

On Behalf of Eyemouth Community Council

James Anderson

White House

Gungreen Hill

Eyemouth

TD145SF

Reference 20/00809/FUL Alt ref 100286659-001

Retrospective planning permission to erect security fence. Phase 4 store and yard Acredale Industrial estate TD14 5QL.

ECC have received a number of complaints regarding the Erection of security fencing around the above property. Although ECC support growth of local business we must highlight the breach in planning law and other issues as requested by the public.

1. Boundary of the property. Below we can show a map from 1862 which clearly shows the Loaning walk as a well established path and access.



The path gives access to farmers, utility companies, emergency vehicles and other properties which are now blocked by this 2.4 metre fence. Access is also blocked to Mains Water which is situated half way down the Loaning and is utilized by farmers to water the crops.

2. Right of ways shown on maps that are long standing should have been marked with the following information. "In accordance with Scottish Law the owner of the ground must leave a minimum of two meters from the centre of the path". Currently the path has been halved down

the middle forcing the neighbouring property to give up extra ground which they are not required to. The existing boundary fence which has been in place for a number of years is set at the correct distance from the centre of the Loaning path which is in accordance with the Law Around Rights of Way. Below it is highlighted in Yellow.



3. Consideration of the area and its surroundings has been requested by members of the public. As with most other fencing of this height screening with hedging or trees is requested.
4. Maps shown, as produced by SBC for the sale of the ground are missing vital information which has clearly led Mr Vanko to erect the fence on what he has been told is his property with no restrictions. It is widely felt Mr Vanko was miss sold the ground without proper information for him to consider how he should proceed with his Business.

PLANNING CONSULTATION

To: Access Officer

From: Development Management

Date: 12th August 2020

Contact: Paul Duncan ☎ 01835 825558

Ref: 20/00809/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 2nd September 2020, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 2nd September 2020, it will be assumed that you have no observations and a decision may be taken on the application.

Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.

Name of Applicant: Eyestore Limited


Agent: PD Architecture

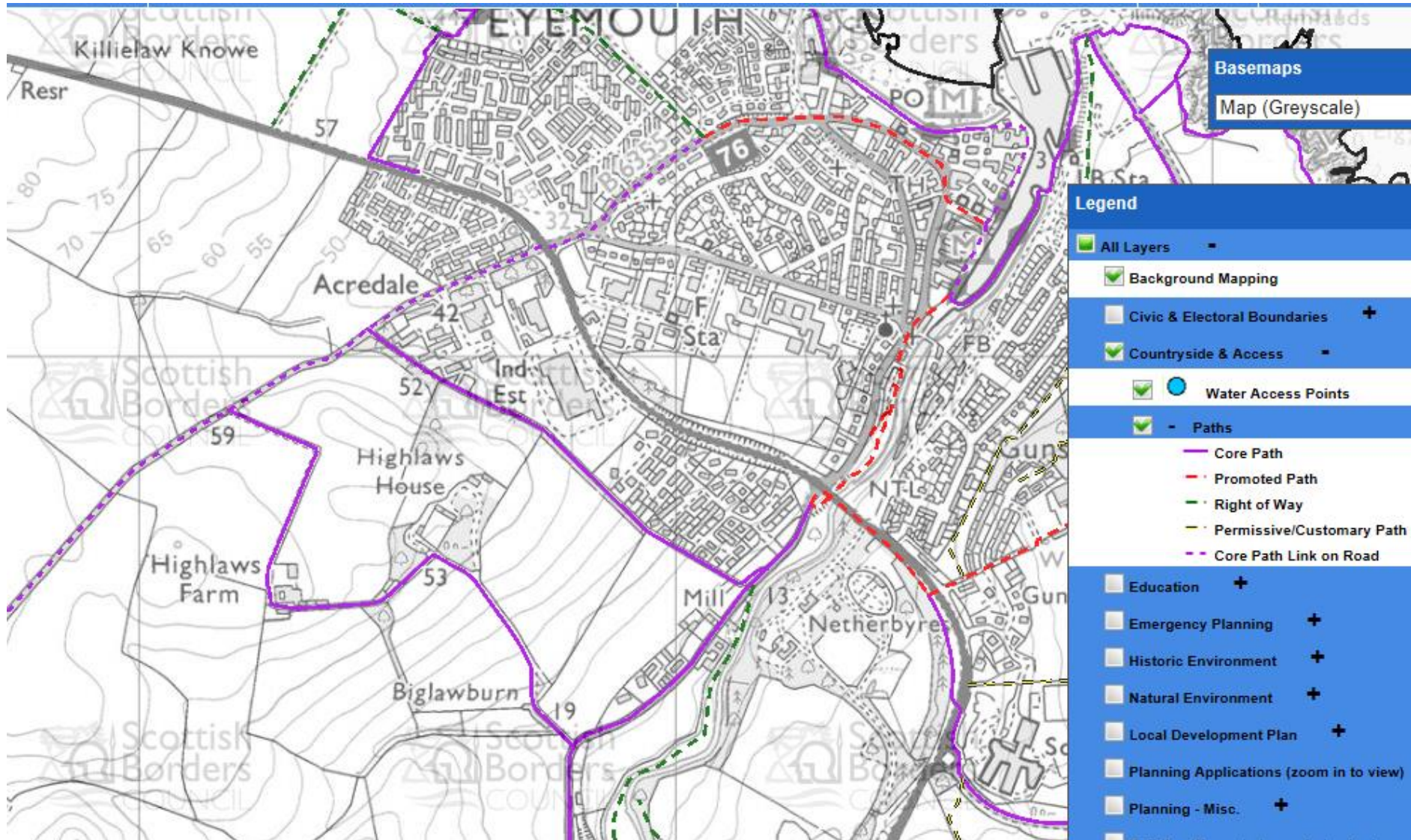
Nature of Proposal: Erection of security fence

Site: Phase 4 Store And Yard Acredale Industrial Estate Eyemouth Scottish Borders TD14 5LQ

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

| | | |
|--|---|-------------------------------------|
| Comments provided by | Officer Name and Post: | Contact e-mail/number: |
| | Keith Robeson Senior Ranger | krobeson@scotborders.gov.uk |
| Date of reply | 26 th August 2020 | Consultee reference: |
| Planning Application Reference | 20/00809/FUL | Case Officer: Paul Duncan |
| Applicant | Eyestore Limited | |
| Agent | PD Architecture | |
| Proposed Development | Erection of security fence | |
| Site Location | Phase 4 Store And Yard Acredale Industrial Estate Eyemouth Scottish Borders TD14 5LQ | |
| <p><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></p> | | |
| Background and Site description | <p>LEGISLATION</p> <p>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.</p> <p>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.'</p> <p><u>Public Rights of Way and Core Paths</u></p> <p>According to the records held by Scottish Borders Council (SBC) there is a core path on this area of land –shown on map below.</p> <p>Please note that SBC 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.</p> | |
| /00809Key Issues (Bullet points) | The core path track should be maintained to its original width along the boundary of this property. | |

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| Assessment | | | | |
| 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 | <p>The new fence which has been partially installed parallel to the core path should be moved back to keep it in line with the existing post and wire boundary fence. This should be done in order to maintain the track width at around 7 metres between the fences on either side of the track, in accordance with the rest of the track.</p>  | | | |
| Recommended Informatives | | | | |



**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

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| Comments provided by | Roads Planning Service | Contact e-mail/number: | |
| Officer Name and Post: | Craig Johnston Roads Planning Service | Craig.johnston@scotborders.gov.uk 01835826856 | |
| Date of reply | 5 th August 2020 | Consultee reference: | |
| Planning Application Reference | 20/00809/FUL | Case Officer: Paul Duncan | |
| Applicant | Eyestore Limited | | |
| Agent | PD Architecture | | |
| Proposed Development | Erection of security fence | | |
| Site Location | Phase 4 Store And Yard Acredale Industrial Estate Eyemouth Scottish Borders TD14 5LQ | | |
| <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) | | | |
| Assessment | I have no objections to this proposal. | | |
| Recommendation | <input type="checkbox"/> Object | <input checked="" type="checkbox"/> Do not object | <input type="checkbox"/> Do not object, subject to conditions <input type="checkbox"/> Further information required |