

To Local Review Body Scottish Borders Council

From-The Residents of Kirkburn

6 September 2017

Subject Appeals references- 17 00032 RREF

17 00033 RREF

17 00034 RREF

We thank you for this opportunity to reaffirm our unanimous objection to these proposals. We ask you to consider the impacts on the building group and our residential amenity these proposals would create.

The appellant has submitted forty planning applications in his smallholding since 2015 he fully understands how the planning system works.

We are content with existing access arrangements to our small building group. We do not take our own safety or that of others lightly. Statistical modelling and interpretation of risk potential is an incumbent duty of Roads planning officers. The existing junction and access road serves the building group well as empirical evidence suggests. The junction could be considered awkward in usage in respect of left turns into the minor road but drivers seem to manage without incident.

We ask you to respect the Planning officers judgement and note that there is a precedent here.

The appellants existing planning consents and there business plans are not dependant on these applications. Access to facilitate and service proposed developments are containable within field 0328. We do not interpret these proposals as an act of altruistic largesse but rather an attempt to blur the previously accepted boundary between the building group as it exists and the proposed tourist developments with a view towards future planning revision.

Should the appellant choose to do so he could easily secure footpath access to Cardrona forest walks by directing pedestrians to use the route he uses when walking his dog (via the gate at the rear of the graveyard and down the south side of the graveyard dyke to the fence adjacent to forest access road). The applicant states he leases this land. This route would inconvenience no one in the building group. Such a route would not require access to forestry land a simple stile or kissing gate and some fencing would suffice.

We ask you to note a further refused planning application in your deliberations regarding these three appeals before you today, application 17 00809 FUL. (Change of use of land to form short stay holiday park and siting of 12 No mobile log cabins)

This application (not yet being appealed) was submitted shortly after(17 00806 ful) 17 00034 REF. We however feel it is of relevance as a memo for Craig miller from A J Cleghorn dated received by planning 7 AUG 2017 concludes with the following lines .

" I have decided to revert to the original access through the Kirkburn Road. It is my intention to appeal the planning refusal notice for the Kirkburn Access upgrading."

Upholding the officers decisions will not impact upon the planning applications the appellant has consent for, nor their financial requirements. Reversal however would impact on the existing landscape, residential amenity and setting of the listed buildings.

Thank you for your consideration of our concerns we are

J Wilson 8 Kirkburn Cottages

I & K Jackson 7 Kirkburn Cottages

A Johnston & C Goodsir William Cree Memorial Church

S & C Mitchell 4 Kirkburn Cottages

E Barber 3 Kirkburn Cottages

4 Kirkburn Cottages
Cardrona
PEEBLES EH45 9HU

6th September 2017

Ms Fiona Walling
Scottish Borders Council
Newtown St Boswells
MELROSE TD6 0SA

Dear Ms Walling

Appeal for application 17/00806/FUL – Erection of agricultural building and formation of new access track land south of No. 3 Kirkburn

With regard to the appeal for the above application, the same criteria apply as in our original objections.

We noted that the private water supply and drainage are not depicted on the latest drawing. If the drainage is leading to a watercourse, one can only assume that watercourse is the Kirk Burn. Surely this will impact on the water quality of the Kirk Burn and also have a detrimental effect on the wildlife. For example, salmon use the burn to spawn, otters and kingfishers have been seen in its environs. It could be especially detrimental given that this is to be an agricultural building which could, at times, contain livestock, i.e. cattle. Cattle run-off can be particularly noxious to natural water courses.

Most important of all is that the drainage system and the earthworks to install it, will conflict with the water pipe system in the field that serves Kirkburn Cottages. Kirkburn private water supply was created especially for the cottages when newly built, by the then Forestry Commission from a natural spring up in the hills and is piped down through forest and fields to supply the Kirkburn Cottages. The water supply and its equipment is owned severally by the Kirkburn Cottages residents. We object on the grounds that this will have a direct impact on our water.

With regard to sewage treatment, any treatment plant near our properties could have an impact because of bad odours. Reed beds are notorious for smelling badly. One only has to walk through parts of Cardrona Village to smell their reed bed.

The access at No. 3 Kirkburn is not suitable for construction traffic, nor for agricultural vehicles. It is a single track gravelled road leading to the Kirkburn properties. It would not be safe to allow such vehicles to trundle up the single-track road past our properties, which could be during the day or night. The noise and vibration of large vehicles could be detrimental to our road and properties. It is not acceptable, and as previously noted, the B7062 leading up to Kirkburn is a tortuous route and is not suitable for large vehicles as noted on the road signs. Road safety would be of the utmost concern if traffic was increased in this area. Again, please note that the access road at No 3 Kirkburn is not owned by the developer.

We urge you to refuse this appeal.

Yours sincerely

Stuart & Cath Mitchell

Stuart and Cath Mitchell

