

Scott Park, Galashiels

Briefing Note to Scottish Borders Council

Interpretation of Policy EP11 of Scottish Borders Local Development Plan

Introduction

1. Scott Hobbs Planning has been instructed by Scottish Borders Council (SBC) to provide an interpretation of Policy EP11 of the Scottish Borders Local Development Plan (SBLDP), adopted in 2016, to accompany its consideration of the potential for the redevelopment of the Scott Park and Galashiels Academy to provide a Community Campus with associated sports, play and amenity areas.

The Current Position

2. It is understood that a need has been defined by SBC for a new school to replace the existing Galashiels Academy, which is substandard and in need of replacement. A number of options have been considered regarding location on and off the current site, taking into consideration local constraints. The preferred location, at this time, is a replacement school with associated sports facilities, play areas and new amenity areas in the location of both the existing school and on the Scott Park site, as shown in the extract layout plan below :



Figure 1 : Extract Layout Plan Source : jmarchitects

3. It is also understood that there has been some consultation carried out by SBC regarding the proposed location and indicative detail of the proposed development as shown above, which has met with some local opposition, in particular from residents in close proximity to the site. Questions have been raised regarding the implication of the loss of Scott Park and interpretation of Policy EP11, resulting in the need for advice on interpretation of that policy.

Planning Policy

4. Policy EP 11 of the SBLDP does not exist in isolation and an interpretation of the policy requires understanding of the context of that policy.

5. The Development Plan currently comprises the South-East Scotland Strategic Development Plan (SESPlan) approved by Scottish Ministers in June 2013 and the Scottish Borders Local Development Plan (SBLDP), adopted in 2016. As SESPlan is a strategic document, it has limited relevance to the interpretation of policy EP11 in this case. Primarily, therefore, the SBLDP, and its associated documents, carry most weight. The associated documents comprise statutory and non-statutory Supplementary Guidance, prepared over the past 20 years, and which provides background information and supporting text to the policies, their interpretation and application to ensure delivery of the plan's objectives.
6. Ten key outcomes are identified in SBLDP, which include the need to :
 - provide an appropriate housing supply (Key Outcomes 1 and 2),
 - protect and enhance business and employment (Key Outcome 3 and 4)
 - provide infrastructure connections, including key education and other services (Key Outcomes 5 and 6),
 - ensure the area is an attractive one in which to live including the protecting and enhancement of the natural and built environment (Key Outcomes 7 and 8), and
 - focusing development to sustainable locations (Key Outcomes 9 and 10),
7. The policies of the plan are set out to seek to achieve the key outcomes. In all cases, the policies are cross referenced as to meet the requirements of one policy, another has to be taken into consideration. It is inherent within the SBLDP, therefore, that in many cases, when considering development proposals, a balance may have to be met between competing requirements. A key theme throughout the SBLDP is that in circumstances in which a proposal which may conflict with any presumption against development in any particular policy, that development must be *justified* and then may be considered as an exception to that presumption against stance.
8. The extract of the SBLDP Proposals Map below identifies the policy relevant to the Scott Park and Galashiels Academy site – the school is unallocated, 'white land', and the Scott Park is identified as Greenspace. This greenspace is designated as one of ten 'Key Greenspaces' in Galashiels, comprising 3.8ha of the total 37.4 ha (approximately 10%), as identified in the Settlement Profile of the SBLDP for Galashiels.

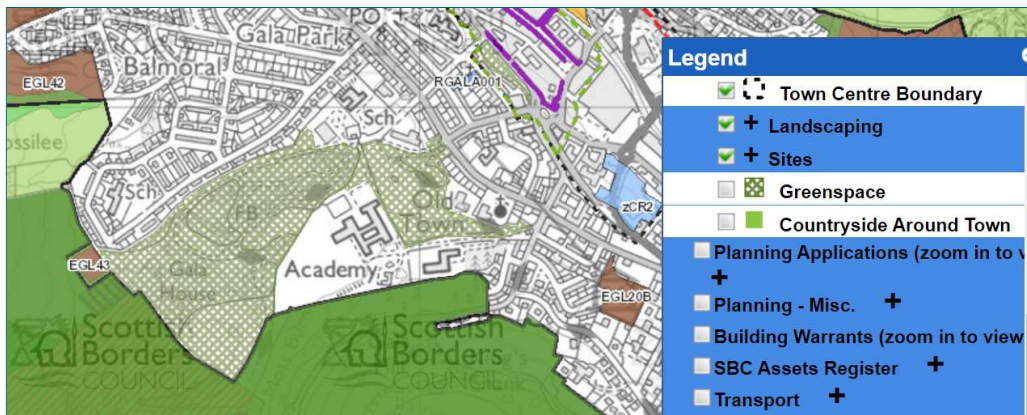


Figure 2 : Extract SBLDP Interactive Proposals Map



Figure 3 : Extract of Galashiels Settlement Profile, highlighting relevant Key Greenspace

9. Policy EP11 is reproduced below :

POLICY EP11: PROTECTION OF GREENSPACE

(A) KEY GREENSPACES
 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.

(B) OTHER GREENSPACES
 Greenspace within the Development Boundary of settlements will be protected from development where this can be justified by reference to any of the following:

- a) the environmental, social or economic value of the greenspace;
- b) the role that the greenspace plays in defining the landscape and townscape structure and identity of the settlement;
- c) the function that the greenspace serves.

In both cases development that would result in the loss of greenspace, including outdoor sports facilities, will only be permitted if it can be satisfactorily demonstrated that, based on consultation with user groups and advice from relevant agencies:

- d) there is social, economic and community justification for the loss of the open space; or
- e) the need for the development is judged to outweigh the need to retain the open space; and
- f) where appropriate, comparable open space or enhancement of existing open space may be provided and/or paid for by the developer at an alternative location within or immediately adjacent to the settlement where this will provide adequate and acceptable replacement for the open space lost as a result of the development. In some cases, recreational provision in the form of indoor sports facilities may be a suitable alternative provided it is equally accessible and is judged to compensate fully for the loss of the open space resource.

Development that would result in the loss of functional open space where a quantifiable demand can be demonstrated must in addition be justified by reference to:

- g) the levels of existing provision and predicted requirements for the settlement;
- h) the extent to which current or predicted future demand can be met on a reduced area.

Figure 4 : Extract SBLDP Policy EP11

10. The explanatory text to EP11 provides additional information, to aid the interpretation of the policy and application to development proposals, but this does not constitute policy.
11. Paragraph 1.1 states the intention to protect greenspace and '*prevent their piecemeal loss to development*'; with protection and safeguarding given to the most importance spaces in settlements. Designated Key Greenspaces are those of greatest value to the community that there is a general intention to only allow proposals which enhance that space (paragraph 1.2) will be supported, although paragraph 1.3 then goes on to state that any loss proposed should be justified.
12. The supporting text also cross refers to other Policies, which in relation to this site include PMD2 Quality Standards, EP12 Green Networks and IS5 Protection of Access Routes. It also refers to planning guidance which may be relevant including Green Space, Biodiversity, Landscape and Development, Local Landscape Designations and Trees and Development and refers to its approved Facilities and Pitches Strategy 2011. These policies and documents provide additional advice regarding development, and

generally seek to support that which protects and enhances the local natural and built environment but which allows for development *when justified*.

13. The Green Spaces Supplementary Guidance and Strategy and Facilities and Pitches Strategy 2011 primarily provide guidance on the requirements of green space and facilities to support new housing development and existing population requirements. In particular, the Strategy identifies an aspiration to enhance Scott Park through investment in play facilities and teenage facilities.

Interpretation of EP11

14. Based on the policy summary above, it is clear that Scott Park is designated a Key Greenspace within Galashiels. On this basis, and in relation to this particular proposal for the replacement school, playing pitches, amenity area etc, it is important to note that :
 - Point A relates to key green spaces, such as Scott Park
 - Development will be supported where it protects and enhances the greenspace quality (ie not quantity)
 - Key greenspaces should be protected from development which will result in their loss (as opposed to the reduction in size and / or change to character)
 - Development which will result in loss has to be justified, following consultation with user groups and relevant agencies (both undefined)
 - There is no requirement to secure the support of such groups
 - Justification can be based on:
 - social, economic and community reason (point d) or
 - Where need out balances the loss (point e) and
 - alternative and appropriate space is provided within or immediately adjacent to the settlement, and this may include indoor space as appropriate.
 - If there is a loss of function space (for example playing fields), justification must additionally include reference to existing provision, likely future demand for the settlement and whether current and predicted demand can be met on a reduced area.
15. As a starting point, therefore, Scott Park as designation GSGALA10 should be protected from development under the broad aim of EP11. The policy is not explicit, however, and it could be argued that a change to the area (reduction in size) will not result in the actual loss of GSGALA10 and, therefore, would not conflict with EP11.
16. As the policy does not exist in isolation, and there is a need to balance often competing requirements, flexibility is introduced to the policy to allow loss in certain circumstances. In this case, it is understood that there is a clear social, economic and community reason for the development – education is a clear Key Outcome of the SBLDP and the proposal is to replace an existing sub-standard school with a new

community campus. There is, therefore, justification for the loss of / reduction in size of Scott Park as defined on the proposals map. The benefit on social, economic and community grounds does not need to be constrained to the area of any alleged harm – i.e. the benefit can be over a wider area, despite there being locally-based objection.

17. Additionally, the policy supports development where it protects and enhances the greenspace quality. The proposal could also support this development if it can be demonstrated that the open space created will enhanced the overall quality of greenspace.

Other Considerations

Detailed Matters

18. That the proposal may satisfy policy EP11 in so far as there is social and community need and benefit, however, does not mean that permission should be granted for any development. Any application will need to be tested against the other policies regarding the details of the proposal (for example, placemaking, drainage, flooding).

Emerging Policy

19. This Note has concentrated on Policy EP11 of the extant SBLDP and its implications for development at Scott Park. However, that policy context is changing as the SBLDP is being reviewed. The 'LDP2' has been published as a Proposed Plan, with the consultation period on-going until January 25th 2021. As published, the Proposed Plan maintains the designation of Scott Park as a Key Greenspace, and if no objections are submitted to that proposed plan, normal practice is that it will be adopted unchanged when the plan is finally adopted. This may create some difficulties for the School proposal as the policy will be up-to-date and justification may be more difficult to demonstrate.
20. As the Settlement profile refers to the potential for the school redevelopment, it is considered that a representation should be formally submitted during the representation stage requesting that the entire proposed development site is included as a proposal.



Figure 5 : Extract of Proposed LDP 2 – Recommended Representation Site outlined red (to be confirmed)– request specific proposal designation in the emerging plan.

Conclusion and Recommendation

21. The starting point of Policy EP11 is the protection of greenspaces within settlements. However, to ensure competing requirements of the plan can be accommodated and as unforeseen change can happen over a plan period, flexibility is introduced into the plan to allow for development on greenspace providing such development is justified. The provision of a community campus, with enhanced indoor and outdoor facilities and replacement of open space and play area falls to be considered within the exceptions allowed within the policy.
22. Consultation with stakeholders is necessary, but support of one or all stakeholders does not need to be obtained, providing the development is justified – this could be on the basis of the need for the new school (for example current condition; viability and business case of repair, extend or replace; inadequate size; most appropriate alternative; and quality of replacement open space). The area of benefit can be to a wider community than those in the immediate area.
23. All other detailed and technical matters relating to the proposed development will have to be satisfied, to be consistent with the development plan.
24. SBC is in the process of revising the Local Development Plan (LDP2) and is consulting on changes, with that consultation period due to end 25 January 2021. Representation should be formally submitted.