

PLANNING CONSULTATION REPLY



To: Development Management
F.A.O. Paul Duncan
From: Planning & Regulatory Services
Contact: Mike Marsh Ext. 5267 Ref: 18/00961/FUL Date: 04 April 2019

PLANNING CONSULTATION

Nature of Proposal: Erection of dwelling house with attached garage

Site: Plot 3 land North East of The Old Church, Lamberton

CONSULTATION REPLY

ACCESS OFFICER REPLY:

Thank you for your request to receive an outdoor access consultation response. You should note the following:

LEGISLATION

National Access Legislation

It is the duty of local authority to uphold access rights, under the [Land Reform \(Scotland\) Act 2003](#), in doing so to, protect and keep open and free from obstruction or encroachment any route, waterway or other means by which access rights may reasonably be exercised.

Rights of Way are specifically 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.'*

COMMENTS

According to our records Right of Way BB53 is directly affected by this proposal.

The access team have no objections to make regarding this proposal. However, in line with decision notice 17/00030/RREF, the following planning condition must be incorporated into any permission that may be granted:

Right of Way BB53 that runs through the site must be maintained open and free from obstruction in the course of development and in perpetuity. There should be no additional gates, steps, stiles, fences, walls or hedges on this route shown which would restrict public access.

Reason: To protect general rights of responsible public access.

ADDITIONAL COMMENT

It is noted Smith & Garratt in their letter dated 19th July 2018 will maintain the line of BB53. It is recommended that a pedestrian gate, on the line of BB53, be installed in the fence line to the north of the plot.

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.





Mike Marsh

Access Ranger (East)
Built & Natural Heritage
Regulatory Services
Scottish Borders Council
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Planning Application
18/00961/FUL
Plot 3
Lamberton

Legend

-  Managed Path
(Local Community)
-  Managed Path SBC
(Core Path,
Promoted Route;
Aspirational Core Path)
-  Other (Right of Way;
Permissive/ Customary
Path;
Longer-term Aspirational Path)
-  Path Link on SBC Adopted
Road(No Pavement)
(Core Path Link and
Promoted routes)



Scale: 1:936

This map has been prepared by the
 Countryside Access Ranger Service
 of Scottish Borders Council.

For further details contact:
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