

SCOTTISH BORDERS COUNCIL

PROPOSED LOCAL DEVELOPMENT PLAN

SCHEDULE 4 FORMS OF UNRESOLVED ISSUES

<b>Issue 001</b>	<b>Chapter 2. Meeting the Challenges for the Scottish Borders Section on “Demographics”, issue regarding paragraph 2.3</b>	
<b>Development plan reference:</b>	Chapter 2. Meeting the Challenges for the Scottish Borders Section on “Demographics”, paragraph 2.3 and Key Outcomes 1 and 2 (Proposed Local Development Plan, page 10)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
483 David Wilson Homes 485 Geddes Consulting		
<b>Provision of the development plan to which the issue relates:</b>	Chapter 2. Meeting the Challenges for the Scottish Borders Section on “Demographics” (page 10)	
<b>Planning authority’s summary of the representation(s):</b>		
<p><u>483 David Wilson Homes and 485 Geddes Consulting</u> 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 2 to add “an effective housing land supply to ensure a” before “generous housing land supply.”</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>483 David Wilson Homes and 485 Geddes Consulting</u> 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 2 to add “an effective housing land supply to ensure a” before “generous housing land supply.”</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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> <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.</p> <p>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:</p>		

“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:**

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**Reporter’s recommendations:**

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<b>Issue: 002</b>	<b>Chapter 2 – Meeting The Challenges For The Scottish Borders – Infrastructure</b>	
<b>Development plan reference:</b>	Meeting The Challenges For The Scottish Borders (Page 12, paragraph 2.9)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
339 Scottish Government		
<b>Provision of the development plan to which the issue relates:</b>	Proposed change to wording of Paragraph 2.9	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
<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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue 003</b>	<b>Chapter 2 Meeting the Challenges for the Scottish Borders Section on Climate Change</b>	
<b>Development plan reference:</b>	<b>Chapter 2 Meeting the Challenges for the Scottish Borders Section on Climate Change (pages 13 – 14)</b>	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
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		
<b>Provision of the development plan to which the issue relates:</b>	<b>Chapter 2 Meeting the Challenges for the Scottish Borders Section on Climate Change</b>	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>391 Mountaineering Council of Scotland:</u>  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>  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>  Para 2.18 – Concern over the negative stance toward future onshore wind energy development</p> <p><u>432 Infinis &amp; 492 EDF:</u>  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 development within the SBC area, which is contrary to national policy</p> <p>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 &amp; 80% by 2050, from 2009 levels</p> <p>State that 'Key Outcome 10' of the PLDP promotes "<i>The encouragement of renewable energy only in sustainable locations where adverse potential cumulative impact can be avoided</i>". This Key Outcome in itself is contrary to the advice set out in SPP which states</p>		

*“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 Governments 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:**

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**Reporter's recommendations:**

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**Core Document:**

CD024 Scottish Planning Policy 2010

**Supporting Document:**

SD003-1 Wind Development Applications in Scottish Borders June 2014

<b>Issue 004</b>	<b>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</b>	
<b>Development plan reference:</b>	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);	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
463 Coriolis 353 RSPB 110 Quarries Action Group		
<b>Provision of the development plan to which the issue relates:</b>	Chapter 2. Meeting the Challenges for the Scottish Borders Section on “Environment” (page 12)	
<b>Planning authority’s summary of the representation(s):</b>		
<p><u>463 Coriolis</u> 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> 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> State that they strongly support paras 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>463 Coriolis</u> Amendment to text in para 2.13 which should give more thrust to supporting sustainable and renewable developments</p> <p><u>353 RSPB</u> Mention of biodiversity specifically within the Environment section of the Meeting the Challenges for the Scottish Borders section of the LDP.</p> <p>Mention of specifically targeted measures for certain species and habitats related to the</p>		

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.

As a result of the assertions above it is not considered necessary to amend the wording within the Meeting the Challenges section as a result of the representations.

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<b>Reporter's conclusions:</b>
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<b>Reporter's recommendations:</b>
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<b>Issue 005</b>	<b>General: Increased flood risk</b>	
<b>Development plan reference:</b>	Chapter 2, Meeting the Challenges for the Scottish Borders, paragraph 2.17, Climate Change section (Proposed Local Development Plan, page 13)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
423 Southdean Community Council 130 Roger Oakes		
<b>Provision of the development plan to which the issue relates:</b>	Meeting the Challenges for the Scottish Borders, Climate Change Section paragraph 2.17	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>423 Southdean Community Council:</u>  <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>  The respondent is pleased to see that SBC is going to take the potential problems of flood plains seriously</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>423 Southdean Community Council:</u>  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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.</p> <p>REASONS:  <u>130 Roger Oakes:</u>  Comments and support noted.</p> <p><u>423 Southdean Community Council:</u>  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 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.</p> <p>As a result of the discussion above no change to the Local Development Plan from that proposed is necessary.</p>		

<b>Reporter's conclusions:</b>
<b>Reporter's recommendations:</b>

<b>Issue 006</b>	<b>General: critique of housing land position and Central Strategic Development Area, Spatial Strategy</b>	
<b>Development plan reference:</b>	Chapter 3, Vision, Aims and Spatial Strategy, paragraphs 3.11 to 3.17, Spatial Strategy section (Proposed Local Development Plan, pages 16-17);	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
130 Roger Oakes 483 David Wilson Homes 485 Geddes Consulting		
<b>Provision of the development plan to which the issue relates:</b>	Visions, Aims and Spatial Strategy, paragraphs 3.11 to 3.17, Spatial Strategy section	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>130 Roger Oakes</u> 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> 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:</p> <p><i>“The Plan seeks to identify a generous land supply to maintain a 5 year <b>effective housing land supply at all times</b> meeting the <b>housing land</b> requirement for the Scottish Borders as set by the SESplan <del>Housing Needs and Demand Assessment</del> <b>Strategic Development Plan and Supplementary Guidance on Housing Land</b>. <del>and t.</del> The detail of this approach is set out in Appendix 2.”</i></p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>483 David Wilson Homes and 485 Geddes Consulting</u> Amend paragraph 3.13 as follows:</p> <p><i>“The Plan seeks to identify a generous land supply to maintain a 5 year <b>effective housing land supply at all times</b> meeting the <b>housing land</b> requirement for the Scottish Borders as set by the SESplan <del>Housing Needs and Demand Assessment</del> <b>Strategic Development Plan and Supplementary Guidance on Housing Land</b>. <del>and t.</del> The detail of this approach is set out in Appendix 2.”</i></p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
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 red:

“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:**

**Reporter’s recommendations:**

<b>Issue 007</b>	<b>General: Eastern Strategic Development Area/Eastern Hub/Eastern Spatial Strategy</b>	
<b>Development plan reference:</b>	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)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
102 Dr Fenton Robb		
<b>Provision of the development plan to which the issue relates:</b>	Visions, Aims and Spatial Strategy, paragraphs 3.27 to 3.33 and Figure 10 'Eastern Spatial Strategy'	
<b>Planning authority's summary of the representation(s):</b>		
<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 (Ayton, 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>		
<b>Modifications sought by those submitting representations:</b>		
N/A		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO CHAPTER 3 AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS: 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 (<b>Core Document 001</b>) states that the Eastern Borders has long-term potential for improved local rail commuter services including a new station at Reston (page 22). Both 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.</p>		
<b>Reporter's conclusions:</b>		

<b>Reporter's recommendations:</b>

**Core Document:**  
CD001 SESplan Strategic Development Plan

<b>Issue 008</b>	<b>General: Environment and climate change issues within the Vision, Aims and Spatial Strategy section</b>	
<b>Development plan reference:</b>	Chapter 3, Vision, Aims and Spatial Strategy general and Paragraph 3.7, Main Aims section (pages 15-20 and page 16 respectively)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
353 RSPB 462 Cranshaws, Ellemford and Longformacus Community Council 423 Southdean Community Council 432 Infinis		
<b>Provision of the development plan to which the issue relates:</b>	Chapter 3, Vision, Aims and Spatial Strategy general and Paragraph 3.7, Main Aims section	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>353 RSPB:</u> 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> 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> State that they are fully supportive of the comments here (paragraph 3.7) in protecting the environment and leaving a legacy</p> <p><u>432 Infinis:</u> 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</p>		

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:**

**Reporter's recommendations:**

<b>Issue 009</b>	<b>General: Longer term mixed use development within Central SDA</b>	
<b>Development plan reference:</b>	Chapter 3, Vision, Aims and Spatial Strategy, paragraph 3.14, Spatial Strategy section (Proposed Local Development Plan, page 17)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
482 N Watson		
<b>Provision of the development plan to which the issue relates:</b>	Vision, Aims and Spatial Strategy, paragraph 3.14, Spatial Strategy section	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
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)		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.</p> <p>REASONS:</p> <p>It is noted that the Main Issues Report (MIR) considered an alternative option for employment land "within a small search area at Broomilees" (<b>Core Document 006</b>). 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' (<b>Core Document 058</b>) 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</p>		

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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD006 Main Issues Report, paragraph 5.10, page 21

CD058 Economic and Market Assessment for New Business Space-  
Tweedbank/Tweedside Park/ Broomilees, Melrose

<b>Issue 010</b>	<b>General: Omission of Newcastleton from Central Spatial Strategy (and Central Strategic Development Area)</b>	
<b>Development plan reference:</b>	Proposed Local Development Plan, Spatial Strategy section (Proposed Local Development Plan, pages 16 to 18)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
489 Newcastleton and District Community Council		
<b>Provision of the development plan to which the issue relates:</b>	Proposed Local Development Plan, Spatial Strategy section	
<b>Planning authority's summary of the representation(s):</b>		
General omission of Newcastleton e.g. Central Spatial Strategy		
<b>Modifications sought by those submitting representations:</b>		
Inclusion of Newcastleton within Central Spatial Strategy		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE LOCAL DEVELOPMENT PLAN AS PROPOSED.</p> <p>REASONS:  The Central Spatial Strategy relates to the Central Strategic Development Area (SDA). The SDA was identified in the SESplan following a Spatial Strategy Assessment (<b>Core Document 005</b>) 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 falls 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>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

**Core Document:**  
CD005 SESplan Spatial Strategy Assessment

Issue 011	<b>General: Quality and quantity of business and industrial land at Tweedbank</b>	
<b>Development plan reference:</b>	Chapter 3, Vision, Aims and Spatial Strategy, paragraph 3.14, Spatial Strategy section (Proposed Local Development Plan, page 17)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
487 Network Rail		
<b>Provision of the development plan to which the issue relates:</b>	Visions, Aims and Spatial Strategy, paragraph 3.14, Spatial Strategy section	
<b>Planning authority's summary of the representation(s):</b>		
State that the paragraph refers to proposing to <i>enhance the <b>quality</b> 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?		
<b>Modifications sought by those submitting representations:</b>		
Confirmation on whether the paragraph also means quantity in addition to reference to quality.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.</p> <p>REASONS: 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>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue 012</b>	<b>General: reference to green networks within the Vision statement</b>	
<b>Development plan reference:</b>	Chapter 3, Vision, Aims and Spatial Strategy, general (Proposed Local Development Plan, pages 15-20)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
327 SNH		
<b>Provision of the development plan to which the issue relates:</b>	Vision, Aims and Spatial Strategy, general	
<b>Planning authority's summary of the representation(s):</b>		
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		
<b>Modifications sought by those submitting representations:</b>		
A general reference to green networks within the Vision, Aims and Spatial Strategy section		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.</p> <p>REASONS: 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>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue: 013</b>	<b>Chapter 3 - Vision, Aims and Spatial Strategy</b>	
<b>Development plan reference:</b>	Vision, Aims and Spatial Strategy (Page 17, paragraph 3.17)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
339 Scottish Government		
<b>Provision of the development plan to which the issue relates:</b>	Proposed change to wording of Paragraph 3.17 (p17)	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
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.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue: 014</b>	<b>Chapter 3 - Vision, Aims and Spatial Strategy</b>	
<b>Development plan reference:</b>	Vision, Aims and Spatial Strategy (Page 19, paragraph 3.32)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
339 Scottish Government		
<b>Provision of the development plan to which the issue relates:</b>	Proposed change to wording of Paragraph 3.32 (p19)	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
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.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue: 015</b>	<b>Chapter 3 - Vision, Aims and Spatial Strategy</b>	
<b>Development plan reference:</b>	Vision, Aims and Spatial Strategy	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
135 Midlothian Council; 394 City of Edinburgh Council; 411 Cumbria County Council		
<b>Provision of the development plan to which the issue relates:</b>	Cross Boundary Transport Issues	
<b>Planning authority's summary of the representation(s):</b>		
<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>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>		
<b>Modifications sought by those submitting representations:</b>		
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.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS:</p> <p>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.</p> <p>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.</p> <p>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</p>		

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:**

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**Reporter's recommendations:**

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<b>Issue 016</b>	<b>Policy PMD1 : Sustainability</b>	
<b>Development plan reference:</b>	Policy PMD1: Sustainability (page 23)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
110 Quarries Action Group 327 Scottish Natural Heritage 447 Lilliesleaf, Ashkirk and Midlem CC 122 The Theatres Trust 286 RES 446 Wind Energy (Earlshaugh) Ltd	162 Coal Authority 130 Roger Oakes 342 Royal Burgh of Selkirk CC 350 Homes for Scotland 487 Network Rail 496 JS Crawford & Rural Renaissance Ltd	
<b>Provision of the development plan to which the issue relates:</b>	Policy PMD1 : Sustainability	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>110 Quarries Action Group:</u> Strongly support para C which seeks the protection of natural resources, landscapes, habitats and species</p> <p><u>162 Coal Authority:</u> 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> 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> 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> <p><u>447 Lilliesleaf, Ashkirk and Midlem CC:</u> 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.</p> <p><u>342 Royal Burgh of Selkirk CC:</u></p>		

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. 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.

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 l) 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:**

**Reporter's recommendations:**

<b>Issue: 017</b>	<b>Policy PMD2: Quality Standards</b>	
<b>Development plan reference:</b>	Policy PMD2: Quality Standards (Pages 24 – 26)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
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		
<b>Provision of the development plan to which the issue relates:</b>	Policy PMD2: Quality Standards	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>110 Quarries Action Group:</u> The contributor strongly supports criteria (k), (m) and (u) of the policy.</p> <p><u>130 Oakes:</u> 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> 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 headings clearly relate back to this.</p> <p>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.</p>		

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. 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.

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:**

**Reporter's recommendations:**

**Core Documents:**

CD026 Scottish Planning Policy 2014

CD033 Designing Places:

CD059 Placemaking & Design Supplementary Planning Guidance

<b>Issue: 018</b>	<b>Policy PMD3: Land Use Allocations</b>	
<b>Development plan reference:</b>	Policy PMD3: Land Use Allocations (Pages 27 – 28)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
327 Scottish Natural Heritage 339 Scottish Government 342 The Royal Burgh of Selkirk and District Community Council		
<b>Provision of the development plan to which the issue relates:</b>	Policy PMD3: Land Use Allocations	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>327 Scottish Natural Heritage:</u>  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>  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>  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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>327 Scottish Natural Heritage:</u>  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> <p><u>339 Scottish Government:</u>  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.</p> <p><u>342 The Royal Burgh of Selkirk and District Community Council:</u>  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>		

**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:**

**Reporter's recommendations:**

<b>Issue: 019</b>	<b>Policy PMD4: Development Outwith Development Boundaries</b>	
<b>Development plan reference:</b>	Policy PMD4: Development Outwith Development Boundaries (Pages 29– 30)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
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		
<b>Provision of the development plan to which the issue relates:</b>	Policy PMD4: Development Outwith Development Boundaries	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>202 sportscotland:</u>  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"> <li>• 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;</li> <li>• Or a separate policy is introduced to deal with development proposals in the wider countryside area;</li> </ul> <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> <p><u>300 Smith &amp; Garratt, 471 Miller Partnership, 302 David Wilson Homes:</u>  The contributor requests criterion (c) of the policy be amended to read:</p> <p>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, <b><i>which may be due to constraints acting to inhibit development of consented sites, allocated sites or safeguarded land</i></b>, OR</p> <p><u>350 Homes for Scotland:</u></p>		

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/A

445 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:**

**Reporter's recommendations:**

**Core Documents:**

CD026 Scottish Planning Policy 2014

CD034 Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits

<b>Issue 020</b>	<b>Policy ED1 Protection of Business and Industrial Land</b>	
<b>Development plan reference:</b>	Policy ED1 Protection of Business and Industrial Land (page 33 – 37)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<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>		
<b>Provision of the development plan to which the issue relates:</b>	Policy ED1 - Protection of Business and Industrial Land	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>335 Edinburgh Woollen Mill Group:</u>  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>  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> <p><u>357 Scottish Environment Protection Agency:</u>  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.</p>		

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:**

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**Reporter's recommendations:**

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<b>Issue 021</b>	<b>Policy ED3 Town Centres and Shopping Development</b>	
<b>Development plan reference:</b>	Policy ED3 Town Centres and Shopping Development (pages 39 – 41)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
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)		
<b>Provision of the development plan to which the issue relates:</b>	Policy ED3 Town Centres and Shopping Development	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>33 CWP Property Development &amp; Investment:</u>  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><u>"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"</u></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 town and commercial centres.</p> <p><u>122 The Theatres Trust:</u>  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</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD024 Scottish Planning Policy 2010

CD026 Scottish Planning Policy 2014

CD049 Hawick Retail Capacity Study 2007 – January 2008

CD050 Scottish Borders Retail Capacity Study – September 2011

<b>Issue: 022</b>	<b>Policy ED5: Regeneration</b>	
<b>Development plan reference:</b>	Policy ED5: Regeneration (Pages 44 – 47)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>253 Jedburgh Community Council  300 Smith &amp; 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 &amp; District Community Council</p>		
<b>Provision of the development plan to which the issue relates:</b>	Policy ED5: Regeneration	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>253 Jedburgh Community Council:</u>  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 &amp; Garratt, 307 Rutherford, 306 Marchmont Farms:</u>  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>  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>  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:</p> <p><i>a) It is compatible with the ongoing operation of existing business uses in the area</i></p> <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 21<sup>st</sup> century. The NPPF also advises that local planning authorities should support existing business sectors, taking account of whether they are expanding or contracting.</p>		

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/derelict 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:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Main Issues Report

<b>Issue 023</b>	<b>Policy ED6 – Digital Connectivity</b>	
<b>Development plan reference:</b>	Policy ED6 – Digital Connectivity (page 48)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
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)		
<b>Provision of the development plan to which the issue relates:</b>	Policy ED6 – Digital Connectivity	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>496 JS Crawford and Rural Renaissance Limited:</u> 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. Policy ED6 should be deleted as its principles are covered in Policy PMD1.</p> <p><u>328 Mobile Operators Association:</u> 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: <i>“Proposals for telecommunications development will be permitted provided that the following criteria are met:</i></p> <ol style="list-style-type: none"> <li><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></li> <li><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></li> <li><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></li> <li><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.</i></li> </ol> <p><i>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”.</i></p> <p><u>423 Southdean Community Council:</u></p>		

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:**

<b>Reporter's recommendations:</b>

**Core Documents:**

CD031 Circular 6/2013 Development Planning

<b>Issue 024</b>	<b>Policy ED7 Business, Tourism and Leisure in the Countryside</b>	
<b>Development plan reference:</b>	ED7 Business, Tourism and Leisure in the Countryside (Proposed Local Development Plan, pages 49 -51)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
202 sportScotland 300 Smith & Garratt 342 The Royal Burgh of Selkirk and District Community Council 353 RSPB Scotland 423 Southdean Community Council		
<b>Provision of the development plan to which the issue relates:</b>	ED7 Business, Tourism and Leisure in the Countryside	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>202 sportScotland:</u>  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 &amp; Garratt:</u>  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>  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> <p><u>353 RSPB Scotland:</u>  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</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD007 Scottish Borders Consolidated Local Plan 2011

CD026 Scottish Planning Policy 2014

CD064 Supplementary Planning Guidance Scottish Borders Woodland Strategy

**Supporting Document:**

SD024-01 Scottish Borders Tourism Strategy 2013 – 2020

<b>Issue 025</b>	<b>Policy ED8 Caravan and Camping Sites</b>	
<b>Development plan reference:</b>	ED8 Caravan and Camping Sites (Proposed Local Development Plan, pages 52 -54)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
342 The Royal Burgh of Selkirk and District Community Council 447 Lilliesleaf, Ashkirk and Midlem Community Council 489 Newcastleton & District Community Council		
<b>Provision of the development plan to which the issue relates:</b>	ED8 Caravan and Camping Sites	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>342 The Royal Burgh of Selkirk and District Community Council:</u> Policy noted and agreed. 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> 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 &amp; District Community Council:</u> The contributor states that the policy introduction does not include the Liddalia Caravan Site.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>342 The Royal Burgh of Selkirk and District Community Council:</u> 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> The contributor seeks an amendment to the policy so that it states what should be avoided.</p> <p><u>489 Newcastleton &amp; District Community Council:</u> The contributor seeks the inclusion of the Liddalia Caravan Site within the list included in the Policy introduction.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO POLICY ED8.</p> <p>REASONS: <u>342 The Royal Burgh of Selkirk and District Community Council:</u> Noted and agreed. The area has been included within the Flood Protection Scheme for Selkirk.</p>		

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:**



<b>Issue 026</b>	<b>Policy ED9 : Renewable Energy Development Policy - General</b>	
<b>Development plan reference:</b>	Renewable Energy Policy – General comments	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
423 Southdean CC 428 Fred Olsen 446 Wind Energy (Earlshaugh) Ltd 300 Smith & Garrett 306 Marchmont Farms 463 Coriolis 432 Inffinnis 441 Burncastle Farming 482 Watson 186 Minto Hills Conservation Group 452 Oxnam Water CC (1 of 2 & 2 of 2)		357 SEPA 492 EDF 286 RES 305 Home 283 Banks Renewables Ltd 353 RSPB 447 Lilliesleaf, Ashkirk & Midlem CC 435 West Coast Energy 342 Royal Burgh of Selkirk CC 462 Cranshaws, Ellemford and Longformacus CC (1 of 2)
<b>Provision of the development plan to which the issue relates:</b>	Renewable Energy Policy – General comments	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>423 Southdean CC:</u>  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>  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>  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 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”.</p> <p>In relation to the sections of the policy in respect of historic environment, technical considerations &amp; 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</p>		

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 Inffinnis:

Referring specifically to the Policy text of ED9, Inffinnis 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 Infinnis:

Infinnis 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 turbines 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 Infinis:

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:**

**Reporter’s recommendations:**

**Core Documents:**

- CD024 Scottish Planning Policy 2010
- CD054 Landscape Capacity & Cumulative Impact Report (Ironsides Farrar Study)
- CD055 Policy ED9: Summary Report on Preparation, Output and Related Documents
- CD026 Scottish Planning Policy 2014
- CD031 Circular 6/2013 Development Planning

**Supporting Document:**

- SD026-1 Scottish Planning Policy – Frequently asked Questions 2014

<b>Issue 027</b>	<b>Policy ED9: Renewable Energy Development Policy Maps</b>	
<b>Development plan reference:</b>	Policy ED9: Renewable Energy Development Policy Maps (pages 57 – 61)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
423 Southdean CC 286 RES 135 Midlothian Council 446 Wind Energy (Earlshaugh) Ltd 428 Fred Olsen 432 Infinis 186 Minto Hills Conservation Group 283 Banks Renewables Ltd 452 Oxnam Water CC (1 of 2 and 2 of 2)	447 Lilliesleaf, Ashkirk & Midlem CC 462 Cranshaws, Ellemford & Longformacus CC 463 Coriolis 435 West Coast Energy 492 EDF 391 Mountaineering Council for Scotland 441 Burncastle Farming Ltd 458 2020 Renewables	
<b>Provision of the development plan to which the issue relates:</b>	Policy ED9 : Renewable Energy Development Policy Maps	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Policy Maps – General</b></p> <p><u>423 Southdean CC:</u> 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 &amp; Midlem CC:</u> 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> 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> <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 50 high, conversely the other two maps ED9 d &amp; 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</p>		

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 ED9a**

428 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 document

**Policy Map ED9b**

283 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.

<b>Reporter's conclusions:</b>
<b>Reporter's recommendations:</b>

**Core Documents:**

- CD025 Consultative Draft Scottish Planning Policy 2013
- CD055 Policy ED9: Summary Report on Preparation, Output and Related Documents
- CD024 Scottish Planning Policy 2010
- CD066 Supplementary Planning Guidance on Wind Energy 2011
- CD054 Landscape Capacity and Cumulative Impact (Ironsides Farrar)
- CD026 Scottish Planning Policy 2014
- CD031 Circular 6/2013 Development Planning

**Supporting Document:**

- SD027-1 Scottish Planning Policy – Frequently asked Questions 2014

<b>Issue 028</b>	<b>Policy ED9: Renewable Energy Development – Reference to SPP / draft SPP</b>	
<b>Development plan reference:</b>	Policy ED9: Renewable Energy Development – Reference to SPP / draft SPP	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
452 Oxnam Water CC 435 West Coast Energy 492 EDF		428 Fred Olsen 432 Infinis 463 Coriolis
<b>Provision of the development plan to which the issue relates:</b>	Policy ED9 : Renewable Energy Development – Reference to SPP / draft SPP	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>452 Oxnam Water CC:</u> 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. 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? 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> 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 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> <p><u>435 West Coast Energy:</u> 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.</p> <p><u>432 Infinis, 492 EDF:</u> 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.</p>		

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 Inffinnis:

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 Inffinis, 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 Inffinnis:

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 Infinnis, 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 Inffinnis:

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:**

**Reporter’s recommendations:**

**Core Documents:**

- CD024 Scottish Planning Policy 2010
- CD055 Policy ED9: Summary Report on Preparation, Output and Documents
- CD026 Scottish Planning Policy 2014
- CD031 Circular 6/2013 Development Planning

**Supporting Document:**

- SD028-1 Scottish Planning Policy – Frequently asked Questions 2014

<b>Issue 029</b>	<b>Policy ED9 Renewable Energy Development : Consultants Studies</b>	
<b>Development plan reference:</b>	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)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
423 Southdean CC 432 Infinis 446 Wind Energy (Earlshaugh) Ltd 463 Coriolis 283 Banks Renewables Ltd		435 West Coast Energy 492 EDF 452 Oxnam Water CC (2 of 2) 282 TCI Renewables
<b>Provision of the development plan to which the issue relates:</b>	Background Consultants studies relating to Wind Energy	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Ironsides Farrar Study</b>  <u>423 Southdean CC:</u>  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>  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 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 Ironsides Farrar report in the proposed LDP we consider it essential that the Ironsides Farrar report is subject to specific public consultation. This report will therefore need revisiting following a public consultation process.</p> <p><u>432 Infinis, 492 EDF:</u>  No consultation has been undertaken in the production of the Ironsides Farrar report which was used to inform ED9b, and which is proposed to be used for assessing wind turbine proposals</p> <p><u>492 EDF:</u></p>		

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 Infinnis:

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 Inffinis, 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 economy<sup>1</sup>) 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 be done on the Ironside Farrar Study

432 Inffinnis:

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 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 Inffinis 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 Study**432 Inffinis and 492 EDF:

Policy ED9 should be more positive with regards to the findings of the Research Resource and Biggar Economics reports

432 Inffinis, 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 Inffinnis, 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 Inffinnis:

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 Infinnis, 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 Infinnis, 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:**

**Reporter's recommendations:**

**Core Documents:**

- CD024 Scottish Planning Policy 2010
- CD054 Landscape Capacity & Cumulative Impact Report (Ironside Farrar)
- CD055 Policy ED9: Summary Report on Preparation, Output and Related Documents
- CD056 Economic Impact of Wind Energy in the Scottish Borders (Biggar Economics)
- CD057 Public Survey on Attitudes towards Wind Energy (Research Resource)
- CD026 Scottish Planning Policy 2014
- CD031 Circular 6/2013 Development Planning

**Supporting Document:**

- SD029-1 Scottish Planning Policy – Frequently asked Questions 2014

<b>Issue 030</b>	<b>Policy ED9: Renewable Energy Development-Introductory text</b>	
<b>Development plan reference:</b>	Renewable Energy Policy – Introductory text (Pages 55 – 56)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
462 Cranshaws, Ellemford & Longformacus CC 357 SEPA 492 EDF 446 Wind Energy (Earlshaugh) Ltd 447 Lilliesleaf, Ashkirk & Midlem CC		428 Fred Olsen 432 Infinis 283 Banks Renewables 327 Scottish Natural Heritage 186 Minto Hills Conservation Group
<b>Provision of the development plan to which the issue relates:</b>	Renewable Energy Policy – Introductory text	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Para 1.1</b>  <u>462 Cranshaws, Ellemford &amp; Longformacus CC:</u>  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>  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><b>Para 1.2</b>  <u>357 SEPA:</u>  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>  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 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</p> <p><u>446 Wind Energy (Earlshaugh) Ltd:</u>  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.</p> <p><b>Para 1.3</b>  <u>446 Wind Energy (Earlshaugh) Ltd:</u>  It is noted that the start of para 1.3 makes no reference to general policy support for wind</p>		

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 Infinnis, 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 1.6**

### 462 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 Farrer 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 Infinnis, 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 Infinnis, 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 para1.3, 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 1.5**

462 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 1.6**

462 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 1.7**

283 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 1.8**

447 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.

<b>Reporter's conclusions:</b>
<b>Reporter's recommendations:</b>

**Core Documents:**

CD053 Landscape and Visual Guidance for Single and Groups of 2 or 3 Wind Turbines in Berwickshire 2013

CD054 Landscape Capacity and Cumulative Impact Report (Ironsides Farrar)

CD066 Supplementary Planning Guidance on Wind Energy 2011

**Supporting Document:**

SD030 -1 Wind Development Applications in Scottish Borders June 2014

<b>Issue 031</b>	<b>Policy ED9: Renewable Energy Development – Opening Paragraph</b>	
<b>Development plan reference:</b>	Policy ED9: Renewable Energy Development – Opening Paragraph Page 62	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
428 Fred Olsen 446 Wind Energy (Earlshaugh) Ltd 463 Coriolis 492 EDF		
<b>Provision of the development plan to which the issue relates:</b>	Policy ED9 : Renewable Energy Development – Opening Paragraph	
<b>Planning authority’s summary of the representation(s):</b>		
<p><u>428 Fred Olsen:</u> 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> 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> 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> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>428 Fred Olsen:</u> Amend wording of the opening part of policy ED9 to reflect para 187 of SPP</p> <p><u>463 Coriolis:</u> Amend wording of opening para of policy ED9 to incorporate the words “...significant adverse impact..”</p> <p><u>446 Wind Energy (Earlshaugh) Ltd:</u> 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>		

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:**

**Reporter's recommendations:**

**Core Document:**

CD024 Scottish Planning Policy 2010

<b>Issue 032</b>	<b>Policy ED9: Renewable Energy Development Text relating to “Renewable Energy Developments”</b>	
<b>Development plan reference:</b>	Policy ED9: Renewable Energy Development Text relating to “Renewable Energy Developments” Page 62	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
283 Banks Renewables 391 Mountaineering Council of Scotland 286 RES 282 TCI Renewables 492 EDF	463 Coriolis 432 Infinis 446 Wind Energy (Earlshaugh) Ltd 428 Fred Olsen	
<b>Provision of the development plan to which the issue relates:</b>	Policy ED9 : Renewable Energy Development Text relating to “Renewable Energy Developments”	
<b>Planning authority’s summary of the representation(s):</b>		
<p><u>283 Banks Renewables:</u> 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> 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> 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.</p> <p><u>432 Infinis:</u> In reference to all forms of renewable energy the policy states that “<i>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;</i>”. The term ‘fully’ is considered to be unacceptably stringent and inconsistent with SPP. It is recommended</p>		

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 Infnis, 286 RES, 446 Wind Energy (Earlshaugh) Ltd, 282 TCI Renewables, 428 Fred Olsen:

It is considered correct that the 2no 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:**

**Reporter’s recommendations:**



**Core Documents:**

CD024 Scottish Planning Policy 2010

CD056 Economic Impact of Wind Energy in the Scottish Borders (Biggar  
Economics)

<b>Issue 033</b>	<b>Policy ED9: Renewable Energy Development – Policy text relating to para on “Wind Turbine Proposals”</b>	
<b>Development plan reference:</b>	Policy ED9: Renewable Energy Development – Policy text relating to paragraph on “Wind Turbine Proposals” Page 62	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
428 Fred Olsen 492 EDF		
<b>Provision of the development plan to which the issue relates:</b>	Policy ED9 : Renewable Energy Development – Policy text relating to paragraph on “Wind Turbine Proposals”	
<b>Planning authority’s summary of the representation(s):</b>		
<p><u>428 Fred Olsen:</u> <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> The last part of the paragraph to read ...” and will be supported where the overall impact...”</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>428 Fred Olsen:</u> <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> The last part of the paragraph to read ...” and will be supported where the overall impact...”</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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> It is not clear exactly how the respondent’s suggested amendment would read in practice. 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.</p> <p><u>492 EDF:</u> It is considered the proposed phrase adds little to the existing text and should not be incorporated.</p>		

**Reporter's conclusions:**

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**Reporter's recommendations:**

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<b>Issue 034</b>	<b>Policy ED9 : Renewable Energy Development – Policy text relating to “Wind Turbine Proposals (General)”</b>	
<b>Development plan reference:</b>	Policy ED9 : Renewable Energy Development – Policy text relating to “Wind Turbine Proposals (General)” Page 62	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
282 TCI Renewables 283 Banks Renewables 428 Fred Olsen 435 West Coast Energy		
<b>Provision of the development plan to which the issue relates:</b>	Policy ED9 : Renewable Energy Development – Policy text relating to “Wind Turbine Proposals (General)”	
<b>Planning authority’s summary of the representation(s):</b>		
<p><u>283 Banks Renewables:</u> 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> 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> <p><u>428 Fred Olsen:</u> The paragraph “<i>If turbines are proposed which exceed the turbine heights identified...</i>” 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.</p> <p><u>435 West Coast Energy:</u></p>		

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 it is 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:**

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**Reporter’s recommendations:**

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<b>Issue 035</b>	<b>Policy ED9 : Renewable Energy Development Policy text relating to “Wind Turbine Proposals (Landscape)”</b>	
<b>Development plan reference:</b>	Policy ED9 : Renewable Energy Development - Policy text relating to “Wind Turbine Proposals (Landscape)” Pages 62 - 63	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
446 Wind Energy (Earlshaugh) Ltd 432 Infinis 282 TCI Renewables 286 RES 492 EDF	428 Fred Olsen 283 Banks Renewables 458 2020 Renewables 327 Scottish Natural Heritage	
<b>Provision of the development plan to which the issue relates:</b>	Policy ED9 : Renewable Energy Development Policy text relating to “Wind Turbine Proposals (Landscape)”	
<b>Planning authority’s summary of the representation(s):</b>		
<p><u>446 Wind Energy (Earlshaugh) Ltd:</u> 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> Figures ED9b-ED9e are Landscape related and should be moved from the General section to the Landscape section The protection of “<i>wild land</i>” 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.</p> <p><u>432 Infinis:</u> Bullet point three states that “<i>Proposals should not have adverse impacts on areas exhibiting remote qualities which are valued as ‘wild land’.</i>” 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...”</p>		

#### 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, if submitted, refer to the Search Areas for Wild Land as set out by SNH or if 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 qualification. 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 into 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, 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:**

**Reporter’s recommendations:**

**Core Documents:**

CD022 National Planning Framework 3 Main Issues Report and Draft Framework  
CD024 Scottish Planning Policy 2010

**Supporting Document:**

SD035 -1 Committee Report on Wild Land

<b>Issue 036</b>	<b>Policy ED9 : Renewable Energy Development – Policy Text relating to “Wind Turbine Proposals (Visual Impact)”</b>	
<b>Development plan reference:</b>	Policy ED9 : Renewable Energy Development – Policy Text relating to “Wind Turbine Proposals (Visual Impact)” Page 63	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
428 Fred Olsen 283 Banks Renewables 446 Wind Energy (Earlshaugh) Ltd 492 EDF	432 Infinis 282 TCI Renewables 286 RES	
<b>Provision of the development plan to which the issue relates:</b>	Policy ED9 : Renewable Energy Development – Policy Text relating to “Wind Turbine Proposals (Visual Impact)”	
<b>Planning authority’s summary of the representation(s):</b>		
<p><u>428 Fred Olsen:</u> 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” 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 Infinnis:</u> 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> 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> <p><u>282 TCI:</u> It is considered unreasonable to require a commercial scale wind farm to demonstrate “... <i>minimal effects on sensitive receptors</i> ...”. 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.</p> <p><u>446 Wind Energy (Earlshaugh) Ltd:</u> 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.</p>		

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 ED:

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 Infinnis:

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:**

**Reporter’s recommendations:**

**Core Documents:**

- CD024 Scottish Planning Policy 2010
- CD031 Circular 6/2013 Development Planning

<b>Issue 037</b>	<b>Policy ED9 : Renewable Energy Development Policy text relating to “Wind Turbine proposals (Cumulative Landscape and Visual Impacts)”</b>							
<b>Development plan reference:</b>	Policy ED9 : Renewable Energy Development Policy text relating to “Wind Turbine proposals (Cumulative Landscape and Visual Impacts)” Page 63	<b>Reporter:</b>						
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>								
<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">428 Fred Olsen</td> <td style="width: 50%;">432 Infinis</td> </tr> <tr> <td>283 Banks Renewables</td> <td>282 TCI Renewables</td> </tr> <tr> <td>446 Wind Energy (Earlshaugh) Ltd</td> <td>492 EDF</td> </tr> </table>			428 Fred Olsen	432 Infinis	283 Banks Renewables	282 TCI Renewables	446 Wind Energy (Earlshaugh) Ltd	492 EDF
428 Fred Olsen	432 Infinis							
283 Banks Renewables	282 TCI Renewables							
446 Wind Energy (Earlshaugh) Ltd	492 EDF							
<b>Provision of the development plan to which the issue relates:</b>	Policy ED9 : Renewable Energy Development Policy text relating to “Wind Turbine proposals (Cumulative Landscape and Visual Impacts)”							
<b>Planning authority’s summary of the representation(s):</b>								
<p><u>428 Fred Olsen:</u> 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 Infinnis:</u> The text of the policy relating to cumulative impacts is unreasonable, unduly restrictive and wholly unresponsive</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 unresponsive 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> <p>Bullet point two also states that <i>inter alia</i> ‘..impacts must be avoided..’. Again we would highlight that this is inconsistent with SPP, in particular paragraph 187 which states “<i>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.</i>” We would encourage SBC to adapt this policy accordingly.</p> <p>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.</p>								

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 maybe 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:**

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**Reporter’s recommendations:**

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**Supporting Document:**

SD037 -1 Wind Development Applications in the Scottish Borders June 2014

<b>Issue 038</b>	<b>Policy ED9 : Renewable Energy Development Policy text relating to “Wind Turbine Proposals (Biodiversity)”</b>	
<b>Development plan reference:</b>	Policy ED9 : Renewable Energy Development - Policy text relating to “Wind Turbine Proposals (Biodiversity)” page 63	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
283 Banks Renewables 446 Wind Energy (Earlshaugh) Ltd		
<b>Provision of the development plan to which the issue relates:</b>	Policy ED9 : Renewable Energy Development Policy text relating to “Wind Turbine Proposals (Biodiversity)”	
<b>Planning authority’s summary of the representation(s):</b>		
<p><u>283 Banks Renewables:</u> 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> It should be clear that the biodiversity criteria relates to international and national designations.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>283 Banks Renewables:</u> 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> It should be made clear that the biodiversity criteria relates to international and national designations.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO TEXT WITHIN THIS PART OF POLICY ED9 AS SET OUT IN THE PROSED PLAN</p> <p>REASONS:</p> <p><u>283 Banks Renewables:</u> 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.</p> <p><u>446 Wind Energy (Earlshaugh) Ltd:</u> 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.</p>		

**Reporter's conclusions:**

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**Reporter's recommendations:**

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<b>Issue 039</b>	<b>Policy ED9 - Renewable Energy Development Text Relating to Wind Turbine Proposals (Historic Environment)</b>	
<b>Development plan reference:</b>	Policy ED9 - Renewable Energy Development - Text Relating to Wind Turbine Proposals (Historic Environment) page 63	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
446 Wind Energy (Earlshaugh) Ltd		
<b>Provision of the development plan to which the issue relates:</b>	Policy ED9 : Renewable Energy Development	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>446 Wind Energy (Earlshaugh) Ltd</u>  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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>446 Wind Energy (Earlshaugh) Ltd</u>  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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO TEXT WITHIN THIS PART OF POLICY ED9 AS SET OUT IN THE PROPOSED PLAN</p> <p>REASONS:  <u>446 Wind Energy (Earlshaugh) Ltd</u>  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 adequately cover the various scenarios which exist.</p>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue 040</b>	<b>Policy ED9 : Renewable Energy Development Policy text relating to “Wind Turbine Proposals (Other Considerations)”</b>	
<b>Development plan reference:</b>	Policy ED9 : Renewable Energy Development - Policy text relating to “Wind Turbine Proposals (Other Considerations)” Page 63	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
428 Fred Olsen 446 Wind Energy (Earlshaugh) Ltd 283 Banks Renewables 492 EDF		
<b>Provision of the development plan to which the issue relates:</b>	Policy ED9 : Renewable Energy Development Policy text relating to “Wind Turbine Proposals (Other Considerations)”	
<b>Planning authority’s summary of the representation(s):</b>		
<p><u>428 Fred Olsen:</u> 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> 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 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</p>		

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:**

**Reporter’s recommendations:**

**Core Document:**

CD024 Scottish Planning Policy 2010

<b>Issue 41</b>	<b>Policy ED9: Renewable Energy Development Policy text relating to “Other Renewable Energy Development”</b>	
<b>Development plan reference:</b>	Policy ED9: Renewable Energy Development - Policy text relating to “Other Renewable Energy Development” Page 64	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
428 Fred Olsen 283 Banks Renewables 286 RES UK & Ireland Ltd		
<b>Provision of the development plan to which the issue relates:</b>	<b>Policy ED9 : Renewable Energy Development Policy text relating to “Other Renewable Energy Development”</b>	
<b>Planning authority’s summary of the representation(s):</b>		
<p><u>428 Fred Olsen:</u> 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> 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 &amp; Ireland Ltd:</u> 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>		
<b>Modifications sought by those submitting representations:</b>		
<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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO TEXT WITHIN THIS PART OF POLICY ED9 AS SET OUT IN THE PROPOSED PLAN</p> <p>REASONS: <u>428 Fred Olsen:</u> 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</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD008 Adopted Local Plan 2008

CD007 Consolidated Local Plan 2011

<b>Issue 042</b>	<b>Policy ED9 : Renewable Energy Development Section relating to “Key Policies to which this policy should be cross referenced”</b>	
<b>Development plan reference:</b>	Policy ED9 : Renewable Energy Development Section relating to “Key Policies to which this policy should be cross referenced” Page 64	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
432 Infinis 283 Banks Renewables		
<b>Provision of the development plan to which the issue relates:</b>	Policy ED9 : Renewable Energy Developments	
<b>Planning authority’s summary of the representation(s):</b>		
<p><u>432 Infinis:</u> 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> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>432 Infinis:</u> Policy PMD2 and HD3 to be removed from the cross reference part of policy ED9</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO CROSS REFERENCE PART OF POLICY ED9 AS SET OUT IN THE PROPOSED PLAN.</p> <p>REASONS: <u>432 Inffinis:</u> 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</p>		

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:**

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**Reporter’s recommendations:**

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<b>Issue 043</b>	<b>Policy ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils</b>	
<b>Development plan reference:</b>	Policy ED10: Protection of prime Quality Agricultural Land and Carbon Rich Soils	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
462 Cranshaws, Ellemford and Longformacus CC    357 SEPA 130 Oakes    353 RSPB 423 Southdean CC    432 Infinnis 446 Wind Energy (Earlshaugh) Ltd    286 RES UK & Ireland Ltd		
<b>Provision of the development plan to which the issue relates:</b>	Policy ED10 : Protection of prime Quality Agricultural Land and Carbon Rich Soils (pages 66 – 67)	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>462 Cranshaws, Ellemford and Longformacus CC:</u>  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>  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>  The respondent is glad to see included in this policy the words “particularly peat”.</p> <p><u>353 RSPB:</u>  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 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 Infinnis:</u>  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</p> <p><u>446 Wind Energy (Earlshaugh) Ltd:</u>  The presence of peat should not be a reason to refuse planning permission for a wind</p>		

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.

462 Cranshaws, Ellemford and Longformacus CC, 130 Oakes and 423 Southdean CC:

The key in figure ED10a - Carbon Rich Soils / Prime Agricultural Land appears inverted and requires to be amended.

**Modifications sought by those submitting representations:**

353 RSPB:

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.

432 Infinnis:

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.

286 RES UK & Ireland Ltd:

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.

462 Cranshaws, Ellemford and Longformacus CC, 130 Oakes and 423 Southdean CC:

The key in figure ED10a - Carbon Rich Soils / Prime Agricultural Land is inverted and requires to be amended.

**Summary of responses (including reasons) by planning authority:**

IN GENERAL NO CHANGE TO POLICY ED10 AS SET OUT IN PROPOSED PLAN

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

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

**REASONS:**

462 Cranshaws, Ellemford and Longformacus CC:

The support for the protection for carbon rich soils and agricultural land is noted. It is 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 Infinnis:

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:**

**Reporter's recommendations:**

**Core Documents:**

CD024 Scottish Planning Policy 2010

CD031 Circular 6/2013 Development Planning

<b>Issue 044</b>	<b>Policy ED11: Safeguarding of Mineral Deposits</b>	
<b>Development plan reference:</b>	Policy ED11: Safeguarding of Mineral Deposits (page 68)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
165 AMS (1 of 3) 162 The Coal Authority 410 United Quarries Ltd		
<b>Provision of the development plan to which the issue relates:</b>	Policy ED11 : Safeguarding of Mineral Deposits	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>165 AMS &amp; 410 United Quarries (Sand and Gravel) Ltd:</u> 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> 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> The respondent welcomes the intention of policy ED11 to safeguard the sites of mineral deposits.</p> <p><u>162 The Coal Authority:</u> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>165 AMS &amp; 410 United Quarries (Sand and Gravel) Ltd:</u> 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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO POLICY ED11 AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS: <u>165 AMS &amp; 410 United Quarries (Sand and Gravel) Ltd:</u> It is considered that the policy text relating to the Council not granting consent for</p>		

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 should remain in place.

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.

165 AMS:

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.

410 United Quarries (Sand and Gravel) Ltd:

Support noted in relation to the safeguarding of mineral deposits

The Coal Authority:

The support of the Coal Authority in relation to the prevention of the sterilisation of mineral deposits is noted.

**Reporter’s conclusions:**

**Reporter’s recommendations:**

<b>Issue 045</b>	<b>Policy ED12: Minerals and Coal Extraction</b>	
<b>Development plan reference:</b>	Mineral ED12: Minerals and Coal Extraction	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
165 AMS (1 of 3 & 2 of 3) 110 Quarries Action Group 162 The Coal Authority 327 Scottish Natural Heritage		130 Oakes 410 United Quarries Ltd 353 RSPB 135 Midlothian Council
<b>Provision of the development plan to which the issue relates:</b>	Mineral ED12 : Minerals and Coal Extraction (page 69 – 72)	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>165 AMS (1 of 3), 410 United Quarries:</u> 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. Scottish Borders are taxed to examine all proposals submitted and one proposed development should not prejudice another.</p> <p>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”</p> <p>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.</p>		

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:**

**Reporter’s recommendations:**

**Core Document:**

CD024 Scottish Planning Policy 2010

<b>Issue: 046</b>	<b>Policy HD1: Affordable and Special Needs Housing</b>	
<b>Development plan reference:</b>	Policy HD1: Affordable and Special Needs Housing (Pages 73 – 74)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
098 Lewin 130 Oakes 300 Smith & Garratt 301 Culham 302 David Wilson Homes 306 Marchmont Farms 308 Swinton 309 Swan 350 Homes for Scotland 468 Maxwell 469 Fullarton 470 Maitland-Carew 471 Miller Partnership 494 Leddy		
<b>Provision of the development plan to which the issue relates:</b>	Policy HD1: Affordable and Special Needs Housing	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>098 Lewin:</u> 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> 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 &amp; 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> 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> <ul style="list-style-type: none"> <li>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 <i>maximum</i> 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).</li> </ul> <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</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD004 Housing Needs and Demands Assessment

CD024 Scottish Planning Policy 2010

CD026 Scottish Planning Policy 2014

CD051 Scottish Borders Council Local Housing Strategy 2012-2017

CD060 Affordable Housing Supplementary Planning Guidance

CD061 Developer Contributions Supplementary Planning Guidance



<b>Issue 047</b>	<b>Policy HD2 Housing in the Countryside</b>	
<b>Development plan reference:</b>	HD2 Housing in the Countryside (Proposed Local Development Plan, pages 75 - 78)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
130 Roger Oakes 177 Tweed Homes 298 Glen Estate 300 Smith & Garratt 306 Marchmont Farms Ltd 307 J Rutherford Esq 309 S Swan Esq 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 Esq 469 T Fullarton Esq 472 G Aitchison Esq		
<b>Provision of the development plan to which the issue relates:</b>	HD2 Housing in the Countryside	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>342 Royal Burgh of Selkirk and District Community Council:</u> 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> 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> 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> 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 instead the policy should provide for an approach in which assessment, layout and design determines the capacity for new development within a building group.</p> <p><u>350 Homes for Scotland:</u> 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'</p>		

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 Esq, 309 S Swan Esq, 468 D Maxwell Esq, 469 T Fullarton Esq and 472 G Aitchison Esq: 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 Esq, 309 S Swan Esq, 468 D Maxwell Esq, 469 T Fullarton Esq and 472 G Aitchison Esq:

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 at 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 Esq, 309 S Swan Esq, 350 Homes for Scotland, 468 D Maxwell Esq, 469 T Fullarton Esq and 472 G Aitchison Esq:

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:**

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**Reporter’s recommendations:**

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**Core Documents:**

CD008 Scottish Borders Local Plan 2008  
CD013 Scottish Borders Local Transport Strategy 2007/08  
CD014 Scottish Borders Local Development Plan Monitoring Statement  
CD021 Scottish Borders Local Plan Amendment Examination Report 2010  
CD026 Scottish Planning Policy 2014  
CD037 Planning Advice Note 72 Housing in the Countryside

**Supporting Documents:**

SD047-1 Chief Planners Letter of November 2011 to Heads of Planning

<b>Issue: 048</b>	<b>Policy HD3: Protection of Residential Amenity</b>	
<b>Development plan reference:</b>	Policy HD3: Protection of Residential Amenity (Pages 79 – 80)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
447 Lilliesleaf, Ashkirk and Midlem Community Council		
<b>Provision of the development plan to which the issue relates:</b>	Policy HD3: Protection of Residential Amenity	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor would like the policy to be specifically cross referenced to policy EP3 – Local Biodiversity.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue: 049</b>	<b>Policy HD4: Further Housing Land Safeguarding</b>	
<b>Development plan reference:</b>	Policy HD4: Further Housing Land Safeguarding (Page 81)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>300 Smith &amp; 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 &amp; Rural Renaissance</p>		
<b>Provision of the development plan to which the issue relates:</b>	Policy HD4: Further Housing Land Safeguarding	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>300 Smith &amp; Garratt, 471 Millar Partnership &amp; 302 David Wilson Homes:</u>  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>  The contributor supports the retention of this policy.</p> <p><u>342 The Royal Burgh of Selkirk and District Community Council:</u>  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> <p><u>350 Homes for Scotland:</u>  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.</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

- CD001 SESplan Strategic Development Plan
- CD002 SESplan Supplementary Guidance – Housing Land
- CD004 SESplan Housing Needs and Demands Assessment
- CD017 Updated Appendix 2 Meeting the Housing Land Requirement
- CD020 Report into Objections to the Finalised Local Plan: Volume 1 (Chapter 2)
- CD039 Housing Land Audit 2013
- CD052 Housing Market Area Report 2007

<b>Issue 050</b>	<b>Policy HD5 Care and Retirement Homes</b>	
<b>Development plan reference:</b>	HD5 Care and Retirement Homes (Proposed Local Development Plan, pages 82 - 83)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
447 Lilliesleaf, Ashkirk & Midlem Community Council		
<b>Provision of the development plan to which the issue relates:</b>	HD5 Care and Retirement Homes	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks that the Policy HD5 is cross referenced to Policy EP3 Local Biodiversity.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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: 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>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue 051</b>	<b>Policy EP2 National Nature Conservation Sites and Protected Species: social or economic benefits and national importance</b>	
<b>Development plan reference:</b>	Policy EP2 National Nature Conservation and Protected Species, point b) (Proposed Local Development Plan, page 86-87)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
353 RSPB 327 SNH		
<b>Provision of the development plan to which the issue relates:</b>	Policy EP2 National Nature Conservation and Protected Species, point b) and general policy	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>327 SNH:</u> State they supported the proposed policy approach at draft stage and maintain their support</p> <p><u>353 RSPB:</u> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>353 RSPB:</u> Incorporation of reference to development of national importance into point b)</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO AMENDMENT OF THE POLICY IN THE LOCAL DEVELOPMENT PLAN FROM THAT PRESENTED.</p> <p><u>327 SNH:</u> Support for the policy approach and comments noted.</p> <p><u>353 RSPB:</u> 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) (<b>Core Document 026</b>) 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> <p>As a result it is not considered any amendment to the policy is required in the Local Development Plan.</p>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

**Core Document:**  
CD026 Scottish Planning Policy

<b>Issue 052</b>	<b>Policy EP3 Local Biodiversity: ecosystems approach and cross-referencing</b>	
<b>Development plan reference:</b>	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)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
353 RSPB 327 SNH 455 Scottish Wildlife Trust 423 Southdean Community Council		
<b>Provision of the development plan to which the issue relates:</b>	Policy EP3 Local Biodiversity general and paragraph 1.3	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>353 RSPB:</b> 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><b>327 SNH:</b> 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><b>423 Southdean Community Council:</b> States that the Community Council are fully supportive of the policy</p> <p><b>455 Scottish Wildlife Trust:</b> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><b>327 SNH:</b> Insert word <i>'integrated'</i> into final sentence of paragraph 1.3</p> <p><b>455 Scottish Wildlife Trust:</b> 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.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>THE AMENDMENT TO THE FINAL SENTENCE OF PARAGRAPH 1.3 IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL.</p> <p>NO OTHER AMENDMENTS TO THE POLICY ARE CONSIDERED NECESSARY IN</p>		

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).

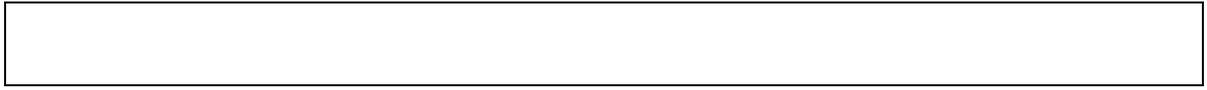
The policy must consider the key aspects affecting the subject topic and not all detail can be covered if the policy is to remain coherent and proportional, as a result it is not considered appropriate to reference farming processes or lack of continuity of wildlife corridors. However, the Local Development 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:**

**Reporter’s recommendations:**



<b>Issue 053</b>	<b>Policy EP4 National Scenic Areas: initiatives to extend the number of National Scenic Areas</b>	
<b>Development plan reference:</b>	Policy EP4 National Scenic Areas (general) (Proposed Local Development Plan, pages 90-91)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
423 Southdean Community Council 391 Mountaineering Council of Scotland 110 Quarries Action Group 327 Scottish Natural Heritage (SNH)		
<b>Provision of the development plan to which the issue relates:</b>	Policy EP4 National Scenic Areas (general)	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>423 Southdean Community Council:</u> 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> Strongly support this policy</p> <p><u>327 SNH:</u> Support the policy wording and cross referencing</p> <p><u>391 Mountaineering Council of Scotland:</u> 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>		
<b>Modifications sought by those submitting representations:</b>		
N/A		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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> 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>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue 54</b>	<b>Policy EP5: Existing and proposed Special Landscape Areas</b>	
<b>Development plan reference:</b>	Policy EP5 Special Landscape Areas (general) (Proposed Local Development Plan, pages 92 and 93)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<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>		
<b>Provision of the development plan to which the issue relates:</b>	Policy EP5 Special Landscape Areas (general)	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>423 Southdean Community Council:</u>  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>  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>  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>  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> <p><u>427 J.E. Pratt and others:</u>  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)</p> <p>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</p>		

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:**

**Reporter's recommendations:**

**Core Document:**

CD063 Supplementary Planning Guidance Local Landscape Designations 2012

<b>Issue 055</b>	<b>Policy EP6 Countryside Around Towns</b>	
<b>Development plan reference:</b>	EP6 Countryside Around Towns (General) (Proposed Local Development Plan, pages 94 to 97)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
342 The Royal Burgh of Selkirk and District Community Council 496 JS Crawford and Rural Renaissance Limited		
<b>Provision of the development plan to which the issue relates:</b>	EP6 Countryside Around Towns (General)	
<b>Planning authority's summary of the representation(s):</b>		
342 The Royal Burgh of Selkirk and District Community Council		
<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>496 JS Crawford and Rural Renaissance Limited</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>		
<b>Modifications sought by those submitting representations:</b>		
496 JS Crawford and Rural Renaissance Limited		
Deletion of policy EP6 Countryside Around Towns		
<b>Summary of responses (including reasons) by planning authority:</b>		
Responses:		
<p><u>342 The Royal Burgh of Selkirk and District Community Council</u> NO MODIFICATION TO THE PROPOSED LOCAL DEVELOPMENT PLAN FROM THAT</p>		

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, Ettrick 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 MODIFICATION 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.

<b>Reporter's conclusions:</b>
<b>Reporter's recommendations:</b>

**Core Document**

CD017 Appendix 2 Meeting the Housing Land Requirement

**Supporting Document:**

SD055-1 Supplementary Planning Guidance Countryside Around Towns 2011

<b>Issue 056</b>	<b>Policy EP7 Listed Buildings</b>	
<b>Development plan reference:</b>	ED7 Listed Buildings (Proposed Local Development Plan, pages 98 - 99)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
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		
<b>Provision of the development plan to which the issue relates:</b>	EP7 Listed Buildings	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>300 Smith &amp; Garratt, 306 Marchmont Farms Ltd &amp; 309 S Swan Esq:</u>  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, airtightness, 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>  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>  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> <p><u>432 Infinis:</u>  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 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.</p>		
<b>Modifications sought by those submitting representations:</b>		

300 Smith & Garratt, 306 Marchmont Farms Ltd & 309 S Swan Esq:

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 Esq:

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:**

**Reporter’s recommendations:**

**Core Documents:**

CD026 Scottish Planning Policy 2014

CD027 Scottish Historic Environment Policy

CD028 Managing Change in the Historic Environment – Demolition

CD029 Managing Change in the Historic Environment – Setting

<b>Issue 057</b>	<b>Policy EP9 Conservation Areas</b>	
<b>Development plan reference:</b>	EP9 Conservation Areas (Proposed Local Development Plan, pages 104 - 105)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
342 The Royal Burgh of Selkirk and District Community Council		
<b>Provision of the development plan to which the issue relates:</b>	EP9 Conservation Areas	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
<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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO POLICY EP9.</p> <p>REASONS:</p> <p>It is noted that paragraph 137 of Scottish Planning Policy (SPP) 2014 (<b>Core Document 026</b>) states that the planning system should: <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 (<b>CD026</b>) also states: <i>“Where the demolition of an unlisted building is proposed through Conservation Area 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.”</i></p> <p>‘Managing Change in the Historic Environment – Demolition’ (<b>Core Document 028</b>) sets out the principles that apply to the demolition of listed buildings and unlisted buildings in conservation areas.</p> <p>Whilst it is noted that section 10 of the Managing Change document (<b>CD028</b>) relates to salvage, neither that document nor the SPP (<b>CD026</b>) 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</p>		

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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD026 Scottish Planning Policy 2014

CD028 Managing Change in the Historic Environment – Demolition

CD036 Planning Advice Note 71 Conservation Area Management

<b>Issue 058</b>	<b>Policy EP10 Garden and Designed Landscapes</b>	
<b>Development plan reference:</b>	EP10 Garden and Designed Landscapes (Proposed Local Development Plan, pages 106 - 107)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
342 The Royal Burgh of Selkirk and District Community Council 428 Fred Olsen Renewables Ltd		
<b>Provision of the development plan to which the issue relates:</b>	EP10 Garden and Designed Landscapes	
<b>Planning authority's summary of the representation(s):</b>		
<p>342 The Royal Burgh of Selkirk and District Community Council: Policy noted and agreed.</p> <p><u>428 Fred Olsen Renewables Ltd:</u> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>428 Fred Olsen Renewables Ltd:</u> The contributor seeks the rewording of Policy EP10.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO POLICY EP10.</p> <p>REASONS:</p> <p><u>342 The Royal Burgh of Selkirk and District Community Council:</u> 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> It is noted that Scottish Planning Policy (SPP) 2014 (<b>Core Document 026</b>) states in paragraph 148 that: "<i>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</i>".</p> <p>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 "<i>The Council will support development that safeguards and enhances the landscape features, character or setting</i>" of a garden and design landscape.</p> <p>In addition, it is also noted the SPP 2014 states within paragraph 137 that the planning system should "<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</i></p>		

*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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD024 Scottish Planning Policy 2010

CD026 Scottish Planning Policy 2014

CD029 Managing Change in the Historic Environment – Setting

<b>Issue 059</b>	<b>Policy EP11 Protection of Greenspace</b>	
<b>Development plan reference:</b>	EP11 Protection of Greenspace (Proposed Local Development Plan, pages 108 - 110)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
202 sportScotland 327 Scottish Natural Heritage 342 The Royal Burgh of Selkirk and District Community Council		
<b>Provision of the development plan to which the issue relates:</b>	EP11 Protection of Greenspace	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>202 sportScotland:</u>  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"> <li>- “the proposed development is ancillary to the principal use of the site as a playing field,</li> <li>- the proposed development involves a minor part of the playing field which would not affect its use and potential for sport and training,</li> <li>- 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</li> <li>- 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.”</li> </ul> <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>  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 proposed Green Network Supplementary Guidance.</p> <p><u>342 The Royal Burgh of Selkirk and District Community Council:</u>  Policy noted and agreed.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>202 sportScotland:</u>  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>		

327 Scottish Natural Heritage:

The contributor seeks the inclusion of a reference to the proposed Supplementary Guidance on Green Networks.

**Summary of responses (including reasons) by planning authority:**

NO CHANGE TO POLICY EP11.

REASONS:

202 sportScotland:

It should be noted that national policy wording does not require to be replicated in local policy.

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.

It should be noted that the policy introduction clearly states that *“It is intended that within Key Greenspaces only proposals that will enhance the space will be supported by the Council”*. 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.

It is also noted that Policy EP11 sets down stringent criteria that any proposal that results in the loss of greenspace must demonstrate.

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 **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:**

**Reporter's recommendations:**

**Core Documents:**

- CD006 Scottish Borders Main Issues Report
- CD015 Scottish Borders Facilities and Pitches Strategy 2011
- CD018 Greenspaces Technical Note
- CD026 Scottish Planning Policy 2014

**Supporting Documents:**

- SD059-1 sportscotland Main Issues Report Consultation Response

<b>Issue 060</b>	<b>Policy EP13 Trees, Woodland and Hedgerows: traffic proposals as affecting trees, hedgerows etc.</b>	
<b>Development plan reference:</b>	Policy EP13 Trees, Woodland and Hedgerows (general) (Proposed Local Development Plan, pages 114-115)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
342 The Royal Burgh of Selkirk and District Community Council		
<b>Provision of the development plan to which the issue relates:</b>	Policy EP13 Trees, Woodland and Hedgerows	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
Incorporation of wording within the policy dealing to deal with development proposals that generate increased traffic and require associated infrastructure works		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue 061</b>	<b>Policy EP13 Trees, Woodland and Hedgerows: tree planting to increase and enhance the asset</b>	
<b>Development plan reference:</b>	Policy EP13 Trees, Woodland and Hedgerows (general) (Proposed Local Development Plan, pages 114-115)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
462 Cranshaws, Ellemford and Longformacus Community Council 353 RSPB 327 SNH		
<b>Provision of the development plan to which the issue relates:</b>	Policy EP13 Trees, Woodland and Hedgerows (general)	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>All:</u> General support and commendation for the policy.</p> <p><u>462 Cranshaws, Ellemford and Longformacus Community Council:</u> 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> 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> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>462 Cranshaws, Ellemford and Longformacus Community Council:</u> 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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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: Support and comments noted.</p> <p><u>462 Cranshaws, Ellemford and Longformacus Community Council and 353 RSPB:</u></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-

"The policy seeks to protect **and enhance** the whole resource, not only..."

**327 SNH:**

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)

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.

**Reporter's conclusions:**

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**Reporter's recommendations:**

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<b>Issue 062</b>	<b>Policy EP14 Coastline: amendment to the policy</b>	
<b>Development plan reference:</b>	Policy EP14 Coastline (general) (Proposed Local Development Plan, pages p116-117)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
487 Network Rail 327 SNH		
<b>Provision of the development plan to which the issue relates:</b>	Volume 1 Policies, Policy EP14 Coastline	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>327 SNH:</u> 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> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>327 SNH:</u> (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> 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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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> 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>		

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'.

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.

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 063</b>	<b>Policy EP15 Development Affecting the Water Environment: clarification of wording within the policy</b>	
<b>Development plan reference:</b>	Policy EP15 Development Affecting the Water Environment (General) (Proposed Local Development Plan pages 118 and 119)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
353 RSPB 357 SEPA 327 SNH 202 SportScotland		
<b>Provision of the development plan to which the issue relates:</b>	Policy EP15 Development Affecting the Water Environment	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>353 RSPB:</b> 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><b>357 SEPA:</b> 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><b>327 SNH:</b> 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><b>202 SportScotland:</b> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><b>353 RSPB:</b> 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><b>357 SEPA:</b> Clarification over the terms ‘water environment’</p> <p><b>327 SNH:</b></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 *“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”*

202 SportScotland:

An additional clause to require that decision making will also address impacts on sporting and recreation interests

**Summary of responses (including reasons) by planning authority:**

THE AMENDMENT TO PARAGRAPH 1.2 OF THE POLICY IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL.

NO OTHER AMENDMENTS TO THE POLICY IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.

REASONS:

353 RSPB:

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).

357 SEPA:

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 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.

<b>Reporter's conclusions:</b>
<b>Reporter's recommendations:</b>

<b>Issue 064</b>	<b>Policy IS1 – Public Infrastructure and Local Service Provision</b>	
<b>Development plan reference:</b>	Policy IS1 – Public Infrastructure and Local Service Provision (page 121)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
202 sportScotland 1 of 2		
<b>Provision of the development plan to which the issue relates:</b>	Policy IS1 – Public Infrastructure and Local Service Provision	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
<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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE PROPOSED IN RESPECT OF THE REPRESENTATION</p> <p>REASONS:  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>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue: 065</b>	<b>Policy IS2: Developer Contributions</b>	
<b>Development plan reference:</b>	Policy IS2: Developer Contributions (Pages 122 – 123)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
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		
<b>Provision of the development plan to which the issue relates:</b>	Policy IS2: Developer Contributions	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>177 Tweed Homes:</u>  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 an excellent opportunity for elected members and Council officials to play a 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>  The contributor states that in order to encourage development by small local housebuilders 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.</p>		

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 known and it is wrong to have a generic checklist. The danger of this policy is that it 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 area 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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD060 Affordable Housing Supplementary Planning Guidance

CD061 Development Contributions Supplementary Planning Guidance

<b>Issue: 066</b>	<b>Policy IS3: Developer Contributions related to the Borders Railway</b>	
<b>Development plan reference:</b>	Policy IS3: Developer Contributions related to the Borders Railway (Pages 124 – 126)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
130 Oakes 353 RSPB Scotland 487 Network Rail		
<b>Provision of the development plan to which the issue relates:</b>	Policy IS3: Developer Contributions Related to the Borders Railway	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>130 Oakes:</u> 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> 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> The contributor supports this policy.</p>		
<b>Modifications sought by those submitting representations:</b>		
<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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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> <p><b>REASONS:</b> 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.</p>		

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:**

**Reporter's recommendations:**

<b>Issue: 067</b>	<b>Policy IS4 – Transport Development and Infrastructure</b>	
<b>Development plan reference:</b>	Policy IS4 – Transport Development and Infrastructure (Page 128)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
487 Network Rail		
<b>Provision of the development plan to which the issue relates:</b>	Policy IS4 – Transport Development and Infrastructure	
<b>Planning authority's summary of the representation(s):</b>		
<p>The contributor broadly supports this policy but has some concerns regarding the wording of specific clauses. 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; (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>		
<b>Modifications sought by those submitting representations:</b>		
<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; (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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS: 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:**

**Reporter's recommendations:**

<b>Issue: 068</b>	<b>Policy IS4 – Transport Development and Infrastructure</b>	
<b>Development plan reference:</b>	Policy IS4 – Transport Development and Infrastructure (Pages 127 and 128)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
339 Scottish Government		
<b>Provision of the development plan to which the issue relates:</b>	Policy IS4	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
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.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 COUNCIL.</p> <p>REASONS:</p> <p>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.</p> <p>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</p>		

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:**

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**Reporter’s recommendations:**

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<b>Issue: 069</b>	<b>Policy IS4 – Transport Development and Infrastructure</b>	
<b>Development plan reference:</b>	Policy IS4 – Transport Development and Infrastructure (Page 127, Paragraph 1.4)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
342 The Royal Burgh of Selkirk and District Community Council		
<b>Provision of the development plan to which the issue relates:</b>	Policy IS4	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
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.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS: 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>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue: 070</b>	<b>Policy IS4 – Transport Development and Infrastructure</b>	
<b>Development plan reference:</b>	Policy IS4 – Transport Development and Infrastructure (Page 127, Paragraph 1.3)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
476 Health and Safety Executive		
<b>Provision of the development plan to which the issue relates:</b>	Policy IS4	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
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.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS: 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>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		



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:**

**Reporter's recommendations:**

<b>Issue 072</b>	<b>Policy IS7 – Parking Provision and Standards</b>	
<b>Development plan reference:</b>	Policy IS7 : Parking Provision and Standards	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
130 Oakes 342 Selkirk Community Council		
<b>Provision of the development plan to which the issue relates:</b>	Policy IS7 : Parking Provision and Standards (page 131)	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>130 Oakes:</u> 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> 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>		
<b>Modifications sought by those submitting representations:</b>		
N/A		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO POLICY IS7 AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS:</p> <p><u>130 Oakes:</u> The support of the reference to cycle parking from Oakes is acknowledged.</p> <p><u>342 Royal Burgh of Selkirk CC:</u> Appendix 3 of the proposed LDP sets out the parking provision and standards 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 addressed and weighted up against each other, and ultimately this may result in different levels of parking being sought.</p>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue 073</b>	<b>Policy IS8 - Flooding</b>	
<b>Development plan reference:</b>	Policy IS8 – Flooding (pages 132 – 133)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
130 Oakes 353 RSPB 357 SEPA 423 Southdean Community Council 177 Tweed Homes (2 of 5)		
<b>Provision of the development plan to which the issue relates:</b>	Policy IS8 – Flooding	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>130 Oakes:</u>  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>  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>  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> <p>Recommend that para 1 is amended to clarify what is meant by <i>significant</i> flood risk – highlighted as 0.5% in para 2. This should include flooding up to and including a 1 in 200 year flood event.</p> <p>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.</p>		

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:**

### **Reporter’s recommendations:**

### **Core Documents:**

CD024 Scottish Planning Policy 2010

CD026 Scottish Planning Policy 2014

<b>Issue 074</b>	<b>Policy IS9 – Waste Water Treatment Standards and Sustainable Urban Drainage</b>	
<b>Development plan reference:</b>	Policy IS9 – Waste Water Treatment Standards and Sustainable Urban Drainage (pages 134 – 135)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 SEPA		
<b>Provision of the development plan to which the issue relates:</b>	Policy IS9 – Waste Water Treatment Standards and Sustainable Urban Drainage	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
<p>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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue 075</b>	<b>Policy IS10 – Waste Management Facilities</b>	
<b>Development plan reference:</b>	Policy IS10 – Waste Management Facilities (pages 136 – 138)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
286 RES UK & Ireland Ltd 342 The Royal Burgh of Selkirk and District Community Council 357 SEPA		
<b>Provision of the development plan to which the issue relates:</b>	Policy IS10 – Waste Management Facilities	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>286 RES UK &amp; Ireland Ltd:</u> 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. 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. 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> 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> 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: <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 include waste transfer stations and community recycling facilities”.</i> 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: <i>“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.”</i> 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, <i>at the very least</i>, identify locations, and/or specific site allocations for all</p>		

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:**

**Reporter's recommendations:**

<b>Issue 076</b>	<b>Policy IS12 : Development within Exclusion Zones</b>	
<b>Development plan reference:</b>	Policy IS12 : Development within Exclusion Zones	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
130 Oakes 476 HSE		
<b>Provision of the development plan to which the issue relates:</b>	Policy IS12 : Development within Exclusion Zones (pages 140 – 141)	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>130 Oakes:</u> The respondent supports this policy.</p> <p><u>476 HSE:</u> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>476 HSE:</u> There are 2no major accident hazard pipelines which are not included and some of the zone details are inaccurate. This should be addressed.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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"> <li>• CONSULTATION DISTANCE FOR 13 FEEDER DRUMELDRIE / SIMPRIM TO READ 370M</li> <li>• NEW ADDITION – LAUDERHILL TO NEWHOUSES (L15) 35M HEALTH &amp; SAFETY EXECUTIVE / TRANSCO</li> <li>• NEW ADDITION – NEWHOUSES TO CALFHILL 36M HEALTH &amp; SAFETY EXECUTIVE / TRANSCO</li> <li>• REMOVAL OF REFERENCE - LAUDER TO THREEPWOOD ROUTE</li> <li>• REMOVAL OF REFERENCE - HUME BRANCH (PO2)</li> </ul> <p>REASONS:</p> <p><u>130 Oakes:</u> Support of policy noted.</p> <p><u>476 HSE:</u> 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</p>		

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:**

**Reporter's recommendations:**

<b>Issue: 077</b>	<b>Policy IS13: Contaminated Land</b>	
<b>Development plan reference:</b>	Policy IS13: Contaminated Land (Pages 142 – 143)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
162 The Coal Authority		
<b>Provision of the development plan to which the issue relates:</b>	Policy IS13: Contaminated Land	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
<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 environment.</i></p> <p>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.</p>		

**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:**

**Reporter’s recommendations:**

**Core Documents:**

CD026 Scottish Planning Policy 2014

<b>Issue 078</b>	<b>Policy IS15 – Radio Telecommunications</b>	
<b>Development plan reference:</b>	Policy IS15 – Radio Telecommunications (pages 145 – 146)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
130 Oakes 328 Mobile Operators Association		
<b>Provision of the development plan to which the issue relates:</b>	Policy IS15 – Radio Telecommunications	
<b>Planning authority’s summary of the representation(s):</b>		
<p><u>130 Oakes:</u> 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> 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: “Proposals for telecommunications development will be permitted provided that the following criteria are met:</p> <ol style="list-style-type: none"> <li>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></li> <li>ii. <i>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></li> <li>iii. <i>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></li> <li>iv. <i>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.</i></li> </ol> <p><i>When considering applications for telecommunications development, the (local) planning authority will have regard to the operational requirements of telecommunications</i></p>		

*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:**

NO CHANGE PROPOSED

REASONS:

130 Oakes:

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.

328 Mobile Operators Association:

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”.

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.

Therefore, it is considered that neither of the alternatives put forward can be supported.

**Reporter’s conclusions:**

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**Reporter’s recommendations:**

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**Core Documents:**

CD024 Scottish Planning Policy 2010

<b>Issue 079</b>	<b>Policy IS16 Advertisements</b>	
<b>Development plan reference:</b>	IS16 Advertisements (Proposed Local Development Plan, pages 147 - 148)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
130 Roger Oakes 339 Scottish Government 342 The Royal Burgh of Selkirk & District Community Council		
<b>Provision of the development plan to which the issue relates:</b>	IS16 Advertisements	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>130 Roger Oakes:</u> 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> 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 &amp; District Community Council:</u> Policy noted and agreed. 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>130 Roger Oakes:</u> The contributor seeks for consideration to be given to allowing temporary signs announcing local volunteer run events.</p> <p><u>339 Scottish Government:</u> The contributor seeks for the last sentence of paragraph 1.2 to be amended 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 &amp; District Community Council:</u> 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.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
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:**

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**Reporter's recommendations:**

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**Supporting Documents:**

SD079-1 Extract of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984

<b>Issue: 080</b>	<b>Appendix 2 – Meeting the Housing Land Requirement</b>	
<b>Development plan reference:</b>	Appendix 2 – Meeting the Housing Land Requirement (pages 155 – 160)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>289 Community Council Of The Royal Burgh Of Peebles &amp; District  331 Lord Devonport  332 Lord Ralph Kerr, Ferniehirst Trust &amp; 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 &amp; Rural Renaissance</p>		
<b>Provision of the development plan to which the issue relates:</b>	Appendix 2 – Meeting the Housing Land Requirement	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>289 Community Council Of The Royal Burgh Of Peebles &amp; District:</u>  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>  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 &amp; Roxburghe Estates:</u>  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 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.</p> <p>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 &amp; 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</p>		

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 & & 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 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 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 it is 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:**

**Reporter's recommendations:**

**Core Documents:**

CD002 SESplan Supplementary Guidance  
CD003 SESplan Supplementary Guidance – Housing Land Technical Note  
CD004 SESplan Housing Need and Demand Assessment  
CD017 Updated Appendix 2 Meeting the Housing Land Requirement  
CD025 Draft Scottish Planning Policy 2013  
CD026 Scottish Planning Policy 2014  
CD034 PAN 2/2010 Affordable Housing and Housing Land Audits  
CD039a Housing Land Audit 2012

**Supporting Documents:**

SD080-1 Letter from Homes for Scotland dated 30<sup>th</sup> January 2014  
SD080-2 Scottish Borders Council's response to Homes for Scotland dated 17<sup>th</sup> February 2014

<b>Issue 081</b>	<b>Appendix 3 – Supplementary Guidance and Standards</b>	
<b>Development plan reference:</b>	<b>Appendix 3 – Supplementary Guidance and Standards Transportation Standards Transport Assessments and Travel Plans for Development Sites</b>	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
339 Scottish Government		
<b>Provision of the development plan to which the issue relates:</b>	Appendix 3 – Supplementary Guidance and Standards Transport Standards (page 167) Transportation Assessments and Travel Plans for Development Sites (168)	
<b>Planning authority's summary of the representation(s):</b>		
<p>Appendix 3: Supplementary Guidance and Standards Transport Standards 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>Appendix 3: Supplementary Guidance and Standards Transport Assessments and Travel Plans for Development Sites</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>		
<b>Modifications sought by those submitting representations:</b>		
<p>Appendix 3: Supplementary Guidance and Standards Transport Standards 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>Appendix 3: Supplementary Guidance and Standards Transport Assessments and Travel Plans for Development Sites</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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>THE PROPOSED CHANGES AS REQUESTED ARE CONSIDERED NON-SIGNIFICANT CHANGES ACCEPTABLE TO THE COUNCIL</p> <p>REASONS: 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</p>		

incorporated within Appendix 3 of the proposed Plan as requested and described.

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue: 082</b>	<b>Appendix 3 – Supplementary Guidance and Standards</b>	
<b>Development plan reference:</b>	Appendix 3 – Supplementary Guidance and Standards Transportation Standards – Transport Assessments and Travel Plans for Development Sites	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
487 Network Rail		
<b>Provision of the development plan to which the issue relates:</b>	Appendix 3 – Supplementary Guidance and Standards Transportation Standards (Page 167) Transport Assessments and Travel Plans for Development (Page 168)	
<b>Planning authority’s summary of the representation(s):</b>		
<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><b>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.</b></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 <b>(including any grade separated crossing of the railway network)</b> required as a result of their development and/or the cumulative effect of overall development.</p>		
<b>Modifications sought by those submitting representations:</b>		
The text associated with Transport Assessments and Travel Plans for Development Sites to be modified to include rail related issues.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO 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> <p>Therefore it is submitted that there should be no change to the Proposed Development Plan.</p>		
<b>Reporter’s conclusions:</b>		

<b>Reporter's recommendations:</b>

<b>Issue 085</b>	<b>Housing within the Central Strategic Development Area: Ashkirk (EA200 – Cransfield)</b>	
<b>Development plan reference:</b>	Ashkirk Settlement Profile and Map (pages 200 – 202) EA200 – Cransfield	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
426 N Lambert 447 Lilliesleaf, Ashkirk and Midlem Community Council		
<b>Provision of the development plan to which the issue relates:</b>	Volume 2 Settlement Profiles, Ashkirk, Housing allocation EA200- Cransfield	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>426 N Lambert:</u> 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 overlook 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. 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> Lilliesleaf, Ashkirk and Midlem Community Council are content with proposals.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>426 N Lambert:</u> The Contributor seeks the removal of housing allocation EA200 - Cransfield from the Local Development Plan.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.</p> <p>REASONS: <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 SESplan Strategic Development Plan (SDP). The <b>Core Document 017</b> 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 <b>Core Document 017</b> 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</p>		

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:**

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**Reporter's recommendations:**

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**Core Document:**

CD017 Updated Appendix 2 Meeting the Housing Land Requirement

<b>Issue 086</b>	<b>Housing within the Eastern Strategic Development Area: Ayton (AAYTO003- Lawfield)</b>	
<b>Development plan reference:</b>	Ayton Settlement Profile and Map (pages 203 - 205) AAYTO003- Lawfield	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 SEPA		
<b>Provision of the development plan to which the issue relates:</b>	Ayton Settlement Profile, Development and Safeguarding Proposals (AAYTO003- Lawfield)	
<b>Planning authority's summary of the representation(s):</b>		
<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.</p>		
<b>Modifications sought by those submitting representations:</b>		
Add requirement for Flood Risk Assessment to the site requirements for AAYTO003		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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>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</p>		

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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD076 SEPA Main Issues Report Consultation Response

CD006 Scottish Borders Main Issues Report

<b>Issue 087</b>	<b>Housing within the Eastern Strategic Development Area: Ayton (AY1A- Beanburn)</b>	
<b>Development plan reference:</b>	Ayton Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlements, Ayton, pages 203 to 205)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
374 Ms Anne Lenz Young and Mr Roderick Young		
<b>Provision of the development plan to which the issue relates:</b>	Ayton Settlement Profile, Development and Safeguarding Proposals (AY1A- Beanburn)	
<b>Planning authority's summary of the representation(s):</b>		
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		
<b>Modifications sought by those submitting representations:</b>		
N/A		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue 088</b>	<b>Housing outwith Strategic Development Areas: Bonchester Bridge (SRB5B – Caravan Site)</b>	
<b>Development plan reference:</b>	Bonchester Bridge Settlement Profile and Map (pages 212 – 214) SRB5B (Caravan Site)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation SRB5B – Caravan Site	
<b>Planning authority’s summary of the representation(s):</b>		
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		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks the removal of the site on the grounds of flood risk.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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.”

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:**

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**Reporter’s recommendations:**

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**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 089</b>	<b>Development within the Central Strategic Development Area: Bowden (New Sites: ABOWD008 – Bothendene House II; ABOWD009 – South of Morven II; and ABOWD010 – South of Cross II); and (amendment of settlement boundary to take account of land west of Quarry Green)</b>	
<b>Development plan reference:</b>	Bowden Settlement Profile (Proposed Local Development Plan, Volume 2 Settlement Profiles, pages 215 -217)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
234 Boyd Farming 468 Maxwell		
<b>Provision of the development plan to which the issue relates:</b>	Volume 2 Settlement Profiles, Bowden	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>234 Boyd Farming:</u> 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 &amp; East HMA's. The Contributor does not challenge this but requests that there is recognition in the plan:</p> <ul style="list-style-type: none"> <li>A. That existing communities are given reasonable scope to develop and allow modest private housing to deliver AH; and</li> <li>B. That Bowden has a strong track record in house sales and can deliver private housing early.</li> </ul> <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> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>234 Boyd Farming:</u> The contributor seeks a modification of the settlement profile to include sites ABOWD008, ABOWD009 and ABOWD010 as housing allocations.</p> <p><u>468 Maxwell:</u> 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.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		

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:**

**Reporter's recommendations:**



**Core Document:**

CD017 - Updated Appendix 2 Meeting the Housing Land Requirement

**Supporting Documents:**

SD089-1 Site Assessment for Expression of Interest Excluded Site ABOWD005 and Map

SD089-2 Site Assessment for Expression of Interest Excluded Site ABOWD006 and Map

SD089-3 Site Assessment for Expression of Interest Excluded Site ABOWD007 and Map

SD089-4 Site Assessment for ABOWD008 and Map

SD089-5 Site Assessment for ABOWD009 and Map

SD089-6 Site Assessment for ABOWD010 and Map

<b>Issue 090</b>	<b>Business and Industrial Safeguarding outwith Strategic Development Areas: Broughton (zEL43 – Former Station Yard)</b>	
<b>Development plan reference:</b>	Broughton Settlement Profile and Map, Site zEL43 – Former Station Yard	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency 383 Lieutenant Colonel N D Morrison OBE JP FCMI		
<b>Provision of the development plan to which the issue relates:</b>	Broughton Business and Industrial Safeguarding	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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> The contributor seeks removal of the north eastern part of site zEL43 from the Plan.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE BUSINESS AND INDUSTRIAL SAFEGUARDING ALLOCATION HOWEVER, THE REPORTER IS REQUESTED TO CONSIDER THE MATTER FURTHER.</p> <p>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.</p> <p>It is noted that the respondents did not respond on this matter to the Main Issues Report (MIR) (refer to <b>Core Document 076</b> for SEPA Response). The MIR (<b>Core Document</b></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*”. 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:**

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**Reporter’s recommendations:**

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**Core Documents:**

- CD006 Scottish Borders Main Issues Report
- CD031 Circular 6/2013 Development Planning
- CD076 SEPA Main Issues Report Consultation Response

<b>Issue 091</b>	<b>Broughton Settlement Profile (Development Contribution Text)</b>	
<b>Development plan reference:</b>	Broughton Settlement Profile and Map, Development Contribution Text	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
419 Mr John Wright		
<b>Provision of the development plan to which the issue relates:</b>	Development Contribution Text	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 <b>Supporting Document 091-1</b> Guide to obtaining Water and Waste Water Services). In that respect, when Scottish Water considers the demand from 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 <b>Supporting Document 091-1</b> therefore it is correct for the Settlement Profile to state that contributions may be required.</p>		
<b>Reporter's conclusions:</b>		

<b>Reporter's recommendations:</b>

**Supporting Documents:**

SD091-1 Scottish Water: Guide to obtaining Water and Waste Water Services

<b>Issue 092</b>	<b>Broughton Settlement Profile (Longer Term Development Text)</b>	
<b>Development plan reference:</b>	Broughton Settlement Profile and Map, Longer Term Development Text	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
424 Lord and Lady Stewartby		
<b>Provision of the development plan to which the issue relates:</b>	Longer Term Development Text	
<b>Planning authority's summary of the representation(s):</b>		
<p>The contributor states that the 2<sup>nd</sup> 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. 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. 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>		
<b>Modifications sought by those submitting representations:</b>		
<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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE SETTLEMENT PROFILE TEXT FOR BROUGHTON.</p> <p>REASONS: The issue of the Longer Term Development area identified within the Settlement Profile for Broughton was raised during the Inquiry into the Scottish Borders Finalised Local Plan (2005) (refer to <b>Core Document 020</b> Scottish Borders Local Plan Inquiry Report 2007) (pages 8-3 to 8-4). At that time the Finalised Local Plan stated – <i>"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"</i> (refer to <b>Core Document 011</b>). 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 (<b>Core Document 007</b>) and now the Proposed Local Development Plan.</p>		

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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD001 SESplan Strategic Development Plan  
CD007 Scottish Borders Consolidated Local Plan 2011  
CD011 Scottish Borders Finalised Local Plan (Dec 2005)  
CD020 Scottish Borders Local Plan Inquiry Report 2007  
CD026 Scottish Planning Policy 2014

<b>Issue 093</b>	<b>Development outwith Strategic Development Areas: Broughton Development Boundary</b>	
<b>Development plan reference:</b>	Broughton Settlement Profile and Map, Site SBROU002 – Development Boundary at Elmsfield	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
419 Mr John Wright		
<b>Provision of the development plan to which the issue relates:</b>	Broughton Development Boundary	
<b>Planning authority's summary of the representation(s):</b>		
<p>The contributor objects to the development boundary as currently drawn for Broughton. The site benefits from a recently approved planning permission. 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 5<sup>th</sup> 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 &amp; Environmental Appeals on the 31<sup>st</sup> October 2013 (Ref: PPA140-2048). The Appeal Reporter issued a Notice of Intention to Grant Planning Permission in Principle on the 23<sup>rd</sup> 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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks extension of the Development Boundary to take in the area at Elmsfield.		
<b>Summary of responses (including reasons) by planning authority:</b>		

NO CHANGE TO THE DEVELOPMENT BOUNDARY FOR BROUGHTON HOWEVER, THE REPORTER IS REQUESTED TO CONSIDER THE MATTER FURTHER.

**REASONS:**

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 "*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.*" The Local Plan Inquiry Reporter subsequently recommended that the site be deleted from the plan and that the Development Boundary be amended accordingly.

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.

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 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.

**Reporter's conclusions:**

**Reporter's recommendations:**

**Core Documents:**

CD007 Scottish Borders Consolidated Local Plan 2011  
CD020 Scottish Borders Local Plan Inquiry Report 2007  
CD031 Circular 6/2013 Development Planning  
CD039 Scottish Borders Housing Land Audit 2013

**Supporting Documents:**

SD093-1 Reporters Decision on the refusal of planning consent for planning application 12/01068/PPP  
SD093-2 Site Assessment for SBBROU002 and Map

Issue 094	<b>Housing outwith Strategic Development Areas: Broughton (TB10B – Springwell Brae)</b>	
Development plan reference:	Broughton Settlement Profile and Map, Site TB10B – Springwell Brae	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
424 Lord and Lady Stewartby		
<b>Provision of the development plan to which the issue relates:</b>	Broughton Housing Land	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks the removal of the site from the Plan.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 (<b>Core Document 008</b>). 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 <b>Core Document 020</b> 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 (<b>Core Document 006</b>) 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 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.</i></p> <p><i>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.</i></p>		

*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:**

**Reporter's recommendations:**

**Core Documents:**

- CD001 SESplan Strategic Development Plan
- CD002 SESplan Supplementary Guidance - Housing Land
- CD006 Scottish Borders Main Issues Report
- CD008 Scottish Borders Local Plan 2008
- CD017 Updated Appendix 2 Meeting the Housing Land Requirement
- CD020 Scottish Borders Local Plan Inquiry Report 2007
- CD026 Scottish Planning Policy 2014

<b>Issue 095</b>	<b>Housing outwith Strategic Development Areas: Broughton (TB200 – Dreva Road)</b>	
<b>Development plan reference:</b>	Broughton Settlement Profile and Map, Site TB200 – Dreva Road	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency 424 Lord and Lady Stewartby		
<b>Provision of the development plan to which the issue relates:</b>	Broughton Housing Land	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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> The contributor seeks the removal of the site from the Plan.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE HOUSING ALLOCATION TB200.</p> <p>REASONS: This site was first formally allocated within the Scottish Borders Local Plan 2008 (<b>Core Document 008</b>) following the recommendation of the Local Plan Inquiry Reporter (refer to <b>Core Document 020</b> 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.</p> <p><u>357 Scottish Environment Protection Agency:</u> It is noted that the respondent did not respond on this matter to the Scottish Borders Main Issues Report (MIR) (<b>Core Document 076</b> SEPA Response). The MIR (<b>Core Document 006</b>) 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 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:**

**Reporter's recommendations:**

**Core Documents:**

- CD006 Scottish Borders Main Issues Report
- CD007 Scottish Borders Consolidated Local Plan 2011
- CD008 Scottish Borders Local Plan 2008
- CD020 Scottish Borders Local Plan Inquiry Report 2007
- CD039 Scottish Borders Housing Land Audit 2013
- CD076 SEPA Main Issues Report Consultation Response

<b>Issue 096</b>	<b>Longer Term Housing with the Western Strategic Development Area: Cardrona (SCARD001 – South of Cardrona Mains)</b>	
<b>Development plan reference:</b>	Cardrona Settlement Profile and Map, Site SCARD001 – South of Cardrona Mains	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
459 The Renwick Family		
<b>Provision of the development plan to which the issue relates:</b>	Cardrona Longer Term Housing	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks the identification of site SCARD001 for Longer Term Housing.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 <b>Core Document 020</b> Scottish Borders Local Plan Inquiry Report 2007) (pages 8-18 to 8-22 (site reference TCO3 – refer to <b>Supporting Document 096-1</b>) for location of site TC03 refer to map). In addition at that time the Finalised Local Plan (2005) (refer to <b>Core Document 011</b>) included reference to an area of longer term expansion at Cardrona within the area west of the B7062.</p> <p>Within the Inquiry Report (<b>CD020</b> 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 (<b>CD020</b> 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 Inquiry Reporter has been included within the Proposed Local Development Plan within the Place Making Considerations section of the Cardrona Settlement Profile.</p> <p>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 (<b>Supporting Document 096-2</b>), 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</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD011 Scottish Borders Finalised Local Plan (Dec 2005)

CD020 Scottish Borders Local Plan Inquiry Report 2007

**Supporting Documents:**

SD096-1 Map of site TCO3

SD096-2 Site Assessment for SCARD001 and Map

<b>Issue 097</b>	<b>Mixed Use with the Western Strategic Development Area: Cardrona (MCARD007 – South of Horsbrugh)</b>	
<b>Development plan reference:</b>	Cardrona Settlement Profile and Map, Site MCARD007 – South of Horsbrugh Bridge	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
273 Renwick Country Properties 357 Scottish Environment Protection Agency 418 Hugh Harvie		
<b>Provision of the development plan to which the issue relates:</b>	Cardrona Mixed Use	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>273 Renwick Country Properties:</u> 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> 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> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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> The contributor seeks the removal of the site from the Plan.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE MIXED USE ALLOCATION MCARD007.</p> <p>REASONS:</p> <p><u>273 Renwick Country Properties:</u> 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> This site is currently located within the Development Boundary for Cardrona as set out in the Consolidated Local Plan 2011 (<b>Core Document 007</b>). 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</p>		

coffee shop (refer to **Supporting Documents SD097-1, SD097-2 and SD097-3**).

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**).

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.

**Reporter's conclusions:**

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**Reporter's recommendations:**

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**Core Documents:**

CD007 Scottish Borders Consolidated Local Plan 2011

**Supporting Documents:**

SD097-1 09/01542/Ful – Planning application approval

SD097-2 09/01542/Ful – Confirmation of commencement of development

SD097-3 09/01542/Ful – Approved site layout

SD097-4 09/01542/Ful – SEPA consultation response to planning application

<b>Issue 098</b>	<b>Housing within the Eastern Strategic Development Area: Chirnside (SCHIR004- East of Crosshill)</b>	
<b>Development plan reference:</b>	Chirnside Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlements, Chirnside, pages 235-238)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
309 S Swan Esq 467 Chirnside Community Sports Club		
<b>Provision of the development plan to which the issue relates:</b>	Chirnside Settlement Profile, Development and Safeguarding Proposals	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>309 S Swan Esq and 467 Chirnside Community Sports Club:</u>  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>		
<b>Modifications sought by those submitting representations:</b>		
Insertion of the site into the Local Development Plan as an area for longer term development.		
<b>Summary of responses (including reasons) by planning authority:</b>		
NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.		
<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 (<b>Core Document 008</b>: 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' 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 (<b>Supporting Document 98-1</b>: pages 19 to 21)</p>		

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:**

**Reporter's recommendations:**

**Core Document:**

CD008 Scottish Borders Adopted Local Plan 2008

**Supporting Documents:**

SD98-1 Scottish Borders Development and Landscape Capacity Study Chirside  
Final Report March 2008

SD98-2 Site Assessment for SCHIR004 and Map

<b>Issue 099</b>	<b>Housing within the Central Strategic Development Area: Clovenfords (EC2 - Caddonhaugh)</b>	
<b>Development plan reference:</b>	Clovenfords Settlement Profile and Map (pages 241 – 243) EC2 (Caddonhaugh)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency 481 Murray & Burrell Ltd		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation EC2 - Caddonhaugh	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>357 Scottish Environment Protection Agency:</u> The contributor recommends removal of site due to flood risk.</p> <p><u>481 Murray &amp; Burrell Ltd:</u> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>357 Scottish Environment Protection Agency:</u> The contributor recommends removal of site due to flood risk.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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> It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (<b>Core Document 006</b>). 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> <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>It is noted that SEPA do not object to the inclusion of the site within the Plan, but</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

**Supporting Documents:**

SD099 -1 Planning Application Decision Notice 04/01022/OUT

SD099 -2 Planning Application Decision Notice 13/00252/AMC

<b>Issue 100</b>	<b>Housing within the Central Strategic Development Area: Clovenfords (EC13B – Meigle)</b>	
<b>Development plan reference:</b>	Clovenfords Settlement Profile and Map (pages 241 -243)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Housing allocation EC13B - Meigle	
<b>Planning authority's summary of the representation(s):</b>		
Modification to developer requirements/ Planning Brief to require a flood risk assessment (FRA).		
<b>Modifications sought by those submitting representations:</b>		
Modification to developer requirements/ Planning Brief to require a flood risk assessment (FRA).		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 proposed to mitigate the flood risk.”</p> <p>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.</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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 101</b>	<b>Housing outwith the Strategic Development Areas: Cockburnspath (BC01B- Burnwood)</b>	
<b>Development plan reference:</b>	Cockburnspath Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Cockburnspath, page 245)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 SEPA		
<b>Provision of the development plan to which the issue relates:</b>	Cockburnspath Settlement Profile, Development and Safeguarding Proposals (BC01B- Burnwood)	
<b>Planning authority's summary of the representation(s):</b>		
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		
<b>Modifications sought by those submitting representations:</b>		
Add requirement for Flood Risk Assessment to the site requirements for BC01B		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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>		
<b>Reporter's conclusions:</b>		

<b>Reporter's recommendations:</b>

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 102</b>	<b>Housing within the Eastern Strategic Development Area: Coldingham (BCL2B- Bogangreen)</b>	
<b>Development plan reference:</b>	Coldingham Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Coldingham, pages 248-250)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
399 David Campbell 400 Mr Ron Bagnall 357 SEPA		
<b>Provision of the development plan to which the issue relates:</b>	Coldingham Settlement Profile, Development and Safeguarding Proposals (BCL2B- Bogangreen)	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>399 David Campbell:</u> 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 Mr Ron Bagnall:</u> 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> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>400 Mr Ron Bagnall:</u></p> <ul style="list-style-type: none"> <li>- Removal of BCL2B from the Plan and replacement with smaller developments</li> <li>- Limitation of the number of houses that can be built</li> </ul> <p><u>357 SEPA:</u></p> <ul style="list-style-type: none"> <li>- Inclusion of a site requirement for a Flood Risk Assessment and for consideration of any culverted watercourses within the site</li> </ul>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGES TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.</p> <p>REASONS:</p> <p><u>399 David Campbell and 400 Mr Ron Bagnall:</u> 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 (<b>Supporting Document 102-1</b>: 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.</p>		

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:**

**Reporter’s recommendations:**

**Core Documents:**

- CD006 Scottish Borders Main Issues Report
- CD075 Bogangreen, Coldingham Planning Brief Supplementary Planning Guidance
- CD076 SEPA Main Issues Report Consultation Response

**Supporting Document:**

- SD102-1 Scottish Borders Council Planning and Building Standards Committee 10<sup>th</sup> May 2010 Application for Planning Permission, pages 7-19

<b>Issue 103</b>	<b>Settlements within the Eastern Strategic Development Area: Potential settlement boundary at Coldingham Sands</b>	
<b>Development plan reference:</b>	N/A	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
466 Paul Warner 445 Suzanne McIntosh		
<b>Provision of the development plan to which the issue relates:</b>	N/A	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>466 Paul Warner:</u> 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> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>466 Paul Warner; 445 Suzanne McIntosh:</u></p> <ul style="list-style-type: none"> <li>- Identification of Coldingham Sands as a settlement</li> <li>- Production of design codes and/or supplementary guidance for Coldingham Sands</li> </ul>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.</p> <p>REASONS: The area in question was not raised in the Main Issues Report (MIR) site call or MIR consultation period.</p> <p>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.</p> <p>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</p>		

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:**

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**Reporter's recommendations:**

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<b>Issue 104</b>	<b>Redevelopment outwith the Strategic Development Areas: Coldstream (RCOLD001- Lennel Cottages II)</b>	
<b>Development plan reference:</b>	Coldstream Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Coldstream, pages 251-255)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
310 Sir Ilay Campbell Estate 474 Lennel Tennis Club 415 Lennel Tennis Club		
<b>Provision of the development plan to which the issue relates:</b>	Coldstream Settlement Profile, Development and Safeguarding Proposals	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>310 Sir Ilay Campbell Estate:</u> 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> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>310 Sir Ilay Campbell Estate:</u> Inclusion of the Tennis Club land and the land directly to the north as a redevelopment site</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.</p> <p>REASONS: <u>415 Lennel Tennis Club and 474 Lennel Tennis Club:</u> Support for the Council's intention to identify Lennel Tennis Club as a key greenspace following MIR consultation is noted.</p> <p><u>310 Sir Ilay Campbell Estate:</u> A previous objection to a similar area of land was received as part of the Finalised Local Plan Inquiry. <b>Core Document 020</b> (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.</p>		

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:**

<b>Reporter's recommendations:</b>

**Core Documents:**

CD020 Town and Country Planning (Scotland) Act 1997 Scottish Borders Local Plan  
REPORT INTO OBJECTIONS TO THE FINALISED LOCAL PLAN Volume 3:  
Chapters 7-11 North and South Tweeddale Housing Market Areas, North Ettrick and  
Lauderdale Housing Market Area, Berwickshire Housing Market Area: pages 11-24  
CD016 Appendix A- Response to Consultation Submissions on MIR (page 244)

**Supporting Documents:**

SD104-1 MIR Submission, Trustees of the Sir Ilay Campbell Settlement  
SD104-2 RCOLD001 Site Assessment and Map

<b>Issue 105</b>	<b>Redevelopment outwith the Strategic Development Areas: Coldstream (zRO17- Duns Road)</b>	
<b>Development plan reference:</b>	Coldstream Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Coldstream, page 254)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
13 Mr Jim Hewit		
<b>Provision of the development plan to which the issue relates:</b>	Coldstream Settlement Profile, Development and Safeguarding Proposals, zRO17- Duns Road	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
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		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.</p> <p>REASONS: 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>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue 106</b>	<b>Redevelopment outwith the Strategic Development Areas: Coldstream (zRO18- Lees Farm Mill)</b>	
<b>Development plan reference:</b>	Coldstream Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Coldstream, page 254)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 SEPA		
<b>Provision of the development plan to which the issue relates:</b>	Coldstream Settlement Profile, Development and Safeguarding Proposals, zRO18- Lees Farm Mill	
<b>Planning authority's summary of the representation(s):</b>		
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		
<b>Modifications sought by those submitting representations:</b>		
Alteration of the site requirements to refer to a Flood Risk Assessment		
<b>Summary of responses (including reasons) by planning authority:</b>		
NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.		
<b>REASONS:</b>		
<p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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>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.</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:**

**Reporter's recommendations:**

**Core Documents:**

CD076 SEPA Main Issues Report Consultation Response

CD006 Scottish Borders Main Issues Report

<b>Issue 107</b>	<b>Development outwith Strategic Development Areas: Lennel (FCOLD001-Lennel and FCOLD002- Lennel II)</b>	
<b>Development plan reference:</b>	Coldstream Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Coldstream, page 254)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
310 Sir Ilay Campbell Estate		
<b>Provision of the development plan to which the issue relates:</b>	Coldstream Settlement Profile, Development and Safeguarding Proposals (FCOLD001-Lennel)	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
Replacement of FCOLD001/Lennel with a new cemetery expansion site (FCOLD002/Lennel II)		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 <b>Supporting Document 107-1</b> (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 (<b>Supporting Document 107-2</b>: 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>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		



**Supporting Documents:**

SD107-1 FCOLD002 Site Assessment and Map

SD107-2 SEPA Groundwater Protection Policy for Scotland v3 (page 56)

<b>Issue: 108</b>	<b>Housing within the Central Strategic Development Area: Crailing (ACRAI001 - Crailing Toll)</b>	
<b>Development plan reference:</b>	Crailling Settlement Profile and Map (pages 257 – 259) – ACRAI001 (Crailling Toll)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Housing allocation in Crailing – ACRAI001 (Crailling Toll).	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
<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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO CRAILING SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS: This site was identified as a housing allocation within the Finalised Local Plan Amendment 2009 (<b>Core Document 010</b>) and the site was taken forward into the Scottish Borders Consolidated Local Plan 2011 (<b>Core Document 007</b>). The site had been subject to public consultation prior to its inclusion in the Plan.</p> <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) (<b>Core Document 076 - SEPA Response</b>). The MIR (<b>Core Document 006</b>) 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</p>		

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:**

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<b>Issue 109</b>	<b>Development outwith Strategic Development Areas: Cranshaws- Proposed settlement boundary (SBCRAN001)</b>	
<b>Development plan reference:</b>	N/A	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
462 Cranshaws, Ellemford and Longformacus Community Council		
<b>Provision of the development plan to which the issue relates:</b>	Proposed Local Development Plan Volume 2 Settlement Profiles	
<b>Planning authority's summary of the representation(s):</b>		
<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 Roberton)</p>		
<b>Modifications sought by those submitting representations:</b>		
Inclusion of a settlement profile for the village of Cranshaws		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.</p> <p>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 manner in which to support/promote future growth, and availability of existing facilities that would sustain employment, education or other resident needs.</p> <p>As a result of the discussion above no amendment to the Local Development Plan is required.</p>		
<b>Reporter's conclusions:</b>		

<b>Reporter's recommendations:</b>

**Supporting Document:**

SD109-1 Site Assessment for SBCRAN001 and Map

<b>Issue 110</b>	<b>Development within Central Strategic Development Area: General: Darnick coalescence</b>	
<b>Development plan reference:</b>	Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Darnick, pages 260-252)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
482 N Watson		
<b>Provision of the development plan to which the issue relates:</b>	Volume 2 Settlement Profiles, Darnick Settlement Profile	
<b>Planning authority's summary of the representation(s):</b>		
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).		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks a modification of the Darnick settlement profile to include reference to anti-coalescence between Darnick and Tweedbank.		
<b>Summary of responses (including reasons) by planning authority:</b>		
THE AMENDMENT OF TEXT IN THE PLACE MAKING CONSIDERATIONS SECTION, AS DETAILED BELOW, IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL.		
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.		
However, the Council notes the provisions within paragraph 87 of Circular 6/2013 on Development Planning ( <b>Core Document 031</b> ) 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 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..."		
The Council consider that this additional text would clarify the position on coalescence and would constitute a non-significant change.		
<b>Reporter's conclusions:</b>		



<b>Issue 111</b>	<b>Housing within the Central Strategic Development Area: Darnick (EM9B – Chiefswood Road)</b>	
<b>Development plan reference:</b>	Darnick Settlement Profile and Map (pages 260 – 262) EM9B (Chiefswood Road)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation EM9B – Chiefswood Road	
<b>Planning authority's summary of the representation(s):</b>		
The contributor requests that the developer requirements for this site require a flood risk assessment (FRA).		
<b>Modifications sought by those submitting representations:</b>		
The contributor requests a modification of the site requirements to include a FRA.		
<b>Summary of responses (including reasons) by planning authority:</b>		
NO CHANGE TO THE DARNICK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN		
<p>REASONS:</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 proposed to mitigate the flood risk.”</p> <p>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 <a href="http://www.sepa.org.uk">www.sepa.org.uk</a>.</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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 112</b>	<b>Housing within the Central Strategic Development Area: Darnick (EM35D – Broomilees Road)</b>	
<b>Development plan reference:</b>	Darnick Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Darnick pages 260 – 262)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
405 Jackson		
<b>Provision of the development plan to which the issue relates:</b>	Volume 2 Settlement Profiles, Darnick, Housing allocation EM35D- Broomilees Road	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
N/A		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.</p> <p>REASONS: The site was previously allocated for residential development within the Etrick 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 for residential development with a prospective capacity of 8 units.</p> <p>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”.</p> <p>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</p>		

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:**

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**Reporter's recommendations:**

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<b>Issue 113</b>	<b>Housing outwith the Strategic Development Areas: Dolphinton (ADOLP003 – South of Sandy Hill)</b>	
<b>Development plan reference:</b>	Dolphinton Settlement Profile and Map, Site ADOLP003 – South of Sandy Hill	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
480 John Wilson Property		
<b>Provision of the development plan to which the issue relates:</b>	Dolphinton Housing Land	
<b>Planning authority's summary of the representation(s):</b>		
<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 request that this site is allocated.</p>		
<b>Modifications sought by those submitting representations:</b>		

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:**

NO CHANGE TO THE DEVELOPMENT BOUNDARY FOR DOLPHINTON HOWEVER, THE REPORTER IS REQUESTED TO CONSIDER THE MATTER FURTHER.

**REASONS:**

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.

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.

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**).

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.

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.

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.

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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD001 SESplan Strategic Development Plan

CD002 SESplan Supplementary Guidance on Housing Land  
CD007 Scottish Borders Consolidated Local Plan 2011  
CD010 Scottish Borders Finalised Local Plan Amendment 2009  
CD017 Updated Appendix 2 Meeting the Housing Land Requirement  
CD026 Scottish Planning Policy 2014  
CD031 Circular 6/2013 Development Planning  
CD039 Scottish Borders Housing Land Audit 2013  
CD060 Supplementary Planning Guidance on Affordable Housing  
CD077 Site Comparison Report

**Supporting Documents:**

SD113-1 Site Assessment for ADOLP003 and Map

<b>Issue 114</b>	<b>Housing within the Eastern Strategic Development Area: Duns (ADUNS010 - Todlaw Playing Fields)</b>	
<b>Development plan reference:</b>	Duns Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Duns, page 272)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 SEPA		
<b>Provision of the development plan to which the issue relates:</b>	Duns Settlement Profile, Development and Safeguarding Proposals (ADUNS010- Todlaw Playing Fields)	
<b>Planning authority's summary of the representation(s):</b>		
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		
<b>Modifications sought by those submitting representations:</b>		
Addition of a site requirement detailing the need for a Flood Risk Assessment		
<b>Summary of responses (including reasons) by planning authority:</b>		
NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.		
<p>REASONS:</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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>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" (<b>Supporting Document 114-1</b>: Paragraph 2.2,</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD076 SEPA Main Issues Report Consultation Response

CD006 Scottish Borders Main Issues Report

**Supporting Document:**

SD114-1 SEPA response to Draft Supplementary Planning Guidance Planning Briefs for Duns Primary School, Todlaw Playing Fields, Renwick Gardens and West Renwick Gardens and Former Royal Hotel Site, Stow

<b>Issue 115</b>	<b>Development within the Eastern Strategic Development Area: Duns (ADUNS023- South of Earlsmeadow and potential replacement MDUNS002- South of Earlsmeadow II)</b>	
<b>Development plan reference:</b>	Duns Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Duns, page 272)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 SEPA 486 Co-op		
<b>Provision of the development plan to which the issue relates:</b>	Duns Settlement Profile, Development and Safeguarding Proposals (ADUNS023- South of Earlsmeadow)	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>357 SEPA:</u> 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> 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>		
<b>Modifications sought by those submitting representations:</b>		
<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> Amendment of proposed allocation from housing to retail and residential (ADUNS023 to MDUNS002)</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGES TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.</p> <p>REASONS: <u>357 SEPA:</u> It is noted that the site requirements for ADUNS023/South of Earlsmeadow state that there should be "investigation of flood risk".</p> <p>It is also considered that 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, 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:**

**Reporter's recommendations:**

**Core Documents:**

CD007 Scottish Borders Council Consolidated Local Plan, Volume 2 Settlements, Duns: page 282)

CD017 Appendix 2 Update Meeting the Housing Land Requirement

CD050 Scottish Borders Retail Study 2011

**Supporting Document:**

SD115-1 Site Assessment for MDUNS002 and Map

<b>Issue 116</b>	<b>Housing within the Eastern Strategic Development Area: Duns (BD200- Langton Edge)</b>	
<b>Development plan reference:</b>	Duns Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Duns, page 272)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
375 Mrs M Fisher 357 SEPA		
<b>Provision of the development plan to which the issue relates:</b>	Duns Settlement Profile, Development and Safeguarding Proposals (BD200-Langton Edge)	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>375 Mrs M Fisher:</u> 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> State that they require a Flood Risk Assessment which assesses the risk from Pouterlynie Burn which flows along the southern boundary.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>357 SEPA:</u> Addition of a site requirement for a Flood Risk Assessment which assesses the risk from Pouterlynie Burn</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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> BD200/Langton Edge is subject to a draft Planning Brief (<b>Supporting Document 116-1</b>) 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 to Council committee before it is approved; it will be a material consideration in the determination of any planning application at the site.</p> <p>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.</p> <p><u>357 SEPA:</u> It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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</p>		

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:**

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**Reporter’s recommendations:**

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**Core Documents:**

- CD006 Scottish Borders Main Issues Report
- CD076 SEPA Main Issues Report Consultation Response

**Supporting Document**

- SD116-1 Draft Planning Brief on Langton Edge, Duns

<b>Issue 117</b>	<b>Housing within the Strategic Development Area: Duns (BD4B- Todlaw Road)</b>	
<b>Development plan reference:</b>	Duns Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Duns, page 272)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 SEPA		
<b>Provision of the development plan to which the issue relates:</b>	Duns Settlement Profile, Development and Safeguarding Proposals (BD4B- Todlaw Road)	
<b>Planning authority's summary of the representation(s):</b>		
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		
<b>Modifications sought by those submitting representations:</b>		
Addition of a site requirement for a Flood Risk Assessment		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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>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.</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</p>		

proposal is not necessary.

**Reporter's conclusions:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 118</b>	<b>Redevelopment within the Eastern Strategic Development Areas: Duns (RDUNS002- Duns Primary School)</b>	
<b>Development plan reference:</b>	Duns Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Duns, page 274)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 SEPA		
<b>Provision of the development plan to which the issue relates:</b>	Duns Settlement Profile, Development and Safeguarding Proposals (RDUNS002- Duns Primary School)	
<b>Planning authority's summary of the representation(s):</b>		
State that they require a Flood Risk Assessment which assesses the risk as noted by local residents.		
<b>Modifications sought by those submitting representations:</b>		
Addition of Flood Risk Assessment as a site requirement		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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>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 (<b>Supporting Document 118-1: Paragraph 2.2, page 2</b>)</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>		

<b>Reporter's conclusions:</b>
<b>Reporter's recommendations:</b>

**Core Documents:**

CD076 SEPA Main Issues Report Consultation Response  
CD006 Scottish Borders Main Issues Report

**Supporting Documents:**

SD118-1 SEPA response to Draft Supplementary Planning Guidance Planning Briefs for Duns Primary School, Todlaw Playing Fields, Renwick Gardens and West Renwick Gardens and Former Royal Hotel Site, Stow

<b>Issue 119</b>	<b>Redevelopment within the Eastern Strategic Development Area: Duns (RDUNS003- Disused Chicken Hatchery, Clockmill)</b>	
<b>Development plan reference:</b>	Duns Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Duns, page 274)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 SEPA		
<b>Provision of the development plan to which the issue relates:</b>	Duns Settlement Profile, Development and Safeguarding Proposals (RDUNS003-Disused Chicken Hatchery, Clockmill)	
<b>Planning authority's summary of the representation(s):</b>		
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		
<b>Modifications sought by those submitting representations:</b>		
Addition of Flood Risk Assessment as a site requirement		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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>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.</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>		

<b>Reporter's conclusions:</b>
<b>Reporter's recommendations:</b>

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 120</b>	<b>Development within the Eastern Strategic Development Area: Duns (SDUNS001- South of Earlsmeadow; zEL8-Peelrig Farm; and New Site MDUNS001-Cheeklaw Farm)</b>	
<b>Development plan reference:</b>	Duns Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Duns, page 273)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 SEPA 406 Mr & Mrs N Millar 407 Mr & Mrs F Millar		
<b>Provision of the development plan to which the issue relates:</b>	Duns Settlement Profile, Development and Safeguarding Proposals (SDUNS001- South of Earlsmeadow; zEL8- Peelrig Farm)	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>357 SEPA:</u></p> <ul style="list-style-type: none"> <li>- 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</li> <li>- 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.</li> </ul> <p><u>406 Mr &amp; Mrs N Millar; 407 Mr &amp; Mrs F Millar:</u></p> <ul style="list-style-type: none"> <li>- Promotion of 16ha of land at Cheeklaw adjacent to industrial site zEL26 Berwick Road, Duns (MDUNS001)</li> <li>- Objection to allocation of SDUNS001 and zEL8, proposed allocation of land directly south of zEL26 (east of the A6112)</li> <li>- 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</li> </ul>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>357 SEPA:</u> 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> <p><u>406 Mr &amp; Mrs N Millar and 407 Mr &amp; Mrs F Millar:</u> 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.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.		
<p>REASONS: <u>357 SEPA:</u></p>		

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; 407 Mr & Mrs F 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:**

**Reporter's recommendations:**

**Core Documents:**

- CD006 Scottish Borders Main Issues Report
- CD017 Appendix 2 Update: Meeting the Housing Land Requirement
- CD042 Scottish Borders Development and Landscape Capacity Study Duns Final Report March 2007 (pages 39-40)
- CD076 SEPA Main Issues Report Consultation Response

**Supporting Document:**

- SD120-1 Site Assessment for MDUNS001 and Map

<b>Issue 121</b>	<b>Business and Industrial Safeguarding within the Eastern Strategic Development Area: Duns (zEL26- Berwick Road)</b>	
<b>Development plan reference:</b>	Duns Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Duns, page 273)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 SEPA		
<b>Provision of the development plan to which the issue relates:</b>	Duns Settlement Profile, Development and Safeguarding Proposals (zEL26-Berwick Road)	
<b>Planning authority's summary of the representation(s):</b>		
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		
<b>Modifications sought by those submitting representations:</b>		
Addition of Flood Risk Assessment as a site requirement, including investigation of mitigation and whether there are culverted watercourses within/near the site		
<b>Summary of responses (including reasons) by planning authority:</b>		
NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.		
<b>REASONS:</b>		
<p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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." 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</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue: 122</b>	<b>Business and Industrial Safeguarding within the Central Strategic Development Area: Earlston (zEL57 – Mill Road)</b>	
<b>Development plan reference:</b>	Earlston Settlement Profile and Map (pages 278 – 285) – zEL57 (Mill Road)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Business and Industrial Safeguarding allocation in Earlston – zEL57 (Mill Road)	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
<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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 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) (<b>Core Document 076</b> - SEPA Response). The MIR (<b>Core Document 006</b>) 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.”

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:**

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**Reporter’s recommendations:**

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**Core Documents:**

CD006 Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue: 123</b>	<b>Business and Industrial Safeguarding within the Central Strategic Development Area: Earlston (zEL56 - Station Road)</b>	
<b>Development plan reference:</b>	Earlston Settlement Profile and Map (pages 278 – 285) – zEL56 (Station Road)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency 442 Hutton 443 McCall		
<b>Provision of the development plan to which the issue relates:</b>	Business and industrial safeguarding allocation in Earlston – Station Road (zEL56)	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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> 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> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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> The contributor seeks the removal of the business and industrial safeguarding allocation at Station Road (zEL56).</p>		

443 McCall:

The contributor seeks the removal of the business and industrial safeguarding allocation at Station Road (zEL56).

**Summary of responses (including reasons) by planning authority:**

NO CHANGE TO EARLSTON SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

357 Scottish Environment Protection Agency:

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.

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.

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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD006 Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

**Supporting Document:**

SD123-1 Decision Notice for Planning Application 09/00752/FUL

<b>Issue: 124</b>	<b>Business and Industrial Safeguarding within the Central Strategic Development Area: Earlston (zEL55 – Turfford Park)</b>	
<b>Development plan reference:</b>	Earlston Settlement Profile and Map (pages 278 – 285) – zEL55 (Turfford Park)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Business and Industrial Safeguarding allocation in Earlston – zEL55 (Turfford Park)	
<b>Planning authority’s summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
<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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 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) (<b>Core Document 076</b> - SEPA Response). The MIR (<b>Core Document 006</b>) 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.”

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:**

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**Reporter’s recommendations:**

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**Core Documents:**

CD006 Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue: 125</b>	<b>Business and Industrial within the Central Strategic Development Area: Earlston (BEARL002 – Townhead)</b>	
<b>Development plan reference:</b>	Earlston Settlement Profile and Map (pages 278 – 285) – BEARL002 (Townhead)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Business and Industrial site in Earlston – Townhead (BEARL002).	
<b>Planning authority’s summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor requires a Flood Risk Assessment which assesses the risk from the small watercourses which flow along the boundary of the site.		
<b>Summary of responses (including reasons) by planning authority:</b>		
NO CHANGE TO EARLSTON SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN.		
REASONS:		
This site was identified as an employment land allocation within the Consultative Draft Local Plan Amendment 2008 ( <b>Core Document 009</b> , page 63) and the Finalised Local Plan Amendment 2009 ( <b>Core Document 010</b> ) and the site was taken forward into the Scottish Borders Consolidated Local Plan 2011 ( <b>Core Document 007</b> ). 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) ( <b>Core Document 076</b> - SEPA Response). The MIR ( <b>Core Document 006</b> ) 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:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Main Issues Report

CD007 Consolidated Local Plan 2011

CD009 Consultative Draft Local Plan Amendment 2008

CD010 Finalised Local Plan Amendment 2009

CD076 SEPA Main Issues Report Consultation Response

<b>Issue: 126</b>	<b>Earlston Settlement Profile and Map</b>	
<b>Development plan reference:</b>	Earlston Settlement Profile and Map (pages 278 – 285)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
482 Watson		
<b>Provision of the development plan to which the issue relates:</b>	Earlston Settlement Profile and Map	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
<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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO EARLSTON SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS: 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> <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.</p> <p>The issue of developing a distributor road, running parallel and to the south of the</p>		

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:**

**Reporter's recommendations:**

<b>Issue: 127</b>	<b>Housing within the Central Strategic Development Area: Earlston (EEA12B - Earlston Glebe)</b>	
<b>Development plan reference:</b>	Earlston Settlement Profile and Map (pages 278 – 285) – EEA12B (Earlston Glebe)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency 386 Blair 414 Bond		
<b>Provision of the development plan to which the issue relates:</b>	Housing allocation at Earlston Glebe (EEA12B).	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>357 Scottish Environment Protection Agency:</u> The contributor supports site EEA12B as the site requirements include the requirement for a Flood Risk Assessment.</p> <p><u>386 Blair:</u> 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> 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>		
<b>Modifications sought by those submitting representations:</b>		

357 Scottish Environment Protection Agency:

N/A

386 Blair:

The contributor states there are existing issues with traffic along Kidgate and suggests the site be accessed from the High Street or Oakbank Road.

414 Bond:

The contributor seeks the indicative capacity of 25 units for EEA12B to be reduced.

**Summary of responses (including reasons) by planning authority:**

NO CHANGE TO EARLSTON SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN.

**REASONS:**

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.

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.

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.

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 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.

<b>Reporter's conclusions:</b>
<b>Reporter's recommendations:</b>

**Core Documents:**

CD039 Housing Land Audit 2013

<b>Issue: 128</b>	<b>Housing within the Central Strategic Development Area: Earlston (EEA101 - Mill Road)</b>	
<b>Development plan reference:</b>	Earlston Settlement Profile and Map (pages 278 – 285) – EEA101 (Mill Road)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Housing allocation at Mill Road (EEA101) in Earlston.	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor requests that the housing allocation at Mill Road (EEA101) is removed from the Proposed Local Development Plan.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 (<b>Core Document 020</b>, chapter 6, page 7). The site has remained allocated for housing within each of the subsequent plans.</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (<b>Core Document 076</b> - SEPA Response). The MIR (<b>Core Document 006</b>) 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</p>		

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:**

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**Reporter’s recommendations:**

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**Core Documents:**

CD006 Main Issues Report

CD020 Local Plan Inquiry Report 2007

CD076 SEPA Main Issues Report Consultation Response

<b>Issue: 129</b>	<b>Housing within the Central Strategic Development Area: Earlston (EEA200 - Earlston Mill)</b>	
<b>Development plan reference:</b>	Earlston Settlement Profile and Map (pages 278 – 285) – EEA200 (Earlston Mill)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Housing allocation at Earlston Mill (EEA200) in Earlston.	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
<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 help contribute to the objectives of the River Basin Management Plan.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		

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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD006 Main Issues Report

CD020 Local Plan Inquiry Report 2007

CD076 SEPA Main Issues Report Consultation Response

<b>Issue: 130</b>	<b>Housing within the Central Strategic Development Area: Earlston (AEARL013 - East of Georgefield)</b>	
<b>Development plan reference:</b>	Earlston Settlement Profile and Map (pages 278 – 285) – AEARL013 (East of Georgefield)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
496 JS Crawford & Rural Renaissance		
<b>Provision of the development plan to which the issue relates:</b>	East of Georgefield (AEARL013) to be allocated for housing.	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
Site East of Georgefield (AEARL013) should be allocated as a housing site within the Local Development Plan		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 (<b>Core Document 010</b>, page 115) which considered proposals for the potential future development including substantive settlement extensions. This was guided by the Development and Landscape Capacity Study (<b>Core Document 043</b>, 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 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.</p>		

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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD001 SESplan Strategic Development Plan  
CD002 SESplan Supplementary Guidance - Housing Land  
CD010 Finalised Local Plan Amendment 2009  
CD017 Appendix 2 Meeting the Housing Land Requirement - Update  
CD026 Scottish Planning Policy 2014  
CD043 Development and Landscape Capacity Study – Earlston

**Supporting Documents:**

SD130-1 Site Assessment AEARL013 and Map

<b>Issue: 131</b>	<b>Housing within the Central Strategic Development Area: Earlston (AEARL002 - Surplus Land at Earlston High School)</b>	
<b>Development plan reference:</b>	Earlston Settlement Profile and Map (pages 278 – 285) – AEARL002 (Surplus Land at Earlston High School)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Housing allocation in Earlston – AEARL002 (Surplus Land at Earlston High School).	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor requests an additional site requirement be included to help contribute to the objectives of the River Basin Management Plan.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 (<b>Core Document 010</b>) and the site was taken forward into the Scottish Borders Consolidated Local Plan 2011 (<b>Core Document 007</b>). 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) (<b>Core Document 076</b> - SEPA Response). The MIR (<b>Core Document 006</b>) 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.

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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD006 Main Issues Report

CD007 Consolidated Local Plan 2011

CD010 Finalised Local Plan Amendment 2009

CD076 SEPA Main Issues Report Consultation Response

<b>Issue: 132</b>	<b>Housing within the Central Strategic Development Area: Earlston (AEARL010 - East Turfford)</b>	
<b>Development plan reference:</b>	Earlston Settlement Profile and Map (pages 278 – 285) – AEARL010 (East Turfford)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency 496 JS Crawford & Rural Renaissance		
<b>Provision of the development plan to which the issue relates:</b>	Housing allocation AEARL010 (East Turfford).	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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 &amp; Rural Renaissance:</u> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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 &amp; Rural Renaissance:</u> N/A</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO EARLSTON SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS:</p> <p><u>496 JS Crawford &amp; Rural Renaissance:</u> Support noted.</p> <p><u>357 Scottish Environment Protection Agency:</u> 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 (<b>Core Document 010</b>) and the site was taken forward into the Scottish Borders Consolidated Local Plan 2011 (<b>Core Document 007</b>). The site had been subject to public consultation prior to its inclusion in the Plan.</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.

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:**

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**Reporter’s recommendations:**

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**Core Documents:**

CD006 Main Issues Report

CD007 Consolidated Local Plan 2011

CD010 Finalised Local Plan Amendment 2009

CD076 SEPA Main Issues Report Consultation Response

<b>Issue: 133</b>	<b>Housing within the Central Strategic Development Area: Earlston (AEARL011 – Georgefield Site)</b>	
<b>Development plan reference:</b>	Earlston Settlement Profile and Map (pages 278 – 285) – AEARL011 (Georgefield Site)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency 496 JS Crawford & Rural Renaissance		
<b>Provision of the development plan to which the issue relates:</b>	Housing allocation AEARL011 (Georgefield Site).	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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 &amp; Rural Renaissance:</u> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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 &amp; Rural Renaissance:</u> N/A</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO EARLSTON SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS:</p> <p><u>496 JS Crawford &amp; Rural Renaissance:</u> Support noted.</p> <p><u>357 Scottish Environment Protection Agency:</u> 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 (<b>Core Document 010</b>) and the site was taken forward into the Scottish Borders Consolidated Local Plan 2011 (<b>Core Document 007</b>). The site had been subject to public consultation prior to its inclusion in the Plan.</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.

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:**

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**Reporter’s recommendations:**

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**Core Documents:**

- CD006 Main Issues Report
- CD007 Consolidated Local Plan 2011
- CD010 Finalised Local Plan Amendment 2009
- CD076 SEPA Main Issues Report Consultation Response

<b>Issue: 134</b>	<b>Redevelopment within the Central Strategic Development Area: Earlston (zRO12 – Brownlie Yard)</b>	
<b>Development plan reference:</b>	Earlston Settlement Profile and Map (pages 278 – 285) – zRO12 (Brownlie Yard)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Redevelopment Opportunity zRO12 (Brownlie Yard).	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor requests an additional site requirement be included to help contribute to the objectives of the River Basin Management Plan.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 Etrick 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 (<b>Core Document 039</b>, 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) (<b>Core Document 076</b> - SEPA Response). The MIR (<b>Core Document 006</b>) 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.

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:**

**Reporter's recommendations:**

**Core Documents:**

- CD006 Main Issues Report
- CD039 Housing Land Audit 2013
- CD076 SEPA Main Issues Report Consultation Response

**Supporting Document:**

- SD134-1 SEPA Response to Planning Application 06/01535/REM

<b>Issue: 135</b>	<b>Redevelopment within the Central Strategic Development Area: Earlston (REARL001 – Halcombe Fields)</b>	
<b>Development plan reference:</b>	Earlston Settlement Profile and Map (pages 278 – 285) – REARL001 (Halcombe Fields)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Redevelopment Opportunity REARL001 (Halcombe Fields).	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor requests an additional site requirement be included to help contribute to the objectives of the River Basin Management Plan.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 006</b>, page 89). This site is also included within the Scottish Vacant and Derelict Land Survey, under site code EARLST003 (<b>Core Document 040</b>, 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 (<b>Core Document 076</b> - SEPA Response). The MIR (<b>Core Document 006</b>) 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</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Main Issues Report

CD040 Scottish Vacant and Derelict Land Survey 2013

CD076 SEPA Main Issues Report Consultation Response

<b>Issue: 136</b>	<b>Eckford Settlement Profile</b>	
<b>Development plan reference:</b>	Eckford Settlement Profile and Map (pages 289 – 290)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
484 Crailing, Eckford & Nisbet Community Council		
<b>Provision of the development plan to which the issue relates:</b>	Eckford Settlement Profile	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
<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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue 137</b>	<b>Housing outwith the Strategic Development Areas: Eddleston (TE6B – Burnside)</b>	
<b>Development plan reference:</b>	Eddleston Settlement Profile and Map, Site TE6B – Burnside	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Eddleston Housing Land	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
<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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 <b>Core Document 070</b>).</p> <p>This site was first formally allocated within the Scottish Borders Local Plan 2008 (<b>Core Document 008</b>) following the recommendation of the Local Plan Inquiry Reporter (refer to <b>Core Document 020</b> 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 Issues Report (MIR) (<b>Core Document 076</b> SEPA Response). The MIR (<b>Core Document 006</b>) 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>		

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:**

**Reporter's recommendations:**

**Core Documents:**

- CD006 Scottish Borders Main Issues Report
- CD008 Scottish Borders Local Plan 2008
- CD020 Scottish Borders Local Plan Inquiry Report 2007
- CD070 Supplementary Planning Guidance Planning Brief for Burnside, Eddleston
- CD076 SEPA Main Issues Report Consultation Response

<b>Issue: 138</b>	<b>Housing within the Central Strategic Development Area: Ednam (AEDNA002 - West Mill)</b>	
<b>Development plan reference:</b>	Ednam Settlement Profile and Map (pages 295 – 297) – AEDNA002 (West Mill)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
165 AMS Associates Ltd (3 of 3) 456 Stewart		
<b>Provision of the development plan to which the issue relates:</b>	Housing allocation AEDNA002 (West Mill).	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>165 AMS Associates Ltd:</u> 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> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>165 AMS Associates Ltd and 456 Stewart:</u> The contributors seek the removal of the housing allocation at West Mill (EDNA002) in Ednam.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO EDNAM SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS: The site at West Mill was allocated for housing within the Scottish Borders Local Plan 2008 (<b>Core Document 008</b>, 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).</p> <p>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 (<b>Core Document 021</b>, pages 144 - 147) the Reporter was</p>		

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 has been fully assessed (**Supporting Document 138-1**) and it is not envisaged the site will 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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD007 Consolidated Local Plan 2011

CD008 Scottish Borders Local Plan 2008

CD021 Local Plan Amendment Examination: Reporter's Report (September 2010)

CD039 Finalised Housing Land Audit 2013

**Supporting Documents:**

SD138-1 Site Assessment for AEDNA002 and map

<b>Issue: 139</b>	<b>Housing within the Central Strategic Development Area: Ednam (EDNA008 - Site NE of War Memorial)</b>	
<b>Development plan reference:</b>	Ednam Settlement Profile and Map (pages 295 – 297) – AEDNA008 (Site NE of War Memorial)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
456 Stewart		
<b>Provision of the development plan to which the issue relates:</b>	Site NE of War Memorial (AEDNA008) to be allocated for housing.	
<b>Planning authority's summary of the representation(s):</b>		
<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 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>		
<b>Modifications sought by those submitting representations:</b>		

The contributor seeks the allocation of site AEDNA008 as a housing site within the Local Development Plan.

**Summary of responses (including reasons) by planning authority:**

NO CHANGE TO EDNAM SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN.

**REASONS:**

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.

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.

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.

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:**

**Reporter's recommendations:**

**Core Documents:**

CD001 Strategic Development Plan  
CD009 Consultative Draft Scottish Borders Local Plan Amendment  
CD017 Appendix 2 Meeting the Housing Land Requirement – Update  
CD020 Reporters Report Local Plan Inquiry 2007  
CD026 Scottish Planning Policy 2014  
CD039 Housing Land Audit 2013  
CD077 Site Comparison Report

**Supporting Document:**

SD139-1 Site Assessment AEDNA008 and Map

<b>Issue: 140</b>	<b>Housing within the Central Strategic Development Area: Ednam (EDNA009 - Site NE of War Memorial – Large)</b>	
<b>Development plan reference:</b>	Ednam Settlement Profile and Map (pages 295 – 297) – AEDNA009 (Site NE of War Memorial – Large)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
165 AMS Associates Ltd (3 of 3)		
<b>Provision of the development plan to which the issue relates:</b>	Site NE of War Memorial - Large (AEDNA009) to be allocated for housing.	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks the allocation of site AEDNA009 as a housing site within the Local Development Plan		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 (<b>Core Document 009</b>, 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>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</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD001 Strategic Development Plan  
CD009 Consultative Draft Scottish Borders Local Plan Amendment  
CD017 Appendix 2 Meeting the Housing Land Requirement – Update  
CD020 Reporters Report Local Plan Inquiry 2007  
CD026 Scottish Planning Policy 2014

**Supporting Documents:**

SD140-1 Site Assessment AEDNA009 and Map

<b>Issue 141</b>	<b>Housing within the Central Strategic Development Area: Eildon (AEILD002 – West Eildon)</b>	
<b>Development plan reference:</b>	Eildon Settlement Profile and Map (pages 298 – 300) AEILD002 (West Eildon)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation AEILD002 – West Eildon	
<b>Planning authority's summary of the representation(s):</b>		
The contributor seeks a modification of the site requirements to consider cumulative impact of water drainage.		
<b>Modifications sought by those submitting representations:</b>		
The Contributors seeks a modification of the site requirements to consider cumulative impact of water drainage.		
<b>Summary of responses (including reasons) by planning authority:</b>		
NO CHANGE TO THE EILDON SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN		
<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 contributors request is not necessary.</p>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue 142</b>	<b>Development outwith Strategic Development Areas: Proposed settlement boundary - Ellemford (SBELL001)</b>	
<b>Development plan reference:</b>	N/A	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
462 Cranshaws, Ellemford and Longformacus Community Council		
<b>Provision of the development plan to which the issue relates:</b>	Proposed Local Development Plan Volume 2 Settlement Profiles	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
Inclusion of a settlement profile for the village of Ellemford		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO AMENDMENT TO THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.</p> <p>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 that would sustain employment, education or other resident needs.</p> <p>As a result of the discussion above no amendment to the Local Development Plan from that proposed is considered necessary.</p>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		



**Supporting Documents:**

SD142-1 Site Assessment for SBELL001 and Map

<b>Issue 143</b>	<b>Ettrick (Hopehouse) Settlement Profile</b>	
<b>Development plan reference:</b>	Ettrick (Hopehouse) Settlement Profile and Map (pages 301 – 303)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
203 Bernard		
<b>Provision of the development plan to which the issue relates:</b>	Ettrick (Hopehouse) Settlement Profile	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
Modification of the text within the Settlement Profile to reflect the current position.		
<b>Summary of responses (including reasons) by planning authority:</b>		
NO CHANGE TO THE ETTRICK (HOPEHOUSE) SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN		
REASONS: Although the Consolidated Local Plan 2011 ( <b>Core Document 007</b> ) 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.		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

**Core Document:**

CD007 Scottish Borders Consolidated Local Plan 2011

<b>Issue 144</b>	<b>Housing outwith Strategic Development Areas: Ettrick (Hopehouse) (AETTR002 – Hopehouse East)</b>	
<b>Development plan reference:</b>	Ettrick Settlement Profile and Map (pages 301 – 303) AETTR002 – Hopehouse East	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
284 Ettrick & Yarrow CC 357 Scottish Environment Protection Agency 413 G Harrison (2 of 2) 425 F Garton 437 JK Blundell 438 T Hunter		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation AETTR002 – Hopehouse East	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>284 Ettrick &amp; Yarrow CC:</u> 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> 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> 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. 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.</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. 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</p>		

this location. Etrick 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 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:

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:**

**Reporter's recommendations:**

**Core Documents:**

- CD007 Scottish Borders Consolidated Local Plan
- CD010 Scottish Borders Local Plan Amendment 2009
- CD021 Scottish Borders Local Plan Amendment Report of Examination 2010
- CD074 Planning Brief for Ettrick (Hopehouse)

**Supporting Document:**

- SD144-1 Report to Scottish Borders Council Planning and Building Standards Committee December 2011

<b>Issue 145</b>	<b>Housing outwith Strategic Development Areas: Ettrick (Hopehouse) (AETTR003 – Hopehouse West)</b>	
<b>Development plan reference:</b>	Ettrick (Hopehouse) Settlement Profile and Map (pages 301 – 303) AETTR003 – Hopehouse West	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
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		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation AETTR003 – Hopehouse West	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>284 Ettrick &amp; Yarrow CC:</u>  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>  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>  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 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.</p> <p><u>385 Briggs (2 of 3):</u>  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.</p>		

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 Etrick 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 Etrick 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:**

**Reporter's recommendations:**

**Core Documents:**

- CD007 Scottish Borders Consolidated Local Plan
- CD010 Scottish Borders Local Plan Amendment 2009
- CD021 Scottish Borders Local Plan Amendment Report of Examination 2010
- CD074 Planning Brief for Etrick (Hopehouse)

**Supporting Document:**

- SD145-1 Report to Scottish Borders Council Planning and Building Standards Committee December 2011

<b>Issue 146</b>	<b>Housing outwith Strategic Development Areas: Ettrick (Hopehouse) (AETTR004 – Hopehouse North East)</b>	
<b>Development plan reference:</b>	Ettrick (Hopehouse) Settlement Profile and Map (pages 301 – 303) AETTR004 – Hopehouse North East	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency 413 G Harrison (2 of 2) 425 F Garton 437 JK Blundell 438 T Hunter		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation AETTR004 – Hopehouse North East	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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> 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. 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> <p>There is no guarantee of an adequate water supply. If there is none, then why put forward a proposal for 10 dwellings?</p> <p>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.</p>		

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:**

413 G Harrison (2 of 2), 425 F Garton, 437 JK Blundell and 438 T Hunter:

Contributors seek the removal of Housing Allocation AETTR004 – Hopehouse North East 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 AETTR004 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 146-1**) 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 (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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD007 Scottish Borders Consolidated Local Plan  
CD010 Scottish Borders Local Plan Amendment 2009  
CD021 Scottish Borders Local Plan Amendment Report of Examination 2010  
CD074 Planning Brief for Ettrick (Hopehouse)

**Supporting Documents:**

SD146-1 Report to Scottish Borders Council Planning and Development Committee  
December 2011

<b>Issue 147</b>	<b>Housing outwith Strategic Development Areas: Ettrickbridge (METTB001 – Woodend Extension)</b>	
<b>Development plan reference:</b>	Ettrickbridge Settlement Profile and Map – METTB001 – Woodend Extension	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
105 J Henderson		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation in Ettrickbridge - METTB001 – Woodend Extension	
<b>Planning authority's summary of the representation(s):</b>		
The contributor proposes new site (METTB001) for inclusion in the LDP as an extension to the existing cemetery and for residential development.		
<b>Modifications sought by those submitting representations:</b>		
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.		
<b>Summary of responses (including reasons) by planning authority:</b>		
NO CHANGE TO THE ETTRICKBRIDGE SETTLEMENT STATEMENT AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN		
REASONS:		
<b>Proposed Housing Allocation</b>		
<p>Ettrickbridge is located outwith the Central Strategic Development Area set out by the SESplan Strategic Development Plan (SDP). The <b>Core Document 017</b> 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 <b>Core Document 017</b> 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>		
<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.</p>		

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:**

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#### **Reporter’s recommendations:**



**Core Documents:**

CD007 Scottish Borders Consolidated Local Plan 2011

CD010 Scottish Borders Finalised Local Plan Amendment 2009

CD017 Updated Appendix 2 Meeting the Housing Land Requirement

<b>Issue 148</b>	<b>Housing within the Eastern Strategic Development Area: Eyemouth (AEYEM006- Gunsgreenhill Site C)</b>	
<b>Development plan reference:</b>	Eyemouth Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Eyemouth, page 309)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 SEPA		
<b>Provision of the development plan to which the issue relates:</b>	Eyemouth Settlement Profile, Development and Safeguarding Proposals (AEYEM006-Gunsgreenhill Site C)	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
Insertion of a Flood Risk Assessment site requirement		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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>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</p>		

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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 149</b>	<b>Housing within the Eastern Strategic Development Area: Eyemouth (AEYEM007- Gunsgreenhill Site B)</b>	
<b>Development plan reference:</b>	Eyemouth Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Eyemouth, page 309)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 SEPA		
<b>Provision of the development plan to which the issue relates:</b>	Eyemouth Settlement Profile, Development and Safeguarding Proposals	
<b>Planning authority's summary of the representation(s):</b>		
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		
<b>Modifications sought by those submitting representations:</b>		
Insertion of a Flood Risk Assessment site requirement		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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>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>		
<b>Reporter's conclusions:</b>		

<b>Reporter's recommendations:</b>

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 150</b>	<b>Housing within the Eastern Strategic Development Area: Eyemouth (BEY2B- Acredale Farm Cottages)</b>	
<b>Development plan reference:</b>	Eyemouth Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Eyemouth, page 309)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 SEPA		
<b>Provision of the development plan to which the issue relates:</b>	Eyemouth Settlement Profile, Development and Safeguarding Proposals (BEY2B-Acredale Farm Cottages)	
<b>Planning authority's summary of the representation(s):</b>		
State that they require a Flood Risk Assessment which assesses the risk from the North Burn.		
The contributor requests an additional requirement should be included to help contribute to the objectives of the River Basin Management Plan.		
<b>Modifications sought by those submitting representations:</b>		
Insertion of a Flood Risk Assessment site requirement		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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>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</p>		

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:**

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**Reporter's recommendations:**

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**Core Document:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 151</b>	<b>Mixed Use Development within the Eastern Strategic Development Area: Eyemouth (MEYEM001- Gunsgreen Mixed Use)</b>	
<b>Development plan reference:</b>	Eyemouth Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Eyemouth, page 310)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
475 Eyemouth Harbour Trust 202 SportScotland		
<b>Provision of the development plan to which the issue relates:</b>	Eyemouth Settlement Profile, Development and Safeguarding Proposals (MEYEM001- Gunsgreen Mixed Use)	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>475 Eyemouth Harbour Trust:</u> 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> 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>		
<b>Modifications sought by those submitting representations:</b>		
N/A		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE PROPOSED LOCAL DEVELOPMENT FROM THAT PRESENTED</p> <p>REASONS: MEYEM001 is subject to an approved Planning Brief (<b>Core Document 071</b>). 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>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

**Core Document:**

CD071 Supplementary Planning Guidance on Gunsgreenhill, Eyemouth- Planning Brief

<b>Issue 152</b>	<b>Development within the Eastern Strategic Development Area: Eyemouth (zEL63- Eyemouth Industrial Estate and New Site: GEYEM002- Eyemouth Services (Retail))</b>	
<b>Development plan reference:</b>	Eyemouth Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Eyemouth, page 310)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
490 Crabtree and Crabtree		
<b>Provision of the development plan to which the issue relates:</b>	Eyemouth Settlement Profile, Development and Safeguarding Proposals (zEL63- Eyemouth Industrial Estate)	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
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		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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> <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:</p> <p>"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,</p>		

- 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:**

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**Reporter’s recommendations:**

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**Core Document:**

CD050 Scottish Borders Council Retail Capacity Study 2011 (page 14 and 43)

**Supporting Document:**

SD152-1 Site Assessment for GEYEM002 and Map

<b>Issue 153</b>	<b>Redevelopment within the Eastern Strategic Development Area: Eyemouth (REYEM005- Whale Hotel)</b>	
<b>Development plan reference:</b>	Eyemouth Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Eyemouth, page 310)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 SEPA		
<b>Provision of the development plan to which the issue relates:</b>	Eyemouth Settlement Profile, Development and Safeguarding Proposals (REYEM005- Whale Hotel)	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
Insertion of a Flood Risk Assessment site requirement		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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>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.</p> <p>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</p>		

necessary.

**Reporter's conclusions:**

**Reporter's recommendations:**

**Core Document:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 154</b>	<b>Housing outwith the Strategic Development Areas: Fountainhall (AFOUN005 – South Fountainhall)</b>	
<b>Development plan reference:</b>	Fountainhall Settlement Profile and Map, Site AFOUN005 – South Fountainhall	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Fountainhall Housing Land	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks an additional site requirement for a flood risk assessment.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 (<b>Core Document 007</b>). Prior to that the site had been included within the Scottish Borders Finalised Local Plan Amendment 2009 (<b>Core Document 010</b>) 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) (<b>Core Document 076</b> SEPA Response). The MIR (<b>Core Document 006</b>) 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.

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:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD007 Scottish Borders Consolidated Local Plan 2011

CD010 Scottish Borders Finalised Local Plan Amendment 2009

CD069 Supplementary Planning Guidance Planning Brief for South Fountainhall Site, Fountainhall

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 155</b>	<b>Business and Industrial within the Central Strategic Development Area: Galashiels (BGALA002 – Galafoot)</b>	
<b>Development plan reference:</b>	Galashiels Settlement Profile and Map (pages 320 – 331) BGALA002 – Galafoot	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency 476 Health and Safety Executive		
<b>Provision of the development plan to which the issue relates:</b>	Business and Industrial Site BGALA002 – Galafoot	
<b>Planning authority’s summary of the representation(s):</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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> Business and industrial allocation could encroach upon the consultation zone associated with the Dewarton/Selkirk (L02 &amp; L03) Major Accident Hazard Pipeline operated by Scottish Gas Network Ltd.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>357 Scottish Environment Protection Agency:</u> The Contributor seeks the modification of the site requirements to include contributions towards the objectives of the River Basin Management Plan.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 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 currently being undertaken may reduce the risk at this site.</p> <p>However, it is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 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:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 156</b>	<b>Business and Industrial Safeguarding within the Central Strategic Development Area: Galashiels (BGALA003 – Langhaugh)</b>	
<b>Development plan reference:</b>	Galashiels Settlement Profile and Map (pages 320 – 331) (BGALA003 – Langhaugh Business and Industrial Safeguarding)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Business and Industrial site BGALA003 – Langhaugh Business and Industrial Safeguarding	
<b>Planning authority’s summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The Contributor seeks a modification of the site requirements to include a flood risk assessment (FRA) to assess the risk from the Gala Water.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 proposed to mitigate the flood risk.”</p> <p>The Council’s Flood Protection Officer advises that this site is within the 1 in 200 year</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 157</b>	<b>Business and Industrial within the Central Strategic Development Area: Galashiels (BGALA005 – Easter Langlee)</b>	
<b>Development plan reference:</b>	Galashiels Settlement Profile and Map (pages 320 – 331) (BGALA005 – Easter Langlee Renewable Energy Park)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
436 J Hewit		
<b>Provision of the development plan to which the issue relates:</b>	Business and Industrial Site BGALA005 – Easter Langlee	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks a modification of the plan to include land for allocation as a renewable energy park.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 001</b>) 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> <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</p>		

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:**

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**Reporter’s recommendations:**

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**Core Documents:**

CD001 SESPlan Strategic Development Plan

<b>Issue 158</b>	<b>Business and Industrial Safeguarding within the Central Strategic Development Area: Galashiels (zEL40 – Netherdale Industrial Estate)</b>	
<b>Development plan reference:</b>	Galashiels Settlement Profile and Map (pages 320 – 331) (zEL40 – Netherdale Industrial Estate)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency 481 Murray & Burrell Ltd		
<b>Provision of the development plan to which the issue relates:</b>	Business and Industrial Safeguarding - zEL40 – Netherdale Industrial Estate	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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 &amp; Burrell Ltd:</u> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>357 Scottish Environment Protection Agency:</u> The contributor seeks a modification of the site requirements to include a FRA.</p> <p><u>481 Murray &amp; Burrell Ltd:</u> 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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS: <u>357 Scottish Environment Protection Agency:</u> It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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</p>		

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:**

**Reporter’s recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 159</b>	<b>Business and Industrial Safeguarding within the Central Strategic Development Area: Galashiels (zEL41 – Huddersfield Street Mill)</b>	
<b>Development plan reference:</b>	Galashiels Settlement Profile and Map (pages 320 – 331) (zEL41 – Huddersfield Street Mill)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Business and Industrial Safeguarding - zEL41 – Huddersfield Street Mill	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks a modification of site requirements to include FRA.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 proposed to mitigate the flood risk.”</p> <p>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</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 160</b>	<b>Business and Industrial Safeguarding within the Central Strategic Development Area: Galashiels (zEL42 – Wheatlands Road)</b>	
<b>Development plan reference:</b>	Galashiels Settlement Profile and Map (pages 320 – 331) (zEL42 – Wheatlands Road)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Business and Industrial Safeguarding - zEL42 – Wheatlands Road	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks a modification of site requirements to include FRA.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 proposed to mitigate the flood risk."</p> <p>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</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 161</b>	<b>Education within the Central Strategic Development Area: Galashiels (zED2 – Heriot Watt University – Netherdale Campus)</b>	
<b>Development plan reference:</b>	Galashiels Settlement Profile and Map (pages 320 – 331) zED2 – Heriot Watt University – Netherdale Campus	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Education Site - zED2 – Heriot Watt University – Netherdale Campus	
<b>Planning authority’s summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks a modification of site requirements to include FRA.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 proposed to mitigate the flood risk.”</p> <p>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</p>		

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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 162</b>	<b>Galashiels Settlement Profile</b>	
<b>Development plan reference:</b>	Galashiels Settlement Profile and Map (pages 320 – 331)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
327 Scottish Natural Heritage		
<b>Provision of the development plan to which the issue relates:</b>	Galashiels Settlement Statement	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
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.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue 163</b>	<b>Housing within the Central Strategic Development Area: Galashiels (AGALA024 – Easter Langlee Expansion Area)</b>	
<b>Development plan reference:</b>	Galashiels Settlement Profile and Map (pages 320 – 331) AGALA024 – Easter Langlee Expansion Area	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation AGALA024 – Easter Langlee Expansion Area	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
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.		
<b>Summary of responses (including reasons) by planning authority:</b>		
NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN		
This representation is cross referenced with Schedule 4 No 164 relating to Housing Allocation AGALA027 – Birks View Expansion Area		
<b>REASONS:</b>		
It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) ( <b>Core Document 076</b> ). The MIR ( <b>Core Document 006</b> ) 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 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:**

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**Reporter’s recommendations:**

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**Core Documents:**

- CD006 Scottish Borders Main Issues Report
- CD007 Scottish Borders Consolidated Local Plan 2011
- CD008 Scottish Borders Adopted Local Plan 2008
- CD020 Scottish Borders Local Plan Inquiry Report 2007
- CD076 SEPA Main Issues Report Consultation Response

<b>Issue 164</b>	<b>Housing within the Central Strategic Development Area: Galashiels (AGALA027 – Expansion of Birks View)</b>	
<b>Development plan reference:</b>	Galashiels Settlement Profile and Map (pages 320 – 331)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
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		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation AGALA027 – Expansion of Birks View	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>83 G Hamilton:</u> Supports allocation.</p> <p><u>121 A Seaton &amp; K Purves:</u> Object to the proposed allocation on the following grounds:</p> <ul style="list-style-type: none"> <li>•Lack of demand for houses in Birks View</li> <li>•Disruption to existing residents</li> <li>•Increased traffic</li> <li>•Damage to the road and pavements</li> <li>•Lack of alternative routes to Birks View</li> <li>•Ownership of land to the west end of Birks View</li> <li>•Numbering of houses on Birks View.</li> </ul> <p><u>177 Tweed Homes:</u> Contributor supports proposed allocation.</p> <p><u>248 Birks View Residents Association:</u> 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 new development should be of a similar build and design quality to existing.</p> <p><u>331 Lord Devonport:</u> 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.</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

- CD001 SESplan Strategic Development Plan
- CD006 Scottish Borders Main Issues Report
- CD017 Updated Appendix 2 Meeting the Housing Land Requirement
- CD024 Scottish Planning Policy 2010
- CD065 SBC SPG New Housing in the Borders Countryside

<b>Issue 165</b>	<b>Housing within the Central Strategic Development Area: Galashiels (AGALA029 – Netherbarns)</b>	
<b>Development plan reference:</b>	Galashiels Settlement Profile and Map (pages 320 – 331)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
116 Dr S Davies 172 Stavert 334 Ballantyne Ltd 357 Scottish Environment Protection Agency 378 McDevitt 434 Lord Sanderson of Bowden on behalf of The Board of Trustees of The Abbotsford Trust 482 N Watson		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation AGALA029 – Netherbarns	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>116 Dr S Davies:</u>  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>  Object to the proposed allocation on the following grounds:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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".</li> <li>• 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.</li> <li>• 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.</li> <li>• Development of this site would contradict paragraphs 8.7.1, 8.10.1 and 8.10.3 of the</li> </ul>		

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 Lord Sanderson of Bowden on behalf of 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 Lord Sanderson of Bowden on behalf of 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

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 Lord Sanderson of Bowden on behalf of The Board of 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.

**Reporter's conclusions:**

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**Reporter's recommendations:**

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**Core Documents:**

- CD001 SESplan Strategic Development Plan
- CD006 Scottish Borders Main Issues Report
- CD017 Updated Appendix 2 Meeting the Housing Land Requirement
- CD024 Scottish Planning Policy 2010
- CD032 Designing Streets: A Policy Statement for Scotland
- CD033 Designing Places: A Policy Statement for Scotland
- CD059 Placemaking & Design Supplementary Planning Guidance
- CD076 SEPA Main Issues Report Consultation Response

<b>Issue 166</b>	<b>Housing within the Central Strategic Development Area: Galashiels (AGALA030 – Hawthorn Road)</b>	
<b>Development plan reference:</b>	Galashiels Settlement Profile and Map (pages 320 – 331)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
436 J Hewit (2 of 2)		
<b>Provision of the development plan to which the issue relates:</b>	Proposed New Housing Allocation AGALA030 – Hawthorn Road	
<b>Planning authority's summary of the representation(s):</b>		
<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. 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>		
<b>Modifications sought by those submitting representations:</b>		
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.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 001</b>). The <b>Core Document 017</b> 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 <b>Core Document 17</b> 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.</p> <p>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</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

- CD001 SESplan Strategic Development Plan
- CD008 Scottish Borders Local Plan 2008
- CD017 Updated Appendix 2 Meeting the Housing Land Requirement
- CD026 Scottish Planning Policy 2014

<b>Issue 167</b>	<b>Housing within the Central Strategic Development Area: Galashiels (AGALA031 – Damhead, King Street)</b>	
<b>Development plan reference:</b>	Galashiels Settlement Profile and Map (pages 320 – 331)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
481 Murray & Burrell Ltd		
<b>Provision of the development plan to which the issue relates:</b>	Proposed New Housing Allocation AGALA031 – Damhead, King Street	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The Contributor seeks the allocation of the site for residential development of 5 No dwellinghouses.		
<b>Summary of responses (including reasons) by planning authority:</b>		
NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN		
REASONS:		
Galashiels is located within the Central Strategic Development Area set out by the SESplan Strategic Development Plan ( <b>Core Document 001</b> ). The <b>Core Document 017</b> 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 <b>Core Document 017</b> 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 Galashiels.		
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:**

**Reporter’s recommendations:**

**Core Documents:**

CD001 SESplan Strategic Development Plan

CD017 Updated Appendix 2 Meeting the Housing Land Requirement

**Supporting Document:**

SD167-1 Letter from David Green to Michael Burrell (26 January 2011)

<b>Issue 168</b>	<b>Housing within the Central Strategic Development Area: Galashiels (EGL17B – Buckholm Corner)</b>	
<b>Development plan reference:</b>	Galashiels Settlement Profile and Map (pages 320 – 331) EGL17B – Buckholm Corner	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency 481 Murray & Burrell Ltd		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation EGL17B – Buckholm Corner	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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 &amp; Burrell Ltd:</u> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS: <u>357 Scottish Environment Protection Agency:</u> It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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</p>		

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.

<b>Reporter's conclusions:</b>
<b>Reporter's recommendations:</b>

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 169</b>	<b>Housing within the Central Strategic Development Area: Galashiels (EGL19B – Mossilee)</b>	
<b>Development plan reference:</b>	Galashiels Settlement Profile and Map (pages 320 – 331) Housing Allocation EGL19B – Mossilee	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation EGL19B – Mossilee	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
<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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 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.</p> <p>Policy EP15 states the Council's clear position that it will refuse proposals that would</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 170</b>	<b>Housing within the Central Strategic Development Area: Galashiels (EGL32B – Ryehaugh)</b>	
<b>Development plan reference:</b>	Galashiels Settlement Profile and Map (pages 320 – 331) Housing Allocation EGL32B – Ryehaugh	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation EGL32B – Ryehaugh	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
Modification of the site requirements to include a FRA.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 proposed to mitigate the flood risk.”</p> <p>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.</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:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 171</b>	<b>Housing within the Central Strategic Development Area: Galashiels (EGL41 – Buckholm North)</b>	
<b>Development plan reference:</b>	Galashiels Settlement Profile and Map (pages 320 – 331) Housing Allocation EGL41 – Buckholm North	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation EGL41 – Buckholm North	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
<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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 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.</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report  
CD076 SEPA Main Issues Report Consultation Response

<b>Issue 172</b>	<b>Housing within the Central Strategic Development Area: Galashiels (EGL43 – Balmoral Avenue)</b>	
<b>Development plan reference:</b>	Galashiels Settlement Profile and Map (pages 320 – 331) Housing Allocation EGL43 – Balmoral Avenue	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation EGL43 – Balmoral Avenue	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
Modification of the site requirements to include a FRA.		
<b>Summary of responses (including reasons) by planning authority:</b>		
NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN		
REASONS:		
<p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 proposed to mitigate the flood risk."</p> <p>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</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue: 173</b>	<b>Redevelopment within the Central Strategic Development Area: Galashiels (RGALA004 - Bylands)</b>	
<b>Development plan reference:</b>	Galashiels Settlement Profile and Map (pages 320 – 331) – RGALA004 (Bylands)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
396 Eribé		
<b>Provision of the development plan to which the issue relates:</b>	Redevelopment Opportunity in Galashiels RGALA004 – Bylands	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks the removal of the redevelopment opportunity RGALA004 – Bylands from the Proposed Local Development Plan.		
<b>Summary of responses (including reasons) by planning authority:</b>		
NO CHANGE TO GALASHIELS SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN.  REASONS: It should be noted that this regeneration opportunity was included within the Main Issues Report (MIR) ( <b>Core Document 006</b> , 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 ( <b>Core Document 040</b> , page 4).  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.  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.		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

**Core Documents:**

CD006 Main Issues Report

CD040 Scottish Vacant and Derelict Land Survey 2013

<b>Issue 174</b>	<b>Redevelopment within the Central Strategic Development Area: Galashiels (RGALA001 – St Aidans Church)</b>	
<b>Development plan reference:</b>	Galashiels Settlement Profile and Map (pages 320 – 331) (RGALA001 – St Aidans Church)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Redevelopment Site RGALA001 – St Aidans Church	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks a modification of site requirements to include a FRA.		
<b>Summary of responses (including reasons) by planning authority:</b>		
NO CHANGE TO THE GALASHIELS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN		
REASONS:		
<p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 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>		
<b>Reporter's conclusions:</b>		

<b>Reporter's recommendations:</b>

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 175</b>	<b>Redevelopment within the Central Strategic Development Area: Galashiels (RGALA002 – Vacant Buildings at Kirk Brae)</b>	
<b>Development plan reference:</b>	Galashiels Settlement Profile and Map (pages 320 – 331) (RGALA002 – Vacant buildings at Kirk Brae)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Redevelopment Site RGALA002 – Vacant Buildings at Kirk Brae	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks a modification of site requirements to include FRA.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 proposed to mitigate the flood risk.”</p> <p>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.</p>		

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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 176</b>	<b>Redevelopment within the Central Strategic Development Area: Galashiels (zCR2 – Huddersfield Street/Hill Street)</b>	
<b>Development plan reference:</b>	Galashiels Settlement Profile and Map (pages 320 – 331) (zCR2 – Huddersfield Street/Hill Street)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Redevelopment Site zCR2 – Huddersfield Street/Hill Street	
<b>Planning authority’s summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
Modification of site requirements to include FRA		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 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 in site requirements and/or Planning Brief is not necessary.</p>		

<b>Reporter's conclusions:</b>
<b>Reporter's recommendations:</b>

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 177</b>	<b>Redevelopment within the Central Strategic Development Area: Galashiels (zCR3 – Stirling Street)</b>	
<b>Development plan reference:</b>	Galashiels Settlement Profile and Map (pages 320 – 331) (zCR2 – Stirling Street)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Redevelopment Site zCR3 – Stirling Street	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks a modification of site requirements to help contribute to the objectives of the River Basin Management Plan.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 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.</p> <p>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</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 178</b>	<b>Redevelopment within the Central Strategic Development Area: Galashiels (zRO202 – Melrose Road)</b>	
<b>Development plan reference:</b>	Galashiels Settlement Profile and Map (pages 320 – 331) (zRO202 – Melrose Road)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Redevelopment Site – zRO202 – Melrose Road	
<b>Planning authority’s summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks a modification of site requirements/planning brief to include FRA.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 proposed to mitigate the flood risk.”</p> <p>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.</p> <p>Therefore, it is submitted that this matter can be adequately dealt with through the</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 179</b>	<b>Redevelopment within the Central Strategic Development Area: Galashiels (zRO4 – Plumbtreehall Brae)</b>	
<b>Development plan reference:</b>	Galashiels Settlement Profile and Map (pages 320 – 331) (zRO4 – Plumbtreehall Brae)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Redevelopment Site – zRO4 – Plumbtreehall Brae	
<b>Planning authority’s summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks a modification of site requirements to include FRA and contributions towards the objectives of the River Basin Management Plan.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 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</p>		

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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 180</b>	<b>Redevelopment within the Central Strategic Development Area: Galashiels (zRO6 – Roxburgh Street)</b>	
<b>Development plan reference:</b>	Galashiels Settlement Profile and Map (pages 320 – 331) (zRO6 – Roxburgh Street)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency 481 Murray & Burrell Ltd		
<b>Provision of the development plan to which the issue relates:</b>	Redevelopment Site – zRO6 – Roxburgh Street	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>357 Scottish Environment Protection Agency:</u> The contributor supports the inclusion of the requirement for FRA in the site requirements.</p> <p><u>481 Murray &amp; Burrell Ltd:</u> 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"> <li>• 'Old Burns Mill': Redevelopment for flatted residential development of approximately 20 units with potential ancillary retail on ground floor (eg. corner shop/pharmacy).</li> <li>• 'Botany Mill': Redevelopment of existing Mill Building and outbuildings for approximately 25 residential units.</li> </ul>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>481 Murray &amp; Burrell Ltd:</u> 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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 &amp; Burrell Ltd:</u> 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) (<b>Core Document 001</b>). The <b>Core Document 017</b> 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,</p>		

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 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.

**Reporter's conclusions:**

**Reporter's recommendations:**

**Core Documents:**

CD001 SESplan Strategic Development Plan

CD017 Updated Appendix 2 Meeting the Housing Land Requirement

<b>Issue 181</b>	<b>Transportation within the Central Strategic Development Area: Galashiels (zTI1 – Galashiels Interchange)</b>	
<b>Development plan reference:</b>	Galashiels Settlement Profile and Map (pages 320 – 331) (zTI1 – Galashiels Interchange)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Transportation Site zTI1 – Galashiels Interchange	
<b>Planning authority’s summary of the representation(s):</b>		
The contributor requests an additional requirement should be included to help contribute to the objectives of the River Basin Management Plan.		
<b>Modifications sought by those submitting representations:</b>		
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.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 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.</p> <p>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.</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 182</b>	<b>Housing within the Central Strategic Development Area: Gattonside (AGATT007 – St Aidans)</b>	
<b>Development plan reference:</b>	Gattonside Settlement Profile and Map (pages 332 – 335) AGATT007 – St Aidans	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
393 Cameron 453 Simon McAree		
<b>Provision of the development plan to which the issue relates:</b>	Existing Housing Allocation - AGATT007 – St Aidans	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>393 Cameron:</u> The contributor is concerned that the allocated site includes the contributor's existing dwellinghouse and garden ground.</p> <p><u>453 Simon McAree:</u> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>393 Cameron:</u> The contributor seeks a modification of the site boundary to remove the land within her ownership from housing allocation AGATT007 – St Aidans.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NON-SIGNIFICANT CHANGE PROPOSED TO SITE BOUNDARY OF AGATT007 – ST AIDANS TO REMOVE CONTRIBUTORS PROPERTY AND GARDEN GROUND</p> <p>REASONS: <u>393 Cameron:</u> 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 <b>Supporting Document SD182-1</b>). 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.</p>		

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:**

**Reporter's recommendations:**

**Supporting Documents:**

SD182-1 Planning Approval site plan of At Aidan's (09/01043/FUL)

<b>Issue 183</b>	<b>Housing within the Central Strategic Development Area: Gattonside (AGATT011 – Site North of Montgomerie Terrace)</b>	
<b>Development plan reference:</b>	Gattonside Settlement Profile and Map (pages 332 – 335) AGATT011 – North of Montgomerie Terrace	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
272 G Thomas		
<b>Provision of the development plan to which the issue relates:</b>	New Proposed Housing Allocation - AGATT011 – North of Montgomery Terrace	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks the inclusion of this land in the Proposed LDP as an allocation for housing.		
<b>Summary of responses (including reasons) by planning authority:</b>		
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 185 on site AGATT013 (Castlefield/Gateside Meadow).		
<p>REASONS:</p> <p>Gattonside is located within the Central Strategic Development Area set out by the SESplan Strategic Development Plan (SDP) (<b>Core Document 001</b>). The <b>Core Document 017</b> 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 <b>Core Document 017</b> 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 (<b>Core Document 017</b>) of the Proposed LDP. As a result it is not considered that there is any requirement for additional housing sites in Gattonside.</p>		
The consultative draft second stage Local Plan proposed land at Castlefield/Gateside Meadow (AGATT001) ( <b>Supporting Document 183-1 – Gattonside Settlement Map</b> ). 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 ( <b>Core Document 020</b> , 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:**

**Reporter's recommendations:**

**Core Documents:**

- CD001 SESplan Strategic Development Plan
- CD008 Scottish Borders Local Plan 2008
- CD017 Updated Appendix 2 Meeting the Housing Land Requirement
- CD020 Scottish Borders Local Plan Inquiry Report 2007
- CD021 Scottish Borders Local Plan Amendment Report of Examination 2010

**Supporting Document:**

- SD183-1 Gattonside Settlement Map

<b>Issue 184</b>	<b>Housing within the Central Strategic Development Area: Gattonside (AGATT010 – Monkswood Extension)</b>	
<b>Development plan reference:</b>	Gattonside Settlement Profile and Map (pages 332 – 335) AGATT010 – Monkswood Extension	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
496 JS Crawford and Renaissance Limited		
<b>Provision of the development plan to which the issue relates:</b>	Proposed New Housing Allocation - AGATT010 – Monkswood Extension	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The Development boundary of Gattonside should be extended to incorporate the site AGATT010 and it should be formally allocated for housing development.		
<b>Summary of responses (including reasons) by planning authority:</b>		
NO CHANGE TO THE GATTONSIDE SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN		
REASONS:		
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>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 consideration of inclusion and that an exception to this could not be made (<b>Core Document 020</b>).</p>		
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:**

**Reporter's recommendations:**

**Core Document:**

CD020 Scottish Borders Local Plan Amendment Report of Examination 2007

<b>Issue 185</b>	<b>Housing within the Central Strategic Development Area: Gattonside (AGATT013 – Castlefield/Gateside Meadow)</b>	
<b>Development plan reference:</b>	Gattonside Settlement Profile and Map (pages 332 – 335) AGATT013 – Castlefield/Gateside Meadow	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
496 Felsham Planning & Development/JS Crawford and Renaissance Limited		
<b>Provision of the development plan to which the issue relates:</b>	Proposed New Housing Allocation - AGATT013 - Castlefield/Gateside Meadow	
<b>Planning authority's summary of the representation(s):</b>		
<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"> <li>• A transition from the countryside to a densely built core.</li> <li>• The visually dominating line of the main road that bi-sects the village.</li> <li>• Mixed building forms on the flat land south of the B6360.</li> <li>• Tight mixed building on the north of the B6365 rising into the hillside.</li> <li>• Visible new development, largely to the west of the settlement which has a more ordered suburban form.</li> <li>• Large and substantial buildings and groups of buildings on the village periphery or below the settlement boundary.</li> </ul> <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"> <li>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.</li> <li>b) Assisting in diversifying the community, this is the only location which will attract the affluent entrepreneurs.</li> <li>c) Economic benefits from attracting the above.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ol>		

**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 (Monkswood 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:**

**Reporter's recommendations:**

**Core Documents:**

CD001 SESplan Strategic Development Plan  
CD008 Consultative Draft Scottish Borders Local Plan Amendment  
CD017 Updated Appendix 2 Meeting the Housing Land Requirement  
CD020 Scottish Borders Local Plan Inquiry Report 2007  
CD021 Scottish Borders Local Plan Amendment Report of Examination 2010

**Supporting Document:**

SD185-1 Gattonside Settlement Map

<b>Issue 186</b>	<b>Development outwith Strategic Development Areas: Proposed Development Boundary SBGLE001 – Glen Estate</b>	
<b>Development plan reference:</b>	Development Boundary SBGLE001 – Glen Estate	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
298 Glen Estate		
<b>Provision of the development plan to which the issue relates:</b>	Development Boundary Glen Estate	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks a Development Boundary at Glen Estate.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 (<b>Core Document 001</b>) where there is a limited housing land requirement. Outwith the Strategic Development Areas the SESplan Supplementary Guidance on Housing Land (<b>Core Document 002</b>) 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 (<b>Supporting Document 186-1</b>), in summary these are: the Proposed Boundary takes in a large concentration of listed buildings and is 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.</p> <p>The Site Comparison Report (<b>Core Document 077</b>) 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.</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD001 SESplan Strategic Development Plan  
CD002 SESplan Supplementary Guidance on Housing Land  
CD017 Updated Appendix 2 Meeting the Housing Land Requirement  
CD026 Scottish Planning Policy 2014  
CD077 Site Comparison Report

**Supporting Documents:**

SD186-1 Site Assessment for SBGLE001 and Map

<b>Issue 187</b>	<b>Development outwith the Strategic Development Areas: Gordon (AGORD003 - Kelso Road West and RGORD001-East of Station Road)</b>	
<b>Development plan reference:</b>	Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Gordon, pages 339 to 341)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
416 Richard Amos Ltd		
<b>Provision of the development plan to which the issue relates:</b>	Gordon Settlement Profile, Development and Safeguarding Proposals	
<b>Planning authority's summary of the representation(s):</b>		
<ul style="list-style-type: none"> <li>- 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</li> <li>- 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</li> </ul>		
<b>Modifications sought by those submitting representations:</b>		
<ul style="list-style-type: none"> <li>- Addition of a housing site (AGORD003) into the Gordon Settlement Profile</li> <li>- Addition of a mixed use (RGORD001) employment and housing zone into the Gordon Settlement Profile</li> </ul>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 <b>Core Document 017</b> 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 <b>Core Document 017</b> 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 Gordon is required to meet the identified housing requirement.</p> <p>In addition, 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.</p> <p>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</p>		

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 possible 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:**

**Reporter's recommendations:**

**Core Document:**

CD017 Updated Appendix 2 Meeting the Housing Land Requirement

**Supporting Documents:**

SD187-1 Site Assessment for AGORD003 and Map

SD187-2 Site Assessment for RGORD001 and Map

<b>Issue 188</b>	<b>Housing outwith the Strategic Development Areas: Greenlaw (AGREE007 - Greenlaw Poultry Farm)</b>	
<b>Development plan reference:</b>	Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Greenlaw, page 344-348)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
430 Unknown (Acorus Rural Property Services)		
<b>Provision of the development plan to which the issue relates:</b>	Greenlaw Settlement Profile, Development and Safeguarding Proposals	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
Addition of the site AGREE007 into the Greenlaw Settlement Profile within the Local Development Plan		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.</p> <p>REASONS: 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 <b>Core Document 017</b> 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 <b>Core Document 017</b> 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> <p>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.</p>		
<b>Reporter's conclusions:</b>		

<b>Reporter's recommendations:</b>

**Core Document:**

CD017 Updated Appendix 2 Meeting the Housing Land Requirement

**Supporting Document:**

SD188-1 Site Assessment for AGREE007 and Map

<b>Issue 189</b>	<b>Housing outwith the Strategic Development Areas: Greenlaw (AGREE006 - Marchmont Road II)</b>	
<b>Development plan reference:</b>	Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Greenlaw, page 346)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
301 Culham		
<b>Provision of the development plan to which the issue relates:</b>	Greenlaw Settlement Profile, Development and Safeguarding Proposals (AGREE006-Marchmont Road II)	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
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.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.</p> <p>REASONS: 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>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue 190</b>	<b>Development outwith the Strategic Development Areas: Greenlaw (MGREE001- South of Edinburgh Road and SGREE003- Halliburton Road)</b>	
<b>Development plan reference:</b>	Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Greenlaw, page 347)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
416 Richard Amos		
<b>Provision of the development plan to which the issue relates:</b>	Greenlaw Settlement Profile, Development and Safeguarding Proposals (MGREE001- South of Edinburgh Road and SGREE003- Halliburton Road)	
<b>Planning authority's summary of the representation(s):</b>		
<ul style="list-style-type: none"> <li>- 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.</li> <li>- 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.</li> <li>- 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</li> </ul>		
<b>Modifications sought by those submitting representations:</b>		
That the Finalised LDP site 'MGREE001' be deemed inappropriate and that the alternative site 'SGREE003' be brought within the Village Development Plan boundary		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.</p> <p>REASONS:  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 (<b>SD190-1</b>). 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> <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)</p> <p>Greenlaw is located outwith the three Strategic Development Areas set out by the SESplan SDP. The <b>Core Document 017</b> 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 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:**

**Reporter's recommendations:**

**Core Documents:**

CD017 Appendix 2 Update: Meeting the Housing Land Requirement

**Supporting Documents:**

SD190-1 Site Assessment for MGREE001

<b>Issue 191</b>	<b>Mixed Use outwith the Strategic Development Areas: Greenlaw (MGREE003- Extension to Former Duns Road Industrial Site)</b>	
<b>Development plan reference:</b>	Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Greenlaw, page 347)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
306 Marchmont Farms		
<b>Provision of the development plan to which the issue relates:</b>	Greenlaw Settlement Profile, Development and Safeguarding Proposals (MGREE003- Extension to Former Duns Road Industrial Site)	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
Amendment of the allocation from mixed use to a housing allocation		
<b>Summary of responses (including reasons) by planning authority:</b>		
NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.		
<p>REASONS:</p> <p>Greenlaw is located outwith the three Strategic Development Areas set out by the SESplan SDP. The <b>Core Document 017</b> 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 <b>Core Document 017</b> 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> <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 (<b>Supporting Document 191-1</b>)</p> <p>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.</p>		
<b>Reporter's conclusions:</b>		

<b>Reporter's recommendations:</b>

**Core Document:**

CD017 Updated Appendix 2 Meeting the Housing Land Requirement

**Supporting Documents:**

SD191-1 Appendix A - Greenlaw Industrial Requirements, Planning Submission Report, 12/00283/PPP Erection of 11 Dwellinghouses and 6 Business Units, Land West and South East of 15 Edinburgh Road, Greenlaw, Scottish Borders

<b>Issue 192</b>	<b>Key Greenspace: Greenlaw</b>	
<b>Development plan reference:</b>	Greenlaw Settlement Profile and Map, Key Greenspace – GSGREE001	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
381 Greenlaw and Hume Community Council		
<b>Provision of the development plan to which the issue relates:</b>	Greenlaw Key Greenspace	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks site GSGREE001 to be renamed WS Happer Memorial Park.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>AMEND THE SITE NAME OF KEY GREENSPACE SITE GSGREE001 TO "WS HAPPER MEMORIAL PARK". THIS IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL.</p> <p>REASONS: 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>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue 193</b>	<b>Business and Industrial Safeguarding within the Central Strategic Development Area: Hawick (zEL49 - Burnfoot)</b>	
<b>Development plan reference:</b>	Hawick Settlement Profile and Map (pages 349 – 359) zEL49 - Burnfoot	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Business and Industrial Safeguarding – zEL49 - Burnfoot	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks a modification of the site requirements to include a FRA.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 proposed to mitigate the flood risk.”</p> <p>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,</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 194</b>	<b>Business and Industrial Safeguarding within the Central Strategic Development Area: Hawick (zEL50 – Mansfield Road)</b>	
<b>Development plan reference:</b>	Hawick Settlement Profile and Map (pages 349 – 359) zEL50 – Mansfield Road	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Business and Industrial Safeguarding – zEL50 – Mansfield Road	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks a modification of the site requirements to include a FRA.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 proposed to mitigate the flood risk.”</p> <p>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</p>		

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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 195</b>	<b>Business and Industrial Safeguarding within the Central Strategic Development Area: Hawick (zEL52 – Liddesdale Road)</b>	
<b>Development plan reference:</b>	Hawick Settlement Profile and Map (pages 349 – 359) zEL52 - Liddesdale Road	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Business and Industrial Safeguarding – zEL52 - Liddesdale Road	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks a modification of the site requirements to include a FRA.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 proposed to mitigate the flood risk.”</p> <p>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.</p> <p>Therefore, it is submitted that this matter can be adequately dealt with through the</p>		

provisions of the mainstream policy IS8, and that the insertion of the contributor's proposal is not necessary.

**Reporter's conclusions:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 196</b>	<b>Business and Industrial Safeguarding within the Central Strategic Development Area: Hawick (zEL62 – Weensland)</b>	
<b>Development plan reference:</b>	Hawick Settlement Profile and Map (pages 349 – 359) zEL62 - Weensland	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Business and Industrial Safeguarding – zEL62 - Weensland	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks a modification of the site requirements to include a FRA.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 proposed to mitigate the flood risk.”</p> <p>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</p>		

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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 197</b>	<b>Redevelopment within the Central Strategic Development Area: Hawick (zRO8 – Commercial Road)</b>	
<b>Development plan reference:</b>	Hawick Settlement Profile and Map (pages 349 – 359) (zRO8 – Commercial Road)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
477 Wilton Mills Ltd 339 Scottish Government, including Transport Scotland and Historic Scotland 357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Hawick Settlement Map and Redevelopment Site zRO8 – Commercial Road	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>477 Wilton Mills Ltd:</u> Redevelopment site zRO8 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> 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> The contributor supports the requirement for FRA in the Planning Brief.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>477 Wilton Mills Ltd:</u> The Contributor seeks a modification of the town centre boundary to include Redevelopment Site zRO8.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		

477 Wilton Mills Ltd:

This representation also relates to Schedule 4 No 021 on Policy ED3 – Town Centres and Shopping Development.

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.

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.

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.

339 Scottish Government, including Transport Scotland and Historic Scotland:

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.

357 Scottish Environment Protection Agency:

The contributor's support comments noted.

**Reporter's conclusions:**

**Reporter's recommendations:**

**Core Documents:**

CD049 Hawick Retail Capacity Study 2007 – January 2008

CD050 Scottish Borders Retail Capacity Study – September 2011

CD072 Planning Brief for Commercial Road, Hawick – February 2009

<b>Issue 198</b>	<b>Housing within the Central Strategic Development Area: Hawick (AHAWI006 – Guthrie Drive)</b>	
<b>Development plan reference:</b>	Hawick Settlement Profile and Map (pages 349 – 359) AHAWI006 – Guthrie Drive	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation AHAWI006 – Guthrie Drive	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks a modification of the site requirements to include a FRA.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 proposed to mitigate the flood risk.”</p> <p>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.</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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 199</b>	<b>Housing within the Central Strategic Development Area: Hawick (AHAWI013 – Gala Law)</b>	
<b>Development plan reference:</b>	Hawick Settlement Profile and Map (pages 349 – 359) AHAWI013 – Gala Law	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation AHAWI013 – Gala Law	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
<p>The contributor seeks a modification of the site requirements/planning brief to include a FRA.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 proposed to mitigate the flood risk.”</p> <p>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.</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:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 200</b>	<b>Housing within the Central Strategic Development Area: Hawick (RHA12B – Summerfield 1)</b>	
<b>Development plan reference:</b>	Hawick Settlement Profile and Map (pages 349 – 359) RHA12B – Summerfield 1	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation RHA12B – Summerfield 1	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks a modification of the site requirements/planning brief to include a FRA.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 proposed to mitigate the flood risk.”</p> <p>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.</p> <p>Therefore, it is submitted that this matter can be adequately dealt with through the</p>		

provisions of the mainstream policy IS8, and that the insertion of the contributor's proposal is not necessary.

**Reporter's conclusions:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 201</b>	<b>Housing within the Central Strategic Development Area: Hawick (RHA13B – Summerfield 2)</b>	
<b>Development plan reference:</b>	Hawick Settlement Profile and Map (pages 349 – 359) RHA13B – Summerfield 2	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency 370 MacDonald (1 of 1 & 1 of 2)		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation RHA13B – Summerfield 2	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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 &amp; 1 of 2):</u> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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 &amp; 1 of 2):</u> 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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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> <p>REASONS: <u>357 Scottish Environment Protection Agency:</u> It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 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:**

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**Reporter’s recommendations:**

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**Core Documents:**

- CD006 Scottish Borders Main Issues Report
- CD076 SEPA Main Issues Report Consultation Response

<b>Issue 202</b>	<b>Housing within the Central Strategic Development Area: Hawick (RHA25B – Stirches 2)</b>	
<b>Development plan reference:</b>	Hawick Settlement Profile and Map (pages 349 – 359) RHA25B – Stirches 2	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation RHA25B – Stirches 2	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
<p>The contributor seeks a modification of the site requirements/planning brief to include a FRA.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 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>		

<b>Reporter's conclusions:</b>
<b>Reporter's recommendations:</b>

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 203</b>	<b>Longer Term Housing within the Central Strategic Development Area: Hawick (SHAWI003 – Burnfoot Phase 1)</b>	
<b>Development plan reference:</b>	Hawick Settlement Profile and Map (pages 349 – 359) SHAWI003 – Burnfoot Phase 1	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation SHAWI003 – Burnfoot Phase 1	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks a modification of the site requirements to include a FRA.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 proposed to mitigate the flood risk."</p> <p>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</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 204</b>	<b>Housing within the Central Strategic Development Area: Hawick (AHAWI024 – Former Stonefield Quarry)</b>	
<b>Development plan reference:</b>	Hawick Settlement Profile and Map (pages 349 – 359) AHAWI024 – Former Stonefield Quarry	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number:</b>		
373 Cook		
<b>Provision of the development plan to which the issue relates:</b>	Proposed New Housing Site (AHAWI024 – Former Stonefield Quarry)	
<b>Planning authority's summary of the representation(s):</b>		
The contributor proposes site AHAWI024 for inclusion within the Proposed LDP for housing.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks a modification of the Hawick settlement profile to include site AHAWI024 for housing.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 001</b>). The updated Appendix 2 – Meeting the Housing Land Requirement (<b>Core Document 017</b>) 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 <b>Core Document 017</b> 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.</p> <p>The access serving this site is inappropriate for the vehicles associated with housing</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD001 SESplan Strategic Development Plan

CD017 Updated Appendix 2 Meeting the Housing Land Requirement

<b>Issue 205</b>	<b>Redevelopment within the Central Strategic Development Area: Hawick (RHAWI009 – Knitwear Factory)</b>	
<b>Development plan reference:</b>	Hawick Settlement Profile and Map (pages 349 – 359) RHAWI009 – Knitwear Factory	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Redevelopment Opportunity - RHAWI009 – Knitwear Factory	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks a modification of the site requirements to contribute to the objectives of the River Basin Management Plan.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 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.</p> <p>The Council's Floor 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.</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 206</b>	<b>Housing within the Western Strategic Development Area: Innerleithen (AINNE004 – Kirklands / Willowbank II)</b>	
<b>Development plan reference:</b>	Innerleithen Settlement Profile and Map, Site AINNE004 – Kirklands / Willowbank II	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency 388 Barry Horsburgh 392 Thomas Ferguson		
<b>Provision of the development plan to which the issue relates:</b>	Innerleithen Housing Land	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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> 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> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>357 Scottish Environment Protection Agency:</u> The contributor seeks an additional site requirement for a flood risk assessment.</p> <p><u>388 Barry Horsburgh:</u> The contributor seeks an amendment to the site boundary to take account of recent development.</p> <p><u>392 Thomas Ferguson:</u> The contributor seeks removal of site AINNE004 from the Plan.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>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.</p> <p>REASONS: It is noted that the respondents did not respond to the Scottish Borders Main Issues Report (MIR) (for SEPA response refer to <b>Core Document 076</b>). The MIR (<b>Core</b></p>		

**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:**

**Reporter’s recommendations:**

**Core Documents:**

CD001 SESplan Strategic Development Plan  
CD006 Scottish Borders Main Issues Report  
CD007 Scottish Borders Consolidated Local Plan 2011  
CD010 Scottish Borders Finalised Local Plan Amendment 2009  
CD011 Scottish Borders Finalised Local Plan (Dec 2005)  
CD026 Scottish Planning Policy 2014  
CD021 Scottish Borders Local Plan Amendment Examination Report 2010  
CD044 Development and Landscape Capacity Study – Innerleithen  
CD067 Supplementary Planning Guidance Planning Brief for Kirklands  
CD076 SEPA Main Issues Report Consultation Response

**Supporting Documents:**

SD206-1 08/00701/Out – Planning Application Officers Report  
SD206-2 10/01232/Ful Electronic Planning Application Form

<b>Issue 207</b>	<b>Housing within the Western Strategic Development Area: Innerleithen (TI200 – Kirklands / Willowbank)</b>	
<b>Development plan reference:</b>	Innerleithen Settlement Profile and Map, Site TI200 – Kirklands / Willowbank	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency 388 Barry Horsburgh		
<b>Provision of the development plan to which the issue relates:</b>	Innerleithen Housing Land	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>357 Scottish Environment Protection Agency:</u> The contributor supports this site as a flood risk assessment is required in the Planning Brief.</p> <p><u>388 Barry Horsburgh:</u> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>388 Barry Horsburgh:</u> The contributor seeks the amendment of the site boundary to take account of recent development and landscaping which has been put in place.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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: 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 (<b>Core Document CD007</b>). 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 Issues Report (MIR). The MIR (<b>Core Document 006</b>) 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 accepted that as a result of recent development on the southern edge of site TI200 has meant that the site boundary of TI200 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</p>		

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:**

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**Reporter’s recommendations:**

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**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD007 Scottish Borders Consolidated Local Plan 2011

CD067 Supplementary Planning Guidance Planning Brief Kirklands, Innerleithen

**Supporting Documents:**

SD207-1 08/00701/Out – Planning Application Officers Report

<b>Issue 208</b>	<b>Business and Industrial within the Western Strategic Development Area: Innerleithen (zEL16 – Traquair Road East)</b>	
<b>Development plan reference:</b>	Innerleithen Settlement Profile and Map, Site zEL16 – Traquair Road East	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Innerleithen Business and Industrial	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
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.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE BUSINESS AND INDUSTRIAL ALLOCATION zEL16.</p> <p>REASONS: This site is an employment allocation within the Scottish Borders Consolidated Local Plan 2011(<b>Core Document 007</b>). 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) (<b>Core Document 076</b> SEPA Response). The MIR (<b>Core Document 006</b>) 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</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.”*

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:**

**Reporter’s recommendations:**

**Core Documents:**

- CD006 Scottish Borders Main Issues Report
- CD007 Scottish Borders Consolidated Local Plan 2011
- CD076 SEPA Main Issues Report Consultation Response

<b>Issue 209</b>	<b>Business and Industrial Safeguarding within the Western Strategic Development Area: Innerleithen (zEL200 – Traquair Road)</b>	
<b>Development plan reference:</b>	Innerleithen Settlement Profile and Map, Site zEL200 – Traquair Road	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Innerleithen Business and Industrial Safeguarding	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
<p>The contributor seeks an additional site requirement for a flood risk assessment, and that flood resilient and resistant material to be used.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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(<b>Core Document 007</b>). 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) (<b>Core Document 076</b> SEPA Response). The MIR (<b>Core Document 006</b>) 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</p>		

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:**

**Reporter’s recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD007 Scottish Borders Consolidated Local Plan 2011

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 210</b>	<b>Redevelopment within the Western Strategic Development Area: Innerleithen (RINNE002 – Caerlee Mill)</b>	
<b>Development plan reference:</b>	Innerleithen Settlement Profile and Map, Site RINNE002 – Caerlee Mill	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
491 Calder Weir Properties		
<b>Provision of the development plan to which the issue relates:</b>	Innerleithen Redevelopment	
<b>Planning authority's summary of the representation(s):</b>		
<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 &amp; 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>		
<b>Modifications sought by those submitting representations:</b>		
<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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE PROPOSED PLAN.</p> <p>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.</p> <p>Although the site is a brownfield site, the Caerlee Mill is a category 'B' Listed Building (refer to <b>Supporting Document 210-1</b>) and it is envisaged that any redevelopment of the</p>		

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:**

<b>Reporter's recommendations:</b>

**Core Documents:**

CD001 SESplan Strategic Development Plan  
CD002 SESplan Supplementary Guidance - Housing Land  
CD017 Updated Appendix 2 Meeting the Housing Land Requirement  
CD026 Scottish Planning Policy 2014  
CD068 Supplementary Planning Guidance Planning Brief for Caerlee Mill  
CD076 Site Comparison Report

**Supporting Documents:**

SD210-1 Listed Building Description – Caerlee Mill Site (RINNE002)  
SD210-2 11/00977/LBC Listed Building Consent Officers Report  
SD210-3 11/00977/LBC Listed Building Consent Decision Notice  
SD210-4 Historic Scotland Draft SPG Consultation Response  
SD210-5 Site Assessment for RINNE002 and Map

Issue 211	<b>Redevelopment within the Western Strategic Development Area: Innerleithen (zRO9 – High Street Gap Site)</b>	
<b>Development plan reference:</b>	Innerleithen Settlement Profile and Map, Site zRO9 (High Street Gap Site)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Innerleithen Redevelopment	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks an additional site requirement for a flood risk assessment.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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(<b>Core Document 007</b>). 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) (<b>Core Document 076</b> SEPA Response). The MIR (<b>Core Document 006</b>) 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 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> <p>Therefore, it is submitted that this matter can be adequately dealt with through the</p>		

provisions of the mainstream policy IS8, and that the insertion of the contributor's proposal is not necessary.

**Reporter's conclusions:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD007 Scottish Borders Consolidated Local Plan 2011

CD076 SEPA Main Issues Report Consultation Response

Issue 212	<b>Longer Term Housing within the Western Strategic Development Area: Innerleithen (SINNE001 – Kirklands II)</b>	
Development plan reference:	Innerleithen Settlement Profile and Map, Site SINNE001 – Kirklands II	Reporter:
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Innerleithen Longer Term Housing Land	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks an additional site requirement for a flood risk assessment.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 (<b>Core Document 007</b>). The site was first identified within the Scottish Borders Finalised Local Plan Amendment (<b>Core Document 010</b>) and was also considered by the Local Plan Amendment Reporter (refer to <b>Core Document 021</b> 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) (<b>Core Document 076</b> SEPA Response). The MIR (<b>Core Document 006</b>) 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 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> <p>Therefore, it is submitted that this matter can be adequately dealt with through the</p>		

provisions of the mainstream policy IS8, and that the insertion of the contributor's proposal is not necessary.

**Reporter's conclusions:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD007 Scottish Borders Consolidated Local Plan 2011

CD010 Scottish Borders Finalised Local Plan Amendment 2009

CD021 Scottish Borders Local Plan Amendment Examination Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue: 213</b>	<b>Redevelopment within the Western Strategic Development Area: (RINNE001 - Former Gas Works)</b>	
<b>Development plan reference:</b>	Innerleithen Settlement Profile and Map (pages 369 – 375) – RINNE001 (Former Gas Works)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Redevelopment Opportunity at the Former Gas Works (RINNE001) in Innerleithen.	
<b>Planning authority's summary of the representation(s):</b>		
<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 to the development site. As the site will be subjected to flooding, there is a risk of erosion to any 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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor recommends that the redevelopment opportunity at the Former Gas Works (RINNE001) is removed from the Proposed Local Development Plan.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO INNERLEITHEN 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 was initially identified as a redevelopment opportunity within the Main Issues Report (MIR) (<b>Core Document 006</b>, page 96).</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (<b>Core Document 076</b> - SEPA Response). The MIR (<b>Core Document 006</b>) states</p>		

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:**

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**Reporter’s recommendations:**

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**Core Documents:**

CD006 Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue: 214</b>	<b>Business and Industrial Safeguarding within the Central Strategic Development Area: Jedburgh (zEL34 - Bankend South Industrial Estate)</b>	
<b>Development plan reference:</b>	Jedburgh Settlement Profile and Map (pages 376 – 383) – zEL34 (Bankend South Industrial Estate)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Business and industrial safeguarding allocation in Jedburgh – Bankend South Industrial Estate (zEL34)	
<b>Planning authority’s summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
<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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b> - SEPA Response). The MIR (<b>Core Document 006</b>) 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:**

**Reporter’s recommendations:**

**Core Documents:**

CD006 Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue: 215</b>	<b>Business and Industrial Safeguarding within the Central Strategic Development Area: Jedburgh (zEL37 - Bongate North)</b>	
<b>Development plan reference:</b>	Jedburgh Settlement Profile and Map (pages 376 – 383) – zEL37 (Bongate North)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Business and industrial safeguarding allocation in Jedburgh – Bongate North (zEL37)	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
<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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b> - SEPA Response). The MIR (<b>Core Document 006</b>) 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>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue: 216</b>	<b>Business and Industrial Safeguarding within the Central Strategic Development Area: Jedburgh (zEL35 - Bongate South)</b>	
<b>Development plan reference:</b>	Jedburgh Settlement Profile and Map (pages 376 – 383) – zEL35 (Bongate South)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Business and industrial safeguarding allocation in Jedburgh – Bongate South (zEL35)	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
<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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO JEDBURGH SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS:  It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (<b>Core Document 076</b> - SEPA Response). The MIR (<b>Core Document 006</b>) 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</p>		

provisions of the mainstream policy IS8, and that the insertion of the contributor's proposal is not necessary.

**Reporter's conclusions:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue: 217</b>	<b>Business and Industrial Safeguarding within the Central Strategic Development Area: Jedburgh (zEL33 - Edinburgh Road)</b>	
<b>Development plan reference:</b>	Jedburgh Settlement Profile and Map (pages 376 – 383) – zEL33 (Edinburgh Road)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Business and industrial safeguarding allocation in Jedburgh – Edinburgh Road (zEL33)	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
<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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b> - SEPA Response). The MIR (<b>Core Document 006</b>) 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:**

**Reporter’s recommendations:**

**Core Documents:**

CD006 Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue: 218</b>	<b>Housing within the Central Strategic Development Area: Jedburgh (AJEDB013 - Oakieknowe)</b>	
<b>Development plan reference:</b>	Jedburgh Settlement Profile and Map (pages 376 – 383) – AJEDB013 (Oakieknowe)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
253 Jedburgh Community Council		
<b>Provision of the development plan to which the issue relates:</b>	Site at Oakieknowe (AJEDB013) to be allocated for housing.	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
Site at Oakieknowe (AJEDB013) to be allocated as a housing site within the Local Development Plan.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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' (<b>Supporting Document 218-1</b>) 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 Development (<b>Core Document 077</b>) 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.</p> <p>The housing sites allocated within the Proposed Local Development Plan meet the provisions of the SESplan Strategic Development Plan (<b>Core Document 001</b>) and the associated Supplementary Guidance (<b>Core Document 002</b>) in providing land to meet the</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

- CD001 SESplan Strategic Development Plan
- CD002 SESplan Supplementary Guidance – Housing Land
- CD017 Appendix 2: Meeting the Housing Land Requirement - Update
- CD026 Scottish Planning Policy 2014
- CD077 Site Comparison Report

**Supporting Documents:**

- SD218-1 Site Assessment AJEDB013 and Map

<b>Issue: 219</b>	<b>Housing within the Central Strategic Development Area: Jedburgh (AJEDB014 - Riverside Mill 2)</b>	
<b>Development plan reference:</b>	Jedburgh Settlement Profile and Map (pages 376 – 383) – AJEDB014 (Riverside Mill 2)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
408 McDonald		
<b>Provision of the development plan to which the issue relates:</b>	Site at Riverside Mill 2 (AJEDB014) in Jedburgh to be allocated for housing.	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
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).		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 (<b>Core Document 006</b>, 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 allocation would also allow for this use.</p> <p>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.</p>		

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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD001 Strategic Development Plan

CD006 Main Issues Report

CD017 Appendix 2 Meeting the Housing Land Requirement – Update

**Supporting Documents:**

SD219-1 SEPA Response to 10/01555/PPP dated 8 April 2014

SD219-2 SBC's Flooding Protection Officer Response to 10/01555/PPP

SD219-3 Site Assessment and Map – RJEDB002

SD219-4 Site Assessment and Map – AJEDB014

<b>Issue: 220</b>	<b>Housing within the Central Strategic Development Area: Jedburgh (RJ14B – Oxnam Road)</b>	
<b>Development plan reference:</b>	Jedburgh Settlement Profile and Map (pages 376 – 383) – RJ14B (Oxnam Road)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
377 Beaton		
<b>Provision of the development plan to which the issue relates:</b>	Site boundary of housing allocation in Jedburgh - Oxnam Road (RJ14B).	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks the site boundary of RJ14B to be amended to exclude land within their ownership.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO JEDBURGH SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS:  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>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue: 221</b>	<b>Redevelopment within the Central Strategic Development Area: Jedburgh (RJEDB001 – The Anna)</b>	
<b>Development plan reference:</b>	Jedburgh Settlement Profile and Map (pages 376 – 383) – RJEDB001 (The Anna)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Redevelopment Opportunity in Jedburgh – RJEDB001 (The Anna).	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor requests an additional site requirement be included to help contribute to the objectives of the River Basin Management Plan.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 (<b>Core Document 010</b>, page 163-6) and the site was taken forward into the Scottish Borders Consolidated Local Plan 2011 (<b>Core Document 007</b>, 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) (<b>Core Document 076</b> - SEPA Response). The MIR (<b>Core Document 006</b>) 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.

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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD006 Main Issues Report

CD007 Consolidated Local Plan 2011

CD010 Finalised Local Plan Amendment 2009

CD076 SEPA Main Issues Report Consultation Response

<b>Issue: 222</b>	<b>Housing within the Central Strategic Development Area: Jedburgh (RJ27D – Wildcat Cleuch)</b>	
<b>Development plan reference:</b>	Jedburgh Settlement Profile and Map (pages 376 – 383) – RJ27D (Wildcat Cleuch)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Housing allocation in Jedburgh – Wildcat Cleuch (RJ27D).	
<b>Planning authority’s summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
<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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO JEDBURGH SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS:  This housing site was added to the Plan by the Reporter during the Local Plan Inquiry 2007 (<b>Core Document 020</b>, chapter 12 page 25). This allocation has been carried forward into each subsequent Plan including the Consolidated Local Plan 2011 (<b>Core Document 007</b>, 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) (<b>Core Document 076</b> - SEPA Response). The MIR (<b>Core Document 006</b>) 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 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:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Main Issues Report

CD007 Scottish Borders Consolidated Local Plan 2011

CD020 Scottish Borders Local Plan Inquiry Report 2007

CD076 SEPA Main Issues Report Consultation Response

<b>Issue: 223</b>	<b>Housing within the Central Strategic Development Area: Jedburgh (AJEDB005 – Wildcat Gate South)</b>	
<b>Development plan reference:</b>	Jedburgh Settlement Profile and Map (pages 376 – 383) – AJEDB005 (Wildcat Gate South)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency 436 Hewit (2 of 2)		
<b>Provision of the development plan to which the issue relates:</b>	Site boundary of housing allocation at Wildcat Gate South (AJEDB005).	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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> The contributor supports the retention of site AJEDB005 for the development of 20 residential dwellings.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>357 Scottish Environment Protection Agency:</u> The contributor requires a Flood Risk Assessment assess the risk of flooding.</p> <p><u>436 Hewit (2 of 2):</u> N/A</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO JEDBURGH SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS: <u>436 Hewit (2 of 2):</u> Support noted.</p> <p><u>357 Scottish Environment Protection Agency:</u> This site was identified as a housing allocation within the Consultative Draft Local Plan Amendment (<b>Core Document 009</b>, page 104) and the Finalised Local Plan Amendment 2009 (<b>Core Document 010</b>, page 166) and the site was taken forward into the Scottish Borders Consolidated Local Plan 2011 (<b>Core Document 007</b>). 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) (<b>Core Document 076</b> - SEPA Response). The MIR (<b>Core Document 006</b>) 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</p>		

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:**

**Reporter’s recommendations:**

**Core Documents:**

CD006 Main Issues Report

CD007 Consolidated Local Plan 2011

CD009 Consultative Draft Local Plan Amendment 2008

CD010 Finalised Local Plan Amendment 2009

CD076 SEPA Main Issues Report Consultation Response

<b>Issue: 224</b>	<b>Retail within the Central Strategic Development Area: Jedburgh (GJEDB001 - Edinburgh Road Retail - Large)</b>	
<b>Development plan reference:</b>	Jedburgh Settlement Profile and Map (pages 376 – 383) – GJEDB001 (Edinburgh Road Retail - Large)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
013 Hewit		
<b>Provision of the development plan to which the issue relates:</b>	Edinburgh Road Retail - Large (GJEDB001) to be allocated for Class 1 retail use.	
<b>Planning authority's summary of the representation(s):</b>		
The contributor objects to the non-inclusion of GJEDB001 (Edinburgh Road Retail - Large) as an allocated food retail site within the Proposed Plan.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks the allocation of site GJEDB001 for Class 1 retail use within the Local Development Plan.		
<b>Summary of responses (including reasons) by planning authority:</b>		
NO CHANGE TO JEDBURGH SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN.		
<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>		
<b>REASONS:</b>		
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.		
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.		
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.		
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.		

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 northernmost 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:**

**Reporter's recommendations:**

**Core Documents:**

CD038 Employment Land Audit 2013

CD050 Scottish Borders Retail Capacity Study 2011

**Supporting Documents:**

SD224-1 Officer Report for 10/01201/PPP, 11/01121/PPP and 11/01455/PPP

SD224-2 Site Assessment for GJEDB001 and Map

<b>Issue: 225</b>	<b>Retail within the Central Strategic Development Area: Jedburgh (GJEDB002 - Bankend South Retail)</b>	
<b>Development plan reference:</b>	Jedburgh Settlement Profile and Map (pages 376 – 383) – GJEDB002 (Bankend South Retail)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
013 Hewit		
<b>Provision of the development plan to which the issue relates:</b>	Bankend South Retail (GJEDB002) to be allocated for class 1 retail use.	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks the allocation of site GJEDB002 for Class 1 retail use within the Local Development Plan.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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: 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 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. 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.</p>		

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 sites for retail use (**Supporting Document 225-1**). 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:**

**Reporter’s recommendations:**



**Core Documents:**

CD038 Employment Land Audit 2013

CD050 Scottish Borders Retail Capacity Study 2011

**Supporting Documents:**

SD225-1 Site Assessment for GJEDB002 and Map

<b>Issue: 226</b>	<b>Development within the Central Strategic Development Area: Jedburgh (zEL33 – Edinburgh Road) (GJEDB003 - Edinburgh Road Retail - Small)</b>	
<b>Development plan reference:</b>	Jedburgh Settlement Profile and Map (pages 376 – 383) – zEL33 (Edinburgh Road) and GJEDB003 (Edinburgh Road Retail - Small)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
490 Crabtree & Crabtree (1 of 2)		
<b>Provision of the development plan to which the issue relates:</b>	Edinburgh Road (zEL33) to be replaced with Edinburgh Road Retail - Small (GJEDB003)	
<b>Planning authority's summary of the representation(s):</b>		
<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 potion 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 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</p>		

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.

**Modifications sought by those submitting representations:**

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.

**Summary of responses (including reasons) by planning authority:**

NO CHANGE TO JEDBURGH SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN.

*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.*

**REASONS:**

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.

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.

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.

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.

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.

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:**

**Reporter's recommendations:**

**Core Documents:**

CD038 Employment Land Audit 2013  
CD050 Scottish Borders Retail Capacity Study 2011

**Supporting Documents:**

SD226-1 Site Assessment for GJEDB003 and Map

<b>Issue: 227</b>	<b>Business and Industrial Safeguarding in the Central Strategic Development Area: Kelso (BKELS005 – Pinnaclehill Industrial Estate)</b>	
<b>Development plan reference:</b>	Kelso Settlement Profile and Map (pages 384 – 393) – BKELS005 (Pinnaclehill Industrial Estate)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Business and Industrial Safeguarding in Kelso BKELS005 (Pinnaclehill Industrial Estate).	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor requires a Flood Risk Assessment to assess the risk of flooding.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 (<b>Core Document 009</b>, 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) (<b>Core Document 076</b> - SEPA Response). The MIR (<b>Core Document 006</b>) 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 proposed to mitigate the flood risk.”</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:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Main Issues Report

CD009 Consultative Draft Local Plan Amendment 2008

CD076 SEPA Main Issues Report Consultation Response

<b>Issue: 228</b>	<b>Business and Industrial in the Central Strategic Development Area: Kelso (zEL206 – Extension to Pinnaclehill Industrial Estate)</b>	
<b>Development plan reference:</b>	Kelso Settlement Profile and Map (pages 384 – 393) – zEL206 (Extension to Pinnaclehill Industrial Estate)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Business and Industrial site in Kelso zEL206 (Extension to Pinnaclehill Industrial Estate).	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
<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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 (<b>Core Document 020</b>, chapter 13 page 39). This allocation has been carried forward into each subsequent Plan including the Consolidated Local Plan 2011 (<b>Core Document 007</b>, 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) (<b>Core Document 076</b> - SEPA Response). The MIR (<b>Core Document 006</b>) 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 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:**

**Reporter's recommendations:**

**Core Documents:**

- CD006 Main Issues Report
- CD007 Scottish Borders Consolidated Local Plan 2011
- CD020 Scottish Borders Local Plan Inquiry Report 2007
- CD076 SEPA Main Issues Report Consultation Response

<b>Issue: 229</b>	<b>Business and Industrial in the Central Strategic Development Area: Kelso (BKELS003 – Wooden Linn)</b>	
<b>Development plan reference:</b>	Kelso Settlement Profile and Map (pages 384 – 393) – BKELS003 (Wooden Linn)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Business and Industrial site in Kelso BKELS003 (Wooden Linn).	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
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.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 (<b>Core Document 009</b>, page 106) and the Finalised Local Plan Amendment 2009 (<b>Core Document 010</b>, 169). The site was taken forward into the Scottish Borders Consolidated Local Plan 2011 (<b>Core Document 007</b>, 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) (<b>Core Document 076</b> - SEPA Response). The MIR (<b>Core Document 006</b>) 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 Local Development Plan makes adequate policy provision to ensure that any proposals are subject to proper assessment in relation</p>		

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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD006 Main Issues Report

CD007 Consolidated Local Plan 2011

CD009 Consultative Draft Local Plan Amendment 2008

CD010 Finalised Local Plan Amendment 2009

CD076 SEPA Main Issues Report Consultation Response

<b>Issue: 230</b>	<b>Housing within the Central Strategic Development Area: Kelso (AKELS021 – Nethershot)</b>	
<b>Development plan reference:</b>	Kelso Settlement Profile and Map (pages 384 – 393) – AKELS021 (Nethershot) and Appendix 3: Supplementary Guidance and Standards (pages 161 – 168)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
332 Lord Kerr, Ferniehirst Trust, Roxburghe Estates		
<b>Provision of the development plan to which the issue relates:</b>	The requirement for a Planning Brief for Nethershot (AKELS021) within the site requirements and Appendix 3.	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
Remove reference to the requirement for a Planning Brief for Nethershot (AKELS021) within the site requirements and within Appendix 3: Supplementary Guidance and Standards.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 site.</p> <p>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.</p>		

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue: 231</b>	<b>Longer Term Housing within the Central Strategic Development Area: Kelso (SKELS004 – Nethershot Longer Term)</b>	
<b>Development plan reference:</b>	Kelso Settlement Profile and Map (pages 384 – 393) – SKELS004 (Nethershot Longer Term)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
332 Lord Kerr, Ferniehirst Trust, Roxburghe Estates		
<b>Provision of the development plan to which the issue relates:</b>	Longer term housing site SKELS004 (Nethershot Longer Term)	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
Remove 'subject to review' in reference to the longer term housing site SKELS004 (Nethershot – Longer Term).		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 (<b>Core Document 009</b>, page 108) and the Finalised Local Plan Amendment (<b>Core Document 010</b>, page 172) under site code SKELS001. The site was then carried forward into the adopted Consolidated Local Plan (<b>Core Document 007</b>, page 380).</p> <p>Within the Main Issues Report (<b>Core Document 006</b>, page 73) and Proposed Local Development Plan part of this potential longer term site has been brought forward as 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).</p> <p>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</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

- CD006 Main Issues Report
- CD007 Consolidated Local Plan
- CD009 Consultative Draft Local Plan Amendment
- CD010 Finalised Local Plan Amendment

<b>Issue: 232</b>	<b>Housing within the Central Strategic Development Area: Kelso (RKE12B – Rosebank 2)</b>	
<b>Development plan reference:</b>	Kelso Settlement Profile and Map (pages 384 – 393) – RKE12B (Rosebank 2)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Housing allocation in Kelso – Rosebank 2 (RKE12B).	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor requests an additional requirement should be included for this site to help contribute to the objectives of the River Basin Management Plan.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 (<b>Core Document 007</b>, pages 375-381).</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (<b>Core Document 076</b> - SEPA Response). The MIR (<b>Core Document 006</b>) 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.

**Reporter's conclusions:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Main Issues Report

CD007 Consolidated Local Plan 2011

CD076 SEPA Main Issues Report Consultation Response

<b>Issue: 233</b>	<b>Redevelopment within the Central Strategic Development Area: Kelso (RKELS002 – Former Kelso High School)</b>	
<b>Development plan reference:</b>	Kelso Settlement Profile and Map (pages 384 – 393) – RKELS002 (Former Kelso High School)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency 429 McGuigan		
<b>Provision of the development plan to which the issue relates:</b>	Redevelopment Opportunity at Former Kelso High School, Kelso - RKELS002.	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>357 Scottish Environment Protection Agency:</u> The contributor supports the site.</p> <p><u>429 McGuigan:</u> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>357 Scottish Environment Protection Agency:</u> N/A</p> <p><u>429 McGuigan:</u> The contributor seeks the site to be identified as a housing or recreational allocation.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO KELSO SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS: 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 requirements for RKELS002, it is considered that a variety of uses may be appropriate for the site.</p> <p>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.</p> <p>The site assessment for RKELS002 (<b>Supporting Document 233-1</b>) found the site to be an appropriate brownfield redevelopment opportunity and provides a range of</p>		

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:**

**Reporter's recommendations:**

**Supporting Documents:**

SD233 -1 Site Assessment RKELS002 and Map

<b>Issue 234</b>	<b>Housing outwith the Strategic Development Areas: Lauder (ALAUD001 – West Allanbank)</b>	
<b>Development plan reference:</b>	Lauder Settlement Profile and Map, Site ALAUD001 – West Allanbank	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Lauder Housing Land	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks an additional site requirement to require the development layout to minimise risk of nuisance from co-location.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 (<b>Core Document 007</b>) following the recommendation of the Local Plan Amendment Examination Reporter (refer to <b>Core Document 021</b> 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) (<b>Core Document 076</b> SEPA Response). The MIR (<b>Core Document 006</b>) 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>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</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

- CD006 Scottish Borders Main Issues Report
- CD007 Scottish Borders Consolidated Local Plan 2011
- CD021 Scottish Borders Local Plan Amendment Examination Report 2010
- CD026 Scottish Planning Policy 2014
- CD076 SEPA Main Issues Report Consultation Response

<b>Issue 235</b>	<b>Housing outwith the Strategic Development Areas: Lauder (ELA12B – Wyndhead II)</b>	
<b>Development plan reference:</b>	Lauder Settlement Profile and Map, Site ELA12B – Wyndhead II	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
389 Brian Martin 390 Dr Connie Martin 397 Iain S Campbell		
<b>Provision of the development plan to which the issue relates:</b>	Lauder Housing Land	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>389 Brian Martin:</u> 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> 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. 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> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>389 Brian Martin:</u> 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> 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>		

The contributor seeks additional information on how the site may be developed.

**Summary of responses (including reasons) by planning authority:**

NO CHANGE TO THE HOUSING ALLOCATION ELA12B.

**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) (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**).

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 "*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 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.

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.

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:**

**Reporter's recommendations:**

**Core Documents:**

- CD006 Scottish Borders Main Issues Report
- CD007 Scottish Borders Consolidated Local Plan 2011
- CD008 Scottish Borders Local Plan 2008
- CD018 Key Greenspace Technical Note
- CD020 Scottish Borders Local Plan Inquiry Report 2007
- CD038 Scottish Borders Housing Land Audit 2013
- CD062 Supplementary Planning Guidance on Green Space

**Supporting Documents:**

- SD235-1 Lauderdale Community Council Response to Main Issues Report

<b>Issue 236</b>	<b>Business and Industrial Safeguarding outwith the Strategic Development Areas: Lauder (zEL61 – Lauder Industrial Estate)</b>	
<b>Development plan reference:</b>	Lauder Settlement Profile and Map, Site zEL61 – Lauder Industrial Estate	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Lauder Business and Industrial Safeguarding	
<b>Planning authority's summary of the representation(s):</b>		
<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 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.</p>		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks an additional site requirement for a flood risk assessment.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 <b>Core Document CD007</b>). 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) (<b>Core Document 076</b> SEPA Response). The MIR (<b>Core Document 006</b>) 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</p>		

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:**

**Reporter’s recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD007 Scottish Borders Consolidated Local Plan 2011

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 237</b>	<b>Business and Industrial outwith the Strategic Development Areas: Lauder (BLAUD002 – North Lauder Industrial Estate)</b>	
<b>Development plan reference:</b>	Lauder Settlement Profile and Map, Site BLAUD002 - North Lauder Industrial Estate	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency 470 E Maitland-Carew Esq		
<b>Provision of the development plan to which the issue relates:</b>	Lauder Business and Industrial	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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 Esq:</u> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>357 Scottish Environment Protection Agency:</u> The contributor seeks an additional site requirement for a flood risk assessment.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE BUSINESS AND INDUSTRIAL ALLOCATION BLAUD002.</p> <p>REASONS: 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 Scottish Borders Main Issues Report (MIR) (<b>Core Document 076</b> SEPA Response). The MIR (<b>Core Document 006</b>) 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>The site was previously considered by the Local Plan Amendment Examination Reporter (refer to <b>Core Document 021</b> (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</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report  
CD021 Scottish Borders Local Plan Amendment Examination Report 2010  
CD076 SEPA Main Issues Report Consultation Response

**Supporting Documents:**

SD237-1 10/00170/Ful Decision Notice

<b>Issue 238</b>	<b>Redevelopment outwith the Strategic Development Areas: Lauder (RLAUD002 – Burnmill)</b>	
<b>Development plan reference:</b>	Lauder Settlement Profile and Map, Site RLAUD002 – Burnmill	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Lauder Redevelopment	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks an additional requirement should be included for this site to help contribute to the objectives of the River Basin Management Plan.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 (<b>Core Document 007</b>). The site was included within the Finalised Local Plan Amendment 2009 (refer to <b>Core Document 010</b>) 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) (<b>Core Document 076</b> SEPA Response). The MIR (<b>Core Document 006</b>) 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 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.

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:**

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**Reporter's recommendations:**

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**Core Documents:**

- CD006 Scottish Borders Main Issues Report
- CD007 Scottish Borders Consolidated Local Plan 2011
- CD010 Scottish Borders Finalised Local Plan Amendment 2009
- CD076 SEPA Main Issues Report Consultation Response

<b>Issue 239</b>	<b>Longer Term Housing outwith the Strategic Development Areas: Lauder (SLAUD001 – Lauder South)</b>	
<b>Development plan reference:</b>	Lauder Settlement Profile and Map, Site SLAUD001 – Lauder South	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
470 E Maitland-Carew Esq		
<b>Provision of the development plan to which the issue relates:</b>	Lauder Longer Term Housing	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks the identification of site SLAUD001 for Longer Term Housing.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 (<b>Core Document 031</b>) (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 <b>Core Document 020</b> Scottish Borders Local Plan Inquiry Report) (pages 10-17 to 10-19 (site reference ELA10D) for location of site ELA10D refer to map – <b>Supporting Document 239-1</b>). In addition at that time within the Scottish Borders Finalised Local Plan (2005) (refer to <b>Core Document 011</b>) 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> <p>Within the Inquiry Report (<b>Core Document 020</b> 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”.</p> <p>Following consideration by the Inquiry Reporter, the Reporter recommended (<b>Core Document 020</b> Page 10-19) that the longer term text within the Finalised Local Plan be</p>		

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:**

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**Reporter’s recommendations:**

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**Core Documents:**

- CD011 Scottish Borders Finalised Local Plan (Dec 2005)
- CD020 Scottish Borders Local Plan Inquiry Report 2007
- CD031 Circular 6/2013 Development Planning
- CD045 Development and Landscape Capacity Study – Lauder

**Supporting Documents:**

- SD239-1 Map of site ELA10D
- SD239-2 Site Assessment for SLAUD001 and Map

<b>Issue 240</b>	<b>Housing outwith the Strategic Development Areas: Leitholm (BLE2B- Main Street)</b>	
<b>Development plan reference:</b>	Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Leitholm, p403)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
419 Unknown (Strutt and Parker)		
<b>Provision of the development plan to which the issue relates:</b>	Leitholm Settlement Profile, Development and Safeguarding Proposals (BLE2B- Main Street)	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
Deletion of the site requirement "It is intended that a Planning Brief in the form of Supplementary Guidance will be produced for this site"		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.</p> <p>REASONS: 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>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue 241</b>	<b>Development outwith the Strategic Development Areas: Lennel (ALENN001- Land North West of A6112 and Proposed Lennel Settlement boundary)</b>	
<b>Development plan reference:</b>	N/A	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
310 Sir Ilay Campbell Estate		
<b>Provision of the development plan to which the issue relates:</b>	Proposed Local Development Plan Volume 2 Settlement Profiles	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
<ul style="list-style-type: none"> <li>- Inclusion of ALENN001 within Lennel as a settlement within the Local Development Plan.</li> <li>- Include a settlement boundary for Lennel and a settlement profile with proposals for Lennel's consolidation</li> </ul>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 <b>Core Document 017</b> 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 <b>Core Document 017</b> 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 Lennel is required to meet the identified housing requirement.</p> <p>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 (<b>Core Document 020</b>: page 11-26 to 11-27), which dealt with a very similar site (<b>Supporting Document 241-1</b>). 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,</p>		

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:**

**Reporter’s recommendations:**

**Core Documents:**

CD017 Appendix 2 Update: Meeting the Housing Land Requirement  
CD020 Town and Country Planning (Scotland) Act 1997 Scottish Borders Local Plan, Report into Objections to the Finalised Local Plan, Volume 3: Chapters 7-11 North and South Tweeddale Housing Market Areas, North Ettrick and Lauderdale Housing Market Area and Berwickshire Housing Market Area (pages 11-26-11-27)

**Supporting Documents:**

SD241-1 Map of Site Excluded at Local Plan Inquiry SBLEN001  
SD241-2 Site Assessment for ALENN001 and Map

<b>Issue 242</b>	<b>Housing within the Central Strategic Development Area: Lilliesleaf (EL16B – Muselie Drive)</b>	
<b>Development plan reference:</b>	Lilliesleaf Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, pages 405 – 408)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
447 Lilliesleaf, Ashkirk and Midlem Community Council 481 Murray & Burrell Ltd		
<b>Provision of the development plan to which the issue relates:</b>	Volume 2 Settlement Profiles, Lilliesleaf, Housing allocation EL16B – Muselie Drive	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>447 Lilliesleaf, Ashkirk and Midlem Community Council:</u> 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 &amp; Burrell Ltd:</u> Support the continued allocation of the site for residential development.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>447 Lilliesleaf, Ashkirk and Midlem Community Council:</u> Addition of site requirement referring to possible flood risk</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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> 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> <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.</p> <p><u>481 Murray &amp; Burrell Ltd:</u> The contributor's comments are noted.</p> <p>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.</p>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue 243</b>	<b>Development outwith the Strategic Development Areas: Longformacus (Conservation Area; number of listed buildings; potential limited housing; flood risk of Dye Water)</b>	
<b>Development plan reference:</b>	Longformacus Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Longformacus, page 409-411)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
462 Cranshaws, Ellemford & Longformacus Community Council		
<b>Provision of the development plan to which the issue relates:</b>	Longformacus Settlement Profile	
<b>Planning authority's summary of the representation(s):</b>		
<ul style="list-style-type: none"> <li>- 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</li> <li>- 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</li> <li>- Stated a small amount of sensitive, small scale housing development within the settlement would be welcomed</li> </ul>		
<b>Modifications sought by those submitting representations:</b>		
<ul style="list-style-type: none"> <li>- Creation of a Conservation Area for Longformacus within the Local Development Plan</li> <li>- Correction of listed building numbers within the Placemaking Considerations of the Settlement Profile</li> <li>- Correction of mention of flood risk of Dye Water</li> </ul>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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> <p>REASONS:</p> <p>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</p> <p>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.</p> <p>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</p> <p>The SEPA Flood Risk Management Maps confirm that the Dye Water is at 'High' risk of</p>		

river flooding. These can be accessed on SEPA's website but are not available for reproduction.

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:**

**Reporter's recommendations:**

<b>Issue 244</b>	<b>Key Greenspace - Longformacus</b>	
<b>Development plan reference:</b>	Longformacus Settlement Profile and Map, Key Greenspace	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
462 Cranshaws, Ellemford & Longformacus Community Council		
<b>Provision of the development plan to which the issue relates:</b>	Longformacus Key Greenspace	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks the identification of two new Key Greenspaces - the Old Kirk Graveyard and the New Graveyard outwith the Development Boundary		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 006</b>) 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 (<b>Core Document 018</b>) 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> <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>" 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</p>		

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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD018 Key Greenspaces Technical Note

CD062 Supplementary Planning Guidance on Greenspace

<b>Issue 245</b>	<b>Housing within Central Strategic Development Area: Melrose (EM32B – Dingleton Hospital)</b>	
<b>Development plan reference:</b>	Melrose Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Melrose, page 416)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency 398 White		
<b>Provision of the development plan to which the issue relates:</b>	Volume 2 Settlement Profiles, Melrose, Housing Allocation EM32B – Dingleton Hospital	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>357 Scottish Environment Protection Agency:</u> The contributor seeks a modification of the site requirements to include a FRA.</p> <p><u>398 White:</u> The contributor seeks a modification of the allocation to remove the existing woodland.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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> <p><u>357 Scottish Environment Protection Agency:</u> It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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.”

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:**

**Reporter’s recommendations:**

**Core Documents:**

- CD006 Scottish Borders Main Issues Report
- CD076 SEPA Main Issues Report Consultation Response

<b>Issue 246</b>	<b>Housing within Central Strategic Development Area: Melrose (EM4B – The Croft)</b>	
<b>Development plan reference:</b>	Melrose Settlement Profile and Map (pages 415 – 418) EM4B – The Croft	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation – EM4B – The Croft	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
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.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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.</p> <p>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</p>		

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 Floor 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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 247</b>	<b>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)</b>	
<b>Development plan reference:</b>	Proposed Local Development Plan, Volume 2 Settlement Profiles, Midlem (Pages 419 – 421)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
447 Lilliesleaf, Ashkirk and Midlem Community Council 206 J & D Hedges 384 Purves		
<b>Provision of the development plan to which the issue relates:</b>	Volume 2 Settlement Profiles, Midlem	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>447 Lilliesleaf, Ashkirk and Midlem Community Council:</u> Content with proposals.</p> <p><u>206 J &amp; D Hedges:</u> 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. 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> 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"> <li>• Erection of a bed and breakfast establishment to support local employment in the area and would attract tourists to the area;</li> <li>• Erection of four affordable dwellinghouses. These would help meet the needs of the community;</li> <li>• The existing natural boundary of mature trees would be reinforced with further new planting.</li> <li>• The access road would be brought up to an adoptable standard.</li> </ul>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>206 J &amp; D Hedges:</u> The contributor seeks a modification of the settlement boundary.</p> <p><u>384 Purves:</u> The contributor seeks a modification of the settlement boundary to include this site as a</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD007 Scottish Borders Consolidated Local Plan 2011  
CD011 Scottish Borders Finalised Local Plan (December 2005)  
CD017 Updated Appendix 2 Meeting the Housing Land Requirement

**Supporting Documents:**

SD247-1 Local Plan Amendment Site Assessment Database Extract, AMIDL002 (p781-784)  
SD247-2 Site Assessment for AMIDL003 and Map

<b>Issue 248</b>	<b>Housing outwith the Strategic Development Areas: Newcastleton (ANEWC010 – Newcastleton West)</b>	
<b>Development plan reference:</b>	Newcastleton Settlement Profile and Map (pages 432 – 436) ANEWC010 – Newcastleton West	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency 489 Newcastleton & District Community Council		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation ANEWC010 – Newcastleton West	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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 &amp; District Community Council:</u> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>357 Scottish Environment Protection Agency:</u> The contributor recommends that this site is removed from the Plan due to flood risk.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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> It is noted that the contributor did not respond on this matter to the Main Issues Report (MIR) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 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:**

**Reporter's recommendations:**

**Core Documents:**

- CD001 SESplan Strategic Development Plan
- CD006 Scottish Borders Main Issues Report
- CD007 Scottish Borders Consolidated Local Plan 2011
- CD009 Consultative Draft Scottish Borders Local Plan Amendment 2008
- CD010 Scottish Borders Finalised Local Plan Amendment 2009
- CD017 Updated Appendix 2 Meeting the Housing Land Requirement

<b>Issue 249</b>	<b>Housing outwith the Strategic Development Areas: Newcastleton (RNE2B – South of Holmhead)</b>	
<b>Development plan reference:</b>	Newcastleton Settlement Profile and Map (pages 432 – 436) RNE2B – South of Holmhead	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation – RNE2B – South of Holmhead	
<b>Planning authority’s summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks a modification of the site requirements to include a FRA.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 proposed to mitigate the flood risk.”</p> <p>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.</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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 250</b>	<b>Development within the Central Strategic Development Area: Newstead (MNEWS001 – Newstead East)</b>	
<b>Development plan reference:</b>	Newstead Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Newstead, pages 437-439)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
331 Lord Devonport		
<b>Provision of the development plan to which the issue relates:</b>	Volume 2 Settlement Profiles, Newstead	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The Contributors seeks a modification of the settlement boundary and allocation of MNEWS001 for housing, live/work units and retail space.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 <b>Core Document 017</b> 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 <b>Core Document 017</b> 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 is required within Newstead.</p> <p>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</p>		

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:**

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**Reporter's recommendations:**

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**Core Document:**

CD017 Appendix 2 Update Meeting the Housing Land Requirement

<b>Issue 251</b>	<b>Business and Industrial within the Central Strategic Development Area: Newtown St Boswells (BNEWT001 – Tweed Horizons Expansion)</b>	
<b>Development plan reference:</b>	Newtown St Boswells Settlement Profile and Map (pages 440 – 445) BNEWT001 – Tweed Horizons Expansion	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
339 Scottish Government, including Transport Scotland and Historic Scotland 357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Business and Industrial Allocation BNEWT001 – Tweed Horizons Expansion	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>339 Scottish Government, including Transport Scotland and Historic Scotland:</u> 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> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE NEWTOWN ST BOSWELLS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS:</p> <p><u>339 Scottish Government, including Transport Scotland and Historic Scotland:</u> 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.</p> <p><u>357 Scottish Environment Protection Agency:</u> It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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</p>		

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.

<b>Reporter's conclusions:</b>
<b>Reporter's recommendations:</b>

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 252</b>	<b>Housing in the Central Strategic Development Area: Newtown St Boswells (ENT4B – Melrose Road)</b>	
<b>Development plan reference:</b>	Newtown St Boswells Settlement Profile and Map (pages 440 – 445) ENT4B – Melrose Road	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation – ENT4B – Melrose Road	
<b>Planning authority’s summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks a modification of the site requirements to include a FRA.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 76</b>). The MIR (<b>Core Document 006</b>) 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 proposed to mitigate the flood risk.”</p> <p>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.</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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 253</b>	<b>Mixed Use in the Central Strategic Development Area: Newtown St Boswells (MNEWT001 – Auction Mart)</b>	
<b>Development plan reference:</b>	Newtown St Boswells Settlement Profile and Map (pages 440 – 445) MNEWT001 – Auction Mart	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
450 John Swan & Son Plc		
<b>Provision of the development plan to which the issue relates:</b>	Mixed Use Allocation – MNEWT001 – Auction Mart	
<b>Planning authority's summary of the representation(s):</b>		
<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"> <li>• Class 1</li> <li>• Class 2</li> <li>• Class 3</li> <li>• Class 4</li> <li>• Class 9</li> <li>• Class 10</li> <li>• Sui-Generis – Medical practice</li> </ul> <p>However, the contributor believes that there are two points that should be amended:</p> <ol style="list-style-type: none"> <li>1. The site area should be noted as 9.6 Hectares not 8.9 Hectares.</li> <li>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.</li> </ol>		
<b>Modifications sought by those submitting representations:</b>		
<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"> <li>• Class 1 – Shops</li> <li>• Class 2 – Financial &amp; Professional Services</li> <li>• Class 3 – Food &amp; Drink</li> <li>• Class 4 – Business</li> <li>• Class 9 – Houses</li> <li>• Class 10 – Non-residential institutions</li> <li>• Sui-Generis – Medical Healthcare Facility</li> </ul>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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</p>		

development site - MNEWT003

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.

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.

**Reporter's conclusions:**

**Reporter's recommendations:**

**Core Documents:**

CD073 Planning Brief for Newtown St Boswells Auction Mart

<b>Issue 254</b>	<b>Newtown St Boswells Settlement Profile</b>	
<b>Development plan reference:</b>	Newtown St Boswells Settlement Profile and Map (pages 440 – 445)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
449 Newtown St Boswells & Eildon Community Council 450 John Swan & Son Plc		
<b>Provision of the development plan to which the issue relates:</b>	Newtown St Boswells Settlement Profile	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>449 Newtown St Boswells &amp; 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 “<b>does</b> 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 &amp; 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"> <li>1. The site area should be 9.6 Ha not 8.9Ha;</li> <li>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.</li> </ol> <p>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:</p> <ul style="list-style-type: none"> <li>• Class 1</li> <li>• Class 2</li> </ul>		

- 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:**

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**Reporter's recommendations:**

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<b>Issue 255</b>	<b>Housing in the Central Strategic Development Area: Newtown St Boswells (ANEWT008 – Newtown Expansion 2)</b>	
<b>Development plan reference:</b>	Newtown St Boswells Settlement Profile and Map (pages 440 – 445) ANEWT008 – Newtown Expansion 2	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
461 CWP		
<b>Provision of the development plan to which the issue relates:</b>	Proposed New Housing Site – ANEWT008 – Newtown Expansion 2	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks a modification of the plan to include an additional site for housing.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE NEWTOWN ST BOSWELLS SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>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 (<b>Core Document 010</b>) and has previously been identified at the Inquiry into the adopted Local Plan (<b>Core Document 020</b>) as the preferred location to expand Newtown St Boswells (NSB). The allocations to the west and south of NSB identified in the Proposed LDP</p>		

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:**

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**Reporter's recommendations:**

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**Core Documents:**

- CD001 Scottish Borders Main Issues Report
- CD007 Scottish Borders Consolidated Local Plan 2011
- CD010 Scottish Borders Finalised Local Plan Amendment 2009
- CD017 Updated Appendix 2 Meeting the Housing Land Requirement
- CD020 Scottish Borders Local Plan Inquiry Report 2007

<b>Issue 256</b>	<b>Mixed Use in the Central Strategic Development Area: Newtown St Boswells (MNEWT003 – Borders Rural Centre)</b>	
<b>Development plan reference:</b>	Newtown St Boswells Settlement Profile and Map (pages 440 – 445) MNEWT003 – East of Auction Mart	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
450 John Swan & Son Plc		
<b>Provision of the development plan to which the issue relates:</b>	Proposed New Mixed Use Allocation – MNEWT003 – East of Auction Mart	
<b>Planning authority's summary of the representation(s):</b>		
<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.</p> <p>Acceptable Borders Rural Centre uses would include:</p> <ul style="list-style-type: none"> <li>• Action Mart building and pens</li> <li>• Offices</li> <li>• Tourist Info Centre</li> <li>• Retailing</li> <li>• Managers Dwelling</li> <li>• Landscaping and infrastructure</li> </ul> <p>Settlement boundary to include John Swan Ltd Borders Rural Centre site.</p>		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks a modification of the settlement boundary and profile to include this site for mixed used development.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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> <p>REASONS:</p> <p>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.</p>		

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:**

**Reporter's recommendations:**

<b>Issue 257</b>	<b>Housing outwith the Strategic Development Areas: Oxton (AOXTO001 – Station Yard)</b>	
<b>Development plan reference:</b>	Oxton Settlement Profile and Map, Site AOXTO001 – Station Yard	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency 404 Edwin Thompson		
<b>Provision of the development plan to which the issue relates:</b>	Oxton Housing Land	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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> The contributor seeks the removal of the site from the Plan.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE HOUSING ALLOCATION AOXTO001.</p> <p><b>Note:</b> This Schedule 4 should be cross-referenced with the Schedule 4 for housing site AOXTO005 at Oxton, refer to Issue 258.</p> <p><b>REASONS:</b> It is noted that contributor 357 also 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 (<b>Core Document 007</b>). The site had been included within the Scottish Borders</p>		

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 Oxtou 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:**

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**Reporter’s recommendations:**

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**Core Documents:**

- CD001 Strategic Development Plan SESplan
- CD002 SESplan Supplementary Planning Guidance - Housing Land
- CD006 Scottish Borders Main Issues Report
- CD007 Scottish Borders Consolidated Local Plan 2011

CD008 Scottish Borders Local Plan 2008  
CD026 Scottish Planning Policy 2014  
CD039 Scottish Borders Housing Land Audit 2013  
CD076 SEPA Main Issues Report Consultation Response

**Supporting Documents:**

SD257-1 Officers Report for Planning Application

<b>Issue 258</b>	<b>Housing outwith the Strategic Development Areas: Oxton (AOXTO005 – Nether Howden)</b>	
<b>Development plan reference:</b>	Oxton Settlement Profile and Map, Site AOXTO005 – Nether Howden	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
404 Edwin Thompson		
<b>Provision of the development plan to which the issue relates:</b>	Oxton Housing Land	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks the allocation of site AOXTO005 for housing.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 (<b>Core Document 031</b>) (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 (<b>Core Document 007</b>) and is a brownfield site. In addition an application has 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 - <b>Supporting Document 258-1</b>), 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 (<b>Core Document 026</b>) (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 ...".</p>		

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 redevelopment sites and sites with potential for longer term development.

**Reporter's conclusions:**

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**Reporter's recommendations:**



**Core Documents:**

CD001 Strategic Development Plan SESplan  
CD002 SESplan Supplementary Planning Guidance - Housing Land  
CD007 Scottish Borders Consolidated Local Plan 2011  
CD017 Updated Appendix 2 Meeting the Housing Land Requirement  
CD026 Scottish Planning Policy 2014  
CD031 Circular 6/2013 Development Planning  
CD039 Scottish Borders Housing Land Audit 2013  
CD077 Site Comparison Report

**Supporting Documents:**

SD258-1 Officer Report planning application 08/02110/FUL  
SD258-2 Site Assessment for AOXTO005 and Map

<b>Issue 259</b>	<b>Peebles Settlement Profile - Affordable Housing</b>	
<b>Development plan reference:</b>	Peebles Settlement Profile and Map, Affordable Housing	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
289 Community Council Of The Royal Burgh Of Peebles & District		
<b>Provision of the development plan to which the issue relates:</b>	Peebles Affordable Housing	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks more affordable housing within Peebles.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE SETTLEMENT PROFILE.</p> <p>REASONS:</p> <p>Scottish Planning Policy 2014 (<b>Core Document 026</b> 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 (<b>Core Document 060</b>). In relation to the level of the development contribution set, the SPG on Affordable Housing (<b>CD 060</b>) 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 HNDA, 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>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		



**Core Documents:**

CD026 Scottish Planning Policy 2014

CD060 Supplementary Planning Guidance on Affordable Housing

<b>Issue 260</b>	<b>Peebles Settlement Profile and Map - Core Activity Area</b>	
<b>Development plan reference:</b>	Peebles Settlement Profile and Map, Core Activity Area	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
289 Community Council Of The Royal Burgh Of Peebles & District		
<b>Provision of the development plan to which the issue relates:</b>	Peebles Core Activity Area	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
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.		
<b>Summary of responses (including reasons) by planning authority:</b>		
NO CHANGE TO THE PEEBLES CORE ACTIVITY AREA AS SET OUT IN THE PROPOSD LOCAL DEVELOPMENT PLAN.		
<p>REASONS:</p> <p>Proposed Local Development Plan policy 'ED4 Core Activity Areas in Town Centres' states that within core activity areas "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 ..." the policy continues "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".</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 "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".</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 (<b>Core Document 026</b> paragraph 60) states: "Planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres. The planning system should:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• encourage a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening;</li> <li>• ensure development plans, decision-making and monitoring support successful town centres; and</li> <li>• consider opportunities for promoting residential use within town centres where this fits</li> </ul>		

*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:**

**Reporter's recommendations:**

**Core Documents:**

CD026 Scottish Planning Policy 2014

<b>Issue 261</b>	<b>Business and Industrial within the Western Strategic Development Area: Peebles</b>	
<b>Development plan reference:</b>	Peebles Settlement Profile and Map, Employment	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
368 Peebles Civic Society 289 Community Council Of The Royal Burgh Of Peebles & District		
<b>Provision of the development plan to which the issue relates:</b>	Peebles Employment Land	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>368 Peebles Civic Society:</u> 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 &amp; District:</u> The contributor states that insufficient attention is given to the provision of economic development land.</p>		
<b>Modifications sought by those submitting representations:</b>		
The contributors seek additional provision of employment land for Peebles.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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: It is noted that Peebles is located in the Western Strategic Development Area as set out in the Strategic Development Plan SESplan (<b>Core Document 001</b>).</p> <p>The Scottish Borders Employment Land Audit (2013) (<b>Core Document 038</b>) 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> <p>It is noted that Scottish Planning Policy 2014 (<b>Core Document 026</b>), paragraph 93 states that: “<i>The planning system should:</i></p> <ul style="list-style-type: none"> <li>• <i>promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;</i></li> <li>• <i>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; ...</i>”. <p>The Council have sought to allocate additional land at Peebles for Business and Industrial use (refer to <b>Supporting Document 261-1</b> 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</p> </li></ul>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD001 SESplan Strategic Development Plan  
CD010 Scottish Borders Finalised Local Plan Amendment 2009  
CD021 Scottish Borders Local Plan Amendment Examination Report 2010  
CD026 Scottish Planning Policy 2014  
CD038 Scottish Borders Employment Land Audit 2013

**Supporting Documents:**

SD261-1 Site Assessments for BPEEB005, BPEEB006, BPEEB007, BPEEB008, BPEEB009, BPEEB010 and BPEEB011 and Map

<b>Issue 262</b>	<b>Business and Industrial Safeguarding within the Western Strategic Development Area: Peebles (zEL2 Cavalry Park)</b>	
<b>Development plan reference:</b>	Peebles Settlement Profile and Map, Site zEL2 – Cavalry Park	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Peebles Employment Land	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks an additional site requirement for a flood risk assessment.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b> SEPA Response). The MIR (<b>Core Document 006</b>) 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> <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>		
<b>Reporter's conclusions:</b>		

<b>Reporter's recommendations:</b>

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 263</b>	<b>Peebles Settlement Profile and Map - Future Development of Peebles</b>	
<b>Development plan reference:</b>	Peebles Settlement Profile and Map, Future Development of Peebles	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
289 Community Council Of The Royal Burgh Of Peebles & District		
<b>Provision of the development plan to which the issue relates:</b>	Future Development of Peebles	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
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.		
<b>Summary of responses (including reasons) by planning authority:</b>		

## NO CHANGE TO THE PEEBLES SETTLEMENT PROFILE.

### REASONS:

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).

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.

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**).

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 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:**

**Reporter's recommendations:**

**Core Documents:**

CD001 SESplan Strategic Development Plan  
CD007 Scottish Borders Consolidated Local Plan 2011  
CD019 Green Networks Technical Note  
CD020 Scottish Borders Local Plan Inquiry Report 2007  
CD021 Scottish Borders Local Plan Amendment Examination Report 2010

**Supporting Document:**

SD263-1 Peebles Transport Study

<b>Issue 264</b>	<b>Housing within the Western Strategic Development Area: Peebles (APEEB021 – Housing south of South Park)</b>	
<b>Development plan reference:</b>	Peebles Settlement Profile and Map, Site APEEB021 – Housing south of South Park	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
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		
<b>Provision of the development plan to which the issue relates:</b>	Peebles Housing Land	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>79 Lawrie and Symington:</u> 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: 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. 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 requirements noted above within the Plan relating to flood risk.</p> <p>The contributor states that they do not object to the site requirement regarding the culvert management.</p> <p>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.</p>		

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.

Contributors 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 19<sup>th</sup> 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<sup>3/s</sup>, 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:**

**Reporter’s recommendations:**

**Core Documents:**

- CD002 SESplan Supplementary Planning Guidance - Housing Land
- CD006 Scottish Borders Main Issues Report
- CD020 Scottish Border Local Plan Inquiry Report 2007
- CD021 Scottish Borders Local Plan Amendment Examination Report 2010
- CD026 Scottish Planning Policy 2014
- CD046 Development and Landscape Capacity Study - Peebles
- CD077 Site Comparison Report

**Supporting Documents:**

- SD264-1 Site Assessment for APEEB021
- SD264-2 Peebles (South Park) Flood Prevention Scheme 1987 Final Report
- SD264-3 Map of site TP1
- SD264-4 Map of site APEEB016

<b>Issue 265</b>	<b>Housing within the Western Strategic Development Area: Peebles (APEEB031 – George Place)</b>	
<b>Development plan reference:</b>	Peebles Settlement Profile and Map, Site APEEB031 – George Place	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
177 Tweed Homes 357 Scottish Environment Protection Agency 451 John Swanson		
<b>Provision of the development plan to which the issue relates:</b>	Peebles Housing Land	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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> 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> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>357 Scottish Environment Protection Agency:</u> The contributor seeks an additional site requirement for the site to contribute to the objectives of the River Basin Management Plan.</p> <p><u>177 Tweed Homes and 451 John Swanson:</u> The contributors seeks the removal of the site from the Plan.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE HOUSING ALLOCATION APEEB031.</p> <p>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.</p> <p>This site was first formally allocated within the Scottish Borders Consolidated Local Plan 2011 (<b>Core Document 007</b>) following the recommendation of the Local Plan Amendment</p>		

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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD001 SESplan Strategic Development Plan  
CD002 SESplan Supplementary Guidance - Housing Land  
CD006 Scottish Borders Main Issues Report  
CD007 Scottish Borders Consolidated Local Plan 2011  
CD017 Updated Appendix 2 Meeting the Housing Land Requirement  
CD021 Scottish Borders Local Plan Amendment Examination Report 2010  
CD026 Scottish Planning Policy 2014  
CD039 Scottish Borders Housing Land Audit 2013  
CD076 SEPA Main Issues Report Consultation Response

<b>Issue 266</b>	<b>Housing within the Western Strategic Development Area: Peebles (APEEB041 – Violet Bank II)</b>	
<b>Development plan reference:</b>	Peebles Settlement Profile and Map, Site APEEB041 – Violet Bank II	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency 368 Peebles Civic Society 431 Miller Homes 451 John Swanson		
<b>Provision of the development plan to which the issue relates:</b>	Peebles Housing Land	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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> 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> 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> The contributor objects to the site as it is located partially in the high flood risk area.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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>		

The contributor seeks for the site to be moved to the following plan period should windfall planning applications recently submitted be approved.

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 HOUSING ALLOCATION APEEB041 AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN.

REASONS:

It should be noted that contributor 431 Miller Homes support the allocation of 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. 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**).

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).

It is contended that this site is appropriate for housing purposes and all concerns have 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:**

**Reporter's recommendations:**

**Core Documents:**

CD002 SESplan Supplementary Planning Guidance - Housing Land  
CD006 Scottish Borders Main Issues Report  
CD026 Scottish Planning Policy 2014  
CD076 SEPA Main Issues Report Consultation Response  
CD077 Site Comparison Report

**Supporting Documents:**

SD266-1 Site Assessment for APEEB041

<b>Issue 267</b>	<b>Housing within the Western Strategic Development Area: Peebles (APEEB042 – South Parks)</b>	
<b>Development plan reference:</b>	Peebles Settlement Profile and Map, Site APEEB042 – South Parks	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
199 RH Miller Group Ltd		
<b>Provision of the development plan to which the issue relates:</b>	Peebles Housing Land	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks the allocation of site APEEB042 for housing.		
<b>Summary of responses (including reasons) by planning authority:</b>		

NO CHANGE TO EMPLOYMENT ALLOCATIONS zEL46 AND zEL204.

Note: This Schedule 4 should be cross-referenced with the Schedule 4 for Peebles Employment Land, refer to Issue 261.

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.

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.

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).

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.

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:**

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**Reporter’s recommendations:**

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**Core Documents:**

CD001 SESplan Strategic Development Plan  
CD002 SESplan Supplementary Planning Guidance - Housing Land  
CD017 Updated Appendix 2 Meeting the Housing Land Requirement  
CD026 Scottish Planning Policy 2014  
CD038 Scottish Borders Employment Land Audit 2013  
CD077 Site Comparison Report

**Supporting Documents:**

SD267-1 Site Assessment APEEB044  
SD267-2 Site Assessments for BPEEB005, BPEEB006, BPEEB007, BPEEB008, BPEEB009, BPEEB010 and BPEEB011 and Map

<b>Issue 268</b>	<b>Housing within the Western Strategic Development Area: Peebles (APEEB043 – Tantah)</b>	
<b>Development plan reference:</b>	Peebles Settlement Profile and Map, Site APEEB043 – Tantah	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
177 Tweed Homes		
<b>Provision of the development plan to which the issue relates:</b>	Peebles Housing Land	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks the allocation of site APEEB043 for housing.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 (<b>Core Document 001</b>) and has a SESplan Supplementary Guidance on Housing Land (<b>Core Document 002</b>) 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 <b>Supporting Document 268-1</b> 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 (<b>Core Document 077</b>) 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 (<b>Core Document 026</b> paragraph 110).</p> <p>It is therefore considered that the Proposed Local Development Plan meets the provisions of the Strategic Development Plan SESplan (<b>Core Document 001</b>) and its associated Supplementary Guidance on Housing Land (<b>Core Document 002</b>) in</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD001 SESplan Strategic Development Plan  
CD002 SESplan Supplementary Planning Guidance - Housing Land  
CD017 Updated Appendix 2 Meeting the Housing Land Requirement  
CD026 Scottish Planning Policy 2014  
CD077 Site Comparison Report

**Supporting Documents:**

SD268-1 Site Assessment for APEEB043 and Map

<b>Issue 269</b>	<b>Housing within the Western Strategic Development Area: Peebles (APEEB044 – Rosetta Road)</b>	
<b>Development plan reference:</b>	Peebles Settlement Profile and Map, Site APEEB044 – Rosetta Road	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
448 Aberdeen Asset Management Ltd		
<b>Provision of the development plan to which the issue relates:</b>	Peebles Housing Land	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks the allocation of site APEEB044 for housing.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 (<b>Core Document 001</b>) and has a SESplan Supplementary Guidance on Housing Land (<b>Core Document 002</b>) requirement of 110 units for the period 2009 to 2024.</p> <p>After assessment (refer to <b>Supporting Document 269-1</b> 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, 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.</p> <p>The Site Comparison Report (<b>Core Document 077</b>) 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</p>		

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 MPEEB006 which is subject to a separate Schedule 4.

**Reporter's conclusions:**

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**Reporter's recommendations:**

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**Core Documents:**

CD001 SESplan Strategic Development Plan  
CD002 SESplan Supplementary Guidance - Housing Land  
CD017 Updated Appendix 2 Meeting the Housing Land Requirement  
CD026 Scottish Planning Policy 2014  
CD060 Supplementary Planning Guidance on Affordable Housing  
CD077 Site Comparison Report

**Supporting Document:**

SD269-1 Site Assessment for APEEB044 and Map

<b>Issue 270</b>	<b>Housing within the Western Strategic Development Area: Peebles (APEEB045 – Venlaw)</b>	
<b>Development plan reference:</b>	Peebles Settlement Profile and Map, Site APEEB045 – Venlaw	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
488 Sidon Ventures Ltd		
<b>Provision of the development plan to which the issue relates:</b>	Peebles Housing Land	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks the allocation of site APEEB045 for housing.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE HOUSING ALLOCATIONS.</p> <p>REASONS: Peebles is located in the Western Strategic Development Area as set out in the SESplan Strategic Development Plan (<b>Core Document 001</b>) and has a SESplan Supplementary Guidance on Housing Land (<b>Core Document 002</b>) requirement of 110 units.</p> <p>It should be noted that a similar site at this location was previously considered by the Local Plan Amendment Examination Reporter (refer to <b>Core Document 021</b>) (Issue 086 (site reference APEEB001) for location of site refer to <b>Supporting Document 270-1</b>).</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD001 SESplan Strategic Development Plan  
CD002 SESplan Supplementary Planning Guidance on Housing Land  
CD017 Updated Appendix 2 Meeting the Housing Land Requirement  
CD021 Scottish Border Local Plan Amendment Examination Report  
CD026 Scottish Planning Policy 2014  
CD046 Development and Landscape Capacity Study - Peebles  
CD077 Site Comparison Report

**Supporting Documents:**

SD270-1 Map of site APEEB001  
SD270-2 Site Assessment for APEEB032 and Map  
SD270-3 Site Assessment for APEEB045 and Map

<b>Issue 271</b>	<b>Housing within the Western Strategic Development Area: Peebles (TP7B – Whitehaugh)</b>	
<b>Development plan reference:</b>	Peebles Settlement Profile and Map, Site TP7B Whitehaugh	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Peebles Housing Land	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
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.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 (<b>Core Document 007</b>). 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 (<b>Core Document 039</b>) 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) (<b>Core Document 076</b> SEPA Response). The MIR (<b>Core Document 006</b>) 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</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.*”

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:**

**Reporter’s recommendations:**

**Core Documents:**

- CD006 Scottish Borders Main Issues Report
- CD007 Scottish Borders Consolidated Local Plan 2011
- CD039 Scottish Borders Housing Land Audit 2013
- CD076 SEPA Main Issues Report Consultation Response

<b>Issue 272</b>	<b>Longer Term Housing within the Western Strategic Development Area: Peebles</b>	
<b>Development plan reference:</b>	Peebles Settlement Profile and Map	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
451 John Swanson		
<b>Provision of the development plan to which the issue relates:</b>	Peebles Longer Term Sites Roads Infrastructure	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
<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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 (<b>Core Document 006</b>) 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 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.</p> <p>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</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

<b>Issue 273</b>	<b>Longer Term Housing within the Western Strategic Development Area: Peebles (SPEEB003 – South West of Whitehaugh)</b>	
<b>Development plan reference:</b>	Peebles Settlement Profile and Map, Site SPEEB003 – South West of Whitehaugh	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Peebles Longer Term Housing	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks an additional site requirement for a flood risk assessment.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b> SEPA Response). The MIR (<b>Core Document 006</b>) 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> <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>		
<b>Reporter's conclusions:</b>		

<b>Reporter's recommendations:</b>

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 274</b>	<b>Longer Term mixed Use within the Western Strategic Development Area: Peebles (SPEEB005 – Peebles East (South of River))</b>	
<b>Development plan reference:</b>	Peebles Settlement Profile and Map, Site SPEEB005 – Peebles East (South of River)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
333 Taylor Wimpey UK Ltd & AWG Property Ltd 357 Scottish Environment Protection Agency 451 John Swanson		
<b>Provision of the development plan to which the issue relates:</b>	Peebles Longer Term Mixed Use	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>333 Taylor Wimpey UK Ltd &amp; 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 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.</p>		
<u>357 Scottish Environment Protection Agency:</u>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD001 SESplan Strategic Development Plan  
CD002 SESplan Supplementary Guidance on Housing Land  
CD006 Scottish Borders Main Issues Report  
CD007 Scottish Borders Consolidated Local Plan 2011  
CD017 Updated Appendix 2 Meeting the Housing Land Requirement  
CD021 Scottish Borders Local Plan Amendment Examination Report 2010  
CD026 Scottish Planning Policy 2014  
CD076 SEPA Main Issues Report Consultation Response  
CD077 Site Comparison Report

**Supporting Documents:**

SD274-1 Scottish Environment Protection Agency Proposed Plan Response

<b>Issue 275</b>	<b>Longer Term Housing within the Western Strategic Development Area: Peebles (SPEEB006 – South West of Peebles)</b>	
<b>Development plan reference:</b>	Peebles Settlement Profile and Map, Site SPEEB006 – South West of Peebles	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
79 Lawrie and Symington		
<b>Provision of the development plan to which the issue relates:</b>	Peebles Longer Term Mixed Use	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
<p>The contributor seeks the allocation of site SPEEB006 from Longer Term expansion for housing.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 (<b>Core Document 001</b>) and has a SESplan Supplementary Guidance on Housing Land (<b>Core Document 002</b>) 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 (<b>Core Document 007</b>) 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 Local Plan Amendment Examination Reporter, (refer to <b>Core Document 021</b> Scottish Borders Local Plan Amendment Examination Report) (Issues 098, 099 and 100).</p> <p>In addition, a reduced site at this location (site MPEEB002) was also considered by the Local Plan Amendment Examination Reporter (refer to <b>Core Document 021</b> Scottish Borders Local Plan Amendment Examination Report) (Issue 103). That Reporter concluded that the “<i>site MPEEB002 should not be safeguarded for long-term housing development.</i>”</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

- CD001 SESplan Strategic Development Plan
- CD002 SESplan Supplementary Guidance on Housing Land
- CD007 Scottish Borders Consolidated Local Plan 2011
- CD021 Scottish Border Local Plan Amendment Examination Report 2010

**Supporting Document:**

- SD275-1 Site Assessment for SPEEB006 and Map

<b>Issue 276</b>	<b>Mixed Use within the Western Strategic Development Area: Peebles (MPEEB006 – Rosetta Road)</b>	
<b>Development plan reference:</b>	Peebles Settlement Profile and Map, Site MPEEB006 – Rosetta Road	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
448 Aberdeen Asset Management Ltd		
<b>Provision of the development plan to which the issue relates:</b>	Peebles Mixed Use	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks the allocation of site MPEEB006 for mixed use.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 (<b>Core Document 001</b>) and has a SESplan Supplementary Guidance on Housing Land (<b>Core Document 002</b>) requirement of 110 units.</p> <p>After assessment (refer to <b>Supporting Document 276-1</b> 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 to meet the housing requirement within the Western Strategic Development Area.</p> <p>It is noted that the contributor intends to locate part of the Caravan Park on this site and outwith the Development Boundary.</p> <p>The Site Comparison Report (<b>Core Document 077</b>) 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</p>		

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 (**Supporting 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:**

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**Reporter's recommendations:**

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**Core Documents:**

- CD001 SESplan Strategic Development Plan
- CD002 SESplan Supplementary Guidance - Housing Land
- CD017 Updated Appendix 2 Meeting the Housing Land Requirement
- CD026 Scottish Planning Policy 2014
- CD060 Supplementary Planning Guidance on Affordable Housing
- CD077 Site Comparison Report

**Supporting Document:**

- SD276-1 Site Assessment for MPEEB006 and Map

<b>Issue 277</b>	<b>Peebles Settlement Profile: Education Text</b>	
<b>Development plan reference:</b>	Peebles Settlement Profile and Map, Education Text	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
289 Community Council Of The Royal Burgh Of Peebles & District		
<b>Provision of the development plan to which the issue relates:</b>	Education Text	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
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.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 (<b>Supporting Document 277-1</b>) 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 sets out a requirement that the site may be required to accommodate a new school.</p> <p>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.</p>		
<b>Reporter's conclusions:</b>		

<b>Reporter's recommendations:</b>

**Supporting Documents:**  
SD277-1 Schools Admission Policy

<b>Issue 278</b>	<b>Peebles Whole Town Masterplan</b>	
<b>Development plan reference:</b>	Peebles Settlement Profile and Map, Whole Town Masterplan	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
368 Peebles Civic Society		
<b>Provision of the development plan to which the issue relates:</b>	Whole Town Masterplan	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks that a Whole Town Masterplan is undertaken.		
<b>Summary of responses (including reasons) by planning authority:</b>		
NO CHANGE TO THE PROPOSD LOCAL DEVELOPMENT PLAN.		
<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 (<b>Core Document 026</b> 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"> <li>• <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></li> <li>• <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></li> <li>• <i>considering the re-use or re-development of brownfield land before new development takes place on greenfield sites;</i></li> <li>• <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 its location or viability issues; and</i></li> <li>• <i>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".</i></li> </ul> <p>In addition, paragraph 6 of Circular 6/2013 Development Planning (<b>Core Document 031</b>) states: <i>"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</i></p>		

*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.

In 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:**

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**Reporter’s recommendations:**

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**Core Documents:**

CD026 Scottish Planning Policy 2014

CD031 Circular 6/2013 Development Planning

<b>Issue 279</b>	<b>Redevelopment within the Western Strategic Development Area: Peebles (RPEEB001 – Dovecot Road)</b>	
<b>Development plan reference:</b>	Peebles Settlement Profile and Map, Site RPEEB001 – Dovecot Road	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
289 Community Council Of The Royal Burgh Of Peebles & District 368 Peebles Civic Society		
<b>Provision of the development plan to which the issue relates:</b>	Peebles Redevelopment Land	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>289 Community Council Of The Royal Burgh Of Peebles &amp; District:</u> 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> 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>		
<b>Modifications sought by those submitting representations:</b>		
The contributors seek that the site be redeveloped for business and industrial use.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE REDEVELOPMENT ALLOCATIONS.</p> <p>REASONS: It is noted that neither contributor 289 or 368 responded on this matter to the Scottish Borders Main Issues Report (MIR). The MIR (<b>Core Document 006</b>) 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 carried through into the Scottish Borders Consolidated Local Plan 2011 (<b>Core Document 007</b>). The Proposed Local Development Plan continues to allocate the site.</p> <p>It is also noted that the allocation of this site was previously considered by the Local Plan Amendment Examination Reporter (refer to <b>Core Document 021</b>) (Issue 096 (site reference RPEEB001)). That Reporter recommended that the site be included within the Plan and stated that <i>"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."</i></p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD007 Scottish Borders Consolidated Local Plan 2011

CD021 Scottish Border Local Plan Amendment Examination Report 2010

**Supporting Documents:**

SD279-1 Site Assessments for BPEEB005, BPEEB006, BPEEB007, BPEEB008, BPEEB009, BPEEB010 and BPEEB011 and Map

<b>Issue 280</b>	<b>Redevelopment within the Western Strategic Development Area: Peebles (RPEEB002 – George Street)</b>	
<b>Development plan reference:</b>	Peebles Settlement Profile and Map, Site RPEEB002 – George Street	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
177 Tweed Homes 357 Scottish Environment Protection Agency 451 John Swanson		
<b>Provision of the development plan to which the issue relates:</b>	Peebles Redevelopment Land	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>177 Tweed Homes:</u> 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> 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> The contributor states that the site is located within an area at high risk of flooding.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>177 Tweed Homes:</u> 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> The contributor seeks an additional site requirement for the site to help contribute to the objectives of the River Basin Management Plan.</p> <p><u>451 John Swanson:</u> The contributor seeks the removal of the site from the Plan.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE REDEVELOPMENT ALLOCATIONS.</p> <p>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 <b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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</i></p>		

*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 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 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:**

**Reporter's recommendations:**

**Core Documents:**

- CD001 SESplan Strategic Development Plan
- CD002 SESplan Supplementary Planning Guidance - Housing Land
- CD006 Scottish Borders Main Issues Report
- CD007 Scottish Borders Consolidated Local Plan 2011
- CD017 Updated Appendix 2 Meeting the Housing Land Requirement
- CD026 Scottish Planning Policy 2014

CD076 SEPA Main Issues Report Consultation Response  
CD077 Site Comparison Report

**Supporting Documents:**

SD280-1 Site Assessments for BPEEB005, BPEEB006, BPEEB007, BPEEB008,  
BPEEB009, BPEEB010 and BPEEB011 and Map

<b>Issue 281</b>	<b>Redevelopment within the Western Strategic Development Area: Peebles (RPEEB003 – Tweedbridge Court)</b>	
<b>Development plan reference:</b>	Peebles Settlement Profile and Map, Site RPEEB003 – Tweedbridge Court	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
177 Tweed Homes 357 Scottish Environment Protection Agency 451 John Swanson		
<b>Provision of the development plan to which the issue relates:</b>	Peebles Redevelopment Land	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>177 Tweed Homes:</u> 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> 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> The contributor objects to the allocation of the site on grounds of access and traffic generation along narrow twisting roads.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>177 Tweed Homes:</u> 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> The contributor seeks an additional site requirement for the site to help contribute to the objectives of the River Basin Management Plan.</p> <p><u>451 John Swanson:</u> The contributor seeks the removal of the site from the Plan.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE REDEVELOPMENT ALLOCATIONS.</p> <p>REASONS: It is noted that none of the contributors responded on this matter to the Scottish Borders Main Issues Report (MIR) (<b>Core Document 076</b> SEPA Response). The MIR (<b>Core Document 006</b>) states in paragraph 4.2 “the direct consequence of an up to date</p>		

*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:**

**Reporter's recommendations:**

**Core Documents:**

- CD001 SESplan Strategic Development Plan
- CD002 SESplan Supplementary Planning Guidance - Housing Land
- CD006 Scottish Borders Main Issues Report
- CD007 Scottish Borders Consolidated Local Plan 2011
- CD017 Updated Appendix 2 Meeting the Housing Land Requirement
- CD021 Scottish Border Local Plan Amendment Examination Report 2010
- CD026 Scottish Planning Policy 2014
- CD039 Scottish Borders Housing Land Audit 2013
- CD076 SEPA Main Issues Report Consultation Response
- CD077 Site Comparison Report

<b>Issue 282</b>	<b>Key Greenspace: Peebles</b>	
<b>Development plan reference:</b>	Peebles Settlement Profile and Map, Key Greenspace	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
289 Community Council Of The Royal Burgh Of Peebles & District 368 Peebles Civic Society		
<b>Provision of the development plan to which the issue relates:</b>	Peebles Key Greenspace	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>289 Community Council Of The Royal Burgh Of Peebles &amp; District:</u>          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>          The contributor supports the Greenspace sites identified within the Plan.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>289 Community Council Of The Royal Burgh Of Peebles &amp; District:</u>          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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE PEEBLES SETTLEMENT PROFILE.</p> <p>REASONS:          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 &amp; 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> <p>The Technical Note on Key Greenspaces (<b>Core Document 018</b>) 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> <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</i></p>		

*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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD018 Key Greenspaces Technical Note

CD062 Supplementary Planning Guidance on Greenspace

<b>Issue 283</b>	<b>Development outwith the Strategic Development Areas: Polwarth (APOLW001- Land North and West of Cheviot View)</b>	
<b>Development plan reference:</b>	N/A	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
306 Marchmont Farms		
<b>Provision of the development plan to which the issue relates:</b>	Proposed Local Development Plan Volume 2 Settlements	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
To include a settlement profile for Polwarth		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 (<b>SD283-2</b>).</p> <p>Polwarth is located outwith the three Strategic Development Areas set out by the SESplan SDP. The <b>Core Document 017</b> 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 <b>Core Document 017</b> 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 Polwarth is required to meet the identified housing requirement.</p> <p>In addition, a site on the same land was put forward within the Local Plan Examination: Scottish Borders Council Local Plan Amendment (<b>Supporting Document 283-1</b>) 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" (<b>Core Document 021</b>: page 122)</p> <p>In summary it is not considered that any amendment to the Local Development Plan from</p>		

that proposed is required.

**Reporter's conclusions:**

**Reporter's recommendations:**

**Core Documents:**

CD017 Appendix 2 Update: Meeting the Housing Land Requirement  
CD021 Local Plan Examination: Scottish Borders Council Local Plan Amendment, Issue Number 40. Housing within the rest of Berwickshire Housing Market Area: Polwarth (pages 120-122)

**Supporting Documents:**

SD283-1 Map of Site Excluded from Local Plan Amendment, APOLW001  
SD283-2 Site Assessment for APOLW001 and Map (as put forward at Proposed LDP)

<b>Issue: 284</b>	<b>Redpath Settlement Profile</b>	
<b>Development plan reference:</b>	Redpath Settlement Profile (pages 469 – 471)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
444 Redpath Village Hall Association		
<b>Provision of the development plan to which the issue relates:</b>	Redpath Settlement Profile	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor would like the following wording added to the Redpath Settlement Profile:  <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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
NO CHANGE TO REDPATH SETTLEMENT PROFILE AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN.  REASONS: 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.  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.		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue 285</b>	<b>Key Greenspace: Redpath</b>	
<b>Development plan reference:</b>	Redpath Settlement Profile and Map, Key Greenspace	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
440 Paul Gregory		
<b>Provision of the development plan to which the issue relates:</b>	Redpath Key Greenspace	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks the identification of the Village Green at Redpath as a Key Greenspace.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE REDPATH SETTLEMENT PROFILE.</p> <p>REASONS:</p> <p>It should be noted that the Main Issues Report (MIR) (<b>Core Document 006</b>) 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 (<b>Core Document 018</b>) 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 <b>Core Document 062</b>), 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.</p>		

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:**

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**Reporter's recommendations:**

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**Core Documents:**

- CD006 Scottish Borders Main Issues Report
- CD018 Key Greenspaces Technical Note
- CD062 Supplementary Planning Guidance on Greenspace

<b>Issue 286</b>	<b>Housing within the Eastern Strategic Development Area: Reston (BR6- Rear of Primary School)</b>	
<b>Development plan reference:</b>	Reston Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Reston, page 473)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 SEPA		
<b>Provision of the development plan to which the issue relates:</b>	Reston Settlement Profile, Development and Safeguarding Proposals (BR6- Rear of Primary School)	
<b>Planning authority's summary of the representation(s):</b>		
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		
<b>Modifications sought by those submitting representations:</b>		
Insert a Flood Risk Assessment site requirement		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 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.</p> <p>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.</p>		

<b>Reporter's conclusions:</b>
<b>Reporter's recommendations:</b>

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 287</b>	<b>Development outwith the Strategic Development Areas: Reston (FREST001- Houndwood (cemetery))</b>	
<b>Development plan reference:</b>	Reston Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Reston, page 474)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
376 Mr John Brown 371 Mr Heather A Argent for L.C & H.A. Argent 379 Miss Victoria Ross		
<b>Provision of the development plan to which the issue relates:</b>	Reston Settlement Profile, Development and Safeguarding Proposals (FREST001- Houndwood)	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>376 Mr John Brown:</u> 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 Mr Heather A Argent for L.C &amp; H.A. Argent:</u> 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 Miss Victoria Ross:</u> 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>		
<b>Modifications sought by those submitting representations:</b>		
Removal of FREST001 from the Local Development Plan (LDP)		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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: 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> <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.</p>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue 288</b>	<b>Mixed Use within the Eastern Strategic Development Area: Reston (MREST001- Auction Mart)</b>	
<b>Development plan reference:</b>	Reston Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Reston, page 474)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
380 Mr David Cree 357 SEPA		
<b>Provision of the development plan to which the issue relates:</b>	Reston Settlement Profile, Development and Safeguarding Proposals (MREST001- Auction Mart)	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>380 Mr David Cree:</u> 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> 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>		
<b>Modifications sought by those submitting representations:</b>		
Insertion of site requirement stating that a Flood Risk Assessment may be required (if existing consent was not implemented)		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.</p> <p>REASONS:</p> <p><u>380 Mr David Cree:</u> 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> <p>Any future planning applications would consider this issue and would be subject to public consultation</p> <p><u>357 SEPA:</u> 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.</p> <p>As a result of the discussion above it is not considered necessary to amend the settlement profile in the Local Development Plan.</p>		
<b>Reporter's conclusions:</b>		

<b>Reporter's recommendations:</b>

<b>Issue 289</b>	<b>Longer Term Mixed Use within the Eastern Strategic Development Area: Reston (SREST001- Reston Long Term 1)</b>	
<b>Development plan reference:</b>	Reston Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Reston, page 474)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 SEPA		
<b>Provision of the development plan to which the issue relates:</b>	Reston Settlement Profile, Development and Safeguarding Proposals (SREST001- Reston Long Term 1)	
<b>Planning authority's summary of the representation(s):</b>		
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		
<b>Modifications sought by those submitting representations:</b>		
Insertion of site requirement stating that a Flood Risk Assessment may be required for both SREST001 and SREST002		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 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.</p> <p>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.</p>		

<b>Reporter's conclusions:</b>
<b>Reporter's recommendations:</b>

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 290</b>	<b>Longer Term Mixed Use within the Eastern Strategic Development Area: Reston (SREST002- Reston Long Term 2)</b>	
<b>Development plan reference:</b>	Reston Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Reston, page 474)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 SEPA		
<b>Provision of the development plan to which the issue relates:</b>	Reston Settlement Profile, Development and Safeguarding Proposals (SREST002- Reston Long Term 2)	
<b>Planning authority's summary of the representation(s):</b>		
State that they will require a FRA from the small watercourse within the SE corner of the site which may result in localised flooding		
<b>Modifications sought by those submitting representations:</b>		
Insertion of site requirement stating for a Flood Risk Assessment		
<b>Summary of responses (including reasons) by planning authority:</b>		
NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.		
REASONS:		
<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 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>		
<b>Reporter's conclusions:</b>		



<b>Issue 299</b>	<b>Housing within the Central Strategic Development Area: Robertson (AROB003 – Site Adjacent to Kirk'oer)</b>	
<b>Development plan reference:</b>	Roberton Settlement Profile and Map (pages 476 – 478) AROBE003 – Site Adjacent to Kirk'oer	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation AROBE003 – Site Adjacent to Kirk'oer	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
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.		
<b>Summary of responses (including reasons) by planning authority:</b>		
NO CHANGE TO THE SELKIRK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN		
<p>REASONS:</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 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.</p> <p>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.</p>		

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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue: 291</b>	<b>Development with the Central Strategic Development Area: Roxburgh Development Boundary (SBROX001)</b>	
<b>Development plan reference:</b>	Roxburgh Settlement Profile and Map (pages 482 – 484), SBROX001 (Roxburgh Settlement Boundary Amendment)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
460 Briggs		
<b>Provision of the development plan to which the issue relates:</b>	Amendment to the settlement boundary of Roxburgh to incorporate land to the north west SBROX001 (Roxburgh Settlement Boundary Amendment).	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks an amendment to the development boundary of Roxburgh to include site SBROX001 (Roxburgh Settlement Boundary Amendment).		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO ROXBURGH SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p><u>REASONS:</u></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 (AROXB002) was fully assessed for as a potential housing site (<b>Supporting Document 291-1</b>). 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 Main Issues Report as it was considered there were more appropriate sites to meet</p>		

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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD001 Strategic Development Plan

CD017 Appendix 2 Meeting the Housing Land Requirement – Update

CD026 Scottish Planning Policy 2014  
CD077 Site Comparison Report

**Supporting Documents:**

SD291-1 Site Assessment AROXB002 and Map  
SD291-2 Site Assessment SBROX001 and Map

<b>Issue 292</b>	<b>Business and Industrial within the Central Strategic Development Area: Selkirk (BSELK002 – Riverside 5)</b>	
<b>Development plan reference:</b>	Selkirk Settlement Profile and Map (pages 485 – 493) BSELK002 – Riverside 5	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
342 Selkirk Community Council 357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Business and Industrial Allocation BSELK002 – Riverside 5	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>342 Selkirk Community Council:</u> 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> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>342 Selkirk Community Council:</u> 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> 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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE SELKIRK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS: <u>342 Selkirk Community Council:</u> 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.</p> <p>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.</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.”

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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 293</b>	<b>Redevelopment within the Central Strategic Development Area: Selkirk (zRO200 Philiphaugh Mill)</b>	
<b>Development plan reference:</b>	Selkirk Settlement Profile and Map (pages 485 – 493) zRO200 (Philiphaugh Mill)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
342 Selkirk Community Council 357 Scottish Environment Protection Agency 409 Boag		
<b>Provision of the development plan to which the issue relates:</b>	Redevelopment Opportunity zRO200 – Philiphaugh Mill	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>342 Selkirk Community Council:</u> 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> Recommend modification: removal of site due to flood risk from the Etrick Water. The entire site boundary of zRO200 lies within the estimated 1 in 200 year functional floodplain of the Etrick 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> Strongly objects to the allocation on the following grounds:</p> <ul style="list-style-type: none"> <li>• The site is subject to flooding. Why make the situation worse by building in this high risk area?</li> </ul> <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>Etrickhaugh 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 Etrickhaugh 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>342 Selkirk Community Council:</u> 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> The contributor seeks the removal of site from the plan due to flood risk.</p>		

409 Boag:

Strongly objects to the allocation on the grounds of flooding and inadequate access.

**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:

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”.

357 Scottish Environment Protection Agency:

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.

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 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 Etrick and Lauderdale Local Plan 1995.

It is acknowledged that the site lies within the estimated 1 in 200 year functional floodplain of the Etrick 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 Etrickhaugh 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:**

**Reporter's recommendations:**

**Core Documents:**

- CD006 Scottish Borders Main Issues Report
- CD007 Scottish Borders Consolidated Local Plan 2011
- CD008 Scottish Borders Local Plan 2008
- CD020 Scottish Borders Local Plan Inquiry Report 2007
- CD076 SEPA Main Issues Report Consultation Response

**Supporting Documents:**

- SD293-1 Map showing previously at risk area and addresses now protected from a 1 in 200 years plus climate change flood event on the Ettrick Water.
- SD293-2 Map showing previously at risk area now protected from a 1 in 200 years plus climate change flood event on the Ettrick Water.

<b>Issue 294</b>	<b>Business and Industrial within the Central Strategic Development Area: Selkirk (BSELK003 – Riverside 8)</b>	
<b>Development plan reference:</b>	Selkirk Settlement Profile and Map (pages 485 – 493) BSELK003 – Riverside 8	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
335 Edinburgh Woollen Mill Group 342 Selkirk Community Council 357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Business and Industrial Allocation BSELK003 – Riverside 8	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>335 Edinburgh Woollen Mill Group:</u> 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. 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> 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> <p><u>357 Scottish Environment Protection Agency:</u> The contributor requires a flood risk assessment to assess the risk from the Etrick 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</p>		

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:**

<b>Reporter's recommendations:</b>

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 295</b>	<b>Business and Industrial within the Central Strategic Development Area: Selkirk (zEL11 – Riverside 2)</b>	
<b>Development plan reference:</b>	Selkirk Settlement Profile and Map (pages 485 – 493) zEL11 – Riverside 2	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
335 Edinburgh Woollen Mill Group 342 Selkirk Community Council 357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Business and Industrial Allocation zEL11 – Riverside 2	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>335 Edinburgh Woollen Mill Group:</u> 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> The contributor requests that the words "This site has an important riverside aspect" are added to the site requirements.</p> <p><u>357 Scottish Environment Protection Agency:</u> The contributor requires a flood risk assessment to assess the risk from the Etrick 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</p>		

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:**

**Reporter’s recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 296</b>	<b>Business and Industrial within the Central Strategic Development Area: Selkirk (zEL15 – Riverside 6)</b>	
<b>Development plan reference:</b>	Selkirk Settlement Profile and Map (pages 485 – 493) zEL15 – Riverside 6	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Business and Industrial Safeguarding zEL15 – Riverside 6	
<b>Planning authority's summary of the representation(s):</b>		
<p>The contributor requires a FRA which assesses the risk from the Ettrick 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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks a modification of the site requirements to include a FRA.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 proposed to mitigate the flood risk.”</p> <p>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</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 297</b>	<b>Business and Industrial Safeguarding within the Central Strategic Development Area: Selkirk (BSELK001 – Riverside 7)</b>	
<b>Development plan reference:</b>	Selkirk Settlement Profile and Map (pages 485 – 493) BSELK001 – Riverside 7	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
342 Selkirk Community Council 357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Business and Industrial Safeguarding BSELK001 – Riverside 7	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>342 Selkirk Community Council:</u> 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> The contributor requires a flood risk assessment to assess the risk from the Etrick 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>342 Selkirk Community Council:</u> 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> <p><u>357 Scottish Environment Protection Agency:</u> 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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE SELKIRK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS: <u>342 Selkirk Community Council:</u> 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</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 298</b>	<b>Housing within the Central Strategic Development Area: Selkirk (ASELK006 – Philiphaugh Steading)</b>	
<b>Development plan reference:</b>	Selkirk Settlement Profile and Map (pages 485 – 493) ASELK006 – Philiphaugh Steading	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
342 Selkirk Community Council 357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation ASELK006 – Philiphaugh Steading	
<b>Planning authority’s summary of the representation(s):</b>		
<p><u>342 Selkirk Community Council:</u> 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> The contributor supports the inclusion of FRA in the site requirements.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>342 Selkirk Community Council:</u> The contributors request that the site requirements should acknowledge that “... any proposals should be in keeping with the flood protection proposals.”</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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> 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 (<b>Core Document 007</b>) reflects these consents in its allocations and site ASELK006 was allocated for housing through the Local Plan 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.</p> <p>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 (<b>Core Document 021</b>).</p> <p>The Contributor requests that the site requirements should acknowledge that “... any proposals should be in keeping with the flood protection proposals.” Any forthcoming</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD007 Consolidated Local Plan 2011

CD021 Scottish Borders Local Plan Amendment Report of Examination 2010

<b>Issue 299</b>	<b>Housing within the Central Strategic Development Area: Selkirk (ASELK021 – Philiphaugh North)</b>	
<b>Development plan reference:</b>	Selkirk Settlement Profile and Map (pages 485 – 493) ASELK021 – Philiphaugh North	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation ASELK021 – Philiphaugh North	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
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.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 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.</p> <p>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.</p>		

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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 300</b>	<b>Housing within the Central Strategic Development Area: Selkirk (ESE10B – Lingle Road)</b>	
<b>Development plan reference:</b>	Selkirk Settlement Profile and Map (pages 485 – 493) ESE10B – Lingle Road	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
342 Selkirk Community Council 357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation ESE10B – Lingle Road	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>342 Selkirk Community Council:</u> 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> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>342 Selkirk Community Council:</u> Modification of the site requirements to acknowledge this as a gateway to the settlement.</p> <p><u>357 Scottish Environment Protection Agency:</u> 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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE SELKIRK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS: <u>342 Selkirk Community Council:</u> The contributor's comments are noted. It is acknowledged that the site is a gateway location into the town from the A707 Lingle Road. It is therefore important that the development of this site for housing respects this gateway location, is sympathetic to its</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD006 Main Issues Report

CD032 Designing Streets: A Policy Statement for Scotland

CD033 Designing Places: A Policy Statement for Scotland

CD059 Supplementary Planning Guidance on Placemaking and Design

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 301</b>	<b>Housing within the Central Strategic Development Area: Selkirk (ESE2 – Kerr’s Land)</b>	
<b>Development plan reference:</b>	Selkirk Settlement Profile and Map (pages 485 – 493) ESE2 – Kerr’s Land	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
339 Scottish Government, including Transport Scotland and Historic Scotland 342 Selkirk Community Council		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation ESE2 – Kerr’s Land	
<b>Planning authority’s summary of the representation(s):</b>		
<p><u>339 Scottish Government, including Transport Scotland and Historic Scotland:</u> 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> “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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>342 Selkirk Community Council:</u> 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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE SELKIRK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN</p> <p>REASONS:</p> <p><u>339 Scottish Government, including Transport Scotland and Historic Scotland:</u> This site was included in the Scottish Borders Local Plan 2008 (<b>Core Document 008</b>) by the Reporter following the local plan inquiry (<b>Core Document 020 Volume 2 Chapters 3-6 pages 5-27 – 5-29</b>) 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 (<b>Core Document 007</b>) 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.</p> <p><u>342 Selkirk Community Council</u></p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD007 Scottish Borders Consolidated Local Plan 2011

CD008 Scottish Borders Local Plan 2008

CD020 Scottish Borders Local Plan Inquiry Report 2007

<b>Issue: 302</b>	<b>Redevelopment within the Central Strategic Development Area: Selkirk (RSELK004 – Souter Court)</b>	
<b>Development plan reference:</b>	Selkirk Settlement Profile and Map (pages 485 – 493) – RSELK004 (Souter Court)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
342 The Royal Burgh of Selkirk & District Community Council 387 Easton		
<b>Provision of the development plan to which the issue relates:</b>	Redevelopment Opportunity at Souter Court, Selkirk - RSELK004	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>342 The Royal Burgh of Selkirk &amp; District Community Council:</u> 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> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>342 The Royal Burgh of Selkirk &amp; District Community Council:</u> 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> The contributor seeks the site boundary of RSELK004 to be amended to exclude land within their ownership.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO SELKIRK SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS: This site was identified within the Main Issues Report as a key regeneration site (<b>Core Document 006</b>, 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 Land Survey under site code HSELKIRK17 (<b>Core Document 040</b>, 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.</p> <p>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.</p> <p>A site covering RSELK004 has been subject to a planning application for residential</p>		

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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD006 Main Issues Report

CD040 Scottish Vacant and Derelict Land Survey 2013

**Supporting Documents:**

SD302-1 Officer Report for 08/00527/OUT

<b>Issue 303</b>	<b>Redevelopment within the Central Strategic Development Area: Selkirk (RSELK002 – St Marys Church)</b>	
<b>Development plan reference:</b>	Selkirk Settlement Profile and Map (pages 485 – 493) RSELK002 – St Marys Church	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
342 Selkirk Community Council		
<b>Provision of the development plan to which the issue relates:</b>	Redevelopment Site RSELK002 – St Marys Church	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks a modification of the site requirements to include a planning brief.		
<b>Summary of responses (including reasons) by planning authority:</b>		
NO CHANGE TO THE SELKIRK SETTLEMENT PROFILE AS SET OUT IN THE PROPOSED LOCAL DEVELOPMENT PLAN		
REASONS:		
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.		
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.		
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.		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue 304</b>	<b>Selkirk Settlement Profile and Map</b>	
<b>Development plan reference:</b>	Selkirk Settlement Profile and Map (pages 485 – 493)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
33 CWP Property Development & Investment		
<b>Provision of the development plan to which the issue relates:</b>	Selkirk Settlement Profile and Map	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks an amendment to the settlement profile to allocate land at Dunsdalehaugh as a commercial centre.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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: 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 network was informed by the work undertaken by the Robert Drysdale Consultancy in their work on retail capacity for the Council (<b>Core Document 050</b>), and the detailed data that was provided as part of that work.</p> <p>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</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

- CD001 SESplan Strategic Development Plan
- CD024 Scottish Planning Policy 2010
- CD026 Scottish Planning Policy 2014
- CD050 Scottish Borders Retail Capacity Study – September 2011

**Supporting Document:**

- SD304-1 Planning Application 07/01441/FUL Decision Notice

<b>Issue 305</b>	<b>Key Greenspace: Selkirk</b>	
<b>Development plan reference:</b>	Selkirk Settlement Profile and Map, Key Greenspace & GSSELK006	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
342 The Royal Burgh of Selkirk & District Community Council		
<b>Provision of the development plan to which the issue relates:</b>	Selkirk Key Greenspace & GSSELK006	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
<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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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, 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: "<i>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.</i>" In addition in relation to Key Greenspaces, the policy states: "<i>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</i>".</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

CD018 Key Greenspaces Technical Note

CD063 Supplementary Planning Guidance on Local Landscape Designations

<b>Issue: 306</b>	<b>Housing within the Central Strategic Development Area: Sprouston (RSP3B – Teasel Bank)</b>	
<b>Development plan reference:</b>	Sprouston Settlement Profile and Map (pages 500 – 503) – RSP3B (Teasel Bank)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
177 Tweed Homes (5 of 5) 357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Housing allocation in Sprouston – RSP3B (Teasel Bank).	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>177 Tweed Homes (5 of 5):</u> 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> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>177 Tweed Homes (5 of 5):</u> N/A</p> <p><u>357 Scottish Environment Protection Agency:</u> 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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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> Support and comments noted.</p> <p><u>357 Scottish Environment Protection Agency:</u> 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 (<b>Core Document 007</b>, page 480).</p> <p>It is noted that the respondent did not respond on this matter to the Main Issues Report (MIR) (<b>Core Document 076</b> - SEPA Response). The MIR (<b>Core Document 006</b>) 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</p>		

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:**

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**Reporter’s recommendations:**

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**Core Documents:**

CD006 Main Issues Report

CD007 Consolidated Local Plan 2011

CD076 SEPA Main Issues Report Consultation Response

<b>Issue: 307</b>	<b>Business and Industrial Safeguarding within the Central Strategic Development Area: St Boswells (zEL3 - Charlesfield)</b>	
<b>Development plan reference:</b>	St Boswells Settlement Profile and Map (pages 507 – 510) – zEL3 (Charlesfield)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
402 Redpath		
<b>Provision of the development plan to which the issue relates:</b>	Business and Industrial Safeguarding: St Boswells (zEL3 - Charlesfield)	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks the site boundary of zEL3 to be amended to exclude land within their ownership.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO ST BOSWELLS SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN.</p> <p>REASONS: 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 (<b>Core Document 031</b>) 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>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

**Core Documents:**

CD031 Circular 6/2013 - Development Planning

<b>Issue: 308</b>	<b>Development within the Central Strategic Development Area: Stichill Development Boundary (SBSTI001)</b>	
<b>Development plan reference:</b>	Stichill Settlement Profile and Map (pages 511 – 513) – SBSTI001 (Stichill Development Boundary Amendment)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
421 Leeming		
<b>Provision of the development plan to which the issue relates:</b>	Stichill Settlement Boundary Amendment – SBSTI001	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks the settlement boundary of Stichill to be amended to include land to the west of Stichill (SBSTI001 – Stichill Settlement Boundary Amendment).		
<b>Summary of responses (including reasons) by planning authority:</b>		
NO CHANGE TO STICHILL SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN.		
REASONS:		
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.		
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 100 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.		
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 ( <b>Core Document 007</b> , page 487-8). 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 ( <b>Supporting Document 308-1</b> ) 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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD001 Strategic Development Plan

CD007 Consolidated Local Plan 2011

CD017 Updated Appendix 2 Meeting the Housing Land Requirement

**Supporting Document:**

SD308-1 Site Assessment and Map for SBSTI001

<b>Issue 309</b>	<b>Housing outwith the Strategic Development Areas: Stow (ASTOW002 – Craigend Road)</b>	
<b>Development plan reference:</b>	Stow Settlement Profile and Map, Site ASTOW022 – Craigend Road	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
274 The Miller Family 357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Stow Housing Land	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>274 The Miller Family:</u> 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> The contributor supports this site as a flood risk assessment is required as set out in the site requirements.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>274 The Miller Family:</u> The contributor seeks the removal of the site from the Plan.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE HOUSING ALLOCATION ASTOW022.</p> <p>REASONS: 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 (<b>Core Document 007</b>) following the recommendation of the Local Plan Amendment Examination Reporter (refer to <b>Core Document 021</b> 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 (<b>Core Document 006</b>) 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 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) (<b>Core Document 026</b> paragraph 110) which states: "<i>The planning system should:</i></p>		

• *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:**

**Reporter's recommendations:**

**Core Documents:**

- CD001 SESplan Strategic Development Plan
- CD002 SESplan Supplementary Planning Guidance - Housing Land
- CD006 Scottish Borders Main Issues Report
- CD007 Scottish Borders Consolidated Local Plan 2011
- CD017 Updated Appendix 2 Meeting the Housing Land Requirement
- CD021 Scottish Borders Local Plan Amendment Examination Report 2010
- CD026 Scottish Planning Policy 2014
- CD039 Scottish Borders Housing Land Audit 2013

<b>Issue 310</b>	<b>Housing outwith the Strategic Development Areas: Stow (ASTOW027 – Stagehall II)</b>	
<b>Development plan reference:</b>	Stow Settlement Profile and Map, Site ASTOW027 – Stagehall II	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
089 The Miller Family 274 The Miller Family 495 Parish of Stow Community Council		
<b>Provision of the development plan to which the issue relates:</b>	Stow Housing Land	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>089 The Miller Family and 274 The Miller Family:</u> 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> 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>		
<b>Modifications sought by those submitting representations:</b>		

089 The Miller Family, 274 The Miller Family and 495 Parish of Stow Community Council: seek the allocation of site ASTOW027 for housing.

**Summary of responses (including reasons) by planning authority:**

NO CHANGE TO THE STOW HOUSING ALLOCATIONS PROPOSED, HOWEVER THE REPORTER IS REQUESTED TO CONSIDER THE MATTER FURTHER.

REASONS:

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.

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.

Nevertheless, it is appreciated that SPP 2014 (**Core Document 026**) (paragraph 46) encourages 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. 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”*. 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.

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.

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 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:**

**Reporter's recommendations:**

**Core Documents:**

CD001 SESplan Strategic Development Plan  
CD002 SESplan Supplementary Planning Guidance - Housing Land  
CD017 Updated Appendix 2 Meeting the Housing Land Requirement  
CD026 Scottish Planning Policy 2014  
CD031 Circular 6/2013 Development Planning  
CD032 Designing Streets: A Policy Statement for Scotland  
CD047 Development and Landscape Capacity Study - Stow  
CD059 Supplementary Planning Guidance on Placemaking and Design  
CD077 Site Comparison Report

**Supporting Documents:**

SD310-1 Site Assessment for ASTOW027 and Map

<b>Issue 311</b>	<b>Mixed Use outwith the Strategic Development Areas: Stow (MSTOW001 – Royal Hotel)</b>	
<b>Development plan reference:</b>	Stow Settlement Profile and Map, Site MSTOW001 – Royal Hotel	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency		
<b>Provision of the development plan to which the issue relates:</b>	Stow Mixed Use	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks an additional site requirement for a flood risk assessment.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b>). The MIR (<b>Core Document 006</b>) 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 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> <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>		
<b>Reporter's conclusions:</b>		

<b>Reporter's recommendations:</b>

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 312</b>	<b>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)</b>	
<b>Development plan reference:</b>	Swinton Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Swinton, page 518-521)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
494 Mr Tom Leddy		
<b>Provision of the development plan to which the issue relates:</b>	Swinton Settlement Profile, Development and Safeguarding Proposals (zEL45- Coldstream Road)	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
<ul style="list-style-type: none"> <li>- Re-allocation of part of zEL45 (as shown on the proposal map in the submission) to be an extension of MSWIN002 for affordable housing</li> <li>- Re-allocation of part of zEL45 (as shown on the proposal map in the submission) to provide a strip of land for retail</li> <li>- Remainder of zEL45 to remain as Business and Industrial Land (BSWIN002)</li> <li>- 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"</li> </ul>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.</p> <p>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.</p> <p>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</p>		

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:**

**Reporter’s recommendations:**

**Supporting Documents:**

- SD312-1 Site Assessment for ASWIN001 and Map
- SD312-2 Site Assessment for GSWIN001 and Map
- SD313-3 Site Assessment for BSWIN002 and Map

<b>Issue 313</b>	<b>Development outwith Strategic Development Areas: Swinton (MSWIN002- Land Adjacent to Swinton Primary School and New Proposed Longer Term Site- Coldstream Road II)</b>	
<b>Development plan reference:</b>	Swinton Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Swinton, page 520)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
417 Allan and Caroline Jeffries 017 Ladykirk Estates		
<b>Provision of the development plan to which the issue relates:</b>	Swinton Settlement Profile, Development and Safeguarding Proposals (MSWIN002- Land Adjacent to Swinton Primary School)	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>417 Allan and Caroline Jeffries:</u> 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> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>417 Allan and Caroline Jeffries:</u> Removal of MSWIN002 from the Local Development Plan</p> <p><u>017 Ladykirk Estates:</u> Addition to site requirements for MDUNS002 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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.</p> <p>REASONS: <u>417 Allan and Caroline Jeffries:</u> Swinton is located outwith the three Strategic Development Areas set out by the SESplan SDP. The <b>Core Document 017</b> 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</p>		

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:**

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**Reporter's recommendations:**

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**Core Document:**

CD017 Appendix 2 Update: Meeting the Housing Land Requirement

**Supporting Documents:**

SD313-1 Site Assessment for MSWIN001 and Map (Local Development Plan Expression of interest proposal)

SD313-2 Map of Local Plan Excluded Site MSWIN001

SD313-3 Site Assessment for SSWIN001 and Map

<b>Issue 314</b>	<b>Key Greenspace: Tweedbank</b>	
<b>Development plan reference:</b>	Tweedbank Settlement Profile and Map, Key Greenspace	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
482 Watson		
<b>Provision of the development plan to which the issue relates:</b>	Tweedbank Key Greenspace	
<b>Planning authority's summary of the representation(s):</b>		
The contributor seeks the inclusion of Killy Holes to the identified Key Greenspaces.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks the identification of Killy Holes as a Key Greenspace.		
<b>Summary of responses (including reasons) by planning authority:</b>		
NO CHANGE TO TWEEDBANK SETTLEMENT PROFILE.		
<p>REASONS:</p> <p>The Technical Note on Key Greenspaces (<b>Core Document 018</b>) 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 <b>Core Document 062</b>), 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 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.</p> <p>It is therefore contended that the area proposed by the contributor does not require to be identified as Key Greenspace in the Plan.</p>		
<b>Reporter's conclusions:</b>		

<b>Reporter's recommendations:</b>

**Core Documents:**

CD018 Key Greenspaces Technical Note

CD062 Supplementary Planning Guidance on Greenspace

<b>Issue 315</b>	<b>Housing within the Western Strategic Development Area: Walkerburn (TW200 – Caberston Farm Land)</b>	
<b>Development plan reference:</b>	Walkerburn Settlement Profile and Map, Site TW200 – Caberston Farm Land	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
403 D.R. Brett 465 Thomson		
<b>Provision of the development plan to which the issue relates:</b>	Walkerburn Housing Land	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>403 D.R. Brett:</u> 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 Mr Thomson:</u> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>403 D.R. Brett:</u> The contributor seeks the removal of site TW200 from the Plan.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE HOUSING ALLOCATION TW200.</p> <p>REASONS: 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 (<b>Core Document 006</b>) 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 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.</p> <p>This site is an allocated housing site within the Scottish Borders Consolidated Local Plan (refer to <b>Core Document 007</b>) for 30 units and is located within the Western Strategic Development Area. The Scottish Borders Housing Land Audit 2013 (<b>Core Document 039</b>) states that the site contributes 10 units to the effective housing land supply with development programmed for years 18, 19 and 20.</p>		

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:**

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**Reporter’s recommendations:**

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**Core Documents:**

- CD006 Scottish Borders Main Issues Report
- CD007 Scottish Borders Consolidated Local Plan 2011
- CD020 Scottish Borders Local Plan Inquiry Report 2007
- CD039 Scottish Borders Housing Land Audit 2013

<b>Issue 316</b>	<b>Walkerburn Settlement Profile – Longer Term Development Text</b>	
<b>Development plan reference:</b>	Walkerburn Settlement Profile and Map, Longer Term Development Text	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
465 Mr Thomson		
<b>Provision of the development plan to which the issue relates:</b>	Longer Term Development Text	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
<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>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 (<b>Core Document 006</b>) 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 (<b>Core Document 008</b>) 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 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 (<b>Core Document 007</b>) includes the following text: <i>“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.”</i> The Proposed Local Development Plan now includes a similar statement with regards to longer term development at Walkerburn.</p> <p>As the settlement of Walkerburn has a number of sites currently allocated and given the</p>		

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:**

**Reporter's recommendations:**

**Core Documents:**

- CD006 Scottish Borders Main Issues Report
- CD007 Scottish Borders Consolidated Local Plan 2011
- CD008 Scottish Borders Local Plan 2008

<b>Issue 317</b>	<b>Business and Industrial outwith the Strategic Development Areas: West Linton (zEL18 – Deanfoot Road)</b>	
<b>Development plan reference:</b>	West Linton Settlement Profile and Map, Sites zEL18 – Deanfoot Road	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency 422 Springfield Properties 478 John Warren		
<b>Provision of the development plan to which the issue relates:</b>	West Linton Business and Industrial Land	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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> 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. [It should be noted that contributor 422 Springfield Properties seeks to amend their representation to remove reference to affordable housing, refer to <b>Supporting Document 317-1</b>]</p> <p><u>478 John Warren:</u> 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 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</p>		

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:**

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<b>Reporter's recommendations:</b>

**Core Documents:**

CD001 SESplan Strategic Development Plan  
CD002 SESplan Supplementary Guidance on Housing Land  
CD006 Scottish Borders Main Issues Report  
CD007 Scottish Borders Consolidated Local Plan 2011  
CD017 Updated Appendix 2 Meeting the Housing Land Requirement  
CD021 Scottish Borders Local Plan Amendment Examination Report 2010  
CD026 Scottish Planning Policy 2014  
CD030 Circular 1/1998 The Town and Country Planning (Use Classes) (Scotland) Order 1997  
CD038 Scottish Borders Employment Land Audit 2013  
CD039 Scottish Borders Housing Land Audit 2013  
CD076 SEPA Main Issues Report Consultation Response  
CD077 Site Comparison Report

**Supporting Documents:**

SD317-1 422 Springfield Homes Email  
SD317-2 Technical Feasibility Study  
SD317-3 Site Assessment AWEST001 and Map  
SD317-4 Section 75 Legal Agreement

<b>Issue 318</b>	<b>Housing outwith the Strategic Development Areas: West Linton (AWEST009 – Robinsland Steading)</b>	
<b>Development plan reference:</b>	West Linton Settlement Profile and Map, Site AWEST009 – Robinsland Steading	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
357 Scottish Environment Protection Agency 422 Springfield Properties		
<b>Provision of the development plan to which the issue relates:</b>	West Linton Housing Land	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>357 Scottish Environment Protection Agency:</u> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>357 Scottish Environment Protection Agency:</u> The contributor seeks an additional site requirement for a flood risk assessment.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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) (<b>Core Document 076</b> SEPA Response). The MIR (<b>Core Document 006</b>) 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</p>		

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:**

**Reporter’s recommendations:**

**Core Documents:**

CD006 Scottish Borders Main Issues Report

CD076 SEPA Main Issues Report Consultation Response

<b>Issue 319</b>	<b>Housing outwith the Strategic Development Areas: West Linton (AWEST012 – Farm East; AWEST013 – South Robinsland; AWEST014 – Extended South Robinsland)</b>	
<b>Development plan reference:</b>	West Linton Settlement Profile and Map, Sites: AWEST012 – Robinsland Farm East AWEST013 – South Robinsland AWEST014 – Extended South Robinsland	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
422 Springfield Properties		
<b>Provision of the development plan to which the issue relates:</b>	West Linton Housing Land	
<b>Planning authority's summary of the representation(s):</b>		
<p>AWEST012 – Robinsland Farm East: 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>AWEST013 – South Robinsland &amp; AWEST014 – Extended South Robinsland: 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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks the allocation of additional land for housing at Robinsland, West Linton.		
<b>Summary of responses (including reasons) by planning authority:</b>		
NO CHANGE TO THE HOUSING ALLOCATIONS AT WEST LINTON.		

**REASONS:**

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.

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.

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.

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.

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.

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:**

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**Reporter's recommendations:**

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**Core Documents:**

CD001 SESplan Strategic Development Plan  
CD002 SESplan Supplementary Planning Guidance on Housing Land  
CD007 Scottish Borders Consolidated Local Plan 2011  
CD017 Updated Appendix 2 Meeting the Housing Land Requirement  
CD020 Scottish Borders Local Plan Inquiry Report  
CD026 Scottish Planning Policy 2014  
CD039 Scottish Borders Housing Land Audit 2013  
CD048 Development and Landscape Capacity Study – West Linton  
CD077 Site Comparison Report

**Supporting Documents:**

SD319-1 Site Assessment AWEST012 and Map  
SD319-2 Site Assessment AWEST013 and Map  
SD319-3 Site Assessment AWEST014 and Map

<b>Issue 320</b>	<b>Housing outwith the Strategic Development Areas: West Linton (AWEST015 – East of Dryburn Brae)</b>	
<b>Development plan reference:</b>	West Linton Settlement Profile and Map, Sites AWEST015 – East of Dryburn Brae	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
493 Crummock (Scotland) Ltd		
<b>Provision of the development plan to which the issue relates:</b>	West Linton Housing Land	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks the allocation of site AWEST015 for housing.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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 already allows for a generous supply of housing land as required by Scottish Planning Policy (SPP) 2014 (<b>Core Document 026</b>) (paragraph 110). Outwith the Strategic Development Areas the SESplan Supplementary Guidance on Housing Land (<b>Core Document 001</b>) identifies a requirement of 80 units.</p> <p>The Scottish Borders Housing Land Audit 2013 (<b>Core Document 039</b>) (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>		

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:**

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**Reporter's recommendations:**



**Core Documents:**

CD001 SESplan Strategic Development Plan  
CD002 SESplan Supplementary Planning Guidance – Housing Land  
CD007 Scottish Borders Consolidated Local Plan 2011  
CD017 Updated Appendix 2 Meeting the Housing Land Requirement  
CD026 Scottish Planning Policy 2014  
CD038 Scottish Borders Housing Land Audit 2013  
CD048 Development and Landscape Capacity Study – West Linton  
CD077 Site Comparison Report

**Supporting Documents:**

SD320-1 Site Assessment AWEST015 and Map

<b>Issue 321</b>	<b>Development outwith the Strategic Development Areas: Westruther (MWESR001- Greenlees I; AWESR008-Greenlees II; and AWESR007- North of Edgar Road)</b>	
<b>Development plan reference:</b>	Westruther Settlement Profile, Development and Safeguarding Proposals (Proposed Local Development Plan, Volume 2 Settlement Profiles, Westruther, page 537 to 539)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
416 Richard Amos Ltd		
<b>Provision of the development plan to which the issue relates:</b>	Westruther Settlement Profile, Development and Safeguarding Proposals	
<b>Planning authority's summary of the representation(s):</b>		
<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>		
<b>Modifications sought by those submitting representations:</b>		
Inclusion of MWESR001, AWESR006 and AWESR007 within the Westruther settlement profile		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE SETTLEMENT PROFILE IN THE LOCAL DEVELOPMENT PLAN FROM THAT PROPOSED.</p> <p>REASONS: 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 <b>Core Document 017</b> 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 <b>Core Document 017</b> 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.</p>		

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:**

**Reporter's recommendations:**

**Core Document:**

CD017 Appendix 2 Update: Meeting the Housing Land Requirement

**Supporting Documents:**

SD321-1 Site Assessment for MWESR001 and Map

SD321-2 Site Assessment for AWESR008 and Map

SD321-3 Site Assessment for AWESR007 and Map

<b>Issue: 322</b>	<b>Housing outwith the Strategic Development Areas: Yetholm (RY4B - Morebattle Road)</b>	
<b>Development plan reference:</b>	Yetholm Settlement Profile and Map (pages 546 – 549)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
395 Sir John Shepherd		
<b>Provision of the development plan to which the issue relates:</b>	Housing allocation at Morebattle Road (RY4B) for 18 units.	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
The contributor seeks the removal of the housing allocation at Morebattle Road (RY4B).		
<b>Summary of responses (including reasons) by planning authority:</b>		
NO CHANGE TO YETHOLM SETTLEMENT STATEMENT AS SET OUT IN PROPOSED LOCAL DEVELOPMENT PLAN.		
<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 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.</p>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue: 323</b>	<b>Policy Maps and Settlement Profiles with Maps: Extension of Borders Rail Project</b>	
<b>Development plan reference:</b>	Policy Maps and Settlement Profiles with Maps	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
479 Robert Drysdale 412 The Campaign for Borders Rail		
<b>Provision of the development plan to which the issue relates:</b>	The settlement profiles and maps of various settlements	
<b>Planning authority's summary of the representation(s):</b>		
<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"> <li>• The proposed rail extension to Carlisle as shown in the Policy Map (pages 188-193) should be shown on the appropriate Settlement Proposals Maps;</li> <li>• There is nothing on the Settlement Proposals Maps to indicate that the route is safeguarded; and</li> <li>• There is no mention of the proposed rail extension scheme on many of the Settlement Profiles.</li> </ul> <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"> <li>• Darnick;</li> <li>• Hawick;</li> <li>• Melrose;</li> <li>• Newcastleton;</li> <li>• Newstead;</li> <li>• Newtown St Boswells;</li> <li>• St Boswells and</li> <li>• Tweedbank.</li> </ul> <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  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</p>		

Development Site zEL59 - Tweedbank

The contributors also indicate that the proposed safeguarded route should show in all locations an allocation for a double-track formation.

**Modifications sought by those submitting representations:**

Amendments to Settlement Proposals Maps to indicate a safeguarded route and inclusion of appropriate text within settlement profiles.

**Summary of responses (including reasons) by planning authority:**

NO CHANGE TO PROPOSED LOCAL DEVELOPMENT PLAN

**REASONS:**

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.

Therefore it is submitted that there should be no change to the Proposed Local Development Plan.

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 324</b>	<b>General criticism and support of the production of the Proposed Local Development Plan</b>	
<b>Development plan reference:</b>	Proposed Local Development Plan (all)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
102 Dr Fenton Robb 186 Minto Hills Conservation Group 177 Tweed Homes		
<b>Provision of the development plan to which the issue relates:</b>	Proposed Local Development Plan (all)	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>102 Dr Fenton Robb:</u> 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> 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> State that they would like to congratulate SBC on producing a comprehensive and relatively simple to follow document</p>		
<b>Modifications sought by those submitting representations:</b>		
N/A		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>NO CHANGE TO THE PROPOSED LOCAL DEVELOPMENT PLAN FROM THAT PRESENTED</p> <p>REASONS: <u>186 Minto Hills Conservation Group and 177 Tweed Homes:</u> Comments and support noted.</p> <p><u>102 Dr Fenton Robb:</u> Preparation of the Proposed Local Development Plan (LDP) has included a number of</p>		

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.

The strategic policy direction of the SESplan has also been taken into account within the LDP.

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.

**Reporter's conclusions:**

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**Reporter's recommendations:**

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<b>Issue 325</b>	<b>General: consideration of Core Areas of Wild Land</b>		
<b>Development plan reference:</b>	Proposed Local Development Plan (General)	<b>Reporter:</b>	
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>			
327 SNH			
<b>Provision of the development plan to which the issue relates:</b>	Proposed Local Development Plan (General)		
<b>Planning authority's summary of the representation(s):</b>			
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.			
<b>Modifications sought by those submitting representations:</b>			
N/A			
<b>Summary of responses (including reasons) by planning authority:</b>			
NO CHANGE TO THE PROPOSED LOCAL DEVELOPMENT PLAN FROM THAT PRESENTED.  REASONS: Comments noted.  The Council Report ( <b>Supporting Document 325-1</b> ) 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.  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.			
<b>Reporter's conclusions:</b>			
<b>Reporter's recommendations:</b>			

**Supporting Document:**

SD325-1 Committee Report on Core Areas of Wild Land (December 2013)

<b>Issue 326</b>	<b>General: progress of Habitats Regulations Appraisal and inclusion of consideration of European Sites</b>		
<b>Development plan reference:</b>	Proposed Local Development Plan (General)	<b>Reporter:</b>	
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>			
327 SNH			
<b>Provision of the development plan to which the issue relates:</b>	Proposed Local Development Plan (General)		
<b>Planning authority's summary of the representation(s):</b>			
<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>			
<b>Modifications sought by those submitting representations:</b>			
Inclusion of Natura reference in site requirements for relevant sites in settlement profiles where there is only reference in the supporting text.			
<b>Summary of responses (including reasons) by planning authority:</b>			
<p>NO CHANGE TO THE PROPOSED LOCAL DEVELOPMENT PLAN FROM THAT PRESENTED.</p> <p>REASONS:  Since this representation was received the HRA has been completed to the satisfaction of SNH (<b>SD326-1</b>). 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 development proposals arising from relevant allocations within the Proposed LDP.</p> <p>As a result of the discussion no changes to relevant parts of the Local Development Plan are considered to be required.</p>			
<b>Reporter's conclusions:</b>			

<b>Reporter's recommendations:</b>

**Supporting Document:**

SD326-1 Confirmation of Acceptance of HRA Findings from SNH

<b>Issue 327</b>	<b>General: reference to strategic high amenity business and industrial site at Cavalry Park in Peebles</b>	
<b>Development plan reference:</b>	Chapter 3, Vision, Aims and Spatial Strategy, paragraph 3.23, Spatial Strategy section (Proposed Local Development Plan, page 18)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
464 Karen Graham 457 Morris Anderson 179 Pearson Donaldson		
<b>Provision of the development plan to which the issue relates:</b>	Vision, Aims and Spatial Strategy, paragraph 3.23, Spatial Strategy section	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>464 Karen Graham:</u> 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> 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> 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>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>464 Karen Graham, 457 Morris Anderson and 179 Pearson Donaldson:</u> Deletion of the wording “industrial” in the first line of paragraph 3.23</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p>THE AMENDMENT OF THE WORDING AT PARAGRAPH 3.23 IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL.</p> <p>Policy ED1, Protection of Business and Industrial Land, states at Table 1 (page 35) that the site is “Strategic High Amenity”.</p> <p>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.</p>		
<b>Reporter's conclusions:</b>		

<b>Reporter's recommendations:</b>

<b>Issue 328</b>	<b>General: Safeguarding existing and promoting new railway routes</b>	
<b>Development plan reference:</b>	Chapter 3, Vision, Aims and Spatial Strategy, paragraph 3.9 and 5 <sup>th</sup> 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)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
487 Network Rail		
<b>Provision of the development plan to which the issue relates:</b>	Chapter 3, Visions, Aims and Spatial Strategy, paragraph 3.9 and 5 <sup>th</sup> bullet, Local Development Plan Aims; and Chapter 2, Meeting the Challenges for the Scottish Borders, Infrastructure section Key Outcome 5	
<b>Planning authority's summary of the representation(s):</b>		
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		
<b>Modifications sought by those submitting representations:</b>		
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.		
<b>Summary of responses (including reasons) by planning authority:</b>		
<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>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue 329</b>	<b>General: short-term parking provision for visitor spend in established town centres</b>	
<b>Development plan reference:</b>	Chapter 2, Meeting the Challenges for the Scottish Borders, paragraph 2.7, Economy section (Proposed Local Development Plan, page 11)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
447 Lilliesleaf, Ashkirk & Midlem Community Council		
<b>Provision of the development plan to which the issue relates:</b>	Meeting the Challenges for the Scottish Borders, paragraph 2.7, Economy section	
<b>Planning authority's summary of the representation(s):</b>		
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.		
<b>Modifications sought by those submitting representations:</b>		
Stress of short-term parking provision in town centres to help provide for visitor spend		
<b>Summary of responses (including reasons) by planning authority:</b>		
AMENDMENT OF THE TEXT IS CONSIDERED A NON-SIGNIFICANT CHANGE ACCEPTABLE TO THE COUNCIL		
<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>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue 330</b>	<b>Renewable Energy - General</b>	
<b>Development plan reference:</b>	General references to Renewable Energy within Proposed Plan	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
463 Coriolis 102 Robb 447 Lilliesleaf, Ashkirk & Midlem CC		
<b>Provision of the development plan to which the issue relates:</b>	Renewable Energy	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>463 Coriolis:</u> 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> 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 &amp; Midlem CC:</u> Some of our members would like to see the Council support only types of renewable energy which do not depend on subsidy</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>102 Robb:</u> All references to renewable energy should be qualified thus "affordable renewable energy". There is no reference in the Plan as to how land to be vacated by wind farms is to be used</p> <p><u>447 Lilliesleaf, Ashkirk &amp; Midlem CC:</u> Some members of the CC would like to see the Council support only types of renewable energy which do not depend on subsidy</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		

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:**

**Reporter’s recommendations:**