From:	Gillean Hoehnke
Sent:	18 May 2021 11:27
То:	Planning & Regulatory Services
Subject:	RE: [OFFICIAL] FW: Application Ref: 21/00595/PPP
Attachments:	Access road - Junction with A708.pdf; Deuchar Mill Properties Extract from Title Deeds.pdf
Categories:	Laura W Dealing

## CAUTION: External Email

### Good morning

Buccleuch Estates has responded to my request about access to the new development to the effect that it does not have detailed drawings for the planning application since the application is for planning permission in principle only. However, the planning of access to the new dwelling house is, for the existing properties at Deuchar Mill, fundamental to any planning permission, even in principle,. Consequently, until the Estate makes available acceptable plans which show how they propose access to their development, I would like to register my objection to the plans as currently submitted.

Please let me know if you require any further information.

With kind regards

### Gillean Hoehnke

Attachments:

- 1. Two photographs showing the junction between the A708 and the access road to Deuchar Mill.
- Extract from Title Deeds and map showing how the access road from the Deuchar Mill properties links up to the A708.

From: Planning & Regulatory Services <prs@scotborders.gov.uk> Sent: 17 May 2021 10:55

To:

Subject: [OFFICIAL] FW: Application Ref: 21/00595/PPP

Good Morning Gillean

I am afraid we are unable to open attachments 2, 3 or 4.

Would you be able to send them again please. If possible in PDF Format.

Regards

Planning & Regulatory Services

From: Gillean Hoehnke Sent: 16 May 2021 18:31 To: Planning & Regulatory Services <prs@scotborders.gov.uk</pre>
Subject: Application Ref: 21/00595/PPP

**CAUTION: External Email** 

Dear Mr Hayward

Further to your letter dated 29th April 2021 regarding a proposed dwelling house adjacent to my property Deuchar Mill Cottage, the site plans submitted by Buccleuch Estates lack clarity as to how the site will be accessed.

Following a discussion with a representative of Buccleuch Estates on site it appears that the applicant wants to make use of our access road at the point where it joins the A708, to gain access to their proposed development ( see attached photographs). Our Title Deeds, however, restricts the use of a any part of our access road, so far as the estate is concerned, to farm use and estate business. Consequently, the estate has no right to make use of our road for any other purpose, including access to a proposed development.

I am requesting detailed information from the estate to determine if they intend to breach the provisions of the said Title Deeds, which clearly show how our access road joins the A708, as shown on the Land Registry website, <u>https://scotlis.ros.gov.uk/property-summary/SEL6920</u>.

Will you also request a detailed layout plan of the access and let me have your observations.

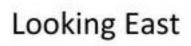
With kind regards

Gillean Hoehnke Deuchar Mill Cottage TD7 5LA

# 

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## Deuchar Mill, Yarrow - Access road, junction with A708





## Looking South-west

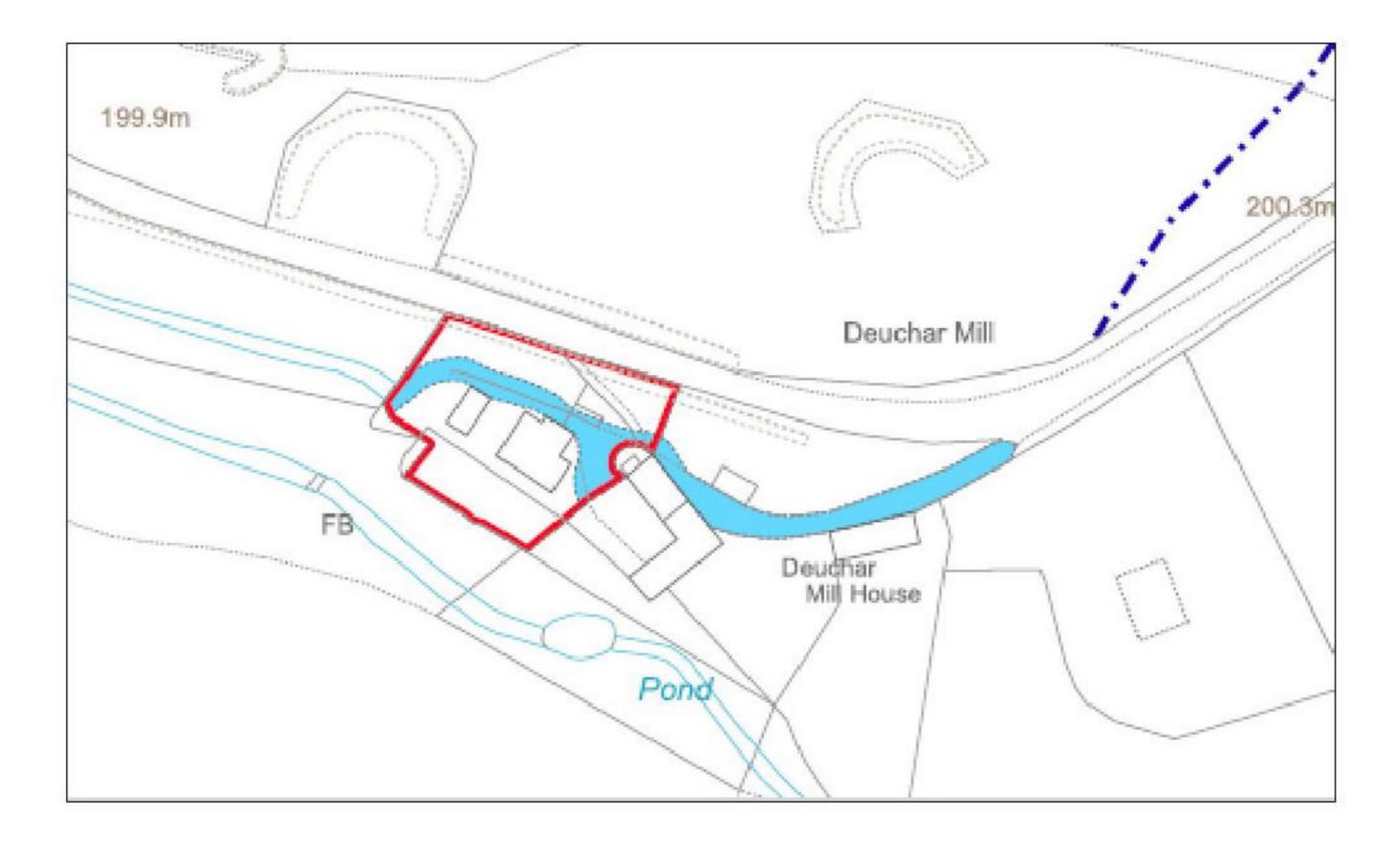


### **Deuchar Mill Properties**

Extract from Title Deeds - Burden 2 (Fourth)

(Fourth)

The said mutual access coloured blue on the said plan number two including that part thereof within the feu will be used only as a private access to their respective properties by the proprietors of the subjects at Deuchar Mill outlined in pink on the said plan number two and will be maintained by these proprietors on the basis of user; no fences will be erected across the said mutual access which shall be kept open and unbuilt upon nor shall a gate or gates be erected across the said mutual access except with the consent of the said proprietors and the Superiors the consent of the Superiors not being withheld where the respective proprietors are agreed as to the erection of a gate or gates subject to the Superiors consent to the design of the gate being obtained such consent not to be unreasonably withheld declaring that the existing gate at the eastern end of the said mutual access will be maintained and renewed by the said proprietors using the said access road equally between them and to the satisfaction of the Superiors and will be used and operated in such a way as to cause no inconvenience to the persons entitled to use the said mutual access; reserving always to the Superiors and their successors in ownership of the remaining parts of their lands and estates a right of access over the said mutual access for farm and estate purposes as and when required subject only to the Superiors making good any damage caused by abnormal use of the said mutual access;



Mr Brett Taylor Planning Officer Scottish Borders Council

28<sup>th</sup> July 2021

#### By email only

Dear Mr Taylor,

#### Applicant's response to comments by members of the public in respect of 21/00595/PPP

Ferguson Planning's submission regarding the above surprises since it appears post cut-off date for comments. As I believe important issues in Ferguson Planning's submission are not factually correct may I highlight these for your consideration.

- 1. Drawing no. 10059-0-03 shows the existing stackyard access but becomes unacceptably vague by not showing the gated access to properties at Deuchar Mill.
- Drawing no. 10059-0-02 shows an arrow as 'site access from existing access track'. The access track, according to our Deed of Conditions (DoC)/Land Certificate may only be used by the Applicant for Farm and Estate purposes and access to the properties at Deuchar Mill and for no other purposes.
- 3. Will the Applicant please provide a detailed road layout showing proposed access to proposed House in the stackyard, which complies with Deuchar Mill DoC and which also respects the relevant boundary wall at these properties?
- In essence, the Applicant cannot make use of the existing access track extending to the A708 to service any housing development in the stackyard in order to conform with Extract from Title Deeds - Burden 2 [Fourth].

Yours sincerely

Gillean Hoehnke Deuchar Mill Cottage, TD7 5LA

Attachments: 21\_00595\_PPP 10059-0-03.PDF 21\_00595\_PPP 10059-0-02.PDF Deuchar Mill Properties. - Extract from Title Deeds

#### DEUCHAR MILL YARROW SELKIKSHIRE TD7 5LA

17th May 2021

Dear Brett Taylor,

l write regarding Planning Application 21/00595/PPP Submitted by Buccleuch Estates Ltd. Site Address: Land East of Deuchar Mill House.

In the Introduction to this Application Statement the applicant states their purpose: 1.2 "to provide a *good level of understanding of the application site* and the *context within which it lies*, before providing *background* to the proposed development and its accordance with planning policy".

I object to this Planning Application on a number of grounds:

#### 1.

The Statement with accompanying plans submitted by Buccleuch Estates do not provide a good level of understanding to assess this proposal and its ramifications properly. (see **3 & 4**)

#### 2.

The Statement and plans are at times erroneous, they miss out vital factual detail and at times present historical material incorrectly to make a case for this application proposal. (see **3**, **4**, **5 & 6**).

3.

Access.

4.

Choice of Site and its Rural Impact

I raise concerns regarding:

#### 5.

The Applicant's charting and interpretation of Development Pattern and History (2.8 - 2.13).

#### 6.

The Applicant's Assessment of Development Proposal (4.1-4.16)

I have laid out below, as document, the reasoning behind my objections and concerns, and make comments regarding this proposal.

1&2 are addressed as they arise under the main issues of Access (3) & Site (4), as well as under 5&6 charting my response to the Applicant's Development Pattern & History & their Assessment of Development Proposal.

This is a long document, and I apologise for this.

I hope the Planning Dept will give my objections and concerns due consideration.

So that there is no confusion I paste below a *correct* naming of all three existing properties at Deuchar Mill which were wrongly put by Buccleuch in their Application Proposal Plans. This resulted in me not being formally notified of the Application.



I live in the middle dwelling Deuchar Mill, and have done so since 1975, gathering much knowledge of the place.

With Kind Regards

Helen Douglas Dr Helen Douglas

#### 3. Access

The plan "Fig1. Site/Location Plan - as existing", (1:6) is scant on important detail regarding vehicle access.

#### It does not show the:

existing wide access opening from the A708 currently in use for agricultural purposes (and sometimes used by others) to the barn and hard standing.

#### Plan "Fig. 2 Site Plan - as Proposed" (2:1)

Apart for an arrow this plan **does not** show clearly where and how the planned opening *"slightly further west than the existing arrangements" (2:3)* off the mutual access track which provides access to each of the existing dwellings, is to be. As the opening is not to be the existing separate barn/site access, *where* it is to be is critical information for understanding how this will work.

The Plan "*View* of Proposed House in Context", shows the access in a different place entirely to the arrow: within my neighbour's (Deuchar Mill Cottage) property.

The "proposed accommodation of a layby into the access track on land within the *Applicant's ownership, thereby creating a parking space*" (2:3) is *also* **not** on the plan "as proposed".

#### **Comment and Concern regarding Access**

The recent road improvements at the Deuchar Mill corner have improved sight lines looking west, when exiting from the properties from the track.

Driving from the west towards Selkirk it is however still a *tight* U turn into the access track down to the properties. One has to drive almost beyond the corner, to be able to see on coming traffic before one does the U turn down.

Larger cars, delivery vans etc tend to go *into* the stackyard/barn site, turn around and then come down the track.

Vans sometimes cross over the road and then back down the track.

Driving *from* Selkirk in the direction of Moffat, along the straight of the road, the track leads immediately on and this is straightforward.

With the *planned proposal* of a new entrance opening at a *right angle* onto the mutual track just after one leaves the A708 (where is not clear), there could be a genuine danger point for collision with vehicles, both on the main road and on the track giving mutual access. And likewise in coming up the track, just at main road.

With the proposed new house there would be much more frequent use of this part of the track, and vehicles coming into it at a right angle.

If the proposed private dwelling house were to have larger vehicles and also perhaps towing a trailer, horse box etc, now with the access moved *"slightly further west than the existing arrangements"*, access would be dangerous.

I wonder how easy it would be to turn in with a larger vehicle in such a limited area?

Fig 2. The Site plan - as Proposed, should show the *"proposed accommodation of a layby* (2:3), to ascertain if this would alleviate such access problems for vans and larger vehicles as outlined above.

Without the turn around provision afforded by the stackyard hardstanding - if this proposed site for a private dwelling went ahead - there will be dangerous problems for larger vehicles, such as delivery vans.



Vehicle leaving A708 to go down track at Deuchar Mill

The widening of the A708 has already resulted in traffic going faster at this bend, and the verge being driven into at this point.



14th May 2021

The access track into the three properties is *not* paved tarmac concrete (1.3), it is hard standing road metal/gravel and grey washed gravel. The existing entry access to the stackyard has some tarmac.

## 4. The Site

1:4 "an open sided barn together with a long established and *compacted stone apron* which provides a turning head and loading area".

"The barn is in good condition and in light use for agricultural equipment, although no livestock, harvest, fuel/diesel, or high value machinery are stored on site".

"Fig 1 Site/Location Plan - as existing" shows the barn but nothing else which informs those looking at this application.

It **does not** include the longstanding farm track running down the eastern boundary of Deuchar Mill Cottage which clearly *encircles and contains* the existing dwelling group and importantly connects the barn with the haugh/field in front of the properties.



Agricultural track within the site area leading to haugh, 2021.

The Ellendale Environmental Preliminary Assessment within the Application defines the *site* they surveyed as the smaller fenced off area around the barn however in the Application a larger proposed site is mapped by Buccleuch(Fig.2), which includes pasture and this agricultural track. This has significance for ecology.(see **6**)

## Comment & Concern regarding the Site and change of use.

In describing the site much is made about the "*compacted stone apron*", as precedent for this application proposal (2:8 - 2:12). Historically what is being stated is factually incorrect and provides spurious argument for this application. (See: Development pattern and history 2.8 - 2.12 and my comments on this below **5**.).

As **point of fact** the present *"turning head and loading area",* was established by Buccleuch with the erection of the barn in the 80s, and later improved with hardstanding for vehicles in the 2000s.

This site, made with barn in the 80s was done so for the specific purpose of creating an agricultural shed for storing and as a hardstanding site for gathering, loading and unloading stock (sheep and cattle) on the North side of the river. It is still in use, with ease of access to the green fields beyond.



Sept 2020.

The site is also used as a gathering point for agriculture machinery attending to seasonal field cultivation in the adjacent fields to the east and down the farm track to the haugh/field in front of the Deuchar Mill. It is an agricultural deposit site for manure, feritilser, herbicides etc.

And the hard standing forms as a carpark for his winter shoots and for fishermen.

Since the start of 2021 it has been used by the Water Board and SBC Roads Dept and has been filled with heaps of gravel, spoil, trucks and some machinery. In the last 6 months this site has changed out of all recognition.

## It has indeed become a brown site.

This is when the ecological survey was done.



Early March 2021

My Questions below raising Concerns are if the planning proposal is given permission and the Agricultural Hard Standing Site plus Barn is displaced/go, *as well* as the track down to the haugh:

1. How will the fields to the east and the haugh below the Mill be accessed for stock tending and with large farm vehicles and machinery?

2. Where will the access point for farm vehicles be made off the A708?

3. Will it be at the Fish farm? or the gate a quarter of a mile east off the A708?

4. With the hard standing area of the site gone will there be a need for another Brown Field Site to be created nearby in a field?

5. Will another track be made to access the haugh?

6. And where?

7. At the south boundary of the site adjacent to "the riparian habitat parallel to Yarrow Water" referred to the environmental study?

8. If so is this environmentally sound given the Yarrow Waters SAC and SSSI status?

#### 5. The Site: "Development Pattern and History "

#### 2.5 The Application states:

"The proposal does not pursue a new pattern of development or seek to extend a linear developed ribbon into open countryside".

#### Concern

The proposal (Fig 2 map.) taking in farm land below the existing barn area (Fig 1 map) does extend into grassland /open countryside.

It also *extends* a domestic dwelling to the East of the three properties which are clearly enclosed by the agricultural track down to the haugh (as shown in my photo above).

By *domesticating* this brown agricultural site it does encourage the creep to ribbon development.

#### Maps & History (my heading).

In the Application Buccleuch cites how "the local environment has accreted and receded variously *over past centuries*". (2:8).

Historical OS maps are used with some *detail* to establish the precedent of *the compacted stone apron - as footprint -* for the proposed site (2.8-2.13).

#### Concern

I believe what is *historically evidenced* is **not** factually correct.

That history has been **misrepresented** to gain support for this Application. Below I set out my own research - gathered over many years of living here - to shed light on this matter in relation and with reference to the application (2.8-2.13).

#### **Historical Research and Points of Fact**

A Mill is marked in Timothy Pont's mapping of Scotland (1583-1600) about a half mile down stream from Yarrow Kirk.(A. Clarke, Yarrow & Yarrow Feus, 2011). By the C17 baptismal records refer to Deuchar Mill and by 1810 Deuchar Mill is marked on the Calder map of Buccleuch lands (Buccleuch Archives).

#### Deuchar Mill does have a very long history.

#### 2.9

By 1860 (1860 OS map cited in application) the mill stream referred to - lade - *had been* culverted bringing water from the Yarrow (with Cauld upstream near Old Deuchar bridge). The lade flowed directly passed the south elevation of Deuchar Mill House to the Mill.

#### 2.10

1898 Ord Survey Map .... "Built form moved considerably eastward, in the form of a new linear building sitting almost parallel to the road together with a hardstanding apron, marked in a closed line".

This was the new byre (and now Deuchar Mill Cottage).

The *hardstanding apron* referred to in the application, and marked with a closed line on the 1898 OS map is in the Application Statement coupled with another hard standing apron *"extending onto the other side of the stream"* in front of the house. The application cites these as distinct due to being *enclosed with line*. (as opposed to dots, for paths).

## Comment

Both these areas were enclosed.

Just as the field to the east is shown enclosed/marked in line on the map.

However the enclosure *in front of the house* was the Mill House *garden*, enclosed for protection from stock.

It was still there in 1975 when I came to Deuchar Mill.

Likewise the enclosure to the east of Deuchar Mill byre (cottage) up by the road at the bend was in fact enclosed for the safe protection of the corn and hay stacks. Close to the road *this was* the Stackyard for the farm of Deuchar Mill. The *historic* photograph below (copied from the Hogg family photo Album) dating probably to around WW1 shows the stacks.

Later this enclosed area was used to grow potatoes. Peggy Moodie who worked and lived with the Hogg family told us so.

So it was not a hardstanding at all, as the Application states.



Deuchar Mill c 1910 (copied from the Miss Hogg's (the miller's) photo album.

#### 2.11

The application continues: "it is spatially significant that the apron noticeably extends beyond the dog-leg joint adjacent to the north of the site and possesses adequate depth to sit into the site".

#### Comment

The *dog-leg joint* referred to is the *sharp* bend in the road - as discussed above under **3.** Access.

As regards the apron sitting *into the site:* this was in fact a rare bit of flat ground, close to the road to store safely the grain and haystacks, enclosed from the field and livestock.

#### 2.12

The application once more refers to the "hardstanding apron" as "distinctly marked", citing the OS Map 1965

However it should also be noted from looking at the map: between the L shaped Mill building and the top byre (cottage) there is an additional curved triangular enclosure, which is equally *distinctly marked* - just as the stackyard and the Mill House garden. This *could not* be hardstanding. On a steep slope of the hill (also visible in the photo), this enclosure was another area of cultivation by this date with a pear tree and fruit bushes planted: it now forms part of Deuchar Mill garden.

#### In conclusion:

*My historical survey* indicates there is **nothing to support** the application's claim that the "hardstanding apron" within the site was a hardstanding at all. The "hard compacted stone still visible today" is most likely the remnants of the old dyke enclosure.

That this proposal posits this hard standing area extends "*either onto the footprint of the proposed dwelling or adjacent thereto*" as a supporting argument for this proposed house I believe **is a spurious argument and invalid.** 

That this area was a stackyard certainly *supports its present use* as an agricultural gathering point, with barn, for stock and storing, in relation to farming the adjacent fields.

It makes a classic *transition point* between the open fields and hills beyond and the settled long established group of buildings at Deuchar Mill.

#### 6. "Assessment of Development Proposal"

A landscape boundary

The Application states:

4:1. "There is no distinct landscape boundary to the East"

#### Comment

There *is* a clear landscape boundary for the three existing houses, with tall conifers and a beech hedge marking the east boundary of Deuchar Mill Cottage. Just beyond there is an agricultural track running parallel to this eastern boundary clearly encircling the existing group and connecting the barn site with the haugh field in front of the properties (as shown in my photograph).

To the east and south of the barn there is a fence, just as the original stackyard was encircled, to stop livestock having access to fodder etc.

The agricultural transition of barn to the open fields and hills is historic as outlined above in my conclusion **(5)**.

The Application states:

4.2 "The site is not greenfield or undeveloped as it hosts an existing agricultural barn".

#### Comment

The barn is agricultural. To domesticate this site with a dwelling situated prominently at the access entrance would change the nature of the existing group gathered down the track on each side of the dominant Agricultural Mill building. It would also cut off the forthright *working nature* of the Mill grouping and architecture from its agricultural surroundings.

#### The Application states:

4.3 "The proposed tree belt is considered to represent a distinct landscape feature which would enclose the Building group and preclude further development eastward into the countryside."

#### Comment

The building group of the three properties is *already* an enclosed group with the trees and hedge of Deuchar Mill Cottage on the east side and additionally by the sward of grass and assertively agricultural track leading to the haugh. As already noted.

The Application states:

4.4 "the type and form of development proposed are considered to be acceptable on the site".

#### Comment

There is no way of ascertaining this at this stage, without more detailed plans as to the type and form.

The Application states:

4.5 "The existing Building group (including the barn on -site) defines visual aspects locally".

#### Comment

*This is very true.* The barn - rather than a house - is a distinct rural and agricultural land mark. In keeping with the historical nature of a stack yard it marks a site of transition from the building group to agriculture and the hills beyond. A house and belt of trees would block off this historic area of transition.

#### Impacts on Local Character and Residential Amenity

The Application states

4:8 "the proposal has been prepared to provide for good amenity for the occupiers of the proposed dwelling and surrounding dwellings"

#### **Question & Comment**

How can I ascertain if this proposal for a dwelling provides for good amenity for the house or the surrounding dwellings?

The type of development - indicated by the "View: Proposed House in context" looks out of character proportionally, and architecturally to the three existing whinstone dwellings.

With its entrance coming off the mutual track using the same access point off the A708, with lay-by and entrance, it would be the first house seen with its domestic forecourt of vehicles.

4.9 It is Deuchar Mill Cottage *not* Deuchar Mill House that would be the closest dwelling to the proposed new house.

#### 4.10 Views of the site

#### Comment

Visual impact of the dwelling with its necessary generous opening onto a forecourt giving ease of access and turning, would have *great visual* impact for all those coming down the access track. The existing dyke guiding the eye down to the entrance gate opening will all but go and instead focus will be on the new opening and house.

#### Access and Parking

My *main comments* which are of *great concern* regarding Access and Parking are under **3. Access** of this letter.

4.15. "Space to park two cars within the short drive"

These arrangements are considered to be acceptable to avoid the proliferation of accesses in the style of driveways which would cause the domestication of Deuchar Mill and erosion of its rural character".

#### Comment

I believe my historical survey, together with photographs show how this proposal would indeed *cause* the *domestication* of Deuchar Mill and the erosion of its

transitional relationship to the farming and fields and hills beyond, interfering with its distinct rural character.

#### Ecology

4.12 The Ellendale Environmental Preliminary Assessment on-site. - with my findings, thoughts and concerns.

#### The Site

It appears the "site" defined by Ellendale Environmental is the hard standing area (p.17 TN4) rather than the whole site defined by Buccleuch in the plan Application.

"Aproximately 50m south of **the site** there is a further stock fence which separates the grassland field from riparian habitat parallel to Yarrow Water". Ellendale Enviromental

#### Comment

In the Application Site plan (Fig 1&2), the *site* goes south right to the stock fence and the protected "riparian habitat parallel to Yarrow Water".

And also includes grassland to the west with the agricultural track.

This has significance.

The fenced off barn and hardstanding area has been *pummelled to smithereens* this Jan, Feb, and March by the Caledonian Water putting in the Water Mains, and by the SBC Road Dept road works. Wild life has vanished from this site. The survey was done in March, when all was at its worst.

However *south* of this and to the *west* along the whole boundary with Deuchar Mill Cottage there is semi-improved grass. These areas, steep and uncultivated are rich in wild flowers and insects. They connect the hill to the north of the site with the riparian habitat area by the river which is identified in the Assessment as being part of *River Tweed Special Area of Conservation and a Site of Special Scientific Interest.* 

A survey done by the Botanic Society (BSCI) lists on their database 87 wild flower species in a 1km square of Deuchar Mill in which the barn site sits. The survey was done by Jeff Waddell (NT for Scotland) and Sarah Eno: with Sarah Eno's permission this database list is pasted below.

results

taxon	recorder	placename	gridref	date
Aphanes arvensis agg.	Waddell, Jeff		NT36202778	
Lathraea squamaria		;Deuchar, Yarrow	NT36232791	
Moehringia trinervia		; Deuchar, Yarrow	NT36202792	
Veronica filiformis	Eno, Sarah	Deuchar Mill, below the A7		2016-05
Holcus mollis	Eno, Sarah	Deuchar Mill, below the A7		2016-05
Meconopsis cambrica	Eno, Sarah	Deuchar Mill, below the A7		2016-05
Filipendula ulmaria	Eno, Sarah	Deuchar Mill, below the A7		2016-05
Cirsium palustre	Eno, Sarah	Deuchar Mill, below the A7		2016-05
Galium verum	Eno, Sarah	Deuchar Mill, below the A7	0ENT3627	2016-05
Plantago major	Eno, Sarah	Deuchar Mill, below the A7	0ENT3627	2016-05
Anthriscus sylvestris	Eno, Sarah	Deuchar Mill, below the A7	0ENT3627	2016-05
Acer pseudoplatanus	Eno, Sarah	Deuchar Mill, below the A7	0ENT3627	2016-05
Myosotis discolor	Eno, Sarah	Deuchar Mill, below the A7	0ENT3627	2016-05
Heracleum sphondylium	Eno, Sarah	Deuchar Mill, below the A7	0ENT3627	2016-05
Sambucus nigra	Eno, Sarah	Deuchar Mill, below the A7	0ENT3627	2016-05
Arctium	Eno, Sarah	Deuchar Mill, below the A7	0ENT3627	2016-05
Lepidium heterophyllum	Eno, Sarah	Deuchar Mill, below the A7	0ENT3627	2016-05
Nardus stricta	Eno, Sarah	Deuchar Mill, below the A7	0ENT3627	2016-05
Plantago lanceolata	Eno, Sarah	Deuchar Mill, below the A7	0ENT3627	2016-05
Chamerion angustifolium	Eno, Sarah	Deuchar Mill, below the A7	0ENT3627	2016-05
Cytisus scoparius	Eno, Sarah	Deuchar Mill, below the A7	0ENT3627	2016-05
Alnus glutinosa	Eno, Sarah	Deuchar Mill, below the A7	0ENT3627	2016-05
Cruciata laevipes	Eno, Sarah	Deuchar Mill, below the A7	0ENT3627	2016-05
Rumex obtusifolius	Eno, Sarah	Deuchar Mill, below the A7	0ENT3627	2016-05
Rumex crispus	Eno, Sarah	Deuchar Mill, below the A7	0ENT3627	2016-05
Senecio jacobaea	Eno, Sarah	Deuchar Mill, below the A7	0ENT3627	2016-05
Pentaglottis sempervirens	Eno, Sarah	Deuchar Mill, below the A7	0ENT3627	2016-05
Cirsium arvense	Eno, Sarah	Deuchar Mill, below the A7	0ENT3627	2016-05
Rhinanthus minor	Eno, Sarah	Deuchar Mill, below the A7	0ENT3627	2016-05
Centaurea nigra s.s.	Eno, Sarah	Deuchar Mill, below the A7	0ENT3627	2016-05
Silene dioica	Eno, Sarah	Deuchar Mill, below the A7	0ENT3627	2016-05
Bellis perennis	Eno, Sarah	Deuchar Mill, below the A7		2016-05
Urtica dioica	Eno, Sarah	Deuchar Mill, below the A7		2016-05
Cerastium fontanum	Eno, Sarah	Deuchar Mill, below the A7		2016-05
Matricaria discoidea	Eno, Sarah	Deuchar Mill, below the A7		2016-05
Vicia sepium	Eno, Sarah	Deuchar Mill, below the A7		2016-05
Primula vulgaris	Eno, Sarah	Deuchar Mill, below the A7		2016-05
Achillea millefolium	Eno, Sarah	Deuchar Mill, below the A7		2016-05
Ulmus glabra	Eno, Sarah	Deuchar Mill, below the A7		2016-06
Viola riviniana	Eno, Sarah	Deuchar Mill, below the A7		2016-06
Circaea lutetiana	Eno, Sarah	Deuchar Mill, below the A7		2016-06
Mercurialis perennis	Eno, Sarah	Deuchar Mill, below the A7		2016-06
Stellaria graminea	Eno, Sarah	Deuchar Mill, below the A7		2016-06
Carex leporina	Eno, Sarah	Deuchar Mill, below the A7		2016-06
Veronica beccabunga	Eno, Sarah	Deuchar Mill, below the A7		2016-06
Rumex sanguineus	Eno, Sarah	Deuchar Mill, below the A7		2016-06
Geum urbanum	Eno, Sarah	Deuchar Mill, below the A7		2016-06
Anthoxanthum odoratum	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05
Digitalis purpurea	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05
Cerastium fontanum	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05
	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05
Dryopteris filix-mas agg.	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05
Sorbus aucuparia				ALC   D - U -

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### results

Urtica dioica	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05-31
Ulex europaeus	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05-31
Trifolium repens	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05-31
Cirsium vulgare	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05-31
Cirsium arvense	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05-31
Crataegus monogyna	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05-31
Helianthemum nummularium	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05-31
Veronica persica	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05-31
Galium saxatile	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05-31
Campanula rotundifolia	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05-31
Veronica chamaedrys	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05-31
Avenula pratensis	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05-31
Festuca ovina	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05-31
Vicia cracca	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05-31
Potentilla anserina	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05-31
Rumex acetosella	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05-31
Calluna vulgaris	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05-31
Potentilla erecta	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05-31
Pilosella officinarum	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05-31
Galium verum	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05-31
Thymus polytrichus	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05-31
Carex caryophyllea	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05-31
Lotus corniculatus	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05-31
Pteridium aquilinum	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05-31
Cynosurus cristatus	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05-31
Achillea millefolium	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05-31
Fraxinus excelsior	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05-31
Luzula campestris	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05-31
Myosotis arvensis	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05-31
Lathyrus linifolius	Eno, Sarah	Deuchar Mill above A708	NT3627	2016-05-31
Helianthemum nummularium	Eno, Sarah	Deuchar Burn	NT36592776	2016-05-31
Helianthemum nummularium	Waddell, Jeff	Deuchar	NT363279	2003-05-30
Avenula pratensis	Waddell, Jeff	Deuchar	NT363279	2003-05-30
Agrimonia procera	Waddell, Jeff;	Deuchar	NT36232794	2015-08-08

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Sarah Eno lives locally at Yarrowford so together we did a quick survey on 12/05/21 of the grassland within the proposed site (as in Fig. 1), to identify flower species. We found - and I'm sure there are more:

Thistle Willow herb Campion Crosswort Silverweed Plantain Daisy Knapweed Field Wood Rush Lady's Mantle **Birdsfoot Trefoil** Clover (white and red) Field Forgetmenot Speedwell Dandelion Hawkweed Yarrow Vetch Mouse-ear Ragwort Hogweed Meadowsweet Cow Parsley Sorrel Water Aven Pignut Ladv's Bedstraw Harebell Cuckoo Flower

A number of these flowers such as Knapweed, Pignut and Lady's Bedstraw are good indicators of meadow rich and undisturbed soil.

#### Comment

Given that over 90% of Meadows and 75% of insects have disappeared over the last 30 years and the fields all around Deuchar Mill are now being intensely farmed by Buccleuch, would it not be wise to keep this area of grassland undisturbed? So that this site forms a corridor link from Deuchar Hill above/north of A708, to the riparian bank and Yarrow Water below, where *plants* and *insects* thrive and *salmon spawn* in the sandbeds at this stretch of the river.

Surely this would be environmentally sound, protecting bio diversity where it still exists, and the rural landscape of Deuchar Mill?

I make these ecological comments in response to the meagre Environmental Assessment carried out for this Application, and to give more context and understanding of Deuchar Mill and its natural surroundings.

Helen Douglas, 17th May 2021.

Mr Brett Taylor Planning Offcer Scottish Borders Council

30th July 2021

By email only.

Dear Brett Taylor, Application for Planning Permission in Principal 21/00595

I write regarding Ferguson Planning's response to comments by members of the public including myself in respect of 21/00595/PPP dated 14th July 2021.

### **Council Officers and Partners**

 I am in agreement with the Roads Planning Team that this Planning Application would impact on road safety, for all the reasons I outlined in my objections dated 17th May 2021. So I cannot understand how the Applicant considers the proposed access arrangements to the site are safe. Access at the corner of Deuchar Mill, and the corner itself is dangerous: often one hears vehicles grinding to a halt.



Large vehicle: tyre tracks grind to a halt just after the bend @ Deuchar Mill. 1st July 2021.

 I note the applicant was preparing to submit a response to the Roads Planning Team along with their representation: nothing as yet can be seen of this on the eplanning portal.

### Access

 Drawing 10059-0-03 is unclear: it presents an inaccurate representation of the access point to the proposed new house. In the drawing it appears butted up to Deuchar Mill Cottage and within the boundary of that property. I concur with my neighbour Gilliean Hoehnke (letter 28th July) : there is no clear indication of the gated access to the three existing properties, to clarify the proposed access point.

2. Site Plan 10059-0-02. The arrow showing the "site access proposed form existing access track", does appear to be within the land owned by Deuchar Mill Cottage. The lozenge of land between the A708 and the track gives a good indication of this. It would be helpful if the applicant would submit detailed plans of the proposed access so that it is clear what "portion of the track" they propose to use for access.

## **Agricultural use and Operations**

1. It is noted that agricultural operations on land lying beyond the boundary of the application site are not considered to be a material consideration by the Applicant for the determining of this Planning Application. My original concern (17th May) raised under 4. The Site regarding this was where would the new point of access to the fields to be? The applicant has clarified that a gate lying c170 metres to the east of the site will continue to provide access to the holding locally in years to come. This gate has been out of use for a good 40 years. And for good reason: it accesses the A708 road just after a bend east of it. Anyone driving in the Moffat direction coming round the bend would have to stop sharply if large agricultural machinery or loading lorries were entering or leaving the fields at this access point. The knock on effects of this Planning Application are surely of Planning and road safety concern?

Below: large agricultural machinery making silage in field east of Site and accessing the A708 from the existing agricultural hard standing - proposed site.





2. The Applicant responded that in future agricultural operations will not require *new buildings or other structures*. What about a new *hard standing* for farming operations as outlined in my original comments? Will this not be needed?

A new hard standing would undoubtedly create a *new brown site* in what is at the moment a green pasture/field.

3. Access to haugh: It is still unclear how agricultural access to the haugh from the road is to be made. I flag this up under Ecology.

### **Construction of the Access Track.**

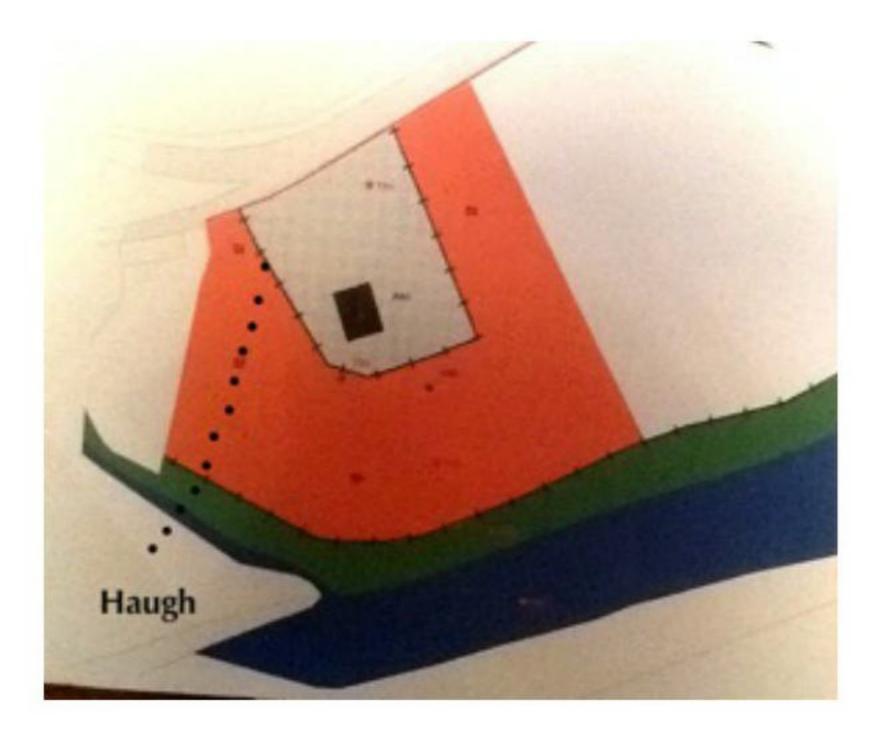
 I confirm that the existing access to the stackyard, is tarmac: that is a layer of crushed stone and tar. However the existing access track to the three properties itself is not: this is surfaced with a road metal of gravel and crushed stone.

## Ecology

Regarding the Ellendale Environmental Preliminary Report submitted with the Application. My comments were not accusatory, nor do I believe they were reckless or ill founded. I did think the report was rather thin and unfortunate, in being made in March when the site had taken a pummelling - having been taken over as a depot by the Scottish Water and Borders Council Road Works.

Perhaps there has also been a misunderstanding here: I certainly did not once in my comments suggest that the Estate was planning to carry out works to the river or its immediate bank.

I pointed out in my letter of the 17th May that the Application Site plan 10059-0-02 reaches south right down to a fence, and borders with the Riparian bank of Yarrow Water (marked T4 green and T5 blue on the ecological assessment map). The Preliminary Ecology Assessment however appears to define the Site as the fenced off area of hardstanding around the barn, an area that has become a desert in recent months. TN1 & TN2. (p17 of ecology assessment and stippled on Ecology map below). With TN3 (coloured orange) being defined as the "semi - improved neutral grassland "*beyond the site*". *p.17* It is unclear therefore in this Application whether this TN3 area of the Ecology Assessment is part of the Site or not?



This does raise questions in my mind which I think are relevant to ask regarding this Planning Application. I do not see this as reckless thinking: wild life, plants and insects are under threat and I care for such things, and it is right to discuss the possible impact of this proposed Application under ecology.

As I pointed out in my letter (17th May) 4. The Site, there is an agricultural track within the Application Site (see my added dotted line on the above Ecology map) which connects the A708 through the stackyard, etc (and proposed site) to the haugh/field which lies below on its own, south of the three properties at Deuchar Mill.

If this track can no longer function as a connecting track to access this haugh, where will a connecting track be made for agricultural purposes?

Will it be made in the TN3 area of semi improved grassland along the fence close to the bank (TN4 green) and (TN5 blue) of Yarrow Water? And if so surely making such a track in this meadow rich grassland, and then using it for agricultural machinery (with all that imports), going so close to the protected river bank boundary is not wise?

In other words with the loss of the existing track due to it falling within the Application Site could I believe have potential knock on ecological/environmental consequences. This is my main concern and one that I hope will be considered.



### A Norther Brown Argus: photographed at Deuchar Mill. 15th June 2021.

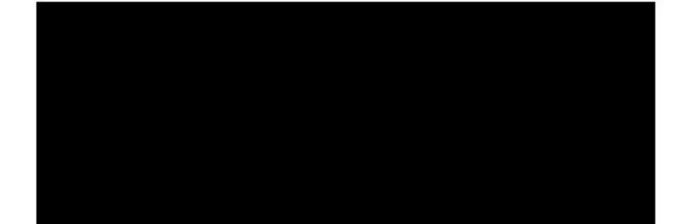
This rare butterfly is considered by Scottish Natural Heritage as in urgent need of conservation action, and should be added to Ellendale's Preliminary Ecological Assessment at Deuchar Mill.

### **Historic Mapping**

The historic photograph that I included in my original comments shows an enclosed stackyard with stacks, but *not* with mature planting as suggested in Ferguson Planning's response. As I previously noted (17th May) under 5. The Site: Development Pattern and History this enclosure was enclosed (as the Mill House garden) for protection from animals. It later was used for growing potatoes (oral history), and therefore was not a hard standing. I made detailed discussion of this enclosed area in my original comments , *only* because the applicant had suggested it forcefully as a hardstanding apron as *footprint* for the proposed new house, which I believe to be erroneous.

I hope my comments above made in response to the Applicant's own response of 14th July, clarify any objections and genuine concerns that I have regarding the Planning Application submitted by Ferguson Planning on behalf of Buccleuch. I would be most grateful if they will be considered along with my original letter dated 17th May by the Planning Dept in assessing this Application.

Yours Sincerely



Dr Helen Douglas Deuchar Mill Yarrow TD7 5LA

#### DEUCHAR MILL YARROW SELKIRKSHIRE SCOTLAND TD7 5LA

12th October 2021

Dear Brett Taylor,

### Planning Application 21/00595/PPP Submitted by Buccleuch Estates Ltd. Site Address: Land East of Deuchar Mill House.

I wrote an email to you on the 29/08/2021 regarding my concern about a "new roadway/track that has been made in the field east of Deuchar Mill: *running behind the dyke next to the A708 from an old disused gate in the dyke to the Stackyard.*"

My concern regarding this track lay primary within the context of the recent housing Planning Application as registered by Buccleuch (21/00595/PPP) in April 2021 which proposed to keep the new dwelling enclosed within the Building Group long established at Deuchar Mill and to not to encroach into the green fields beyond.

In my email I attached a photographic record of the factual developments regarding the track/road which showed that the road although made by the Water Board was made after their work was completed. I wrote the road *"was never used by them and as I understood from the site manager it was made at the request of Buccleuch."* 

In the weeks that followed my neighbour Gillean Hoehnke had confirmation from David Logan of Caledonian Water who is in charge of the construction of the new water pipe from Yarrowford to Yarrow Feus that indeed:

"The access track that has been created was requested by the farmer and the estate. The access track doesn't have any purpose for the water main. I believe the track was asked by the farmer because during the wet months it is difficult to take vehicles up and down the field." 17/09/2021

Gillean Hoehnke notified you of this, copying me in on her email of 17/09/2021 to you.

As I have not had any reply from you as regards this new road, to answer my concerns about it in the context of the *registered Buccleuch Application (21/00595/PPP) in April 2021,* I now write to make further **formal objection** regarding this Application.

**1.** Unbeknown to me until this week when I checked the planning portal, I now see that Buccleuch have submitted new plans in September for *Application (21/00595/PPP)*. I *believe* I should have been notified.

#### 2. The new Location/Site Plan - As Existing

Marks off an extended stretch of land running parallel to the A708 road. However it does *not* show the substantial track/road that has *already been made* on this strip of land in August this year. This road as I wrote to you 29/08/2021 is substantial and more than a farm track. The second plan submitted <u>Site Plan - as Proposed in Sept</u> shows the road has obviously been made for a proposed new house. None of which has as yet (as far as I understand) got planning permission. I object to this. **3.** I notice however that the <u>Site/Location plan - as Existing</u> has been dated to 22/02/2021. It does not reflect therefore the situation as it is on the ground as of September 2021 when it was submitted to Planning c 22nd September 2021. This creates ambiguity: I object to this.

**4.** In 17/09/2021 David Logan of Caledonian Water wrote he *"believed"* that *"the track was asked for by the farmer because during the wet months it is difficult to take vehicles up and down the field."* 

I have walked these fields for over 45 years. There is no drainage problem in this area of the field where the road has been laid: in fact the ground is *rock/stone hard*. There is an area of wet in the field but this is much further to the East of the new track/ road. This is caused by the *overflow* of the hill water supply which goes under the A708 and into the field: a field drain would sort this - not this road.

I reiterate the new road in this green field beyond the brownfield site of the stackyard has obviously been made for a *proposed new house*, which has **not** as yet got planning permission.

Surely this road needed to get planning permission too? As I wrote to you on the 29th August the road was made between 26th/27th August

using a) spoil from the original pile

b)laying the textile membrane

c) and completing the road with Grade 1 gravel.

In the context of this Application I object to this road having been made.

I attach the PDF DEUCHAR MILL: photo record of events leading up to road in field being made 27th August.

To provide clarity on this matter of the road, it's making in August, and its nature.

5. Buccleuch's original Planning Application Statement submitted in April clearly made much of their *proposed new house* forming part of the Deuchar Mill "Building Group" "with a proposed tree belt along the east boundary of the site." It continued "*The proposed tree belt is considered to represent a distinct landscape feature which would enclose the Building Group and preclude further development eastward into the countryside*". 4:2 I believe their new <u>Site Plan - As Proposed</u> with access track shown, together with the track/road which has *now already been made*, extending significantly into the green field as part of the *planning site* beyond completely contradicts the Application Planning Statement as referenced above.

6. Breaking into this green field as part of the Planning Site with Access opening off the A708 (as shown in the new plan) and with the new road (already made) running parallel to the road *contradicts completely* their earlier Planning Application Statement which sought to *"avoid the proliferation of accesses in the style of driveways which would cause the domestication of Deuchar Mill and the erosion of the rural character" 4:15* I object to this.

7. Buccleuch's Planning Application Statement clearly states "that its proposal does not pursue a new pattern of development or seek to extend a linear developed ribbon into the open countryside" 2.5

Their revised Location/Site plan - As Proposed does exactly this.

The road made (without planning permission?) has begun the process. I object to this.

8. Buccleuch's Planning Application Statement confirms that the proposed dwelling will be serviced by connecting *"to the mains water network which has recently been renewed with substantially increased capacity in the Yarrow valley".* 

The mains water pipe is now laid. With two servicing access points in *both* the stackyard and to the east - half way along the green field beyond - could this not indeed lead to a potential beginning of ribbon development at Deuchar Mill to the east? I have grave concern about this.

Deuchar Mill lies to the west of Tinnis Farm and east of Whitehope at Yarrow. In rural character these are farms with distinct vernacular farm building groupings and green fields and hill surroundings.

Further west is Yarrow Feus: in development this area of the valley was historically conceived in the mid 19C in ribbon development: as feu cottages with small strips of land. I believe the distinct historical nature of each part of Yarrow Valley should be maintained: and when Planning Applications are submitted should be seriously considered.

9. Access onto the A708 from the new proposed access opening lying c170 metres to the east of the site, through what was until *this month* (October) a disused gate opening should be of concern. This gate - opening has been out of use for a good 40 years. And for good reason: it accesses the A708 road just after a bend east of it. It is unclear if this will also be the access point for agricultural machinery to the fields? The knock on effects of this Planning Application access are surely of *Planning and road safety concern*, given the busy nature of the A708?

I would like these objections and concerns of 12th October including the attached PDF entitled *DEUCHAR MILL: photo record of events leading up to road in field being made 27th August* to be acknowledged by the Planning Dept on receipt of this letter. I would also like them to be put up on the portal/Application case file 21/00595/PPP. So that they - together with my original objections - are registered in full clarity for those considering and determining the outcome of this Application.

Yours sincerely

Helen Douglas

Dr Helen Douglas

DEUCHAR MILL: photo record of events leading up to road in field being made 27th August.



1&2. 11th May. Water Board: deposited spoil in Stackyard with one pile beyond fence in grass field.



28th June. Water Board: deposited spoil had been removed from the Stackyard. The pile in grass field remains.



3. 31st July. Water Board working to lay pipe near old gate into field east of the Stackyard (machinery accessed the field from the Stackyard) . 4&5. Below: showing old unused gate to field (east of Stackyard) not in use by Water Board.





Photo 6. 16th August. East of old gate. Water Board reinstates earth and top soil after pipe has been laid.

Photo 7. Below: Looking west from old gate to Stackyard. Water Board reinstate earth along pipe line and using original spoil lays a rudimentary track leading *up to* the old gate, top soil left to edge.





Photo 8 & 9. 26th August. New track being made by Water Board. Original pile of spoil used to level ground for track. Fibre membrane rolled out and then Grade 1 gravel laid.





Photo 10. 27th August. Water Board complete road/track up to old gate but not through it. Photo 11. Below. The road/track laid through the gate into stackyard. Top soil used to finish off verge.



From:Taylor, Brett Sent:24 May 2021 14:51:39 +0100 To:Planning & Regulatory Services Subject:FW: Deuchar Mill

Hello,

Can you please log this as an objection to planning application 21/00595/PPP.

Many thanks

Brett

-----Original Message-----From: JAN WATSON Sent: 20 May 2021 17:17 To: Taylor, Brett <Brett.Taylor@scotborders.gov.uk> Subject: Deuchar Mill

CAUTION: External Email

 $\geq$ 

> Mr Brett Taylor Planning Department

> I wish to object to the current proposal for development at Deuchar Mill.

> Planning application 21/00595/PPP.

> Three aspects particularly concern me.

> The proximity to a road already acknowledge to be dangerous with access close to a particularly dangerous bend. The council have recently done some much needed improvements on this stretch but it is still a danger spot for vehicles unfamiliar with the road. The traffic has increased hugely over the last decade.

>

> Whereas I acknowledge the need for more housing in the valleys I cannot fathom why the applicant should select this particular site when they have literally thousands of acres to choose from. The impact on the existing properties would be considerable and does not appear to be of any consideration? So is the Council not willing to address this aspect at all in the drive to create more housing which although I agree is needed could easily be away from such a busy road and not overlooking other properties.
 > It seems very possible this is just the start of further plans for developing the site.

>

> I was under the impression that the site at present has various uses and wonder where such operations would be subsequently be planned to take place without impingement or further erosion of the site as one supposes it would need to be close by?

 $\geq$ 

> Finally I believe the river running very close by, it was originally a working mill, has some protected status by government bodies and this it seems would be equally completely ignored as an irrelevance . > I would appreciate your comments.

> Regards

> Jan Watson

From:	Laurie Stokes	
Sent:	20 May 2021 10:24	
То:	Planning & Regulatory Services	
Subject:	Planning Application 21/00595/PPP	

### **CAUTION: External Email**

Mr. Brett Taylor Planning Officer Regulatory Services Scottish Borders Council Headquarters Newtown St Boswells Melrose Scottish Borders TD6 0SA

Dear Mr. Taylor,

### Ref: 21/00595/PPP

I was born and grew up at Deuchar Mill as the only child of the owner. I am writing about the planning application referenced above.

I am opposed to the application and find that despite it being comprehensive in respect to the number of documents it severely lacks detail.

I outline below the following as some of my observations:

 Access – The A708 is a dangerous road, narrow and with blind corners, there have sadly been fatalities at a regular interval throughout my life on the road. The application doesn't provide anywhere near the detail needed and on the face of it presents further risk of accident both to

road users and the residents using the mutual access track. The nature of any entrance into the proposed site would require vehicles to turn at right angles from the road potentially blocking part of the opposite lane. I would politely suggest a physical inspection is needed to understand the danger of this blind corner and witness the speeds and nature of the vehicles that pass by.

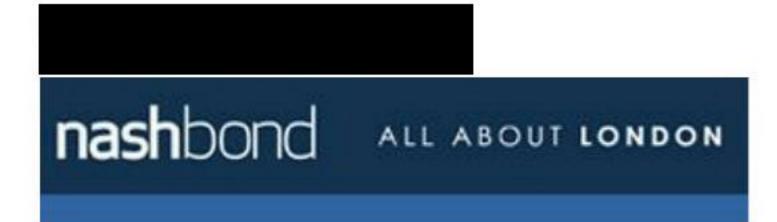
- 2. Architecture The application provides limited to no detail on the design of the proposed dwelling, and it is therefore in my opinion impossible to determine if the rural character of the existing buildings will be safeguarded. Furthermore, whilst the current collection of buildings are built on levels below the A708 and are therefore partially or wholly obscured from the road, allowing good views of the rural landscape. The proposed dwelling will sit at or close to the grade of the road and inevitably block views. Whilst I appreciate there is a barn there now this is in keeping with the rural nature of the views and is often only partially full, therefore allowing sight lines through it.
- Environmental Impact The current site is used for agricultural purposes, there are no provisions within the application for alternative arrangements and the potential environmental impact of these options.

I appreciate the opportunity to voice my concerns and would be available to discuss on the mobile number below

Regards

Laurie

Laurie Stokes Director MRICS







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