



SMITH &
GARRATT

HERITAGE · RURAL · PRIVATE CLIENT

Democratic Services Officer
Democratic Services Resources
Scottish Borders Council
Council Headquarters
Newtown St Boswells
TD6 0SA

16th March 2023

For the Attention of Fiona Henderson

Dear Madam,

Proposed Joinery Workshop, Clay Dub, Greenlaw, 22/00032/FUL or 22/00047/RREF

Following adjournment of the Local Review I received comments from the Case Officer by e-mail on 7th March. Two matters require attention – the source of data concerning Land Classification for Agriculture and the effect of new planning framework NPF4.

The first is easily dealt with. The Land Classification for Agriculture map is found on the Internet at:
https://map.environment.gov.scot/Soil_maps/?layer=5&layer=5



The relevant section is reproduced above. Green shading represents medium-capable Grade 3 land; blue shading represents less capable Grade 4 land. Grade 3 land is subdivided into 3.1 (better) and 3.2 (less good), represented by slightly different green colouring. Only land graded 1, 2 and 3.1 is considered to be 'prime quality' under SBC Local Plan policy ED10. The proximity of Grade 4 (blue) land to the Grade 3 (green) land above indicates this green is 3.2. Accordingly, the field edged yellow, which includes part of the application site, is not 'prime quality' land, and is thus not safeguarded under Policy ED10. That aside, the

The Guildhall
Ladykirk
Berwickshire TD15 1XL



01289 382209
www.smithandgarratt.com
info@smithandgarratt.com

field is on the west side of glebe land, isolated from all other land belonging to Marchmont Farms Ltd (the applicant); at only 1.75 hectares it is too small to be cultivated economically these days; and the southern part is allocated for development (MGREE03) and will soon to be developed in accordance with planning applications 19/00809/PPP and 19/00810/FUL. The field is not 'prime quality' for agriculture and is not being protected as such. Were this field valuable for agriculture Marchmont Farms Ltd would not be prepared to sell the application site to G&J Waddell (once it has planning permission), to sell the southern part for housing, or to plant the remainder with trees. In fact this field is barely viable for modern agriculture.

.....

Turning to the effect of NPF4, I note the Case Officer uses **Policies 5, 9 and 26** to justify dismissal of the Review and refusal of the application.

Policy 5 relates to the protection of prime quality agricultural land, which is addressed above.

Policy 9 is not a good fit. It is concerned with brownfield / vacant / derelict land and empty buildings, which are not relevant here. The Case Officer relies on it on the basis that developing brownfield land is preferred over undeveloped land, which is true, but no such land is available in Greenlaw.

Policy 26 is concerned with business and industry. The Case Officer's attempt to use this policy to justify dismissal of the Review is brave but it fails. The Policy begins, "*LDPs should allocate sufficient land for business and industry, taking into account business and industry land audits, in particular ensuring that there is a suitable range of sites that meet current market demand, location, size and quality in terms of accessibility and services. This allocation should take account of local economic strategies and support broader objectives of delivering a low carbon and net zero economic recovery, and a fairer and more inclusive wellbeing economy.*" The proposed joinery workshop is sited partly outwith Greenlaw's development boundary because there is nowhere within the boundary for it to go. No audit has taken place; there is insufficient allocated land in the LDP; there is no range of sites that meet current demand. The Case Officer helpfully points to allocation MGREE001 in the adopted local plan and to allocation BGREE005 in the prospective local plan ... but not only do these relate to the same piece of land, this is the site of the Waddells previous planning application for a joinery workshop, which was refused on grounds of harm to landscape¹. SBC's local plans are deficient; there is no allocated land on which to build this workshop, so it will have to be built partly outside the development boundary. I add that if the LDP did allocate sufficient land for business and industry, including a range of sites to meet current demand, the application site would almost certainly be included. It is an obvious site for such development.

.....

The Case Officer has conveniently ignored NPF4 Policies 1, 3, 4, 6, 11, 13, 14, 15, 20, 25, 29 and 31 ... all of which support this proposal in one way or another. In brief:

Policy 1 – Climate and Nature. This policy promotes zero-carbon and nature-positive places. It supports erection of an energy-efficient workshop surrounded by new tree planting.

Policy 3 – Biodiversity. This policy intends to reverse biodiversity loss. It supports the planting of mixed woodland and the associated linkage of nature networks from the town to the shelter belts running north, which are an integral part of our proposal.

¹ The reference for Waddells' unsuccessful application for a workshop on this allocated land is 12/01383/PPP.

Policy 4 – Natural Places. This policy aims to protect, restore and enhance natural assets. It supports the planting of mixed woodland and the associated linkage of nature networks from the town to the shelter belts running north, which are an integral part of our proposal.

Policy 6 – Forestry, Woodland and Trees. *“Policy Intent: To protect and expand forests, woodland and trees.”* The proposal includes planting 2¼ acres of new woodland. Need I say more?

Policy 11 – Energy. Fundamentally this policy encourages new capacity for generating renewable energy. It supports solar arrays and battery storage, which are part of the proposal.

Policy 14 – Design, Quality and Places. This policy promotes developments that are *healthy, pleasant, connected, distinctive, sustainable and adaptable.* The current workshop is none of these; the proposed workshop is all of these.

Policy 15 – Local Living. This policy promotes 20-minute neighbourhoods. G&J Waddell is a Greenlaw business with predominantly Greenlaw staff supporting predominantly Greenlaw customers. Having its workshop in Greenlaw instead of Eccles will reduce miles travelled and will support other Greenlaw businesses, shops and the pharmacy.

Policy 20 – Blue and Green Infrastructure. This policy supports developments that enhance the water environment, nature and ecology, saying, *“(b) Development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported.”* Thus, the policy specifically supports the drainage and landscaping elements of this proposal.

Policy 25 – Community Wealth-Building. The aim of this policy is *“local economic development that focuses on community and place benefits as a central and primary consideration – to support local employment and supply chains”*, which is a fundamental part of the proposal. The policy continues, *“Development proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities will be supported. This could include for example improving community resilience and reducing inequalities; increasing spending within communities; ensuring the use of local supply chains and services; local job creation; supporting community led proposals, including creation of new local firms and enabling community led ownership of buildings and assets”* ... which exactly describes what our proposal is about.

Policy 29 – Rural Development. This policy is primarily concerned with sustaining rural communities such as the community of Berwickshire. It says, *“Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including ... diversification of existing businesses ... production and processing facilities for local produce and materials, for example sawmills, ... improvement or restoration of the natural environment, [&c]. Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.”*. As part of the application site is outwith Greenlaw’s development boundary it is appropriate to consider our proposal in the light of this manifestly supportive policy.

Policy 31 – Culture and Creativity. No-one would deny that working with natural materials such as timber is creative. The intent of this policy is, *“To encourage, promote and facilitate development which reflects our diverse culture and creativity, and to support our culture and creative industries”*; it requires that, *“LDPs should recognise and support opportunities for jobs and investment in the creative sector ...”*.

The foregoing summary demonstrates that NPF4 is a framework provided by Scottish Government for application by local authorities when determining planning applications, including those at local review, and the new framework is more robust than its predecessor in terms of sustainability, the global climate emergency and nature crisis. I emphasise that it instructs local authorities to prepare local development plans which provide enough allocated land to give choices that satisfy local need, which is clearly not the case with the current supply of employment land at Greenlaw. The fundamental point at issue here is a shortage of allocations in the local plan, not a problem with the proposal.

The Local Review was adjourned because failure to take account of NPF4 would render the local authority decision vulnerable to legal challenge. Taking account is more than just giving lip-service. As set out above, the framework contains numerous policy strands that support our proposed development of a joiners' workshop for a growing local employer, notwithstanding that part of the application site lies outwith Greenlaw's development boundary. Far from there being "*no policies within NPF4 that fundamentally alter the planning policy context in terms of the decision to refuse this planning application*" [Case Officer commentary 7th March 2023], the framework provides new and material justification for overturning the refusal at first instance and granting planning permission for this responsible, sustainable and much-needed local development.

Yours faithfully

A H Garratt LL.B FRICS