

Our Ref: 18-02808

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Dear Sir

Scottish Borders Council Local Development Plan 2: Main Issues Report (MIR) – Consultation

Representation made on behalf of Thomson Cooper, Accountants in their role as Administrators appointed to act on behalf of [REDACTED]

We refer to the consultation being carried out by Scottish Borders Council (SBC) in relation to the SBC Local Development Plan 2 (LDP2) – Main Issues Report (MIR). This consultation period runs from early November 2018 – 31st January 2019 and identifies key development and land uses which the LDP2 must address. The MIR is one of the stages in the preparation of a Local Development Plan and seeks public and developer comment upon the issues contained therein.

Our client, [REDACTED] welcomes the opportunity to review the MIR and make comments in respect of this.

As you will be aware from previous representations made by another company on their behalf, [REDACTED] previously had interests in various sites across the Scottish Borders.

At the Call for Sites stage (June to August 2017) of the SBC LDP 2; [REDACTED] instructed the preparation and submission of representations (via the Call for Sites Pro forma) for the following sites:-

1. Buckholm Corner, Galashiels - LDP reference EGL17B;
2. North Ryehaugh, Galashiels – LDP reference EGL200;
3. Lilliesleaf (LDP reference EL16B); and
4. Botany Mill, Galashiels (LDP reference

These representations sought the inclusion of these sites, going forward, within the SBC LDP for residential / re-development use.

Our client welcomes the support from SBC in continuing to consider these sites as important and viable for future residential / re-development use. That said, on this occasion excluding the land at Lilliesleaf referred to above, which has now been sold.

In addition to the representations made at the Call for Sites stage, our client also made a representation to SBC in respect of the Review of Longstanding Allocated Sites (May 2017). This reinforced the commitment of our client to ensure that the sites do come forward and requested that SBC continue to allocate them.

In this regard, [REDACTED] is committed to continuing to ensure and enable that these sites are allocated and delivered for residential / mixed use development – and, in turn, contribute to an effective housing land supply. It is considered that these sites are all natural housing / development sites and therefore should continue to be allocated for such. The SBC LDP MIR has been reviewed and we consider the most pertinent points of our representation to be:

- **Effective Housing land supply**
- **Housing land supply sites**

Scottish Borders Council Local Development Plan 2: Proposed Plan (2018)

The MIR is a forerunner to the review of the forthcoming new Local Development Plan (LDP2), which will replace the existing adopted SBC LDP 2016. In essence the MIR seeks public views on a range of key material considerations which the LDP2 must address.

The responses received from the MIR consultation will be reported back to SBC. These will be taken forward for consideration in the preparation of LDP2.

We have reviewed the SBC MIR and will comment in more detail on the following points:

- Effective housing land supply – MIR Question 7
- Housing land supply sites – MIR Question 7
- Listed buildings
- Regeneration

Effective Housing Land Supply

Our client fully supports SBC efforts to identify a generous supply of land for housing, in line with Scottish Planning Policy, and to maintain a 5- year supply of effective housing land at all times.

It is noted that following Examination of the LDP 2016 the Reporter identified a housing land shortfall of 916 units, and that this led to additional sites being allocated within the LDP.

In addition, our client acknowledges that in order to ensure an adequate and effective housing land supply, there is a requirement by SBC to test the likelihood that sites allocated within the LDP will be developed. In this regard our client supports SBC efforts to remove sites which have been allocated for a significant period, but which have no development interest from either the land owner or development industry.

This representation therefore supports the **removal of the sites listed on Table 5 from the Local Development Plan.**

We note that this equates to 95 potential residential units.

It is also very important for SBC to do all it can to support the development of the remaining sites which are allocated within the existing LDP and the emerging LDP. With the removal of these sites and nearly 100 units

it is essential that SBC maintain housing sites (such as the ones in this representation) which have a development future in the short-term; as well as identifying new housing sites.

Housing Land Supply Sites

It is acknowledged that finding new land to be allocated for housing is one of the most challenging and contentious parts of any LDP process.

Question 7 in the SBC MIR is: -

“Do you agree with the preferred options for additional housing sites? Do you agree with the alternative options? Do you have other alternative options?”

Whilst this is absolutely the right question to ask at this MIR stage our client is seeking to protect the sites which they are administering to ensure that any such preferred or alternative option does not harm the prospects of delivering on existing allocated sites.

Our client with this representation is seeking to ensure the continued allocation of the following sites;

1. Buckholm Corner, Galashiels – (SBC LDP reference EGL17B);
2. North Ryehaugh, Galashiels – (SBC LDP reference EGL200);
3. Botany Mill, Galashiels (SBC LDP reference zRO6)

These can provide up to 90 residential units with no significant constraints or ownership issues.

Listed Buildings

At paragraph 3.6 under Built and Natural Heritage, the MIR notes that: -

“there are a large number of listed buildings, conservation areas, landscape and biodiversity designations and opportunities must continue to be explored to capitalize on these assets in the interests of tourism and economic development.”

Whilst our client supports such efforts to ‘capitalize’ on the assets which listed buildings undoubtedly can be, it should be taken in consideration by SBC that it is not always possible to maintain a listed building, restore it or redevelop it. Damage and other factors can create a situation whereby a listed building can make a site undevelopable and unviable for an owner and also therefore any party interested in developing a site containing a listed building.

The site identified within the existing SBC LDP at Roxburgh Street, Galashiels, as zRO6 contains a Category B listed building; Botany Mill, which is under the control of our client.

Whilst it is recognised that SBC would wish to continue to seek the retention of such buildings and also the importance of seeking to conserve and enhance the Conservation Area, our client would ask that the Council also recognises and allows flexibility in the policy around listed buildings that it is not always possible to retain them.

This representation seeks that the SBC policy in respect of listed buildings be slightly amended to take account of those rare occasions where demolition of a listed building is required in order to facilitate and ensure the future of an area. This would be in line with ensuring positive development, and, potentially not

allowing prominent sites within towns to remain vacant due to the presence of a listed building which has not long-term future.

Regeneration

At paragraph 3.8 of the MIR under the heading 'Growing Economy', we note that SBC seeks to: -

- *"Promote the regeneration of town centres to make them vibrant and viable focal points within our communities".*

Again our client is fully supportive of such aspirations for town centres across the Scottish Borders. However, and very much in keeping with the views detailed herein with respect to listed buildings, the retention of listed buildings can make the regeneration of sites which include them very difficult - and often completely financially unviable.

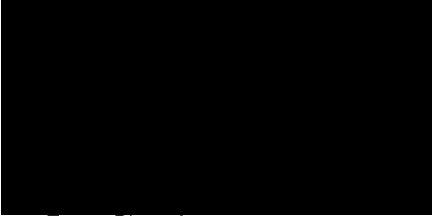
We would therefore ask that SBC are mindful and open to allowing flexibility in respect of identified regeneration sites across the Scottish Borders Council area which contain listed buildings and work with developers to allow these sites to be re-developed in a way which works both financially and also seeks not to detract from the character of the wider area.

Conclusions

This representation has provided comments on a number of aspects of the MIR.

It would also be appreciated for SBC to confirm receipt of this representation; and keep us informed as to the progress of the SBC LDP.

Yours faithfully,



Town Planning

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