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## **PROPOSED LOCAL DEVELOPMENT PLAN**

**Report by Executive Director**

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### **SCOTTISH BORDERS COUNCIL**

**25 September 2020**

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

**1.1 This report seeks agreement on the Council's Proposed Local Development Plan (LDP) including the responses to matters raised from the consultation on the Main Issues Report.**

1.2 The report gives reference to the background and legislative requirements for the preparation of the LDP. It confirms its format and identifies the main component parts. The report includes reference to policy amendments, new site allocations, site removals and other material considerations including background papers which helped guide the preparation of the LDP.

1.3 Following the approval of the Proposed LDP there will be a 12 week period for public representation through an online consultation. Any outstanding objections to the Proposed LDP will be subject to Examination by the Scottish Government Reporters from the Planning and Environmental Appeals Division.

1.4 The LDP was on the agenda to be presented to elected members at the Council meeting in March 2020. However, due to the COVID 19 outbreak and a number of related issues, particularly with regards to how the Plan would be successfully consulted upon given the lockdown and the indefinite postponement of public meetings, it was withdrawn from that meeting.

#### **2 RECOMMENDATIONS**

**2.1 I recommend that the Council:**

- a) Approve the Proposed Local Development Plan (see Appendix A)**
- b) Agree the proposed responses to the outstanding matters from consultation on the Main Issues Report (see Appendix B)**
- c) Agree the recommendations of the site assessment database for all sites considered as part of the Local Development Plan process (see Appendix C)**

- d) Agree to delegate any editing changes of a non-policy nature to the Executive Director, Corporate Improvement and Economy**
- e) Agree to publish the Proposed Local Development Plan for public representation for a period of 12 weeks**
- f) Note the updated Environmental Report on the Proposed Local Development Plan**

### **3 BACKGROUND**

- 3.1 The Town and Country Planning (Scotland) Act 1997 sets out the statutory basis for development planning in Scotland. Detailed aspects of the development planning system are set out in the 2008 regulations. Section 16 of the Act requires all planning authorities to prepare the LDP for their area.
- 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 Scottish 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.
- 3.3 In terms of the SDP, 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. Consequently, SDP1 approved in June 2013 and associated Housing Land Supplementary Guidance adopted in October 2014, remains the extant Strategic Development Plan for the South East of Scotland. The Proposed LDP makes reference to this, and that consideration can be given to other referenced supporting documents prepared as part of the SDP2 Examination process, including the Housing Needs and Demands Assessment 2.
- 3.4 With regards to the Main Issues Report (MIR), Scottish Government Circular 6 – Development Planning confirms the requirements for MIR. The MIR must be prepared in advance of the LDP and must identify key issues for public opinion which the LDP should address. The Council, following its meeting on 30 August 2018, agreed the MIR as a basis for public consultation for a period of 12 weeks. In parallel, the Environment Report (ER) was also subject to public consultation under separate legislative process.
- 3.5 Following the printing of the documentation, the MIR and ER were subject to advertisement and consultation which took place between 8 November 2018 and 31 January 2019. As part of the consultation there were a series of 10 drop-in exhibitions and 7 workshops held across the Council area attended by some 250 parties. 330 representations were received during the consultation period from a range of interested parties covering a wide range of subjects. The ER received responses from the three consulting authorities (Historic Environment Scotland, Scottish Environment Protection Agency, Scottish Natural Heritage). On 26 June 2019 summaries of all the representations received to the MIR and ER were presented to the Council.

## **4 COMMENTARY ON PROPOSED LOCAL DEVELOPMENT PLAN**

### **Response to Consultation Representations on MIR (see Appendix B)**

- 4.1 Appendix B confirms Officer responses and recommendations in respect of all representations received as part of the consultation of the MIR. These recommendations have been taken forward into the preparation of the Proposed LDP.

### **Proposed LDP content (see Appendix A)**

- 4.2 Chapter 1 - Introduction. This chapter sets out the planning background for the preparation of the Proposed Plan. It sets out the component parts within it and confirms how representations can be submitted as part of the public consultation.
- 4.3 Chapter 2 – The Changing Context and Meeting the Challenges for the Scottish Borders confirms the current and projected demographics of the Scottish Borders. It confirms the promotion of Health and Wellbeing, coronavirus issues and identifies the requirement to address matters relating to infrastructure, transport and sustainability.
- 4.4 Chapter 3 - Policy Background. This chapter identifies relevant documents to be referred to in order to help guide the Proposed Plan. This includes reference to Council Corporate objectives.
- 4.5 Chapter 4 - Vision, Aims and Spatial Strategy. The Vision is taken from the SDP2 which remains relevant and identifies aims which will achieve the Vision. The aims include reference to planning for housing, town centres, rural environment, the built and natural heritage and sustainability and climate change. The Spatial Strategy is taken from the SDP2 and confirms the three strategic development areas of the central, eastern and western parts of the Borders.
- 4.6 Chapter 5 - Growing our Economy. This chapter confirms economic development actions and priorities across the Scottish Borders which the Proposed LDP addresses through a range of policies and site allocations.
- 4.7 Chapter 6 - Planning for Housing establishes the need for the LDP to provide a generous supply of housing land. Reference is made to documents which the LDP must take account of in considering housing land provision, including the SDP, Housing Need and Demand Assessment (HNDA2) Strategic Housing Investment Plan, Local Housing Strategy 2020 - 2025 and the Housing Land Audit 2019.
- 4.8 Chapter 7 - Supporting our Town Centres. The role of town centres is changing in terms of, for example, higher vacancy rates, reduced footfall and competition for online shopping. This chapter sets out a range of ways the LDP can address this, including allowing more flexibility of uses within them.

4.9 Chapter 8 - Delivering Sustainability and Climate Change Agenda. One of the main challenges of the LDP is to further the promotion and transition to a low carbon economy. This chapter includes reference to the Council's newly established Sustainable Development Committee which seeks to ensure a corporate approach to dealing with climate change issues, the Council's Low Carbon Economic Strategy 2023, the Council's Supplementary Guidance on Renewable Energy 2016 (which confirms support for a wide range of typologies within appropriate locations), the Zero Waste Plan and Flood Risk Management Plans.

4.10 Chapter 9 - Local Development Plan Policies and Policy Maps. This policy section of the Proposed LDP categorises all policy matters under the following headings:

- *Placemaking and Design* (PMD): including policies on sustainability, development standards, land allocations and development within and outwith settlements
- *Economic Development* (ED): including policies on business and industrial land, digital connectivity, town centres, regeneration, tourism, renewable energy, agricultural land and minerals
- *Housing Development* (HD): including policies on affordable housing, housing in the countryside, housing land safeguarding, care and nursing homes and housing for particular needs
- *Environmental Promotion and Protection* (EP): including policies on nature conservation, protected species, local biodiversity and geodiversity, landscape protection, countryside around towns, built heritage, greenspace, green networks, woodland, coastline and air quality, water environment and food growing
- *Infrastructure and Standards* (IS): including policies on infrastructure, developer contributions, parking standards, flooding, waste water, SUDS, waste management, hazardous development, contaminated land, radio telecommunications, advertisements

4.11 The main updates to the current policy approach are as follows:

Placemaking and Design –

- Ensuring high quality placemaking and design standards are applied for all developments
- Acknowledge the findings resulting from the Land Use Strategy

Economic development –

- A more simplified business/industrial land hierarchy has been established in Policy ED1-Protection of Business and Industrial Land comprising of 2 categories. High Amenity Business sites should be primarily for Class 4 uses, and all other Business and Industrial sites should be predominantly Classes 4, 5 and 6.

- Policy ED1-Protection of Business and Industrial Land allows more flexibility of uses where appropriate
- Removal of the Core Activity Areas in Hawick and Stow
- Allowing Class 2 uses within the Core Activity Areas of Selkirk, Eyemouth, Jedburgh, Galashiels and Duns
- Removal of Channel Street and Douglas Bridge from the Core Activity Area in Galashiels
- Retaining a higher level of protection of the Core Activity Areas of Peebles, Kelso and Melrose which continue to perform well
- Policy ED7-Business, Tourism and Leisure Development in the Countryside gives more weight to the consideration of the economic benefits of any relevant planning applications for business, tourism and leisure development in the countryside

#### Housing Development –

- Confirm high quality design standards must be applied for all housing proposals in the countryside
- Confirmation that Policy HD3 – Protection of Residential Amenity is relevant to renewable energy proposals
- Addition of a new policy HD6 – Housing for Particular Needs with regards to, for example, accessible and adapted housing, extra care housing, travelling people

#### Environmental Promotion and Protection

- Consideration of “enabling development” as part of Policy EP7-Listed Buildings
- A new policy EP17-Food Growing and Community Growing Spaces lays down criteria tests for identifying and promoting opportunities for food growing and community growing spaces
- Inclusion of identification of local biodiversity and geodiversity sites within policy EP3-Local Biodiversity and Geodiversity

#### Infrastructure and Standards

- New Policy IS18-Cemetery Provision which gives guidance on proposals for new and extension of cemetery provision
- Confirmation that a private access can now serve up to 5 houses

4.12 Chapter 9 also includes Policy Maps. The policy maps identify spatially designated areas and the respective policies they represent.

4.13 The final part of Volume 1 of the Proposed LDP includes appendices which provide detailed information in relation to the preparation of the document:

- Appendix 1: Settlement Appraisal Methodology

- Appendix 2: Meeting the Housing Land Requirement
- Appendix 3: Planning Guidance and Standards
- Appendix 4: Publicity and Consultation
- Appendix 5: Council Owned Sites

4.14 Volume 2 of the Proposed LDP incorporates Chapter 10 which relates to Settlement Profiles and Maps. The settlement profiles and accompanying maps set out proposals for development and safeguarding. The Proposed LDP incorporates proposals inherited from the current adopted LDP and identifies a number of new proposals. This includes a new additional settlement profile for Oxnam.

4.15 The new proposals include the following allocations:

- Business/Industrial land
  - Land South West of Mansefield House, Westruther (BWESR001)
  - Land at Winston Road I, Galashiels (BGALA006)
  - Land at Eshiels (BESHI001)
  - Gala Law II, Hawick (BHAWI003)
  - Land to South of Burnhead, Hawick (BHAWI004)
  - Wooden Linn II, Kelso (BKELS006)
  - Land North West of Deanfield Place, Yetholm (BYETH001)
  
- Mixed use land
  - Land West of Innerleithen (MINNE003)
  
- Housing land
  - Land at Eden Road, Gordon (AGORD004)
  - Land North of Mansefield, Grantshouse (AGRAN004)
  - Poultry Farm, Greenlaw (AGREE009)
  - Edgar Road, Westruther (AWESR002)
  - Hillview North (Phase 2), Coldstream (ACOLD014)
  - Land East of West Reston, Reston (AREST005)
  - Land East of Howdenburn Court II, Jedburgh (AJEDB018)
  - Land South of Darnlee, Darnick (ADARN005)
  - Deanfoot Road North, Oxton (OXTO010)
  - Netherbarns, Galashiels (AGALA029)
  - Harmony Hall Gardens, Melrose (AMELR013)
  - Philiphaugh Mill, Selkirk (ASELK040)
  - Burnfoot (Phase 1), Hawick (AHAWI027)
  - Land South of Cemetery, Eddleston (AEDDL010)

- Land South of Chapelhill Farm, Peebles (APEEB056)
- Redevelopment sites
  - Former Town Hall, Eyemouth (REYEM007)
  - Howdenburn Primary School, Jedburgh (RJEDB003)
  - Jedburgh Grammar School, Jedburgh (RJED006)
  - Former Peter Scott Building, Hawick (RHAWI017)
  - Buccleuch Mill, Hawick (RHAWI018)
- Longer Term Site
  - Land at Nether Horsburgh, Cardrona (SCARD002)

### **Site Removals**

4.16 In order to ensure sites are effective, the Proposed LDP removes 5 sites currently allocated within the LDP 2016. These are:

- Housing site at Roundabout Farm, Chesters (RC2B)
- Housing site at Earlston Glebe, Earlston (EEA12B)
- Housing site at Braefoots, Eyemouth (BEY1)
- Housing site at Mueslie Drive, Lilliesleaf (EL16B)
- Redevelopment site at Preston Farm, Preston (zRO16)

### **Strategic Environmental Assessment**

4.17 The LDP process has been subject to environmental appraisal under the terms of the Environmental Assessment (Scotland) Act 2005. An Environmental Report (ER) was prepared alongside the MIR and was subject to public consultation. The Consulting Authorities (Scottish Environment Protection Agency, Historic Environment Scotland and Scottish Natural Heritage) responded to the document at that time. The ER has now been updated to reflect the work undertaken in the preparation of the Proposed LDP.

### **Other Background and Supporting papers**

4.18 The Proposed Plan has been prepared taking account of a wide range of background and supporting papers. Given the size of these documents it is not possible for them all to be included within the Council papers. Normally these would be available for viewing within the Member's library. However, due to current Coronavirus restrictions in entering HQ these can be viewed online on the Council's website on the following link - <https://www.scotborders.gov.uk/ldp2>. The documents included within this link are:

- Monitoring Statement (Review of policy performance, new policy issues)
- Environmental Report

- Action Programme (addresses delivery of identified developments)
- Town Centre Core Activity Area Pilot Scheme
- Western Rural Growth Area: Development Options Study (this consultants study identifies both short and long term options for housing and employment land)
- Full site assessment database for all sites considered as part of the LDP process
- Habitat Regulation Assessment
- Strategic Flood Risk Assessment
- Housing Technical Note
- Conservation Areas Technical Note
- Local Geodiversity Sites Technical Note
- Local Biodiversity Sites Technical Note
- Cemetery Provision Technical Note
- Integrated Impact Assessment/Rural Proofing

## **Other Matters**

4.19 A Feasibility Study for a proposed Scottish Borders National Park commissioned by a local campaign group was submitted to the Council for consideration along with their Position Statement issued in September 2017. As part of the consultation on the MIR a question was posed to seek public opinion on the proposition for a National Park, its possible boundaries and operational model. There were mixed responses to the proposal although there were more offering support and there was a wide range of suggested sites across the Region for the designation. The designation of a National Park is ultimately a matter for Scottish Ministers following an assessment and recommendation by Scottish Natural Heritage. As a position has not yet been decided by the Scottish Ministers the LDP cannot make any formal designations nor policy references at this point in time.

## **Coronavirus**

4.20 One of the main challenges for the LDP to take account of is the impacts of the Coronavirus (Covid 19) pandemic. The virus has dramatically changed the way we live and work and raises a number of uncertainties for the future. The virus will continue to have a substantial negative impact on the UK economy including retailing, business operations, town centres, rates of housebuilding and demand, the desire to travel on public transport and social distancing. Recovery continues to take place as lockdown restrictions are lifted, although the exact long term impacts and timescales are unknown at this stage. Uncertainties will continue into the LDP adoption period and, at this stage, it is difficult to accurately forecast the full implications of the virus and what actions are necessary to mitigate its impacts.

4.21 The planning system has a crucial role to play within and beyond the immediate emergency. A high performing planning system will have a critical role in supporting our future economic and societal recovery. The LDP must address these issues and policies within the LDP allow

contemplation of a range of material considerations at any given period. Consequently implications Covid 19 may be having on, for example, the economy, performance of town centres, business recovery, house building and health and wellbeing will be addressed as part of the decision making process for relevant planning applications.

4.22 The Council has a statutory duty to have a new adopted LDP in place every 5 years. The new LDP was required to be adopted in May 2021. However, due to Covid 19 lockdown restrictions this has delayed significantly the timescale for adoption and the Scottish Government has acknowledged this. They have stated the pandemic is having an impact on the ability of planning authorities to maintain the review cycle of LDPs within the intended timeframes and consequently expect more Plans will extend beyond 5 years. They have stated they are keen to support authorities in adapting to the current circumstances.

## **5 NEXT STEPS**

5.1 The Proposed LDP, once approved by Council, will be printed for circulation. It will require to be formally advertised. 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. Therefore in order to make the process as straightforward as possible it is proposed to run the two public representation processes in parallel. The Proposed LDP and ER will be made available for a representation period of 12 weeks.

5.2 Alongside the formal adverts documentation will be placed on the Council website and made available for inspection at all public libraries and at Council Contact Centres if current Covid 19 restrictions are lifted to allow their re-opening. There will be consultation with Scottish Government, key statutory agencies, neighbouring authorities, SESplan authorities and Community Councils as well as public organisations and businesses and members of the public who have previously expressed an interest in the LDP process including parties who submitted representations regarding the MIR. A Communications Plan has been put in place to ensure maximum engagement with all external parties.

5.3 Due to Covid 19 and the consequent issues and restrictions regarding public events / meetings / exhibitions the consultation on the LDP cannot be carried out in the normal manner. The consultation will therefore be carried out via online video presentations which can be accessed via the Council's website. All consultation correspondence from the Council, press releases and other means of publicity will confirm how these presentations can be accessed. These presentations will inform interested parties, for example, the background and purpose of the LDP, how the LDP can be viewed and how representations can be submitted. The consultation will follow the guidance within the Communications Plan and will include the following:

- A short Youtube video which explains how the online consultation process will be carried out
- An interactive Story Map which will allow the public to view and understand the proposed LDP in detail. Electronic links will be given

to view the LDP and allow representations to be submitted via the digital platform Citizen Space

- During the consultation a recorded online video will be prepared which can be downloaded. In advance of the video being placed online the public will be asked what specific questions they would wish it to respond to.
- Direct e-mail update briefings to elected members during the consultation
- Community Council e-mail update briefings
- Information details of the online consultation process including via press releases, SB connect, Twitter, Facebook, radio
- Provide offline communications channels to communicate for those audiences who are not as confident or able to use online communications tools
- Throughout the consultation Planning Officers will be available to give requested advice on the process via telephone and e-mail

5.4 A report to Council will be prepared following the representation period that details those representations received. It is envisaged this will be in summer 2021. The report will advise on the appropriate next steps in the process in the light of the representations received. One option will be to take any representations direct to Public Examination for consideration by an independent Reporter. A further option would be to consider modifications to the Plan.

## **6 IMPLICATIONS**

### **6.1 Financial**

There are costs to the Council arising from the printing, notification and advertisement of the Proposed Plan. There is identified budget available to manage these processes.

### **6.2 Risk and Mitigations**

The report proposes that Council agree the recommended responses to the outstanding consultation comments received on the MIR, and to agree the LDP Proposed Plan for public representation. Following the representation period a report will be prepared on any representations received, and this will then be brought to Council for further consideration. Appropriate stakeholder engagement should ensure that all interested parties in the Plan have an opportunity to submit their representations, this will help mitigate against any potential future challenge. No risks have been identified.

### **6.3 Integrated Impact Assessment**

The proposed LDP has been subject to an Integrated Impact Assessment. No significant issues were identified.

## 6.4 Acting Sustainably

### (a) Economic Growth

The proposed LDP identifies and confirms a wide range of economic growth opportunities.

### (b) Social Cohesion

The proposals contained within the proposed LDP will help to meet the diverse needs of people in the local communities.

### (c) Protection of the Environment

The proposed LDP, including the supporting Strategic Environmental Assessment and Habitat Regulation Assessment has identified all environmental matters to be addressed and mitigated as the sites are developed.

## 6.5 Carbon Management

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

## 6.6 Rural Proofing

The proposed LDP has been subject to rural proofing and no significant issues have been identified. It is considered there will be net positive benefits.

## 6.7 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to be made.

## 7 CONSULTATION

7.1 The Executive Director Finance & Regulatory, the Monitoring Officer / Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director HR & Communications, the Clerk to the Council and Corporate Communications have been consulted and any comments received have been incorporated into the final report.

7.2 The Corporate Management Team has been consulted and any comments received have been incorporated into the final report.

### Approved by

**Rob Dickson**  
Executive Director

Signature .....

### Author(s)

Name	Designation and Contact Number
Charles Johnston	Lead Planning Officer (Forward Planning and GIS)

**Background Papers:** Local Development Plan: Main Issues Report – Summary of Consultation Responses (26 June 2019)

**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.

Contact us at Jacqueline Whitelaw, Environment and Infrastructure, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, Tel 01835 825431, Fax 01835 825071, email [eitranslationrequest@scotborders.gov.uk](mailto:eitranslationrequest@scotborders.gov.uk)