

PLANNING & ECONOMIC DEVELOPMENT

To:	Head of Planning				
F.A.O.	Craig Miller				
From:	Planning & Economic Development				
Contact:	Erica Hume Niven	Ext. 5416	Ref:	15/00822/PPP	Date: 3-09-15

Nature of proposal:	Development of an apartment block to the east of Kingsmeadows House
Site:	Kingsmeadows House, Peebles

Comments: ACCESS

Rights of Way

According to the records held in the Planning & Economic Development Section there are no claimed rights of way on this area of land.

Please note that Scottish Borders Council does not have a definitive record of every claimed right of way within its area. The Scottish Rights of Way and Access Society, the community council and local residents may have evidence of existence of claimed rights of way that have not yet been recorded by SBC.

Land Reform (Scotland) Act 2003

There are other tracks in the area that the public would have a 'right of responsible access' to under the Land Reform (Scotland) Act 2003. This right also extends to most land and inland water in Scotland.

Please note: There are a number of statutory provisions contained in both public and private Acts under which public paths may be formally diverted. (s.37 Countryside Act 1967, s.199 Town & Country Planning Act 1972, s.9 & 12 Roads Act 1984) The diversion of a path may only be undertaken if the planning authority can be satisfied that the diversion will result in the efficient use of land or that a shorter or more convenient path will be created. It should be noted that formal diversions of paths involve a lengthy legal process.

Further comments

As noted by the Community Council the grounds surrounding the existing Kingsmeadows House are currently used by the public for recreational purposes. As the woodlands do not form part of the planning application site as outlined in red then the right of responsible access to them cannot be made exempt in the event of planning permission being granted. With due consideration to the present status of the grounds I am surprised to read on the particulars for the sale of these properties in the existing building that; "Outside all residents will have access to the private grounds. The main gates will be automated and the entrance to the grounds and mansion house will be controlled by an entry system." It would have been expedient of the developer or their appointed lawyer to investigate the repercussions of these claims to the community at large.

The situation is aggravated further by the potential loss of green route connectivity to the east end of the town from the town centre, Cavalry Park and Kailzie Gardens. The south side of the River Tweed in the Peebles area is lacking in non-vehicular routes which is highlighted by the routes available to use on the north side and the west end of the town. It is critical to preserve a non-vehicular route both in terms of green transport and recreational purposes and for tourism and business visitors. The development on the south side of the river has been built up leaving no room for non-vehicular routes and the grounds of Kingsmeadows House give the opportunity to sustain a modicum of this strategic infrastructure.

The planning process is supposed to give consideration to the policies below relating to green infrastructure:

Scottish Planning Policy

221. The planning system should:

consider green infrastructure as an integral element of places from the outset of the planning process;

assess current and future needs and opportunities for green infrastructure to provide multiple benefits;

facilitate the provision and long-term, integrated management of green infrastructure and prevent fragmentation; and

provide for easy and safe access to and within green infrastructure, including core paths and other important routes, within the context of statutory access rights under the Land Reform (Scotland) Act 2003.

231. Development proposals that would result in or exacerbate a deficit of green infrastructure should include provision to remedy that deficit with accessible infrastructure of an appropriate type, quantity and quality.

232. In the design of green infrastructure, consideration should be given to the qualities of successful places. Green infrastructure should be treated as an integral element in how the proposal responds to local circumstances, including being well-integrated into the overall design layout and multi-functional. Arrangements for the long-term management and maintenance of green infrastructure, and associated water features, including common facilities, should be incorporated into any planning permission.

Reccommendations

With due consideration to local requirements both presently and for the maintenance of green routes for future generations then I request that a non-vehicular route be secured through the planning process at this site. I have suggested a route on the attached plan. No permission should be granted for a new building or any further development at this site until an approved scheme for a non-vehicular route is agreed with the Council.

Erica Hume Niven
Access Ranger