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By email:
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Our ref: A47780706
20th March 2024

Dear Debbie,

**Town and Country Planning (Scotland) Act 1997
Notice of Intention to Adopt – Scottish Borders Council Local Development
Plan 2 (as modified)**

I refer to your correspondence of 13th December 2023, regarding Scottish Borders Council's intention to adopt the proposed Scottish Borders Council Local Development Plan 2 (as modified).

Scottish Ministers have decided that the proposed plan as notified is unsatisfactory and hereby direct, under section 20(5) of the Town and Country Planning (Scotland) Act 1997¹, that Scottish Borders Council consider modifying the proposed Scottish Borders Council Local Development Plan 2 as indicated in the Annex to this Direction.

This Direction is considered necessary to:

- Ensure the LDP takes account of the adoption of National Planning Framework 4 (NPF4) and that this replaces National Planning Framework 3 and Scottish Planning Policy.
- Ensure the LDP takes account of the strategic development plan, SESplan (2013) no longer being part of the development plan.

¹ Section 20 is continued in effect to enable the constitution of local development plans in respect of which notice of the proposed local development plan was published in a local newspaper in accordance with regulation 12(2)(a) of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008(1) before 12 February 2023 by regulation 4 of the Planning (Scotland) Act 2019 (Commencement No. 12 and Saving and Transitional Provisions) Regulations 2023 (SSI 2023/10).

Section 20(6)¹ provides (subject to any further direction under section 20) that your authority may not adopt the Scottish Borders Council LDP2 unless you satisfy Scottish Ministers that you have made the modifications necessary to conform with this direction, or the Scottish Ministers withdraw it.

I would be grateful if you would therefore confirm that your authority will modify the plan.

Yours sincerely

Kate Houghton
Planning, Architecture and Regeneration Division

ANNEX

Table of modifications

Reference	Modification	Reason for modification
Volume 1		
Page 7, paragraph 1.1	<p>Delete: “The Development Plan for the Scottish Borders comprises of two component parts. The SESPlan Strategic Development Plan (SDP) and the Local Development Plan (LDP) set out in this document. The SDP covers Edinburgh and the South East of Scotland and provides high level strategic guidance, setting a context which the LDP must address.”</p> <p>Insert: “The Development Plan for the Scottish Borders comprises two component parts. National Planning Framework 4 (NPF4) and the Local Development Plan (LDP) set out in this document. NPF4 is the national spatial strategy for Scotland. It sets out Scottish Ministers’ spatial principles, regional priorities, national developments and national planning policy.”</p>	To reflect the changed context for the plan.
Page 11, paragraph 2.12	<p>Delete “Scottish Planning Policy (SPP) contains a section on ‘Specialist Housing Provision and other Specific Needs’. This requires planning authorities to prepare appropriate policies and consider specific site allocations to address any identified shortfalls in the Housing Need and Demand Assessment (HNDA) in respect of ‘specialist housing’.”</p> <p>Insert at beginning “NPF4 promotes the provision of a choice of tenures that meet the diverse housing needs of people and communities across Scotland. LDPs should take account of diverse needs and this is supported through the preparation of a Housing Need and Demand Assessment (HNDA) and consideration of ‘specialist housing’.”</p>	To reflect the changed context for the plan.
Page 12, paragraph 2.17	Remove following deleted text: “New housing allocations can put a strain on education provision in some school catchment areas. Given the relatively limited number of houses required within the LDP period for the	To reflect the changed context for the plan.

Reference	Modification	Reason for modification
	Scottish Borders as required within the SDP, it is not envisaged this should cause insurmountable issues and the officers..."	
Page 13, paragraph 3.1	Replace "national development" with "national developments"	To accurately reflect language of NPF4
Page 19, paragraph 4.9	Replace "The SDP requires" with "The SDP required"	To reflect the changed context for the plan.
Page 22, paragraph 5.5	Replace "As required by the SDP" with "As was required by the SDP"	To reflect the changed context for the plan.
Page 27, paragraph 7.1	Delete: "SPP encourages the improvement of town centres to create distinctive and successful places which are a focus for a mix of uses including retail, housing, leisure, entertainment, recreational, cultural entertainment and community facilities."	To reflect the changed context for the plan.
Page 27, paragraph 7.2	Replace "SESplan area" with "Edinburgh city region"	To reflect the changed context for the plan.
Page 33, paragraph 8.9	Delete "The SDP states LDPs will support proposals which encourage recycling and recovery of waste where these are in accordance with the Zero Waste Plan and take account of the environmental, Transport, economic and amenity factors. The Council will continue to promote waste treatment to meet the targets of the Zero Waste Plan." Insert "The Council will continue to promote waste treatment to meet the targets of the Zero Waste Plan, and in line with the policy intent of NPF4 to encourage, promote and facilitate development that is consistent with the waste hierarchy".	To reflect the changed context for the plan.
Page 38, PMD1, paragraph 1.3	Delete: "The aim is to achieve the right development in the right place in accordance with Scottish Planning Policy."	To reflect the changed context for the plan.
Page 45, PMD4, paragraph 1.4	Delete: "This policy is supported by Scottish Planning Policy (SPP) which states Local Development Plans should make provision for most new urban development to take place within, or in planned extensions to, existing settlements." Insert: "This policy supports implementation of the NPF4 spatial principle of compact urban growth."	To reflect the changed context for the plan.

Reference	Modification	Reason for modification
Page 47, PMD5, paragraph 1.4	Delete entire paragraph 1.4.	To reflect the changed context for the plan.
Page 56, ED3, paragraph 1.2	Delete: "Scottish Planning Policy (SPP) sets out national policy for town centres and requires that decision making is guided by a network of centres which will, depending on circumstances, include town centres, commercial centres and other local centres and may take the form of a hierarchy. The Strategic Development Plan does not identify any Strategic Town Centres within with Scottish Borders."	To reflect the changed context for the plan.
Page 56, ED3, paragraph 1.3	Delete: "This takes appropriate account of the preferred order of locations set out in the sequential approach within SPP."	To reflect the changed context for the plan.
Page 76, ED10, paragraph 1.1	<p>Delete: "Paragraph 80 of Scottish Planning Policy (SPP) states that development on prime quality agricultural land, or land of lesser quality that is locally important, should not be permitted except for a limited number of specific circumstances"</p> <p>Delete "Paragraph 205 of SPP states that where peat and other carbon rich soils are present applicants should assess the likely effects of development on carbon rich soil emissions. Where peatland is drained or disturbed there is a liable release of carbon dioxide into the atmosphere."</p> <p>Delete: "In order to take proper account of the terms of SPP, proposals for renewable energy development, including proposals for wind energy development, will be required to accord with the objectives and requirements of policy ED9 rather than meet the requirements of this policy."</p>	To reflect the changed context for the plan.
Page 79, ED11, paragraph 1.1	Delete: "Scottish Planning Policy confirms the important contribution minerals make to the economy, providing materials for construction, energy supply and other uses, and supporting employment. Consequently the Local Plan should safeguard mineral resources and facilitate their responsible use."	To reflect the changed context for the plan.

Reference	Modification	Reason for modification
	Insert at beginning of paragraph: "Minerals make an important contribution to the economy, providing materials for construction, energy supply and other uses, and supporting employment."	
Page 83	Delete: "The Council is required to maintain an effective 5 year housing land supply at all times which is monitored via the annual Housing Land Audit. Where a shortfall is identified within a particular housing market area within the period of the Plan, new developments will be directed to longer term safeguarded areas identified in settlement profiles which will be assessed against relevant LDP policies. Full impacts on house building and take up due to Covid 19 are difficult to accurately predict at this point in time." Amend third paragraph as follows: "This section also lays down ..."	To reflect the changed context for the plan, and to read correctly following this modification.
Page 84, HD1, paragraph 1.5	Delete: "Decision making will be guided by the Council's SPG on Affordable Housing although, the level of contribution within a market site will generally be no more than 25% of the total number of houses." Insert: "Decision making will be guided by the Council's SPG on Affordable Housing although, the level of contribution within a market site will be at least 25% of the total number of houses."	To align with NPF4.
Page 91, HD3, paragraph 1.2	Delete: "1.2 The Scottish Government's Scottish Planning Policy (SPP) states the need for high quality layout in housing developments in order to protect residential amenity." Amend numbering: "1.3" becomes "1.2".	To reflect the changed context for the plan.
Page 93, HD4	Delete: "This policy is intended to assist the Council to maintain the five year effective housing land supply at all times, while safeguarding particularly sensitive areas from development. The housing land audit process will be used to monitor the need for any additional land release. Where a shortfall is identified within the Local Development Plan area, new development will be directed to the	To reflect the changed context for the plan.

Reference	Modification	Reason for modification
	<p>longer term safeguarded areas identified in relation to settlements. These safeguarded areas are shown on the Settlement Profiles in Volume 2. Any proposals that come forward in these areas will be assessed against the policies in the approved Development Plans.”</p> <p>Insert: “This policy is intended to support a plan-led, place-based and infrastructure first approach, establishing longer term safeguarded areas identified in relation to settlements, while safeguarding particularly sensitive areas from development. The safeguarded areas are shown on the Settlement Profiles in Volume 2. These are additional to the land supply identified by this plan. Any proposals that come forward in these areas will be assessed against the policies in the adopted Development Plan.”</p>	
Page 93, HD4	<p>Delete: “The areas indicated in the Settlement Profiles for longer term expansion and protection shall be safeguarded accordingly. Any proposals coming forward for housing development within these longer term expansion areas in advance of the identification of a shortfall in the effective housing land supply will be treated as premature.”</p> <p>Insert in place: “The areas indicated in the Settlement Profiles for longer term expansion and protection shall be safeguarded accordingly. Any proposals coming forward for housing development within these longer term expansion areas will be assessed against the policies of the development plan.”</p>	To reflect the changed context for the plan.
Page 94, HD5, paragraph 1.1	<p>Delete: “Scottish Planning Policy requires local authorities to consider the need for specialist provision, that includes care and nursing homes.”</p> <p>Insert: “NPF4 supports meeting the diverse housing needs of people and communities across Scotland.”</p>	SPP no longer To reflect the changed context for the plan.
Page 96, HD6,	Delete: “1.2 Scottish Planning Policy (SPP) requires Local Authorities to identify a generous supply of land for each housing	To reflect the changed context for the plan.

Reference	Modification	Reason for modification
paragraphs 1.2 and 1.3	<p>market area, to meet the housing land requirement across all tenures, maintaining a five year effective housing land supply at all times. The housing land requirement was informed by the Housing Need and Demand Assessment 2 (HNDA), which was considered to be 'robust and credible' by the Scottish Government in March 2015."</p> <p>Delete at beginning of 1.3: "The HNDA considered"</p> <p>Insert at beginning of 1.3: "The Housing Need and Demand Assessment (HNDA) process considers"</p> <p>Consequential amendment of paragraph numbering: "1.3" becomes "1.2", and "1.4" becomes "1.3".</p>	
Page 101, EP1	Delete: "Scottish Planning Policy"	To reflect the changed context for the plan.
Page 104, EP2	Delete: "Scottish Planning Policy"	To reflect the changed context for the plan.
Page 116, EP7, paragraph 1.3	Delete: "Scottish Planning Policy supports this principle where it can be the only means of retaining a Listed Building."	To reflect the changed context for the plan.
Page 117, EP7	Delete: "Scottish Planning Policy"	To reflect the changed context for the plan.
Page 121, EP8	Delete: "Scottish Planning Policy"	To reflect the changed context for the plan.
Page 122, EP9, paragraph 1.4	<p>Delete: "The relevant national guidance is Scottish Planning Policy, Historic Environment Policy for Scotland and Managing Change in the Historic Environment guidance note series which aim to conserve the historic environment. PAN 68 'Design Statements' and PAN 71 'Conservation Area Management' are also relevant."</p> <p>Insert "NPF4 Policy 7 sets out the national planning policy for Conservation Areas. Other relevant national guidance is contained in Historic Environment Policy for Scotland and</p>	To reflect the changed context for the plan.

Reference	Modification	Reason for modification
	Managing Change in the Historic Environment guidance note series which aim to conserve the historic environment. PAN 68 'Design Statements' and PAN 71 'Conservation Area Management' are also relevant."	
Page 123, EP9	Delete: "Scottish Planning Policy"	To reflect the changed context for the plan.
Page 126, EP10	Delete: "Scottish Planning Policy"	To reflect the changed context for the plan.
Page 130, EP12, paragraph 1.3	Second sentence, insert: "were" as follows: "Therefore the networks identified within the LDP focus primarily on the Strategic Development Areas as were set out in the SESplan and the 11 main population centres/settlements within the Borders."	To reflect the changed context for the plan.
Page 130, EP12, paragraph 1.5	Delete: "These identified networks also complement the development strategy set out within the SESplan."	To reflect the changed context for the plan.
Page 136, EP14, paragraph 1.2	Delete entire paragraph 1.2. Renumber subsequent paragraphs, so that "1.3" becomes "1.2", "1.4" becomes "1.3", and "1.5" becomes "1.4".	To reflect the changed context for the plan.
Page 136, EP14, paragraph 1.3 (as is)	Delete: "...and that it is not necessary to identify other areas suitable or unsuitable for development".	To reflect previous modification to EP14 1.2.
Page 137, EP14	Delete: "Scottish Planning Policy and"	
Page 142, EP17, paragraph 1.1	Delete: "National Planning Framework 3 recognises that land for food production within towns and cities is becoming increasingly important. Scottish Planning Policy states that planning authorities should protect, enhance and promote green infrastructure, including open space and green networks, as an integral component of successful placemaking." Insert: "NPF4 states that LDPs should create healthier places, for example through land for community food growing and allotments."	To reflect the changed context for the plan.
Pages 163 and 164, IS10 paragraphs 1.5, 1.6 and 1.7	Delete: "1.5 Scottish Planning Policy (SPP) indicates that regard should be had to the annual update of required capacity for source segregated recyclables and unsorted waste, mindful of the need to achieve the all-Scotland	To reflect the changed context for the plan.

Reference	Modification	Reason for modification
	<p>operational capacity, and it includes a reference to the 10 year rolling landfill capacity required. It also indicates that the planning system should support the provision of a network of infrastructure to allow Scotland's waste and secondary resources to be managed in one of the nearest appropriate installations, by means of the most appropriate methods and technologies."</p> <p>Delete "1.6 Furthermore, SPP explains: that while a significant shortfall of waste management infrastructure exists, emphasis should be placed on need over proximity; that the achievement of a sustainable strategy may involve waste crossing planning boundaries; that, as the national network of installations becomes more fully developed, there will be scope for giving greater weight to proximity and that the national capacity figure for source segregated recyclables and unsorted waste is not a cap and can represent an opportunity for economic growth."</p> <p>Delete "1.7 All proposals for waste management facilities should show how they contribute towards delivering both the national annual waste management capacity required and an adequate and integrated network of waste management facilities."</p>	
Pages 163 and 164	Rename "1.8" as "1.5" and "1.9" as "1.6" and "1.10" as "1.7".	Consequential to above modifications.
Page 206, Transportation standards	<p>Delete: "Scottish Planning Policy (SPP) and PAN 75 promote the integration of land use and planning to assist in reducing the need to travel and to create favourable conditions for greater use of sustainable transport modes."</p> <p>Insert in place: "NPF4 seeks investment in transport infrastructure that supports connectivity and reflects place-based approaches and local living; more, better, safer and more inclusive active and sustainable travel opportunities, and; developments in locations which support sustainable travel."</p>	To reflect the changed context for the plan.

Reference	Modification	Reason for modification
Page 206, Parking provision	<p>Delete: "Scottish Planning Policy (SPP) defines maximum car parking standards for retail and business developments. It also stipulates minimum parking standards for disabled people. The Council generally supports The SEStran Parking Standards, other than for housing, which sets common standards for the partnership area that aim to provide cross regional consistency."</p> <p>Insert: "The Council generally supported The SEStran (2015) Parking Standards, other than for housing, which set common standards for the partnership area that aimed to provide cross regional consistency."</p>	To reflect the changed context for the plan.
Volume 2		
Page 369, Changing Context, second paragraph	Delete: "in accordance with SESplan policy"	To reflect the changed context for the plan.
Page 400, RJEDB003, fourth bullet point	Delete: "in line with Scottish Planning Policy".	To reflect the changed context for the plan.