

# Comments for Planning Application 22/01357/FUL

## Application Summary

Application Number: 22/01357/FUL

Address: Land South Of Ebbastrand Coldingham Sands Coldingham Scottish Borders

Proposal: Erection of dwellinghouse and associated work

Case Officer: Paul Duncan

## Customer Details



## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Inadequate access
- Inadequate screening
- Land affected
- Road Safety
- Trees/landscape affected

Comment: Objections to the application

Comment:-

I object to the actual planning application on the grounds that the plot size and dimension delineated in red in the "List of Neighbours notified" and the "Location Plan" are contradictory to the red plot boundary lines shown on other plans, such as the "Level 0 Plan" and "Level 1 Plan"

Objection:-

1) As an observer of these plans (22/01357/FUL) I am uncertain to the true extent of the plot dimensions due to the contradictory boundary information contained within them, thus I am unable to make a fully informed comment on this application in relation to the dwelling within its surrounding grounds, in particular the escarpment slope delineated in red on the location plan.

2) Why is the same plot extent not shown on the "Level 0 Plan" and "Level 1 Plan"? Does the applicant own all the land delineated in red within the neighbour notification and location plan, or should some of it have been delineated in Blue?

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Planning objections (total of 13)

My objections to planning application 22/01357/FUL are listed below: -

Objections concerning car parking.

Comment:-

The plot is very tight and as such appears to be limiting the space for essential requirements. Parking for 2 cars are shown on the application. Access to these two parking areas requires transgressing the public footpath along the east side of the road known as Colingham Sands

Objections

- 3) There is no turning space shown for vehicles within the grounds of the property
- 4) The lack of a turning circle requires the drivers of the vehicles to reverse over the sole public footpath without suitable visibility to see approaching pedestrians or vehicles from both directions on the single lane road (Colingham Sands) and public footpath that runs beside the road on the side of the proposed development.
- 5) The planning application does not refer to any splay angles. So even if vehicles reversed (at users discretion) into the parking area when parking, they may still struggle to see approaching pedestrians and vehicles.
- 6) If suitable splay angles were created, it would require the removal of plants that would make the roof of the property more visible from the road, which in turn has an impact on the streetscape.
- 7) The parked cars on the proposed site will impact on the views across the bay from the public footpath.

Objections concerning Landscape, Trees and shrubs

Comment: -

The area of the application falls within the Local Landscape Designations 'Special Landscape Area: Berwickshire Coast' This designation states in Scottish Borders Council Document. The planning application encroaches on the vegetation and land form of the coastal escarpment. The development of this dwelling should not be allowed as it is likely to lead to the destruction of a mature tree within this special Landscape Area. A tree that also helps hide the potential development from viewing points along the adjacent cliffs and beach. Building a dwelling with its 'Living Room' looking into a tree canopy I doubt will be what the occupants of the property will want as it will reduce light into the room and leaves, when they fall will probably be considered a nuisance, the occupants will know the sea is just behind that tree. The artistic images within the application document undersize the tree in front of the large east facing window of the 'Living Room'. The tree canopy is shown on the dwelling plans; but is not shown at it's correct dimensions

on the west elevation drawing or within the artistic drawing. It is clear that the living room view looks into this trees canopy as can be seen in "Level 1 plan". I am extremely concerned that this tree maybe cropped, removed or damaged in order that the 'living room' of the dwelling should receive more light and have a sea view, either now or in the future by other owners/occupiers, particularly as the tree falls within the boundary of the development.

Objection:-

8) The building of such a dwelling on unbuilt virgin ground on the coastal escarpment, within the 'Special Landscape Area: Berwickshire Coast' is in conflict with the Local Landscape Designation and will set a precedence for future developments. This coastal area is beautiful area and obviously why it was given the Landscape designation. Building on a green unbuilt site appears to go against all of the following policys/publications quoted from "Scottish Borders Council, Supplementary Planning Guidance, Local Landscape Designations, August 2012"

Scottish Planning Policy (2010)

Policy EP1 National Scenic Areas Scottish Borders Consolidated Local Plan 2011

Policy EP2 Areas of Great Landscape Value Consolidated Local Plan 2011

SNH & Historic Scotland, 2004, Guidance on Local Landscape Designations

9) Protection needs to be put in place for the rare Monterey Pine in the adjacent property (Seaneuk). It is unclear how the proposed dwelling can be built without seriously impacting the root system of this Monterey Pine.

10) Allowing this development will create conflict between the occupants of the dwelling, both now and in the future, with the ever growing mature tree and vegetation within and outwith the boundaries of the development (whatever the boundaries are, see first objection). In particular the main viewing window of the dwelling looks into the ever growing canopy of a large tree (see Level 1 plan"). A tree, that by it's location will cut light to the dwelling, drop leaves onto the terrace and will restrict a sea view. This is not appropriate site for a property that is promoted on the basis of it views, which contradicts the reality of a dwelling tucked behind a tree and other important vegetation within the existing protected landscape. A reality that current and future owners will try to mitigate by the removal of a tree, and possibly other plants, that form a critical component of the 'Special Landscape Area: Berwickshire Coast'.

11) Light pollution from the property will impact dark skies requirements, in particular as it overlooks the beach. Night time views from Coldingham Sands can be stunning on a clear night.

Objections concerning lack of detail on plans.

Comment: -

The dwelling is very tight on the site. Light to the bedrooms within the dwelling will be limited at the rear of the property and the usable amenity land available for the residents will also be limited.

Objection:-

12) No 'outdoor drying space' shown on the plans. See - Building standards technical handbook 2022: domestic : 3.11.6 Drying of washing

13) No facility for wheelie bin parking is shown on the plans, this facility would need to be at road level because of the steps, so bins would need to be screened to avoid impact on streetscape.

Again the space for bins is limited and will reduce vegetation screening at road level. See - Building standards technical handbook 2022: domestic : 3.25.3 Solid waste collection point

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Requests for consideration ( Total of 4)

Concerns about accessibility to the dwelling.

Comment

The plans show steep steps approaching the property.

Request:-

1) Although it's not a requirement to include access for those with mobility problems to dwellings where the ground does not permit, building such property is very restrictive, not just for the owners but their visitors. Consideration should be made for the installation of a lift for access and all doors within the dwelling to be made suitable for people with mobility problems.

Concerns about site suitability on geotechnical grounds.

Comment

It is clear from the plans that the foundations for the property fall well below road level and deep into the escarpment, and will thus require a substantial removal of ground and a building of a retaining wall a short distance from the northern and western sides of the dwelling. The council will be aware that the cliffs between St. Abbs and Eyemouth contain many springs and known landslips.

Request:-

2) I suggest the council ensure that the applicant is aware of the springs and landslips along this coastal escarpment, and that a suitable geotechnical survey be carried out and report produced before ground work commences and conclusions concerning ground stability on the applicant's dwelling and the possible impact on its neighbours be reported for examination by building control

and where necessary any remedial actions be imposed as a condition should approval be given. The same survey would be useful to determine the size and construction type of the retaining walls.

Request concerning property usage.

Comment:-

There is a lack of affordable housing being developed in the Berwickshire coastal communities. I hope that the Planning department will ensure that this development fits in with the requirements of the local community. There are plenty of holiday homes within the area, many poorly maintained and lying empty most of the year.

3) I request that the Scottish Borders Council consider a usage condition on this development, a condition that will be written into the title deeds of the property. Such as the property can only be used as a 'primary residential residence' or can only be used as a 'commercial holiday home and not a primary residential residence' or property is for 'Local Occupancy only' ie must have lived or worked within the area for at least three (3) years (these control systems are used successfully within the Lake District (Cumbria Council) and other popular tourist destinations. It reduces the number off under occupied second homes within an area, which Berwickshire coastal communities is full of.

4) Has this developer built any affordable homes in their local portfolio? Or are they paying 'the affordable housing contribution' rather than building (at greater expense) their quota of affordable housing? If the development is approved the developer should make a financial contribution via 'the education and lifelong learning contribution' and 'the affordable housing contribution' The council should also explore the impact of any new greenfield developments on the National Health Services (NHS) and how the developers could contribute to capital costs of National Health Services within the area, which are already under immense strain, such as the recent closure of the Coldingham GP surgery.

Kind regards

Mrs L. Warner  
Ebbastrand  
Coldingham Sands  
Coldingham  
TD14 5PA

Chief Planning Officer  
Regulatory Services  
Scottish Borders Council  
Council Headquarters  
Newtown St. Boswells  
MELROSE  
TD6 0SA

11th Oct 2022

**Subject: Planning Application Reference 22/01357/FUL  
Erection of dwelling house and associated work  
on land South Of Ebbastrand Coldingham Sands**

Dear Sir / Madam,

I am writing to you in response to your letter dated 8<sup>th</sup> September 2022 regarding the above planning application which relates to a green field development site that borders our property, "Ebbastrand", Coldingham Sands, Berwickshire, TD14 5PA, and its coastal slope garden which is immediately adjacent to this green field development site.

I object in the strongest possible terms to the above planning application on the green field site for the development of a luxury two bedroom detached dwelling on the land south of Ebbastrand, our property, and its coastal slope garden.

**I will provide further detail in this letter why the application should be rejected but in summary it contravenes the following; policies HD3, PMD2, EP3, HD2, PMD4, PMD1, EP14, EP1, and EP5.**

Coldingham Sands has undergone significant change in recent years with a number of successful planning applications leading to the creation of several new buildings within the Bay area. These include The Pavilion (10/00172/\_FUL) and The Bay (eight luxury apartments - 13/00299/FUL). Planning permission has also been approved for a property to be built into the coastal slope adjacent to The Mount (13/00526/FUL). The cumulative impact of these developments on the character of the Bay area is notable, with both The Pavilion and The Bay attracting a significant negative backlash from the public in terms of design and issues caused during construction. Both of these were developments of Mr Cameron who is the applicant of this proposal. It is important to acknowledge the cumulative effect of these recent developments when considering the current application, Coldingham Sands is a small community which cannot accommodate unlimited development of luxury properties.

If successful, this will be the tenth property that SBC have granted Mr Cameron planning permission for to build within the small hamlet of Coldingham Sands. The net result of the nine he has already built, The Pavilion and the eight luxury apartments of The Bay, is zero children attending any local schools and zero properties permanently occupied. All have been purchased by buyers from outside of the area and most are used for holiday rental purposes. This is abysmal for local young people aspiring to get on the housing ladder.

Please see detailed below my comments which I trust will be taken into account by Scottish Borders Council (SBC) elected members and officers involved in the decision making process.

1. Previous planning request for the erection of two new dwelling houses on arable land north of Ebbastrand, Coldingham Sands (09/00839/OUT). SBC Roads Department

objected to in their letter to SBC Planning dated 16th July 2009 stating *"I am unable to support this application. A significant amount of development has been approved in recent times; however these proposals were regeneration of existing buildings and not new builds. Support for change of use of existing buildings tends to be on the basis that the traffic generation of the buildings former use and proposed use have a tendency to be similar, whereas new builds introduce a new element of traffic generation. Given the above, I must recommend refusal of this application."* This was the professional view of SBC's Roads Department before the building of The Pavilion by Mr Cameron on the beach embankment north of Dunlaverock at Coldingham Sands and eight properties which form The Bay urbanisation, also built by Mr Cameron, directly opposite the proposed development site which are primarily holiday lets and have resulted in a significant increase in traffic volumes.

2. Castle View Properties UK Limited submitted planning application 11/00166/FUL Land North of Sea Neuk, on 14th February 2011 which SBC Roads Department objected to in their letter to SBC Planning dated 25th February 2011 stating *"I am unable to support this application. A significant amount of development has been approved in recent times; however these proposals were regeneration of existing buildings and not new builds. Support for change of use of existing buildings tends to be on the basis that the traffic generation of the buildings former use and proposed use have a tendency to be similar, whereas new builds introduce a new element of traffic generation. Given the above, I must recommend refusal of this application."* This was the professional view of SBC's Roads Department before the building of eight properties which form The Bay urbanisation directly opposite the proposed development site which are primarily holiday lets and have resulted in a huge increase in traffic volumes. This, and the increase in traffic resulting from the proposed development, raises further road safety and access issues during and post construction of the proposed new dwelling.
3. Mr Cameron, who is the applicant of the current planning application, submitted planning application 13/00298/FUL Land North of Sea Neuk, which SBC Roads Department objected to in their letter to SBC Planning dated 9th April 2013 stating *"I am unable to support this application. A significant amount of development has been approved in recent times; however these proposals were regeneration of existing buildings and not new builds. Support for change of use of existing buildings tends to be on the basis that the traffic generation of the buildings former use and proposed use have a tendency to be similar, whereas new builds introduce a new element of traffic generation. Given the above, I must recommend refusal of this application."* This was the professional view of SBC's Roads Department before the building of eight properties which form The Bay urbanisation directly opposite the proposed development site which are primarily holiday lets and have resulted in a huge increase in traffic volumes. This, and the increase in traffic resulting from the proposed development, raises further road safety and access issues during and post construction of the proposed new dwelling.
4. SBC roads objected to all the above three planning applications during 2009 and 2013 which comprised of two applications each for a single property on the site of the proposed development and one application for two properties.
5. In retrospect, it is difficult to understand why SBC's Planning Committee approved The Bay urbanisation planning application for eight properties by the developer, Mr Cameron, in spite of SBC's Planning Department and SBC's Roads Department objecting to the application. Nevertheless, they did approve The Bay development which has resulted in a massive increase in road traffic volumes at Coldingham Sands and specifically the exit area from The Bay car park, which has capacity for fourteen vehicles, and the exit from Ebbastrand which are both opposite the proposed developments car parking area and exit onto the public road. Vehicle access from these areas is already arduous and somewhat dangerous and would only be exacerbated if this application was approved due to the increase in traffic resulting from the proposed development.

6. Within the developer's submission, point 3.10, Ferguson Panning state *"Policy HD3: Protection of Residential Amenity: this Policy seeks to ensure the placement acceptability of the proposal. Consideration must be taken of factors, such as, the scale and form of development and how it fits with the existing surroundings. It again seeks to take due regard to any traffic or noise impact and the level of visual impact."*

The road access on the top of the coastal slope at Coldingham Sands simply cannot take any more traffic which has been the professional and impartial view of SBC Roads Department since at least 2009 as mentioned in the earlier points within this letter.

The parking facilities for two vehicles on the coastal embankment side of the road within the proposed development will have a serious and negative visual impact within the area. No other property has such a highly visible car parking facility on the coastal embankment side of the road at Coldingham Sands.

**Therefore, the proposed application contravenes Policy HD3 Protection of Residential Amenity with regard to (iv) the level of visual impact.**

The following pictures show our Ebbastrand driveway, which provides the only vehicle access for our property, with the proposed development site directly in front of the gates of our drive as shown in the picture on the left. The picture on the right is taken from the proposed development site car parking area which is directly opposite on the left of The Bay's eight apartments with car parking for 14 vehicles and directly opposite to the right of the driveway of Ebbastrand which is the only vehicle access point.

This very narrow and small area of road could see many holidaymakers, up to 14 vehicles, entering / exiting The Bay at the same time as the two vehicles from Ebbastrand and the two vehicles which are provided for at the proposed development site. Eighteen vehicles in total could therefore be entering / exiting directly onto the road area outside the proposed development, which is situated on a blind bend. This raises further road safety and access issues during and post construction of the proposed new dwelling.

*Ebbastrand driveway exits immediately onto the proposed development sites car parking area and exit*



*Proposed development car parking area for two vehicles is directly opposite Ebbastrand's and The Bay's vehicular access driveways*



The planning application is for a new build on a green field site that currently has no vehicular access and will obviously increase traffic on the road.

Access from the development to the road is situated on a **blind bend behind the hedge of Sea Neuk** and up from the single track road, as shown in the picture on the left. If allowed this will have an serious adverse impact on road safety as vehicles entering and exiting the site will not be visible to other vehicle road users and pedestrians.





Additionally, there is no provision for turning space at the proposed development and vehicles will have to back onto the road when exiting, which during the development will include heavy site traffic.

**Therefore, the proposed application contravenes Policy HD3 Protection of Residential Amenity with regard to (iii) the generation of traffic.**

7. When considering the points detailed in one through to six of this letter it is clear that the planning application contravenes Policy PMD2 Accessibility q) and s) as it not compliant with road safety issues as stated in paragraph;

*q) it ensures there is no adverse impact on road safety, including but not limited to the site access*

*s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes*

**Therefore, the proposed application contravenes Policy PMD2 with regard to the impact of traffic on road safety and access.**

8. The public road which serves Coldingham Sands from St Vedas is in a seriously damaged condition. The wearing course is badly scared and the construction and demolition traffic associated with the development of The Pavilion, demolition of The Shieling and the development of The Bay have obviously heavily used the road and will certainly not have helped the situation. .

**I would welcome SBC's comments on their view of how the Coldingham Sands road from St Vedas to Ebbastrand could safely support the increased traffic as a result of this application.**

9. The single lane High Street of Coldingham singularly already deals with a high volume of traffic servicing St Abbs, Scoutscroft Caravan Park, and Coldingham Sands with its hotel, and the eight apartments of The Bay, apartments at The Haven, apartments at The Mount and the properties around Milldown farm. SBC roads have recently repainted no parking double yellow lines at Coldingham Sands immediately outside the proposed development site, its adjacent area and also on the road near to St Vedas.

**I would welcome SBC's comments on their view of how the High Street could safely support the increased traffic as a result of this application.**

10. Early in 2013 many residents of Coldingham Sands reached a point of realising that their individual correspondence and dialogue with SBC regarding the issues of the public road and movement of the coastal embankment and potential impact on the road was not resulting in a satisfactory outcome. They therefore formed the Coldingham Sands Residents Group (CSRG) in the hope that a united group would be successful in getting the issues resolved. Members of CSRG were very concerned about the state of the public road between the Gegan property up to the south westerly corner of Dunlaverock where the public road connects to a private road. Given the Groups concern the services of an independent Structural Engineer was commissioned during quarter one 2013, with personal financial implications for the residents, to provide an independent assessment of the damage and movement to the public highway and surrounding areas at Coldingham Sands, including the coastal embankment, which had occurred. The Structural Engineers full report was sent to SBC Roads Officer, Paul Matthewson, on 28th March 2013 but within it the Engineer stated;

- a. The surface condition of the road itself is poor. The wearing course is badly scared and the construction traffic which has recently been using the road will certainly not have helped the situation. Heavy scaring of the road was noted to an area where materials were stored for transfer to the construction site. Damage to bollards was noted where construction vehicles have mounted the footpaths. Damage to kerbing was also noted which would be as a result of large heavy vehicles over sailing the highway. It is not clear if the public highway itself is designed for heavy construction*

*traffic but it is clear damage to the highway has occurred as a result of significant usage of heavy vehicles. The highway narrows down significantly to a single track and also becomes close to the top of a steep embankment. This combination results in the vehicles being situated to the head of the embankment resulting in the distribution of highway loading into the embankment itself. The distribution of load can vary depending on weights of the vehicles and the sub structure bearing strata below the highway. It is clear however, that the embankment areas have been subjected to potentially excessive pressures which have resulted in movement.*

- b. The absence of storm water runoff gullies was noted in the area of the public road which is showing signs of movement. This led to a review of storm water runoff of the highway. A walk from the top section of the public highway to the lowest point was a distance of over 150 meters in length and only one road gully was observed over this distance. The gully was situated at the bottom of the steep road incline. This would mean the single road gully would take over 500 square meters of public highway but in addition there were areas of private drives and roads which would also shed storm water to this single gully. It is estimated that the single gully could be required to take 700 square meters of storm water. On this basis it is clear the road drainage is inadequate but it is likely the storm water is finding an alternative route for disposal. It is possible the storm water runoff is reaching neighboring embankments thus saturating the areas and possibly creating scouring, water pressures and instability to the embankment areas.*
- c. In the short term we would recommend temporary hoarding be erected in board of the area of road closest to the neighboring embankment to reduce the risk of surcharging of the embankment due to the heavy construction traffic. An enhanced drainage strategy will be required to the public highway to ensure storm water runoff does not reach the embankments and third party private land. A long term strategy will require retention of the highway to avoid further movement.*
- d. Based on the survey undertaken we do have concerns over the long term stability of the highway particularly in light of the history of the area, recent highway loading from construction vehicles, inadequate storm water runoff provision on the public highway and the evident signs of movement of the public highway. Without remedial action it is likely the movement will continue to occur resulting in further concerns over the stability of the public highway, footway and associated public safety.*

**Given the above, I believe that the planning application requires a comprehensive Drainage Assessment for the following reasons.**

No additional road gullies have been installed since the report was commissioned therefore the road drainage remains inadequate and it remains likely the storm water is finding an alternative route for disposal.

The proposed development site is on a coastal slope and the nearby embankment supporting the road and bordering the site has had significant erosion in recent years due to agricultural surface water runoff and inadequate runoff gullies in the area.

The Drainage Assessment should also provide evidence of compliance with **Policy IS8 Flooding** which states that; "In general terms, new development should be located in areas free from significant flood risk. Development will not be permitted if it would be at significant risk of flooding from any source or would materially increase the probability of flooding elsewhere. The ability of functional flood plains to convey and store floodwater should be protected.

The Drainage Assessment should also provide evidence of compliance with **Policy EP15 Development Affecting the Water Environment**

- a) pollution of surface or underground water, including water supply catchment areas, as a result of the nature of any surface or waste water discharge or leachate, including from the disturbance of contaminated land;
- d) compliance with current best practice on Sustainable urban Drainage(SuDS) including avoidance of flooding, pollution, extensive canalisation and culverting of watercourses

The new development will replace a grassed area which currently absorbs rainfall and is to be replaced by a hard surface, for car parking of several vehicles, which will further exacerbate the problem of water drainage and excess surface water run off. A Drainage Assessment should provide evidence as to whether the loss of this green soak away land at the proposed development site will increase flooding to the highway and buildings below the site and whether the development will be compliant with **Policy IS8 - Flooding and PMD1 Sustainability Policy paragraphs c) & f).**

- c) The protection of natural resources, landscapes, habitats, and species
- f) The minimisation of waste, including waste water and encouragement to its sustainable management

**Additionally, Scottish Water in their letter regarding this planning application cannot confirm that the increased surface water runoff will be channeled through their existing drainage network.** Therefore the Drainage Assessment should provide evidence to show that drainage from the development will be adequately dealt with and will not affect the watercourses that run beneath the site, and to show compliance with **Policy PMD2 Quality Standards paragraph c)** which states *“it provides for Sustainable Urban Drainage Systems in the context of overall provision of green Infrastructure where appropriate and their after-care and maintenance.”*

The Drainage Assessment should also provide evidence of compliance with **Policy IS9 Waste Water Treatment and Sustainable Urban Drainage paragraph d)** for development in the countryside i.e. not within or immediately adjacent to publicly sewered areas, the use of private sewerage treatment may be acceptable, providing it can be demonstrated that this can be delivered without any negative impacts to public health, the environment or the quality of watercourses or groundwater.

**I question the impact of the proposed new development in the context of water run off drainage volumes, the resulting potential impact on the coastal slope, and seek evidence of compliance with policies IS8 Flooding, EP15 Development Affecting the Water Environment, PMD1 Sustainability Policy paragraphs c) & f), PMD2 Quality Standards paragraph c) and Policy IS9 Waste Water Treatment and Sustainable Urban Drainage paragraph d).**

**I welcome SBC's comments.**

11. In response to movement of the coastal slope embankment, very close to the proposed unnaturally high development site due to illegal dumping of excavated soil, SBC have on three separate occasions carried out project works to support the road from slippage and further movement of the embankment;

Firstly, or to June 2009 at the request of the previous owners of Ebbastrand, SBC installed 6 x 2 (12) gabion baskets at the top of the beach garden of Ebbastrand

In September 2013, at the request of the previous owners of Dunlaverock, SBC installed 4 x 1 (4) gabion baskets were outside of the entrance to Dunlaverock and adjacent to the previously installed 12 gabion baskets. The following picture on the left of the following page clearly shows the degree of slippage of the embankment with the blue metal sign post and the hedge both at acute angles leaning downwards

to the coastal slope. It also shows the area excavated by SBC for the installation of the gabion baskets. The following picture on the right shows the top level of the two level original gabion baskets installed before June 2009, the disjointed kerbing and sloping metal posts of the safety barrier both due to the movement of the embankment.

Blue metal sign post and the hedge at acute angles leaning downwards to the coastal slope



Gabion baskets installed before June 2009, disjointed kerbing, sloping metal posts of the safety barrier.



Most recently commencing 14<sup>th</sup> June 2022 a large scale project was undertaken by SBC on the road and coastal embankment immediately adjacent to the north of the proposed development site at Coldingham Sands. This road provides the only access for all of the properties on the northern side of Coldingham Bay including the proposed development site. The road was scheduled to be closed for four weeks, seven days a week, 8.00am to 6.00pm. SBC personnel and their selected contractors, who were all first rate, completed the task in approximately two weeks during which a further 10 x 2 (20) gabion baskets were installed adjacent to the previously installed 16 gabion baskets. Part of the road was resurfaced and a new road safety barrier was installed as the previous one was tilted due to the movement of the embankment. See detailed below pictures showing the scale of the works, effort, materials and associated cost.

Single track road at St Vedas to the proposed development site



Materials stored at St Vedas car park, approx 120 tonnes of rock



Single track road to the dev site on the right, blind spot



Proposed development site immediately behind the cement lorry



Proposed development site immediately left of the vehicle



Proposed development site to the rear of the digger





Proposed development site immediately in front of Sea Neuk



Gabions being installed adjacent to proposed development site



New kerbing installed and preparation for the new path



Proposed development site immediately behind cement lorry



Gabions being filled with rocks adjacent to proposed dev site



Road being prepared for re tarmacing



Digging into the coastal slope immediately north of dev site



Damaged path and part of the road removed



Nearing completion of new road and path immediately north of dev site



**The level of works by SBC and the associated substantial costs over many years is greatly welcomed and appreciated. These works would not have taken place unless the coastal embankment, of which the proposed development site is part of, had not seen evidential movement and issues with excess water runoff for many years.**

**The idea that a new property could be granted permission which would be built directly into the coastal slope and adjacent to the areas shown above and after all of SBC's efforts and financial investment over the years is utterly preposterous.**

12. Registers of Scotland, title BER2987, restricts the erection of any houses or buildings of any kind or description with the exception of housing a water supply force pump on the proposed development site.

13. Mr Annan was the previous owner of Sea Neuk which is the property southerly adjacent to the proposed development site. His family owned the property for many decades and he understood the history and activities associated with the area and the proposed development site going back during his family's ownership of the property.

In his objection letter dated 7th March 2011 to planning application 11/00166/FUL and his objection letter dated 8th April 2013 to planning application 13/00298/FUL, Mr Annan stated in both letters;

*"When this 722 square meter yard strip of ground, adjacent to Sea Neuk, was feued to The Shieling, (now The Bay, 8 apartments, opposite Sea Neuk and developed by Mr Cameron), I*



*understand that one of the conditions of the Fue Charter stipulated that, to protect the amenity of the area, there should be no building on this ground".*

Those individuals involved in placing the Fue Charter condition stipulating that, "to protect the amenity of the area, there should be no building on this ground" and those individuals involved in placing on the Registers of Scotland, title BER2987, restricting the erection of any houses or buildings of any kind or description with the exception of housing a water supply force pump on the proposed development site certainly had foresight in terms of protecting the environment and the beauty at Coldingham Sands and the Bay by protecting the land from any development. The proposed development would result in the loss of open space which, although in private ownership, forms part of a green backdrop to the beach at Coldingham Sands and is important to the 'sense of place' of the area. The development of the site for any built form purposes should be strongly resisted.

**I hope that SBC respect the foresight of these individuals and their intentions by rejecting this planning application.**

14. Mr Annan also stated *"This strip of land has already been used for purposes of questionable legality. Massive dumping of excavated earth has taken place, raising the level of the ground to the height of my 7 foot hedge at its seaward end. I enclose a photograph and a letter to me dated 12th May 1988 from the council (Director of Planning) indicating that planning consent was required for the works. Consent was never obtained, and the ground was never restored to its natural level."*

The following page shows the response to Mr Annan from the Director of Planning of the Regional Council stating that consent was required and expressing their concern about the massive dumping of excavated earth on land that is now the proposed development site.

	<b>BORDERS REGIONAL COUNCIL</b>
	Planning and Development
	Paul Gregory Director of Planning and Development Regional Headquarters Newtown St Boswells MELROSE TD6 0SA
Mr. W.D. Annan, Sea Neuk, Coldingham Bay, EYEMOUTH.	Our reference AM/DR - B 96/86
	Your reference
	Date 12 May 1988
Dear Sir,	
<b>COLDINGHAM SANDS</b>	
I refer to your letter received on 4 May concerning the excavation and tipping works being carried out by Mr. Robinson in the Coldingham Sands area. I have now written again to Mr. Robinson advising him that I consider planning consent is required for both activities and I have also indicated my concern about the nature of the work he has carried out. I will of course keep you advised of progress on these matters.	
Yours faithfully,	
 Director of Planning and Development	

Unfortunately, SBC did not take the appropriate action to ensure this unconsented quantity of dumped excavated earth from a nearby property development was removed which has resulted in the ground level of the proposed development site for the new planning application remaining at a much increased artificial height and is so high it now approaches the level of the roof eaves of Sea Neuk.

The natural gradient of the site was also changed and it is visibly at odds with the gradient of the slopes of the adjacent embankment of Ebbastrand's beach garden and also the next embankment of Dunlaverock's beach garden. Both are far more acute. The stability of the land in question for this planning application and any future applications given the site is artificial and unnatural has to be questioned.

The following archive pictures on the next page from many years ago show the proposed development site to the north and right of the bungalow, Sea Neuk, which is directly south of the site. They clearly show the natural level of the top of the site and the gradient of the embankment which form natural contours with the beach garden areas of Ebbastrand and Dunlaverock to the north and right of the proposed development site. This is obviously before the illegal and unconsented dumping of massive quantities of excavated earth onto the proposed development site.



The picture below, taken prior to May 1988 by Mr Annan the previous owner of the bungalow Sea Neuk, shows the artificially raised height of the proposed development site after the illegal and unconsented dumping of massive quantities of excavated earth onto the site. The roof of Sea Neuk is clearly visible in the top right hand corner of the picture. Also shown is Sea Neuk's seven foot hedge the bottom of which is the natural level of the proposed development site. To the left and north is the freshly dumped illegal and unconsented excavated earth which is now parallel in height with the seven foot hedge.



Within the developers submission, point 1.4, Ferguson Panning state that *"To the south of the site there is an existing brick dwelling (Sea Neuk) - its large roof the only visible part of the building when viewed from the road, as it is both **sunken into the hill** and well concealed by a large hedgerow."* As previously explained when Sea Neuk was built it was not sunk into the hill, it is now only artificially lower than the adjacent proposed development site only because unconsented excavated earth was illegally dumped onto the proposed development site and which SBC did not give consent to and very unfortunately SBC did not enforce its removal.

**The development site is artificially high and its stability questionable in a coastal embankment that has shown signs of movement for many years, hence SBC's major works and investment to resolve the issue on the land adjacent to and immediately north of the proposed development site for over twelve years.**

15. Within the developer's submission, point 2.3, Ferguson Panning state *"By carefully designing the buildings to be constructed off-site, the effect on the neighbours and ecology is kept to an absolute minimum."* For the purposes of clarity, **minimum** does not mean **ANY** and given the track record of the developer and his contractors at Coldingham Sands over these last ten years or so I am greatly concerned about the total lack of consideration given to residents living close to the development site.

We have experienced very poor behaviours from the developer's contractors including the burning of questionable materials on several occasions by contractors resulting in onsite visits to the Shielling site, now The Bay, by officers from Scottish Environment Protection Agency (SEPA).

During the period of demolition of The Shielling, Scottish Fire & Rescue Services (SFRS) attended the Shielling site late in the evening of 15th February 2017 to extinguish a large



unattended fire of materials and rubbish located on the demolition site and near to our hedge and garage. The flames towered over our four metre high hedge which was very alarming. The Officer in Charge from SFRS was astounded that such a large fire had been set so close to our property and was staggered that the site had been left totally unmanned. This was absolutely scandalous behaviour by the developer and his contractors and very dangerous indeed.

During the building of The Bay the developer's contractors started digging a trench with a JCB on land near the back our property. I politely informed them they were digging above the area where SP Energy Networks had recently installed underground electricity power cables. The contractor ignored my information and concern, carried on digging and within less than five minutes they had cut through the power cables. The local community of residents were without power for several hours, with not even an apology by the developer or his contractor.

We have had a number of occasions where Mr Cameron's contractors have parked their vehicles directly on the other side of our driveway gates making it absolutely impossible to exit our property by vehicle.

**Therefore, based upon the developer's track record, I have absolutely no confidence in Ferguson Planning's statement that the effect on neighbours who actually live at Coldingham Sands will be kept to a minimum.**

16. I note that, as of the date of this letter, two owners of apartments at The Bay have stated;

*"The way it is built into the side of the hill is ingenious and means that it doesn't impinge in neighbouring properties or damage their views. In this we think the development is very sensitive to its impact on the surrounding houses and **residents**. This development would ensure that there was no risk of subsequent taller developments and **would considerably improve what is currently wasteland.**"*

*"This development **would not only secure the views of residents in The Bay** against future higher applications it would also considerably **improve the existing plot of wasteland.**"*

Properties Ebbastrand, Sea Neuk and the eight apartments at The Bay are the only properties directly adjacent to the proposed development site. I believe it is appropriate to qualify the reference in both supporting comments to the term "residents". Only Ebbastrand and Sea Neuk have residents who live in their properties. I understand that all eight properties at The Bay are second homes and nearly all of them, if not all of them, are holiday lets. Therefore, owners of properties at The Bay are in residence a small duration of time and they may well believe that their views will be secured and not impinged but I actually live at Coldingham Sands and I certainly do not agree with their views on this matter. The proposed development will sit immediately above our beach garden and a few feet away from the northerly building wall of Sea Neuk. Also, it would appear that the two owners of The Bay apartments believe it is positive that this intrusive development is somehow better than a subsequent taller development. Surely, it must be recognised that Coldingham Sands is a naturally beautiful coastal and rural area that needs to be protected by SBC.

Reference is also made to the proposed development site being "**currently / existing wasteland**". This was certainly not the case when The Shieling and the proposed development site were owned by Mr Carrington, the previous owner prior to Mr Cameron. As shown in the two pictures below, the site was previously maintained by Mr Carrington with the open space lawn area being regularly cut. This open space area was so tranquil and peaceful at this time that wild life, including deer, would regularly pass through the proposed development site and down onto the coastal slope, as shown in the picture below on the right. **Due to the impact of developing on this land the proposed application contravenes policy PMD1 Sustainability Policy paragraph c) states "The protection of natural resources, landscapes, habitats, and species"**.

Policy HD3 Protection of Residential Amenity states “To protect the amenity and character of these areas, any developments will be assessed against;

- a) the principle of the development, including where relevant, including any open space that would be lost.

Due to the obvious and consequential loss of this open space, shown in the two pictures below, **the proposed application contravenes Policy HD3 Protection of Residential Amenity. It also contravenes Policy EP3 Local Biodiversity** which states “Development that would have unacceptable adverse effect on Borders Notable Species and Habitats of Conservation concern will be refused unless it can be demonstrated that the public benefit of the development clearly outweigh the value of the habitat for biodiversity conservation.”

Proposed development site was a well maintained area prior to its ownership by Mr Cameron, (Sea Neuk on the right)



Deer making their way across the proposed development site, down the slope to the coastal area



Unfortunately, the site has not been adequately maintained during the ownership of Mr Cameron. It has been neglected and is now in a very poor state, as shown in the pictures directly below and in contrast to the picture above on the left. During the development of The Bay by Mr Cameron, excess building materials were simply dumped and left on the proposed development site. Not long after the completion of The Bay, part of the roof came off northerly block of apartments. This material, included metal work with sharp edges, was simply dumped and left on the proposed development site.

Under the ownership of Mr Cameron, the site has been neglected (Sea Neuk on the right)



Excess building material and sharp edged metal work blown off the roof of The Bay



Surely this neglect is no justification to grant Mr Cameron planning permission for what would be his tenth luxury property development at Coldingham Sands.

17. Within the developer's submission, point 1.9, Ferguson Panning state *"With reference to the LDP Proposals Map, the site is considered **white land** with no value of note."* "

The definition of white land is; *land (and buildings) without any specific proposal for allocation in a development plan, where it is intended that for the most part, existing uses shall remain undisturbed and unaltered.*

In its existing state the land of the application site provides a green field soak away for surface water run off from agricultural land above the site. This planning application will not retain the existing use of the land when built on and the ecological and environmental uses will be altered.

**If the application site is White Land then it should not be considered for development.**

18. Within the developer's submission, point 4.2, Ferguson Panning state *"The site in question is sitting within the village and built form of Coldingham Sands. It sits on **brownfield** / scrub **land** and addresses and relates well to the existing built form, adjacent to existing residential properties. It represents a logical infill development and which will sit well within the streetscape."*

In urban planning, *brownfield land is any previously developed land that is not currently in use.*

**The land has not been previously developed and is therefore not brownfield. The land is a green field site and should not be considered for development at this sensitive location as it contravenes Policy EP14 Coastline paragraphs a) and d).**

19. Within the Scottish Borders Local Development Plan (2016), Policy HD2 (Housing in the Countryside) allows for housing development adjacent to existing building groups in the countryside of up to a total of 2 additional dwellings (or a 30% increase of the building group, whichever is the greater), if a number of criteria can be met. One such criteria states that *"the cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area, will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable impacts"*.

The proposed development should be viewed within the cumulative development context for the site, including the building known as The Bay, comprising eight luxury apartments recently constructed directly opposite the proposed application site (planning reference 13/00299/FUL) and The Pavilion (planning reference 10/00172/\_FUL), a luxury and enormous property cut into the coastal slope overlooking Coldingham Bay.

All of these nine properties at Coldingham Sands were developed by Mr Cameron, the applicant of this planning application, and none of them are occupied by permanent residents with nearly all of them utilised as holiday lets.

Prior to the construction of these nine luxury properties, there were seventeen properties at Coldingham Sands, (St Vedas House, Fox Lea, Creel House, Gegan, Sea Neuk, Shieling, Ebbastrand, Dunlaverock, Fairhaven, Fairhaven Cottage and seven properties within the St Abbs Haven. Therefore, the recent cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area, is a staggering 53% which is way in excess of Policy HD2's maximum threshold of 30%.

Should this application for the construction of yet another luxury property by the same developer be approved the additional dwelling ratio would increase from seventeen to nine properties to seventeen to ten which is a totally unacceptable level of 59% and will result in the overdevelopment of this countryside location and unacceptable impact on the landscape and amenity of the immediate surrounds.

**Therefore, the proposed application contravenes Policy HD2 (Housing in the Countryside).**

20. Within the developer's submission, point 3.7, Ferguson Panning state "*Policy PMD4: Development Outwith Settlement Boundaries: aspires to direct development to within settlements. Exceptions to this apply regarding rural related development and where housing in the countryside Policy is complied with. In this instance Policy HD2. It again provides allowance for residential development in the right locations where there is an identified housing land shortfall and/or significant community benefits.*"

If successful, this will be the tenth property that SBC have granted Mr Cameron planning permission for to build within the small hamlet of Coldingham Sands. The net result of the nine he has already built, The Pavilion and the eight luxury apartments of The Bay, is ZERO children attending any local schools and ZERO properties permanently occupied. All have been purchased by buyers from outside of the area and most are used for holiday rental purposes. This is abysmal for local young people aspiring to get on the local property ladder.

In the nearby village of St Abbs, which is like a ghost town in the winter months, there are approximately 103 properties but only 121 permanent residents. A key factor in this alarming ratio is that approximately 45 of the 102 homes are holiday rentals. That is approaching 50% which is staggeringly high. Unfortunately, nearly all of the last ten new builds at Coldingham Sands are holiday rental properties.

This certainly raises questions about the type of properties that are being approved for development by SBC at Coldingham Sands and the likely target purchaser, which have turned out to be second home buyers from outside the area the majority of whom do not live permanently in the properties and rent them out as holiday lets. This is completely at odds with providing ***allowance for residential development in the right locations where there is an identified housing land shortfall and/or significant community benefits.***

**Therefore, the proposed application for yet another luxury high value property contravenes Policy PMD4.**

21. it is reasonable to assume that this new build will also become a holiday home. If the property is bought as such the planning application **contravenes Policy PMD1 Sustainability paragraphs j) and k)**, which states that development should;

*j) The support to community services and facilities*

*k) The provision of new jobs and support to the local economy*

22. Coldingham Bay is a Blue Flag bathing waters beach which attracts approximately 20,000+ visitors annually who use the Bay for swimming, walking, picnicking, sunbathing, surfing, canoeing, angling, diving, wildlife watching and rock-pooling. The Bay is also very popular for schools educational day trips. It is abundantly clear that people living in the community and those who visit the area do so for what this area of great landscape value offers.

Therefore and not surprisingly, within the Local Development Plan, the development site is designated as part of the Berwickshire Coast Special Landscape Area. A character assessment for this area is provided within SBC's Local Landscape Designations Supplementary Planning Guidance (2012). With reference to Coldingham Bay, this assessment states: "*Coldingham Bay is very attractive, and the surrounding cliff features make for a distinctive section of coast*". The applicant suggests that the proposed dwelling house has been designed to integrate into the coastal slope and cause minimal visual impact, however the fact remains that it will be visible and will impact on the character and attractive nature of the Bay area. Given recent developments in the area, cumulatively this represents an erosion of the character of the Special Landscape Area. Coldingham Bay is a unique and beautiful section of the Berwickshire Coast which, rightfully, has been designated as a Special Landscape Area. Notwithstanding this, the character of the area has been eroded in recent years by successive residential development.

The cumulative impact of the proposed development will continue this erosion, and therefore the application cannot be justified on landscape grounds in such a sensitive location.

**The development is out with the settlement boundary of St Abbs and therefore contravenes Policy EP14 Coastline paragraphs a) and d). Coldingham Bay is a designated ecological site and the beach is a Special Area of Conservation and this proposed development will impact the landscape character.**

- a) *the proposal is located within the Burnmouth, Eyemouth and St Abbs settlement boundary;*
- d) *the benefits of the proposal clearly outweigh any damage to the landscape character or to the nature conservation value of the site assessed under other relevant Local Development Plan policies.*

**In addition for the reasons given above the development contravenes Policy EP1 International Nature Conservation Sites and Protected Species.**

23. As previously stated, the application site has been designated within the number of only nine Special Landscape Areas within SBC's area and an established Area of Great Landscape Value (AGLV). The nature of this proposed development will have a serious and ever lasting negative impact on Coldingham Sands which will weaken SBC's position in defending areas of such designation from further inappropriate development in the future.

SBC Policy EP5 states that *"In assessing proposals for development that may affect Special Landscape Areas, the Council will seek to safeguard the landscape quality and will have particular regard to the landscape impact of the proposed development, including the visual impact. Proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance."*

Such a case cannot be made in connection with the proposed development of a single luxury dwelling. The proposed building will be readily visible from public land around the protected environment of Coldingham Sands, including the beach, and would directly have a negative impact upon the visual amenity of the area.

**Therefore, the proposed application contravenes Policy HD3 Protection of Residential Amenity which states "To protect the amenity and character of these areas, any developments will be assessed against;**

**(i) the scale, form and type of development in terms of its fit within a residential area,**

24. The proposed development would result in the loss of open space which, although in private ownership, forms part of a green backdrop to the beach at Coldingham Bay and provides continuity of the landscape when viewed from Coldingham Sands road and is important to the 'sense of place' of the area. Its development for any built form purposes should be strongly resisted.

**Therefore, the proposed application contravenes Policy EP5: Special Landscape Areas.**

25. Our property directly adjoins the application site to the north, and this proposed development, which towers over our garden, will directly affect our amenities not only through the loss of natural lighting and overshadowing of our garden land but also as we would be overlooked due to the elevated and towering position of the proposed building on the coastal slope. It would also have a negative impact on the fauna and flora and our own personal quality time in our beach garden.

Proposed Development would be where the tall tree is as shown in the picture on the right below

View from our garden showing the coastal slope and tall tree where the proposed development would be positioned



**Therefore, the proposed application contravenes Policy HD3 Protection of Residential Amenity which states "To protect the amenity and character of these areas, any developments will be assessed against;**

- (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sun lighting provisions. These considerations apply especially in relation to garden ground or 'backland 'development.**

26. Within the developer's submission, points 2.2 and 2.3, Ferguson Panning state *"The proposal is for a building that is discretely and sensitively positioned in the landscape, that is simple in plan, construction and detail - a design that is contemporary in its architectural language but sensitive to its context. The applicant is applying to build a single storey two bedroom dwelling on the site. The brief is for an open-plan living, dining and kitchen space that can open up to a terrace overlooking the bay. By carefully designing the buildings to be constructed off-site, the effect on the neighbours and ecology is kept to an absolute minimum. A Pre Planning Application was made on this site for a larger 2-storey house (20/00758/ PREAPP). The proposals under this application are significantly reduced. It is single storey, and tucked into the slope so that it is concealed from the road and neighbouring properties. The design is also split, to allow pre-fabrication, but also to break up the overall mass of the building, making it closer to the scale of the beach huts and outhouses on the shore than the large Victorian houses immediately around it."*

I understand there were issues with both The Pavilion and The Bay developments relating to the timely submission by Mr Cameron, the developer, of Construction Method Statements for each development and the subsequent compliance and enforcement by SBC. Similarly, there was untimely submission of building warrants on both developments. Should planning for this application be given nearby residents and indeed the wider community should be afforded a more professional approach by the developer and SBC.

The track record of the developer, who developed The Pavilion at Coldingham Sands, bears no resemblance to this statement. The first two of the following images are from the architects of The Pavilion development, Surface Light & Space, and are detailed on SBC web site dated 12<sup>th</sup> February 2010 within a file called



"10\_00172\_FUL-ELECTRONIC\_APPLICATION\_FORM-2220901.pdf". These two images represent what the developer's architects submitted to SBC in terms of what was going to be built, how the new property would sit within and respect the natural and beautiful environment of Coldingham Bay, also how it would be viewed from the beach, and its scale within the landscape.

**What they said they were going to build in a document submitted to SBC**



**The reality - what they have actually built which is of a much greater scale**



The first two of the four previous pictures portray what the developer actually built, showing the modern Pavilion building, its scale and how it is totally at odds with the environment in which it now permanently sits. These four images unfortunately leave me with the opinion that no matter how many conditions SBC place upon the developer I have little faith in SBC enforcing those conditions given SBC's and the developers past inadequate performance and mismanagement of the Pavilion development within this area of great landscape value.

I believe this planning application on land, which has in the past had fued conditions place upon it restricting any development, and indeed any new development on the coastal slope at Coldingham Sands will have catastrophic and irreversible consequences for this area of outstanding natural beauty and would destroy the aspect of the bay enjoyed by people of all ages and walks of life now and for future generations to whom SBC elected members, officers and we the public, all have a responsibility too.

**The application contravenes the following policies HD3, PMD2, EP3, HD2, PMD4, PMD1, EP14, EP1, and EP5.**

I therefore request you reject this application and begin the process of making the sensible and strategic decision to restrict any further development on the coastal slope at Coldingham Sands, respecting the condition of the Fued Charter which stipulates that, to protect the amenity of the area, there should be no building on this development site ground and also comply with the Registers of Scotland, title BER2987, which restricts the erection of any houses or buildings of any kind or description with the exception of housing a water supply force pump on the proposed development site.

Thank you for your consideration in this matter.

Yours sincerely,  
Lynne Warner

Mr P. Warner  
Ebbastrand  
Coldingham Sands  
Coldingham  
TD14 5PA

Chief Planning Officer  
Regulatory Services  
Scottish Borders Council  
Council Headquarters  
Newtown St. Boswells  
MELROSE  
TD6 0SA

11th Oct 2022

**Subject: Planning Application Reference 22/01357/FUL  
Erection of dwelling house and associated work  
on land South Of Ebbastrand Coldingham Sands**

Dear Sir / Madam,

I am writing to you in response to your letter dated 8<sup>th</sup> September 2022 regarding the above planning application which relates to a green field development site that borders our property, "Ebbastrand", Coldingham Sands, Berwickshire, TD14 5PA, and its coastal slope garden which is immediately adjacent to this green field development site.

I object in the strongest possible terms to the above planning application on the green field site for the development of a luxury two bedroom detached dwelling on the land south of Ebbastrand, our property, and its coastal slope garden.

**I will provide further detail in this letter why the application should be rejected but in summary it contravenes the following; policies HD3, PMD2, EP3, HD2, PMD4, PMD1, EP14, EP1, and EP5.**

Coldingham Sands has undergone significant change in recent years with a number of successful planning applications leading to the creation of several new buildings within the Bay area. These include The Pavilion (10/00172/\_FUL) and The Bay (eight luxury apartments - 13/00299/FUL). Planning permission has also been approved for a property to be built into the coastal slope adjacent to The Mount (13/00526/FUL). The cumulative impact of these developments on the character of the Bay area is notable, with both The Pavilion and The Bay attracting a significant negative backlash from the public in terms of design and issues caused during construction. Both of these were developments of Mr Cameron who is the applicant of this proposal. It is important to acknowledge the cumulative effect of these recent developments when considering the current application, Coldingham Sands is a small community which cannot accommodate unlimited development of luxury properties.

If successful, this will be the tenth property that SBC have granted Mr Cameron planning permission for to build within the small hamlet of Coldingham Sands. The net result of the nine he has already built, The Pavilion and the eight luxury apartments of The Bay, is zero children attending any local schools and zero properties permanently occupied. All have been purchased by buyers from outside of the area and most are used for holiday rental purposes. This is abysmal for local young people aspiring to get on the housing ladder.

Please see detailed below my comments which I trust will be taken into account by Scottish Borders Council (SBC) elected members and officers involved in the decision making process.

1. Previous planning request for the erection of two new dwelling houses on arable land north of Ebbastrand, Coldingham Sands (09/00839/OUT). SBC Roads Department



objected to in their letter to SBC Planning dated 16th July 2009 stating *"I am unable to support this application. A significant amount of development has been approved in recent times; however these proposals were regeneration of existing buildings and not new builds. Support for change of use of existing buildings tends to be on the basis that the traffic generation of the buildings former use and proposed use have a tendency to be similar, whereas new builds introduce a new element of traffic generation. Given the above, I must recommend refusal of this application."* This was the professional view of SBC's Roads Department before the building of The Pavilion by Mr Cameron on the beach embankment north of Dunlaverock at Coldingham Sands and eight properties which form The Bay urbanisation, also built by Mr Cameron, directly opposite the proposed development site which are primarily holiday lets and have resulted in a significant increase in traffic volumes.

2. Castle View Properties UK Limited submitted planning application 11/00166/FUL Land North of Sea Neuk, on 14th February 2011 which SBC Roads Department objected to in their letter to SBC Planning dated 25th February 2011 stating *"I am unable to support this application. A significant amount of development has been approved in recent times; however these proposals were regeneration of existing buildings and not new builds. Support for change of use of existing buildings tends to be on the basis that the traffic generation of the buildings former use and proposed use have a tendency to be similar, whereas new builds introduce a new element of traffic generation. Given the above, I must recommend refusal of this application."* This was the professional view of SBC's Roads Department before the building of eight properties which form The Bay urbanisation directly opposite the proposed development site which are primarily holiday lets and have resulted in a huge increase in traffic volumes. This, and the increase in traffic resulting from the proposed development, raises further road safety and access issues during and post construction of the proposed new dwelling.
3. Mr Cameron, who is the applicant of the current planning application, submitted planning application 13/00298/FUL Land North of Sea Neuk, which SBC Roads Department objected to in their letter to SBC Planning dated 9th April 2013 stating *"I am unable to support this application. A significant amount of development has been approved in recent times; however these proposals were regeneration of existing buildings and not new builds. Support for change of use of existing buildings tends to be on the basis that the traffic generation of the buildings former use and proposed use have a tendency to be similar, whereas new builds introduce a new element of traffic generation. Given the above, I must recommend refusal of this application."* This was the professional view of SBC's Roads Department before the building of eight properties which form The Bay urbanisation directly opposite the proposed development site which are primarily holiday lets and have resulted in a huge increase in traffic volumes. This, and the increase in traffic resulting from the proposed development, raises further road safety and access issues during and post construction of the proposed new dwelling.
4. SBC roads objected to all the above three planning applications during 2009 and 2013 which comprised of two applications each for a single property on the site of the proposed development and one application for two properties.
5. In retrospect, it is difficult to understand why SBC's Planning Committee approved The Bay urbanisation planning application for eight properties by the developer, Mr Cameron, in spite of SBC's Planning Department and SBC's Roads Department objecting to the application. Nevertheless, they did approve The Bay development which has resulted in a massive increase in road traffic volumes at Coldingham Sands and specifically the exit area from The Bay car park, which has capacity for fourteen vehicles, and the exit from Ebbastrand which are both opposite the proposed developments car parking area and exit onto the public road. Vehicle access from these areas is already arduous and somewhat dangerous and would only be exacerbated if this application was approved due to the increase in traffic resulting from the proposed development.

6. Within the developer's submission, point 3.10, Ferguson Panning state *"Policy HD3: Protection of Residential Amenity: this Policy seeks to ensure the placement acceptability of the proposal. Consideration must be taken of factors, such as, the scale and form of development and how it fits with the existing surroundings. It again seeks to take due regard to any traffic or noise impact and the level of visual impact."*

The road access on the top of the coastal slope at Coldingham Sands simply cannot take any more traffic which has been the professional and impartial view of SBC Roads Department since at least 2009 as mentioned in the earlier points within this letter.

The parking facilities for two vehicles on the coastal embankment side of the road within the proposed development will have a serious and negative visual impact within the area. No other property has such a highly visible car parking facility on the coastal embankment side of the road at Coldingham Sands.

**Therefore, the proposed application contravenes Policy HD3 Protection of Residential Amenity with regard to (iv) the level of visual impact.**

The following pictures show our Ebbastrand driveway, which provides the only vehicle access for our property, with the proposed development site directly in front of the gates of our drive as shown in the picture on the left. The picture on the right is taken from the proposed development site car parking area which is directly opposite on the left of The Bay's eight apartments with car parking for 14 vehicles and directly opposite to the right of the driveway of Ebbastrand which is the only vehicle access point.

This very narrow and small area of road could see many holidaymakers, up to 14 vehicles, entering / exiting The Bay at the same time as the two vehicles from Ebbastrand and the two vehicles which are provided for at the proposed development site. Eighteen vehicles in total could therefore be entering / exiting directly onto the road area outside the proposed development, which is situated on a blind bend. This raises further road safety and access issues during and post construction of the proposed new dwelling.

*Ebbastrand driveway exits immediately onto the proposed development sites car parking area and exit*



*Proposed development car parking area for two vehicles is directly opposite Ebbastrand's and The Bay's vehicular access driveways*



The planning application is for a new build on a green field site that currently has no vehicular access and will obviously increase traffic on the road.

Access from the development to the road is situated on a **blind bend behind the hedge of Sea Neuk** and up from the single track road, as shown in the picture on the left. If allowed this will have an serious adverse impact on road safety as vehicles entering and exiting the site will not be visible to other vehicle road users and pedestrians.



Additionally, there is no provision for turning space at the proposed development and vehicles will have to back onto the road when exiting, which during the development will include heavy site traffic.

**Therefore, the proposed application contravenes Policy HD3 Protection of Residential Amenity with regard to (iii) the generation of traffic.**

7. When considering the points detailed in one through to six of this letter it is clear that the planning application contravenes Policy PMD2 Accessibility q) and s) as it not compliant with road safety issues as stated in paragraph;

*q) it ensures there is no adverse impact on road safety, including but not limited to the site access*

*s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes*

**Therefore, the proposed application contravenes Policy PMD2 with regard to the impact of traffic on road safety and access.**

8. The public road which serves Coldingham Sands from St Vedas is in a seriously damaged condition. The wearing course is badly scared and the construction and demolition traffic associated with the development of The Pavilion, demolition of The Shieling and the development of The Bay have obviously heavily used the road and will certainly not have helped the situation. .

**I would welcome SBC's comments on their view of how the Coldingham Sands road from St Vedas to Ebbastrand could safely support the increased traffic as a result of this application.**

9. The single lane High Street of Coldingham singularly already deals with a high volume of traffic servicing St Abbs, Scoutscroft Caravan Park, and Coldingham Sands with its hotel, and the eight apartments of The Bay, apartments at The Haven, apartments at The Mount and the properties around Milldown farm. SBC roads have recently repainted no parking double yellow lines at Coldingham Sands immediately outside the proposed development site, its adjacent area and also on the road near to St Vedas.

**I would welcome SBC's comments on their view of how the High Street could safely support the increased traffic as a result of this application.**

10. Early in 2013 many residents of Coldingham Sands reached a point of realising that their individual correspondence and dialogue with SBC regarding the issues of the public road and movement of the coastal embankment and potential impact on the road was not resulting in a satisfactory outcome. They therefore formed the Coldingham Sands Residents Group (CSRG) in the hope that a united group would be successful in getting the issues resolved. Members of CSRG were very concerned about the state of the public road between the Gegan property up to the south westerly corner of Dunlaverock where the public road connects to a private road. Given the Groups concern the services of an independent Structural Engineer was commissioned during quarter one 2013, with personal financial implications for the residents, to provide an independent assessment of the damage and movement to the public highway and surrounding areas at Coldingham Sands, including the coastal embankment, which had occurred. The Structural Engineers full report was sent to SBC Roads Officer, Paul Matthewson, on 28th March 2013 but within it the Engineer stated;

- a. The surface condition of the road itself is poor. The wearing course is badly scared and the construction traffic which has recently been using the road will certainly not have helped the situation. Heavy scaring of the road was noted to an area where materials were stored for transfer to the construction site. Damage to bollards was noted where construction vehicles have mounted the footpaths. Damage to kerbing was also noted which would be as a result of large heavy vehicles over sailing the highway. It is not clear if the public highway itself is designed for heavy construction*

*traffic but it is clear damage to the highway has occurred as a result of significant usage of heavy vehicles. The highway narrows down significantly to a single track and also becomes close to the top of a steep embankment. This combination results in the vehicles being situated to the head of the embankment resulting in the distribution of highway loading into the embankment itself. The distribution of load can vary depending on weights of the vehicles and the sub structure bearing strata below the highway. It is clear however, that the embankment areas have been subjected to potentially excessive pressures which have resulted in movement.*

- b. The absence of storm water runoff gullies was noted in the area of the public road which is showing signs of movement. This led to a review of storm water runoff of the highway. A walk from the top section of the public highway to the lowest point was a distance of over 150 meters in length and only one road gully was observed over this distance. The gully was situated at the bottom of the steep road incline. This would mean the single road gully would take over 500 square meters of public highway but in addition there were areas of private drives and roads which would also shed storm water to this single gully. It is estimated that the single gully could be required to take 700 square meters of storm water. On this basis it is clear the road drainage is inadequate but it is likely the storm water is finding an alternative route for disposal. It is possible the storm water runoff is reaching neighboring embankments thus saturating the areas and possibly creating scouring, water pressures and instability to the embankment areas.*
- c. In the short term we would recommend temporary hoarding be erected in board of the area of road closest to the neighboring embankment to reduce the risk of surcharging of the embankment due to the heavy construction traffic. An enhanced drainage strategy will be required to the public highway to ensure storm water runoff does not reach the embankments and third party private land. A long term strategy will require retention of the highway to avoid further movement.*
- d. Based on the survey undertaken we do have concerns over the long term stability of the highway particularly in light of the history of the area, recent highway loading from construction vehicles, inadequate storm water runoff provision on the public highway and the evident signs of movement of the public highway. Without remedial action it is likely the movement will continue to occur resulting in further concerns over the stability of the public highway, footway and associated public safety.*

**Given the above, I believe that the planning application requires a comprehensive Drainage Assessment for the following reasons.**

No additional road gullies have been installed since the report was commissioned therefore the road drainage remains inadequate and it remains likely the storm water is finding an alternative route for disposal.

The proposed development site is on a coastal slope and the nearby embankment supporting the road and bordering the site has had significant erosion in recent years due to agricultural surface water runoff and inadequate runoff gullies in the area.

The Drainage Assessment should also provide evidence of compliance with **Policy IS8 Flooding** which states that; "In general terms, new development should be located in areas free from significant flood risk. Development will not be permitted if it would be at significant risk of flooding from any source or would materially increase the probability of flooding elsewhere. The ability of functional flood plains to convey and store floodwater should be protected.

The Drainage Assessment should also provide evidence of compliance with **Policy EP15 Development Affecting the Water Environment**

- a) pollution of surface or underground water, including water supply catchment areas, as a result of the nature of any surface or waste water discharge or leachate, including from the disturbance of contaminated land;
- d) compliance with current best practice on Sustainable urban Drainage(SuDS) including avoidance of flooding, pollution, extensive canalisation and culverting of watercourses

The new development will replace a grassed area which currently absorbs rainfall and is to be replaced by a hard surface, for car parking of several vehicles, which will further exacerbate the problem of water drainage and excess surface water run off. A Drainage Assessment should provide evidence as to whether the loss of this green soak away land at the proposed development site will increase flooding to the highway and buildings below the site and whether the development will be compliant with **Policy IS8 - Flooding and PMD1 Sustainability Policy paragraphs c) & f).**

- c) The protection of natural resources, landscapes, habitats, and species
- f) The minimisation of waste, including waste water and encouragement to its sustainable management

**Additionally, Scottish Water in their letter regarding this planning application cannot confirm that the increased surface water runoff will be channeled through their existing drainage network.** Therefore the Drainage Assessment should provide evidence to show that drainage from the development will be adequately dealt with and will not affect the watercourses that run beneath the site, and to show compliance with **Policy PMD2 Quality Standards paragraph c)** which states *“it provides for Sustainable Urban Drainage Systems in the context of overall provision of green Infrastructure where appropriate and their after-care and maintenance.”*

The Drainage Assessment should also provide evidence of compliance with **Policy IS9 Waste Water Treatment and Sustainable Urban Drainage paragraph d)** for development in the countryside i.e. not within or immediately adjacent to publicly sewered areas, the use of private sewerage treatment may be acceptable, providing it can be demonstrated that this can be delivered without any negative impacts to public health, the environment or the quality of watercourses or groundwater.

**I question the impact of the proposed new development in the context of water run off drainage volumes, the resulting potential impact on the coastal slope, and seek evidence of compliance with policies IS8 Flooding, EP15 Development Affecting the Water Environment, PMD1 Sustainability Policy paragraphs c) & f), PMD2 Quality Standards paragraph c) and Policy IS9 Waste Water Treatment and Sustainable Urban Drainage paragraph d).**

**I welcome SBC's comments.**

11. In response to movement of the coastal slope embankment, very close to the proposed unnaturally high development site due to illegal dumping of excavated soil, SBC have on three separate occasions carried out project works to support the road from slippage and further movement of the embankment;

Firstly, or to June 2009 at the request of the previous owners of Ebbastrand, SBC installed 6 x 2 (12) gabion baskets at the top of the beach garden of Ebbastrand

In September 2013, at the request of the previous owners of Dunlaverock, SBC installed 4 x 1 (4) gabion baskets were outside of the entrance to Dunlaverock and adjacent to the previously installed 12 gabion baskets. The following picture on the left of the following page clearly shows the degree of slippage of the embankment with the blue metal sign post and the hedge both at acute angles leaning downwards



to the coastal slope. It also shows the area excavated by SBC for the installation of the gabion baskets. The following picture on the right shows the top level of the two level original gabion baskets installed before June 2009, the disjointed kerbing and sloping metal posts of the safety barrier both due to the movement of the embankment.

Blue metal sign post and the hedge at acute angles leaning downwards to the coastal slope



Gabion baskets installed before June 2009, disjointed kerbing, sloping metal posts of the safety barrier.



Most recently commencing 14<sup>th</sup> June 2022 a large scale project was undertaken by SBC on the road and coastal embankment immediately adjacent to the north of the proposed development site at Coldingham Sands. This road provides the only access for all of the properties on the northern side of Coldingham Bay including the proposed development site. The road was scheduled to be closed for four weeks, seven days a week, 8.00am to 6.00pm. SBC personnel and their selected contractors, who were all first rate, completed the task in approximately two weeks during which a further 10 x 2 (20) gabion baskets were installed adjacent to the previously installed 16 gabion baskets. Part of the road was resurfaced and a new road safety barrier was installed as the previous one was tilted due to the movement of the embankment. See detailed below pictures showing the scale of the works, effort, materials and associated cost.

Single track road at St Vedas to the proposed development site



Materials stored at St Vedas car park, approx 120 tonnes of rock



Single track road to the dev site on the right, blind spot



Proposed development site immediately behind the cement lorry



Proposed development site immediately left of the vehicle



Proposed development site to the rear of the digger



Proposed development site immediately in front of Sea Neuk



Gabions being installed adjacent to proposed development site



New kerbing installed and preparation for the new path



Proposed development site immediately behind cement lorry



Gabions being filled with rocks adjacent to proposed dev site



Road being prepared for re tarmacing



Digging into the coastal slope immediately north of dev site



Damaged path and part of the road removed



Nearing completion of new road and path immediately north of dev site



**The level of works by SBC and the associated substantial costs over many years is greatly welcomed and appreciated. These works would not have taken place unless the coastal embankment, of which the proposed development site is part of, had not seen evidential movement and issues with excess water runoff for many years.**

**The idea that a new property could be granted permission which would be built directly into the coastal slope and adjacent to the areas shown above and after all of SBC's efforts and financial investment over the years is utterly preposterous.**

12. Registers of Scotland, title BER2987, restricts the erection of any houses or buildings of any kind or description with the exception of housing a water supply force pump on the proposed development site.

13. Mr Annan was the previous owner of Sea Neuk which is the property southerly adjacent to the proposed development site. His family owned the property for many decades and he understood the history and activities associated with the area and the proposed development site going back during his family's ownership of the property.

In his objection letter dated 7th March 2011 to planning application 11/00166/FUL and his objection letter dated 8th April 2013 to planning application 13/00298/FUL, Mr Annan stated in both letters;

*"When this 722 square meter yard strip of ground, adjacent to Sea Neuk, was feued to The Shieling, (now The Bay, 8 apartments, opposite Sea Neuk and developed by Mr Cameron), I*



*understand that one of the conditions of the Fue Charter stipulated that, to protect the amenity of the area, there should be no building on this ground".*

Those individuals involved in placing the Fue Charter condition stipulating that, "to protect the amenity of the area, there should be no building on this ground" and those individuals involved in placing on the Registers of Scotland, title BER2987, restricting the erection of any houses or buildings of any kind or description with the exception of housing a water supply force pump on the proposed development site certainly had foresight in terms of protecting the environment and the beauty at Coldingham Sands and the Bay by protecting the land from any development. The proposed development would result in the loss of open space which, although in private ownership, forms part of a green backdrop to the beach at Coldingham Sands and is important to the 'sense of place' of the area. The development of the site for any built form purposes should be strongly resisted.

**I hope that SBC respect the foresight of these individuals and their intentions by rejecting this planning application.**

14. Mr Annan also stated *"This strip of land has already been used for purposes of questionable legality. Massive dumping of excavated earth has taken place, raising the level of the ground to the height of my 7 foot hedge at its seaward end. I enclose a photograph and a letter to me dated 12th May 1988 from the council (Director of Planning) indicating that planning consent was required for the works. Consent was never obtained, and the ground was never restored to its natural level."*

The following page shows the response to Mr Annan from the Director of Planning of the Regional Council stating that consent was required and expressing their concern about the massive dumping of excavated earth on land that is now the proposed development site.

	<b>BORDERS REGIONAL COUNCIL</b>
	Planning and Development
	Paul Gregory Director of Planning and Development Regional Headquarters Newtown St Boswells MELROSE TD6 0SA
Mr. W.D. Annan, Sea Neuk, Coldingham Bay, EYEMOUTH.	Our reference AM/DR - B 96/86
	Your reference
	Date 12 May 1988
Dear Sir,	
<b>COLDINGHAM SANDS</b>	
I refer to your letter received on 4 May concerning the excavation and tipping works being carried out by Mr. Robinson in the Coldingham Sands area. I have now written again to Mr. Robinson advising him that I consider planning consent is required for both activities and I have also indicated my concern about the nature of the work he has carried out. I will of course keep you advised of progress on these matters.	
Yours faithfully,	
 Director of Planning and Development	



Unfortunately, SBC did not take the appropriate action to ensure this unconsented quantity of dumped excavated earth from a nearby property development was removed which has resulted in the ground level of the proposed development site for the new planning application remaining at a much increased artificial height and is so high it now approaches the level of the roof eaves of Sea Neuk.

The natural gradient of the site was also changed and it is visibly at odds with the gradient of the slopes of the adjacent embankment of Ebbastrand's beach garden and also the next embankment of Dunlaverock's beach garden. Both are far more acute. The stability of the land in question for this planning application and any future applications given the site is artificial and unnatural has to be questioned.

The following archive pictures on the next page from many years ago show the proposed development site to the north and right of the bungalow, Sea Neuk, which is directly south of the site. They clearly show the natural level of the top of the site and the gradient of the embankment which form natural contours with the beach garden areas of Ebbastrand and Dunlaverock to the north and right of the proposed development site. This is obviously before the illegal and unconsented dumping of massive quantities of excavated earth onto the proposed development site.



The picture below, taken prior to May 1988 by Mr Annan the previous owner of the bungalow Sea Neuk, shows the artificially raised height of the proposed development site after the illegal and unconsented dumping of massive quantities of excavated earth onto the site. The roof of Sea Neuk is clearly visible in the top right hand corner of the picture. Also shown is Sea Neuk's seven foot hedge the bottom of which is the natural level of the proposed development site. To the left and north is the freshly dumped illegal and unconsented excavated earth which is now parallel in height with the seven foot hedge.



Within the developers submission, point 1.4, Ferguson Panning state that *"To the south of the site there is an existing brick dwelling (Sea Neuk) - its large roof the only visible part of the building when viewed from the road, as it is both **sunken into the hill** and well concealed by a large hedgerow."* As previously explained when Sea Neuk was built it was not sunk into the hill, it is now only artificially lower than the adjacent proposed development site only because unconsented excavated earth was illegally dumped onto the proposed development site and which SBC did not give consent to and very unfortunately SBC did not enforce its removal.

**The development site is artificially high and its stability questionable in a coastal embankment that has shown signs of movement for many years, hence SBC's major works and investment to resolve the issue on the land adjacent to and immediately north of the proposed development site for over twelve years.**

15. Within the developer's submission, point 2.3, Ferguson Panning state *"By carefully designing the buildings to be constructed off-site, the effect on the neighbours and ecology is kept to an absolute minimum."* For the purposes of clarity, **minimum** does not mean **ANY** and given the track record of the developer and his contractors at Coldingham Sands over these last ten years or so I am greatly concerned about the total lack of consideration given to residents living close to the development site.

We have experienced very poor behaviours from the developer's contractors including the burning of questionable materials on several occasions by contractors resulting in onsite visits to the Shielling site, now The Bay, by officers from Scottish Environment Protection Agency (SEPA).

During the period of demolition of The Shielling, Scottish Fire & Rescue Services (SFRS) attended the Shielling site late in the evening of 15th February 2017 to extinguish a large

unattended fire of materials and rubbish located on the demolition site and near to our hedge and garage. The flames towered over our four metre high hedge which was very alarming. The Officer in Charge from SFRS was astounded that such a large fire had been set so close to our property and was staggered that the site had been left totally unmanned. This was absolutely scandalous behaviour by the developer and his contractors and very dangerous indeed.

During the building of The Bay the developer's contractors started digging a trench with a JCB on land near the back our property. I politely informed them they were digging above the area where SP Energy Networks had recently installed underground electricity power cables. The contractor ignored my information and concern, carried on digging and within less than five minutes they had cut through the power cables. The local community of residents were without power for several hours, with not even an apology by the developer or his contractor.

We have had a number of occasions where Mr Cameron's contractors have parked their vehicles directly on the other side of our driveway gates making it absolutely impossible to exit our property by vehicle.

**Therefore, based upon the developer's track record, I have absolutely no confidence in Ferguson Planning's statement that the effect on neighbours who actually live at Coldingham Sands will be kept to a minimum.**

16. I note that, as of the date of this letter, two owners of apartments at The Bay have stated;

*"The way it is built into the side of the hill is ingenious and means that it doesn't impinge in neighbouring properties or damage their views. In this we think the development is very sensitive to its impact on the surrounding houses and **residents**. This development would ensure that there was no risk of subsequent taller developments and **would considerably improve what is currently wasteland.**"*

*"This development **would not only secure the views of residents in The Bay** against future higher applications it would also considerably **improve the existing plot of wasteland.**"*

Properties Ebbastrand, Sea Neuk and the eight apartments at The Bay are the only properties directly adjacent to the proposed development site. I believe it is appropriate to qualify the reference in both supporting comments to the term "residents". Only Ebbastrand and Sea Neuk have residents who live in their properties. I understand that all eight properties at The Bay are second homes and nearly all of them, if not all of them, are holiday lets. Therefore, owners of properties at The Bay are in residence a small duration of time and they may well believe that their views will be secured and not impinged but I actually live at Coldingham Sands and I certainly do not agree with their views on this matter. The proposed development will sit immediately above our beach garden and a few feet away from the northerly building wall of Sea Neuk. Also, it would appear that the two owners of The Bay apartments believe it is positive that this intrusive development is somehow better than a subsequent taller development. Surely, it must be recognised that Coldingham Sands is a naturally beautiful coastal and rural area that needs to be protected by SBC.

Reference is also made to the proposed development site being "**currently / existing wasteland**". This was certainly not the case when The Shielling and the proposed development site were owned by Mr Carrington, the previous owner prior to Mr Cameron. As shown in the two pictures below, the site was previously maintained by Mr Carrington with the open space lawn area being regularly cut. This open space area was so tranquil and peaceful at this time that wild life, including deer, would regularly pass through the proposed development site and down onto the coastal slope, as shown in the picture below on the right. **Due to the impact of developing on this land the proposed application contravenes policy PMD1 Sustainability Policy paragraph c) states "The protection of natural resources, landscapes, habitats, and species".**

Policy HD3 Protection of Residential Amenity states “To protect the amenity and character of these areas, any developments will be assessed against;

- a) the principle of the development, including where relevant, including any open space that would be lost.

Due to the obvious and consequential loss of this open space, shown in the two pictures below, **the proposed application contravenes Policy HD3 Protection of Residential Amenity. It also contravenes Policy EP3 Local Biodiversity** which states “*Development that would have unacceptable adverse effect on Borders Notable Species and Habitats of Conservation concern will be refused unless it can be demonstrated that the public benefit of the development clearly outweigh the value of the habitat for biodiversity conservation.*”

Proposed development site was a well maintained area prior to its ownership by Mr Cameron, (Sea Neuk on the right)



Deer making their way across the proposed development site, down the slope to the coastal area



Unfortunately, the site has not been adequately maintained during the ownership of Mr Cameron. It has been neglected and is now in a very poor state, as shown in the pictures directly below and in contrast to the picture above on the left. During the development of The Bay by Mr Cameron, excess building materials were simply dumped and left on the proposed development site. Not long after the completion of The Bay, part of the roof came off northerly block of apartments. This material, included metal work with sharp edges, was simply dumped and left on the proposed development site.

Under the ownership of Mr Cameron, the site has been neglected (Sea Neuk on the right)



Excess building material and sharp edged metal work blown off the roof of The Bay



Surely this neglect is no justification to grant Mr Cameron planning permission for what would be his tenth luxury property development at Coldingham Sands.

17. Within the developer's submission, point 1.9, Ferguson Panning state *"With reference to the LDP Proposals Map, the site is considered **white land** with no value of note."* "

The definition of white land is; *land (and buildings) without any specific proposal for allocation in a development plan, where it is intended that for the most part, existing uses shall remain undisturbed and unaltered.*

In its existing state the land of the application site provides a green field soak away for surface water run off from agricultural land above the site. This planning application will not retain the existing use of the land when built on and the ecological and environmental uses will be altered.

**If the application site is White Land then it should not be considered for development.**

18. Within the developer's submission, point 4.2, Ferguson Panning state *"The site in question is sitting within the village and built form of Coldingham Sands. It sits on **brownfield** / scrub **land** and addresses and relates well to the existing built form, adjacent to existing residential properties. It represents a logical infill development and which will sit well within the streetscape."*

In urban planning, *brownfield land is any previously developed land that is not currently in use.*

**The land has not been previously developed and is therefore not brownfield. The land is a green field site and should not be considered for development at this sensitive location as it contravenes Policy EP14 Coastline paragraphs a) and d).**

19. Within the Scottish Borders Local Development Plan (2016), Policy HD2 (Housing in the Countryside) allows for housing development adjacent to existing building groups in the countryside of up to a total of 2 additional dwellings (or a 30% increase of the building group, whichever is the greater), if a number of criteria can be met. One such criteria states that *"the cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area, will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable impacts"*.

The proposed development should be viewed within the cumulative development context for the site, including the building known as The Bay, comprising eight luxury apartments recently constructed directly opposite the proposed application site (planning reference 13/00299/FUL) and The Pavilion (planning reference 10/00172/\_FUL), a luxury and enormous property cut into the coastal slope overlooking Coldingham Bay.

All of these nine properties at Coldingham Sands were developed by Mr Cameron, the applicant of this planning application, and none of them are occupied by permanent residents with nearly all of them utilised as holiday lets.

Prior to the construction of these nine luxury properties, there were seventeen properties at Coldingham Sands, (St Vedas House, Fox Lea, Creel House, Gegan, Sea Neuk, Shieling, Ebbastrand, Dunlaverock, Fairhaven, Fairhaven Cottage and seven properties within the St Abbs Haven. Therefore, the recent cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area, is a staggering 53% which is way in excess of Policy HD2's maximum threshold of 30%.

Should this application for the construction of yet another luxury property by the same developer be approved the additional dwelling ratio would increase from seventeen to nine properties to seventeen to ten which is a totally unacceptable level of 59% and will result in the overdevelopment of this countryside location and unacceptable impact on the landscape and amenity of the immediate surrounds.

**Therefore, the proposed application contravenes Policy HD2 (Housing in the Countryside).**



20. Within the developer's submission, point 3.7, Ferguson Panning state "*Policy PMD4: Development Outwith Settlement Boundaries: aspires to direct development to within settlements. Exceptions to this apply regarding rural related development and where housing in the countryside Policy is complied with. In this instance Policy HD2. It again provides allowance for residential development in the right locations where there is an identified housing land shortfall and/or significant community benefits.*"

If successful, this will be the tenth property that SBC have granted Mr Cameron planning permission for to build within the small hamlet of Coldingham Sands. The net result of the nine he has already built, The Pavilion and the eight luxury apartments of The Bay, is ZERO children attending any local schools and ZERO properties permanently occupied. All have been purchased by buyers from outside of the area and most are used for holiday rental purposes. This is abysmal for local young people aspiring to get on the local property ladder.

In the nearby village of St Abbs, which is like a ghost town in the winter months, there are approximately 103 properties but only 121 permanent residents. A key factor in this alarming ratio is that approximately 45 of the 102 homes are holiday rentals. That is approaching 50% which is staggeringly high. Unfortunately, nearly all of the last ten new builds at Coldingham Sands are holiday rental properties.

This certainly raises questions about the type of properties that are being approved for development by SBC at Coldingham Sands and the likely target purchaser, which have turned out to be second home buyers from outside the area the majority of whom do not live permanently in the properties and rent them out as holiday lets. This is completely at odds with providing ***allowance for residential development in the right locations where there is an identified housing land shortfall and/or significant community benefits.***

**Therefore, the proposed application for yet another luxury high value property contravenes Policy PMD4.**

21. it is reasonable to assume that this new build will also become a holiday home. If the property is bought as such the planning application **contravenes Policy PMD1 Sustainability paragraphs j) and k)**, which states that development should;

*j) The support to community services and facilities*

*k) The provision of new jobs and support to the local economy*

22. Coldingham Bay is a Blue Flag bathing waters beach which attracts approximately 20,000+ visitors annually who use the Bay for swimming, walking, picnicking, sunbathing, surfing, canoeing, angling, diving, wildlife watching and rock-pooling. The Bay is also very popular for schools educational day trips. It is abundantly clear that people living in the community and those who visit the area do so for what this area of great landscape value offers.

Therefore and not surprisingly, within the Local Development Plan, the development site is designated as part of the Berwickshire Coast Special Landscape Area. A character assessment for this area is provided within SBC's Local Landscape Designations Supplementary Planning Guidance (2012). With reference to Coldingham Bay, this assessment states: "*Coldingham Bay is very attractive, and the surrounding cliff features make for a distinctive section of coast*". The applicant suggests that the proposed dwelling house has been designed to integrate into the coastal slope and cause minimal visual impact, however the fact remains that it will be visible and will impact on the character and attractive nature of the Bay area. Given recent developments in the area, cumulatively this represents an erosion of the character of the Special Landscape Area. Coldingham Bay is a unique and beautiful section of the Berwickshire Coast which, rightfully, has been designated as a Special Landscape Area. Notwithstanding this, the character of the area has been eroded in recent years by successive residential development.

The cumulative impact of the proposed development will continue this erosion, and therefore the application cannot be justified on landscape grounds in such a sensitive location.

**The development is out with the settlement boundary of St Abbs and therefore contravenes Policy EP14 Coastline paragraphs a) and d). Coldingham Bay is a designated ecological site and the beach is a Special Area of Conservation and this proposed development will impact the landscape character.**

- a) *the proposal is located within the Burnmouth, Eyemouth and St Abbs settlement boundary;*
- d) *the benefits of the proposal clearly outweigh any damage to the landscape character or to the nature conservation value of the site assessed under other relevant Local Development Plan policies.*

**In addition for the reasons given above the development contravenes Policy EP1 International Nature Conservation Sites and Protected Species.**

23. As previously stated, the application site has been designated within the number of only nine Special Landscape Areas within SBC's area and an established Area of Great Landscape Value (AGLV). The nature of this proposed development will have a serious and ever lasting negative impact on Coldingham Sands which will weaken SBC's position in defending areas of such designation from further inappropriate development in the future.

SBC Policy EP5 states that *"In assessing proposals for development that may affect Special Landscape Areas, the Council will seek to safeguard the landscape quality and will have particular regard to the landscape impact of the proposed development, including the visual impact. Proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance."*

Such a case cannot be made in connection with the proposed development of a single luxury dwelling. The proposed building will be readily visible from public land around the protected environment of Coldingham Sands, including the beach, and would directly have a negative impact upon the visual amenity of the area.

**Therefore, the proposed application contravenes Policy HD3 Protection of Residential Amenity which states "To protect the amenity and character of these areas, any developments will be assessed against;**

**(i) the scale, form and type of development in terms of its fit within a residential area,**

24. The proposed development would result in the loss of open space which, although in private ownership, forms part of a green backdrop to the beach at Coldingham Bay and provides continuity of the landscape when viewed from Coldingham Sands road and is important to the 'sense of place' of the area. Its development for any built form purposes should be strongly resisted.

**Therefore, the proposed application contravenes Policy EP5: Special Landscape Areas.**

25. Our property directly adjoins the application site to the north, and this proposed development, which towers over our garden, will directly affect our amenities not only through the loss of natural lighting and overshadowing of our garden land but also as we would be overlooked due to the elevated and towering position of the proposed building on the coastal slope. It would also have a negative impact on the fauna and flora and our own personal quality time in our beach garden.

Proposed Development would be where the tall tree is as shown in the picture on the right below

View from our garden showing the coastal slope and tall tree where the proposed development would be positioned



**Therefore, the proposed application contravenes Policy HD3 Protection of Residential Amenity which states "To protect the amenity and character of these areas, any developments will be assessed against;**

- (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sun lighting provisions. These considerations apply especially in relation to garden ground or 'backland 'development.**

26. Within the developer's submission, points 2.2 and 2.3, Ferguson Panning state *"The proposal is for a building that is discretely and sensitively positioned in the landscape, that is simple in plan, construction and detail - a design that is contemporary in its architectural language but sensitive to its context. The applicant is applying to build a single storey two bedroom dwelling on the site. The brief is for an open-plan living, dining and kitchen space that can open up to a terrace overlooking the bay. By carefully designing the buildings to be constructed off-site, the effect on the neighbours and ecology is kept to an absolute minimum. A Pre Planning Application was made on this site for a larger 2-storey house (20/00758/ PREAPP). The proposals under this application are significantly reduced. It is single storey, and tucked into the slope so that it is concealed from the road and neighbouring properties. The design is also split, to allow pre-fabrication, but also to break up the overall mass of the building, making it closer to the scale of the beach huts and outhouses on the shore than the large Victorian houses immediately around it."*

I understand there were issues with both The Pavilion and The Bay developments relating to the timely submission by Mr Cameron, the developer, of Construction Method Statements for each development and the subsequent compliance and enforcement by SBC. Similarly, there was untimely submission of building warrants on both developments. Should planning for this application be given nearby residents and indeed the wider community should be afforded a more professional approach by the developer and SBC.

The track record of the developer, who developed The Pavilion at Coldingham Sands, bears no resemblance to this statement. The first two of the following images are from the architects of The Pavilion development, Surface Light & Space, and are detailed on SBC web site dated 12<sup>th</sup> February 2010 within a file called



"10\_00172\_FUL-ELECTRONIC\_APPLICATION\_FORM-2220901.pdf". These two images represent what the developer's architects submitted to SBC in terms of what was going to be built, how the new property would sit within and respect the natural and beautiful environment of Coldingham Bay, also how it would be viewed from the beach, and its scale within the landscape.

**What they said they were going to build in a document submitted to SBC**



**The reality - what they have actually built which is of a much greater scale**



The first two of the four previous pictures portray what the developer actually built, showing the modern Pavilion building, its scale and how it is totally at odds with the environment in which it now permanently sits. These four images unfortunately leave me with the opinion that no matter how many conditions SBC place upon the developer I have little faith in SBC enforcing those conditions given SBC's and the developers past inadequate performance and mismanagement of the Pavilion development within this area of great landscape value.

I believe this planning application on land, which has in the past had fued conditions place upon it restricting any development, and indeed any new development on the coastal slope at Coldingham Sands will have catastrophic and irreversible consequences for this area of outstanding natural beauty and would destroy the aspect of the bay enjoyed by people of all ages and walks of life now and for future generations to whom SBC elected members, officers and we the public, all have a responsibility too.

**The application contravenes the following policies HD3, PMD2, EP3, HD2, PMD4, PMD1, EP14, EP1, and EP5.**

I therefore request you reject this application and begin the process of making the sensible and strategic decision to restrict any further development on the coastal slope at Coldingham Sands, respecting the condition of the Fued Charter which stipulates that, to protect the amenity of the area, there should be no building on this development site ground and also comply with the Registers of Scotland, title BER2987, which restricts the erection of any houses or buildings of any kind or description with the exception of housing a water supply force pump on the proposed development site.

Thank you for your consideration in this matter.

Yours sincerely,  
Paul Warner

Dunlaverock House  
Coldingham Sands  
Eyemouth  
TD14 5PA

September 29th 2022

Dear Mr Duncan

We are writing to object to the **Planning application 22/01357/FUL** on the grounds that the planning application contravenes a number of planning polices within the Scottish Borders Local Development Plan (2016). All the planning polices referred to are found in that document.

In the planning application the land for development is referred to as *White Land*. The definition of *White Land* is; *land (and buildings) without any specific proposal for allocation in a development plan, where it is intended that for the most part, existing uses shall remain undisturbed and unaltered.*

In it's existing state the land provides a green field soak away for surface water runoff from agricultural land above the site. This planning application will not retain the existing use of the land when built on and the ecological and environmental uses will be altered. If the site is *White Land* then it should not be considered for development.

The planning application contravenes **Policy HD2 Housing in the Countryside (A) Building Groups paragraphs b) and c)**

The land for development is previously undeveloped and building on it will 'cause unacceptable adverse impacts' to the Special Landscape Area of Coldingham Bay as it is sited directly above the bay. It will also adversely impact the neighbouring properties including Mr Cameron's recent development of 8 apartments at The Bay. In addition the development will have a detrimental effect on coastal slope erosion and increased flooding on the road which borders the proposed development land. These points are explored below. For the above reasons we believe that the planning application does not meet the requirements stated in paragraph b); *the cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts.* Furthermore the development, if approved, will exceed the number of new dwellings permitted in the area as stated in paragraph c). The planning application is seeking permission for a tenth property to be developed in Coldingham Sands during the plan period, which in addition to the 17 original properties leads to a 59% increase in properties in the area far exceeding the 30% increase stipulated in paragraph c); *any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the plan period. no further development above this threshold will be permitted.*

The proposed development is non-compliant with **Policy PMD4 Development Outwith Settlement Boundaries** as it does not meet the exception criteria for the reasons given above. In recent years Mr Cameron has built nine new properties at Coldingham Sands all of which have become second homes or holiday homes and it is reasonable to assume that this new build will also become a holiday home. If the property is bought as such the planning application is non-compliant with **Policy PMD1 Sustainability paragraphs j) and k)**, which states that development should;

j) *The support to community services and facilities*

k) *The provision of new jobs and support to the local economy*

In addition we believed that the planning application fails to comply with **Policy HD3 Protection of Residential Amenity**, open space will be lost, traffic, noise and potentially flooding will

increase and the proposed development will particularly impact the amenity of the neighbouring 8 apartments at The Bay, Mr Cameron's recent development, and the houses of Ebbastrand and Sea Neuk and Ebbastrand's coastal garden, which it will overshadow.

*a) the principle of the development, including where relevant, any open space that would be lost; and*

*b) the details of the development itself particularly in terms of:*

- (i) the scale, form and type of development in terms of its fit within a residential area,*
- (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sunlighting provisions. These considerations apply especially in relation to garden ground or 'backland' development,*
- (iii) the generation of traffic or noise,*
- (iv) the level of visual impact*

Coldingham Bay makes an outstanding contribution to the Special Landscape Area of the Berwickshire Coast and this development, sited on the coastal slope above the beach on previously undeveloped land, will have a detrimental visual impact on the landscape and contravene **Policy EP5 Special Landscape Areas;**

*In assessing proposals for development that may affect Special landscape areas, the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development, including the visual impact. proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance.*

Furthermore the development is outwith the settlement boundary of St Abbs and therefore contravenes **Policy EP14 Coastline paragraphs a) and d).** Coldingham Bay is a designated ecological site and the beach is an Special Area of Conservation and this proposed development will impact the landscape character.

*a) the proposal is located within the Burnmouth, Eyemouth and St Abbs settlement boundary;*

*d) the benefits of the proposal clearly outweigh any damage to the landscape character or to the nature conservation value of the site assessed under other relevant Local Development Plan policies.*

In addition for the reasons given above the development fails to comply with **Policy EP1 International Nature Conservation Sites and Protected Species**

The planning application contravenes **Policy PMD2 Accessibility q) and s)** as it does not comply with road safety issues as stated in paragraph q) *it ensures there is no adverse impact on road safety, including but not limited to the site access*

The planning application is for a new build on a green field site that currently has no vehicular access. The development will increase traffic on the road. Access from the road to the development is situated on a blind bend and if allowed this will have an adverse impact on road safety as vehicles entering and exiting the site will not be visible.

There is no provision for turning space at the proposed development and vehicles will have to back onto the road when exiting, which during the development will include heavy site traffic contravening paragraph s) *it incorporates adequate access and turning space for vehicles including those used for waste collection purposes*

The planning application is for development on an undeveloped site which currently acts as green field soak away for the excess surface water runoff from agricultural land above the site. If built on this facility will be lost and we believe will increase the flooding risk to the highway and to properties below the site. This will destabilise the highway which borders the site and exacerbate coastal slope erosion. The road has experienced significant erosion in recent years due to flooding through surface water runoff, inadequate runoff gullies and only one drain at the bottom of the road. In addition the highway surface has been scarred and worn by heavy construction traffic during Mr Cameron's previous developments at The Pavilion and The Bay. The road has been repaired and stabilised by Scottish Borders council three times in recent years; prior to 2009, in 2013 and in June 2022. Scottish Borders Highways department will be able to confirm this.



There is no detailed information in the planning application relating to drainage. We are concerned that Scottish Water in their letter regarding this planning application cannot confirm that the increased surface water runoff will be channelled through their existing drainage network. There is therefore a need for a Drainage Assessment to show that drainage from the development will be adequately dealt with and won't affect the watercourses that run beneath the site, and to show compliance with **policy PMD2 Quality Standards paragraph c)** *it provides for Sustainable urban Drainage Systems in the context of overall provision of green Infrastructure where appropriate and their after-care and maintenance.*

And with

**Policy IS9 Waste Water Treatment and Sustainable Urban Drainage paragraph d)** *for development in the countryside i.e. not within or immediately adjacent to publicly seweraged areas, the use of private sewerage treatment may be acceptable, providing it can be demonstrated that this can be delivered without any negative impacts to public health, the environment or the quality of watercourses or groundwater*

A Drainage Assessment will also show whether the loss of the green soak away land at the development site will increase flooding to the highway and buildings below the site and whether the development will comply with **Policy IS8 -Flooding and PMD1 Sustainability Policy paragraphs c) & f).**

**Policy IS8 Flooding** states that; *as a general principle, new development should be located in areas free from significant flood risk. Development will not be permitted if it would be at significant risk of flooding from any source or would materially increase the probability of flooding elsewhere. The ability of floodplains to convey and store floodwater should be protected.*

And be compliant with **Policy EP15 Development Affecting the Water Environment**

*a) pollution of surface or underground water, including water supply catchment areas, as a result of the nature of any surface or waste water discharge or leachate, including from the disturbance of contaminated land;*

*d) compliance with current best practice on Sustainable urban Drainage (SuDS) including avoidance of flooding, pollution, extensive canalisation and culverting of watercourses*

And be compliant with **PMD1 Sustainability Policy paragraphs c) & f)**

*c) -The protection of natural resources, landscapes, habitats, and species*

*f)- the minimisation of waste, including waste water and encouragement to its sustainable management*

Finally, we are aware that this land has a Feu Charter associated with it, Registers of Scotland, title BER2987, which stipulates that 'that to protect the amenity of the area, there should be no building on this ground'. Therefore any new build on this previously undeveloped land would breach the historic Feu Charter.

We trust that our objections will be taken into consideration when making a decision about this planning application.

Yours sincerely



Peter and Pippa Bell

# Comments for Planning Application 22/01357/FUL

## Application Summary

Application Number: 22/01357/FUL

Address: Land South Of Ebbastrand Coldingham Sands Coldingham Scottish Borders

Proposal: Erection of dwellinghouse and associated work

Case Officer: Paul Duncan

## Customer Details

Name: Mrs Philippa Bell

Address: Dunlaverock House, Coldingham Sands Road, Coldingham Eyemouth, Scottish Borders TD14 5PA

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Detrimental to environment
- Detrimental to Residential Amenity
- Flood plain risk
- Inadequate access
- Inadequate drainage
- Increased traffic
- Road safety
- Subsidence
- Trees/landscape affected

Comment: We are writing to object to the Planning application 22/01357/FUL on the grounds that the planning application contravenes a number of planning policies within the Scottish Borders Local Development Plan (2016). All the planning policies referred to are found in that document.

In the planning application the land for development is referred to as White Land. The definition of White Land is; land (and buildings) without any specific proposal for allocation in a development plan, where it is intended that for the most part, existing uses shall remain undisturbed and unaltered.

In its existing state the land provides a green field soak away for surface water runoff from agricultural land above the site. This planning application will not retain the existing use of the land when built on and the ecological and environmental uses will be altered. If the site is White Land then it should not be considered for development.

The planning application contravenes Policy HD2 Housing in the Countryside (A) Building Groups



paragraphs b) and c)

The land for development is previously undeveloped and building on it will 'cause unacceptable adverse impacts' to the Special Landscape Area of Coldingham Bay as it is sited directly above the bay. It will also adversely impact the neighbouring properties including Mr Cameron's recent development of 8 apartments at The Bay. In addition the development will have a detrimental effect on coastal slope erosion and increased flooding on the road which borders the proposed development land. These points are explored below. For the above reasons we believe that the planning application does not meet the requirements stated in paragraph b); the cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts.

Furthermore the development, if approved, will exceed the number of new dwellings permitted in the area as stated in paragraph c). The planning application is seeking permission for a tenth property to be developed in Coldingham Sands during the plan period, which in addition to the 17 original properties leads to a 59% increase in properties in the area far exceeding the 30% increase stipulated in paragraph c); any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the plan period. no further development above this threshold will be permitted.

The proposed development is non-compliant with Policy PMD4 Development Outwith Settlement Boundaries as it does not meet the exception criteria for the reasons given above. In recent years Mr Cameron has built nine new properties at Coldingham Sands all of which have become second homes or holiday homes and it is reasonable to assume that this new build will also become a holiday home. If the property is bought as such the planning application is non-compliant with Policy PMD1 Sustainability paragraphs j) and k), which states that development should;

j) The support to community services and facilities

k) The provision of new jobs and support to the local economy

In addition we believed that the planning application fails to comply with Policy HD3 Protection of Residential Amenity, open space will be lost, traffic, noise and potentially flooding will increase and the proposed development will particularly impact the amenity of the neighbouring 8 apartments at The Bay, Mr Cameron's recent development, and the houses of Ebbastrand and Sea Neuk and Ebbastrand's coastal garden, which it will overshadow.

a) the principle of the development, including where relevant, any open space that would be lost; and

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(ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sunlighting provisions. These considerations apply especially in relation to garden ground or 'backland' development,

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Coldingham Bay makes an outstanding contribution to the Special Landscape Area of the Berwickshire Coast and this development, sited on the coastal slope above the beach on previously undeveloped land, will have a detrimental visual impact on the landscape and contravene Policy EP5 Special Landscape Areas;

In assessing proposals for development that may affect Special landscape areas, the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development, including the visual impact. proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance.

Furthermore the development is outwith the settlement boundary of St Abbs and therefore contravenes Policy EP14 Coastline paragraphs a) and d). Coldingham Bay is a designated ecological site and the beach is an Special Area of Conservation and this proposed development will impact the landscape character.

a) the proposal is located within the Burnmouth, Eyemouth and St Abbs settlement boundary;

d) the benefits of the proposal clearly outweigh any damage to the landscape character or to the nature conservation value of the site assessed under other relevant Local Development Plan policies.

In addition for the reasons given above the development fails to comply with Policy EP1 International Nature Conservation Sites and Protected Species

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repaired and stabilised by Scottish Borders council three times in recent years; prior to 2009, in 2013 and in June 2022. Scottish Borders Highways department will be able to confirm this.

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And with

Policy IS9 Waste Water Treatment and Sustainable Urban Drainage paragraph d ) for development in the countryside i.e. not within or immediately adjacent to publicly sewered areas, the use of private sewerage treatment may be acceptable, providing it can be demonstrated that this can be delivered without any negative impacts to public health, the environment or the quality of watercourses or groundwater

A Drainage Assessment will also show whether the loss of the green soak away land at the development site will increase flooding to the highway and buildings below the site and whether the development will comply with Policy IS8 -Flooding and PMD1 Sustainability Policy paragraphs c) & f).

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And be compliant with Policy EP15 Development Affecting the Water Environment

a) pollution of surface or underground water, including water supply catchment areas, as a result of the nature of any surface or waste water discharge or leachate, including from the disturbance of contaminated land;

d) compliance with current best practice on Sustainable urban Drainage(SuDS) including avoidance of flooding, pollution, extensive canalisation and culverting of watercourses

And be compliant with PMD1 Sustainability Policy paragraphs c) & f)

c) -The protection of natural resources, landscapes, habitats, and species

f)- the minimisation of waste, including waste water and encouragement to its sustainable management

Finally, we are aware that this land has a Feu Charter associated with it, Registers of Scotland, title BER2987, which stipulates that 'that to protect the amenity of the area, there should be no building on this ground'. Therefore any new build on this previously undeveloped land would breach the historic Feu Charter.

We hope that our objections will be taken into consideration when making a decision about this planning application.

Peter and Pippa Bell  
Dunlaverock House  
Coldingham Sands  
TD14 5PA