

Local Review Body Request for Further Information - Comments on the National Planning Framework 4 Policies on planning application and appeal 22/01357/FUL and 23/00008/RREF.

The table below summarises the concerns raised by Scottish Borders Council surrounding policies within the newly adopted National Planning Framework 4 in regard to the application and subsequent appeal at Coldingham Sands (22/01357/FUL and 23/00008/RREF respectively). The response of the planning officer is detailed in the central column. I have detailed my response to the deposition by the Planning Officer in the right-hand column of the table below, for the consideration of the Local Review Board.

<u>Relevant NPF4 policy</u>	<u>Commentary from Planning Officer</u>	<u>Response from Ferguson Planning</u>
<p>Policy 1: Tackling the climate and nature crises</p>	<p>This policy requires significant weight to be given to the global climate and nature crises when considering all development proposals. 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>	<p>The proposed development seeks to address the climate and nature crisis by reducing emissions at every stage of the development and ensuring the adaptability of the site in respect of projected climate change. A prefabricated design negates much of the transportation emissions and costs associated with the construction phase, and the site is designed to be resilient to any potential climate risks such as coastal erosion. The proposed development is compliant with Policy 1 and by extension Policy 2, in respect of the above.</p>

<p>Policy 2: Climate mitigation and adaption</p>	<p>Criterion a) requires development proposals to be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. The proposed site is not well served by public transport although local services can be found in Coldingham and to a lesser extent at St Abbs.</p> <p>Criterion b) requires developments to be sited and designed to adapt to current and future risks from climate change. The site is thought to be at risk of coastal erosion/ land slippage. The proposal does not therefore meet the siting requirements of this policy. As rehearsed in the report of handling it has been suggested that rock armour could be utilised which, in principle, may be capable of meeting the additional design requirements of the policy. However, no detail has been provided and the proposal raises other implications, including in terms of landscape and visual impact that would also require careful consideration in the event any such proposal was forthcoming. In any event, the policy is clearly worded to require both siting and design allow adaption to the future risks from climate change. The proposed development does not satisfy the former of these requirements.</p>	<p>The proposal is situated within close walking distance of St Abbs (less than 600m away), via the coastal footpath and within a 20-minute walk of the nearest local bus route and services in both Coldingham and St Abbs, reducing the need for the use of private transport in the local area, and therefore carbon emissions.</p> <p>The need for measures to counter coastal erosion and slippage have been discussed and addressed with the addendum to the Design and Access Statement, provided by Sutherland Hussey Harris. The design of the building has been purposefully located on flattened land set back from the slope of the cliff.</p> <p>Additionally, a substructure construction strategy has been developed to minimise impact to adjacent land whilst protecting the site from land slippage and associated erosion (see Figure 1). Therefore, no coastal defences such as rock armour are deemed necessary, as outlined clearly in the design and access statement provided by the developer.</p>
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<p>Policy 3: Biodiversity</p>	<p>This requires, at part (a) and (c) that all developments contribute to biodiversity enhancement. It is likely this could be satisfied by the agreement of a biodiversity enhancement scheme that could be secured by planning condition.</p>	<p>As determined by ecological assessment, the development would have little to no effect on local biodiversity. The current site does not support any protected species and no protected species were found to be in residence.</p>

		<p>The consultant ecologist recommends the use of bird and bat boxes to enhance biodiversity on the site by providing habitat for several species which could be sustained nearby. The applicant proposes to incorporate these measures into the future development in order to achieve meaningful biodiversity net gain.</p> <p>Any additional measures could be considered by the applicant in the form of a planning condition. The proposal is in accord with the Policy 3.</p>
<p>Policy 4: Natural places</p>	<p>This policy aims to protect, restore, and enhance natural assets, including designated sites and areas of landscape quality.</p> <p>The policy confirms that the precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance. This supports the position taken in the report of handling for the application, whereby a precautionary approach was deemed to be required in relation to the protection of sites internationally designed for ecological protection.</p> <p>Regarding impacts to the Berwickshire Special Landscape Area (SLA), the policy</p>	<p>The objective of the Berwickshire Special Landscape Area (SLA) is to preserve the coastal moorlands and distinctive views of the surrounding cliffs. The proposed development is mindful of the potential impact on the natural assets present at Coldingham Sands and is designed to minimise any significant impact upon the integrity of the (SLA) through the following design mitigations:</p> <p>The proposed building is well sited within the hillside to mitigate any loss of amenity to the local residences and to prevent blocking views of the protected coastline. Extensive images of the proposed design,</p>

	<p>states that development will only be supported where development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified. In designating the Berwickshire Coast SLA, the Council's Local Landscape Designations SPG 2012 places particular emphasis on the qualities of Coldingham Bay, which it describes as very attractive, and refers to the surrounding cliff features of the Bay as a distinctive section of the coast.</p> <p>The report of handling for the application details the potential impact of rock armour that has been proposed to address land stability risks. As it has not been demonstrated that the development would not have significant adverse effects on the qualities for which the SLA was identified within the SPG, the proposed development is considered to be contrary to Policy 4.</p>	<p>which accounts for this, are included in the Design and Access Statement (see Figure 2).</p> <p>A substructure construction strategy has been developed to minimise impact to adjacent land whilst protecting the site from land slippage and associated erosion. Therefore, no coastal defences such as rock armour are deemed necessary, as outlined clearly in the design and access statement provided by the developer. This negates the officer's insistence that said coastal defences would cause significant impact to the Berwickshire SLA, as a less obstructive scheme has already been undertaken. Rock armour is not being proposed by the developer.</p> <p>The addition of a sedum roof and the use of natural, local materials are designed to integrate the proposed development into the landscape, and the low profile of the structure preserve the views and amenity enjoyed by the nearby residences.</p> <p>With respect of the above details, the development proposed has no significant impact on amenity of the area surrounding</p>
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		Coldingham Bay and is in accord with Policy 4.
Policy 5: Soils	Criterion a) is potentially relevant to all developments, whilst b) relates to sites such as this which are recorded as Prime Quality Agricultural Land (PQAL) by the James Hutton Institute. However, as the report of handling concluded, a cursory examination of the site confirms that it would not be appropriate to apply such provisions to this particular site.	As the site is not within Prime Agricultural Land and is for a single residential property, the stated policy has no relevance to the application.
Policy 9: Brownfield, vacant and derelict land and empty buildings	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. The application site largely comprises natural hillside. A portion of the site has been affected by the depositing of materials some decades ago. This area has become naturalised and there is no discernible remaining legacy from this that would benefit from amelioration. Overall, the proposed development is considered to be largely contrary to this policy. It would partially comprise greenfield development and the benefits of developing land that has previously been altered would be not outweigh the adverse effect of this.	The existing site has a number of modern deposits of material which prevents the land from returning to its naturalised state. Consequently, the proposed development site is considered to be brownfield scrubland with little ecological value, as determined by ecology assessment, and utilises an infill plot between existing dwellings, without breaking into established greenfield land. The proposal accords with the Policy 9.

<p>Policy 10: Coastal development</p>	<p>This policy sets out policy criteria for development proposals in developed and undeveloped coastal areas. It states that LDPs should identify such areas. The current LDP identifies coastal areas but, other than in its designation of settlements, does not distinguish between developed coastal areas and undeveloped coastal areas. The proposed site is outwith any recognised settlement boundary and, moreover, is ostensibly undeveloped. In the absence of any other guidance for identification, it is concluded that the proposed site must be considered undeveloped coast. This means criterion b) applies.</p>	<p>The applicant refutes that the area surrounding the proposed development should be considered as 'undeveloped'. The proposed new residence forms part of a larger building group consisting of around 25 dwellings. Local services are provided at the local surf shop and beach café, both of which provide a focal point for the small community.</p> <p>In respect of the above, the development is to be regarded as a 'developed' part of the coast, and thus should be assessed under criteria a) of Policy 10.</p> <p>Criteria a) states that development will be supported if it does not result in the need for further coastal protection measures and is supportable in the long term, taking account of projected climate change. The substantial underpinning, as part of a substructure construction strategy has been developed to minimise impact to adjacent land whilst protecting the site from land slippage and associated erosion. Natural England, the statutory consultee, have stated no objection to the proposed development and the site is not deemed to</p>
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		<p>be at risk of flooding, as identified on SEPA online mapping.</p> <p>The proposal is supported by criteria a) of NPF4, Policy 10.</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. As rehearsed within the report of handling, the design approach for the dwellinghouse itself is not unacceptable in its own right. However, the wider development of this tight site, including the potential use of rock armour, would give rise to the landscape and visual impact concerns set out within the report of handling. In these regards, the proposed development is considered contrary to Policy 14.</p>	<p>The proposed development is well-designed to integrate within the local landscape and built form of the area. The addition of rock armour, as described by the Appointed Officer's response, is not being considered. As discussed above, there is no defined requirement to provide additional sea defences, as the potential erosion and land slippage is mitigated by the substructure construction strategy outlined in the Design and Access Statement.</p> <p>Policy 14 of NPF4 dictates the six principles of successful places, which should inform the design of development proposals. The development design at Coldingham Sands is informed by these principles, as outlined below.</p>

		<p>Healthy: Positioned within close walking distance of the sea, the development allows the occupant easy access to the coast; with ample opportunities to enhance their mental and physical wellbeing.</p> <p>Pleasant: The development aims to maximise the attractive views of the unique coastline at Coldingham Sands, with large windows with views across the bay, preserving the views from surrounding residences with its low profile. The design emphasises the attractive natural environment whilst being integrated into the local landform. Further details of the proposed design are available within the Design and Access Statement.</p> <p>Connected: The development benefits from several coastal footpaths in close proximity to the proposed house, which connect the premises with both Coldingham to the west and St Abbs to the northeast. Services are available locally from the Surf Shop and the Beach Café, and local bus routes and other services are within 20 minutes walking distance.</p>
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<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</p>	<p>Section f), criteria iii. of Policy 16 indicates that housing outside of the LDP will be considered when the proposal is consistent with stated policy on rural homes. Local</p>

	<p>homes on sites such as the application site which are not allocated for housing in the Local Development Plan. None of the criteria - including criterion iii - are considered to apply. The proposed development is not supported by this policy.</p>	<p>Development Plan Policy HD2, section A supports the development of residences within existing building groups, such as those identified at Coldingham Sands.</p> <p>Coldingham Sands represents a large building group or village with approximately 25 dwellings in total. There is an allowance for a 30% increase to the building group under Policy HD2 of the LDP which equates to some seven dwellings. That proposal is for a single dwelling which is within the established setting and sense of place of the area. The cumulative effect of the development on the amenity of the local area is considered to be negligible. On the basis that the proposal is acceptable under policy HD2 of the LDP, the proposal further accords with Policy 16 of the NPF4.</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: I. The site is not allocated for housing in the LDP. II. The development does not reuse brownfield land where a return to a natural state has not</p>	<p>Although outside of the LDP allocated housing sites, the proposed development is justified on the basis of Section A criteria ii.) of Policy 17 which states the requirement to 'reuse brownfield land where a return to a natural state has not or will not happen without intervention'. The current site has</p>

	<p>or will not happen without intervention. Whilst a quantity of material was deposited on the site some decades ago the site has since naturalised. III. The development does not reuse a redundant or unused building. IV. Nor does it use a historic environment asset. V. The dwellinghouse is not required to support a rural business. VI. Nor is it for a retiring farmer. VII. It would not subdivide an existing dwelling. VIII. Nor is there any evidence it would reinstate or replace a former dwellinghouse on the site. Criterion b) and d) do not offer support the proposal. Criterion c) relates to remote rural areas as defined by the government's Urban Rural Classification data. The site is not defined as remote rural by this data, so the criterion does not apply. Finally, Policy 17 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>modern deposits of material which prevent the naturalised state of the land being restored without intervention, also in accord with Policy 9, as previously discussed.</p> <p>Policy 17 section b) states that Development proposals for new homes in rural areas must consider how the development will contribute towards local living and consider identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location. Whilst there are no significant transport links in the immediate vicinity of the proposal site, walking routes to both Coldingham and St Abbs, allow for easy traversal between the proposal and local services This is in further accord with Policy 2 regarding emission reduction through sustainable transport.</p> <p>c) Development proposals for new homes in remote rural areas will be supported where the proposal: i. supports and sustains existing fragile communities; ii. supports identified local housing outcomes; and Part 2 - National Planning Policy National Planning Framework 4 66 iii. is suitable in</p>
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		<p>terms of location, access, and environmental impact.</p> <p>This development has been designed to integrate into the surrounding landscape and is consistent with the size and scale of surrounding dwellings. Following pre-application enquiries, the proposed size of the property was significantly reduced to provide for better integration with its surroundings, and materials are specifically selected to relate to existing properties and built forms in the area. Combined with the criteria discussed above, the proposal site is in accord with Policy 17.</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>The development proposal will not compromise or have a material effect upon the existing infrastructure in the local area. On this basis, the proposal is in accord with the stated policy. The appellant is happy to accept a contribution to local education, as identified in correspondence from the Planning Officer dated September 14th, 2022.</p>

<p>Policy 23: Health and safety</p>	<p>This policy concerns a broad range of issues including health, air quality and noise. There is no known conflict with this policy.</p>	<p>The proposed development will have a negligible impact on the air quality, noise level or contamination of the surrounding area or residences. The policy is not considered relevant to the proposed development.</p>
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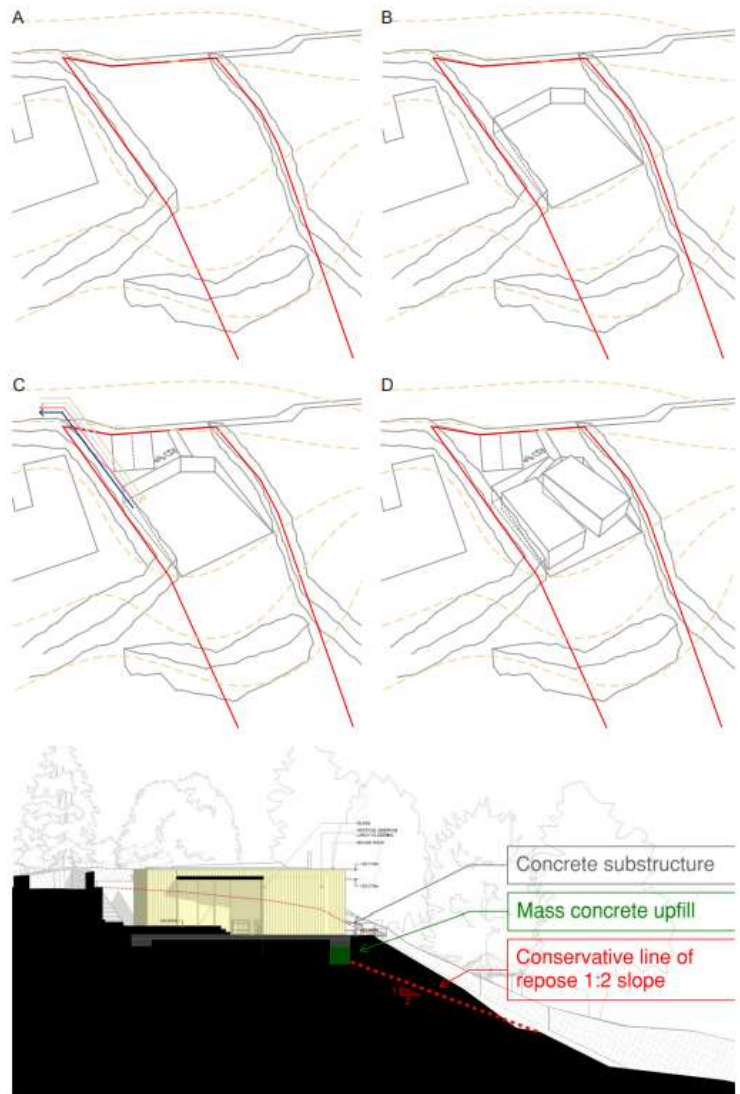


Figure 1 - Extract of Design and Access Statement, indicating the substructure and piling design utilised to prevent land slippage and coastal erosion.



Figure 2 - Extract of concept drawings showing potential sight lines and visualisations of the development in it's local context.



Figure 3 - Extract of concept drawings showing attractive interior designs and use of natural materials.