

Clovenfords and District Community Council

Comments on Appeal Reference 17/00053/RREF

Planning Reference 17/01008/FUL

Planning Development: Erection of Replacement Dwelling House

General

The Clovenfords and District Community Council (CC), having reviewed the appeal documents, note that the applicant has not addressed the CC concerns as presented in the Planning Officer's Report. Either the applicant has chosen not to address these issues, which is to say the least, disappointing, or does not have the answers, which is very disconcerting.

With regard to the information presented in the appeal documents, the CC have further concerns regarding the purpose/need for such a proposed dwelling and the adverse effect on the surrounding woodland.

The following comments are presented under the headings as used in the appeal document.

Policy EP13

The statement that the trees to be removed are over-arched by more mature trees is incorrect. One tree of significance, identified for removal appears to form part of the canopy. Another large tree is so close to the proposed siting of the dwelling that it is likely to have to be removed in the future.

"The applicant is passionately committed to preserving and enhancing the ecological value of the site in every possible manner." Building a house in any form cannot possibly enhance the ecological value of this site.

Policy HD2

The claim that "there is firm evidence that at some point there has been human habitation of the existing building," could also be considered to be evidence of discrete fly-tipping in the past.

The "redefined building group" consists of cottages with either stone built or screeded walls. Nothing in the group looks remotely like what has been proposed

Energy efficiency for this structure is questionable; one gable end is totally made of glass and no form of internal insulation for the timber structure has been indicated on the drawings.

Background to the Applicant

The apparent linking of this appeal to an intention to open a business enterprise in Galashiels is of serious concern to the CC. It could be perceived as an attempt to influence the decision of the Local Review Body.

Environment

The applicant does not require a permanent presence on site to address any woodland issues that have developed over time, such as repairing small sections of the boundary wall, removing rhododendrons or self-seeded sycamores.

With regard to other maintenance issues, the paths in the woods are clearly visible and used regularly. Run-off water from Craigmyle Park is minimal since the estate has a very efficient road

drainage system with the drains being cleaned on a regular basis by SBC. The majority of the leaves on Craigmyle Park Road are efficiently removed by SBC in Autumn/Winter. Additional clearing of leaves is carried out by work parties from Craigmyle Park residents. With regard to litter, The Clovenfords and District CC organise litter picks in Clovenfords and the areas around Glenkinnon, which includes the car park, campsite and Peelwoods. SBC have also placed a refuse bin in the Glenkinnon car park for use by the general public using the area. This bin is emptied every 2 weeks by SBC as part of the waste collection service.

The existing ruined building (ie Dog Kennels), considered to be in a potentially dangerous state by the applicant has been left in this state since purchase of the woodlands by the applicant.

It is claimed that the existing building is beyond economic repair, but the applicant is willing to spend additional time and money in building a large dwelling in its place.

It is also noted that “a historic notable building will be lost unless it can be repurposed in another form.” The planning application submitted (17/01008/FUL) is for a replacement dwelling, not to replace dog kennels with a large house.

Proposed Dwelling

It is claimed that the proposed dwelling “retains the form of the original ruin within the design and incorporates stone from the original ruin as much as possible.” The only resemblance to the original ruin is that it is rectangular and has a pitched roof. The inclusion of 2 minor stone facias in the dwelling does not align with the claim “to incorporate stone from the original ruin as much as possible.”

“Cradle to grave embodied energy model, resulting in an exceptionally low carbon footprint.” A questionable claim, since no information has been provided as to what is the source for heating and lighting.

Community Benefits

There is a proposal to give 4 acres to the Borders Forest. Therefore the applicant is now seeking to build a large house in the woods to manage 2 acres. The CC queried the need for a dwelling in the woods when it consisted of 6 acres, now it is only 2.

It is intended to invite student bodies to visit the site to witness and assist in construction of the proposed dwelling. The siting of an apiary within the woodland to demonstrate beekeeping to a wider audience is also proposed. This will result in an increase in the number of vehicles parking in the area, but the applicant has indicates parking is required for 2 cars. This was identified as a concern previously. Now this information serves to exasperate the situation, with increased parking on Craigmyle Park Road inhibiting access and most likely result in traffic running over the adjacent grass verge. This verge is owned and maintained by Craigmyle Park residents.

Use of the “private gated entrance” to improve access to the woodlands. This entrance has been open to the public for decades. Only the recent repair of the hinges by the applicant has allowed the gate to close. Prior to that it was permanently open. There is absolutely no need to “wade the Glenkinnon Burn.” If anyone decided to cross the burn then it is easily done via the stepping stones in the campsite adjacent to the carpark.

“The property will only be sold at 95% of its market value at the time of sale.” One can only guess at the value of a large detached house in this area of the Scottish Borders, set in 6 acres of mature woodland with a guarantee that no other buildings would be erected in that 6 acres.

Conclusion

Based upon the lack of response to the CC comments to the original planning application and several of the claims in the appeal document, Clovenfords and District Community Council continue to have serious concerns in relation to this planning application for the construction of a large dwelling in place of dog kennels in this woodland.

George Dormand

On behalf of

Clovenfords and District Community Council

Anne
Wilson

From: Anne Wilson
Sent: Tue, 9 Jan 2018 09:06:48 +0000
To: localreview; Walling, Fiona
Subject: Planning Appeal 17/00053/RREF

Good Morning

Thank you for your letter dated 3rd Jan 2018 relating to the above planning appeal. I have attempted, without success, to comment on the SBC planning portal. Therefore I am submitting my comments by email to you.

My concern relates to the alleged fraudulent document submitted by Ferguson Planning on behalf of the applicant Adam Elder on 6th Sept 2017 on the original planning application 17/01008/FUL. Ferguson Planning made reference to a valuation roll dated 1915 in paragraph 5.9 and the document is Appendix 1.

I wish to know if SBC are investigating the validity of this document or whether the matter has been reported to police. I believe the submission of this document, if found to be fraudulent, is a criminal act.

Surely if such an investigation takes place it would take precedence over planning regulations and as such prevent Mr Elder submitting an appeal at this stage.

Otherwise SBC planning regulations and procedures could be seen to be seriously flawed, allowing anyone to say or submit anything to obtain planning with no consequences.

The application and appeal I refer to is primarily based on a replacement dwelling, however if the building was never used as a dwelling the case has to go no further. Ferguson Planning state "there is substantial evidence of residential use on site". I fully believe this is not the case. I question where they obtained the document referred to as Appendix 1 or whether they, as professional agency, checked the authenticity of the document or whether SBC Planning have made any checks.

This raises further concerns to the honesty and authenticity of any other information the applicant provides and the future of an area which was never intended to be a building plot.

I have raised these points with Clovenfords Community Council and addressed my concerns to SBC Leader, Shona Haslam.

I would be grateful to have a response to my email prior to the case meeting on 19th February 2018.

Regards

Anne Wilson
Craig Lodge
Glenkinnon

Clerk to the Local Review Body
Scottish Borders Council Headquarters
Newtown St. Boswells
Melrose
TD6 0SA

16 Craigmyle Park
Clovenfords
Galashiels
TD1 3LA

Chief Executive

11 JAN 2018

9 January 2018

Dear Madam

Democrat

Planning Reference: 17/01008/FUL & 17/00053/RREF

We refer to your letter dated 3 January 2018 and to the request for a review of the decision on application ref: 17/01008/FUL, refused planning permission on 29 September 2017. Firstly, we see that the list of documents the applicant intends to rely on in the review does not include the Planning Statement by Ferguson Planning which was submitted in support of the application. We would, therefore, ask that the contents of this Planning Statement be not taken into account in the review. We would ask the Local Review Body to particularly note that the applicant is no longer relying on the valuation roll extract included in the Planning Statement, which purports to show that the existing building was occupied as a dwellinghouse in 1915. We, and other residents of Craigmyle Park, remain concerned, however, as to how the document purporting to be a copy of the County of Selkirk Valuation Roll for 1915 was derived and included in the Planning Statement submitted in support of the application. We are also concerned that the request for the review continues to refer to the proposal as "Erection of replacement dwellinghouse" and the proposed site as "derelict dwelling, land west of Glenkinnon Lodge, Peelburnfoot, Clovenfords" when it is abundantly clear that the existing building was a kennel building and the proposal is for a new house not a replacement dwellinghouse.

We note that in submitting this request for review, the applicant's agents have raised matters which were not before the appointed officer at the time the determination of the application was made. This further evidence relates to the applicant's commitment to the wider environment and to community benefits. In relation to the applicant's commitment to the environment, we applaud this but do not see how the additional information provided has any bearing on the reasons for refusal of the application by the appointed officer, which relate to the unavoidable removal of trees subject to a TPO and the fact that the proposed development would not sympathetically relate to any existing building group. As we indicated in our previous representation, dated 12 September 2017, we do not question Mr. Elder's life-long passion for woodlands but the construction of a dwellinghouse is not necessary for the proper management of this small area of woodland. The Glenkinnon Community Woodland on the opposite (south) bank of the Glenkinnon Burn, which covers an area of over 10ha, is satisfactorily managed by a community trust to the benefit of the biodiversity of the area without the need for a dwelling on site.

In relation to community benefits, these consist of a list of intentions and promises, which cannot be guaranteed through the imposition of planning conditions. Reference is made to benefits such as the retention of the existing derelict kennels (a historically notable building?). It is suggested that "The proposed dwelling will retain the form of the original ruin within its design". As mentioned in our previous representation, the proposed dwelling is more than four times the size of the footprint of the existing building. The proposal will require its complete demolition. None of its original features will be retained apart from the use of some of the stone. Reference is also made to making a financial contribution to the "legacy problem of water run-off from Peel

Wood on to the Ashiestiel Road". The legacy of surface water run-off down Ashiestiel Road is a result of blocked road drains in the public highway, which if cleared (as has been done recently) satisfactorily solves the problem. The issue with the proposed dwellinghouse is the lack of any details regarding the treatment of soil/waste and surface water from it and the potential impact on the SSSI, including the Glenkinnon Burn and ultimately the River Tweed. This is the issue that the applicant requires to resolve. As stated in our previous representation, dated 21 July, we submit that the proposal does not demonstrate that satisfactory private sewerage treatment can be delivered without any negative impacts to the environment, the SSSI and nearby watercourses and, as such, the proposal would be contrary to policy IS9 of the Local Development Plan.

Promises are also made in relation to the occupation of the proposed dwelling in a desperate attempt to persuade the council to grant planning permission for a new dwelling that is clearly contrary to the provisions of the local development plan. Planning permission goes with the land not the applicant and, notwithstanding Mr. Elder's assurances, there is no guarantee that he will reside there for any length of time. As regards the potential for further development, we note that Mr. Elder would be content to enter into a Section 75 Agreement to limit future development. However, planning obligations made under section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) require to meet a number of tests and it is doubtful whether such an agreement would meet all the tests. We remain concerned at the impact of introducing a residential use on this site, which is an integral part of the woodland surrounding the former Peel Hospital site and is recognised as being of nature conservation value.

In concluding the case for over-turning the appointed officer's decision to refuse the planning application, the applicant's agents do not question the non-conformity of the proposal with the local development plan. They simply ask that planning permission should be granted on the basis of other material considerations; the applicant's environmental credentials and community benefits. We hope that the Local Review Body will not be tempted by these tenuous benefits to grant planning permission for a development that is clearly contrary to the local development plan.

The applicant's agent also requests that, in the same way that an applicant has the opportunity to speak at a Planning and Building Standards Committee, they should be given the opportunity to speak at any site visit that might be carried out as part of the appeal process. We would ask that if any opportunity is given to the applicant or his agent to speak to the Local Review Body, a similar opportunity is provided to those who have made representations against the proposal.

We hope that the Local Review Body will give serious consideration to our representation, as well as to our previous letters dated 21 July and 12 September. We ask that the Local Review Body upholds the decision made by the appointed officer to refuse planning permission on the grounds that the proposed dwellinghouse does not comply with policy HD2(E) of the local development plan and would undermine the aims of policy EP13, which seeks to protect woodland from the loss of its landscape, ecological and biodiversity value.

Yours faithfully,

Dr Douglas Hope & Mrs Brenda Hope
email: .

Glenkinnon Lodge
Peelburnfoot
Clovenfords
Galashiels
TD1 3LH

Clerk to the Local Review Body
Scottish Borders Council
Council Headquarters
Newtown St. Boswells
Melrose
TD6 0SA

10th January 2018

Dear Sir/ Madam

**Planning Application: Derelict *Dwelling* Land West of Glenkinnon Lodge Peelburnfoot Clovenfords
Scottish Borders**

Planning Reference: 17/01008/FUL

Appeal Reference: 17/00053/RREF

We object strongly to the above application and appeal, and the following comments should be taken in conjunction with the detailed ones we made on the original application which was refused.

Misleading Title

Firstly, this Planning Application is still wrongly titled. It refers to "Erection of replacement dwelling house" and "Derelict Dwelling". It is not a derelict dwelling; it is comprised of derelict dog kennels. Several objectors have rightly stated that the kennels were never used for human habitation and attempts to prove that they were have been unsuccessful.

A document was presented with the original application (by Ferguson Planning, on behalf of the applicant) which appears to be a faked copy of the 1915 Valuation Roll, purporting to show that the kennels had been occupied. The correct version of the document, in the archive in the Heritage Hub in Hawick, shows no such occupation. This appears to have been a deliberate attempt to mislead the Council on a significant feature of the application, to the disadvantage of those who are objecting. An investigation, and possibly a criminal investigation, should be carried out and appropriate measures taken. Meanwhile, the application should be refused, or at least suspended, until such an investigation has been made and the facts established as to whether or not a deliberate attempt has been made to pervert the planning process and, if so, by whom.

Site Visit

The applicant's agent has requested to be present at any site visit by the Local Review Body. We ask to be present as well in the interest of fairness. We would also appreciate the Local Review Body visiting Glenkinnon Lodge at the same time, as we are presently subject to another (successful) planning application on the other side our property. (We did not object to the latter).

Bats

The subject of bats has been raised by the Ecology Officer. What has not been mentioned yet is that our house, less than 100m from the proposed development, is a designated bat roost (known to SNH). Our roof spaces are home each year to more than 100 brown long-eared bats, and more than 100 pipistrelle bats. They use our loft space as maternity roosts.

On summer evenings, they fly out across the road into Peel Wood to forage. (Their presence there has been confirmed by other local residents).

An in-depth study needs to be carried out into the impact on these two bat populations of the proposed changes to their woodland habitat.

(There are also Daubenton's bats which fly up and down the river; and Noctule bats which fly up and down the road between our house and the Wood. The Wood probably forms part of the habitat for both of these species).

Housing Groups

The appeal tries to argue on the basis that the development fits into an existing housing group, claiming that our house, Glenkinnon Lodge, and the four houses in the group known as Glenkinnon are part of the "Peel House" group, including the Craigmyle Estate. This is nonsense. Today, the Glenkinnon group and the Craigmyle group are distinctly separate groups – both as building groups, and as communities. The proposed development, i.e. an isolated house in the Wood, would not fit into either of these.

The Glenkinnon group comprises:

Craig Lodge – built in the 18th or 19th century as the lodge house for Craig House which was opposite Caddonfoot on the south side of the Tweed

Three cottages built mid-20th century by the Forestry Commission for forestry workers

Glenkinnon Lodge – built for fishing purposes in 1860 **before Peel House was built.**

Glenkinnon is a cohesive group of houses and a cohesive community. It has road signs directing to it from the main road and is due to have its own place name signs, one at the boundary of Glenkinnon Lodge and one at Ashiestiel Bridge.

The proposed development does not fit into the Glenkinnon group, nor into the Craigmyle group.

Community Benefits, etc

The appeal statement is full of tempting offerings of access to the wider community - accessibility to a wider audience, access through the gate instead of having to wade the burn, installation of beehives, etc. But, the wider community has had such access for decades. If the development goes ahead, visitors walking through the Wood on the established paths and rights of way will be confronted with a house in the middle, with no boundary fence and no garden. But worse, the development will degrade the existing woodland amenity which has been enjoyed for years by the local community on a daily basis. The bulk of the traffic through the Wood is from the local residents. Offering access which already exists to others is irrelevant – these are empty promises and mean nothing. There is no additional benefit for visitors; only the loss of precious amenity for the existing communities who use the Wood.

The applicant claims to be talking to Borders Forest Trust about gifting the SSSI part of the wood to them at no cost. We have previously asked the applicant (and the previous owner of the Wood) to look at removing dangerous non-native 100ft conifers in the SSSI part of the Wood. These trees threaten our house. Both have said they would look into getting permission from SNH to remove them. Is the applicant really offering the SSSI part of the wood at no cost to BFT and without the liability for removing the trees (possibly in the order of several thousand pounds)?

The question is why did Mr. Elder buy the site if he now wants to give the major part of it away, unless he bought it just to acquire the potential building plot – a building plot at woodland price.

The Applicant

The appeal statement has, for some unknown reason, included a CV of the applicant, Mr. Elder. As with any CV, it all looks good. But is it relevant to a planning application, especially as there is no guarantee that Mr. Elder will live in the house for any length of time - if at all?

The appeal is also full of promises as to how the woodland will be managed, how the drainage problems will be solved, that there will be no “garden” around the house, etc. We have absolutely no confidence that these promises will be upheld. All the technical documents regarding Air Spades, Cell-Web, etc. are a distraction and have been produced by firms with a commercial interest. We cannot be confident that any of the work will be carried out in the ways specified or that it will actually not damage the ecology of the Wood.

Specific Concerns

As discussed in our previous objection, we are particularly concerned about drainage from the site. Any septic tank and associated soakaway will be on the site, above the road opposite our drive. The ground is often saturated and there is a long-standing issue of water run-off from the site onto the road. Unless special arrangements are made, a normal septic tank and soakaway could allow contaminated effluent to flow onto the road.

Again, as mentioned in our previous submission, we are concerned that, despite the assurances given in the appeal, there will be further tree removal in the future – to provide light, increase the view, and for safety reasons. Allowing residential use will inevitably create a real and significant threat to this ancient woodland.

The proposed development overlooks Glenkinnon Lodge and its garden. There is reasonable screening by trees and vegetation at the moment but, if these are allowed to be removed because of residential development, our privacy will be affected.

Mr. Elder has given assurances that he will live in the house and manage the woodland (although he does not need to live there to manage it). The house will be surrounded by trees and have no garden. When Mr. Elder no longer lives there, the site will have residential status, and a new owner, or occupant, not having the interests of the woodland at heart, could effect the loss of this ancient woodland forever.

Summary

This is an application for a new building in a part of an ancient woodland, requiring a change of use from woodland to residential. It is in the only part of Peel Wood which is not covered by an SSSI. We argued before that the lack of SSSI status for that part of the Wood is the result of an arbitrary historical delineation. The entire Wood should be treated in the same way as the SSSI part – it is all equally valuable from a historical and ecological point of view.

An apparent attempt has been made to mislead by claiming that the old dog kennels form an existing dwelling.

The proposed building does not fit into the existing building groups, i.e. Glenkinnon and Craigmyle.

The impacts of the proposed building on the complex ecology of the Wood (especially the bats) have not been studied in detail. Proper **independent** studies need to be done as the impacts are likely to be significant.

The application is supported by vague promises and assurances by the applicant who will not always be there to fulfil them, if at all. It is an application dependent on one individual whose motives seem unclear.

Conclusions

For the reasons given above and in our previous objection letter, and taking account of all the other objections from local residents, this appeal should be refused.

Yours faithfully

Christopher Whitmore

Glenkinnon Lodge

localreview

From:
Sent: 18 January 2018 13:10
To: localreview
Subject: Planning Appeal Ref 17/00053/RREF

18th January 2018

Dear Sirs,

With reference to the local review being undertaken in regard to an appeal made by Mr Adam Elder, Ref: 17/00053/RRef.

I wish to make further representations regarding some statements that have been made by Mr Elder and/or those that are representing him. These come under his heading of "Environment".

An overall impression has been put forward that the wood is an unused and litter and debris strewn piece of wasteland – this is totally incorrect and I would refer to the following points made by or on behalf of the applicant.

"The trees on the road boundary and within the wood along paths suffering from poor health, disease and becoming potentially dangerous".....

In this case, the land owner should remedy the situation regardless of whether any planning consent for development is given.

"The Northern stone boundary wall falling into disrepair and obstructing parts of the public road".....

Again, obstructing parts of the public road is an issue for the land owner to address regardless of whether planning consent for development has been given.

"Unmanaged grey squirrel and deer presence in the woodland leading to tree regeneration being impeded. Increasing numbers of self seeded Sycamore trees inhabiting the wood to the detriment of native Scottish species".....

Although deer are occasionally seen in this area, it is not a regular occurrence. I suspect that this is due to the frequent flow of traffic using the roads that border the wood and the well used paths that go through it. The deer are more often seen in the woodland that surround this site.

“Paths used by the public within the wood have become indistinct throughout and difficult to walk due to windblown branches, fallen leaves or soil washed by water run-off from Craigmyle Park. Litter and debris is unattended to.”

There are 3 very distinct paths that myself and other local residents use on a daily basis and they are certainly not difficult to walk. These paths are also used by others from further afield during the warmer months. There is no evidence whatsoever of any litter or debris being present.

A short site visit by the Local Review Body would confirm these observations to be the case.

Yours faithfully – Mrs J Pearce

Dear Sirs,

I wish to make additional representation with regard to an appealed planning application 17/00053/RREF.

I fail to understand why this application is still being described as a replacement dwelling, the only piece of information the applicant and his agents were able to submit that anyone had ever resided in this dog kennel had been shown to be potentially fraudulent and as such calls into question the validity of this entire application. If indeed it were to succeed at this point the council would be opening up the flood gates to anyone submitting anything to get their own way.

The applicant claims the planned property is 'sensitive' to the area. It is not in keeping with anything else in the surroundings. The footprint of the proposed dwelling is four times that of the existing structure and is the equivalent size required for a four bedroomed house which seems an excessive amount for a one bedroomed dwelling. The height of the proposed structure is that of two double decker buses not something that can be tucked away as the applicant would lead you to believe. The computer generated images of the proposed building are very misleading.

The applicant has consistently failed to answer any questions about concerns over services and sewage treatment. This has been raised by many people including myself and nobody has had anything approaching a suitable answer. All that has been said is a septic tank style unit is to be used. Sited as it is on the edge of a SSSI this sounds like a recipe for disaster potentially causing contamination into the Glenkinnon Burn and ultimately the River Tweed.

None of the extra information supplied by the applicant and his agents should have any bearing on the planning process they are all empty promises and speculation. The land as it stands at the moment is open access to the public there are many routes into it and there are several well established rights of way through it. At no point has anyone had to 'wade the burn' to get into it unless of course it is by choice. The fact the applicant is suggesting he 'gift' portions of the land shows quite clearly that he has no interest in the actual management and care of the wood as stated previously he just wishes to build

an ugly house there. There is also no guarantee the applicant will actually do this planning permission cannot compel him to do it.

The applicant has stated that for safety reasons several oak trees were removed due to concerns from both the council and the residents association. Why then has the wind-blown Weymouth Pine Tree that is endangering the only adjacent property to this site not been touched? The applicant knows and has been told by both the council and myself about ten months ago that it needs attention yet he chooses to ignore it. I suspect this is because it has no bearing on the area to be developed and is Pine not Oak so the wood is of no value in the grand plan. Indeed the oaks that were removed create a corridor of light down to the area of the proposed site.

This is mature and ancient woodland and was marketed and sold as such; if it had been sold as a building plot the asking price would have reflected this. The applicant knows this and is trying to get a building plot on the cheap by trying to have people believe he is some great conservationist and philanthropist. He may well be but that is nothing to do with planning laws and as such should not be considered as part of this application.

The damage this proposal will do to the wildlife, flora and fauna of this area would be a crying shame. If approved what happens when the ideas for creating the property and its associated parking are shown to be unworkable? I fear the beautiful trees currently subject to TPO protection will end up being the victims along with the creatures and plants that rely on them for their lives.

Yours faithfully

Louise Gibbard

Peel Lodge, Clovenfords

Comments on Planning Appeal 17/00053/RREF in relation to initial Planning Application
17/01008/FUL

I am extremely disappointed and concerned that despite the numerous valid objections to the application 17/01008/FUL to build a large dwelling house in Peel Wood, Mr Adam Elder, is submitting an appeal against the SBC decision which refused the initial application.

The first important point I would make is that the initial application contained misleading information that the old dog kennels was a dwelling and that the requested planning permission was for a replacement dwelling. I understand that this has now been unquestionably demonstrated to be a false premise with clear evidence produced to show that the documentation submitted by the applicant was false.

Despite this, the appeal statement which includes, and I quote, "*there is firm evidence that at some stage there has been human habitation of the existing building*" totally ignores the undisputed evidence produced to the contrary. Any objects found in the old kennels could be as a result of fly-tipping or illegal use of the building, perhaps by some poor homeless person temporarily dossing there. Similar objects have been located in/around the old sewage plant so any suggestion that this indicates firm evidence of habitation should be ignored as it constitutes an unproven assumption and is incidental to the case.

Let us be absolutely clear that what is being sought here is planning permission to build a large detached house in woodland which overlooks the River Tweed and which will have significant monetary value to the new owner if permission were granted. Despite being described as a one-bedroom house, it is vastly larger than the original stone kennels and will have external dimensions which would be sufficient for a 3/4 bed roomed house. This is certainly not required "*to manage the wood in a positive, sustainable manner*", especially as the applicant has "*begun discussions with Borders Forest Trust with a view to entering into an arrangement that transfers 4 acres of Peel Wood to BFT ownership*".

I note with interest the section in the appeal entitled "*Community Benefits*".

I fail to understand the reference to inviting groups to enter the wood by the private gated entrance rather than being discouraged from entering due to the need to cross the Glenkinnon Burn! I have lived on the Craigmyle Estate for nearly 17 years and regularly walk through the wood and use the gate which exits onto Ashiestiel Road. I believed this to be an established right of way and have concerns about the introduction and implication of the word "private" used to describe the gated entrance. It appears to me that the local community and the majority of visitors already use the gate.

With reference to siting an apiary within the woodland to provide bees with an additional habitat, the owner can grant permission to the Peebles Association to do this without building a house in the wood.

The reference to the property being made available as Affordable Housing and sold at 95% of its market value is questionable. After all, if built, it would have a significant market value as a detached property set in either 6 or, at least 2 acres of woodland overlooking the Tweed and with guarantees of no other development in the wood.

Having viewed the old kennels and surrounding area closely over the last few days, paying particular attention to the trees marked for felling I note that if approval is given for this planning application to go ahead that the tree canopy will be opened up with a significant gap created above the new roof line. Naturally, there is a high risk of this gap in the canopy being extended as a result of the close proximity of other larger trees which may suffer damage during the building process or deemed to pose a risk to the property in the future thus necessitating them being felled. Despite all the assurances given, that is, minimal disturbance/protecting other trees, experience shows that there are no guarantees and if damage is done, inadvertently or otherwise, there is no going back. I would add that it is very important to be realistic when considering the activities involved in building and the possible resulting damage.

There would certainly be no benefits to the immediate local community from granting Planning Permission, although there would be a great deal of disruption with noise, parking, verge and road damage in the short term during construction. In the longer term noise and parking problems could continue if the property were to be let, or from visitors as the property is shown to have lounge seating and dining for 8 people.

Any promises of investment in Galashiels if approval were granted are irrelevant to the application and should not influence the decision of the appeal. That would be wrong and improper!

In conclusion, I would maintain that if approval were given to this planning application then Peel Wood, its flora (including both evergreen and deciduous trees, snowdrops and wild primroses) and its fauna (including occasional red squirrel, deer, bats and a variety of birds) would be irreversibly damaged.

Furthermore, SBC would be setting a precedent for new build in an unspoilt woodland area, part of which is a Site of Special Scientific Interest, and sending out a clear message that no woodland is safe.

I request that the Local Review Body give careful consideration to my concerns and objections and refuse the application.

Jacqueline Dormand

Glenkinnon Lodge
Peelburnfoot
Clovenfords
Galashiels
TD1 3LH

Clerk to the Local Review Body
Scottish Borders Council
Council Headquarters
Newtown St. Boswells
Melrose
TD6 0SA

18th January 2018

Dear Sir/ Madam

**Planning Application: Derelict *Dwelling* Land West of Glenkinnon Lodge Peelburnfoot Clovenfords
Scottish Borders**

Planning Reference: 17/01008/FUL

Appeal Reference: 17/00053/RREF

We have lived in Glenkinnon Lodge for eight years, between Peel Wood and the Tweed. We keep a record of nature sightings and have recorded fifty-seven species of bird, including kingfisher, green woodpecker, woodcock and jay. Four species of bat, otters, badgers, roe deer, stoats, hedgehogs, and red squirrels – these are some of the visible mammals. The proximity of Peel Wood with its unspoiled forest floor, and consequent biodiversity, contributes to the abundance of wildlife.

Peel Wood is a rare surviving part of an ancient forest and has an SSSI because of its lichen status. "The number of recorded epiphytic lichens within the SSSI is now 185. Conservation evaluations are now: Nationally Scarce (30), Nationally Rare (3), Near Threatened (6), Vulnerable (1), and International Responsibility (11)." (Neil Sanderson – survey 2013).

These figures were supplied by Dr. Malcolm Lindsay, Secretary and Past Chair of the Scottish Wildlife Trust Central Borders Group. He is also the National Moth Recording Scheme Recorder for Selkirkshire. He has written to us as follows:

"I ran a light-trap for moths in the garden of Glenkinnon Lodge (OS reference NT4363 3502) for 7 years between 2009 and 2016. 40 light-trapping sessions were conducted over that time.

The total number of macro-moth species trapped was 185.

While many of these species were common, 22 were Local in UK distribution and 7 were Very Local in their Borders distribution.

This last group included several scarce (in the Borders) moths of damp woodland – Lilac Beauty, Pinion-streaked Snout, May Highflyer and Blue-bordered Carpet.

There is no doubt that further surveying would increase the total of number of macro-moth species found at Glenkinnon Lodge to a total of 250 or more.

However, the results to date indicate the garden is situated in an area of woodland habitat containing a very rich and diverse population of moths."

It is obviously vital that this woodland habitat and its biodiversity be preserved.

The woodland site is covered by a TPO, and immediately adjoins the Glenkinnon Burn SSSI, noted for its rare ancient woodland. It is claimed in the Appeal Statement that only three trees will need to be felled rather than the 14 originally proposed. But the visualisations show trees in unrealistically close proximity to the proposed dwelling. There would soon be pressure to fell further trees owing to their closeness to the house, shading or perceived danger. We are told that the applicant is 'passionately committed to preserving and enhancing the ecological value of the site'. If that is the case, why build a house on this unsuitable, environmentally sensitive location at all?

The applicant cannot control his successors. Future owners may well want a garden – if only to grow organic veg, fruit and herbs – which will require the felling of many more trees. Bearing in mind its close proximity, there would be a danger of alien species escaping into the SSSI, either spreading by seed or by the dumping of garden waste. With human habitation, there will be different levels of humidity, and the wildlife, lichens, and insects will be vulnerable to woodsmoke (prevailing wind from the west), and groundwater contamination. These changing conditions must affect the sensitive balance of both the habitat and biodiversity in the SSSI.

The Appeal Statement refers to the existing ruined building and avers: 'Reconstruction is economically unviable in its current format with the result that a historically notable building will be lost unless it can be repurposed in another form'. All that is meant by these fine phrases is that the 'historically notable' kennels will be demolished and a few stones reused in the new house.

Three oaks have recently been felled despite the existence of Tree Preservation Orders. (We have to assume formal permission was granted although we cannot find the documented records of this). The prognosis for Peel Wood and its wildlife looks dire if the application for residential status is approved and the inevitable further destruction of the woodland is allowed to take place.

We have obtained further pertinent information regarding the history of the proposed application site from Mr. Stephen Dean, who owns the Fairnilee Estate and most of the Peel Estate, including the land alongside the Ashiestiel Road between the proposed application site and the River Tweed. In a letter to me he writes:

"Peel was a shooting and fishing estate, purchased in the late 1930s by my grandparents Lord and Lady Craigmyle. The entire estate, including the woodlands, Peel House and the gardens on which the hospital was built, remained in the hands of Lady Craigmyle until her death in 1958. The kennels provided accommodation for gundogs (not 'hunting dogs'), which were looked after by the gamekeeper, Mr Dods, who resided in the adjacent lodge house. It is preposterous to suggest that they also housed 'dog handlers'.

Under Community Benefits it is noted that groups have been invited to access the wood by the 'private gated entrance' off the Ashiestiel road rather than having to cross the Glenkinnon Burn. It should be pointed out that the clearly defined footpath running from this gate, behind Peel House

and emerging below Shirra's Knowe on to the Williamhope road has been used by the public for very many years. This is no more a 'private gated entrance' than the little wooden gate at the other end.

Under Policy HD2 – Housing in the Countryside – the Appeal Statement notes that the proposed building 'is sensitive to its unique context within the woodland, where there is firm evidence that at some point there has been human habitation of the existing building. There is no such evidence.'

We sincerely hope the Local Review Body will consider the points made and uphold the Planning Officer's decision to refuse this application.

Yours faithfully

Patricia Wyllie

Glenkinnon Lodge

Walling, Fiona

From: James Murray
Sent: 19 January 2018 15:19
To: localreview
Cc: James Murray; maureen appleyard
Subject: Representation re enclosed doc
Attachments: scot borders elder applic.pdf

Clerk to the Review Body
Scottish Borders Council

Dear Ms McGeoch

I am delighted that the council has refused the Elder spurious application. It very much looks like the gentleman decided to deliberately try and pull the wool over the Council's eyes. Of course, we now know that he has 'form' in this respect [East Lothian].

Scottish Borders Council has been seen to have behaved ethically in at least entertaining such an application. However, it is heartening to know that you have resources to exam such a spurious application and the will to pronounce upon it.

Congratulations!

James Murray

Dr J P Murray FIFST FIBD



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