**1. The needs of the local area: Justification for a new car park has not been clearly made.**

***(a) Parking Demand***

The developer claims an ‘ ever increasing demand for public parking at Sandyhills ‘. Locals have not observed this, indeed the beach was quieter than usual this year. That said, parking demand and the need for this new car park has not been established by the developer. There are no up to date surveys of visitors to determine number, frequency, duration, time, time of year, peak level of use, average level of use etc. The purported “demand pull” is not evidence-based.

No detailed, up to date, traffic survey has been carried out or referenced by the developer.

No information on vehicle counts showing typical level of use of the current car park and overflow has been offered by the developer.

***(b) The proposed new car park is contrary to National Panning Framework 4 (NPF4) policy principles:***

A new car park is contrary to the NPF4 policy statement contained in ‘Promoting Sustainable Transport and Active Travel’ that the planning system should support patterns of development which:

* optimise the use of existing infrastructure.
* provide safe and convenient opportunities for walking and cycling for both active travel and recreation and facilitate travel by public transport.

***(c) Current car park capacity and seasonal use***

Current car park is seasonal use only. Currently there is hard standing used for most of the year and an overflow in the field to the east of the shop for the few hot “Bank Holiday” peak load, sunny day occasions when the tide is in and visitors are drawn to the coast. The new car park proposed does not have this “Base Load” and “Seasonal Peak Load” capacity flexibility. What is proposed is all new hard standing and requires permanent “Greenfield” land consumption.

**Policy 9 of the NPF4** states Part 1 ‘A National Spatial Strategy for Scotland 2045’ - Spatial principles –

* ‘Conserving and recycling assets. We will make productive use of existing buildings, places, infrastructure and services, locking in carbon, minimising waste, and building a circular economy.’
* ‘Circular Economy Materials Management Facilities’ (to enhance) delivery of zero waste objectives by reducing the need for new materials, resource use and emissions.’

Furthermore, **Policy 9 states, Local Development Plans (LDP) should set out opportunities for the sustainable reuse of brownfield land** including vacant and derelict land and empty buildings.

a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.

b) Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.

***(d) Proposed materials for the car park***

The screening plans are inadequate. In addition, any tree planting replacement scheme does not make up for the loss of habitat. The car park will be covered in black asphalt tarmac which is completely out of keeping with the surrounding area being in a National Scenic Area.

***(e) The proposal is to develop on a greenfield site. Dumfries and Galloway’s LDP does not support development on greenfield sites.***

In the LDP, the section on existing brownfield sites states:

‘1.9. Developers are expected and encouraged to embrace sustainable development – and this Plan assumes that ‘development’ always means ‘sustainable development’. Planning has an obligation to contribute towards sustainable development, sustainable economic growth, reducing the impact of climate change and creating high quality places.’

‘1.11 Therefore, the overarching principle of this Plan is that all development proposals should support sustainable development, including the reduction of carbon and other greenhouse gas emissions. The following broad principles have been followed when identifying sites for development: • reduce overall flood risk by avoiding areas at risk of flooding and erosion; • where possible, avoid the use of prime quality agricultural land; • consider reusing brownfield, vacant and derelict land and buildings instead of greenfield land…’

‘1.12. Any development should ‘maximise the use of existing infrastructure.’

***(f)*** ***The proposal is contrary to the NPF4 Policy 3 which states that biodiversity should be conserved, restored and enhanced –***

Most significantly, Policy 3 plays a critical role in ensuring that development will secure positive effects for biodiversity. It rebalances the planning system in favour of conserving, restoring and enhancing biodiversity and promotes investment in nature-based solutions, benefiting people and nature. The policy ensures that LDPs protect, conserve, restore and enhance biodiversity and promote nature recovery and nature restoration.

Proposals will be required to contribute to the enhancement of biodiversity, including by restoring degraded habitats and building and strengthening nature networks. Adverse impacts, including cumulative impacts, of development proposals on the natural environment will be minimised through careful planning and design, taking into account the need to reverse biodiversity loss…… Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity.

This proposal does not conserve, it paves over, does not restore and it does not enhance biodiversity in any way - it reduces it.

***(g)*** ***Optimising the current infrastructure has either not been considered or alternatively has not been expressed in the application.*** ***There is opportunity to make better use of the existing entrance and car parking and existing infrastructure but this option to improve existing access and arrangements has not been offered by the developer.***

An option to improve the ***existing car park*** ***space and access could have been made, by example,*** ***in the following ways:***

* Enhance a turning point in the existing entrance, for by example minibuses pulling in, on the left by the telephone box, where huge boulders have been placed and add clear road markings for such turning point and for the entrance beyond into the carpark and beyond that into the caravan park
* Add new short duration parking space by removing the boulders on that side which, combined with designated disabled parking by the public toilets.

This option should be fully explored and considered before a highly substantial new existing area of woodland and wetland is destroyed by “greenfield” conversion into a 200 vehicle car park.

* Further, it is stated in the application Design and Access Statement that there is space for about 50 cars in the existing car par plus overflow to 120. Currently £5 is charged at the shop for a coin token to open the barrier to park. This barrier entry/exit system uses outdated technology. Rather (objections might suggest) that a new ticketing system technology, such as stated in the new 200 car park application, should be installed at the existing car park, thus reducing the risk of ‘anti-social behaviour’ there and of unpleasant contact with the holiday park staff.
* Currently the hard standing car parking and grassed area to the south of it has no car parking bays marked. If proper car bays were marked out there would be space to accommodate around 80 vehicles. This is more than enough to provide ample parking for most days of the year at Sandyhills and together with the existing overflow area would adequately provide for even the “peak load” summer days.

**2. Impact on the natural or built environment – loss of trees or open space, flooding, loss of wildlife habitat, nature conservation. The development is contrary to NPF 4 Policy 6, which aims to ‘protect and expand forests, woodland and trees’ and will cause unnecessary environmental damage to the eco system.**

***(a) The policy states –***

*LDPs should identify and protect existing woodland and the potential for its enhancement or expansion to avoid habitat fragmentation and improve ecological connectivity, helping to support and expand nature networks. The spatial strategy should identify and set out proposals for forestry, woodlands and trees in the area, including their development, protection and enhancement, resilience to climate change, and the expansion of a range of types to provide multiple benefits. This will be supported and informed by an up to date Forestry and Woodland Strategy.*

*a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.*

*b) Development proposals will not be supported where they will result in:*

*i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;*

*ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;*

*iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;*

*iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.*

*c) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.*

*d) Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.*

**(b) This is supported by the LDP at 1.12 overarching principles** that state there should be ‘ …..a net biodiversity gain’ and Policy OP1; Page 22 Development considerations states –

c) Landscape Development proposals should respect, protect and/or enhance the region’s rich landscape character, and scenic qualities, including features and sites identified for their landscape qualities or wild land character as identified on the 2014 Scottish National Heritage map (or any subsequent revised or amended map) of wild land areas.

*They should also reflect the scale and local distinctiveness of the landscape further ………*

d) Biodiversity and Geodiversity Development proposals should respect, protect and/or enhance the region’s rich and distinct biodiversity, geodiversity and sites identified for their contribution to the natural environment at any level including ancient and semi-natural woodland. The guidance contained within the Local Biodiversity Action Plan, and any subsequent revised or amended document, will be a material consideration in the assessment of proposals.

***The oak trees in the proposed car park are part of a semi-ancient woodland that covered Barnhourie and Fairgirth land:***

*‘In ancient times our parish was well forested. The Lords of Galloway at certain times of the year, would charge pannage to allow pigs to feed on acorns in the oak woods and even the very old names for the parish have associations with trees. Eventually much of Galloway became virtually treeless….. In the 18thcentury, several of the owners of the larger estates in Galloway began tree planting. In our parish woods existed at Barnhourie with timber being shipped from Douglashall Bay.’* History of the Colvend Coast. Napoleonic and Victorian Times. John Gillespie. 2011. Phillimore. Page 116.

Oak trees from this planation can be seen on the opposite side of the road to the proposed car park too. The Local plan page 53 states “ 4.69 Ancient and semi-natural woodlands are important and irreplaceable features which should be protected and enhanced. The same applies to other native and long established woodlands with high nature conservation value. Other woodlands, hedgerows and individual trees may also have significant biodiversity value and make a significant contribution to landscape character and quality, so should be protected from adverse impacts resulting from development”.

The trees and shrubs and open land also act as a wildlife corridor for animals in particular our threatened red squirrels, providing food from the hazels.

**The felling of mature oak trees, possibly a total of 24, is unacceptable to create a car park which is not required when the current car parking and entrance could all be upgraded and made fit for purpose.**

**3. A new car park would do nothing to lead to expand existing businesses or create new ones in this rural area.**

***Policy ED2 states, ‘Business Development and Diversification in the Rural Area Proposals which expand existing businesses or create new ones in the rural area will be considered favourably subject to other policies in the Plan.’***

A new car park here in isolation would not expand existing businesses or create new ones (Policy ED2). It does not therefore qualify to be considered favourably.

**4. The loss of a woodland and wetland area is contrary to the local plan and the aims of the National Scenic Area Strategy.**

***(a) The local plan states (page 50) that, especially valued landscapes within the region are identified through designation at a national level as National Scenic Areas (NSAs)’ of which this development lies in the East Stewartry National Scenic Area.*** Management strategies have been produced for all the NSAs within the region and developers should have regard for the guidance contained in these strategies. The local policy NE1 states development within NSA’s or that would have an effect on a National Scenic Area (NSA) should only be permitted where:

• **it will not adversely affect the integrity of the area or the qualities for which it has been designated; or**

**• any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.**

East Stewartry Coast National Scenic Area Management Strategy Planning Guidance - November 2019 Page 7

National Planning Policy Guideline 14: Natural Heritage (1999) states that NSAs are nationally important for their scenic quality and requires Planning Authorities to take particular care to ensure that new development in, or adjacent to, a NSA does not detract from the quality or character of the landscape. Factors affecting quality in a negative manner include loss of woodland.

The land the proposed car park will cover is a natural woodland and wetland corridor for birds and animals.

***The site being in the NSA would change the nature of Sandyhills forever from a quiet, picturesque hamlet to the site of a huge commercial car park. The scale of the car park is out of keeping with the surrounding environment and the National Scenic area.***

**5. The proposal will create problems with parking, traffic and road safety**.

***(a) The creation of a further direct exit on to the A710 in a poor location would add to existing safety risks.***

***(b) The Proposal removes free existing 30 minute parking spaces in a safer location.***

There has been limited free parking since at least the 1970’s. This not only removes a public amenity but also adds to the temptation for people to illegally park on double yellow lines on the A710 trunk road and the Barend road or on farm tracks or residents driveways raising both nuisance and road safety issues.

***(c) The proposal has no clear pedestrian access at the existing entrance for those walking down from Barend Holiday Village and for other walkers and cyclists.***

***(d) The developer proposes no improvements to road safety at the existing access with the existing ‘status quo’ to be retained:***

At 5.1 Design and Access Statement, the developer states ‘The physical layout of the existing junction onto the A710 will remain as existing as will the visibility splays for vehicles arriving or departing, the proposed walls have been specified to a height/position which will not compromise the existing splays or general intervisibility of road users.’

Given the visibility is compromised currently by the developer not cutting back shrubs to the west of the existing access this is simply unacceptable.

In addition, on the Site Plan the new barriers and wall will be erected and the developer says there will be ‘No implications to existing visibility splay.’ This is unacceptable. What is required is an improvement to it, not the status quo.

This is despite the Road’s Department stating, as the developer himself offers at 2.1 of the Design and Access Statement ‘…recent scoping opinion from Dumfries & Galloway Roads and Transport stated was “in a poor state of repair and is not clearly defined…..Visibility from this access is severely restricted in either direction due to the existing road geometry”.

The developer states in 4.3 ‘Pursuing as much as practical a ‘status quo’ approach to proposed works in the vicinity of the original entrance to minimise any additional visual impact.’ Completely ignored is the ongoing and increasing impact on road safety of the second proposed exit onto the main road.

The developer’s assertion, paragraph 1.1 of Design and Access Statement - ‘…..the Applicant would like to provide a rationalised approach to public parking and subsequently consolidate vehicle and pedestrian access through the existing access junction to the benefit of the safety and security of both static owners and visiting members of the general public on the holiday park.’ **This is simply not the case.**

***(e) Firstly the proposed car park would generate more traffic on that specific section of road.*** ***Secondly, the new junction on to the 150m metre immediate stretch of roadway will create a new hazard,*** ***particularly on a road*** ***with a 60mph limit. Transport Scotland Regulations specify*** ***conditions for such junction accesses and the minimum distance Lines of Sight (ca. 200 metres clear line of sight in both directions from the junction) and the minimum Forward Visibility.***

There is no specification in the application of these conditions for this new access but it appears probable that imposed statutory conditions would significantly increase the clearance distances required – with further loss of mature trees.

***(f) Pedestrians, Horse Riders and Road Terrain -*** No clear pedestrian access for those walking down from Barend Holiday Village and for other walkers and cyclists entering at the existing access. This is core path.

The *topography of the road, its bend at the bridge and the two exits on to the trunk road at that point, plus a dip in the road before the proposed car park, is already dangerous.*

The proposal will also make it more dangerous for horse riders: Horses and their riders accessing the Douglas Hall track would be of increased risk of cars, on an already dangerous road, and visibility would be further restricted if cars were having to queue on the main road.

***(g) Developer’s proposed creation of the access for the new car park*** *on to the A710 (60mph road) in addition to (e) above has,* within a 150 metre section of the A710, from the Moss / Barend Road to just beyond the Barnhourie/Douglas Hall tracks, including the Moss Road and the two tracks at Barnhourie and Douglas Hall, ***7 entrances with a total of vehicles from 20 properties existing onto the A710.***The road will become more dangerous for all these residents entering and existing their driveways.

***(h) There is a real possibility, if cars are having to access through barriers that on busy days, cars will be queuing on the A710 to access through two parking barriers****, each used both entry and exist, which are cited close to the main road.* ***This will be dangerous to other car users, walkers and cyclist.***

***(i) Critically, whereas before there was the possibility of a slight queue in one location you would now have the possibility of two queues in two locations with an approximately 150 metre stretch of road which includes a bridge after a bend and a dip in the road as well as traffic coming out of the houses and the Moss Road junction.***

***6. Removal of core path access is contrary to the LDP.***

No mention is made in the site plan of the Core Path running from the A710, onto the beach and then to Portling along the cliffs.

There should be a pedestrian entrance and signage to clearly show this path’s route and give direct pedestrian access to it.

**7. Loss of Access and of Public Toilet Amenities if arriving by car**

If arriving by car people will only be able to use the *public* toilet if you pay the developer to park in their car park with the removal of the free, 30 minute stay, parking spaces outside the public toilet. In addition, you would have to pay a private company £5.00, at current prices, to use the public convenience. No revenue would go to the Council whose council taxpayers will still have to fund the upkeep of the toilet.

**The local plan states (page 60)** **–**

*COMMUNITY SERVICES AND FACILITIES 4.86 Community facilities along with the wider green network (open space within settlements and surrounding greenspaces) are vital assets for every community…... Therefore, the policies within this section seek to safeguard and enhance existing provision and support new facilities where appropriate.*

**Local plan (page 61) states Policy CF1:** Community Facilities a) Provision of Community Facilities Proposals that provide new or enhanced community facilities will be supported. New community facilities should be located so they can be integrated with public transport and path and cycle routes….

It appears that Public space is being appropriated by the developer.

**8. The development is contrary to Policy 13 ‘Sustainable Transport’ of the NPF4**

**Policy 13 *also* states -**

***b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:***

*i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;*

*ii. Will be accessible by public transport, ideally supporting the use of existing services;*

*iii. Integrate transport modes;*

*iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;*

*v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;*

*vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;*

*vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and*

*viii. Adequately mitigate any impact on local public access routes.*

***c) If a development proposal might generate a significant increase in the number of “person trips” then a transport assessment would be required to be undertaken in advance of the development and in accordance with the relevant guidance.***

***d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.***

***e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.***

***f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.***

The access for disabled people, the removal of the core path from the plan, the lack of detail re signage for walkers particularly from the Barend Road onto the core path, the increased danger offered to cyclist between and at the existing and proposed new car park are **all contrary to Policy 13. Safe and convenient opportunities for walking and cycling for both active travel and recreation are not afforded.**

**9. The development is contrary to Policy 13 NPF4 as it proposes no electric charging points for vehicles**

**(a) Given the ban on sales of petrol a diesel vehicle in 2030 this would seem an essential requirement for any car park. Where is this catered for in the proposed development?**

Policy 13 b)iv -

‘iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards’

**10. The Proposed Development represents a Downgrading of Access for Disabled People**

**(a) Disabled visitors will have to walk from the new car park all the way to the toilets and shop** instead of parking right outside the toilets as they can now. This represents loss of amenity and not an improvement to the current arrangements. In addition

**(b) The ‘Disabled bays’ have been sited where the occupants of the cars will have to cross the bus and car turning point to get the boardwalk.** **This is dangerous.**

Contrary to NPF Policy 13.

**11. Noise, nuisance and odours**

**Developer states – ‘1.1…Public parking has within living memory always been provided on site despite no formal legal rights to park being in place.** This informal arrangement is managed with best endeavours by the staff on site. However, the ad hoc nature of the current arrangements combined with **increased usage in the wake of the Covid19 pandemic** (**no- see 1 above**) has meant that instances of anti-social behaviour by visitors and subsequent intimidation of staff, has meant that the current arrangement is no longer tenable either on a logistical level or in terms of visitor/staff safety and welfare.’

**It is unclear how moving the car park would lessen anti-social behaviour issues that the developer claims.** Having the car park at distance from the warden’s home could mean that the problem is just moved to the St Ninians and Anchordale properties area.

Further, the developer has not established or at least evidenced in the application what type and level of anti-social behaviour has occurred. Are there police incident reports available? **Have they established how the new arrangements will stop anti-social behaviour?**

**Just a reminder that we have until Thursday 5thOctober to lodge our objections. Objections can come from anyone, anywhere. Please ask friends, neighbours, relatives, visitors/tourists, if in agreement, to object too. Thank you.**