Energy within Proposed Plan	Reporter: Dilwyn Thomas
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>463 Coriolis 102 Robb 447 Lilliesleaf, Ashkirk & Midlem CC</p>		
Provision of the development plan to which the issue relates:	Renewable Energy	
Planning authority's summary of the representation(s):		
<p><u>463 Coriolis</u></p> <p>Coriolis Energy welcomes the support contained in the Scottish Borders Council Proposed (Local Development) Plan for renewable energy generation. Likewise, we welcome the Council's recognition of the serious environmental, economic and social implications of unaddressed climate change and the key role the planning system has to play in supporting sustainable development and the transition to a low carbon society.</p> <p><u>102 Robb</u></p> <p>All references to renewable energy should be qualified thus "affordable renewable energy". The perverse policies of both Governments are leading towards an energy crisis and unsupportable energy cost rises. The need for expensive conventional generation to provide intermittent backup and the financial and social costs of fuel poverty, hitherto unacknowledged by those authorities, must now be taken into account and all further proposals for renewable energy production rejected. Apart from nuclear generation, there is no viable renewable energy technology.</p> <p>There seems to be no mention of how land vacated by wind farms is to be used. Maybe it is already, perforce, 'wilderness'. Vast tract of landscapes will be released when these reach their end of life. It seems most unlikely that the windmills will be worth replacing.</p> <p><u>447 Lilliesleaf, Ashkirk & Midlem CC</u></p> <p>Some of our members would like to see the Council support only types of renewable energy which do not depend on subsidy</p>		
Modifications sought by those submitting representations:		
<p><u>102 Robb</u></p> <p>All references to renewable energy should be qualified thus "affordable renewable energy".</p>		

There is no reference in the Plan as to how land to be vacated by wind farms is to be used

447 Lilliesleaf, Ashkirk & Midlem CC

Some members of the CC would like to see the Council support only types of renewable energy which do not depend on subsidy

Summary of responses (including reasons) by planning authority:

NO CHANGE TO TEXT SET OUT IN THE PROPOSED PLAN RELATING TO RENEWABLE ENERGY

REASONS

463 Coriolis

Support noted

102 Robb

The Council must adhere to the requirements of national planning guidance and cannot make references and rules outwith this scope. This includes making reference to “affordable renewable energy” as the respondent proposes.

Policy ED9 requires applicants to confirm provisions for decommissioning, land restoration, after care and after use under the heading “Other Considerations” (page 63). How the land is used afterwards would be the decision of the landowner. In most instances it is likely this would resort back to agricultural use.

447 Lilliesleaf, Ashkirk & Midlem CC

The Council has no remit from Scottish Government to support only types of renewable energy which do not depend on subsidy

Reporter’s conclusions:

My conclusions and recommendations in issue 26 cover the representations referred to in this issue.

Reporter’s recommendations:

APPENDIX 2 – MEETING THE HOUSING LAND REQUIREMENT

1. Introduction

1.1 This technical note provides the background to the housing land provisions within the Local Development Plan (LDP) and details the allocations brought forward into the LDP. It also provides the current position in terms of the effective land supply, when measured against market demand, and is updated to reflect the conclusions of the plan examination.

1.2 Section A of this note covers the identification of land within the LDP, required to meet the provisions in the Strategic Development Plan (SDP). Section B covers the monitoring of the 5 year land supply in terms of the current market demand.

1.3 SESplan was approved by Scottish Ministers in June 2013. The approved SDP contains a global housing land requirement for the whole of the SESplan area up to 2024, and required the preparation and adoption of Supplementary Guidance to distribute the housing requirement across the six local authority areas, which make up the SESplan area.

1.4 The approval letter from Scottish Ministers in relation to SESplan made it clear that in order to provide for the housing need and demand, it would require redistribution to other authority areas beyond Edinburgh. The annex on page 272 of the Examination Report states in paragraph 6 that “Also, the housing need and demand assessment identified that, in the combined period from 2009 to 2024 only, the number of households likely to be generated from within the City of Edinburgh is some 44,500. Environmental constraints and other restrictions on land availability within the city’s boundaries may mean that a significant proportion of these additional housing needs and demands will require to be met on housing land allocations in the other five local development plan areas.”

1.5 The SESplan Supplementary Guidance (SSG) identifies how the housing need and demand of the SESplan area as a whole can best be met across each of the six LDP areas for both periods 2009 to 2019 and 2019 to 2024, and is based on an analysis of the opportunities and of the infrastructural and environmental capacities and constraints. SPP requires that LDP’s allocate a range of sites which are effective or expected to become effective in the plan period, to meet the housing land requirement of the SDP, up to year 10 from the expected year of adoption. The SDP sets a requirement up to 2024, therefore the LDP must provide an additional year requirement for 2025.

Section A: Housing Land within the LDP

2. Housing Need and Demand Assessment (HNDA) in relation to the LDP Main Issues Report

2.1 The LDP Main Issues Report (MIR) was prepared based upon housing requirements in the SESplan Proposed Plan, which was derived from the HNDA. The preferred and alternative sites put forward in the LDP MIR were intended to allow the provision of sufficient land to meet the housing need whilst ensuring new allocations are deliverable within the Plan period.

3. Housing Need and Demand Assessment (HNDA1), and SESplan Supplementary Guidance (SSG) Provision in Relation to the LDP

3.1 SPP confirms that Housing Need and Demand Assessments (HNDA) provide the evidence base for defining housing supply targets. SESplan have prepared a HNDA (Core Document 004) in accordance with detailed guidance from Scottish Government, and this was considered ‘robust and credible’ by the Scottish Government in June 2011. It is recognised that the HNDA is a technical, modelling exercise that provides a range of estimate-based scenarios. The SESplan HNDA covers each of the six local authority areas within the SESplan area, including the Scottish Borders.

3.2 SPP states that where the Scottish Government is satisfied that the HNDA is robust and credible, the approach used will not normally be considered further at a development plan examination.

3.3 The approved SESplan SDP now provides the context for the Scottish Borders LDP. It sets an overall requirement for the SESplan area derived directly from the HNDA. The total requirement is 155,600 units up to 2032. It should be noted that the HNDA provides further detail to each Local Authority area.

3.4 The HNDA requirement can be compared against market demand over the period 2005 to 2010 (see Table 1 below). In this period annual completions have averaged 5,798. This can be set against the annual average HNDA provision for the SESplan area of 6,903. The HNDA therefore set a requirement some 20% higher than market demand measured by housing completions.

Table 1: SESplan HNDA and Market Demand

	SESplan HNDA1	Annual Average Completions 2005-2010 (5 Year)
Edinburgh	3,133	2,308
East Lothian	518	529
Fife (SESplan)	1,516	1,223
Midlothian	119	392
Scottish Borders	560	590
West Lothian	1,057	756
SESplan Total	6,903	5,798

Source: SESplan SDP Housing Technical Note 2011

3.5 The HNDA requirement compared with the SGG provision for the Scottish Borders is shown below in Table 2. The HNDA identified a requirement of 5,958 housing units in the Scottish Borders for the period 2009 to 2019, and 2,780 from 2019 to 2024.

3.6 The SSG provision was developed on the basis of existing land allocations and windfall potential, and is set at 9,650 for the period 2009 to 2019, and 3,280 for the period 2019 to 2024.

Table 2: Scottish Borders HNDA Requirement and SSG Provision

	2009 to 2019	2019 to 2024	2024 to 2032
Housing Demand (HNDA)	5,958	2,780	3,800
SSG Provision	9,650	3,280	N/A

3.7 The SSG (Table 3.1 in Core Document CD002) sets a provision for the Scottish Borders significantly in excess of the robust and credible requirement set by the HNDA. Over the period 2009 to 2024 this equates to 48% over and above the HNDA requirement.

3.8 The SSG states “Most of the new houses required are expected to be built on land which is already committed for development either because it is already allocated for that purpose or because planning permission has been granted. Based on HLA 2012 and including an allowance for constrained and windfall sites to come forward and for demolitions, the total supply across the SESplan area to 2024 is 83,207 units. To meet the total requirement of 107,545 units, it is therefore expected that LDPs will need to identify land to accommodate at least an additional 24,338 units.”

3.9 The SSG (Table 3.2 in Core Document CD002) specifies the additional allowances to meet the additional need for 24,338 units. These are additional allowances over and above the existing established housing land supply. In the Scottish Borders an additional allowance of 640 (rounded up) is set for the strategic and non-strategic development areas as set out in Table 3 below. This allowance has been allocated in the Scottish Borders LDP.

Table 3: SESplan Supplementary Guidance: Additional Allowances in Scottish Borders

Strategic Development Area	Number of units
Eastern Borders	160
Central Borders	290
Western Borders	110
Scottish Borders (outwith SDA)	80
Total	640 (subject to rounding)

3.10 The SESplan SSG sets an overall requirement for the periods 2009 to 2019 and 2019 to 2024. However, to ensure that the LDP delivers a plan which covers 10 years from adoption, the LDP must set out an overall requirement, up to 2025. The HNDA states that potential need and demand for new houses during the period 2014 to 2032 will be 492 units per annum. Therefore, an additional 492 units will be added to the existing requirement identified within the SESplan SSG, covering 2025. Table 4 outlines the SESPlan requirement for the period 2009 to 2025, including the additional 492 units. The updated housing requirement remains 46% greater than the HNDA requirement, for the period 2009 to 2025.

Table 4: Scottish Borders Housing Requirement from SSG (2009 – 2025)

Housing Requirement	2009 – 2025
SSG Requirement for Scottish Borders 2009-2019	9,650
SSG Requirement for Scottish Borders 2019-2024	3,280
Additional Requirement for 2025	492
Total	13,422

4. Housing Land Supply Contributions to Housing Requirement

4.1 The most significant part of the provisions to meet the housing requirement have been identified through previous local plan allocations, planning permissions and through estimates for windfall.

4.2 Table 5 shows the updated housing land supply broken down into; effective, potentially effective, post year 7 and constrained. It was considered that 4,944 of those housing units were 'effective' or 'potentially effective' with 1,159 units programmed for development post 2021 and the remaining 2,580 being constrained mostly due to marketability or infrastructure issues. It is considered that all the identified constrained sites are developable within the plan period.

Table 5: Housing Land Supply (HLA 2014)

HLA supply category	Number of units
Effective (Years 1-5)	3,109
Potentially Effective (Years 6 & 7)	1,835
Post Year 7	1,159
Constrained	2,580
Total	8,683

4.3 The approach used by the council to undertake the audit is in accordance with 2/2010 which states under the marketability criteria, that the test to identify if a site is effective is whether 'the site, or a relevant part of it, can be developed in the period under consideration'. The council considers a site to be effective if there is a reasonable prospect that it could be developed within the 5 year period.

4.4 The contributions by Scottish Borders to meet the housing requirement within the SSG are set out in Table 6 below, based on the HLA 2014. *(It should be noted that Table 6 does not reflect the recommended additions to and deletions from the supply arising from examination of the plan. These revisions are, however, reflected in Table 8 below.)*

Table 6: Scottish Borders Contributions to the Requirement (2014-2019)

	2014 to 2019	2019 to 2025	Additional Potential	Total
Housing Supply (2014)				
Effective (Years 1-5)	3,109			3,109
Potentially Effective (Years 6, 7 & Post Year 7)		2,994		2,994
Constrained			2,580	2,580
Windfall assumption	779	828		1,607
Total Potential	3,888	3,822	2,580	10,290

4.5 In addition, the requirement has already been subject to housing completions for the period 2009 to 2014, and this totals 1,837. However, this is reduced by anticipated demolitions between 2014 and 2025 of 220 (see Table 7 below).

Table 7: Completions and Demolitions

	2009 to 2019	2019 to 2025
Completions 2009/10 to 2013/14	1,837	N/A
Loss of supply due to demolitions 2014-2025	-100	-120

Table 8: Total Contributions to the Requirement (2009 to 2025)

Contributions to the Requirement	2009-2025
Potential Supply (HLA 2014) (as revised)	10,324
Completions 2009-2014	1,837
Demolitions 2014-2025	-220
New housing allocations in the Plan	565
Total	12,506

4.6 The overall potential contribution towards the requirement up to 2025 is therefore 12,506. That represents a shortfall in meeting the housing land requirement of 916 units. *(This table has been revised to reflect the additions and deletions of potential supply sites arising from examination of the plan, and to reflect the deletion of 2 new proposed allocations at Galashiels.)*

4.7 Components of the above tables are discussed in more detail below.

a. Windfall sites

4.8 In addition to allocated housing sites, during the period of the plan, some demand for new housing will be met through windfall sites. Windfall sites are sites which come forward unexpectedly and have not been identified for housing through the plan preparation process. They are generally small, infill sites, although large windfall sites can occasionally come forward. The number of completions on windfall sites is shown below in Table 9; windfall development makes a substantial contribution to the housing land supply in the Borders. Over the past five years the average number of completions on windfall sites is 156, of the total completions since 2010 between 41%-54% have been on windfall sites. It is anticipated that 1,607¹ units will be developed on windfall sites in the Scottish Borders during 2014 to 2025.

Table 9: Windfall sites 2010-2014

	2010	2011	2012	2013	2014	5 Year Average
Total number of completions	487	490	266	306	288	367
Number of completions on windfall sites	200	199	143	133	104	156
% of completions from windfall sites	41%	41%	54%	43%	36%	43%

b. Completions

4.9 Table 10 shows the number of completions in the Scottish Borders from 2010 to 2014; the average rate of completions during this period is 367 units. The total number of completions in the past five years has peaked at 490 in 2011, however completions have not exceeded 306 in the three years since. The significant decrease in completions across the Borders is a result of the economic downturn; many of the sites under construction in the Borders have stalled due to lack of developer and mortgage finance. Homes for

¹ Based on the windfall assumptions included in the SESplan Urban Capacity Study 2009

Scotland, whilst they have a limited membership and knowledge within the Scottish Borders, consider that large parts are sub-prime (see Supporting Document 080-1). The decline in completions therefore limits the delivery of housing to meet the need identified in the HNDA and the SSG. However the sites in the audit are free of constraints and able to be developed during the plan period subject to market demand. The release of further land would not solve the issue of market demand.

Table 10: Completions 2010-2014

	2010	2011	2012	2013	2014	5 Year Average
Total number of completions	487	490	266	306	288	367

4.10 It can be seen that the current five year average completion rate falls short of the SSG annual requirement of 965 as set out in Table 2 above. The SSG notes that “Delivering that level of housing will be challenging and that will be made even more difficult should funding solutions to enable the provision of essential infrastructure improvements not be identified. A very significant increase in housing completion rates will also be required to deliver the housing needed to meet the need and demand which has been identified.”

4.11 However, the national economy including the housing development industry is now moving out of recession. In addition, within the Scottish Borders the construction and opening of the Borders Railway will have a significant impact on the marketability of the area, and there are realistic prospects on the delivery of a local rail service between Edinburgh and Berwick that would also have a significant positive impact on the marketability and accessibility of the Eastern Borders.

5. New allocations included within the Plan

5.1 The SSG provides for the addition of new allocations within the Plan.

5.2 The distribution of the new allocations (subject to rounding) by SDA is shown in Table 11. The new allocations within the LDP contribute to the requirement for each SDA and the also areas that fall outwith an SDA.

Table 11: Total distribution of new allocations by Strategic Development Area

SDA	Total Housing Units in LDP by SDA
Eastern	160
Central	220
Western	105
Outwith SDA	80
Total	565

5.3 Following assessments of each site submitted during the consultation process, and their consideration during examination of the proposed plan, appropriate sites have been allocated within the LDP. Following the deletion of 2 sites at Galashiels recommended in the report of the examination into the proposed plan, this is insufficient to contribute to providing a generous housing land supply to meet the requirement up to 2025. Otherwise the allocations are in accordance with the Spatial Strategy set out within the Local

Development Plan and the detailed site assessments and the site selection process is set out within the LDP Environmental Report.

5.4 To meet the requirement, a total of 13 sites have been allocated within the Plan, this includes eight housing sites and five mixed use sites and these are detailed in Table 12. It is anticipated that these sites will provide a total of 565 units. Further sites will require to be identified through supplementary guidance in order to meet the requirement and continue to provide a generous supply of housing land over the plan period.

Table 12: New sites allocated in the Local Development Plan

SDA	Settlement	Site Code	Proposed Use	Indicative Capacity
Central	Kelso	AKELS021	Housing	100
Central	Kelso	AKELS022	Housing	120
Eastern	Duns	ADUNS023	Housing	60
Eastern	Reston	MREST001	Mixed Use	100
Outwith	Birgham	ABIRG003	Housing	6
Outwith	Greenlaw	MGREE001	Mixed Use	6
Outwith	Swinton	MSWIN002	Mixed Use	25
Outwith	Bonchester	ABONC003	Housing	8
Outwith	Eddleston	AEDDL002	Housing	35
Western	Cardrona	MCARD006	Mixed Use	25
Western	Cardrona	MCARD007	Mixed Use	5
Western	Peebles	APEEB021	Housing	50
Western	Peebles	APEEB041	Housing	25
Total				565

6. Flexibility

6.1 The new allocations within the LDP have been through a detailed site assessment process and some additional land has been identified which builds in a degree of flexibility. Further additional flexibility is provided in that the Plan also allocates 51 redevelopment opportunities covering 62 hectares. In addition, there is further potential flexibility through potential areas for longer term development (subject to review) within the Peebles, Innerleithen, Galashiels, Hawick, Earlston, Kelso, Duns, Greenlaw, Coldstream and Reston. The redevelopment opportunities and longer term sites have the potential to be brought forward to meet any shortfall in supply.

Section B: Monitoring the Effective Supply

7. Five Year Effective Land Supply

7.1 The SPP (Scottish Planning Policy) sets out national policy in relation to enabling the delivery of new homes. It requires the provision of a generous supply, maintaining at least a 5 year effective supply at all times. The generous supply is to be monitored by “the progress of sites through the planning process, and housing completions, to ensure a generous supply of land for house building is maintained and there is always enough

effective land for at least 5 years”. Effectiveness in relation to the plan and to the 5 year effective supply can be described as follows:

- In relation to development planning the requirement is that over the plan period there should be a 5 year effective land supply. This would allow currently constrained sites to be brought into the effective supply over the period subject to meeting the effectiveness criteria.
- In relation to maintaining the 5 year effective supply, this relies upon an annual monitor through the housing land audit to ensure that the 5 year supply is maintained. The requirement is that a site is considered effective where it can be demonstrated that it will be free of constraints within 5 years, and can be developed for housing.

7.2 The continued availability of land to meet prospective demand is monitored on an annual basis by the Council’s Housing Land Audit. Likely actual demand is illustrated by the performance of the development industry over the previous 5 year period as required by SPP (particularly where there is a substantial supply of available land, as in the Scottish Borders). This is measured by actual completions and is the most appropriate measure of market performance. Therefore, there is a clear distinction between providing land to meet the theoretical requirement, and ensuring the presence of a 5 year effective supply to meet prospective market demand.

7.3 The 2014 housing land audit is set out in Table 13 below for the Scottish Borders and for its constituent housing market areas.

Table 13: Scottish Borders Housing Land Audit 2014

HMA	Established Supply	Constrained Supply	Effective Supply (Yrs 1-5)	Potentially Effective Supply (Yrs 6-7)	Post Year 7 Supply	Completions 2009-14
Berwickshire	2031	493	832	472	231	50
Central	5318	1881	1594	1143	697	151
Northern	1167	173	605	174	215	77
Southern	173	33	78	46	16	10
Total	8689	2580	3109	1835	1159	288

7.4 Completions have been in general decline since the onset of the UK recession. Table 14, sets out market performance over the past five years.

Table 14: 5 Year Housing Completions

HMA	2010	2011	2012	2013	2014	Total
Berwickshire	102	81	65	56	50	354
Central	214	260	123	163	151	911
Northern	165	131	69	76	77	518
Southern	6	18	9	11	10	54
Total	487	490	266	306	288	1837

8. Conclusions

8.1 There are a number of clear conclusions that can be drawn from the above analysis. These are set out below:

- The SESplan HNDA which forms the basis of the approved SDP sets a requirement that is some 20% higher than market demand as evidenced by housing completions;
- The housing provision for the Scottish Borders set by the SSG is some 48% higher than the HNDA requirement;
- The housing provision set by the SSG is largely based upon the existing potential provided by the established land supply and windfall potential;
- The LDP provides additional housing allocations to meet the additional need specified by the SSG for the Scottish Borders but further allocations will require to be identified through the preparation and adoption of supplementary guidance in order to meet the housing land requirement;
- The LDP provides substantial additional flexibility in the form of identified redevelopment sites and sites with potential for longer term development;
- There is a large established housing land supply within the Scottish Borders where effectiveness is only limited by market demand;
- There is a record of windfall development amounting to a significant proportion of completions; and
- There is the potential for improved market demand with enhanced national economic prospects, the imminent completion of the Borders Railway, and the potential for a rail serving East Berwickshire.