

From: Johnston, Charles
Sent: 10 February 2019 11:50
To: [REDACTED] >
Cc: [REDACTED] >; [REDACTED] (Planning HQ)
<[REDACTED]>
Subject: FW: Netherbarns

Good morning [REDACTED]

Received with thanks

Kind Regards

Charles

From: [REDACTED]
Sent: 08 February 2019 10:07
To: Johnston, Charles <[REDACTED]>
Subject: Re: Netherbarns

Dear Charles,

Here we go!
I hope that is alright just sending it direct to you.
Thanks for your patience, and I'm very glad to have had the extra documents to look at.

Let me know if you have any problems opening it.

Kind regards,
[REDACTED]

On Jan 31, 2019, at 3:44 PM, Johnston, Charles <[REDACTED]> wrote:

Hello [REDACTED]

Noted with thanks. I look forward to getting your response next week – that's fine

Regards

Charles

From: [REDACTED]
Sent: 31 January 2019 15:34
To: Johnston, Charles <[REDACTED]>
Subject: Re: Netherbarns

Hello again Charles,

I have spoken to [REDACTED] who is going to email me the various docs. She suggested that if my submission was going to arrive late I should let you know when I expect to submit it.

I should be able to get it to you next week, if that's alright.

I'm sure you will have plenty of other submissions to read in the mean-time!

Thanks,

[REDACTED]

On Jan 30, 2019, at 6:08 PM, [REDACTED] > wrote:

Hello Charles,

I meant to get back to you to ask for copies of the indicative sketches / further information (supplied I suppose by the developer) which we mentioned.

Are they online?

Thanks,

[REDACTED]

On Jan 18, 2019, at 12:30 PM, Johnston, Charles <[REDACTED]> wrote:

Good afternoon [REDACTED]

Nice to hear from you and I hope all is well

Finding potential housing sites in and around Galashiels is a major challenge. There are constraints of some description on pretty well every site in the area. As time goes on the better sites tend to get allocated and developed.

The Netherbarns site has a long history as you know. The site was submitted for Supplementary Guidance on Housing we had to produce last year. However, the submission was very similar to what was submitted and excluded by the Reporter at the examination of our now adopted LDP 2016. Consequently we did not take it forward.

It was submitted again for consideration as we prepare our next LDP via a Main Issues Report. In essence the submission stated that in the winter time when fleeting glimpses of the site may be seen from Abbotsford House, indicative sketches showed that houses would not be built on these areas. Further screen planting was also shown. Consequently it was considered the submission was materially different and could be considered again. Whilst I appreciate you have issues with the site, there remains differences of opinion with elected members on this and at a recent public event at the Gala Interchange there was agreement with those present that the Netherbarns site was an acceptable site for development and suggesting better options within the town was extremely difficult. I am of course aware there are differences of opinion on many aspects of planning, but it is wrong to consider the Netherbarns site has universal opposition to it.

Ultimately I must be able to explain fully to any applicant as to why a site has been excluded from a Plan. Given a number of points (including the fact you cannot see the site from Abbotsford in the summer, and if there are fleeting views of the site in winter then the submission confirms houses can be built on parts of the site which could not be seen, notwithstanding the fact the House is closed to the public in these winter months) when I visit the site and view the proposals from Abbotsford House, I have great difficulty in giving a clear and strong reason to the land owner of the site as to why it should not be considered again. That is my honest opinion, although I appreciate you have a different view on that.

As discussed please find attached a attach a copy of the documentation you refer to.

Kind Regards

Charles

From: [REDACTED]
Sent: 14 January 2019 11:14
To: Johnston, Charles <[REDACTED]>
Subject: Netherbarns

Dear Charles,

I hope all is well with you.

I am sorry to see that Netherbarns is up for discussion, again!

In the officers' initial assessment of the site I see it says that HES are "*Content with the principle of development for 45 units here, ...*" Can you point me to documentation which supports that statement?

Also, I see that HES "*note that further information has been provided in relation to landscape and visuals since the Housing SG, and recommend that if this site is considered to be a reasonable alternative, these should be made available to inform the Main Issues Report consultation and assessment.*" Is it possible to see this information?

All best for 2019,

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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<Consultation Response Table.pdf><Covering Letter.pdf>

"*****"

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Netherbarns MIR Consultation Response, January 2019

At the last Local Plan preparation, Reporter Richard Dent's rejection of development at Netherbarns appeared conclusive. Housing proposals at Netherbarns have now been dismissed by reporters four times, in clearly explained and consistent terms; to paraphrase, "Do not put such important heritage assets (Abbotsford) at risk." Despite this, planners believe that 45 units (exactly the same number as was rejected last time) would now be acceptable at Netherbarns because houses could be re-positioned away from areas of the site most likely to be visible from Abbotsford House; further screen planting would be undertaken, and glimpses of the new development would only be seen in the winter months when Abbotsford House is closed to the public.

I take these three matters in turn.

ONE The topography of the site is extremely difficult (in relation to Abbotsford). Having recently visited Abbotsford and the surrounding area yet again, and having studied the developer's latest proposals, I do not accept that forty-five units could be accommodated without substantial impact on Abbotsford. Even if they could be hidden from the house itself, that would not satisfy planning policy. In addition to Abbotsford, the gardens and designed landscape are recognized as being of outstanding value and of international significance; arguably they are as worthy of protection from damage as the house itself is. The Netherbarns site is highly visible in the wider landscape, not just in views from Abbotsford and from the designed landscape, but also in views towards them, from the Southern Upland Way, for instance. Planners do not appear to have taken this into account. Historic Scotland's guidance makes it clear that the setting of cultural assets should be protected, and "*It should be noted that it is not sufficient that the listed building and the new development will not be intervisible.*" (From Historic Scotland's July 2009 appraisal of the Netherbarns site, LTR/TD093/29/RSB.)

The degree to which a particular place's setting deserves protection may be related to the building's purpose and design. For instance, protecting the integrity of a listed mill building might not involve as much care for its surroundings as would be afforded to a more outward-looking building. Abbotsford is, to quote from the same letter from Historic Scotland, "... a highly landscape orientated set piece..." whose public rooms were all "... designed to take full advantage of the view... directly across the river Tweed to where the Netherbarns site is located." Only rarely can development reasonably be opposed simply because it would be visible. In this case it should be. Netherbarns is smack in the principal view upon which Scott focused Abbotsford, and suburban development is completely at odds with Abbotsford's rural setting. If houses could have "personal space", Netherbarns would be in Abbotsford's. Of course more recent development, including that at Netherbank and Kingsknowes, already has a negative impact on Abbotsford, but that impact needs to be mitigated, not aggravated. Significant tree-planting at Netherbarns, on at least half of the site, would go a long way to achieving this

mitigation over time. Netherbarns used to be in an Area of Great Landscape Value, and it could be of great value again if thoughtfully planted!

It is good that the developer is mindful of the orientation of the houses and of principal glazed areas in relation to Abbotsford, and the proposed colour palette appears to have improved too, but such changes are not sufficient to allay the overall suburban impact of the proposed development.

The developer's Design Code acknowledges that noise is a disturbance, identifying the need for windows on the new houses to have enhanced acoustic capabilities, "*... so as to mitigate against potential noise disturbance from events at Abbotsford.*" Noise from the development, including that of garden machinery, people, music and traffic, not to mention construction noise, could not be prevented from traveling from Netherbarns to Abbotsford, and would considerably add to the suburban effect.

TWO While further landscaping would of course be helpful, and growth of the tree strips planted a decade or so ago is welcome, to suggest that further planting would mitigate the development of forty-five houses is simplistic. Given the site topography, substantive screening cannot be achieved quickly. By all means plant more trees now, with considered advice on views to and from Abbotsford and its designed landscape, but a development of this scale on this site cannot responsibly begun without proper screening already in place. (Advice was sought by the developer some years ago but has not, I believe, been fully acted upon.) The developer's submissions make it clear that their own landscaping, which they say would sufficiently screen the development, would take several years to be effective.

By far the most important screening element is the strip of (mostly beech) trees along the riverside, (not within the developer's control), which in summer affords significant screening of the site. However, these trees are past maturity and cannot be relied upon to provide substantive screening. Here is an extract from Reporter Richard Hickman's 2007 findings: "*... the major tree belt along the river cannot be relied upon to provide an effective screen, either at present (in winter conditions and from higher elevations) or in the future (at all times and from lower as well as higher elevations).*" The weakness of this tree screen has been repeatedly highlighted since, and the trees' condition has in fact deteriorated in recent years, yet planners appear not to have taken account of this major factor.

The developer's submissions rely very heavily on the effectiveness of this tree belt, and propose its reinforcement, but do not appear to recognise its vulnerability. There is mention of the TPO, but a Tree Preservation Order can prevent neither the natural decline of a tree, nor storm damage! The developer's submissions acknowledge proposals in the ALMP which involve felling and restocking of parts of this mature tree belt; "*This process will temporarily open up views both into the site and beyond to existing properties at Netherbank.*" Temporarily, in this case, would

likely mean decades: all the more reason not to bring forward development plans for Netherbarns.

THREE It may well be argued that impact on Abbotsford in winter is less grave than in summer when visitor numbers are highest, but this is more of an economic argument than a planning one. Planning policy concerning cultural heritage assets goes way beyond economics, focussing on the intrinsic value of the asset to be protected, understanding that special places deserve protection because they are special. In order to receive protection year-round there is no requirement that a heritage asset need to be open to the public year-round, (or indeed open to the public at all). Such policy cannot be cast aside on seasonal grounds. Furthermore, to suggest that visitors aren't around in the winter months is simply wrong. As far as I know the Hope-Scott wing is available all year round, and various functions are still held in the house, while the grounds are open to families and walkers all through the year.

Nor can it be assumed that winter use of the house will remain low. Judging by the growing number of initiatives being undertaken at Abbotsford, both inside and outside the house, I would not be surprised to see much more going on in winters to come.

In the Heritage Assessment carried out for the developer, paragraph 7.3 of the Conclusion states, "*The Landscape and Visual Appraisal prepared by Brindley Associates demonstrates that, development delivered within the limits set by the Landscape and Development Framework, **would be visible from Abbotsford during winter and for the first few years...***" This, one might have expected, would be sufficient material for planners to reject the proposals. But the next paragraph goes on to say, "*... development of the land for residential use would preserve the special interest of Abbotsford House and the values of the Abbotsford Garden and Designed Landscape **throughout the year.***" (My emphasis.) It is hard to believe these two paragraphs were authored by the same person: the Heritage Assessment cannot be credited.

A Broader Visitor Experience at Abbotsford

It is encouraging to see how much the experience of visitors to Abbotsford has been widened over the last decade. This is the result not only of physical changes, such as the visitors' centre, the opening of new paths and thinning of trees, but also the significant broadening of the visitor base, to include disadvantaged children who may have had no experience of the Borders countryside, and those who suffer mentally who find fulfillment working in Scott's gardens and woods. The Abbotsford trustees should be commended not just for their conservation of Abbotsford, but for their outstanding efforts to help people engage with Scott's creation and the countryside which he loved and understood so well. The remarkable thing is that even two centuries on, we can still experience what Scott wanted his visitors to

experience so long ago. We must resist that which would threaten such valuable experience.

One group whose experience of Abbotsford has been improved is walkers. Walkers are important to the Borders, year-round, and notably to Melrose whose paths group has helped open several new walks through Abbotsford's designed landscape. Abbotsford's woodland to the south-west of the house has been carefully thinned, and walkers there are now able to enjoy views over the Tweed. Views from this woodland, and from the B6360 road above it, take in the Netherbarns site. Such views are already spoiled by what feels like an overflow of modern Galashiels into the Tweed valley. To compound that effect by allowing forty-five new houses would be most damaging. Conversely it can be seen how tree-planting at Netherbarns on a sufficient scale would mitigate that effect over time.

Photomontages

I have looked carefully at the photomontages. While they are helpful in indicating the position of the proposed houses, they fail to clearly show to what extent they would be visible through the trees in winter. Also, although they include a principal views from the house, they do not include other views from the designed landscape or views across the site towards Abbotsford, for instance from the Southern Upland Way.

The existing development at Netherbank is barely visible in the Photomontages (Date and Time 20 / 4 / 2018 - 12.32pm). This photomontage is not helpful, because while the trees are apparently not in leaf, they must not be simply regarded as such: in late April the buds are already swollen. Viewpoint 02, in the same document, is described as being taken from ground floor level. This might be better described as basement level. Photomontages based on photographs taken from any of the principal public rooms, all designed to take advantage of views across the Tweed would be more useful.

The other photomontages, included in the developer's Landscape and Visual Appraisal, do include a view from a higher point, Viewpoint 02 : Dressing Room - First Floor of Abbotsford House (I am not certain whether or not this is the same floor as the public rooms). These photomontages, in which the existing houses at Netherbank appear only to be glimpsed through the leafless trees, substantially fail to illustrate the potential impact of the proposed development. I am absolutely certain that **in winter months the houses at Netherbank can be clearly seen through the trees**, even from the basement level and more clearly still from the public rooms. This is especially true when sunlight accentuates contrasts. I know that differences in light can make a big difference to what can be seen, but as a document which ought to aid assessment of potential impact it is largely useless. While the trees do not appear to be in bud, I note that the date of photography is not given, only *Winter - 12.20pm*. I do not have a photograph to show how Netherbank

is highly visible through the trees in winter, but I would urge that such evidence be sought.

Conclusion

In short, I do not believe the developer's proposed improvements amount to more than tinkering with the deeply flawed proposal (same number of houses) which was dismissed outright in 2014. It is therefore astonishing that planners have allowed their interest in the site to be re-awakened, especially when a much lesser scheme of twelve houses maximum was dismissed at the same time.

If the present proposals are allowed then future generations will question how a civilized country could ever have allowed a suburban development to be built, as I once heard it described, "smack in the face of a national treasure." Forty-five houses, or even half the number, would inevitably constitute a suburban development which could not but damage the setting and experience of Abbotsford.

Even if partially screened, the development of forty-five houses at Netherbarns would give the overall impression of a suburban development. As well as the actual buildings; vehicles and roads, streetlights, noise and light would all be much more noticeable than the existing field, unavoidably adding to the suburban effect. To quote again from Reporter Richard Hickman's 2007 findings, "*... this is a particularly sensitive landscape, where even a very minor intrusion of alien elements is likely to mar the perceived experience of visitors, many of whom will have travelled a great distance to visit Abbotsford, with correspondingly high expectations.*"

I do not accept planner's view that material changes would allow the development of forty-five houses at Netherbarns without significant adverse effect on Abbotsford and its designed landscape. On the contrary, given the uncertain state of the major tree screen along the riverside, and the new breadth of visitors' experience at Abbotsford, I now believe that such development is potentially more damaging than ever, and I strongly object to it.

I therefore respectfully request that the current proposal be removed from the draft plan. (I would not object to development at Netherbarns if it were restricted to the Alternative Proposal set out below.)

Alternative to the MIR proposal

By contrast with the proposed allocation of forty-five units, a modest level of development, made up of **a few houses and some really worthwhile areas of new woodland could give the overall impression, not of a partially screened suburban development, but of a handful of houses in a wooded landscape.** This is a crucial distinction which I believe should govern any future plans for development of the site. This approach could minimise damaging impact on Abbotsford, and, if the woodland is properly planned, mitigate the negative impact of

Provision of the

Housing Allocation AGALA029 – Netherbarns

Reporter's conclusions:

1. Site AGALA029, Netherbarns, is allocated for housing. There is also a site requirement to consider the need to provide educational facilities on the site. The site lies on rising ground on the north bank of the River Tweed, between the river and the A7. To the south-east, on the opposite bank of the River Tweed is the designated Abbotsford Garden and Designed Landscape within which is situated, Abbotsford, the home of Sir Walter Scott, a category A listed building.
2. Development has previously been proposed for the Netherbarns site. An appeal against the refusal of planning permission was dismissed in 2007. The matter was further considered at the inquiry into the Scottish Borders Local Plan, adopted 2008. The report of that inquiry accepted without doubt the importance of the locality in terms of landscape, historic and cultural interest, and in respect of tourism, including the international attraction of Abbotsford. Despite some screening - reduced during the winter - it was considered that there would be an increased visual impact on Abbotsford as a consequence of any urban development of Netherbarns. Existing development was acknowledged but the development of the site was regarded as a threshold which should not be crossed. Overall, it was concluded that the development of the site "would be undesirable because of the potential risk of damage to very important landscape, historic, and cultural interests, and to the contribution of tourism to the Borders economy".
3. I have noted the arguments of the council in favour of the development of Netherbarns which include a reference to the withdrawal of objections by Historic Scotland. I also recognise the reduced density of 45 houses now included in the proposed plan and N Watson has suggested a maximum of 12 houses with significant tree planting (although M & J Ballantyne Ltd have indicated that a higher density would be preferable).
4. In addition to the impact on Abbotsford, other concerns have also been expressed, including problems that would be created by the level of traffic generation. I have no reason to believe that the local road network, including the capacity of the A7, would be incapable of accommodating the additional traffic generated by the development of the site.
5. All-in-all, despite the lack of a formal objection by Historic Scotland, I concur with the conclusions reached at the previous local plan inquiry. It appears to me that cultural and landscape considerations combine to provide an asset which should remain free of the impact of the suggested allocation and any subsequent development of Netherbarns. I do not accept that the woodland screening would adequately mitigate the adverse impacts of the allocation on the setting of the house or the designed landscape. Additionally, the re-opening of the railway link to Galashiels is likely to increase the volume of visitors to Abbotsford, therefore further strengthening the need to protect the heritage of the vicinity. On this basis, I conclude the allocation, including the somewhat obscure reference to educational facilities, should be removed from the proposed plan.
6. In reaching the above conclusion I have noted the strategic housing context which has been examined under Issues 49 and 80. It has been concluded that the housing land designations in the local development plan are unlikely to satisfy the strategic requirement. However, the local issues pointing to the deletion of site AGALA029, Netherbarns are so compelling that they are not to be set aside by wider considerations.

Note: on the basis of the foregoing conclusion it is not necessary to further consider the representation from Scottish Environment Protection Agency in respect of the need for a flood risk assessment.

Reporter's recommendations:

I recommend the following modifications be made:

1. In the Galashiels settlement profile, under the Housing section of the Development and Safeguarding Proposals, delete the reference to site AGALA029, Netherbarns.
2. Delete site AGALA029 from the Galashiels settlement map, including the areas shown for structure planting/landscaping.
3. Amend the text of the settlement profile and remove the reference to two new housing sites (the Birks View site is also recommended for deletion – see Issue 164).
4. House building totals elsewhere in the proposed local development plan should also be adjusted as appropriate.

EXTRACT from Report of Scottish Borders Local Plan Inquiry held between 4 September 2006 and 18 January 2007

Reporters: R M Hickman CBE MA BA(Hons) DipTP MRTPI R Bowden BSc (Hons) MPhil MRTPI

Assessment of Netherbarns

There can be no doubt as to the importance of this locality in terms of landscape, historic and cultural interest, and of the international significance of Scott's Abbotsford estate as a tourist destination. It has the potential to make a much greater contribution to the Borders tourist economy.

The critical issue on which nearly all the submissions and debate have focussed is whether the proposed use of the Netherbarns site for housing development would be likely to have an adverse effect on the landscape setting of the house and the wider designed landscape, which would in turn have a negative effect on the enjoyment and interest of the area for those who visit it, which in turn could undermine the success of the estate as a major tourist destination attracting visitors, and their contribution to the local economy.

The site is well screened in summer in views from Abbotsford House and the river bank, but is visible from the higher parts of the Abbotsford Estate land. Any new development would be visible in winter, viewed through the tree screen when it is not in leaf. I agree that the urban features of the development – buildings; vehicles; and street lighting columns – would be much more noticeable than the existing green field.

I also note the concerns about the continuing future effectiveness of the tree screen, particularly the large and mature beech trees along the river bank. It is agreed that many of these are of a considerable age, dating from Scott's time or a little later. Their ageing state, limited remaining lifespan, risk of removal on safety grounds, and the slow and difficult process of gradually renewing and maintaining the tree belt to provide an effective screen was not disputed at the hearing.

I therefore agree with objectors that the major tree belt along the river cannot be relied upon to provide an effective screen, either at present (in winter conditions and from higher

elevations) or in the future (at all times and from lower as well as higher elevations). I also accept that this is a particularly sensitive landscape, where even a very minor intrusion of alien elements is likely to mar the perceived experience of visitors, many of whom will have travelled a great distance to visit Abbotsford, with correspondingly high expectations.

I accept that there are already some unfortunate intrusions in some of the views. However I agree with the expert objectors who consider that the quality of the landscape is still worth protecting, but is at a tipping point when any further encroachment will cause significant harm. In this regard, I agree that it would be very undesirable for the Galashiels urban area to extend any further to the south along the Tweed valley, and that to release the Netherbarns site would set a very strong precedent for development of the next field to the south, which exhibits very similar characteristics, and has a similar relationship with the designed landscape.

Some supporters of development at Netherbarns may regard the proposal as justified because of the need to meet the structure plan housing requirement. However other housing sites have been put forward through objections to the local plan, and the Council has already started a review to meet future housing needs. Even if there were to be a predicted shortfall in this local plan, the 70 units at this site would make only a limited and short term contribution to meeting the need. In contrast, the recognised local, national, and international assets of this locality are part of the long term heritage of the area, deserving long term protection and the benefit of the precautionary principle if there is any risk or doubt about their future safeguarding.

Conclusions

Development of the site would be undesirable because of the potential risk of damage to very important landscape, historic, and cultural interests, and to the contribution of tourism to the Borders economy.