
LOCAL DEVELOPMENT PLAN : MAIN ISSUES REPORT – SUMMARY OF CONSULTATION RESPONSES

Report by Service Director Regulatory Services

SCOTTISH BORDERS COUNCIL

26 June 2019

1 PURPOSE AND SUMMARY

- 1.1 This report is for information purposes to note the representations received during the consultation on the Main Issues Report carried out between November 2018 and January 2019.**
- 1.2 The Main Issues Report (MIR) is a forerunner to the review of the forthcoming new Local Development Plan (LDP2) which will replace the existing adopted LDP 2016. In essence the MIR sought public views on a range of key material considerations which the LDP2 must address. It raised a series of questions for consideration and where possible suggested preferred and alternative approaches for addressing identified issues. The representations received require further work to be fully scrutinised and they will be taken forward for consideration and will be responded to as part of the preparation of the proposed LDP2.
- 1.3 It is anticipated the proposed LDP2 will be finalised by the end of this year and it was originally envisaged that it would be referred to the Council for approval at that point prior to being sent out for a public consultation. However, as the proposed Strategic Development Plan 2 (SDP2) has recently been rejected by Scottish Ministers this raises some issues for all SESPlan member authorities as to how their respective Development Plans are taken forward. This includes issues such as, for example, which strategic housing land requirement figures should be incorporated into Local Development Plans. The implications of the Minister's decision is referred to in more detail within part 3 of this report and legal advice is being sought as to how LDPs are progressed.

2 RECOMMENDATION

- 2.1 I recommend that the Council notes the Summary of Consultation Responses submitted to the Main Issues Report as set out in Appendix A.**

3 BACKGROUND

- 3.1 The Town and Country Planning (Scotland) Act 1997 sets out the statutory basis for development planning in Scotland. Scottish Government Circular 6 –Development Planning confirms the requirements of the Main Issues Report (MIR). The MIR must be prepared in advance of the Local Development Plan (LDP) and must identify key issues for public opinion which the LDP should address. The MIR is not a draft version of the Plan nor a final position by the Council, but a consultation document that draws attention to the key issues. The purpose of the MIR is to focus on what are considered to be the *main issues*, and consequently not all *issues* were identified, but will instead be featured when the proposed next LDP (LDP2) is published. The MIR was agreed by the Council on 30th August 2018 and has since been subject to public consultation.
- 3.2 The Government expects a degree of twin tracking in those areas such as the Scottish Borders that are also covered by a Strategic Development Plan (SDP) but stipulate that LDPs should not be submitted to Ministers until the SDP has been approved. The SDP is the high level strategic plan that sets out a range of strategic planning issues which the LDP must address. The LDP should be consistent with the strategy and policies of the SDP, as well as Scottish Planning Policy more generally. The proposed SDP2 (the SESPlan for Edinburgh and the South East of Scotland) was subject to Examination by Reporters from the Directorate for Planning and Environmental Appeals (DPEA). The recommendations by the Reporters were referred to Scottish Ministers in July 2018 with a view to the culmination in a new adopted SDP2.
- 3.3 At the time the MIR was finalised the decision from Scottish Ministers was still awaited and therefore at that stage the decision and any amendments to the proposed SDP2 by Ministers was unknown. The MIR therefore made reference to the key parts within the proposed SDP2, and stated it would take account of the new SDP2 as required when it is adopted. This includes the finalised housing land requirement for the Scottish Borders which must be incorporated within LDP2. In order to ensure LDP2 accommodates the anticipated number of housing units the Ministers may identify, the MIR proposed a greater number of site options for housing development as was anticipated.
- 3.4 On 16 May 2019 Scottish Ministers rejected the proposed SDP2. This was primarily on the grounds of the Plan not taking sufficient account of the relationship between land use and transport. Although following the Examination of the SDP2 the Reporter considered this matter could be satisfied by transport appraisals being carried out via further Supplementary Guidance, Ministers did not support this, stating that the plan's spatial strategy should be informed by an appraisal prior to being adopted.
- 3.5 This decision has major implications for the progress of all LDP's for planning authorities within the SESplan area as this time delay will affect the statutory requirement to produce adopted LDP's within a 5-year cycle. SESPlan member authorities are currently discussing and seeking guidance as to how this matter should be resolved.

- 3.6 As SDP2 has been rejected SDP1 remains the current statutory approved strategic plan. However, many parts of SDP1 are out of date. Consequently, there is some uncertainty as to when the proposed LDP2 could be presented to the Council and how some of the out of date parts of SDP1 are addressed. However, in the short term Officers will continue to progress the finalisation of the proposed LDP2 and Elected Members will be updated as the procedures for concluding the LDP2 are clarified.

4 PREPARATION OF MAIN ISSUES REPORT

- 4.1 In preparing the MIR a number of activities were undertaken by the Council. This included a Call for Sites seeking the submission of potential development sites for a variety of uses; a number of public events and workshops to discuss the purpose of the MIR; the consideration of third party representations and consultations with other Council services (e.g. roads, education, landscape, flood team, access team, archaeologist, biodiversity officer, economic development) and external bodies (e.g., Scottish Water, Scottish Natural Heritage, SEPA, Historic Environment Scotland, National Health Service, etc). Consequently all the site options within the MIR had been scrutinised very thoroughly, and although some site options raised some challenges to be addressed, no sites were included which were considered to have insurmountable issues.
- 4.2 The MIR also took account of a number of background papers including a Monitoring Report (this monitored the performance of planning policies and identifies new issues to be addressed), a Housing Technical Note, a Town Centre Core Activity Pilot Scheme and a Western Rural Growth Area: Development Options Study (this consultants study identifies both short and long term options for housing and employment land in central Tweeddale).

5 PUBLIC CONSULTATION ON MAIN ISSUES REPORT

- 5.1 The 12-week public consultation on the MIR and the related Environmental Report (ER) commenced on 8 November 2018 and closed on 31 January 2019. As part of the consultation process over 400 letters and e-mails were sent out to a number of consultees. All documentation was placed on the Council website and made available for inspection at all public libraries and at Council Contact Centres. There was consultation with a range of bodies, including key statutory agencies, neighbouring planning authorities, SESplan authorities, all Community Councils as well as public organisations / businesses / members of the public who have previously expressed an interest in the development planning process in the Borders. Within the consultation period a series of 10 drop-in sessions and 7 workshops were held in venues across the Scottish Borders which were attended by over 250 parties. Further publicity for the MIR consultation included advertisements and press releases within local papers, as well as updates on the Council's webpage and twitter.

6 SUMMARY OF MAIN REPRESENTATIONS

Response to the Questions on the Main issues

- 6.1 330 representations were received during the consultation from a range of interested parties covering a wide range of subjects. Many representations made reference to a number of matters. A summary of

the representations can be viewed in **Appendix A**. A reference to the respondent is stated at the end of each representation and redacted copies of the full representations can be viewed on the Council website on the following link <https://www.scotborders.gov.uk/ldp2mir>. Hard copies of the representations have been made available to Elected Members within their library at Council Headquarters. The MIR can be viewed on the aforesaid link which can be used to cross reference, for example, the set questions and the options for responding and for details of the sites put forward.

- 6.2 The representations received raised a wide range of opinions, many of which offered conflicting views. Objections were raised to the vast majority of housing / mixed use sites across the Scottish Borders. The highest number of objections related to proposals in Tweeddale, particularly proposals for Peebles and Eshiels. Notable opposition was also raised to site options at Netherbarns in Galashiels, Harmony Hall in Melrose, 2 sites in Ednam, sites in Eddleston and land south of Darnlee in Darnick. A further 43 new sites (including 5 amendments to development boundaries) were submitted by third parties during the consultation with a view to them being offered for consideration for inclusion within the proposed LDP2. These sites are currently being consulted upon. Representations also proposed the removal of 13 sites within the adopted LDP.

Response to the Questions on the Main Issues

- 6.3 The representations received on the questions set in the MIR are summarised at a broad level as listed below. For each question reference is given to the page number of the summary table within **Appendix A** where the representations commence and can be viewed in more detail.
- 6.4 *Vision, Aims and Spatial Strategy (Question 1)*. Page 2 of Appendix A.
- Representations cover a very wide range of subjects and opinions.
 - Broad support to the main aims of the MIR, with some comment on the need to reference other particular matters including economic development and tourism, ensure adequate infrastructure, future technology, natural environment and housing supply.
 - Disagreement to the main themes of the MIR, including reference to the need to prevent development in the Tweeddale area particularly Peebles and that new development should instead be identified in the central Borders.
 - The LDP should have more longer term thinking in the vision, aims and spatial strategy notably in terms of transport integration.
 - Development allocations must take account of any existing infrastructure shortfalls and constraints.
 - The Borders railway should be exploited further to support new development in its vicinity and improvement to transport links.
- 6.5 *Growing our Economy (Questions 2 – 6)*. Page 25 of Appendix A.
- The majority of contributors agreed with the preferred option to retain the existing 'Strategic High Amenity' site categorisation with the amalgamation of the remaining categories.

- There is support for new or more business and industrial land, particularly focused around the vicinity of the Borders Railway line.
- No suggestions are made in respect of potential new business and industrial land within Town Yetholm and Lauder. One contributor has suggested that any additional land for business use would be best located south of Kelso adjoining the industrial estate at Pinnaclehill. General comments were received with the view that new business and industrial land should be adjacent to existing sites.
- In respect of how allocated business and industrial land can be delivered more effectively, general comments have been received including the view that attractive environments should be created and promoted with access to facilities. The use of Simplified Planning Zones as a means of establishing more sites for delivery is suggested.
- A submission has been received requesting that a number of businesses in Peebles are safeguarded for employment/economic purposes.

6.6 Comments on preferred and alternative sites presented within the MIR for business and industrial land / mixed use land are as follows:

- South of Earlsmeadow (Phase 1), Duns (MDUNS005): response against inclusion of the site within the plan.
- Land at Winston Road 1, Galashiels (BGALA006): response for the inclusion of the site within the plan although the landowner considers that the site should be allocated for residential development.
- Land to South of Burnhead, Hawick (BHAWI004): responses against the inclusion of the site within the plan.
- Land at Eshiels I, Eshiels (MESHIO01): responses for and against inclusion in the Plan.
- Land at Eshiels II, Eshiels (MESHIE002): responses for and against inclusion in the Plan.
- Land West of Innerleithen, Innerleithen (MINNE003): responses for and against inclusion in the Plan.
- Deanfoot Road North, West Linton (BWEST003): response against inclusion in the Plan.
- Land at Nether Horsburgh, Cardrona (SCARD002): responses against inclusion in the Plan.
- Land West of Edderston Ridge, Peebles (SPEEB008): responses for and against inclusion in the Plan.

6.7 *Planning for Housing (Questions 7 – 9).* Page 130 of Appendix A.

- Comments were raised regarding the calculation of the housing land requirement which was based upon the proposed SESplan housing land requirement.
- Numerous comments were received for and against the preferred and alternative options within the MIR for housing. A number of comments raised concerns in relation to specific sites and settlements.
- Responses were received for and against the preferred and alternative options for the housing in the countryside policy. A number of comments supported the alternative approach, subject to appropriate criteria such as design, setting and materials.

- 6.8 *Town Centres (Questions 10 – 12)*. Page 276 of Appendix A.
- There is broad support for the preferred option to retain Core Activity Areas and apply a policy which allows a wider range of uses to be judged on a case by case basis depending upon the performance of the town centre in question.
 - There are numerous comments stating that the role of town centres is changing with various suggestions as to how this can be addressed within the Borders.
 - Responses were received in support and against a supermarket within Berwickshire.
 - Responses were received for and against the removal of developer contributions within the Core Activity Areas. There were a large number of general comments made in respect of this policy.
- 6.9 *Delivering Sustainability and Climate Change Agenda (Questions 13 – 14)*. Page 281 of Appendix A
- Support for the continuation to support and promote sustainability and climate change adaption. Land Use Strategy should be developed further and implemented in practice.
 - To reduce car travel new development should be focused in existing settlements.
 - Concerns regarding the threat of further increasing heights of proposed wind farms.
 - Should be more proactivity in utilising energy initiatives and sustainable design / materials for domestic properties and more investment in walkways and cycleways, electric vehicle charging points.
 - Strong support and objection to the possibility of a National Park being designated in the Scottish Borders. More support than objection and a number of potential designation locations have been suggested.
- 6.10 *Regeneration (Question 15)*. Page 313 of Appendix A
- The majority of contributors agree with the proposed redevelopment sites to be allocated within the Local Development Plan 2. There are a number of general site specific comments.
- 6.11 *Settlement maps (Question 16 – 17)*. Page 322 of Appendix A
- There is broad support the principal of Oxnam becoming a recognised settlement within the Local Development Plan 2.
 - There is majority support with some opposition to the removal of the Core Frontage designation within Newcastleton Conservation Area.
- 6.12 *Planning Policy Issues (Question 18)*. Page 327 of Appendix A
- The consultation on the MIR also covered the existing suite of policies in the adopted LDP, suggesting a number of proposed amendments. The main comments are as follows, and although it should be noted that this area had a lower level of response than the main issues there was a high level of general support:
- Placemaking and Design (Policies PMD1 – PMD5)
- Predominant general support of these policies and proposed amendments.

- Emphasis on developing settlements puts pressure on townscape and services.

Economic Development Policies (Policies ED1 – ED12)

- Business land should be retained for that purpose.
- Digital connectivity must remain a priority.
- Flexibility for proposals in the core activity area in Peebles must be carefully scrutinised.
- Potential brexit issues and implications for rural landowners must be acknowledged.
- Support for promoting further renewable energy types including district heat networks and wind turbines.

Housing Development (Policies HD1 – HD5)

- Support for affordable and special needs housing where services and facilities are easily accessible.
- Mixed views on the alternative option to allow isolated houses in the countryside. There were few representations regarding this matter.

Environmental Promotion and Protection (Policies EP1 – EP16)

- General support of policies and proposed amendments.
- Policy reference to the Local Biodiversity Action Plan is welcomed.
- Consideration requested for the development of the railway from St Boswells to Berwick.
- Reference to SNH's Ancient Woodland Inventory should be added to the policy with greater protection to trees within it.

Infrastructure and Standards (Policies IS1 – IS17)

- Requirement and contributions for a new bridge in Peebles over the Eddleston Water to accommodate traffic generation from new developments in that part of the town is challenged.
- Reference to the need to provide a bypass around Selkirk.
- Some amendments to flood risk policy IS8 text are suggested by SEPA.
- SEPA suggest some updated text changes of policy IS9 including expanding upon the benefits of SUDS within the background text.
- Coal Authority support reference to unstable land being incorporated within policy IS13.

New policies

- Predominant support for a new dark skies policy.
- General support for the criteria based policy approach option for cemetery proposals and the policy wording should be prepared in discussion with SEPA.

6.13 *Any Other Comments (Question 19)* Page 347 of Appendix A

Representations refer to a very wide range of subjects and opinions and cannot easily be summarised due to the volume. The representations raise issues including housing land supply and how it is calculated and delivered, transport issues across the Scottish Borders, and comments on the MIR consultation.

Responses in relation to MIR sites

6.14 Representations were received on the preferred and potential sites identified in the MIR as well as a number of alternative suggestions by the respondents put forward for consideration. It is reiterated that the Minister's rejection of the SDP2 leaves uncertainty at this stage as to what the housing land requirement will be for LDP2 and consequently at this stage the inclusion of sites cannot be confirmed.

Responses to housing site options in the MIR

- Dick's Croft II, Ancrum (AANCR002): responses for inclusion within the Plan.
- Hillview North (Phase 2), Coldstream (ACOLD014): response for and against inclusion within the Plan.
- Crailing Toll (Larger Site), Crailing (ACRAI004): response against inclusion within the Plan.
- Land south of Darnlee, Darnick (ADARN005): responses for and against inclusion within the Plan.
- Land South East of Thorncroft, Denholm (ADENH006): response for inclusion of the site within the Plan.
- Land at Black Barn, Eckford (AECKF002): responses for and against inclusion within the Plan.
- Cliftonhill (v), Ednam (AEDNA011): responses for and against inclusion within the Plan.
- Land north of Primary School, Ednam (AEDNA013): for and against inclusion within the Plan.
- Netherbarns, Galashiels (AGALA029): response for and responses against inclusion within the Plan.
- Land at Eden Road, Gordon (AGORD004): response against inclusion within the Plan.
- Halliburton Road, Greenlaw (AGREE008): response for inclusion within the Plan.
- Poultry Farm, Greenlaw (AGREE009): responses for inclusion within the Plan.
- Burnfoot (Phase 1), Hawick (AHAWI027): responses against inclusion of the site within the Plan.
- Harmony Hall Gardens, Melrose (AMEL013): responses for and against inclusion within the Plan.
- Philiphaugh Mill, Selkirk (ASELK040): responses for and against inclusion within the Plan.
- Edgar Road, Westruther (AWESR002): response against inclusion within the Plan.
- Land to the North of Dolphinton (ADOLP004): responses for and against inclusion in the Plan.
- Land West of Elibank Park, Eddleston (AEDDL008): responses against inclusion in the Plan.
- Land South of Cemetery, Eddleston (AEDDL009): responses against inclusion in the Plan.
- North of Bellfield II, Eddleston (Longer Term) (SEDDL001): responses against inclusion in the Plan.
- Deanfoot Road North, Oxton (AOXTO010): responses for and against inclusion in Plan.
- Land South of Chapelhill Farm, Peebles (APEEB056): responses for and against inclusion in Plan.
- East of Cademuir Hill, Peebles (Longer Term) SPEEB009): responses for and against inclusion in Plan.

7 NEXT STEPS

- 7.1 All the representations submitted as part of the MIR consultation need to be fully addressed. This will include a series of internal working groups to consider how key matters will be addressed. It is also proposed that a series of presentations / workshops are held with Elected Members in order to discuss some of the main issues and challenges to be addressed in preparing the proposed LDP. This will culminate in the referral of the proposed LDP2 to the Council for approval at the appropriate time. The proposed LDP2 will represent the settled view of the Council and will be subject to public consultation. Neighbour notification letters will also be sent out at that consultation stage. Should the Council receive objections to the proposed LDP2 that are not resolved they will be sent to the Planning and Environmental Appeals Division (DPEA) of the Scottish Government. An Examination would then be conducted by an appointed Scottish Government Reporter into any unresolved objections to the proposed LDP2.

The Environmental Report (ER), which has been prepared under the terms of the Environmental Assessment (Scotland) Act 2005, will also require to be advertised under separate legislation.

8 IMPLICATIONS

8.1 Financial

There are no additional implications arising from this report.

8.2 Risk and Mitigations

There are no risks arising from this report.

8.3 Equalities

An Equalities Impact Assessment has been carried out as part of the MIR process and it is anticipated that there are no adverse equality implications.

8.4 Acting Sustainably

The MIR has been subject to environmental appraisal under the terms of the Environmental Assessment (Scotland) Act 2005. An Environmental Report (ER) has been prepared alongside the MIR. The ER sets out a detailed assessment of the potential impacts of the options within the MIR, and puts forward any necessary mitigation requirements.

8.5 Carbon Management

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

8.6 Rural Proofing

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

8.7 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to be made.

9 CONSULTATION

- 9.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR, Communications and the Clerk to the Council have all been consulted and comments received have been incorporated into the final report.

Approved by

Brian Frater

Service Director Regulatory Services

Signature

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Background Papers: Scottish Borders Council – Local Development Plan: Main Issues Report – 30 August 2018

Previous Minute Reference: None

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

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