

18/01680/FUL Land West Of 1 Hallrule Farm Cottage Bonchester Bridge Scottish Borders

Hobkirk Community Council has no observations on this application.

Cliff Griffiths

Secretary

Our ref: PCS/163192  
Your ref: 18/01680/FUL

If telephoning ask for:  
Mark Hammonds

4 February 2019

Stuart Herkes  
Scottish Borders Council  
Planning & Economic Development  
Council Headquarters  
Newtown St Boswells  
Melrose  
TD6 0SA

By email only to: [dcconsultees@scotborders.gov.uk](mailto:dcconsultees@scotborders.gov.uk)

Dear Stuart Herkes

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS  
PLANNING APPLICATION: 18/01680/FUL  
ERECTION OF THREE HOLIDAY LODGES, ACCESS AND ASSOCIATED  
INFRASTRUCTURE  
LAND WEST OF 1 HALRULE FARM COTTAGE 1 BONCHESTER BRIDGE SCOTTISH  
BORDERS**

Thank you for your consultation email, which SEPA received on 10 January 2019.

**Advice for the planning authority**

We have **no objection** to this planning application. Please note the advice provided below.

**1. Flood risk**

**Executive Summary Outlining Policy Context**

- 1.1 We have **no objection** to the proposed development on flood risk grounds. Notwithstanding this, we would expect Scottish Borders Council to undertake their responsibilities as the Flood Prevention Authority.

**Technical Report**

- 1.2 We have been consulted on a planning application for three holiday lodges adjacent to the Hallrule Burn.

Continued...



Chairman  
Bob Downes

Chief Executive  
Terry A'Hearn

**SEPA Edinburgh Office**

Silvan House, 3rd Floor, 231 Corstorphine Road,  
Edinburgh EH12 7AT.

[www.sepa.org.uk](http://www.sepa.org.uk) • customer enquiries 03000 99 66 99

- 1.3 We note that based on the SEPA vulnerability classification, which has been included within the Flood Risk Assessment (FRA), this type of development is located within the Most Vulnerable Uses. Therefore, we would expect the FRA to investigate the 1:1000 year return period. Based on this not being assessed, and no provision of modelled tabular output or a long channel and surface water profile, we cannot accept the results of the FRA. We would also note that the catchment area may be marginally larger than FEH Webservice suggests and should be reviewed based on a site visit and OS Maps, prior to any FRA update. Any proposed bridges should also be informed by the results of the FRA.
- 1.4 Based on the topographic information, the ground levels of the lodges are a minimum of four metres above the channel. The spill level of the proposed bridge adjacent to Lodge 1 is approximately three metres below the ground level of Lodge 1. As such, there is sufficient height difference between the lodges and the Hallrule Burn.
- 1.5 A pond is shown on the OS Map. However, the FRA notes that during a site walkover, the pond could not be located and is believed to have been drained. We would note that the Sequential Plan drawing and others have a pond located on it and, therefore, it remains unclear whether the pond still exists. Regardless, the lodges and access road are located away from the pond and it appears to fall outwith the land ownership boundary.
- 1.6 There is a small watercourse located between Lodges 2 and 3, identified in Figure 2 as the Northern Drain. Limited information is supplied, as the drain was dry and vegetated during the site visit and it is not clearly shown on any of the additional drawings supplied in the consultation. Both lodges are set back from the sides of the watercourse. The FRA notes that the Northern Drain will be culverted. We are not aware of this proposal within the planning application documents. We would note that SEPA generally does **not support** culverting for land gain. Regular maintenance of the culvert will likely be required and access via manholes should be considered. There will likely be the potential for the drain to mobilise large volumes of material from the steep hillslope, hence blockage of the culvert may be problematic. Setting the lodges back from the small watercourse, and having a maintenance regime for an open channel, would allow for easier maintenance access. Raising the lodges above ground levels would also mitigate the residual risk from over-land flows.
- 1.7 To mitigate the residual risk from the small watercourses and surface runoff from the neighbouring steep slopes, we agree with the FRA that ground levels should direct water away from the lodges and the lodges should be raised above ground levels. Considering capturing surface runoff from upslope of the development and directing it into the Hallrule Burn would also limit the surface water risk to the development.
- 1.8 Pedestrian access/egress can be found on higher ground to the north. Based on the topographic information supplied in the Site Plan Lodge Layout drawing, generally, the proposed road is three metres above the watercourse (except where it drops down to the proposed bridge). The FRA has not assessed the proposed bridge dimensions, or capacity, but does note that the soffit of any crossing should be set one metre above the predicted 1:200 year flood level, including an allowance for climate change (although we note earlier in our response that due to the vulnerability of land use, it should be a 1:1000 year return period). The clear span bridge will have an approximate dimension of 5 metres wide and 3 metres high.

Continued...

This bridge is of similar size to the downstream arch bridge modelled within the FRA, which is not predicted to be overtopped or surcharged. The council should also be satisfied with the provision of access/egress. We **support** the inclusion of bypass culverts, where appropriate, and providing a suitable overland flow-path over the structure (should surcharging occur).

- 1.9 Any culverted watercourses that are encountered during construction should be replaced with a similar pipe (or greater) and similar gradient, as noted within the FRA. The use of bypass culverts and consideration of overland flow-paths is **recommended**.

### **Caveats & Additional Information for Applicant**

- 1.10 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>
- 1.11 We refer the applicant to the document entitled: “*Technical Flood Risk Guidance for Stakeholders*”. This document provides generic requirements for undertaking Flood Risk Assessments and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.
- 1.12 Please note that this document should be read in conjunction Policy 41 (Part 2).
- 1.13 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Scottish Borders Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: “*Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities*” outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.

## **2. Waste water drainage**

- 2.1 We note that private drainage is proposed for the waste water. The applicant should be advised that this will require authorisation from SEPA under [The Water Environment \(Controlled Activities\) \(Scotland\) Regulations 2011 \(CAR\)](#). The applicant should contact our local regulatory team to discuss and agree the proposals (see Section 4.5 for contact details).

## **3. Sustainable Drainage System (SUDS)**

- 3.1 We advise that developers should follow the approach set out in the CIRIA [SUDS Manual \(C753\)](#) and ensure the surface water management proposals are in compliance with The Controlled Activities Regulations General Binding Rules 10 and 11. We, therefore, refer your authority to our [standing advice](#) on SUDS.

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- 3.2 Construction phase SUDS should be used on site to help minimise the risk of pollution to the water environment. Further detail with regards construction phase SUDS is contained in Chapter 31 of [SUDS Manual \(C753\)](#).
- 3.3 Comments should be requested from Scottish Water where the SUDS proposals would be adopted by them and the views of your authority's roads department, and flood prevention unit, should be sought on the SUDS strategy in terms of water quantity and flooding issues.

## **Regulatory advice for the applicant**

### **4. Regulatory requirements**

- 4.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).
- 4.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.
- 4.3 A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:
  - is more than 4 hectares,
  - is in excess of 5km, or
  - includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25°

See SEPA's [Sector Specific Guidance: Construction Sites \(WAT-SG-75\)](#) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

- 4.4 Below these thresholds you will need to comply with [CAR General Binding Rule 10](#) which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.
- 4.5 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at:

Burnbrae, Mossilee Road, Galashiels, TD1 1NF, Tel: 01896 754797

Continued...

If you have any queries relating to this letter, please contact me by telephone on 01349 860433 or e-mail at [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk).

Yours sincerely

Mark Hammonds  
Planning Officer  
Planning Service

*Disclaimer*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).*

## PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 9th January 2019

Contact: Stuart Herkes ☎ 01835 825039

Ref: 18/01680/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 30th January 2019, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 30th January 2019, it will be assumed that you have no observations and a decision may be taken on the application.

**Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.**

**Name of Applicant:** Mrs Claire MacTaggart

**Agent:** Ferguson Planning

**Nature of Proposal:** Erection of three holiday lodges, access and associated infrastructure

**Site:** Land West Of 1 Hallrule Farm Cottage Bonchester Bridge Scottish Borders

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**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

<b>Comments provided by</b>	<b>Officer Name and Post:</b>	<b>Contact e-mail/number:</b>		
	Archaeology Officer Dr Christopher Bowles	archaeology@scotborders.gov.uk		
<b>Date of reply</b>		<b>Consultee reference:</b>		
<b>Planning Application Reference</b>	18/01680/FUL	<b>Case Officer:</b> Stuart Herkes		
<b>Applicant</b>	Mrs Claire MacTaggart			
<b>Agent</b>	Ferguson Planning			
<b>Proposed Development</b>	Erection of three holiday lodges, access and associated infrastructure			
<b>Site Location</b>	Land West Of 1 Hallrule Farm Cottage Bonchester Bridge Scottish Borders			
<b><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></b>				
<b>Background and Site description</b>	<p>I have read the Planning Statement, and archaeological desk-based assessment, against our HER, historical mapping and aerial photos.</p> <p>The archaeological assessment sets out the rationale for there being a moderate potential within the site. The stems from the evidence for prehistoric funerary monuments that formerly occupied the area, and a medieval and post-medieval landscape that contained towers and hamlets or villages that no longer exist. While I suspect the site, given its landscape location, will not contain major evidence for either, there is potential for associated land-uses or industrial activities within the site.</p>			
<b>Key Issues (Bullet points)</b>	<ul style="list-style-type: none"> <li>• There is a moderate archaeological potential within the site.</li> </ul>			
<b>Assessment</b>	<p>I agree with the archaeological assessment as set out in the application and Planning Statement. I appreciate the applicant undertaking this assessment in advance of development. I do not object to the application and recommend that the site be evaluated through trial trenching in advance of development.</p>			
<b>Recommendation</b>	<input type="checkbox"/> <b>Object</b>	<input type="checkbox"/> <b>Do not object</b>	<input checked="" type="checkbox"/> <b>Do not object, subject to conditions</b>	<input type="checkbox"/> <b>Further information required</b>



<p><b>Recommended Conditions</b></p>	<p>No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.</p> <p>Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.</p>
<p><b>Recommended Informatives</b></p>	

## PLANNING CONSULTATION

To: Ecology Officer

From: Development Management

Date: 9th January 2019

Contact: Stuart Herkes ☎ 01835 825039

Ref: 18/01680/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 30th January 2019, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 30th January 2019, it will be assumed that you have no observations and a decision may be taken on the application.

**Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.**

**Name of Applicant:** Mrs Claire MacTaggart

**Agent:** Ferguson Planning

**Nature of Proposal:** Erection of three holiday lodges, access and associated infrastructure

**Site:** Land West Of 1 Hallrule Farm Cottage Bonchester Bridge Scottish Borders

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**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

<b>Comments provided by</b>	<b>Officer Name and Post:</b>	<b>Contact e-mail/number:</b>
	Dr Andy Tharme Ecology Officer	<a href="mailto:atharme@scotborders.gov.uk">atharme@scotborders.gov.uk</a> T: 01835-826514
<b>Date of reply</b>	04 February 2019	<b>Consultee reference:</b>
<b>Planning Application Reference</b>	18/01680/FUL	<b>Case Officer:</b> Stuart Herkes
<b>Applicant</b>	Mrs Claire MacTaggart	
<b>Agent</b>	Ferguson Planning	
<b>Proposed Development</b>	Erection of three holiday lodges, access and associated infrastructure	
<b>Site Location</b>	Land West Of 1 Hallrule Farm Cottage Bonchester Bridge Scottish Borders	
<p><b><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></b></p>		
<b>Background and Site description</b>	<p>The site is located in a narrow valley containing the Hallrule burn which drains directly into the Rule water (River Tweed SAC) approximately 800m downstream. The site appears to consist of areas of mature, broad-leaved woodland (upland mixed ashwood<sup>i</sup>), dense scrub and scattered scrub (hawthorn scrub<sup>j</sup>), bracken and grassland.</p>	
<b>Key Issues (Bullet points)</b>	<ul style="list-style-type: none"> <li>• Potential impacts on a Natura site, protected species and local biodiversity</li> </ul>	
<b>Assessment</b>	<p>Relevant Local Development Plan (LDP) policies are EP1 <i>International Nature Conservation Sites and Protected Species</i> and EP2 <i>National Nature Conservation and Protected Species</i> and EP3 <i>Local Biodiversity</i>.</p> <p>I have not visited the site to inform this consultation response. An assessment was made using desk survey data, aerial photography and details submitted by the applicant.</p> <p>The development may lead to destruction of habitat and disturbance to habitats and protected species during construction and disturbance through operational use of the development (human activity and lighting, surface and waste water impacts).</p> <p>I am satisfied with the submitted <i>Extended Phase 1 habitat survey (Ellendale Environmental, 29<sup>th</sup> November 2017)</i>. Survey work was carried out on 16<sup>th</sup> November 2017, which is sub-optimal for habitat and breeding bird surveys.</p> <p>The survey area covered a more extensive area than the proposed development boundary. Habitats identified within the area likely to be affected by the proposal include mosaics of poor semi-improved grassland and scattered scrub (target notes TN5 and TN7) and mature, broad-leaved woodland. (TN6).</p> <p>The Hallrule burn connects directly with the Rule water (River Tweed SAC). There is a pond in a private garden area downstream of the propose development.</p>	

	<p>Evidence of protected species includes, otter spraints along the burn and potential resting places. The latter are upstream of the development boundary and at a distance that they are unlikely to be directly affected by the development. The watercourse is likely to be used as a commuting route. Several mature ash and beech trees are said to have potential to support bat roosts, the site offers good foraging habitat for bats. Scrub and woodland habitat may support breeding birds. No evidence of badger, water vole or red squirrel was recorded.</p> <p>Game bird rearing (pheasant and red-legged partridge) occurs within the proposed development area.</p> <p>The report makes recommendations for mitigation and enhancement including timing of works to avoid habitat clearance during the bird breeding season, tree surveys for bats if any are to be felled or managed (it is assumed that trees will not be directly affected by the proposal), pollution prevention measures to protect the Hallrule burn and sensitive lighting to minimise light spill onto woodland and scrub and the Hallrule burn. Enhancement proposals include bird boxes and bat boxes.</p> <p>Further mitigation measures will be required to protect otter commuting across the site including means of escape form trenches and closing off open-pipe systems. Pollution prevention measures in accordance with GPP5<sup>ii</sup> will be required to protect the Hallrule burn and River Tweed SAC, including construction methods, measures to control sediment run-off and measures to protect the watercourse during installation of the new bridge.</p> <p>A Controlled Activities Regulations (CAR) licence may be required from SEPA for the bridgeworks. Further advice should be sought from SEPA.</p> <p>In my opinion, the potential ecological impacts are acceptable in terms of LDP policies EP1, EP2 and EP3.</p>			
<b>Recommendation</b>	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
<b>Recommended Conditions</b>	<ul style="list-style-type: none"> <li>Prior to commencement of development, a construction method statement to protect waterbodies, including appropriate measures outlined in <i>GPP 5 Works and maintenance in or near water</i> <a href="http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-pogs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/">http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-pogs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/</a>, shall be submitted to and approved in writing by the Planning Authority. Any works shall thereafter be carried out strictly in accordance with the approved scheme.</li> </ul> <p><u><i>Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1 and EP3</i></u></p> <ul style="list-style-type: none"> <li>Prior to commencement of development, a Species Protection Plan for bats, otter and breeding birds (including measures identified in <i>Extended Phase 1 habitat survey (Ellendale Environmental, 29<sup>th</sup> November 2017)</i> shall be submitted to and approved in writing by the Planning Authority. The SPP</li> </ul>			

	<p>shall incorporate provision for a pre-development supplementary survey and a mitigation plan. No development shall be undertaken except in accordance with the approved SPP.</p> <p><i><u>Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2</u></i></p>
<p><b>Recommended Informatives</b></p>	

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<sup>i</sup> Native woodland Survey of Scotland (NWSS). FCS <https://scotland.forestry.gov.uk/supporting/strategy-policy-guidance/native-woodland-survey-of-scotland-nwss>

<sup>ii</sup> Guidance for Pollution Prevention. *Works and maintenance in or near water: GPP5*  
<http://www.netregs.org.uk/media/1303/gpp-5-works-and-maintenance-in-or-near-water.pdf>

## PLANNING CONSULTATION

To: Economic Development Section

From: Development Management

Date: 9th January 2019

Contact: Stuart Herkes ☎ 01835 825039

Ref: 18/01680/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 30th January 2019, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 30th January 2019, it will be assumed that you have no observations and a decision may be taken on the application.

**Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.**

**Name of Applicant:** Mrs Claire MacTaggart

**Agent:** Ferguson Planning

**Nature of Proposal:** Erection of three holiday lodges, access and associated infrastructure

**Site:** Land West Of 1 Hallrule Farm Cottage Bonchester Bridge Scottish Borders

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**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

<b>Comments provided by</b>	<b>Officer Name and Post:</b>	<b>Contact e-mail/number:</b>		
	Economic Development Section			
<b>Date of reply</b>	29/01/2019	<b>Consultee reference:</b>		
<b>Planning Application Reference</b>	18/01680/FUL	<b>Case Officer:</b> Stuart Herkes		
<b>Applicant</b>	Mrs Claire MacTaggart			
<b>Agent</b>	Ferguson Planning			
<b>Proposed Development</b>	Erection of three holiday lodges, access and associated infrastructure			
<b>Site Location</b>	Land West Of 1 Hallrule Farm Cottage Bonchester Bridge Scottish Borders			
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>				
<b>Background and Site description</b>				
<b>Key Issues (Bullet points)</b>	•			
<b>Assessment</b>	Erection of three holiday lodges, access and associated infrastructure Land West Of 1 Hallrule Farm Cottage Bonchester Bridge Scottish Borders fits with the Scottish Borders Tourism Strategy 2013-2020 strategic target by: <ul style="list-style-type: none"> <li>• Increasing volume of overnight visitors.</li> <li>• Increasing overnight visitor spend.</li> <li>• Ensure the Region's accommodation offerings meet consumer demands and where opportunities are available can act as an attractor of demand in themselves.</li> <li>• Ensure a relevant range of types of accommodation is available across the Region to meet evolving market demand and expectations. Identify opportunities where better quality and new products can 'lead' and generate new demand and continue to raise average quality quotient across all forms of accommodation</li> </ul>			
<b>Recommendation</b>	<input type="checkbox"/> Object	<input checked="" type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
<b>Recommended Conditions</b>				

<b>Recommended Informatives</b>	
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## PLANNING CONSULTATION

To: Environmental Health

From: Development Management

Date: 9th January 2019

Contact: Stuart Herkes ☎ 01835 825039

Ref: 18/01680/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 30th January 2019, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 30th January 2019, it will be assumed that you have no observations and a decision may be taken on the application.

**Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.**

**Name of Applicant:** Mrs Claire MacTaggart

**Agent:** Ferguson Planning

**Nature of Proposal:** Erection of three holiday lodges, access and associated infrastructure

**Site:** Land West Of 1 Hallrule Farm Cottage Bonchester Bridge Scottish Borders

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**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

<b>Comments provided by</b>	<b>Officer Name and Post:</b>		<b>Contact e-mail/number:</b>	
Forbes Shepherd	Environmental Health		fshepherd@scotborders.gcsx.gov.uk	
<b>Date of reply</b>	05/02/19		<b>Consultee reference:</b>	
<b>Planning Application Reference</b>	18/01680/FUL		<b>Case Officer:</b> Stuart Herkes	
<b>Applicant</b>	Mrs Claire MacTaggart			
<b>Agent</b>	Ferguson Planning			
<b>Proposed Development</b>	Erection of three holiday lodges, access and associated infrastructure			
<b>Site Location</b>	Land West Of 1 Hallrule Farm Cottage Bonchester Bridge Scottish Borders			
<p><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></p>				
<b>Background and Site description</b>	The proposal is to erect three holiday cottages, access and associated infrastructure on land West of 1 Hallrule Farm Cottage, Bonchester			
<b>Key Issues (Bullet points)</b>	<ul style="list-style-type: none"> <li>• Potential nuisance from the septic tank</li> </ul>			
<b>Assessment</b>				
<b>Recommendation</b>	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions and informatives	<input type="checkbox"/> Further information required
<b>Recommended Conditions</b>	<p><b><u>Private Water Supply</u></b></p> <p>No development is to commence until a report has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality and quantity. The report must also detail all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties in the locality which are served by private water supplies and which may be affected by the development. The</p>			

	<p>provisions of the approved report shall be implemented prior to the occupation of the building(s) hereby approved.</p> <p>Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.</p> <p><b><u>Drainage Arrangements</u></b></p> <p><i>No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition</i></p> <p><i>Reason: To ensure that the development does not have a detrimental effect on amenity and public health.</i></p>
<p><b>Recommended Informatives</b></p>	<p><u>Private Water Supply</u></p> <p>To fulfil this Condition, the following information should be provided:</p> <ol style="list-style-type: none"> <li>1. A description of the source(s) / type of the supply – i.e. whether the supply is taken from a watercourse, loch, spring, well or borehole, or any other source or combination of sources.</li> <li>2. The location of the source(s) of the supply – i.e. the appropriate eight figure Ordnance Survey National Grid Reference(s).</li> <li>3. The estimated maximum average volume of water provided by the supply in cubic metres per day (m<sup>3</sup>/day), including the details of any pump tests / flow rate tests undertaken to determine this estimate. For boreholes / wells, refer to BS ISO 14686:2003 “Hydrometric determinations - Pumping tests for water wells - Considerations and guidelines for design, performance and use”.</li> <li>4. The intended use of the proposed building(s) – e.g. owner-occupied domestic dwelling(s), rented domestic dwelling(s), holiday accommodation, etc.</li> <li>5. Where there are existing users of the supply: <ol style="list-style-type: none"> <li>(a) the addresses of all properties served;</li> <li>(b) the existing occupancy levels of all such properties, as far as is reasonably practicable. As a minimum, the provision of the number of bedrooms per property will allow an estimate to be made of potential occupancy levels;</li> <li>(c) the current use of all properties served – i.e. as above;</li> <li>(d) information identifying if and how the development will impact on the existing users; and</li> <li>(e) the details of any mitigating measures to be implemented to ensure the quality, quantity and continuity of the water supply to the existing users will be secured.</li> </ol> </li> <li>6. Where there are other properties’ private water supplies in the vicinity of the development that may be affected thereby (e.g. neighbouring boreholes, wells, springs, etc.): <ol style="list-style-type: none"> <li>(a) information identifying if and how the development will impact on these other supplies; and</li> </ol> </li> </ol>

(b) the details of any mitigating measures to be implemented to ensure the quality, quantity and continuity of the water supply to these other properties will be secured.

7. Details of all laboratory analysis / tests carried out to demonstrate that the water supplied to the development will be wholesome. For clarification, the quality of the water throughout the building(s) must conform to the requirements of the legislative provisions appropriate to the use of the supply, as described below.
8. Details of all water treatment systems to be installed to ensure that the water supplied to the development will be wholesome.

For information, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to 200 litres of water per person per day who will be using the supply. It is the provision of this quantity that must be ensured and, as such, water storage facilities may be necessary for this purpose. When designing storage facilities, the minimum recommended capacity is three days' reserve, in order to allow for supply interruption / failure.

If the supply only serves owner-occupied domestic dwellings, the quality of the water must comply with the requirements of The Private Water Supplies (Scotland) Regulations 2006 ("the 2006 Regulations"). For all other supplies, the water quality must comply with the requirements of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 ("the 2017 Regulations").

If the supply falls under the remit of the 2017 Regulations, it will also require to be sampled / monitored on at least an annual basis, and the local authority will also require to carry out a risk assessment of the supply. As such, if the development is the sole reason for the supply falling into this category, the applicant should contact the Environmental Health Department of Scottish Borders Council prior to the occupation of the building(s) to ensure that compliance with the legislative provisions is able to be secured.

#### Private Drainage System

Private drainage systems often impact on amenity and cause other problems when no clear responsibility or access rights exist for maintaining the system in a working condition.

Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

# Consultation Reply



## ENVIRONMENT AND INFRASTRUCTURE

**To:** HEAD OF PLANNING AND REGULATORY SERVICE

**FAO:** Stuart Herkes

**Planning Ref:** 18/01680/FUL

**From:** HEAD OF ENGINEERING & INFRASTRUCTURE

**Date:** 13<sup>th</sup> February 2019

**Contact:** Lauren Addis

**Ext:** 6157

**Our Ref:** B48/2654

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**Nature of Proposal:** Erection of three holiday lodges, access and associated infrastructure

**Site:** Land West Of 1 Hallrule Farm Cottage, Bonchester Bridge, Scottish Borders

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In terms of information that this Council has concerning flood risk to this site, I would state that The Indicative River, Surface Water & Coastal Hazard Map (Scotland) known as the “third generation flood mapping” prepared by SEPA indicates that the site is at risk from a flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any one year.

The Indicative River & Coastal Flood Map (Scotland) has primarily been developed to provide a strategic national overview of flood risk in Scotland. Whilst all reasonable effort has been made to ensure that the flood map is accurate for its intended purpose, no warranty is given.

Due to copyright restrictions I cannot copy the map to you however, if the applicant wishes to inspect the maps they can contact me to arrange a suitable time to come in and view them.

An FRA has been submitted in support of the application, undertaken by Kaya Consulting. Modelling undertaken within the FRA and topographical information provided shows that the development plots are sited suitably above the Hallrule Burn and out with the 1:200 year + climate change floodplain.

Due to the steep topography there is a risk of surface water runoff affecting the site. The FRA recommends that Finished Floor Levels are raised above surrounding ground levels to encourage flows away from the proposed residential developments.

It is proposed to construct a bridge to provide access to the proposed lodges. Drawing ‘Bridge General Arrangement’ shows the soffit level of the bridge to be 142.3mOAD which, as recommended in the FRA, is 1m above the 1:200 year + climate change flood level at cross section 6. I am therefore satisfied that the bridge and recommended improvements to the access road will be able to maintain access & egress from the lodges during times of flood and have no objection to the application proposals. It is proposed that emergency bypass culverts are constructed to allow overland flow to pass under the road and maintain dry access. The responsibility for the culverts will lie with the landowner and should be subject to regular inspection and maintenance.

Please note that this information must be taken in the context of material that this Council holds in fulfilling its duties under the Flood Risk Management (Scotland) Act 2009.

**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

<b>Comments provided by</b>	Roads Planning Service	<b>Contact e-mail/number:</b>		
<b>Officer Name and Post:</b>	Paul Grigor Roads Planning Officer	<a href="mailto:pgrigor@scotborders.gov.uk">pgrigor@scotborders.gov.uk</a> 01835 826663		
<b>Date of reply</b>	13 <sup>th</sup> February 2019	<b>Consultee reference:</b>		
<b>Planning Application Reference</b>	18/01680/FUL	<b>Case Officer:</b> Stuart Herkes		
<b>Applicant</b>	Mrs Claire MacTaggart			
<b>Agent</b>	Ferguson Planning			
<b>Proposed Development</b>	Erection of three holiday lodges, access and associated infrastructure			
<b>Site Location</b>	Land West Of 1 Hallrule Farm Cottage Bonchester Bridge Scottish Borders			
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>				
<b>Background and Site description</b>				
<b>Key Issues (Bullet points)</b>	<ul style="list-style-type: none"> <li>• Access</li> </ul>			
<b>Assessment</b>	<p>Should the planning department feel there is sufficient economic justification for a proposal of this nature at this location, I have no objections in principle to the proposal. That said, I do have a concern over the single track public road leading to the site from the B6357. This route is likely to be the most direct route to the site and the lack of passing provision along this section could potentially be a road safety issue. Whilst the traffic movements associated with this proposal are likely to be seasonal in nature and outwith peak hours, there will still be an increase in the likelihood of vehicles meeting on this section of road. As such I will require a number of passing places, a maximum of one per lodge, to be constructed at agreed locations on the public road.</p> <p>The private access track will require to be constructed to a standard suitable of accommodating a fire tender, along with appropriate turning provision at the end of the track. The new bridge structure to allow access over the burn will be covered under any building warrant associated with this proposal should it be granted consent.</p>			
<b>Recommendation</b>	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> <b>Do not object, subject to conditions</b>	<input type="checkbox"/> Further information required

<p><b>Recommended Conditions</b></p>	<p>A scheme of details to be submitted in writing to the Council for approval, detailing the location and number of passing places, which shall first be agreed on-site. Thereafter the agreed scheme of details to be fully implemented prior to works commencing on site. Reason: To mitigate the impact of the increase in vehicular movements associated with the development proposal on the public road network.</p> <p>The precise specification for the construction of the private bellmouth, where it meets the public road, to be submitted in writing to the Council for approval. Thereafter the approved construction specification to be fully implemented prior to works commencing on site, unless otherwise agreed in writing. Reason: To ensure the access is constructed to a satisfactory condition and provides the appropriate drainage measures to ensure the prevention of surface water from the development reaching the public road.</p> <p>The precise specification for the construction of the private access track serving the lodges to be submitted in writing to the Council for approval. Thereafter the approved construction specification to be fully implemented prior to works commencing on site, unless otherwise agreed in writing. Reason: To ensure the access is constructed to a satisfactory condition.</p>
<p><b>Recommended Informatives</b></p>	<p>It should be noted that all works within the public road boundary must be undertaken by a contractor first approved by the Council</p>

**Signed: Alan Scott**