

APPENDIX 11

Morrison, Jennifer

From: MacPherson, David
Sent: 08 February 2011 09:51
To: Morrison, Jennifer
Cc: McRobert, John
Subject: LRB/10/0528/PP representation (Additional information)
Attachments: Lrb-10-0528-pp.pdf

Jennifer

Further to our telephone call please find attached a copy of the correspondence between Robert Beaton and myself in December 2010, which we would offer for consideration during the review

Regards

David

DAVID MACPHERSON
FLOODING OFFICER
NETWORK & PERFORMANCE
ROADS AND TRANSPORTATION
TEL 01563 576354
FAX 01563 576312
MOB 07900 213974

E - MAIL <mailto:david.macpherson@east-ayrshire.gov.uk>

MacPherson, David

From: MacPherson, David
Sent: 17 December 2010 11:06
To: Beaton, Robert
Cc: McRobert, John; Pickering, John
Subject: FW: Kinholm Street Lockup
Attachments: SW sewer networks.pdf

Robert

The Council lockups pre date this application and have been long established, however as requested by the applicant we have explored the alternative they have proposed and to that end I have consulted with John Pickering and he has confirmed that they have no plans to demolish these lockups and this would only become a possible option after they had fully evaluated the longer term viability of the lock ups.

Therefore the conditions are required to stand to protect our access to this screen, this screen has a history of blockages that can only be cleared by machine (not safe to approach in any other fashion when overflowing), causing extensive flooding to properties and on at least two occasions passing sufficient debris onto the A71 to cause it to be closed for extended periods. This access is the only current machine access available to the screen, and must remain open. Our right of access is clearly defined in Flood Risk Management (Scotland) Act 2009 section 68.

Further the applicant makes reference to the breakage of a sewerage pipe, to be clear we have no record of any damage caused in this area and consultation of Scottish Waters GIS system (see attached extract) shows no such apparatus of this sort crosses this site, the Caffle burn its channel and culvert being the only thing shown, to cross the site.

Regards

David

DAVID MACPHERSON
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E - MAIL <mailto:david.macpherson@east-ayrshire.gov.uk>

From: Beaton, Robert
Sent: 16 December 2010 16:51
To: MacPherson, David
Subject:

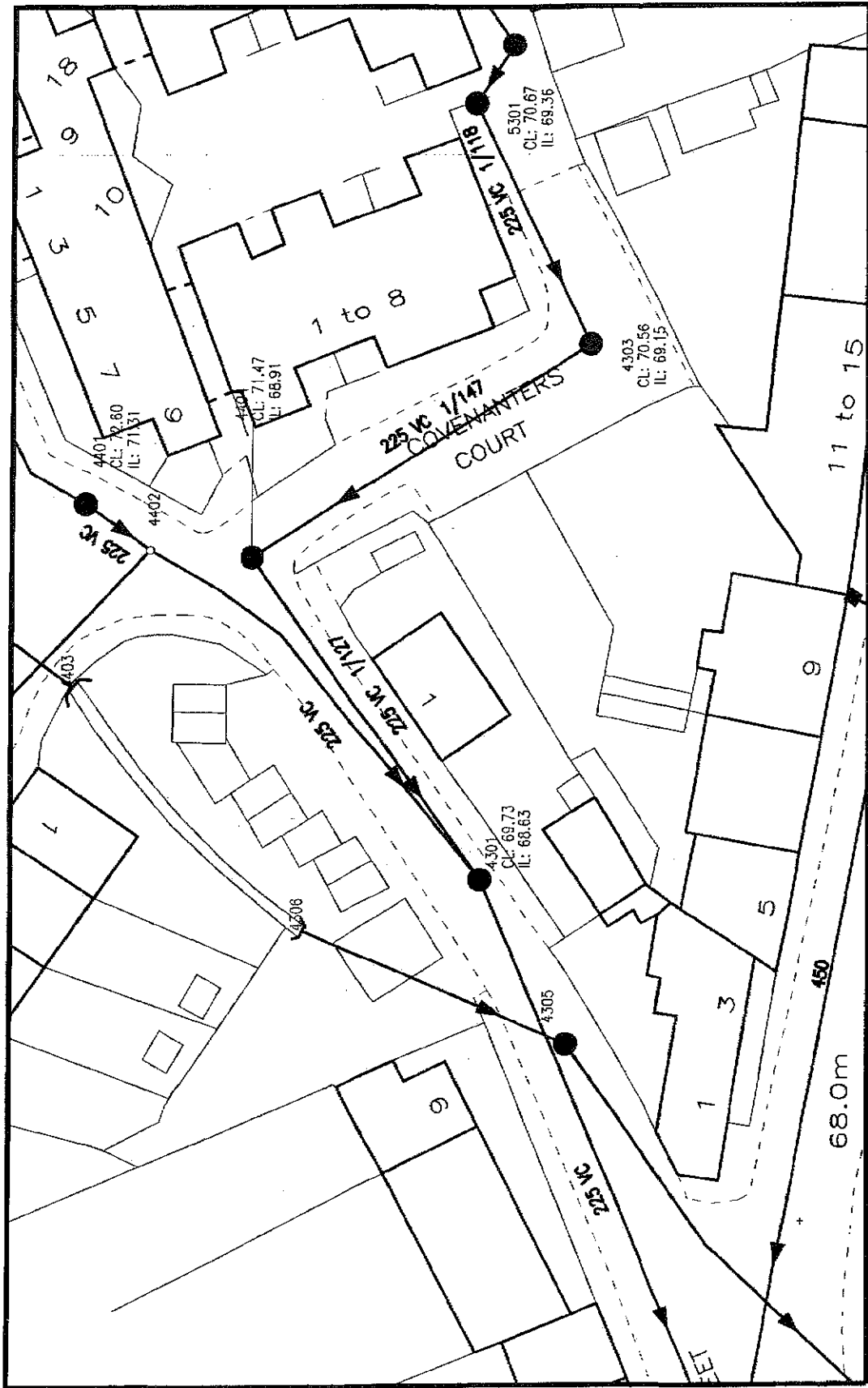
Dear David

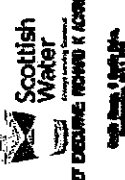

Further to my telephone call, please find enclosed a copy of correspondence.

I would be pleased to receive clarification that about access being required to this screen and what action the Local Authority can take under the appropriate legislation..

Thanks

Robert



 <p>Scottish Water <small>Water & Sewerage Services</small></p>	<p>Reproduced by permission of Ordnance Survey on behalf of HMSO. Crown Copyright and Database right 2000 All rights reserved. Ordnance Survey Licence number 000313550017</p>	<p>Plotted by: <i>ayr/02</i></p>	<p>Scale: 1:500</p>	<p>The representation of physical details and the boundaries of areas in which Scottish Water and others have an interest does not necessarily imply their true positions. For further details contact the appropriate District Office. Date Plotted: 17/12/2010</p>	
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MacPherson, David

From: Beaton, Robert
Sent: 16 December 2010 16:51
To: MacPherson, David
Attachments: 20101215152100848.pdf

Dear David

Further to my telephone call, please find enclosed a copy of correspondence.

I would be pleased to receive clarification that about access being required to this screen and what action the Local Authority can take under the appropriate legislation..

Thanks

Robert



L A M O N T S
S O L I C I T O R S

Department of Neighbourhood Services
EAC Planning & Economic Development
PO Box 26191
KILMARNOCK KA1 9DX

Our ref:- /NB/
Your ref:- 10/0528/PP
Ask for:- Mrs Lamont
15 December 2010

Email to submittoPlanning@east-ayrshire.gov.uk and Post

Dear Sirs

Application Reference Number: 10/0528/PP
Property at 9 Borebrae, Newmilns, Ayrshire

We act on behalf of Ms Joyce M Black of 9 Borebrae who has consulted us in respect of the grant of Planning Permission dated 15 November, which was issued subject to conditions which are as follows:-

- 1 No structure temporary or permanent which would impede access at any time to the watercourse screen for the Caffle Burn shall be permitted.

Reason: To enable 24 hour access for maintenance of the watercourse screen for the Caffle Burn.

- 2 No storage of materials or parking of vehicles at any time shall be permitted outwith the confines of the garage footprint.

Reason: To enable 24 hour access for maintenance of the watercourse screen for the Caffle Burn.

Our client is most concerned about the restriction which these conditions place on her use of this piece of ground owned in common with her neighbour. Our client feels that there is an alternative access to the watercourse screen which could be achieved by the demolition of the first two lock-ups nearest the screen which in terms of the letter from John Pickering, Divisional Manager South, East Ayrshire Council, Department of Neighbourhood Services dated 15 November 2010 (copy attached), would appear to be in a grave state of disrepair. This would both allow access and avoid the disruption and damage caused on previous occasions with excavators taking access over the land owned by our client and her neighbour, which we understand has resulted in breakage of sewerage pipe etc.

We should therefore be obliged if you would investigate this proposal with a view to removing the conditions attached to the said Planning Permission.

We look forward to hearing from you in early course.

Yours faithfully

Lamonts

TELEPHONE: (01292) 262266

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Associates: Kenneth W. Donnelly, LL.B. (Hons), Dip.L.P., N.P. Susan E. Forbes, LL.B., Dip.L.P., N.P.

Consultant: Michael J. Lamont, M.A. (Hons), Dip. L.P., N.P. Practice Manager: Linda Law, ACMA

Department of Neighbourhood Services
Depute Chief Executive/Executive Director: Elizabeth Morton

Head of Housing: Christopher McAleavey FCIH

Irvine Valley & Ballochmyle Team
51 Academy Street
Hurlford
KA1 5BU

If telephoning or calling
Please ask for: Mrs Watson tel. 01563 554664

LW/LP

15 November 2010

Ms J Black
9 Borebrae
NEWMILNS
KA16 9EJ

Dear Ms Black

APPLICATION FOR LOCK-UP AT KILNHOLM STREET NEWMILNS

I refer to the above application that you submitted to this Department.

I now write to advise that unfortunately we are unable to allocate any of the lock-ups on this site because they require extensive repairs.

I trust that this clarifies the position.

Yours sincerely

John Pickering
Divisional Manager South



East Ayrshire
COUNCIL