

F E R G U S O N
P L A N N I N G



Your ref: 21/00595/PPP

Mr Brett Taylor
Planning Officer
Scottish Borders Council

14th July 2021

BY EMAIL ONLY

Dear Brett,

**APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE 21/00595/PPP: APPELLANT'S
RESPONSE TO THE COMMENTS OF STATUTORY CONSULTEES AND MEMBERS OF THE
PUBLIC**

We have reviewed the consultation responses and other comments uploaded to the application's webpage on the Council's website. This representation has been prepared in response to comments made therein.

Council Officers and Partners

The response of Scottish Water identifying absence of public water supply network has been noted. However, the site was let by the Applicant to Scottish Water to enable the installation of supply pipe network over the winter. It is understood that public water supply will be available in the near future, if not already.

It is however accepted that the water board's searchable records may not yet have been updated and a Pre-Development Enquiry will be undertaken by the Applicant in due course.

The objection of the Roads Planning team is noted and Cundall Johnston have prepared a response, submitted together with this representation. It is considered that proposed access arrangements to the site are safe and do not pose an unacceptable risk to road safety.

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Public Comments

This response shall not address comments made by members of the public separately. Rather the Applicant's position will be set out and clarified. At this stage, we would like to state that the Planning Statement remains up to date and we consider that no criticism has required revision to the Statement.

Detailed Design and Architecture

It is noted that a number of comments identify the absence of a detailed design. This is, of course, standard of an Application for Planning Permission in Principle. The detailed design and nature of architectural character is deferred for the subsequent stage of the planning process.

Access

The criticism of proposed access arrangements to the site are noted. However, it is not accepted that access to the site is unclear. The hardsurfaced area (marked in white) in the north-west of the site shall sit contiguous with the surface of the access track adjacent to the north. Indeed, the intended line of access is illustrated with an arrow from the portion of the track within the Applicant's ownership to the hardstanding area for parking and turning, on 10059-0-02 Site Plan – as Proposed.

It is true, as asserted by commenters, that the Applicant holds rights over the portion of the access track which is not in their ownership. However, the proposal does not rely on that portion of the track.

For the purposes of clarity, the proposal relies only on land within the ownership of the Applicant. Vehicle connectivity is achievable directly from land within the Applicant's ownership to the public road network without the assembly of any additional land.

Edge to the existing Building Group

Paragraph 4.3 of the Planning Statement sets out that the tree belt on the east boundary of the site would enclose the existing Building Group and preclude further extension of residential development into the countryside. This remains the position of the Applicant

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and it is considered that no arguments against this arrangement are well founded.

Agricultural use and operations

A number of observations and requests for more information on agricultural operations conducted on-site hitherto are included in the public comments. Firstly, it must be noted that agricultural operations on land beyond the boundary of the application site are not a material consideration in determination of this Planning Application.

That being the case, the Applicant endeavours to consult and update residents and neighbours on the Estate's activities as often as practical and embraces the spirit of information sharing.

The existing shed on-site proposed for demolition will not be replaced by a new building or structure. Any requirement for shed space will be accommodated in existing buildings elsewhere on the Estate.

An existing field access to the public road network exists in the field adjacent to the east of the application site. The gate lies c. 170 metres to the north-east of the application site and will continue to provide access to the agricultural holding locally in years to come. It is intended to continue the gathering of livestock locally using existing equipment already held by the Estate. Continuation of these operations will not require new buildings or other structures.

Labelling of Application Plans

The Applicant, their agent, and the Project Architect accept **no liability** – jointly or separately – for mis-labelling of either 10059-0-01 Location Plan or 10059-0-02 Site Plan – as Proposed. The names of properties and buildings are those assigned by Ordnance Survey in their mapping, used as the base upon which both plans were drawn. The Applicant has no interest in raising or involvement in complaints against Ordnance Survey.

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Construction of the access track

It is confirmed that paragraph 1.3 is correct and the access track is paved in tarmac concrete. The difference between asphalt concrete and tarmac concrete should be noted. Metalling is a style of finish, it is not a material or compound. It appears that gravel has been deposited on sections of the track (perhaps as a means of repair) which lie further from the A708 than the site and its access.

Ecology

Accusations of impropriety have been made against the preparation of the Preliminary Ecological Assessment by Ellendale Environmental. These accusations are without any factual basis whatsoever.

The Preliminary Ecological Assessment was conducted by accredited members of the Chartered Institute of Ecology and Environmental Management (CIEEM). The Assessment was approved for issue by a Chartered Member of the CIEEM. The Assessment was prepared in accordance with the very highest professional standards. All suggestions to the contrary are considered to be reckless and ill founded.

The failings in the criticism of the Preliminary Ecological Assessment are numerous and profound. The most distinct are the suggestions of proposed works to the river, the river bank, and the slope adjacent to the north of the bank. The application site does not extend as far south as the river or its bank. Therefore, there is no scope for the proposal to include works to either the river or its bank. No works are proposed to the slope adjacent to the river bank and so the proposal cannot be used to obtain consent for any works or other disturbance to the slope.

Historic Mapping

It is acknowledged that comments have been made in relation to historic maps of Deuchar Mill. Reactive commentary will not be provided on the discourse contained within the public comments.

That being the case, it is noteworthy that one of the commenters has provided a photograph (supposed to be taken around 1910) which shows the area of land on which

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the apron of hard compacted stone now sits, lying level and enclosed by mature planting. The photograph is in black and white and clearly shows little detail beyond what is described above, although the comments assert that this area of land was in use as a stackyard.

However, what is visible in the photograph cannot reasonably be understood to disprove 2.8-2.12 of the Planning Statement. Indeed, what can be made out could easily corroborate the description contained in the Planning Statement – although, again, insufficient detail can be made out to be certain. Coincidentally, it does appear to be reasonable that a stackyard of 19th Century origin could be surfaced in hard compacted stone.

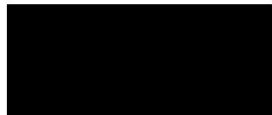
In any case, the policy-based case for approval of the Application rests on accordance with section (A) of Policy HD2 which is set out in section 4. of the Planning Statement. While we consider the presence of the hard compacted stone apron to be a material consideration, it is considered that it can be given only limited weight.

Summary

It is hoped that this representation is helpful in completing determination of the current Application. As stated previously, this representation should be considered pursuant to the Planning Statement which remains an accurate expression of the Applicant's position.

We would be most grateful if you would have regard to the content of this representation in completing the determination of the application. Should you wish to discuss in greater detail please do not hesitate to contact Ruaraidh Thompson.

Yours Sincerely



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