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19th May 2016

Dear James,

Peebles Common Good Fund Sub-Committee – Moy Hall.

Many thanks for giving me a sight of the Report by the Service Director for Assets and Infrastructure regarding Access Rights to the George Meikle Kemp Memorial at Moy Hall. I have now had a chance to read the report and discuss it with my clients James and Kenneth Watson. On their behalf I have been instructed to respond as follows below.

I would like to start by making it clear that my clients are not opposed to the proposed Sustrans path and have said from the outset that, where they are able, they will make land available to improve the route and its safety. To that end it is most helpful to see the plans for Options 1 and 2 on pages 77 and 78 of the Report. Option 1, the ideal route, is unfortunately not possible because the path passing on the west side of Moy Hall would have too great an impact on the amenity of that house. If Option 1 is all that will satisfy the Sub-Committee and Sustrans then my clients have decided that they would prefer to withdraw their application for planning consent for the new house and the new road junction.

However, by way of compromise, my clients are able to offer Option 3 (See plan below). This option gives Sustrans all that it is asking with the exception of the short section on the west side of Moy Hall and greatly improves the safety of the route. Sustrans may even be able to negotiate further improvements with the proprietor of Moy Hall. In any event, and as noted on the plan in your Report, safety at the pinch point can be improved by widening of the pavement, raising kerbs, or possibly even by provision of a metal safety barrier.

There is one further important point that I would like to raise relating to road safety at Moy Hall and which has not been mentioned in the Report regarding Access Rights to the George Meikle Kemp Memorial at Moy Hall. A fundamental aspect of the current planning application that my clients have made for the new house and new road junction is that it will make a major improvement to road safety for access to and from Moy Hall.

The present access was constructed almost a century ago and, in view of the huge increase in road speeds, is now unsafe. It is steep, it meets the A703 at an acute angle, and it has very limited visibility to the south. There have been a considerable number of accidents on this stretch of the A703 in past years and an improvement in safety at Moy Hall is much needed.

The design for the new junction addresses all of these weaknesses and has the full support of Roads Planning at Scottish Borders Council. In a recent report (See report below) on the proposed junction the Roads Planning Engineer noted that:

*"The new access meets all the design criteria and is located in a **much** safer location."*

He went on to state:

"The point of the proposed junction was agreed at a location which met all the criteria for visibility. This not only included visibility from the junction but also forward visibility for traffic turning right into the junction and also forward visibility to ensure right turning traffic are visible to southbound traffic from an appropriate distance. The design of the proposed junction includes kerbing to highlight the presence of the junction on the A703, along with sufficient width and geometry for two way traffic movements. The gradient and construction specification of the proposed junction also meet my requirements."

He also pointed out that:

"It could also be argued that the presence of a new access, which would include kerbing to give it a visual presence, may have a positive impact on driver behaviour through this section of the A703."

From all of the above it is obvious that the Roads Planning Engineer believes that there is a clear and substantial benefit to road safety at the access to the Meikle Kemp Memorial if the new junction is constructed. He also believes that the presence of the new junction may have a positive impact on driver behaviour on that section of the A703. Given the Sub-Committee's interest in both the safety of visitors to the Memorial, and the safety of travellers on the Sustrans path, then surely this is a planning application and project worth supporting.

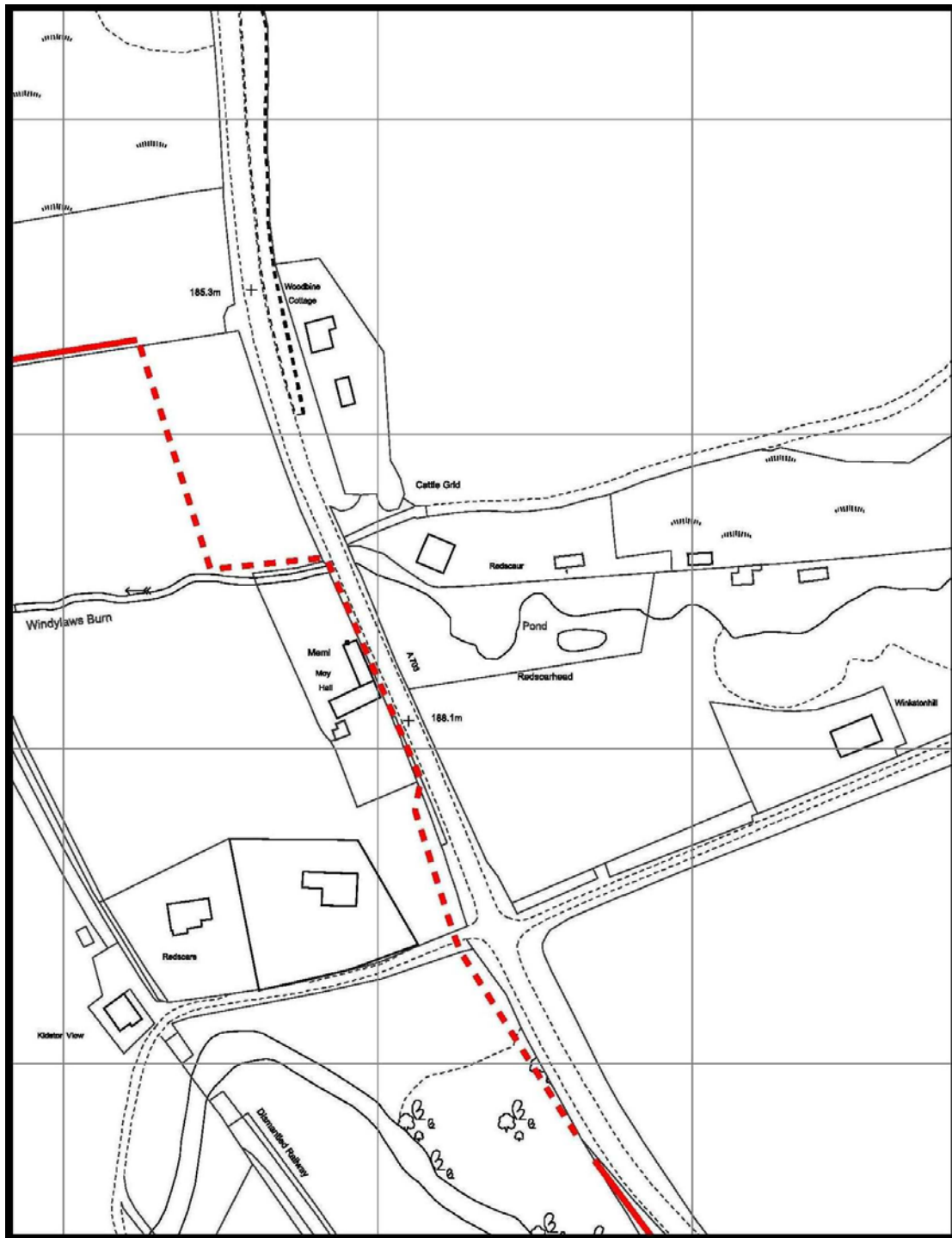
I hope that this option is of interest to the Peebles Common Good Fund Sub-Committee and that it will be prepared to agree to the amending of the necessary right of access at Moy Hall.

I would be delighted to attend the meeting on 25th May to expand on the proposal if necessary and to answer any questions that may arise.

Yours sincerely,

Stewart Anderson.

Option 3. Moy Hall – Nether Kidston.



To: **Development Management Service**
FAO Dorothy Amyes

Date: **10 Mar 2016**

From: **Roads Planning Service**
Contact: **Paul Grigor**

Ext: **6663**

Ref: **16/00117/PPP**

**Subject: Erection of dwellinghouse and construction of new access
road
Land North of Moyhall, Peebles, Scottish Borders**

There is a strong presumption against new direct access to derestricted 'A' Class principal roads for general housing. This is in the interests of road safety and the free flow of traffic. However, in certain circumstances this position can be relaxed, for instance if the proposal results in a road safety benefit.

This specific proposal seeks to create a new junction onto the A703 north of Moyhall, to service a new dwelling along with the existing property known as Moyhall. As stated during pre-application discussions with the agent, the Council would not normally accept a new junction at this location for general housing. However, the proposal for a new junction also included provision for closing off the existing sub-standard access serving Moyhall. The existing access at Moyhall does not meet my normal requirements in terms of visibility, gradients and geometry.

The point of the proposed junction was agreed at a location which met all the criteria for visibility. This not only included visibility from the junction but also forward visibility for traffic turning right into the junction and also forward visibility to ensure right turning traffic are visible to southbound traffic from an appropriate distance. The design of the proposed junction includes kerbing to highlight the presence of the junction on the A703, along with sufficient width and geometry for two way traffic movements. The gradient and construction specification of the proposed junction also meet my requirements.

Given the above, the proposal for a new junction onto the A703 at this location was agreeable in principle but only on the basis that the existing access to Moyhall was closed off and access for Moyhall was gained via the new junction and associated private road, thus resulting in a road safety benefit. The new access meets all the design criteria and is located in a much safer location. The closure of an existing access will mean that if this application is granted consent there will be no net gain in the number of accesses along this section of the A703.

However, in order to close off the existing access at Moyhall, it will require the agreement of all interested parties. The Council own an area of land which is accessed via the existing access. The land under the Council's ownership accommodates The Kemp Monument and a right of access is granted to this land. The Kemp Monument is an asset

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of the Peebles Common Good Fund. As such, any proposal to close of this access will require the agreement of the Council's Estates Department in conjunction with the Peebles Common Good Fund. If an agreement for the closure of this access is not achievable, then I would not be in a position to support this application for reasons given above.

I note that there is an objection to the application which focuses on road safety at a location which the objector considers an accident blackspot. I have liaised with the Council's Traffic Section regarding accidents at this location. In the last 5 years, there has only been one reported injury related accident in close proximity to this proposed junction. The Council does not dispute the objectors claim that there may have been a number of accidents along this section of the A703; however it would seem that these are damage only accidents and as such the Council does not have any information on the cause or number of these accidents. At present, the Traffic Section does not consider this to be an accident blackspot. Support for this proposal is on the basis that an existing access, which is substandard, is closed off and a new access is created to serve the existing dwelling and the proposed development. Due to the road safety benefit of closing a substandard access and despite the proposed dwelling introducing a new element of traffic generation, I am on balance able to go along with the proposal. It could also be argued that the presence of a new access, which would include kerbing to give it a visual presence, may have a positive impact on driver behaviour through this section of the A703.

In summary, my acceptance of this proposal hinges on the closure of the existing access at Moyhall and the creation of a new access to the north, as per the plans which accompany this application. The new access meets all my design requirements and will result in the closure of a sub-standard access. If the planning department is minded to approve this application, then a suitably worded condition must be attached to address the issue of closing the existing access and the creation of the new access, to ensure there is no net gain in the number of accesses along this section of the A703. A condition should also be attached requiring the precise details of the proposed access to be submitted for approval, along with detailed proposals for the closing of the existing access and a phasing plan.

AJS