

Consultation Reply

ASSETS AND INFRASTRUCTURE

To: HEAD OF PLANNING AND REGULATORY SERVICE

FAO: Cameron Kirk

Your Ref: 21/01344/FUL

From: HEAD OF ASSETS AND INFRASTRUCTURE

Date: 09/09/2021

Contact: Raffaella Diesel

Ext: 6977

Our Ref: B48/3123

Nature of Proposal: Change of use of land and siting of 2 No. shepherds huts for short term holiday accommodation

Site: Land East of The Old Stables, Lennel House, Lennel, Coldstream

In terms of information that this Council has concerning flood risk to this site, I would state that The Indicative River, Surface Water & Coastal Hazard Map (Scotland) known as the “third generation flood mapping” prepared by SEPA indicates that the site is at risk from a flood event with a return period of 1 in 1000 years. That is the 0.1% annual risk of a flood occurring in any one year.

The Indicative River & Coastal Flood Map (Scotland) has primarily been developed to provide a strategic national overview of flood risk in Scotland. Whilst all reasonable effort has been made to ensure that the flood map is accurate for its intended purpose, no warranty is given.

Due to copyright restrictions I cannot copy the map to you however, if the applicant wishes to inspect the maps they can contact me to arrange a suitable time to view them.

Review of the SEPA flood maps shows that only a small area along and near the south-eastern site boundary is indicated to be within the 1:1000 year flood envelope of the river Tweed.

The proposed locations for the huts are outside the indicative flood envelope with the one proposed nearer the river being located approximately 8m away from the indicative flood envelope.

I therefore have **no objection** to the proposal on the grounds of flood risk. This is provided that the final locations of the huts will be as currently proposed or further away from the Tweed.

Please note that this information must be taken in the context of material that this Council holds in fulfilling its duties under the Flood Risk Management (Scotland) Act 2009.

Technician – Flood and Coastal Management

PLANNING CONSULTATION

To: Access Officer

From: Development Management

Date: 19th August 2021

Contact: Cameron Kirk ☎ 01835 825253

Ref: 21/01344/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 9th September 2021, 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 9th September 2021, 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: Mr Christopher Brass

Agent: N/A

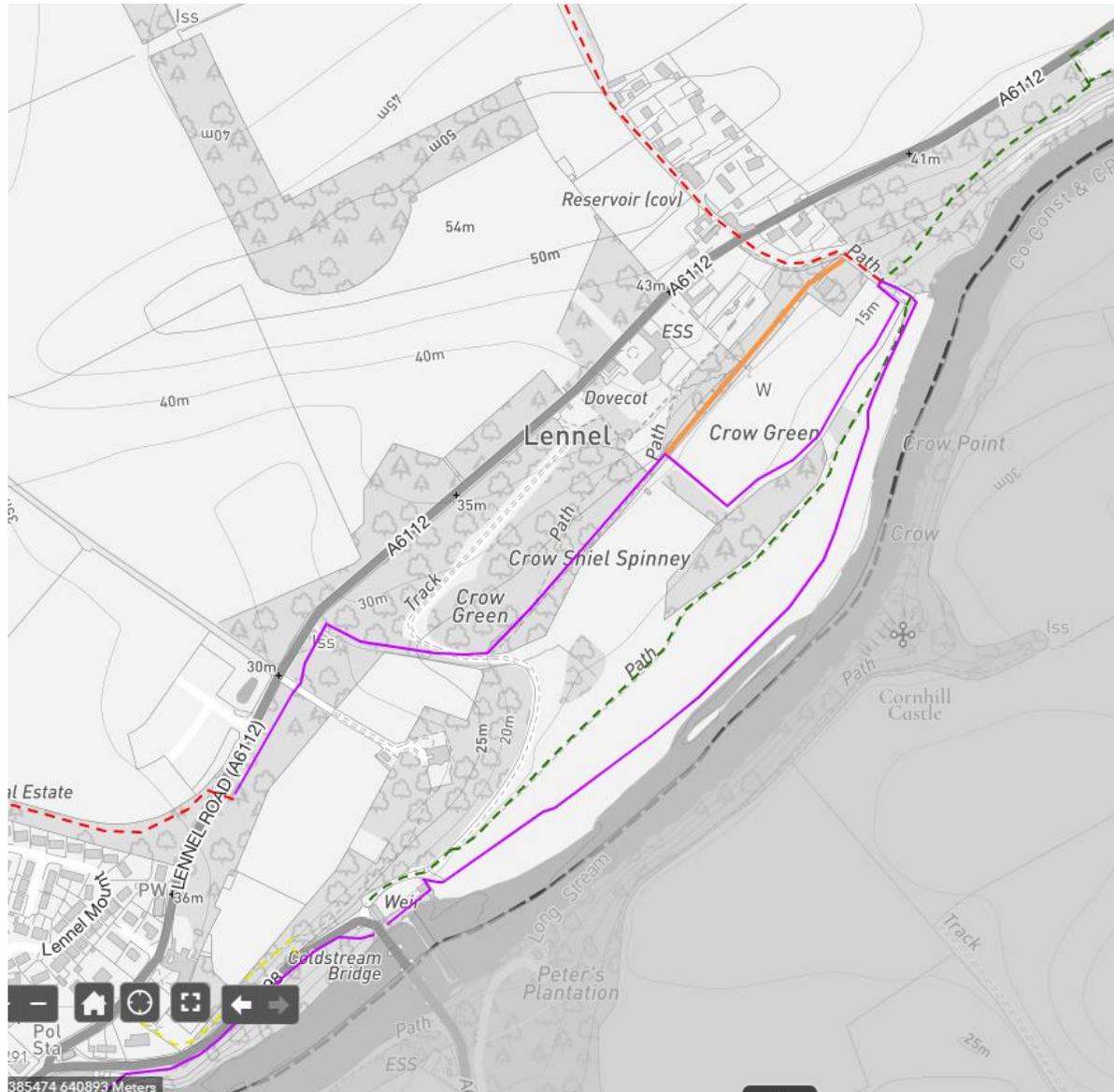
Nature of Proposal: Change of use of land and siting of 2 No. shepherds huts for short term holiday accommodation

Site: Land East Of The Old Stables Lennel House Lennel Scottish Borders

**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	20 th September 2021	Consultee reference:
Planning Application Reference	21/01344/FUL	Case Officer: Cameron Kirk
Applicant	Mr Christopher Brass	
Agent	N/A	
Proposed Development	Change of use of land and siting of 2 No. shepherds huts for short term holiday accommodation	
Site Location	Land East Of The Old Stables Lennel House Lennel Scottish Borders	
<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><u>General Access Rights</u></p> <p>The Land Reform (Scotland) Act 2003 (LRA) introduced a right of responsible public access to most areas of land and inland water in Scotland. This gives everyone a right to take non-motorised access to walk, cycle and horse-ride over most land, by following the Scottish Outdoor Access Code.</p> <p>Rights of Way are specifically protected by law under the <i>Countryside (Scotland) Act 1967</i> sec. 46</p> <p>Anyone exercising their access rights must do so responsibly by following the Scottish Outdoor Access Code and land owners/managers have a reciprocal responsibility in respecting the interests of those exercising their rights.</p> <p>Scottish Borders Council (SBC) has a statutory duty to uphold these rights.</p> <p>SBC does not hold any records of a core path or right of way through this property, however members of the community claim to have used this path for many years and the previous owner cleared the path of vegetation to keep it open. The current owner has prevented access to the site by padlocking a gate and installing 2 wooden barriers.</p>	
Key Issues (Bullet points)	<p>The local community claim that they have, until fairly recently, taken access through this site and that this use has established a right of way.</p>	

Assessment				
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
Recommended Conditions				
Recommended Informatives	<p>The issue of the claimed right of way has not yet been resolved. The shepherd's huts should therefore be sited far enough away from the line of the claimed right of way (orange line on map below) so as not to jeopardise any possible rights of access along this path.</p>			



Countryside & Access

Layers

- Lines
- Water Access Points
- Paths
 - Core Paths
 - Promoted Path
 - Right of Way
 - Permissive/Customary Path
 - Core Path Link on Road

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Roads Planning Service	Contact e-mail/number:		
Officer Name and Post:	Keith Patterson Roads Planning Officer	kpatterson@scotborders.gov.uk 01835 826637		
Date of reply	17 th September 2021	Consultee reference:		
Planning Application Reference	21/01344/FUL	Case Officer: Cameron Kirk		
Applicant	Mr Christopher Brass			
Agent	N/A			
Proposed Development	Change of use of land and siting of 2 No. shepherds huts for short term holiday accommodation			
Site Location	Land East Of The Old Stables Lennel House Lennel 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	A pre application enquiry was submitted for this proposal in 2020 and in 2007 an application was submitted (07/01332/OUT) for two dwellinghouses served by this access which was subsequently refused.			
Key Issues (Bullet points)				
Assessment	<p>I have previously been unable to support applications for residential development served by this access due to the excessive gradients of the access track, lack of width to accommodate vehicular and pedestrian traffic on what is a right of way and finally the sub-standard junction visibility to the south west when exiting onto the A6112 which is obscured by the roadside wall.</p> <p>I appreciate the applicant intends to discourage people arriving by private car, however this cannot be controlled by condition and in any case vehicular access will still be required to service the proposed holiday lets. I am therefore unable to support this proposal.</p>			
Recommendation	<input checked="" type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
Reason for refusal	The proposal does not comply with policy PMD2 of the Local Development Plan 2016 in that it would be result in extra vehicular traffic on a sub-standard access to the detriment of pedestrian and road safety.			

Signed: DJI