

**NOTICE OF REVIEW**

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.**

Use **BLOCK CAPITALS** if completing in manuscript

**Applicant(s)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

**Agent (if any) Joint Applicant**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

Mark this box to confirm all contact should be through this representative:

\* Do you agree to correspondence regarding your review being sent by e-mail? Yes  No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application  Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

**Nature of application**

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

**Reasons for seeking review**

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

**Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

**Site inspection**

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- |  | Yes                                 | No                       |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

No

**Statement**

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

*Please see in full on 2 separate documents*

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes

No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

*(Handwritten mark)*

**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

- a) 2, written documents:- Joint application
- b) Email:- dated 27-4-15 @11-51 from S.B.C.
- c) Photographs 4No
- d) Printed illustration of Plastic gravel underlay

**Note.** The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

**Checklist**

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

**Note.** Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

**Declaration**

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

21-12-16

**The Completed form should be returned to the Head of Corporate Administration, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA.**

Crawfield  
Auchencrow  
Eyemouth  
TD14 5LS  
19<sup>th</sup> Dec. 2016

Dear Sirs,

Ourselfs and Mr Graham Bath of Craws nest, wish to appeal against the decision to refuse our application to amend a planning condition.

The Planning Conditions imposed on our houses including one of surfacing our shared access driveway with tarmac or similar approved material.

In April 2015 Mr Bath received an email from Officers of the Council stating that they had discussed the driveway surface and suggested a gravel would be a suitable material for a finished surface.

We therefore went ahead and had the gravel surface installed. Considering the driveway is on a gradient, we had a plastic grid system placed under the gravel in order to prevent movement of gravel towards the road. This has proved to be effective. This work was carried out at our shared expense. Please see a copy of the email received by Mr Bath.

On the 25<sup>th</sup> May 2016, we learned from a Mr P Green that the gravel was not acceptable and that the two officers giving us the advice were not authorised to give such advice. We carried out the surfacing in good faith.

The public road through the village is on a gradient also and in times of heavy rainfall there is always a considerable flow of water down the road. If our drive were to be tarmacked the water would run off onto road and increase the flow down the road, adding to the erosion being caused. If gravel was to be allowed rainfall will continue to soak through and cause no flow onto the road.

We find that after heavy rainfall, we do find stones and gravel to have been washed down the road, mostly from the car park of the public house next to our driveway.

When considering road safety, a smooth tarmac surface would be vastly more difficult for vehicles to get up our drive in times of ice and snow. Vehicles

unable get up our drive would have remain on the public road and a serious road safety threat considering the width of the road, which is also a bus route.

Also at these times pedestrians would find the tarmac a danger to walk up. We think these two concerns would have a serious impact road and public safety.

There have been a number of new house built in the village in the last ten years, and none appear to have had such conditions enforced.

Our neighbouring house has a gravel drive as does the house next door but one. These are the only other houses near bye which have driveways.

**PJ & AM Costello**

Craw Field  
Main Street  
Auchencrow  
TD14 5LS  
11.12.16

Dear Sir,

Mr & Mrs Costello and myself (Mr Graham Bath) wish to appeal against the planning decision ref 16/00866/FULL with regard to condition 3 of [06/00243/OUT](#) and condition 5 of [13/00897/PPP](#) with regards to the surface of the shared driveway for Crawfield and Craws Nest

Our reasoning's are: -

1/ The condition states tarmac approved material. On 27<sup>th</sup> April 2015 we received communication from Mr David McKinlay who had discussed with Kenny Baine. The comments suggested we could use gravel for the shared and private driveways. On 25<sup>th</sup> May 2016 Mr Peter Green informed us that the condition was still outstanding and subsequently that Mr McKinlay and Mr Baine were not in a position to have offered this advice. At this point we had already carried out the surfacing of the driveway and incurred the associated costs.

2/ A tarmac driveway would affect the water runoff from the sites directing the rain water into the public roadway. A gravel finish allows rain water to soak away naturally into the soil.

3/ There is an issue regarding icing up of a tarmac surface and the slope of the driveway causing a safety hazard to pedestrians. A gravel surface would eradicate this.

4/ Concerns over gravel moving into the public roadway should be countered in the fact that the gravel is retained in a

gravel grid.

5/ Gravel seen in the public roadway in front of the properties is generally washed down the road particularly from the Craw Inn carpark.

6/ Out of 7 properties built in the last ten years none have had a similar condition enforced.



**Carol Blaikie**

GRAHAM / JOHN / JOHN.

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**From:** McKinlay, David <David.McKinlay@scotborders.gov.uk>  
**Sent:** 27 April 2015 11:51  
**To:** Alan Wood  
**Subject:** RE: NEW HOUSE at AUCHENCROW. ref 14/00616/EREDWG

Hi Alan

Ive just spoke to Kenny regarding the drive, as he was the officer who processed the job, and he seems to think he remembers talking to someone from you office about the drive. He has suggested as it is a countrified situation you can get away with having a gravel drive for both the private and shared drive.

regards

**David McKinlay**  
**Assistant Building Standards Surveyor**  
Building Standards  
Regulatory Services  
Scottish Borders Council  
Tel: 01835 825 212  
Email: David.McKinlay@scotborders.gov.uk

Find out more about Scottish Borders Council: [Web](#) | [Twitter](#) | [Facebook](#) | [Flickr](#) | [YouTube](#)



Smiddy Cottage  
Auchencrow  
Eyemouth  
Berwickshire  
TD14 5LS

22<sup>nd</sup> December  
2016

Dear Sirs,

**Re: Crawfield, Auchencrow, TD14 5LS**

We have lived in Auchencrow since April 2012, during that time the two plots opposite the pub (including Crawfield) have been developed. We regularly visit Crawfield and have serious concerns about the requirement to tarmac the driveway and the potential hazard that would create in icy conditions for pedestrians and vehicles.

The current driveway has been finished with ecogrid and gravel. The surface is level and well compacted so provides easy walking even with a layer of snow on it. We have observed no movement or gravel washed off after heavy rainfall, unlike other parts of the village. The finish is in keeping with the village, it's surroundings and the seven properties constructed in Auchencrow over the last ten years which all have gravel driveways.

As an Ambulance Service Paramedic of 25 years I have professional concern that trying to remove an ill or injured patient in inclement weather on any of the current patient carrying devices in use with a modern Ambulance Service would be hazardous. Furthermore, in my experience I have no recollection of falls related to the current type of secure gravel surface, yet can site numerous incidents relating to tarmac. I find it strange that there are strict regulations on such areas as door width, electrical switch heights and other accessibility criteria, yet this surface requirement provides a very real danger to residents, the emergency services and other professionals.

The use of tarmac would also result in rapid surface water runoff that could contribute to flooding at the bottom of the village as opposed to the natural drainage provided by gravel.  
Yours faithfully

Mr Stephen Jones (SR Paramedic)

