

Dear Sirs,

Please find below the basis of my appeal to have recinded. The Officers Report and Refusal of my Section 42 Application (lodged 18/06/24 ref no 100675667) 24/00768/P, registered by planning 27/11/2024.

Firstly I have included within this appeal a copy (Titled Supporting Statement A1) of my Supporting statement (lodged 18/06/24) with the section 42 application , the contents of which is my current position which remains unaltered, however in addition to this I have made some observations comments below (which I would wish to have considered as part of my appeal) referring to the Refusal document dated 25/07/25, Highlighting any supporting documentation (referred to in any of my comments below) by way of advising which Document A,B, C, D, ect, ect, is relevant, to individual paragraphs below.

The Main Determining Factors (as per the officers opinion) are Potential "Flood Risk', &"Safe Access "to properties on the West side of the Culverted Road Crossing. The properties on the West side are namely:

1. Burnside House which (which is 45m from the culverted crossing) has FFL 6.5m above the IL of the 600mm dia culverted pipe, 5.6m above the 3 no 300mm dia relief pipes, (which are themselves 3m above the main 600mm diameter pipe) which are themselves 1m-1.5m below the road crossing.

2. The Larches- the property nearest the crossing (8m west) has a FFL 5.5m above the IL of the 600mm dia pipe and is 2.5m above the three relief pipes and 1.6m above the road crossing. The road crossing max height was set by SEPA (see Document A attached) in 2007 6.99 AOD (which is currently 100mm lower at 6.89m (as the block pavours have not been fitted)

3. Stepping Stones approx 30m from the culverted crossing has a FFL 6m above the IL level of the 600mm dia culverted pipe, and 5m above the relief pipes and 2.5m above the Culverted road crossing.

4. 8 Seton Mains cottage is 4m higher than the culverted road crossing, therefore 6.5m above the three relief pipes and 12m above the 600mm diameter main culvert pipe.

The Burn itself is banked on the East And West side and is between 6m and 20m wide along its South ern Length, with a fall from the culvert to the South of 3.35m drop South To North along its 94m run to the culverted bridge crossing detailed in this application, (see document A enclosed)

All the above six paragraphs were fully documented and furnished to the Officers incl the Street Light and Flooding manager on the 6/02/25, (documents B&C which are enclosed with this appeal) which lays out my position ref the Flooding and Access issue (which was in response to an e mail from officer Mc Queen dated 17/01/25 document C) , to which "I HAVE HAD NO RESPONSE WRITTEN OF VERBALLY TO DATE " from Officers incl the Street Lighting and Flood manager, I would be grateful if these documents (B&C) could be read in there entirety by the persons whom will be considering this appeal as they clearly lay out the main reasoning behind the section 42 application and this appeal.

It surely must be noted also that no feedback or acknowledgement of the documents B & C are referenced in the decision notice of the 25/07/25.

Regarding the safety of the Culverted Road crossing, the councils engineer David Northcott, signed this off as safe in December 2007 (see Document D attached), the Fire Brigade signed it off as safe in 2007 (as they had to ensure they and their large axle weighted vehicles could cross if required).

It is also worth noting it is a "Private Road Crossing " which the councils engineer notes in an e mail (from Stephanie Greaves)of 04/12/07, (Document D Enclosed) "which the council has limited jurisdiction".

Regarding the Consultees within the Report of the 25/07/25:

SEPA "HAVE NO COMMENT TO MAKE" to the application to remove condition no 2 and 4 (of the original consent of 2007 now 18 years ago) this surely indicates they have no concerns around flooding, a position they have held from the original planning applications in 2005/2006; their only instruction and requirement was the AOD finished heights of the Bridge Crossing (basically should the burn block and flood, relief would be gained over the Culverted Road Crossing 6.99 which is currently and always has been since 2007 1.6m below the nearest FFL of the Larches and the AOD and FFL of the houses which they set and which were implemented some 18 years ago (see document A attached) which makes reference to the fall South to North and beyond the Culverted crossing and then North onto the Firth of Forth.

The Councils Own Roads Services "HAVE NO COMMENT TO MAKE" to the Section 42 application to remove condition 2 and 4 (of the original planning consent of 2007 which just happens to be the year the councils engineer signed the bridge off as safe 18 years ago including the 3 relief pipes which had been also fitted at that time) AT THE REQUEST OF THE Council's engineer, David Northcott, and not SEPA. Photographic evidence of these pipes is contained in the Section 42 application (see Document O enclosed).

Longniddry Community Council have made no response and by implication also surely do not object to the Section 42 Application to remove condition 2 and 4 (contained in the original planning consent some 18 years ago).

Condition 2 (18/00104/P) and its use in these applications by the officers so as to be able to "NOT" allow an application for a Certificate of Lawfulness to be applied for. It is worth noting the planning ref used 18/00104/P which has the condition 2 (condition 4 in the original 2007 consents) which I am applying to have removed and also is now within my appeal, was granted prior to the 4 properties being given Completion and Habitation Certificates (see paragraph 2 & 3 relevant planning history within the Officer Report of 25/7/25 Document N attached) – a condition of them being issued.

So once again the signing off Officer for these certificates basically signed them off and issuing them as condition 4 and 2 were complied with, if not surely he should have checked that condition 2 and or 4 (as part of the original 2007 consents some 18 years ago) were completed.

Objectors to the Original application for a section 42 to remove the conditions 2 ,4 (which was the condition set 18years ago) is the councils own, Street Lighting and Flood team manager, whom despite numerous requests to supply myself with DOCUMENTED EVIDENCE OF FLOODING AND BLOCKING made by him in the Officer's Report 25/07/25 and also noted in Document C attached and my requests in Document B attached which one would assume he had diarised or had photographic evidence of or his team would have noted if these events (if they ever happened). If Flooding is his

major concern, as I have said no EVIDENCE has been provided by (to confirm these statements) the Street Lighting and Flooding Manager or any of his team, or the reporting Officer, Stephanie McQueen.

I would comment further as follows:

Re the section 42 application of June 2024 and the subsequent officers report 25/07/25 dated SEPA, have "NOT OBJECTED", the Councils Road Service has "NOT OBJECTED", Longniddry Community Council have "NOT OBJECTED".

No evidence has been provided (despite numerous requests for this evidence, to be provided) prior to the the application of the section 42, no meeting to discuss the issues were ever granted they in fact on two occasions totally dismissed by officers, as not being required despite requests on several occasions to do so (see documents C,E,F enclosed) yet the Officer whom signed off the Habitation and Completion Certificates (Frank Fairgreaves was happy to meet to discuss) at the site inspection stage of which there was several visits prior as I recall see documents G,H,I enclosed. It may also be seen in Documents L (attached) that 8 inspections were undertaken by David Bebbington in 2017, 2018 and 2019 where condition 4 was not noted as being incomplete.

No evidence has been provided covering the last 18 years since the bridge and culvert were signed off as being safe by the councils own engineer Mr Northcott whom wrote in 2007 (document D enclosed) " I am satisfied that sufficient improvement of the culverted bridge crossing has been undertaken" in that no evidence has been provided that would indicate that the bride or Culvert have had any failures or has indeed flooded causing access issues to the properties to the West of the Bridge Crossing. As aforementioned if there is indeed any documented evidence of such, I would like to see this documented evidence.

Regarding the One member of the Public whom has objected (which appears to be an emotional and not a factual objection and is merely quoting the requirements of the original condition no 4 of the original planning consents which are a matter of public record) again I would request the diarised and photographic evidence of Flooding, Limited access to Properties to the West of the crossing, due to any issues with the structure of the Culverted Road Crossing to the Western side of the burn over the past 18 years, as I believe there have been none.

With regards the use of the Various Policy Numbers which it is claimed (which I feel are not enforceable) the application 42 was Contrary to namely, Policy 22 of NPF4, policies of NH11&T2 of the EELDP, these policies were not in place when the planning consents were issued in 2007, nor in 2012.

Notwithstanding the aforementioned the reason for refusal on the 25/07/25 of the Section 42 application to remove condition 2 and 4 (of 18 years ago) was on the basis of two issues/facts - Flooding and Access issues to properties on the Western side of the culverted crossing,

No DOCUMENTED EVIDENCE has been provided, either by the Reports Author (25/07/25) or the councils Street Lighting and Flooding Manager, nor by the single member of the public who commented, that there has been any Flooding or Access issues over the Culverted Crossing in the past 18 years has occurred, that there is any structural issues with the bridge itself, yet I my self have given evidence that for the 30 years I have known and owned the property.

The written statement from my tenant, Mr Matthew Jones (see Document K attached) of 9 years 2013-2021 that there has never been any issues with the blocking of the 600mm diameter culvert

pipe and no Flooding or Access issues (of which there is no evidence has occurred in the last 30 years) or bank erosion (East or West), no blockages at the two other culverted sections of the Burn to the South, then I respectfully request that the fitting of the Trash Screen, Concrete Wing Walls, Concrete base, and Bank Stabilisation will be of no benefit in reducing the Flooding & Access issues as being the only reasons for refusal on 25/07/25

Given the aforementioned and also taking into account Blindwells Opencast mine in Tranent (closed in 1998 (27 year ago) although pumping did not stop until the early 2000s) which used the burn for water being pumped from the opencast mine, to the Forth, also the cessation of the use of Five Houses septic tank effluent (which sometimes had solids and wipes within it) potentially causing blockage of the pipe in that period which went directly into the burn from when the cottages were erected over 90-100 years ago. This ceased around 2001-2002 when I allowed Scottish Water to locate a 10,000 litre Tank and Pumping Station (which today still pumps this effluent over the access Culverted 'Crossing) upon my property enabling all the remaining five houses to go to mains sewerage.

I therefore request this appeal is upheld and that the Section 42 request to remove Conditions 2 and 4 issued in 2007 in their entirety is granted. Or, in the alternative a Certificate of Lawfulness is given due to the 18 years which have elapsed since the Culvert works were required.

Finally, you will note Document M (attached) clearly shows a decision to refuse the Section 42 application had actually been taken prior to the 25/7/25 report.

SEPA response from Sean Caswell/ Seton Mains



Peter Ballantine <cobalt_arch@hotmail.com>

To: Stephanie Greaves <sgreaves@eastlothian.gov.uk>

Cc: paulcalves@aol.com

paulcalves@aol.../Inbox

7 Jul 2008 at 18:11

FAO. Stephanie Greaves.

Dear Stephanie,

Having read the response dated 22 June from Sean Caswell, we make the following comments:

1. Drawing 939/a1 recently submitted declares that the access road over the culvert will NOT be raised, maintaining the existing level of 26.99 AOD.

This is the level used by SEPA in their model (the level at which any potential flood would be relieved), but presumably they have reasons for adopting level 27.50 AOD as the potential flood level.

2. As previously noted, the Seton burn falls south to north 3.35m. in a deep cut over a distance of 94m. (to the east of the application site), emerging from an existing culvert at IL 26.32 to the culvert under the applicant's access at IL 22.97 (difference in levels 3.35m.).

3. To the north of the access road at level 26.99 (which remains undisturbed) the Seton burn continues to fall towards sea level at an even faster rate down the length of the Woodlands trust where no development is ever likely to occur. A site visit would make this apparent to all concerned.

4. There are NO proposals for ground raising in respect of appln. 07/01068.

5. In terms of 07/00972 (behind stepping stones), we had no thoughts of raising existing levels from the existing 28.01 AOD until ELC policy and projects advised a maximum soil strip of 50mm. over the root protection area of trees 5 and 6. The current level is already 0.5m above SEPA declared flood level of 27.50 AOD. (You will recall that this point was raised in the presence of the Council's consultant engineer, who declared that raising the level marginally would make no difference). We also suggested replacement of trees 5 and 6.

We suggest a meeting with our consultant arborist and policy and projects to debate this matter. At the same time, the issue of proposed archaeological investigation, which conflicts with current dilemma be considered.

Regards,

Peter Ballantine

Coleman Ballantine Architects

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• 2008 HOUSE TO PLANNING FROM OWNERS ARCHITECT

• SEPA FLOOD LEVELS AT THE LOCATION

DOCUMENT ADOCUMENT A

SUPPORTING STATEMENT A1 PAGE 1

Section 42 Application – Removal of condition relating to culverted private bridge crossing

Planning Permission 07/00972/FUL – condition 4

Planning Permission 08/00103/P – condition 4

Planning Permission 18/00104/P – condition 2

This application is for a section 42 application to remove the above planning conditions.

This condition cannot be complied with due to the following:

The galvanised screen and its associated works was not fitted as I could not get permission from my neighbours on the East Bank of the burn to enter their property in order to install this screen and its associated works, thus making it impossible to anchor the screen on the north and south side of the existing 600mm diameter pipe. It is my understanding that my architect made the councils engineer aware of this (about why I couldn't install the screen etc) at the time of his inspection in Oct/Nov 2011.

Since my association and ownership of the property (1996), 28 years ago, I have never seen or had to attend this culvert pipe to remove any debris nor has it ever been blocked in these 28 years, even through the years the open case mine at Blindwells used this as a run off for their workings which ceased over 11-12 years ago (I believe). *(written across in 1998)*

Since approximately 2012 only surface water from the local area now flows at a much lesser rate than it did back in 2011 down this burn and under the crossing through the 600mm diameter pipe.

The galvanised handrail again was never installed. This was clearly an oversight on my part and never got fitted as we had never had cause to go down the steps in the intervening 13 years therefore we never realised or were reminded that it had not been fitted. However, we had built the wall down to the culvert higher than required which would negate the need for a handrail to be installed as the height of the wall would guide any potential persons to the bottom or back up without the aid of a handrail.

The upstream terram was fitted above the relief pipes in 2011 and however was not fitted further upstream as these banks both to the east and the west were owned by some of the cottage owners down to the centre of the burn on the east side and also the original farmer from North Berwick (Mr Dale if I recall correctly) also owned several parcels of land from these cottages to the centre of the burn. He also owned all of the banking on the west side of the burn that bounded my property down to the centre of the burn at that time.

However, I did seed and plant laurels on the top of the west banking (on land which I owned along my boundary line with the burn) at that time (2011-2012) which has created a network of roots which have helped stabilise the banking over the past 12-13 years.

SUPPORTING STATEMENT A1 PAGE 2

The permeable block was not fitted to the top of the crossing as we had an AOD level to work to issued by SEPA. When we dug down to put in the concrete strips to the north and south of the crossing for the barriers the original services (gas, electric, water and BT) were very shallow so we therefore couldn't come up any higher to install the pavers as this would have breached the SEPA AOD height, therefore increasing the relief height required south to north if the culvert and the relief pipes ever became blocked. In addition these block pavers would have created when frozen or covered in ice and snow possible skidding problems during the winter months.

Hopefully based on the above information y position can be more fully considered and either a certificate of lawfulness issued due to the fact that 13-14 years have now elapsed since the installation without any issues, or the section 42 to which this statement is attached will conclude that the condition can be removed.

The 3 relief pipes were installed in 2011 and I attach photographic evidence of these relief pipes.

Re: Planning application 24/00768/P - Section 42 application to remove condition 2 of planning permission 18/00104/P at Seton Mains

paulcalves@aol.../Sent



Paulcalves <paulcalves@aol.com>

To: lorna brown <l.brown007@btinternet.com>, Stephanie McQueen <smcqueen@eastlothian.gov.uk>

6 Feb at 17:17

Hi Stephanie,

In response to your e mail of the 17th January 2025,

I would request an additional 28 days to submit my response to your email of 17/1/25, this request is made so I may consult a Planning legal expert whom are familiar with Scottish Planning Regulations, as I am going to withdraw this current application and likely seek a Certificate of Lawfulness.

I now believe I have enough evidence of yourself Signing off to allow the building of the three properties and extension, that would confirm the Pre Conditions "that the culvert and crossing were to be completed" prior to applying for a building warrant and were all met and that the subsequent issuing of a building warrant and then the Completion Certificates for the properties and Habitation Certificates were all issued with all the Conditions being met and signed of as having been met by various Planning Officers of the council.

Not one of the 5no Planning Officer's or the Councils Planning Engineer David Northcott, whom were assigned at various times prior to the during the application for Building Warrants and Construction Sign off elements (Foundations Superstructure ect) of the build and the Completion Certification process , ever brought to my attention or my Architect or any of the trades used, any issues with the Bridge Crossing Access, in particular Condition 4 ,the crossing in any event is a "Private Crossing".

My initial response to your e mail of 17/1/25 and comments made by the Street Light Manager and yourself are laid out as follows,

I would request a copy of the log that the Structures, Flooding & St Light Manager or Team members, must have kept when ever he or his team had been requested to attend the culvert.,dates and times, copy of any notes made /logged , who initially made the request from whom for them to attend, resident, passer by ect ect.this will enable me to more fully respond to the need for a Handrail or Trash Screen.

The Street Light Manager comments, on potential flooding if the main pipe gets blocked , is he not aware that thats why the three relief pipes, which have 50% more capacity at 900mm dia than the 600mm dia main pipe which is 3meters below these relief pipes, which are themselves 1000mm from the FFL Road Crossing., which itself is 2000mm below the nearest Houses FFL "The Larches ", Stepping Stones FFL(the original house is some 2500mm higher than the road crossing , Burnside Houses FFL is 3000mm above the road crossing , you can add an additional 1000mm to all the houses above there FFL (noted above) thus giving clearance of 3000mm. 3500mm 4000mm above relief pipes , plus 3000mm below the relief pipes is the main 600mm pipe , thats over 6000mm (6meters) of water height that would be required to reach The Larches . if no relief was available and we know that there is 50% more relief capacity at the 3 relief pipe hight , 1000mm below the FFL of the bridge crossing.

SEPA Set all the AOD levels for each property and the bridge crossing , so as to ensure there was no risk of flooding to the properties, if the 600mm pipe ever blocked and backed up the burn the relief over the crossing would ensure any flood water would very quickly fall to the North side of the culvert crossing into a 9000mm deep and 17000mm wide culvert with a fall of 50m along its length of 100m (2 in 1) to the next culvert located within Seton Sands Caravan Park, they "NEVER" requested the 3 relief pipes , these were requested by the Councils Planning Engineer David Northcott,

These 3 Relief Pipes have never been brought into use in the 14/15years since they were installed to my knowledge

There was never any requirement to put a "Trash Screen " upstream of the relief pipes, so I do not know where this comment has arisen from ??

The burn to the North over the crossing falls at an even faster rate toward the Forth estuary, so is very unlikely to back up " if the burn got totally blocked " which it has, not occurred in living memory or indeed the 30years" I have been an owner of property in Seton Mains ??

Again the Banks upstream on the West and East side of the burn , are very stable, unless the St Light Manager can demonstrate they are not, I have certainly in the 30 years of owning the property on the West Side of the burn have never seen any land slipper erosion nor indeed have I seen any on the East side of the burn.

Blindwells Open Cast mine has now not been using the burn since 1998, as it has closed , when this mine was in operation "pumping water down the burn" it never flooded nor did any debris block the 600mm pipe.

I have never ever mentioned a "Council Flood engineer , " I have however previously supplied the name of the Councils Planning Engineer "David Northcott" whom attended for a meeting at the site with my Architect in November 2011 and two other occasions once with myself and once on his own, whereupon amongst other items discussed, was the inability to fit any structures ect ect, due to issues with Land ownership ect.

There was no access from the East or the West until 2011, to the 600mm pipe under my road crossing , there are no Trash screens or relief pipes or bank stabilisation to the other 3no culvert/crossings within Seton Mains, what if any "mitigation measures" exist on these three ?

I am responsible for this Crossing until these issues are resolved , the bankings to the West and the East as previously advised are owned by Home Owners and a local Farmer to the East of the burn and the same local farmer (whom did reside in North Berwick last I knew) owns the West Side the Burn

Regards

P.Calvesbert

DOCUMENT B

On Wednesday 22 January 2025 at 17:11:56 GMT, lorna brown <l.brown007@btinternet.com> wrote:

----- Original Message -----

From: smcqueen@eastlothian.gov.uk

To: l.brown007@btinternet.com

Sent: Friday, January 17th 2025, 13:52

Subject: Planning application 24/00768/P - Section 42 application to remove condition 2 of planning permission 18/00104/P at Seton Mains

Good Afternoon Paul,

I refer to the above named planning application.

~~Document B~~ **DOCUMENT C**

I have received consultation comments from the Council's Structures, Flooding and Street Lighting Team regarding the removal of condition 2 of planning permission 18/00104/P and I have set these out below for your information.

The Structures, Flooding and Street Lighting Team Manager notes that the application seeks removal of condition 2 and that this would amount to the following details in drawing nos. 939/a1B and 939/a2A (docketed to planning permission 07/0097/FUL) not being provided:

- Installation of 3x relief pipes
- Trash Screen
- Concrete Base, Headwall and Wingwalls for Trash Screen
- Metal Handrail for the Steps to the Screen
- Upstream Banking Stabilisation
- Permeable Block Paving over the bridge

The Structures, Flooding and Street Lighting Team Manager comments that condition 2 was imposed on the grounds of flood risk, and that reduction of flood risk to the only access point to the properties on the west side of the Seton Burn is extremely important. He further comments that, although the three relief pipes have been installed at the culverted bridge crossing, he is aware that on occasions when he or other staff from his Team have attended the site, the burn has been backing up and blocked due to debris collecting at the main culvert pipe. Such constriction on the flow of water in the burn could cause the burn to back up and cause flooding. He therefore advises that he does not support the full removal of condition 2.

The Structures, Flooding and Street Lighting Team Manager goes on to advise that he remains of the opinion that the following elements of the upgrading of the culvert crossing should be implemented in accordance with drawing nos. 939/a1B and 939/a2A (docketed to planning permission 07/0097/FUL):

- 1) Installation of trash screen upstream of the three relief pipes.
- 2) Installation of concrete base, headwall and wingwalls to house the trash screen.
- 3) Metal handrail for steps.
- 4) Bank stabilisation.

On these matters (1 to 4) above, the Structures, Flooding and Street Lighting Team Manager comments are follows:

1. A) He notes that you state that you could not gain access to install these in 2011 and that you advise that your architect at that time relayed this information to the Council's Flood Engineer. There is no record of this and no record of the Council's Flood Engineer (at that time) agreeing to this.
B) The Structures, Flooding and Street Lighting Team Manager is of the opinion that the trash screen design, as shown on drawing nos. 939/a1B and 939/a2A (docketed to planning permission 07/0097/FUL) is appropriate. However, if you were to seek to change the design of the trash screen (i.e. change spacings, angles, etc), he would be open to reviewing an alternative design.
1. A) He advises that the base, headwall and wingwalls are required to ensure the trash screen is stable and to reduce scour near the pipes. Similar to 1A) above, there is no record of the Council's Flood Engineer at that time agreeing to the omission of these features.
B) Similar to the case in 1B) above, if you were to seek to change the design of the headwall, base and wingwalls, the Structures, Flooding and Street Lighting Team Manager would be open to reviewing an alternative design.
1. A) There is a need for suitable access to enable access to the pipe/trash screen and there does not appear to be a suitable reason why the handrail could not be retrospectively installed. Similar to 1B) above, if you were to seek to change the design of the handrail, the Structures, Flooding and Street Lighting Team Manager would be open to reviewing an alternative design.

The Structures, Flooding and Street Lighting Team Manager goes on to advise that the only element of condition 2 that he would support to be removed is the permeable paving of the surface of the culvert bridge crossing. He is not of the opinion that such paving would be of significant benefit in regards to flood risk.

I therefore advise that the removal of condition 2 could not be supported. Rather an amended version of condition 2 would be imposed, which would allow for the omission of only the permeable paving of the surface of the culvert bridge crossing and all other elements of the upgrading works shown on drawing nos. 939/a1B and 939/a2A (docketed to planning permission 07/0097/FUL) would be required to be implemented. A reasonable timescale for the implementation of the outstanding work would be set within the amended condition.

In respect of the Structures, Flooding and Street Lighting Team Manager comments on items 1 to 4 above I seek your responses to the following queries:

1. In respect of 1A) and 2A) above, are you able to provide evidence of the Council's Flood Engineer at that time (2011) agreeing to the omission of the installation of the trash screen and its associated base and walls?
2. Also in respect of 1A), 2A), 3A) and 4) above, are you able to provide evidence of correspondence between yourself and the other landowner(s) of their refusal to allow you access to the land to undertake the installation of the trash screen and its associated base and walls, and the handrail(s) for the steps and the bank stabilisation measures? If ownership of the areas of land has changed since 2011, I would also ask that you provide evidence of such correspondence with the current landowners.
3. Please can you confirm and show on a drawing, which (if any) areas of land associated with the upgrading work to the culvert bridge crossing are in your ownership at this time and which are in the ownership of other parties at this time?

Could you please let me have your response to these matters within 14 days from the date of this email. Please upload any new or amended information or drawings to the application via the e-Planning portal.

In the meantime, in order to allow for your responses to the above matters and for the continued consideration of the application on behalf of East Lothian Council as Planning Authority, and as a form of processing agreement, I write to agree that the period within which the Council may give notice to yourself of their decision on the above named planning application be extended to the 21st February 2025.

I trust that this is of assistance to you however if you require any further information or assistance regarding this matter please do not hesitate to contact me on the email or telephone number below.

You will appreciate that the content of this email is an expression of officer opinion only which is given without prejudice to any decision taken by the Council in respect of the application for planning permission.

Regards,
Stephanie

DOCUMENT C

Stephanie McQueen | Planner | Planning Delivery | East Lothian Council | John Muir House | Haddington EH41 3HA
T. 01620 827210 | E. smcqueen@eastlothian.gov.uk Visit our website at www.eastlothian.gov.uk twitter: @ELCouncil

Any formal email response should be sent to environment@eastlothian.gov.uk quoting the relevant reference number.



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Document C*****

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**We're living through stressful times
right now, and everyone's feeling it.**

Our staff are doing their best to assist local residents
and businesses whilst delivering essential services.

Please, be nice.

Document D

Environment Reception

SG Logged

From: Greaves, Stephanie
Sent: 05 December 2012 12:01
To: Environment Reception
Subject: FW: Planning permissions 07/00972/FUL, 08/00103/FUL and 08/00742/FUL - Seton Mains



From: Paulcalves [mailto:paulcalves@aol.com]
Sent: 05 December 2012 11:35
To: Greaves, Stephanie
Cc: chris@prestigeparkdesign.co.uk
Subject: Re: Planning permissions 07/00972/FUL, 08/00103/FUL and 08/00742/FUL - Seton Mains

Hi Stephanie,

I will talk thru our planned build programme with my project manager and get back to you with an idea of time scales involved, (our plan at the moment is to have the works completed in June / July when the burn flow will be greatly reduced or even dry which we hope will tie in with completion of the build) I will try and get this to you before the Christmas break if that is ok with you.

Paul Calvesbert.

-----Original Message-----

From: Greaves, Stephanie <sgreaves@eastlothian.gov.uk>
To: Paulcalves <paulcalves@aol.com>
Cc: Peter Ballantine <cobalt_arch@hotmail.com>; chris <chris@prestigeparkdesign.co.uk>
Sent: Tue, Dec 4, 2012 3:06 pm
Subject: Planning permissions 07/00972/FUL, 08/00103/FUL and 08/00742/FUL - Seton Mains

Dear Paul Calvesbert,

I refer to our meeting of 11.00am on Monday 3rd December 2012 at the Council's offices at John Muir House, Haddington.

In respect of Condition 4 of each of planning permissions 07/00972/FUL, 08/00103/FUL and 08/00742/FUL I confirm our discussion of Monday 3rd December 2012 that the Council's Engineer, David Northcott, has advised me that he is satisfied that the works to install the additional pipes that have been carried out to date to the culverted bridge crossing of the existing driveway over the Seton Burn are sufficient at this time to secure the stability of that bridge crossing, and I am therefore satisfied that sufficient improvement of the culverted bridge crossing has at this time been undertaken to address the purpose of Condition 4 of each of the grants of planning permissions 07/00972/FUL, 08/00103/FUL and 08/00742/FUL. However, the remaining works required through Condition 4 of each of the grants of planning permissions 07/00972/FUL, 08/00103/FUL and 08/00742/FUL should be completed as soon as possible and in any event before the occupation of any one of the three houses which are the subject of the grants of planning permissions 07/00972/FUL, 08/00103/FUL and 08/00742/FUL

I would be grateful if you could please confirm a timescale within which you intend to complete in full the remaining works required through Condition 4 of each of the grants of planning permissions 07/00972/FUL, 08/00103/FUL and 08/00742/FUL?

The Council's Engineer, David Northcott, has also advised me that the temporary barrier that has been erected along the edges of the culverted bridge crossing of the existing driveway over the Seton Burn does not comply with 'Series 400 - Road Restraint Systems in the Manual Of Contract Documents For Highway Works - Volume 1 - Specification for Highway Works'. However, he advises that as this is a private driveway the Council has limited jurisdiction in this matter and cannot insist on the requirements of the Specification being implemented. He does however, recommend that a compliant temporary barrier be erected during the construction phase and suggests that there are several types of barrier available, the most common being water-filled plastic barriers.

I trust that this is of assistance to you however, if you require any further information or assistance regarding this matter please do not hesitate to contact me on the telephone number below.

Document D

Regards

Paul.

~~Document E~~

Document E

On Thursday 13 June 2024 at 09:31:43 BST, Smith, Amelia <asmith7@eastlothian.gov.uk> wrote:

Mr Calvesbert,

Thank you for your email and thank you for confirming in writing that you havenot complied with the condition in place.

There is no requirement for a meeting to take place. There is however a requirement for you to seek compliance with the condition in which you have breached. You have been provided with a number of options in order to resolve this matter, but you have refused to take any action.

Accordingly, this leaves me with no option, other than to instigate enforcement proceedings.

Kind regards

Amelia Louise Smith

Planning Enforcement Officer | Development Management | East Lothian Council | John Muir House | Haddington | EH41 3HA | T: 01620 827686 |
E:environment@eastlothian.gov.uk

From: Paulcalves <paulcalves@aol.com>

Sent: Wednesday, June 12, 2024 6:22 PM

To: Smith, Amelia <asmith7@eastlothian.gov.uk>

Subject: Re: Planning permissions 07/00972/FUL, 08/00103/FUL and 08/00742/FUL - Seton Mains

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Amelia,

I did request a meeting to discuss this matter in my e mail to yourself of the 5th June. I also referred to the Planning Departments engineer signing off on the bridge also , but do not seem to have had a response to this ???

I am still keen and willing to talk thru this problem face to face, I cannot understand why this course of action is being denied myself.

I do not think threatening and bullying myself with the Procurator Fiscal and Scottish government Ministers is helping the situation, as I have offered to talk thru and get to satisfactory solution is in the interests of all parties.

The 3no300mm Dia relief pipes were installed in 2011 , but have suffered over the past 14 years from the weather and plant growth and had been covered over , these have now been exposed, I will forward on pictures that will be taken tomorrow.

The Galvanised Screen and its associated works wing walls ,base ect , was not fitted as I could not get permission at that time 2011 from my neighbours on the East Bank, to enter there property in order to instal this screen, since my association and ownership of the property (1996) 28 years ago. I did talk this thru (about why I couldn't install the screen ect) with the councils engineer at the time

I Have never seen or had to attend this culvert pipe to remove debris nor has it ever been blocked, in the 28 years even thru the years the open cast mine at Blindwells used this as a run off from there workings which ceased over 11/12 years (I believe) ago, so only surface water from the local area now flows at a much lesser rate than it did back in 2011down this burn and under the crossing.

The Galvanised handrail again were never installed this was clearly an oversight only part and just never got fitted and as we had never had cause to go down the steps in the intervening 13 years we never realised Thad not been fitted.as we had built the wall down to the culvert higher than required so I assume the handrail is now not required.

The upstream terram was fitted above the relief pipes and it was again not fitted any further up steam as these banks the East and the West sides were owned by some property owners on the East side and the original Farmer from North Berwick (a Mr Dale if I recall correctly) and all the banking on the west side was again owned by the Framer from North Berwick whom owned the original crossing and Fields on the West side of the burn crossing so again I could not get any permission to enter this land .

The ground was however seeded and Laurels planted on the top of the West Banking which has cerated a network of roots that have helped stabilise the banking over the past 12/13 years.

The permeable block was not fitted as we had an AOD tower to issued by SEPA, when we dug down to put in the concrete strips to the North and The South of the crossing (for the barriers) the original services (Gas Electric , Water, BT) were very shallow so we therefore couldnt come up any higher to install the Pavoirs as this would have then breached SEPA AOD height and wouldn't give the relief required South To North if the Culvert and the relief pipes became blocked, in addition to potential freezing and ice being created on this crossing during the winter months.

Hopefully based on the above information my position can now be more fully considered and a certificate of lawfulness issued or a Section 42 to which you refer maybe a way of concluding this matter for all concerned.

Regards

Document E

~~DOCUMENT F~~~~DOC F~~ **Page 1**Re: Planning permissions 07/00972/FUL, 08/00103/FUL and 08/00742/FUL - Seton Ma
ins

paulcalves@aol.../Sent

P Paulcalves <paulcalves@aol.com>

5 Jun at 18:37

To: Fairgrieve, Frank <ffairgrieve@eastlothian.gov.uk>,
McQueen, Stephanie <smcqueen@eastlothian.gov.uk>, Smith, Amelia <asmith7@eastlothian.gov.uk>
Cc: Lorna Brown <l.brown007@btinternet.com>, Justin Sturdy <justinsturdy@warnergoodman.co.uk>* REQUEST MADE TO DISCUSS WITH
AMELIA SMITH (PLANNING)
* REQUEST REFUSED

Hi Amelia,

Could it please be clarified, either it was (the bridge crossing works) a pre condition or these works or it was not !!!, it remains my position that (until provided with signed paperwork from yourselves to the contrary) these works were a pre condition, which I believe Stephanie McQueen signed off on at the time and that the councils engineer David Northcott had also physically viewed the crossing works at the time also signed them off

I am happy to have a conversation about the facts as I see them ?? therefore if it will help resolve the situation is it worth having a meeting at your offices to talk this thru, I plan on being in the area at the end of this month

Regards

Paul.

On Thursday 23 May 2024 at 11:19:27 BST, Smith, Amelia <asmith7@eastlothian.gov.uk> wrote:

Paul,

In reference to your email dated 22nd May 2024, I can confirm that this condition hasn't been signed off and remains enforceable.

Kind regards,

Amelia Louise Smith

Planning Enforcement Officer | Development Management | East Lothian Council | John Muir House | Haddington | EH41 3HA | T: 01620 827686 |
E: environment@eastlothian.gov.uk

From: Fairgrieve, Frank <ffairgrieve@eastlothian.gov.uk>

Sent: Wednesday, May 22, 2024 8:11 PM

To: Paulcalves <paulcalves@aol.com>; McQueen, Stephanie <smcqueen@eastlothian.gov.uk>; Smith, Amelia <asmith7@eastlothian.gov.uk>

Cc: Lorna Brown <l.brown007@btinternet.com>; Justin Sturdy <justinsturdy@warnergoodman.co.uk>

Subject: RE: Planning permissions 07/00972/FUL, 08/00103/FUL and 08/00742/FUL - Seton Mains

Hi Paul

Again, whilst not wishing to be drawn back into this issue, the reasons being as outlined in previous e mails. I feel I need to add further comment for the purposes of clarity within this ongoing situation after your recent e mail.

If I am following this correctly the issues surround the planning condition regarding upgrades ? to the culverted bridge crossing. The issue you also contend, following previous e mails, is that as building standards have issued completion acceptances on the property then some sign off on the works must have taken place through this process.

Based on the above I would comment as follows:

(i) In terms of upgrades to the existing crossing, building standards did not insist on this at the warrant stage, as the crossing existed and served properties already, in such cases this is what is referred to as "deemed to satisfy" even if it actually didn't. So even with the creation of new properties, any improvement works etc could not have been a requirement under the warrant. I have reviewed the file and do not see this was a requirement of building standards at the time of the warrant. AS SC then effectively signed it off DEC 2022

(ii) In terms of the actual completion process, then the Council's building standards section do not issue a completion certificate we issue an acceptance of the completion certificate. There is a significant difference between the two because the actual completion certificate confirming all works have been completed in accordance with the approved warrant drawings, regulations and standards is submitted by the Applicant / Agent. Ultimately the Building (Scotland) Act 2003 places the responsibility of compliance with the Applicant not with the Local Authority Building Standards section. AS IF WITH A PSE WARRANT OF COMPLETION PIP SIGNED DEC 2022 SC

For our part of the process, we are only tasked with taking reasonable inquiry to determine if the Applicant has fulfilled their duties. That inquiry is limited and as I said ultimately the completion certification comes from the Applicant / Agent. We, after the reasonable inquiry, issue an acceptance of the completion certificate previously issued by the Applicant / Agent. As I've noted above however the warrant does not cover any matters around the culverted bridge crossing.

Planning Permission and Building Warrant are two independent piece of statutory legislation and do not require compliance with one to achieve compliance with the other. The person(s) tasked with navigating that both pieces of statutory legislation are complied with, lies with the Applicant / Agent.

I hope this provide some further clarity to the matter and whilst as noted above I do not wish to be drawn back into the issue I would be happy to discuss further if you require but I don't feel I have anything further to add at this point.

Regards

Frank

F Fairgrieve MRICS MIFireE | Team Manager Building Standards | East Lothian Council | John Muir House | Haddington EH41 3HA | T: 01620 827357 |
E: buildingstandards@eastlothian.gov.uk

WE NOW PAGE 2-11

X

~~P. Calvesbert~~~~DOC~~

DOCUMENT F PAGE 2

On Thursday 6 June 2024 at 08:50:57 BST, Smith, Amelia <asmith7@eastlothian.gov.uk> wrote:

Good Morning Paul,

I refer to the below and attached email trail.

Condition 2 of Planning Permission ref:18/00104/P hasnot been signed off, nor has it been wholly complied with, hence my contacting you.

As the 21 day period has since lapsed and you have not a) secured compliance or b) submitted a 42 application, we will now be moving to take enforcement action.

I intend to serve you with a Breach of Condition Notice within the next couple of weeks. You will note that there is no right of appeal to Scottish Ministers against the service of this notice and, failure to comply with this notice may result in the referral of this case to the Procurator Fiscal.

I hope the above is clear.

Kind regards,

Amelia Louise Smith

Planning Enforcement Officer | Development Management | East Lothian Council | John Muir House | Haddington | EH41 3HA | T: 01620 827686 | E: environment@eastlothian.gov.uk

From: Paulcalves <paulcalves@aol.com>

Sent: Wednesday, June 5, 2024 6:37 PM

To: Fairgrieve, Frank <ffairgrieve@eastlothian.gov.uk>; McQueen, Stephanie <smcqueen@eastlothian.gov.uk>; Smith, Amelia <asmith7@eastlothian.gov.uk>

Cc: Lorna Brown <l.brown007@btinternet.com>; Justin Sturdy <justinsturdy@warnergoodman.co.uk>

Subject: Re: Planning permissions 07/00972/FUL, 08/00103/FUL and 08/00742/FUL - Seton Mains

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Amelia,

Could it please be clarified, either it was (the bridge crossing works) a pre condition or these works or it was not !!!, it remains my position that (until provided with signed paperwork from yourselves to the contrary) these works were a pre condition, which I believe Stephanie McQueen signed off on at the time and that the councils engineer David Norhcott had also physically viewed the crossing works at the time and also signed them off

I am happy to have a conversation about the facts as I see them ?? therefore if it will help resolve the situation is it worth having a meeting at your offices to talk this thru, I plan on being in the area at the end of this month

Regards

Paul.

On Thursday 23 May 2024 at 11:19:27 BST, Smith, Amelia <asmith7@eastlothian.gov.uk> wrote:

Paul,

In reference to your email dated 22nd May 2024, I can confirm that this condition hasn't been signed off and remains enforceable.

Kind regards,

Amelia Louise Smith

Planning Enforcement Officer | Development Management | East Lothian Council | John Muir House | Haddington | EH41 3HA | T: 01620 827686 | E: environment@eastlothian.gov.uk

From: Fairgrieve, Frank <ffairgrieve@eastlothian.gov.uk>

Sent: Wednesday, May 22, 2024 8:11 PM

To: Paulcalves <paulcalves@aol.com>; McQueen, Stephanie <smcqueen@eastlothian.gov.uk>; Smith, Amelia <asmith7@eastlothian.gov.uk>

Cc: Lorna Brown <l.brown007@btinternet.com>; Justin Sturdy <justinsturdy@warnergoodman.co.uk>

Subject: RE: Planning permissions 07/00972/FUL, 08/00103/FUL and 08/00742/FUL - Seton Mains

Hi Paul

Again, whilst not wishing to be drawn back into this issue, the reasons being as outlined in previous e mails. I feel I need to add further comment for the purposes of clarity within this ongoing situation after your recent e mail.

If I am following this correctly the issues surround the planning condition regarding upgrades ? to the culverted bridge crossing. The issue you also contend, following previous e mails, is that as building standards have issued completion acceptances on the property then some sign off on the works must have taken place through this process.

Based on the above I would comment as follows:

- (i) In terms of upgrades to the existing crossing, building standards did not insist on this at the warrant stage, as the crossing existed and served properties already, in such cases this is what is referred to as "deemed to satisfy" even if it actually didn't. So even with the creation of

~~Doc G~~

DOCUMENT G Page ①

new properties, any improvement works etc could not have been a requirement under the warrant. I have reviewed the file and do not see this was a requirement of building standards at the time of the warrant.

(ii) In terms of the actual completion process, then the Council's building standards section do not issue a completion certificate we issue an acceptance of the completion certificate. There is a significant difference between the two because the actual completion certificate confirming all works have been completed in accordance with the approved warrant drawings, regulations and standards is submitted by the Applicant / Agent. Ultimately the Building (Scotland) Act 2003 places the responsibility of compliance with the Applicant not with the Local Authority Building Standards section.

For our part of the process, we are only tasked with taking reasonable inquiry to determine if the Applicant has fulfilled their duties. That inquiry is limited and as I said ultimately the completion certification comes from the Applicant / Agent. We, after the reasonable inquiry, issue an acceptance of the completion certificate previously issued by the Applicant / Agent. As I've noted above however the warrant does not cover any matters around the culverted bridge crossing.

Planning Permission and Building Warrant are two independent piece of statutory legislation and do not require compliance with one to achieve compliance with the other. The person(s) tasked with navigating that both pieces of statutory legislation are complied with, lies with the Applicant / Agent.

I hope this provide some further clarity to the matter and whilst as noted above I do not wish to be drawn back into the issue I would be happy to discuss further if you require but I don't feel I have anything further to add at this point.

Regards

Frank

F Fairgrieve MRICS MIFireE | Team Manager Building Standards | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827357 | E. buildingstandards@eastlothian.gov.uk

From: Paulcalves <paulcalves@aol.com>

Sent: Wednesday, May 22, 2024 5:53 PM

To: McQueen, Stephanie <smcqueen@eastlothian.gov.uk>; Fairgrieve, Frank <ffairgrieve@eastlothian.gov.uk>; Smith, Amelia <asmith7@eastlothian.gov.uk>

Cc: Lorna Brown <l.brown007@btinternet.com>; Justin Sturdy <justinsturdy@warnergoodman.co.uk>

Subject: Re: Planning permissions 07/00972/FUL, 08/00103/FUL and 08/00742/FUL - Seton Mains

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Good Afternoon Amelia,

My comments to Frank remain unaltered and a true reflection of my position, I do though intend to fully reply to your e mail of the 15th May prior to your deadline (contained in your e Mail of the 15th May) of the 5th June, I am awaiting some legal advise from an expert in planning which I expect to receive in the next 7/10 days.

The one question my legal expert has requested today is, we I would in the meantime request a response from your self ref my communication with Frank, (of today) as to how a building warrant was issued and why the Houses and extension were allowed be built and completed and whom at your end signed off the fact they could, given they were a pre condition ??? surely there is documented evidence at your end of whom signed this Pre Condition off.

Regards

Paul.

On Wednesday 22 May 2024 at 16:50:37 BST, Smith, Amelia <asmith7@eastlothian.gov.uk> wrote:

Good Afternoon Paul,

I refer to my email attached, which evidences that you have not fully complied with this condition. As noted previously, this condition remains enforceable and it is our intention to instigate enforcement proceedings should compliance not be sought.

Kind regards,

Amelia Louise Smith

Planning Enforcement Officer | Development Management | East Lothian Council | John Muir House | Haddington | EH41 3HA | T. 01620 827686 | E: environment@eastlothian.gov.uk

From: Paulcalves <paulcalves@aol.com>

Sent: Wednesday, May 22, 2024 4:31 PM

To: McQueen, Stephanie <smcqueen@eastlothian.gov.uk>; Fairgrieve, Frank <ffairgrieve@eastlothian.gov.uk>

Cc: Lorna Brown <l.brown007@btinternet.com>; Justin Sturdy <justinsturdy@warnergoodman.co.uk>; Smith, Amelia <asmith7@eastlothian.gov.uk>

Subject: Re: Planning permissions 07/00972/FUL, 08/00103/FUL and 08/00742/FUL - Seton Mains

DOCUMENT G Am ①

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Many thanks for your reply Frank,

Doc G

Document G Page 2

The is as I see it, " the works to the bridge were a pre condition and had to be completed prior to the building warrant and subsequently any works starting on the houses" Stephanie Grieves can confirm this.

If my understanding (as detailed above) is correct (which I believe it is) someone somewhere within the council sanctioned the building warrant to be issued and then the buildings to be erected and it follows that the pre condition had been fully compiled with ??

Regards

Paul.

On Wednesday 15 May 2024 at 20:37:27 BST, Fairgrieve, Frank <ffairgrieve@eastlothian.gov.uk> wrote:

Hi Paul

Please accept my apologies for not responding to this e mail earlier, unfortunately at the same time it arrived in my inbox, I had a significant increase in e mails for some reason thus I lost track of it, however Amelia's e mail of today jogged my memory that I needed to respond.

I've purposely responded via your original e mail to me rather than Amelia's of today, as I feel my response will close out any Building Standards involvement with the current issues being raised.

In terms of those issues, then to be clear they are not being raised by Building Standards and as we have accepted completions on the properties, we therefore have no further involvement through the warrant that was obtained to create them (the properties).

The issues which I see in the e mails are being raised in respect of conditions attached when the Planning permission was granted and therefore any discussions regarding these should purely be between the Council's Development Management section (Planning) and yourself.

I hope this clarifies Building Standards position in this matter however I'm happy to discuss further if you require.

Kind regards

Frank

F Fairgrieve MRICS MIFireE | Team Manager Building Standards | East Lothian Council | John Muir House | Haddington EH41 3HA | T. 01620 827357 | E.buildingstandards@eastlothian.gov.uk

From: Paulcalves <paulcalves@aol.com>

Sent: Friday, April 26, 2024 1:03 PM

To: McQueen, Stephanie <smcqueen@eastlothian.gov.uk>; Fairgrieve, Frank <ffairgrieve@eastlothian.gov.uk>

Cc: Lorna Brown <l.brown007@btinternet.com>; Justin Sturdy <justinsturdy@warnergoodman.co.uk>; Smith, Amelia <asmith7@eastlothian.gov.uk>

Subject: Fw: Planning permissions 07/00972/FUL, 08/00103/FUL and 08/00742/FUL - Seton Mains

You don't often get email from paulcalves@aol.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Stephanie, Frank,

Please see email below , which is self explanatory, the ref on the letter, that I have received is, 24/00040/COM, also for everyones information the coloured plan on the letter " LAND TO WHICH THIS NOTICE RELATES " ON PAGE 4, is of Burnside House , can anyone at Planning advise why this House is shown with its Red Boundary showing ????????????, I do not even own this House ????

Regards

P. Calvesbert

----- Forwarded message -----

From: Paulcalves <paulcalves@aol.com>

To: Smith, Amelia <asmith7@eastlothian.gov.uk>

Cc: 'Lorna Brown' <l.brown007@btinternet.com>

Sent: Friday 26 April 2024 at 12:46:15 BST

Subject: Re: Planning permissions 07/00972/FUL, 08/00103/FUL and 08/00742/FUL - Seton Mains

Hi Amelia,

I have received a letter today from yourself dated the 10th April 2024,

I am responding as per the advise given in that letter, ie to respond within 21 days of the letter aforementioned.

You state in the letter " no action has been taken to resolve the matter" I beg to differ, you have have never at any pint given me the exact detail of what the 'alleged "breach is ??? despite numerous requests.

Document G Page 2

~~Doc 11~~

Document H

As per my previous e mails on this matter , in the first instance my confirmation to Stephanie Greaves in an e mail on the 27/11/23 17.09 GMT (within the trail below) that the works had been completed, well over 12 years ago.

I also set out my position (in full) regarding this "alleged" breach ,in my e mail to yourself of 13/02/24 6.14pm for the sake of clarity my position remains as per the details within that e mail of the 13/02/24 6.14pm

Although as you are aware at no pint has anyone from yourself or any other source within the planning department, been specific about what exactly the "alleged breach is" despite seven times this being requested ???

These works have been completed now for well over 12/13 years , therfore this now surely falls within (in effort to resolve this matter again which I totally refute has had any breaches within it have occurred, which I must stress again my position is fully explained within my Email to yourself of 13/02/24 6.14pm) the bounds of a certificate of lawfulness being issued by yourselves to myself.

I would request by return the contact details of your manager or to whom within the planning department, I should also copy all the correspondence on this matter to and also the contact details for the councils legal department so again they can be furnished with all the correspondence copied to also.

In closing I again request the exact "alleged " breach and from where this alleged breach originates (my lawyer will no doubt request this information)

And confirmation as to how I was allowed (as the bridge crossing was a pre condition to those houses being built and completed) to build the Threes houses and Extension " if the works to the bridge crossing hadnt been completed and signed off by someone within the very planning department within which you work ?????????

I am very happy to engage a lawyer if I must , but please be advised I will ask the procurator fiscal to have all my costs and any damages incurred by myself or my neighbours fully re imbursed.

Regards

P Calvesbert.

On Tuesday 9 April 2024 at 14:26:54 BST, Smith, Amelia <asmith7@eastlothian.gov.uk> wrote:

Good Afternoon Paul,

Please could you advise if the below address remains update and correct?

Billing Aqua Drome
Crow Lane
Great Billing
North Hampton
NN3 9DA

MOVED
From this
address in
2008

If not, please supply any new forwarding address.

Kind regards,

Amelia Louise Smith

Planning Enforcement Officer | Development Management | East Lothian Council | John Muir House | Haddington | EH41 3HA | T: 01620 827686
| E: environment@eastlothian.gov.uk

From: Smith, Amelia

Sent: Tuesday, February 20, 2024 10:26 AM

To: Paulcalves <paulcalves@aol.com>

Cc: Lorna Brown <l.brown007@btinternet.com>

Subject: RE: Planning permissions 07/00972/FUL, 08/00103/FUL and 08/00742/FUL - Seton Mains

Hi Paul,

As attached, the alleged issue relates to the fact that Condition 2 of Planning Permission ref:18/00104/P has not been complied with (i.e. Upgrading woks to the culverted bridge crossing of the existing site access driveway over the *Seton Burn have not been carried out*).

Drawings can be found on ELC's Planning Portal under ref: 07/00972/FUL.

As it stands, whilst time has lapsed since development has been undertaken, this condition remains enforceable. It would therefore be in your interest to demonstrate that compliance has indeed been sought with this condition per my initial email.

Kind regards,

Amelia Louise Smith

Planning Enforcement Officer | Development Management | East Lothian Council | John Muir House | Haddington | EH41 3HA | T: 01620 827686
| E: environment@eastlothian.gov.uk

From: Paulcalves <paulcalves@aol.com>
Sent: Tuesday, February 13, 2024 6:14 PM
To: Smith, Amelia <asmith7@eastlothian.gov.uk>
Cc: Lorna Brown <l.brown007@btinternet.com>
Subject: Fw: Planning permissions 07/00972/FUL, 08/00103/FUL and 08/00742/FUL - Seton Mains

Doc

Document I

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Amelia,

Please find correspondence with Steph, (last November)

The Culverted bridge crossing was a condition,

It had to be completed prior to the erection of the 3 properties and Extension covered in consent 07/00972/FUL., I would not have been allowed to build out the 3 houses and extension had East Lothian Planning not signed off on the bridge.

East Lothian planners would not have (Frank Fairgrieve) signed off as them being complete, which he did if the Crossing wasn't complete.

It would help " enormously " if I knew exactly what the "alleged " issue is, all of this M15 Cloak and Dagger stuff is a bit perplexing and annoying.

But then again its been signed off by East Lothian Council Planners and Its Engineer (at the time as being complete) as it was a" Pre Condition "to the 3 houses and extention receiving Building Warrants , Staged completion stages being signed off by various building control Officers (whom visited the site and then later by Frank Fairgrieve and he then issuing Completion Certificates for all) if not how would I have been allowed to complete the planning permissions for the houses and extension.

This is now 15 / 17 years ago, my children now work, we have been thru a Pandemic, a Cost of living Crisis, India have Landed on the Moon, Donald trump has been president ,Nicola Sturgeon holidays in a Camper Van, Boris Johnson resigned, Queen Elizabeth reign has ended.

It Maybe worth you speaking to Steph or and even Frank Fairgrieve, if you cannot tell me what the allegation is I really cannot commit any further.

Regards

Paul.

----- Forwarded message -----

From: Paulcalves <paulcalves@aol.com>
To: McQueen, Stephanie <smcqueen@eastlothian.gov.uk>
Sent: Monday, 27 November 2023 at 17:09:07 GMT
Subject: Re: Planning permissions 07/00972/FUL, 08/00103/FUL and 08/00742/FUL - Seton Mains

Hi Stephanie,

Sorry for the delay in responding I am only just back from Chicago (where my daughter is at U Chicago University) where I visited my daughter and took in thanksgiving,

Long time no speak, I trust your well and the family are also.

Could I ask what has generated this question after all these years (14 and 11 respectively)???

Yes the works required were completed

Regards

Paul.

On Wednesday, 8 November 2023 at 16:05:55 GMT, McQueen, Stephanie <smcqueen@eastlothian.gov.uk> wrote:

Good Afternoon Paul,

I hope this email finds you well.

With reference to the attached email correspondence, I would be grateful if you could please advise whether the upgrading works to the culverted bridge crossing of the driveway / site access were completed in full as required by conditions of the above named planning permissions?

I would be grateful to receive your response on this matter at your earliest convenience and where possible within 14 days from the dates of this email.

Regards,
 Stephanie

Stephanie McQueen | Planner | Planning Delivery | East Lothian Council | John Muir House | Haddington EH41 3HA
 T. 01620 827210 | E. smcqueen@eastlothian.gov.uk Visit our website at www.eastlothian.gov.uk



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DOCUMENT K

Stepping Stones

paulcalves@aol..../Inbox



Matthew Jones <matt.jones66@hotmail.co.uk>
To: Paul Calvesbert <paulcalves@aol.com>

6 Nov at 20:10

Hi Paul

Further to your text message this afternoon regarding 'the pipe under the crossing block' causing flooding. In the whole time I was resident at Stepping Stones (April 2013 - June 2022) we never had a single flooding issue and neither did any of the other properties that were being built during my time there.

I hope this helps.

Warm regards

Matt

Matt Jones

Matt.jones66@hotmail.co.uk

07769 658660

Ref: 12/00393/BW & Amendments
Date: 29 May 2019
Phone: 01620 827498
E-mail: buildingstandards@eastlothian.gov.uk

DOCUMENT L PAGE (1)

Mr Paul Calversbert
By E-mail

Dear Mr Paul Calversbert

**Building (Scotland) Act 2003
Erection of 3 houses and single storey extension to house
Stepping Stones, Seton Mains, Longniddry, East Lothian, EH32 0PG**

• 8 SITE VISITS
• NO MENTION OF CULVERT CROSSING WORKS
BEING INCOMPLETE AS PER
CONDITION 4.

Prior to my forthcoming inspection of 5 June 2019 I have reviewed the file and inspection notes and have several queries I will require to be addressed and responded to in writing, preferably prior to the inspection date.

1. An early site note references that the drainage was not included in the stage one application and that an amendment was requested for such which would appear not to have been submitted. I would note that the stage 2 application drawings show a drainage run, I require some photographs of the installation and confirmation in writing that the run is as per the approved plans. Please note that confirmation of testing of the run to the pumping station will be required and that I will need to test the internal drainage from the dwelling to the disconnecting manhole.
2. Inspection note dated 26 May 2017 had requested the agent at the time to take down base course to plot 3 – which at the time was to base level, whilst the other plots had timber kits erected to roof level, and the extended dwelling was up to roof level with the external block - and install a new DPM as it showed signs of deterioration. There was no confirmation in regard to this being done. Further to this there is no record of or note in regard to the installation of the foundations.

In order to confirm compliance has been achieved with the approved plans I would require the submission of photos of the areas of work not seen or commented on – these included the foundation excavation of each plot, the rebar install, the concrete pour, the underbuild formation and slab pour, steelwork, including fire protection of such - in order to eliminate the need for opening up works.

3. Inspection note dated 18 July 2017 alludes to kit of plot 3 being erected with roof boarded and awaiting tiles, plots 1 and 2 being to first floor level with regard to external blockwork, fire stopping was witnessed and internal racking panels erected and no issues reported. The note also confirmed that the garages to the larger plots was completed – however no record exists in relation to the actual construction phases of the garage, so again photographic

evidence will be required.

4. Inspection note from 10 August 2017 confirmed render to plot 1 being complete with all windows and doors fitted and steelwork in place – no insulation or plasterboard sheeting had been installed at this time.
5. Inspection note from 24 October 2017 reported several issues - and requested confirmation in relation to such from at first the site agent, then after it was confirmed he was no longer involved from the site owner and architect, with no response/confirmation provided (it should also be noted that following a telephone discussion 13 October 2017 the inspector requested photographs of works as they progressed – these were never provided).

The issues/items reported are as follows:

Plot 1: noted that insulation was being installed, the insulation board in the external walls all differed – confirmation was requested that all insulation utilised was that as specified, if not this would require to be amended with revised calcs provided, if u-values achieved differed then revised SAP would also be required.

Extension Plot (2E): Tie down straps to roof required. Engineer was also required to confirm porch construction was as per approved plans. The drawings show steel posts and beams over the porch, however, on site it was noted to be timber – which appeared to be non-structural and timbers spiked together for the beam. This differs from approved and as such would require amendment to warrant and revised engineers info/confirmation in regard to validation of original SER (again, as stated above this was communicated with all parties with no comment provided in response – this MUST be addressed I cannot issue a cc for this without it due to the structural nature).

Plot 2: Tie down straps required to garage. Insulation to steel webs on external walls on ground and first floor level. Insect mesh required to bottom of larch cladding and guarding required to full height glazing if glazing does not meet BS 6262 (should be kite marked)

Plot 3: Guarding required to full height glazing if glazing does not meet BS 6262 (should be kite marked). Roof ventilation to be continuous over stair well.

There was also a comment regarding requirement to provide ventilation to the garages.

6. Inspection note 9 January 2018 makes the following comments:

Plot 1: insulation complete, walls skim coated.

Plot 2 & 3: Walls skimmed.

The note also confirmed no response regarding the comments raised from inspection in October 2017. No note exists regarding the install of insulation to plots 2 and 3, so again photographic evidence will be required.

In order to facilitate the issue of the completion certificates, assuming satisfactory inspection on June 5 2019, I require confirmation of the points addressed above – this needs to be fairly detailed and signed by the confirming party (a one line response will not suffice) - to negate the requirements of any opening up works, and preferably prior to the inspection date (particularly if you are looking for verbal confirmation of habitation at time of inspection).

I would also advise that should the support of the porch not be as per the approved plan that an amendment to warrant WILL be required to address the change and further input from the structural engineer will be needed. I would also reiterate that the following items of paperwork will be needed:

For Plots 1, 2 and 3 (one for each dwelling):

- Form 5;
- EPC certificate;
- Sustainability label;
- Air Test Certificate;
- Electrical Test Certificate;
- Fire alarm/detection commissioning/installation certificate;
- Intumescent paint application certificate for fire protection to structural steel (where applicable);
- Installation certificate for the PV panels (MGS Installation certification etc).

For Plot 2E:

- Form 5;
- Electrical Test Certificate

Please also ensure there is a plumber available to undertake drain tests on all the new build plots.

Should you require any further information, then please do not hesitate to contact me

Yours sincerely

David Bebbington
Building Standards Surveyor

Cc Keith Cunningham
By E-mail

Fwd: Planning application 24/00768/P - Section 42 application to remove condition 2 of planning permission 18/00104/P at Seton Mains

paulcalves@aol..../Inbox



Iorna Brown <l.brown007@btinternet.com>
To: paulcalves@aol.com

Document M

6 Nov at 12:43

----- Original Message -----

From: smcqueen@eastlothian.gov.uk

To: l.brown007@btinternet.com

Sent: Thursday, July 24th 2025, 13:21

Subject: Planning application 24/00768/P - Section 42 application to remove condition 2 of planning permission 18/00104/P at Seton Mains

Good Afternoon Paul,

Thank you for your email of 30th June 2025 regarding the above named planning application.

I note that you advise that you have no further information you wish to submit in support of the application or in response to my requests for information. I therefore advise that I intend to report the application for its decision within the next couple of weeks and my recommendation will be for refusal of the application. Public objection to the application has been received therefore once my assessment report of handling is completed it will be cleared onto the Scheme of Delegation List by my Team Manager.

I trust that this is of assistance to you.

You will appreciate that the content of this email is an expression of officer opinion only which is given without prejudice to any decision taken by the Council in respect of the Section 42 application.

Regards,
Stephanie

Stephanie McQueen | Planner | Planning Delivery | Development | Partnership & Services for Communities | East Lothian Council | John Muir House | Haddington EH41 3HA

T. 01620 827210 | E. smcqueen@eastlothian.gov.uk Visit our website at www.eastlothian.gov.uk twitter: @ELCouncil

Any formal email response should be sent to environment@eastlothian.gov.uk quoting the relevant reference number.



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- NOTE REFUSAL NOTICE WAS ISSUED LESS THAN 24 HRS AFTER THIS EMAIL FROM STEPH M'QUEEN
- YET THIS STATES "NEXT COUPLE OF WEEKS"
- FIRST MENTION OF "PUBLIC OBJECTION"
- OBVIOUSLY THE OFFICER HAD ALREADY PRE-JUDGED THIS APPLICATION!!!

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Verbal abuse and threatening behaviour is never acceptable. #zerotolerance

We're living through stressful times right now, and everyone's feeling it.

Our staff are doing their best to assist local residents and businesses whilst delivering essential services.

Please, be nice.



Document N DATE (1)

vehicular access to the application site, to the west by the residential property of 8 Seton Mains Cottages, to the south by a combination of the residential property of 3 Seton Mains Farm Cottages (also known as 3 Old Cottages) and the Seton Burn within its wooded setting, and to the east by the Seton Burn within its wooded setting, beyond which are further residential properties. The land of the culverted bridge crossing of the access driveway that serves the house is located some 50 metres to the north of the house and garden and is bounded to the north and south by the Seton Burn within its wooded setting, to the west by land of the residential properties of Stepping Stones and The Larches, and to the east by land of the residential properties of 4 Burnside Cottage and Woodside Cottage (5 Burnside Cottage).

All of the land of the application site is within an area identified by the Coal Authority as being at high risk from past mining related activity.

The application site is also within the wider designated area of the Battle of Prestonpans. The Seton Mains Enclosure scheduled monument is located a short distance away to the west.

By its location alongside the Seton Burn, parts of the application site are identified by SEPA's flood risk maps as being within a flood risk area and as being at risk from fluvial and surface water flooding.

The North Berwick to Seton Sands Coast Special Landscape Area (SLA) is outwith the application site to the north of the culverted bridge crossing of the access driveway.

RELEVANT PLANNING HISTORY

On 4th December 2009 planning permission 07/00972/FUL was granted for the erection of a detached house on an area of land measuring some 0.075 of a hectare in area that comprised part of the southern area of garden ground of the house of Stepping Stones and also an area of vacant land to the east of that area of garden ground. The house approved by planning permission 07/00972/FUL is now built and occupied and is known as Burnside House, 9 Seton Mains Cottages. Planning permission 07/00972/FUL was granted subject to conditional controls including condition 4 which requires that prior to the commencement of development on the site, the works to upgrade the culverted bridge crossing of the existing site access driveway over the Seton Burn shall have been carried out in accordance with drawing nos. 939/a1B and 939/a2A, all to the approval of the Planning Authority, and that the levels of the existing culvert and the culverted bridge crossing deck shall remain unchanged unless otherwise approved by the Planning Authority. The purpose behind the control embodied in Condition 4 of planning permission 07/00972/FUL is to safeguard road safety and to prevent flooding.

On 6th April 2018 planning permission 18/00104/P was granted retrospectively for the variation of condition 15 of planning permission 07/00972/FUL to allow the retention of a ground floor window that had been formed on the south elevation of the house. Although the house at that time was not yet completed, the application was made retrospectively as the window had already been formed. Planning permission 18/00104/P was granted subject to conditional controls securing the obscure glazing of the ground floor window and in addition the removal of permitted development rights for the formation of any further windows on the south elevation of the house. As an application under Section 42 for the variation of a condition and as the development was not at that time completed, the grant of planning

THE OFFICER WHO SIGNED OFF HOUSES MADE NO MENTION OF ANY OF WORKS UNKNOWN HE/SHE AND AGREE TO ALL PLANNING CONDITIONS, BUT STILL ISSUED COMPLETION CERTIFICATE IN 2016/17/18 NOT SURE WHEN

SO THERE STILL REMAINS AN OPPORTUNITY TO TAKE THIS CHANCE TO COMPLY WITH THE PLANNING CONDITIONS BY THE OFFICE OF THE PLANNING AUTHORITY

SUBJECT TO THE HOUSES BEING COMPLETED

SO WAS SIGNATURE OFF BY CULVERT 1/10/18

DEFENCES

permission 18/00104/P was also granted subject to the re-imposition of other relevant planning conditions. These included the condition requiring the upgrading works to the culvert bridge crossing (now condition 2 of planning permission 18/00104/P), which are required to be carried out in accordance with drawing nos. 939/a1B and 939/a2A of the grant of planning permission 07/00972/FUL. Again, the purpose behind the control embodied in Condition 2 of planning permission 18/00104/P is to safeguard road safety and to prevent flooding. *Signed off in Dec 2009 @ Comhairle*

11 year gap

*Heavenly
Annotated
Plans
Follow
the
intent
of
the
original
plans*

*The house is safe
it has never
flooded*

The house approved by the grant of planning permission 18/00104/P is now built and occupied. It has been built without the culverted bridge crossing of the access driveway being upgraded in the manner shown on drawing nos. 939/a1B and 939/a2A docketed to planning permission 07/00972/FUL.

PROPOSALS

Through this current application submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997, planning permission is now retrospectively sought for the removal of Condition 2 of planning permission 18/00104/P. Specifically, the applicant seeks to remove Condition 2 of planning permission 18/00104/P in order to allow for the upgrading work to the culverted bridge crossing of the access driveway in the manner carried out, rather than in accordance with drawing nos. 939/a1B and 939/a2A docketed to planning permission 07/00972/FUL. Specifically, the applicant is proposing that the following elements of the works to upgrade the culverted bridge crossing of the access driveway are omitted:

*Similar to
07/00972/FUL*

- (i) omit the provision of a galvanised screen, and its associated walls at the 600mm diameter pipe;
- (ii) omit a handrail to the steps and allow for the steps in the different form and arrangement that they have been laid out;
- (iii) omit bank stabilisation works around the three relief pipes; and
- (iv) omit permeable block surfacing to the culverted bridge crossing.

*The above as shown in the above
over 10 years ago?
Cert of
Lawfulness
Appointed*

There are no other proposed changes to the scheme of development the subject of planning permission 18/00104/P. *07/00972/FUL*

A supporting statement has been submitted with this application and sets out the applicant's reasons for the removal of Condition 2, explaining that:

- a) he does not own all of the land where works would be required to be carried out and has been unable to get permission from the owners of relevant neighbouring properties to undertake the works;
- b) that since his association and ownership of the property in 1996 (28 years ago) he has never had to remove debris or seen the culvert pipe blocked;
- c) since 2012 water flow in the burn has reduced;
- d) the handrail at the steps was never installed but the wall at the side of the steps is higher than required; *so no handrail is req*
- e) the upstream terram was installed above the relief pipes in 2011 but was not fitted further upstream due to the banks being in different ownership;
- f) to help stabilise the banks, laurels were planted on the top of the west banking on land the applicant owned over the past 12 - 13 years; and

73222

Due to open cut mine closure Burnside

Document J

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Mr Calvesbert,

Many thanks for your email below and apologies for the delay in getting back to you. Please see my comments below in red.

Your options going forward as I see it:

1. Secure full compliance with condition 2 by undertaking the works identified below as having not been completed; or,
2. Submit a Section 42 application to apply to delete condition 2 of planning permission ref:18/00104/P. Please note, a full justification would be required to be submitted in support of this application setting out why compliance with this condition cannot be sought.

Applications can be submitted via: www.eplanning.scot

Should compliance not be sought within the next **21 day period**, East Lothian Council as Planning Authority, may have no option, other than to instigate enforcement proceedings.

Kind regards,

Amelia Louise Smith

Planning Enforcement Officer | Development Management | East Lothian Council | John Muir House | Haddington | EH41 3HA | T: 01620 827686 | E: environment@eastlothian.gov.uk

From: Paulcalves <paulcalves@aol.com>
Sent: Friday, April 26, 2024 1:03 PM
To: McQueen, Stephanie <smcqueen@eastlothian.gov.uk>; Fairgrieve, Frank <ffairgrieve@eastlothian.gov.uk>
Cc: Lorna Brown <l.brown007@btinternet.com>; Justin Sturdy <justinsturdy@warnergoodman.co.uk>; Smith, Amelia <asmith7@eastlothian.gov.uk>
Subject: Fw: Planning permissions 07/00972/FUL, 08/00103/FUL and 08/00742/FUL - Seton Mains

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Hi Stephanie, Frank,

Please see email below, which is self explanatory, the ref on the letter, that I have received is, 24/00040/COM, also for everyone's information the coloured plan on the letter "LAND TO WHICH THIS NOTICE RELATES" ON PAGE 4, is of Burnside House, can anyone at Planning advise why this House is shown with its Red Boundary showing ??????????, I do not even own this House ????

The concern raised, relates to the alleged unauthorised breach of Condition 2 of Planning Permission ref: 18/00104/P. This grant of planning permission relates to the property outlined in red on the PCN as served. Note, the PCN seeks information relating to the alleged breach of planning control. It does not matter if you own the land concerned or not. As you are the developer alleged to have breached planning control, the PCN has been served on you. It would be for you to declare any others with a specific interest in this land (where relevant) as the PCN prescribes.

Regards

P. Calvesbert

----- Forwarded message -----

From: Paulcalves <paulcalves@aol.com>
To: Smith, Amelia <asmith7@eastlothian.gov.uk>
Cc: 'Lorna Brown' <l.brown007@btinternet.com>
Sent: Friday 26 April 2024 at 12:46:15 BST
Subject: Re: Planning permissions 07/00972/FUL, 08/00103/FUL and 08/00742/FUL - Seton Mains

Hi Amelia,

I have received a letter today from yourself dated the 10th April 2024,

6 years after Condition
 CENTS ISSUED 12 YRS AFTER
 BRIDGE WORKS
 ?

Document O



Document O