

16 Policies and Plans

16.1 Introduction

The objective of this chapter is to provide an appraisal of the strategic and local planning context relating to the proposed scheme and to identify any potential planning constraints associated with the preferred road improvement scheme. The section sets out the Strategic Policies and their implications for road improvement, based on current guidance in the form of National Planning Policy Guidelines (NPPGs) and more recent Scottish Planning Policy (SPPs). Relevant structure and local plan policies and proposals are then discussed together with an assessment on whether or not the proposed improvement option complies with such policies.

This chapter is therefore structured differently to the other environmental parameters in that it presents an overview of relevant planning documents and guidance and then examines the policies and plans applicable to the scheme in tabular format.

16.2 National Planning Policy

In Scotland, national guidance on planning is provided by the Government in the form of National Planning Policy Guidelines (NPPGs) (which are presently being replaced by Scottish Planning Policies (SPPs)). Planning Advice Notes (PANs) and circulars also provide guidance on planning issues. Local authorities use this guidance to assist them with their decision-making regarding development planning applications.

Structure and Local Plans, collectively referred to as the Development Plan, form the basis on which decisions about development and future land use are made, and effectively incorporate national, regional and strategic policies within the local framework. Each local authority produces structure and local plans within the national planning framework, thereby allowing consistent decision-making throughout Scotland.

NPPGs and SPPs are prepared by the Scottish Executive (now Scottish Government) and provide a statement of Government policy on land use and other planning related issues, which are considered to be of national importance. These statements of Government policy may, where appropriate, be material considerations that should be taken into account in the development control process. At present much of the relevant guidance is under review, and for this reason each of the existing and consultation documents are outlined and reviewed.

16.2.1 SPP 1: The Planning System (2002)

SPP1, which replaced NPPG1 in November 2002, identifies planning objectives in relation to sustainable development, the economy and transport. The guidance states that:

“The planning system is important in delivering the Executive’s commitment to a more

integrated transport system. Integrated and sustainable transport is necessary to help improve air quality, address climate change and protect environmental resources from the damage caused by pollution.”

The guidance also states that the more limited transport options available in rural Scotland offer additional challenges to integrated transport that must be addressed through Local Transport Strategies and development plans.

16.2.2 SPP 15 Planning for Rural Development (February 2005)

SPP15 sets out the approach and key objectives that underpin planning policies and decisions affecting rural areas. Maintaining rural accessibility is an important aspect of SPP15 in order that communities remain viable in terms of economic development and housing allocation.

16.2.3 SPP 17 Planning for Transport (August 2005)

SPP17 has recently replaced NPPG 9 (Provision of Roadside Facilities on Motorways and Other Trunk Roads in Scotland), NPPG 17 (Transport and Planning) and SPP 17 (Transport and Planning Maximum Parking Standards Addendum to NPPG17). SPP 17 is accompanied by a new Planning Advice Note (PAN) 75 which reinforces the principles and policy set out in SPP17.

The main objectives of SPP 17 are for:

- The transport network to support the economy, assist in reducing the need to travel, create the right conditions to promote sustainable transport modes and restrict adverse environmental impacts.
- The interaction of accessibility, transport and the development strategy to be considered early in the planning process with land allocations taking into account transport opportunities alongside economic competitiveness and sustainable development.
- Strategic land use plans to co-ordinate with Regional and Local Transport Strategies, and settlement strategies and identify where economic growth or regeneration requires additional transport infrastructure.
- Local plans to relate new land use allocations to transport opportunities and constraints and locate new development to maximise sustainable transport modes.
- Development likely to affect trunk and other strategic roads to be managed so as not to adversely impact on safe and efficient strategic traffic flows. New trunk road or motorway junctions will only be considered exceptionally and will require significant developer funding.

- Roadside facilities to be considered under a special case for development affecting strategic routes. The comfort and safety of drivers should be accommodated through opportunities to stop and rest.

PAN 75 provides good practice guidance which planning authorities, developers and others should carry out in their policy development, proposal assessment and project delivery. The document aims to create greater awareness of how linkages between planning and transport can be managed. It highlights the roles of different bodies and professions in the process and points to other sources of information.

The relevant objectives of SPP17 have been integrated into the design of the proposed scheme wherever possible and are not expected to be negatively influenced by development of the scheme.

16.2.4 NPPG14 Natural Heritage (January 1999)

NPPG14 sets out policy on the assessment of development proposals showing due concern for natural heritage (soon to be replaced by SPP14 Natural Heritage). It deals, in detail, with requirements for development likely to affect sites of national and international importance. The assessment of ecological aspects (Chapter 8) has considered the objectives of NPPG14 and, where appropriate, incorporated these into proposed mitigation measures to address potential impacts and predicted adverse impacts on nature conservation value.

16.2.5 NPPG5 Archaeology and Planning (October 1998) and NPPG18 Planning and the Historic Environment (April 1999)

NPPG5 and NPPG18 set out the requirements for developments likely to affect the historic environment. These have been considered in the assessment of impacts within Chapter 6 (Cultural Heritage).

16.2.6 SPP7 Planning and Flooding (February 2004)

SPP7 replaced NPPG7 Planning and Flooding and provides guidance relating to development and flooding. The proposed scheme is not expected to influence flooding within the vicinity of the A68 and although the volume of road run-off will be increased slightly due to the wider road surface, the incorporation of new drainage in accordance with SUDS (filter drains, swales, detention ponds and controlled discharge) and SEPA requirements, will provide a more effective drainage system than that which currently exists (kerbed with gullies outfalling directly into Headshaw Burn). The flood plain capacity along the Headshaw Burn and the Leader Water is also unlikely to be affected.

16.2.7 Planning Advice Notes and Circulars

Relevant Planning Advice Notes and Circulars include PAN 42 Archaeology - the Planning Process and Scheduled Monument Procedures (January 1994), PAN 56

Planning and Noise (April 1999), PAN 58 Environmental Impact Assessment (September 1999), PAN 61 Planning and Sustainable Urban Drainage Systems (July 2001), PAN 75 Planning for Transport (August 2005), SEDD Circular 24/1985 on Green Belt and SEDD Circular 18/1987 on Agricultural Land. The guidance provided in these documents has been taken into account during the assessment process.

16.2.8 Scottish Borders Structure Plan

The Scottish Borders Structure Plan was approved in September 2002 and a Structure Plan Alteration was more recently submitted to the council in June 2006, although no final decision regarding acceptance of the alteration has been made to date. The principle aim of the Scottish Borders Structure Plan is *"to encourage growth which supports the development of a sustainable Scottish Borders community and within it the development of individual sustainable communities"*.

The four key elements of the strategy are:

- Sustainable Growth.
- Development Hubs.
- Managing Change.
- Environmental Quality.

The key elements of the strategy are the basis for three 'founding principles' setting out the criteria which underpin the Structure Plan. These founding principles are:

Principle S1 - Environmental Impact

Proposals for substantial development will be assessed against relevant sustainable criteria with the aim of minimising harmful environmental impacts and moving towards sustainable development.

Principle S2 – Growth

The Council will encourage sustainable development which supports a 12% increase in households by 2011 and which conforms to the development strategy.

Principle S3 – Development Strategy

The location strategy will be based on the following criteria:

- (i) Development to be guided to existing towns and villages or to planned locations where readily accessible to the principal public transport corridors.
- (ii) The principle focus for development to be the primary hub (Central Borders).
- (iii) The secondary foci for development to be the Eastern and Western hubs of: Peebles (the Peebles/Innerleithen/Central Borders Axis) and Eyemouth (the

Eyemouth /Duns/Berwick-upon-Tweed triangle).

- (iv) Substantial new development within the Structure Plan period to be supported in principle in the following location:

East of Galashiels within the Galashiels / Melrose / St Boswells corridor.

- (v) Longer term substantial development to be supported in principle in the following locations:

the Newton St Boswells / St Boswells area;
the Galashiels / Selkirk axis; and
the Peebles / Innerleithen / Central Borders axis

depending on progress on the railway.

- (vi) Upgrading and improvement of major road corridors, in particular the A7 and the A68.
- (vii) Support for a Borders rail link, following the former Waverley line, between Edinburgh and the Central Borders but extending in future south to Carlisle.
- (viii) Substantial new development to be discouraged in locations which:

Are out with the primary hub, or
Are considered would lead to a significant increase in car commuting, or
would be unlikely to gain benefit from a future railway.

- (ix) Careful control of the location and design of housing in the countryside.
- (x) Regeneration to be focused on town centres and areas experiencing economic difficulties and / or population decline, particularly Hawick.
- (xi) Support for the development of vacant, derelict and brownfield sites in settlements, where this presents a realistic alternative to greenfield development and where it can be achieved without inappropriate town or village 'cramming'.

The Structure Plan specifies a number of relevant regional development policies and proposals against which the scheme has been assessed and this is described in Table 16.1.

The Structure Plan Alteration has been submitted due to future projected population growth within the Scottish Borders (estimated at 15% of Scottish growth) and focuses on housing land policies in order to identify the level of housing requirements and the best locations for these or new settlements. The Alteration submission has recently undergone a consultation exercise along with the accompanying Strategic

Environmental Assessment.

Table 16.1. Scottish Borders Structure Plan Policies

STRUCTURE PLAN POLICIES		
Policy Number	Policy Content	Scheme Compliance with Policy
N1 Local Biodiversity Action Plan	The Council will continue to promote the implementation and ongoing review of the Local Biodiversity Action Plan as part of the Local Agenda 21 process and the drive towards sustainable development in partnership with all interested parties.	Yes.
N2 International Sites	Development proposals which will have a significant effect on a designated or proposed Natura 2000 site, or a listed or proposed Ramsar site and which are not directly connected with or necessary to the conservation management for that site will be subject to an assessment of the implications of the sites conservation objectives, The development will only be permitted where the assessment demonstrates that: (i) there are no alternative means of meeting that development need, and (ii) there are imperative reasons of overriding public interest, including those of a social or economic nature that clearly outweigh the international nature conservation value of the site.	The main watercourses (the Leader Water and Headshaw Burn) in the vicinity of the scheme are designated as part of the River Tweed candidate Special Area of Conservation (cSAC)/Site of Special Scientific Interest (SSSI). Both scheme options will entail some diversion of the watercourse. Option 2 is more minor than Option 1. Potential impacts have been addressed within relevant chapters of this report. Significant damage to the cSAC/SSSI will be avoided through the use of appropriate mitigation measures including an Environmental Management System The scheme is therefore in compliance with these policies.
N3 National Sites	Development proposals which will have an adverse effect, either directly or indirectly, on a Site of Special Scientific Interest will not be permitted unless: (i) the development will not adversely affect the integrity of the site, and (ii) the development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national nature conservation value of the site	
N4 Precautionary Principle	Development may not be permitted in cases where there are good grounds for believing that it could result in significant irreversible damage to designated or proposed Natura 2000 sites, Ramsar sites or Sites of Special Scientific Interest (subject to consideration in terms of Policy N2 or N3).	
N5 Local Biodiversity Action	Development likely to have an adverse effect, either on a locally important wildlife site, or on habitats or species identified for conservation action in the Local Biodiversity Action Plan, will only be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the intrinsic nature conservation value of the site, feature or area and its role in contributing to the development of regional habitat networks.	Consideration has been given to nature conservation during development of the Stage 2 options. The value of habitats has been evaluated and potential impacts of the scheme options on ecology and nature conservation

STRUCTURE PLAN POLICIES		
Policy Number	Policy Content	Scheme Compliance with Policy
		assessed (Chapter 9). Appropriate mitigation has been recommended. The scheme is therefore in compliance with this policy.
N6 Environmental Impact	All proposals for development will be assessed for their environmental impact. The Council will, where appropriate, request the submission of an Environmental Impact Assessment in accordance with the Environmental Assessment Regulations. Where necessary, the Council will require developments to be subject to an Appropriate Assessment of the implications for the conservation objectives of the site.	This report forms the Environmental Assessment in accordance with the DMRB. The need for an Environmental Statement will be determined as part of the Stage 3 assessment. The scheme complies with this policy.
N7 Protection of Nature Conservation Interest	Where development is approved which would damage the nature conservation value of a site or feature, the Council will seek to ensure that such damage is kept to a minimum. Where appropriate, the Council will consider the use of conditions and/or planning obligations that will modify proposals to maintain as far as possible existing nature conservation interests and/or will mitigate the effects of damage by the creation of new habitats or features.	This report forms the Environmental Assessment in accordance with the DMRB. Mitigation measures have been recommended and will be implemented where appropriate. The scheme is therefore in compliance with this policy.
N8 River Tweed System	The Council in partnership with the Tweed Forum and relevant agencies and organisations will seek to protect and enhance the heritage, landscape, amenity, nature conservation, and fisheries interests of the Tweed. Development which is considered likely to have an adverse effect on the Tweed resource, will be subject to rigorous examination under the Structure Plan's nature conservation policies.	This report forms the Environmental Assessment in accordance with the DMRB. Consultation has been undertaken with Tweed Foundation and SEPA. Further consultation at Stage 3. The scheme is therefore in compliance with this policy.
N9 Maintaining Landscape Character	Proposals for development and land use change will be guided by the Scottish Borders Landscape Assessment with the aim of maintaining the integrity of the landscape character and enhancing its quality. The Assessment will be used to inform policy reviews and guidelines on topics, which have implications for the landscape resource.	A Landscape Assessment (Chapter 10) has been undertaken in accordance with the DMRB. Landscaping mitigation measures to be implemented as part of the scheme.

STRUCTURE PLAN POLICIES		
Policy Number	Policy Content	Scheme Compliance with Policy
		The scheme is therefore in compliance with this policy.
N11 Areas of Great Landscape Value	In assessing proposals for development in Areas of Great Landscape Value, the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development. Proposals which have a significant adverse impact will only be permitted where the impact is clearly outweighed by social or economic benefits of national or local importance.	The scheme is in compliance with this policy.
N14 National Archaeological Sites	Development proposals, which would destroy or adversely affect the appearance, fabric or setting of Scheduled Ancient Monuments or other nationally important sites not yet scheduled will not be permitted unless: <ul style="list-style-type: none"> (i) the development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site, (ii) there are no reasonable alternative means of meeting that development need, (iii) the proposal includes a mitigation strategy acceptable to the Council. 	Chapter 7 of this report considers potential impacts on features of cultural heritage value. Consultation with Historic Scotland and other relevant bodies has been undertaken. Further consultation at Stage 3. Mitigation measures will be incorporated into the preferred scheme where necessary.

STRUCTURE PLAN POLICIES		
Policy Number	Policy Content	Scheme Compliance with Policy
N15 Regional and Local Archaeological Sites	Development proposals which will adversely affect an archaeological site of regional or local significance will only be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the archaeological value of the site or feature.	
N16 Archaeological Evaluation, Presentation and Recording	<p>Where there is reasonable evidence of the existence of archaeological remains, but their nature and extent are unknown, the Council may require an Archaeological Evaluation to provide clarification of the potential impact of a development before a planning decision is reached. Where development is approved which would damage an archaeological site or feature, the Council will require that such development is carried out in accordance with a strategy designed to minimise the impact of development upon the archaeology and to ensure that a complete record is made of any remains which would otherwise be damaged by the development. Such a strategy might include some or all of the following:</p> <ul style="list-style-type: none"> (i) the preservation of remains in situ and in an appropriate setting, (ii) surface or geophysical survey, (iii) archaeological excavation, (iv) study of the excavated evidence and publication of the results. <p>The preferred solution will be influenced by the value of the site in national, regional or local terms.</p>	
N17 Listed Buildings	<p>The Council will seek to preserve the character of Listed Buildings, their setting and related fixtures, and will encourage their repair and the re-use of vacant or derelict listed buildings wherever possible.</p> <p>Proposed alterations to listed buildings, their setting and related fixtures, will only be permitted where such alterations maintain and preferably enhance the special architectural or historic quality of the building.</p> <p>Demolition will only be considered where all other alternatives have been fully evaluated and demonstrated not to be feasible.</p> <p>Decisions on proposals for alterations and demolitions will be made in accordance with the advice contained in the 'Memorandum of Guidance' on Listed Buildings and Conservation Areas produced by Historic Scotland and in full consultation with the appropriate heritage</p>	<p>Listed buildings within Oxton village will not be adversely affected by the scheme options.</p> <p>The scheme is therefore in compliance with this policy.</p>

STRUCTURE PLAN POLICIES		
Policy Number	Policy Content	Scheme Compliance with Policy
	bodies.	
N20 Design	<p>The Council will encourage a high quality of layout, design and materials in all new developments, including redevelopments and alterations. Favourable consideration is more likely where development proposals:</p> <ul style="list-style-type: none"> (i) provide a design brief or design statement, where required, as part of a submission for planning permission, (ii) incorporate a landscape plan, where required, as part of the application, (iii) demonstrate an appropriate use of building materials in keeping with their surroundings, (iv) promote the use of recycled building materials where possible, (v) demonstrate a consideration of energy efficiency in orientation and design, (vi) demonstrate a consideration of water minimisation measures, and (vii) demonstrate a consideration of safety and security. 	<p>The scheme's engineering design and materials will be in accordance with the requirements of DMRB. A landscaping plan will be developed as part of the Stage 3 assessment.</p> <p>The scheme is therefore in compliance with this policy.</p>
E1 Prime Quality Agricultural Land	<p>The Council will protect prime quality agricultural land from irreversible development, unless it can be demonstrated that the development is essential to the implementation of the development strategy.</p>	<p>No prime quality agricultural land will be affected by either option.</p> <p>Also, the scheme forms part of the development strategy (Principle S3 vi).</p> <p>The scheme is therefore in compliance with this policy.</p>
E6 Safeguarding Mineral Deposits	<p>Mineral deposits will be safeguarded from development that would prevent or seriously hinder their future extraction where the deposits are of sufficient scale or quality to be of potential commercial interest and their extraction is technically feasible and may be carried out in a way that is environmentally and socially acceptable. Exceptions will only be considered where the reasons for the development are of over-riding public interest.</p>	<p>The scheme options will not impact upon areas of mineral deposits.</p> <p>The scheme is therefore in compliance with this policy.</p>
E7 Minerals and Sustainability	<p>In accordance with the general principle of sustainability, the Council will support and encourage:</p> <ul style="list-style-type: none"> (i) the re-use of mineral waste and arisings from demolitions and road schemes, and (ii) the extraction of minerals as close as possible to the area of use. 	<p>Excavated material will be reused so far as is possible. Possibility to extract additional fill material locally also exists.</p> <p>The scheme is therefore in compliance with</p>

STRUCTURE PLAN POLICIES		
Policy Number	Policy Content	Scheme Compliance with Policy
		this policy.
E24 Tourist Signposting	The Council will assess applications for signposting against the Tourist Signposting Policy.	All tourist signs to be provided will be assessed against the Tourist Signposting Policy. The scheme is therefore in compliance with this policy.
15 Cycling	The Council will aim to ensure that developments give rise to no net loss of cycle access and contribute to the encouragement of cycling as a mode of transport.	No formal or informal cycleways will be adversely affected by the scheme. Cycle access will be improved with the provision of the A68 underpass. The scheme is therefore in compliance with this policy.
16 National Cycle Network	The Council will support and assist in the development of the National Cycle Network through the Scottish Borders and will seek to integrate local cycle facilities and infrastructure into this network so as to maximise the benefit to local residents and tourists.	The local road network and A68 underpass can be incorporated into the national cycle network. The scheme is therefore in compliance with this policy.
17 Walking	The Council will support initiatives that facilitate journeys to be made on foot. Developers will be expected to demonstrate that they have given full consideration to pedestrian accessibility and to the incorporation of appropriate facilities into their development proposals.	Provision of the A68 underpass will aid journeys to be made on foot. The scheme is therefore in compliance with this policy.
18 Trunk Roads	The Council will continue to press the Government for the continued improvement of north/south trunk roads passing through the Scottish Borders, and in particular: (i) improvements to the A68 (including the Dalkeith Bypass in Midlothian), (ii) improvements to the A7 south of Galashiels including a bypass for Selkirk, and the continuation of route action programmes, and (iii) the dualling of the A1.	This scheme constitutes a trunk road improvement and is therefore in compliance with this policy.

STRUCTURE PLAN POLICIES		
Policy Number	Policy Content	Scheme Compliance with Policy
113 Water Quality	<p>The Council, in association with Scottish Water and the Scottish Environment Protection Agency, will seek to ensure that water quality is protected from the adverse effects of development. In particular:</p> <ul style="list-style-type: none"> (i) development involving the leaching of pollutants into groundwater sources will not be permitted, (ii) development will be assessed against the Groundwater Protection Strategy for Scotland, and, (iii) any development with potentially adverse impacts on the water environment will be subject to consultation with the Scottish Environment Protection Agency and/or Scottish Water. 	<p>Water quality is assessed as part of the Environmental Assessment in line with the DMRB process. SEPA have been/will continue to be consulted and measures will be incorporated into the preferred scheme option to protect water quality.</p> <p>The scheme is therefore in compliance with this policy.</p>
114 Surface Water	<p>The Council will seek to control pollution associated with surface water discharge as part of any development proposal.</p> <p>Developers will, where appropriate, be encouraged to incorporate Sustainable Urban Drainage Systems as part of their proposals.</p>	<p>SUDS are to be incorporated into the preferred scheme design. Discussions are ongoing with SEPA in this respect.</p> <p>The scheme is therefore in compliance with this policy.</p>
115 Flooding	<p>The Council will seek to minimise the risk of damage through flooding by:</p> <ul style="list-style-type: none"> (i) identifying areas of particular risk from flooding in Local Plans, in association with SEPA and through the Flood Appraisal Group, (ii) safeguarding flood plains and other low lying land adjacent to rivers from further development, and (iii) maintaining a presumption against development which would create an unmanageable risk of flooding or which would create or intensify an unmanageable flood risk elsewhere. 	<p>Culverts and bridge modifications will be designed to ensure that there is no flooding of the carriageways.</p> <p>The preferred scheme will be designed to ensure that flood risks upstream or downstream are not increased.</p> <p>The scheme is therefore in compliance with this policy.</p>
118 Contaminated Land	<p>The Council will encourage and seek to facilitate the redevelopment of contaminated sites in accordance with Part II A of the Environmental Protection Act 1990.</p>	<p>No known areas of contaminated land have been identified within development area.</p> <p>The scheme is therefore in compliance with this policy.</p>

16.3 Local Planning Policy

16.3.1 Ettrick & Lauderdale Local Plan

The relevant local plan is the Scottish Borders Finalised Local Plan, which has not yet been formally adopted. The consultative draft local plan was initially consulted upon in 2004 and then again (in limitation) in 2005. A finalised local plan was then prepared and deposited for consultation between Dec 2005 and January 2006. At this stage, the Finalised local plan was taken to Public Local Inquiry (PLI) between September 2006 and January 2007. The PLI reporters then prepared their recommendations report, which has been incorporated into a 'proposed modifications' report and re-consulted upon. The Local Plan is currently awaiting formal adoption.

This means that the existing Ettrick & Lauderdale Local Plan 1995, is still current until the new Local Plan is formally adopted. However, there is a high confidence that the policies contained within the Finalised Local Plan will be taken forward, subject to the reporter's amendments. For the purposes of this assessment, the policies discussed below (Table 16.2) are those from the 2004 consultative draft.

One consequence of the Structural Plan development strategy is that there will be a presumption against substantial residential development in communities on the fringes of Borders near Edinburgh, such as Oxton (Policy P3). This has resulted in there being no planning designations or other settlement specific policies within the settlement boundary of Oxton in the draft Ettrick and Lauderdale Local Plan.

Since January 2007 (until June 2008), there have been 41 planning applications submitted to the SBC (as listed on the website database) for the Oxton and Channelkirk Community Council area. Eight of these involve extension / improvement works to existing properties; 23 involve applications for new dwellinghouses; two are for erection of stable blocks / agricultural buildings; three are for erection of garages; two are related to Dun Law wind farm; with the remaining three covering erection of a substation, a marquee at Carfrae Hotel and a change of building use. Only two applications have been refused with six permitted, 15 approved with conditions / informatives, three withdrawn and 15 pending consideration / decision.

Of these applications, those within close proximity to the road improvement works are related to land at The Shieling and land at Mountmill. For these locations, planning applications have been submitted for six dwellinghouses (three pending consideration and three approved subject to conditions) and a stable block at the Shieling (pending consideration) and for dwellinghouses at Mountmill (five applications of which one is pending consideration, one has been refused and three are approved with conditions and informatives).

Between June 2005 and December 2006, a further 26 applications were submitted, broken down into 10 for dwellinghouses; nine for alterations; three for masts / transmission dishes; and one each for mobile catering unit, marquee, access track and reuse of a quarry. Two of these applications were subsequently withdrawn, one

refused (dwellinghouse at Carfraemill), one remains pending (dwellinghouse at Oxton) while the remainder were approved with conditions / permitted.

The local Development Control Officer has confirmed that any planning applications for Oxton and the surrounding area will be required to be consistent with Policy P3 of the Structure Plan, which is in the public domain. Development within Oxton in the foreseeable future is only likely to extend as far as the occasional residential dwelling house or services related structures.

All relevant general development policies and proposals have been abstracted from the local plan consultative document and are listed below. Comments on the proposed scheme options compliance with these policies are also given.

16.4 Evaluation

As the preferred scheme complies fully with current development planning policies and proposals there are no overriding reasons in this respect why it cannot proceed. In addition, none of the current / outstanding planning applications will have a cumulative impact when considered individually and combined with the proposed road improvement scheme.

Table 16.2. Ettrick & Lauderdale Local Plan Policies.

LOCAL PLAN POLICIES		
Policy Number	Policy Content	Scheme Compliance with Policy
G1 General Design	<p>Development will be approved, provided that all the following criteria are met:</p> <ol style="list-style-type: none"> 1. it is compatible with, and respects the character of, neighbouring uses and the surrounding area, 2. it can be satisfactorily accommodated within the site, 3. it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building, 4. it retains physical or natural features which are important to the amenity of the area or makes provision for adequate replacements, 5. it is finished externally in materials, the colours and textures of which complement existing buildings in the locality and, where an extension or alteration, the existing building, 6. it incorporates appropriate hard and soft landscaping where necessary to help integration with its surroundings, 7. it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking, 8. the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, 9. it incorporates, where appropriate, access for those with mobility difficulties, 10. it incorporates, where appropriate, adequate safety and security measures. <p>None of these criteria should inhibit contemporary and/or innovative design where appropriate.</p>	<p>The development is in line with the relevant criteria of this policy.</p>
G2 Contaminated Land	<p>Where development is proposed on land that is contaminated, or suspected of contamination, the developer will be required to:</p> <ol style="list-style-type: none"> 1. carry out any necessary site investigations and assessments to identify any actual or possible significant risk to public health or safety, or to the environment, including possible pollution of controlled waters that arise from the proposals; and 2. to undertake effective remedial action to ensure the site is made suitable for any new 	<p>No known areas of contaminated land identified within development area. The scheme is therefore in compliance with this policy.</p>

LOCAL PLAN POLICIES		
Policy Number	Policy Content	Scheme Compliance with Policy
	use, in scale with planning permission given for that particular use.	
G3 Hazardous Development	Development will be refused if: <ol style="list-style-type: none"> 1. the proposal would cause unacceptable pollution, create a nuisance or result in an unacceptable hazard to the public or the environment, or 2. the proposal is located in close proximity to existing facilities or infrastructure that would result in the proposal being significantly adversely affected by pollution, nuisance or hazard to the public. 	The preferred scheme option will be designed so as not to cause unacceptable pollution or public nuisance and should improve road safety. Measures will be implemented to reduce pollution nuisance or hazards where necessary. The scheme is therefore in compliance with this policy.
G4 Flooding	Where development is proposed in locations where there is evidence of flood risk, developers will be required: <ol style="list-style-type: none"> 1. to provide, where appropriate, a hydrological survey and/or flood risk assessment in support of the application, and 2. to indicate the measures that are proposed to manage and minimise the flood risk. 	Culverts and bridge modifications will be designed to ensure that there is no flooding of the carriageways. The preferred scheme will be designed to ensure that flood risks upstream or downstream are not increased. The scheme is therefore in compliance with this policy.
BE1 Listed Buildings	<ol style="list-style-type: none"> 1. The council will support development proposals that protect, maintain, and enhance active use and conservation of Listed Buildings. 2. All Listed Buildings or structures contained in the statutory list of Buildings of Special Architectural or Historic Interest will be protected against all works which would have a 	Listed buildings within Oxton village will not be affected by the scheme. The scheme is therefore in compliance with this policy.

LOCAL PLAN POLICIES		
Policy Number	Policy Content	Scheme Compliance with Policy
	<p>detrimental effect on their listed character, integrity or setting.</p> <p>3. Internal or external alterations and extensions to Listed Buildings, or new developments within their curtilage, must meet the following criteria:</p> <ul style="list-style-type: none"> i) must be of the highest quality, ii) must respect the original structure in terms of setting, scale, design and materials, whilst not inhibiting contemporary and/or innovative design, iii) must maintain, and should preferably enhance, the special architectural or historic quality of the building, iv) must demonstrate an understanding of the building's significance. <p>4. New development that adversely affects the setting of a Listed Building will not be permitted.</p> <p>5. The demolition of a Listed Building will not be permitted unless there are overriding environmental, economic, social or practical reasons. It must be satisfactorily demonstrated that every effort has been made to continue the present use or to find a suitable new use.</p>	
BE2 Archaeological Sites & Ancient Monuments	Where development proposals impact on a Scheduled Ancient Monument, other nationally important site not yet scheduled, or site of regional or local significance developers may be required to carry out detailed investigations to ensure compliance with Structure Plan policies N14, N15 and N16.	<p>Chapter 7 of this report considers potential impacts on features of cultural heritage value.</p> <p>Consultation with Historic Scotland and other relevant bodies has been undertaken. Further consultation at Stage 3. Mitigation measures will be incorporated into the preferred scheme where necessary.</p> <p>The scheme is therefore in compliance with this policy.</p>
NE1 International	Where development proposals impact on an international wildlife site, developers will be required to carry out detailed investigations to ensure compliance with Structure Plan policy	Potential impacts on the River Tweed cSAC/SSSI have been addressed (Chapter

LOCAL PLAN POLICIES		
Policy Number	Policy Content	Scheme Compliance with Policy
Wildlife Sites	N2.	9) in accordance with the DMRB. The preferred scheme will comply with Structure Plan Policy N2 and N3. Mitigation measures implemented where appropriate.
NE2 National Wildlife Sites	Where development proposals impact on a national wildlife site, developers will be required to carry out detailed investigations to ensure compliance with Structure Plan policy N3.	
NE3 Local Biodiversity	<ol style="list-style-type: none"> 1. The Council will seek to safeguard the integrity of wider countryside habitats which are a major importance for wild flora and fauna. Development that would have an adverse effect on habitats or species identified as a priority in the Local Biodiversity Action Plan (LBAP), or on other valuable habitats, will be assessed against the following criteria: <ol style="list-style-type: none"> i) the public benefits of the development at a local level clearly outweigh the value of the habitat for biodiversity conservation, and ii) the development will be sited and designed to minimise adverse impacts on the biodiversity of the site, including its environmental quality, ecological status and viability, and iii) the development will not result in further fragmentation or isolation of habitats. 2. Where the reasons in favour of development clearly outweigh the desirability of retaining particular habitat features, mitigation measures, including habitat creation and enhancement of retained habitats will be sought on land within the developer's control. This will be secured through appropriate conditions attached a planning consent and /or the use of Section 75 or other agreements as appropriate. Where such habitats are to be unavoidably lost, compensation measures on land within the developer's control will be required to offset the loss, in order to ensure no net loss of LBAP habitats. 3. Where there is evidence to suggest that a habitat or species of importance exists on the site, the developer may be required, at his own expense, to undertake a survey of the site's natural environment. 4. Wherever possible, developers should incorporate existing habitats and identify suitable opportunities for creating and restoring habitats, wildlife corridors and enhancement schemes, using best practice. 	<p>Consideration has been given to nature conservation during development of the Stage 2 options.</p> <p>The value of habitats has been evaluated and potential impacts of the scheme options on ecology and nature conservation assessed (Chapter 9). Appropriate mitigation has been recommended.</p>

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NE5 Development Affecting the Water Environment	<p>Development will be assessed against the following criteria in order to identify any existing or potential adverse impacts on the water environment:</p> <ol style="list-style-type: none"> 1. impact on fisheries, nature conservation, landscape, recreation or public access in a river corridor or other waterside area, 2. pollution of surface or underground water, including water supply catchment areas, as a result of the nature of any surface or waste water discharge or leachate, 3. pollution resulting from the disturbance of contaminated land, 4. flooding risk or the exacerbation of existing flooding problems, within the site, upstream or downstream, 5. accordance with SEPA's guide on Sustainable Urban Drainage (SUDS). <p>Development will be refused where it can be demonstrated that it will have a significant adverse impact on any of the above criteria.</p>	<p>Water quality is assessed as part of the Environmental Assessment in line with the DMRB process. SEPA have been/will continue to be consulted. Consultation undertaken with Tweed Foundation. Measures will be incorporated into the preferred scheme option to protect water quality.</p> <p>The scheme is therefore in compliance with this policy.</p>
NE6 River Engineering Works	<p>River engineering works, either "in-stream" or "on-bank", that would have a significant adverse effect upon water quality, quantity or flow rate, ecological status, riparian habitat, protected species or floodplains, whether up or downstream from the works, will be refused.</p>	<p>The main watercourse on the site is designated a candidate Special Area of Conservation (cSAC)/SSSI. Both scheme options will entail some diversion of the watercourse. Option 2 is more minor than Option 1. Mitigation measures will be included in the preferred scheme to ensure watercourses are not significantly adversely affected.</p> <p>The scheme is therefore in compliance with this policy.</p>
Inf2 Pedestrian and Cycle Routes	<ol style="list-style-type: none"> 1. The Council will assert, keep open and free from obstruction all Rights of Way and, in due course, Core Paths. 2. When determining planning applications and preparing development briefs, the Council will seek to retain existing rights of way and cycle routes. Where a route will be affected by a development, the developer will be required to meet the cost of the diversion or to incorporate the route into the proposed development. Safer routes to school will be a 	<p>No formal or informal footpaths/cycleways will be adversely affected by the scheme. Provision of A68 underpass will aid journeys to be made on foot. Cycle access will be improved with the provision of the A68 underpass.</p>

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	<p>primary consideration in this regard.</p> <p>3. Developers may be required to obtain the Council's consent where permanent or temporary exclusion from a site is proposed. This reflects the requirements of the Land Reform (Scotland) Act 2003 that seeks to enable the public's right of responsible access to most land.</p> <p>4. Development that would have a significant adverse effect on any existing or potential public access for walking, cycling or horse riding will be refused unless alternative access provision is provided that is no less attractive and is safe and convenient for public use.</p> <p>5. Encouragement will also be given to new access routes, which promote "green transport" around and between communities and new development.</p>	<p>The scheme is therefore in compliance with this policy.</p>
Inf3 Transport Standards	<p>New roads, footways, footpaths and cycleways, and/or extensions thereto, to be adopted by the Council will require road construction consent and must also be constructed to the Council's published adopted standards, or any subsequent standards which may subsequently be adopted by the Council (see Appendix F).</p> <p>Satisfactory provision must be made for pedestrians and cyclists within all new developments in accordance with these standards. Relaxation of standards will be considered where the Council determines that a relaxation is required owing to the nature of the development and/or positive amenity gains can be demonstrated that do not compromise road safety.</p>	<p>This scheme is a trunk road improvement scheme and will be designed and constructed in accordance with best practice and adopted standards.</p> <p>Provision of A68 underpass will aid journeys to be made on foot.</p> <p>Cycle access will be improved with the provision of the A68 underpass.</p> <p>The scheme is therefore in compliance with this policy.</p>
Inf6 Sustainable Urban Drainage	<p>Development will be refused unless surface water treatment is dealt with in a sustainable manner and in ways that minimise culverting and avoid flooding and/or pollution. Sustainable Urban Drainage Systems (SUDS) will be the Council's preferred option as a means of achieving sustainable disposal and/or re-use/recycling of surface water through attenuation and filtration. In all cases the developer will be required to demonstrate how the effectiveness of the measures taken will be maintained in perpetuity.</p>	<p>SUDS are to be incorporated into the preferred scheme design. Discussions are ongoing with SEPA in this respect.</p> <p>The scheme is therefore in compliance with this policy.</p>
Inf9 Pipelines and Other Notifiable	<p>All proposals for development which are within the band of interest of a pipeline or other notifiable installation will be referred to the appropriate operator/owner and the Health and Safety Executive for their observations before determining the application.</p>	<p>Only one pipeline in the area but is well outside of the scheme area.</p> <p>The scheme is therefore in compliance with</p>

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Installations		this policy.
EP2 Areas of Great Landscape Value	Where development proposals impact on an Area of Great Landscape Value, developers will be required to carry out detailed investigations to ensure compliance with Structure Plan policy N11.	The integrity of the site will not be affected. The scheme is therefore in compliance with this policy.
EP4 Water Catchment Areas	Development that would generate discharges or other impacts that would have an adverse impact on the water quality or ecological status of water bodies, including their catchment areas, will be refused, unless: <ol style="list-style-type: none"> 1. the development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the natural biodiversity or nature conservation value of the site, and 2. there are no reasonable alternative means of meeting that development need. 	Water quality is assessed as part of the Environmental Assessment in line with the DMRB process. Measures will be incorporated into the preferred scheme option to protect water quality. The scheme is therefore in compliance with this policy.
R1 Agriculture	Development will not be permitted which results in the permanent loss of prime quality agricultural land (Classes 1, 2 and 3.1 of the Macaulay Institute Land Classification for Agriculture system) unless the site is allocated within this Local Plan to meet Structure Plan requirements. Where development proposals impact on prime quality agricultural land developers may be required to carry out detailed investigations to ensure compliance with Structure Plan policy E1.	No prime quality agricultural land will be affected by either option. The scheme is therefore in compliance with this policy.
R2 Mineral Deposits	Development likely to sterilise workable mineral reserves will be assessed against Structure Plan policy E6.	The scheme options will not impact upon areas of mineral deposits. The scheme is therefore in compliance with this policy.