



West Linton Community Council

Chairman: Mr Graham Tulloch, 11 Dryburn Brae, West Linton, EH46 7JG

Treasurer: Mrs Carn Peaston, 3 Deanfoot Gdns, West Linton, EH46 7JB

16 November 2018

Mr R Dods
Planning Officer
Environment and Infrastructure
Scottish Borders Council
Council Headquarters
Newtown St Boswells
Melrose
TD6 0SA

Dear Mr Dods

18/01341/PPP Erection of dwellinghouse and detached garage | Land South East Of
Tarf House West Linton

The West Linton Community Council is Supportive of the above application which
came before it at our recent meeting.

Yours Sincerely

Graham J Tulloch

Response On Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997

**The Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2013 S.I.2013 No 155 (S.25)**

Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

To Scottish Borders Council	Council Reference:-	18/01341/PPP
	TS TRBO Reference:-	SE/100/2018

Application made by Mr and Mrs Erlend Milne per Ferguson Planning, 54 Island Street, Galashiels TD1 1NU and received by Transport Scotland on 01 October 2018 for planning permission for erection of dwellinghouse and detached garage located at Land South East Of Tarf House, West Linton affecting the A702 Trunk Road.

Director, Trunk Roads Network Management Advice

1. The Director does not propose to advise against the granting of permission ☒
2. The Director advises that planning permission be refused (see overleaf for reasons). ☐
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons). ☐

To obtain permission to work within the trunk road boundary, contact the Route Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-

Route Manager (A702)
0141 272 7100
Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF

Operating Company:-

SOUTH EAST

Address:-

6a Dryden Road, Bilston Glen Industrial Estate, Loanhead, Edinburgh, EH20 9LZ

Telephone Number:-

0800 0420188

e-mail address:-

OCCR.SESCOTLAND@amey.co.uk

Transport Scotland Response Date:- 11-Oct-2018

Transport Scotland Contact:- Shaun Phillips

Transport Scotland Contact Details:-

Trunk Road and Bus Operations, Network Operations - Development Management

Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF

Telephone Number:

e-mail: development_management@transport.gov.scot

NB - Planning etc. (Scotland) Act 2006

Planning Authorities are requested to provide Transport Scotland, Trunk Road and Bus Operations, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted.

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Roads Planning Service	Contact e-mail/number:		
Officer Name and Post:	Paul Grigor Roads Planning Officer	<u>pgrigor@scotborders.gov.uk</u> 01835 826663		
Date of reply	26 th October 2018	Consultee reference:		
Planning Application Reference	18/01341/PPP	Case Officer: Ranald Dods		
Applicant	Mr and Mrs Erlend Milne			
Agent	Ferguson Planning			
Proposed Development	Erection of dwellinghouse and detached garage			
Site Location	Land South East Of Tarf House West Linton Scottish Borders			
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>				
Background and Site description				
Key Issues (Bullet points)	<ul style="list-style-type: none"> • Access 			
Assessment	<p>The site is accessed via a section of private road leading from the A702. As the A702 is a Trunk Road at this location, it is the remit of Transport Scotland to comment on the suitability of the access and I note they have been consulted and have duly replied.</p> <p>In terms of the plot itself, providing any detailed application provides parking and turning for two vehicles, excluding any garages, I will not object to this application.</p>			
Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
Recommended Conditions	Parking and turning (excluding any garage space) for two vehicles shall be provided within the curtilage of the dwellinghouse before the dwellinghouse hereby approved is occupied and must thereafter be retained in perpetuity. Reason: To ensure the provision of adequate off-street parking.			
Recommended Informatives				

Signed: Alan Scott

PLANNING & ECONOMIC DEVELOPMENT

To:	Head of Planning & Regulatory Services				
F.A.O.	Ranald Dods				
From:	Planning & Regulatory Services				
Contact:	Erica Hume Niven	Ext. 6704	Ref:	18/01341/PPP	Date: 7/11/18

Nature of proposal:	Erection of dwellinghouse and detached garage
Site:	Land South East Of Tarf House West Linton Scottish Borders

Comments: ACCESS

Rights of Way

According to the records held in the Planning & Economic Development Section there is one claimed right of way on this area of land, as shown on the attached plan. Details as follows:

Rights of Way Code	Start (Approx. Grid Ref)	Finish (Approx. Grid Ref)	Length
BT26	NT 142 511	NT 151 505	1.2km



Rights of Way are protected by law under the Countryside (Scotland) Act 1967 sec. 46 'It shall be the duty of a...planning authority to assert, protect, and keep open and free from obstruction or encroachment any public right of way which is wholly or partly within their area.'

Please note that Scottish Borders Council does not have a definitive record of every claimed right of way within its area. The Scottish Rights of Way and Access Society, the community council and local residents may have evidence of existence of claimed rights of way that have not yet been recorded by SBC.

Land Reform (Scotland) Act 2003

There are other tracks in the area that the public would have a 'right of responsible access' to under the Land Reform (Scotland) Act 2003. This right also extends to most land and inland water in Scotland.

Please note: There are a number of statutory provisions contained in both public and private Acts under which public paths may be formally diverted. (s.37 Countryside Act 1967, s.199 Town & Country Planning Act 1972, s.9 & 12 Roads Act 1984) The diversion of a path may only be undertaken if the planning authority can be satisfied that the diversion will result in the efficient use of land or that a shorter or more convenient path will be created. It should be noted that formal diversions of paths involve a lengthy legal process.

Further comments

In the event of this proposal being approved in the future there would need to be a formal diversion of the right of way (BT26). The following is a comment from a local resident in West Linton:

"When we lived at Tarfhaugh we frequently had cause to visit Castlelaw and the route we took to reach Castlelaw did pass between the indicated garage and the indicated house. A bit of tweaking of plans and tweaking of route might overcome any problem, though the new property fence would need to allow passage of people. We occasionally took our bicycles up this way so it could be argued that the route should be available for cyclists also. The route has certainly been used by horses in the past."

Erica Hume Niven
Access Ranger