

Please see Richard Amos Ltd responses below in red, where appropriate.

LAND AT SILO BINS, EDINGTON MILL ROAD, EDINGTON MILL 22/00961/PPP and 22/00040/RREF

RESPONSE TO LOCAL REVIEW BODY REQUEST FOR FURTHER INFORMATION – COMMENTS ON THE IMPACT OF NATIONAL PLANNING FRAMEWORK 4 ON THE PLANNING APPLICATION AND SUBSEQUENT REVIEW

The relevant policies from NPF4 are noted below, with officer commentary on their relevance, and a conclusion below.

Relevant NPF policy	Commentary
Policy 1: Tackling the climate and nature crises	<p>This policy requires significant weight to be given to the global climate and nature crises when considering all development proposals.</p> <p>Annex A of NPF4 advises that the document should be read as a whole. When considering the principle of rural housing proposals such as this, this policy should therefore be considered alongside such policies as 2 (Climate mitigation and adaption), 5 (Soils), 16 (Quality homes) and 17 (Rural housing).</p>
Policy 2: Climate mitigation and adaption	<p>Criterion a) requires development proposals to be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.</p> <p>The proposed site is not well served by public transport and is not within walking distance of shops and services. The siting of the development would result in two private car dependent residences. The proposal is not supported by this policy.</p> <p>We disagree that the site is not well served by public transport or cannot be supported by this policy. There is a bus stop at Edington Mill road end, approximately one-and-three quarter miles from the site, with good public transport links east and west, including to Berwick railway station. The Scottish Borders is a largely rural area and the consistent implementation of this policy as applied by the Planning Authority to this application would preclude many other potential housing sites across the Borders.</p>
Policy 3: Biodiversity	<p>This requires, at part (a) and (c) that all developments contribute to biodiversity enhancement. It is likely this could be satisfied by a landscaping scheme, imposed by condition, that includes measures to improve habitat, or by measures on the buildings to provide for bat/bird boxes.</p> <p>Biodiversity will be greatly enhanced beyond that offered by the current scrub land by the planting and hedgerows proposed on the site plan.</p>

<p>Policy 5: Soils</p>	<p>Criterion a) is potentially relevant to all developments, whilst b) relates to sites that are recorded as Prime Quality Agricultural Land (PQAL) by the James Hutton Institute.</p> <p>The report of handling noted that the site is recorded as PQAL but for the reasons outlined in the report of handling the loss of land classed as PQAL was not deemed to be a robust reason for refusal. The new provisions of Policy 5 in these regards does not alter this conclusion.</p>
<p>Policy 7: Historic assets and places</p>	<p>This covers a range of heritage considerations including archaeology. As noted in the report of handling, issues in relation to archaeological interests could be addressed by condition and would not affect the outcome of the application.</p>
<p>Policy 9: Brownfield, vacant and derelict land and empty buildings</p>	<p>This policy intends to promote the reuse of brownfield, vacant and derelict land and to reduce the need for greenfield development. It also concerns contaminated land.</p> <p>The supporting statement submitted with the application defines the site as greenfield land (paragraph 1.1). It states that the site appears to be undeveloped (paragraph 3.1) and describes the site as rough grass land (paragraphs 6.0 and 7.0). Findings from the application site visit align with this assessment and no evidence has been presented to conclude differently. The appeal statement raises the matter of the former silos however a location plan on file under planning application 06/01440/FUL indicates these were located outwith the site. In conclusion, the evidence presented suggests the site is greenfield.</p> <p>Criterion b) of Policy 9 states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP. The site is not allocated for development and is not explicitly supported by policies in the LDP. Based on the evidence presented, the proposal is considered contrary to Policy 9.</p> <p>The council's Contaminated Land Officer has stated in his response to the original planning application that 'the application proposes the redevelopment of land which appears to have been associated with Edington Mill. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose', thereafter requesting a condition to be placed on any consent.</p> <p>This suggests that the land is in fact brownfield and consequently its reuse is supported by this policy.</p>
<p>Policy 14: Design, quality and place</p>	<p>This requires that developments improve the quality of an area in their design impacts, and that they meet the six qualities of successful places. Whilst relevant in general terms, this policy is less relevant for an application for planning permission in principle.</p> <p>The proposed use of the existing derelict scrub land as housing improves the quality of the place.</p>

<p>Policy 16: Quality Homes</p>	<p>This policy sets out the circumstances where new housing developments may be supported. Of relevance to this proposal is criterion f) which sets out the criteria for new homes on sites such as the application site which are not allocated for housing in the Local Development Plan. None of the criteria - including, for the reasons set out below, criterion iii., - are considered to apply.</p> <p>The proposed site is not allocated for housing, but in our view is part of an established building group and consequently is supported by f) iii.</p>
<p>Policy 17: Rural homes</p>	<p>Criterion a) of this policy sets out circumstances where NPF4 offers support for new rural homes. None are considered to apply in this instance.</p> <p>This section also directs LDPs to set out tailored approaches to rural housing. In the Scottish Borders, the Council's Local Development Plan 2016 policy HD2-A (Building Groups) provides a well-established, locally tailored basis by which to consider rural housing proposals. For the reasons outlined in the report of handling and the first reason for refusal, the proposed development was deemed to be contrary to Policy HD2-A. This position is unchanged.</p> <p>We have demonstrated previously that in our view the proposed site is part of the existing building group at Edington Mill and is therefore in compliance with policy HD2.</p>
<p>Policy 18: Infrastructure first</p>	<p>This requires that impacts on infrastructure be mitigated. The glossary defines the meaning of infrastructure. It includes education. As noted in the Report of Handling, impacts to local education could be addressed by a legal agreement.</p>
<p>Policy 22: Flood risk and water management</p>	<p>This requires that developments at risk of flooding or in a flood risk area are not supported, unless meeting the policy criteria. A small area of the site may be at risk of surface water flooding however the indicative footprint of the proposed dwellings would be outwith this area.</p> <p>The policy also requires consideration of surface water management and water supply. The proposal does not conflict with these requirements, subject to planning conditions.</p>
<p>Policy 23: Health and safety</p>	<p>This policy concerns a broad range of issues including health, air quality and noise.</p> <p>The proximity of a neighbouring manure store to the application site is primarily an amenity concern arising from odour impact rather than a health or air quality issue. The Environmental Health Officer has confirmed that the new provisions of NPF4 would not change their recommendation for refusal.</p> <p>We have addressed the amenity concerns relating to the manure store in our document 'Response to Representation'.</p>

Conclusion

The principle of the proposed development is not supported by NPF4 since rural housing in the countryside requires compliance with criteria in Policy 17 which this proposed development does not meet. NPF4 therefore reinforces the first reason for refusal.

Regarding amenity concerns, NPF4's provisions are considered to be complementary to that of the Local Development Plan 2016. The second reason for refusal is unchanged.

Finally, NPF4 policies 1 and 2 place greater weight upon the climate crisis and lifecycle greenhouse gas emissions and do not support a development such as this which would result in two car dependent residences. These new provisions should be considered when weighing the overall planning balance.

We have demonstrated above that in our view the proposed development does meet the criteria set out in NPF4, where relevant.

In particular, the applicant would request that the Planning Authority apply a consistent implementation of policy 2, since the rigid application of this policy to potential housing sites across the Borders of less than two miles from public transport links would rule out the viability of many other sites for housing that may otherwise be suitable.