

# CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION



Comments provided by	Archaeology Officer Officer Name: Dr Christopher Bowles	Contact e-mail/number: archaeology@scotborders.gov.uk		
Date of reply	24 September, 2018			
Planning Application Reference	18/01194/FUL	Case Officer: Stuart Herkes		
Proposed Development	Erection of dwellinghouse, garages and associated access			
Site Location	Land North West Of Town O Rule Farmhouse Bonchester Bridge Hawick 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>				
Background and Site description	<p>I have reviewed this application against our HER, historic mapping and documentary research. I would also draw your attention to my previous comments on application 15/01113/PPP</p> <p>The proposed development is within an area of low to moderate archaeological potential. As outlined in my previous response, Town O' Rule may originate in the medieval period. Additionally, there is a record for a possible prehistoric enclosure near the farm. This has evidentially been ploughed and is no longer visible on the surface. Buried remains may however survive.</p>			
Key Issues (Bullet points)	<ul style="list-style-type: none"> <li>• There is a low to moderate potential for encountering buried archaeological features or deposits.</li> </ul>			
Assessment	<p>As requested in my previous response, and referenced in the applicant's Planning Statement, an archaeological watching brief is following demolitions and during excavations.</p>			
Recommendation	<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
Recommended Conditions	<p>If consented, I recommend the following condition:</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</p>			

	<p>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>
<b>Recommended Informatives</b>	

**Scottish Borders Council**

**Regulatory Services – Consultation reply**

<b>Planning Ref</b>	<b>18/01194/FUL</b>
<b>Uniform Ref</b>	<b>18/02825/PLANCO</b>
<b>Proposal</b>	<b>Erection of dwellinghouse, garages and associated access</b>
<b>Address</b>	<b>Land North West Of Town O Rule Farmhouse Bonchester Bridge Hawick Scottish Borders</b>
<b>Date</b>	<b>18thSeptember 2018</b>
<b>Amenity and Pollution Officer</b>	
<b>Contaminated Land Officer</b>	<b>Gareth Stewart</b>

**Amenity and Pollution**

Assessment of Application

*Noise  
Odour  
Air Quality  
Private Water Supplies  
Food premises*

**Recommendation**

Delete as appropriate – Agree with application in principle, subject to conditions /Further Information Required Before Application is Determined / Information to be Provided Before Work Commences (see conditions) / No Comment / Object / Informative Note
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**Contaminated land**

Assessment of Application

The above application appears to be proposing the redevelopment of land which was previously in an agricultural use. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose.

It is recommended that planning permission should be granted on condition that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority.

Any requirement arising from this assessment for a remediation strategy and verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing.

The attached standard condition may be helpful in this respect

### Recommendation

Delete as appropriate – Agree with application in principle, subject to conditions /Further Information Required Before Application is Determined / Information to be Provided Before Work Commences (see conditions) / No Comment / Object /Informative Note

### Conditions

Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. **No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.**

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

- a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council **prior to** addressing parts b, c, d, and, e of this condition.

and thereafter

- b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.
- c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).
- d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
- e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

**Written confirmation from the Council**, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, **shall be required by the Developer before any development hereby approved commences**. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

# CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION

<b>Comments provided by</b>	<b>Ecology Officer Name and Post:</b>	<b>Contact e-mail/number:</b>
	Liz Hall, Assistant Ecology Officer	<a href="mailto:Elizabeth.hall@scotborders.gov.uk">Elizabeth.hall@scotborders.gov.uk</a> T. 01835 825209
<b>Date of reply</b>	03/10/18	
<b>Planning Application Reference</b>	18/01194/FUL	<b>Case Officer: Stuart Herkes</b>
<b>Proposed Development</b>	Erection of dwellinghouse, garages and associated access.	
<b>Site Location</b>	Land North West Of Town O Rule Farmhouse Bonchester Bridge Hawick	
<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>	<ul style="list-style-type: none"> <li>• I am content with the Preliminary Ecological Appraisal (Ethical Planning LLP 2018)</li> <li>• Relevant Local Development Plan policies are: <ul style="list-style-type: none"> <li>○ EP1 International Nature Conservation Sites and Protected Species</li> <li>○ EP2 National Nature Conservation Sites and Protected Species</li> <li>○ EP3 Local Biodiversity</li> <li>○ EP13 Trees, Woodlands and Hedgerows</li> <li>○ EP15 Development Affecting the Water Environment</li> </ul> </li> </ul>	
<b>Key Issues</b>	<ul style="list-style-type: none"> <li>• Potential impacts on the River Tweed SAC (Rule Water)</li> <li>• Potential impacts on European Protected Species (bats)</li> <li>• Potential to disturb breeding birds during nesting season</li> <li>• Opportunities to enhance the local habitat network</li> <li>• Impacts on notable species and habitats (including the water environment)</li> </ul>	
<b>Assessment</b>	<ul style="list-style-type: none"> <li>• The Rule Water, a tributary of the River Tweed Special Area of Conservation (SAC), is located 556m south east of the proposed site. Given the nature and scale of the proposal, and the context of the SAC, which is located beyond two roads, farm buildings and arable/improved grassland fields, with a lack of direct ecological connectivity between the site and the SAC, no impacts are considered likely. From OS map data, the small burn on site does not appear to flow into the Hallrule Burn to the north of site, however it sinks underground and there may be some connectivity between these two burns, with ensuing connectivity to the SAC. Care should be taken to follow SEPA guidance to avoid pollution of the water environment and to follow good practice in construction, through a construction method statement.</li> <li>• Habitat includes scattered trees and semi-improved grassland/rank vegetation, which may be impacted/removed as a result of the development. In line with LDP policy EP13, opportunities exist to enhance the local habitat network and support biodiversity by planting native tree and hedgerow species of local provenance, details of how such opportunities will be addressed should be outlined in a habitat enhancement and management plan.</li> <li>• Although no trees on site were considered to have bat roost potential, evidence of bats was found within the stone cottage scheduled for removal, with the PEA stating that there is potential for the cottage to</li> </ul>	

	<p>support summer roosts, which are protected year round. In accordance with the requirements of the Conservation (Natural Habitats, &amp;c.) Regulations 1994 and with advice from the Scottish Government (<a href="https://www.scotborders.gov.uk/downloads/file/2960/bats_technical_advice_note">https://www.scotborders.gov.uk/downloads/file/2960/bats_technical_advice_note</a>), information on European Protected Species is required prior to determination of the planning application. As droppings have been found and the structure has potential to support roosts, further bat surveys are required, in accordance with good practice guidelines.<sup>i</sup></p> <ul style="list-style-type: none"> <li>Records of other protected and notable species within 1km of the site include nesting birds, red squirrel, common amphibian species and brown hare. No records of badger exist, however the grasslands on site may provide foraging habitat for this itinerant species that is known to be active throughout the Scottish Borders. It is considered most likely that red squirrel forage in the areas of wood pasture to the south of site, and in surrounding woodlands. Precautionary mitigation is required in order to protect species from potential impacts due to development, which should be incorporated within a construction method statement.</li> <li>In order to avoid impacts on breeding birds, development should avoid the nesting season (March to August inclusive).</li> </ul>			
<b>Recommendation</b>	<input type="checkbox"/> <b>Object</b>	<input type="checkbox"/> <b>Do not object</b>	<input type="checkbox"/> <b>Do not object, subject to conditions</b>	<input checked="" type="checkbox"/> <b>Further information required</b>
<b>Further information required prior to determination</b>	<ul style="list-style-type: none"> <li>Prior to determination, a survey for bats by a suitably qualified person<sup>ii</sup> will be required for the structure to be altered. <ul style="list-style-type: none"> <li>Following guidance from the Scottish Government, bat surveys and any subsequent licensing requirements will need to be resolved before the planning application is determined. Impacts on bats will be assessed against the three key tests.</li> <li>Surveys likely to involve disturbance to bats or their roosts can only be carried out by a licensed bat worker.</li> <li>Activity surveys for maternity roosts and occasional roosts in buildings and trees should be conducted between May and September (optimally May – August, depending on the site’s suitability for roosting bats).</li> <li>Preliminary roost assessments can be undertaken at any time of year and are sufficient only if it is shown there is negligible suitability for bats.</li> </ul> </li> </ul> <p>If evidence of bats or their roosts is found in the surveys, the developer will be required to submit as part of their submission to the Planning Authority a mitigation plan for bats.</p>			
<b>Recommended Conditions</b>	<ul style="list-style-type: none"> <li>No development shall commence during the breeding bird season unless in strict accordance with a Species Protection Plan (SPP) for breeding birds that shall be submitted to and approved by the Planning Authority. The SPP shall include provision for a pre-development supplementary survey and mitigation.</li> <li>Prior to commencement of development, a Construction Method Statement (CMS) shall be submitted for approval to the Planning Authority, incorporating measures to mitigate potential impacts on the water environment, including the River Tweed SAC, (incorporating good practice as outlined in SEPA guidance, e.g. GPP 5), and on protected and notable species. Care should be taken to avoid contamination of the water environment, by following SEPA good practice guidelines, e.g. GPP 5. No development shall take place except in compliance with the approved CMS.</li> </ul>			

	<ul style="list-style-type: none"> <li>• Prior to commencement of development, a Habitat Enhancement and Management Plan (HEMP) outlining measures to enhance local biodiversity and the ecological network through planting native species of local provenance and incorporating recommendations from the Preliminary Ecological Appraisal (Ethical Planning LLP, 2018), shall be submitted to and approved by the Planning Authority. No development shall take place except in compliance with the approved HEMP.</li> </ul>
<b>Recommended Informatives</b>	

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<sup>i</sup> Collins, J. (ed.) (2016) Bat Surveys for Professional ecologists: Good Practice Guidelines (3rd edn). The Bat Conservation Trust, London.

<sup>ii</sup> Preferably a specialist bat surveyor including licensed bat workers.

## PLANNING CONSULTATION

On behalf of: Director of Education & Lifelong Learning

From: Director of Assets & Infrastructure

Contact: Lesley Marshall, Estates Strategy Officer

To: Head of Planning & Building Standards

Date: 22 October 2018

Contact: Stuart Herkes ☎ 01835 825039

Ref: 18/01194/FUL

### PLANNING CONSULTATION

**Name of Applicant:** Mr Jamie Reddihough

**Agent:** Ethical Partnership

**Nature of Proposal:** Erection of dwelling house, garage and associated access

**Site:** Land North West of Town O Rule Farmhouse, Bonchester Bridge, Hawick, Scottish Borders

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#### OBSERVATIONS OF: Education & Lifelong Learning (Neil Hastie)

## CONSULTATION REPLY

I refer to your request for Educations view on the impact of this proposed development which is within the catchment area for Denholm Primary School and Jedburgh High School.

A contribution of £2,533 is sought for the Primary School.

Contributions are sought to raise capital to extend or improve schools or where deemed necessary to provide new schools in order to ensure that over capacity issues are managed and no reduction in standards is attributed to this within the Borders Area.

This contribution should be paid upon receipt of detailed planning consent but may be phased subject to an agreed schedule.

*Please note that the level of contributions for all developments will be reviewed at the end of each financial year and may be changed to reflect changes in the BCIS index – therefore, we reserve the right to vary the level of the contributions.*

If you require any further information please do not hesitate to contact me by emailing [estatemangement@scotborders.gov.uk](mailto:estatemangement@scotborders.gov.uk)



# CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION



Comments provided by	Landscape Architect Officer Name and Post:	Contact e-mail/number:		
	S McDermott	smcdermott@scotborders.gov.uk		
Date of reply	12 <sup>th</sup> October 2018			
Planning Application Reference	18/01194/FUL	Case Officer: S Herkes		
Proposed Development	Erection of dwellinghouse, garages and associated access			
Site Location	Land NW of Town O Rule Farmhouse Bonchester Bridge			
<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>				
Background and Site description	The site is two rectangular blocks of land adjacent to the minor public road between the B6357 at Halrule Mill and A6088 at Hawthornside. The site (or part thereof) was granted planning permission in principle in November 2015			
Key Issues (Bullet points)	<ul style="list-style-type: none"> <li>• Impact on existing tree resource</li> <li>• Visual impact on the local area which lies within the Teviot Valleys Special Landscape Area</li> </ul>			
Assessment	<p><b><i>The principle of a dwellinghouse in this location has been established. My concern is with the impact on the existing tree and hedge resource on or immediately adjacent to the site. An Arboricultural Impact Assessment has been submitted but fails to provide the associated Tree Survey information which is detailed in Section 4.4 of BS5837:2012. There is no definitive plan showing the trees on site (which I acknowledge are relatively few in number) with numbering to identify each tree surveyed</i></b></p> <p><b><i>I understand that the purpose of an Arboricultural Impact Assessment (AIA) is to assess the impact of the development on the trees surveyed 'that evaluates the direct and indirect effects of the proposed design and where necessary recommends mitigation.'</i> (Section 5.4 of BS5837) Tree constraints (5.2 of BS5837) should be plotted on proposed site plan and this may demonstrate while a particular tree(s) require removal. A Tree Protection Plan (Section 5.5 of BS) will be required when the design has been approved to indicate the locations of protective fencing and extent of any ground protection required to protect any retained trees on site. This will likely be conditioned as part of and detailed consent.</b></p> <p><b><i>I would want the Tree Survey information submitted to support a revised AIA which clearly demonstrates the impact of the development on every tree on or adjacent to the site.</i></b></p> <p><b><i>Any consent of the proposed development should be conditional on a detailed Landscape scheme being submitted which should pay particular attention to the external parts of the site, such as tree and hedge planting to the boundaries and planting to external areas that will mitigate the visual impact and help to achieve a landscape fit in this very rural landscape.</i></b></p>			
Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions	<input checked="" type="checkbox"/> Further information required

<b>Recommended Conditions</b>	The below conditions are revised by JH Sept 2018  LA01 Hard and Soft Landscaping – Submission of Details LA02 Soft Landscaping - Submission of Details LA03 Landscaping - Commencement LA08 Existing Trees to be Retained - Details to be Submitted LA15 Landscaping Works – Notice of Completion
<b>Recommended Informatives</b>	

# CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION



Comments provided by	Roads Planning Service	Contact e-mail/number:	
Officer Name and Post:	Paul Grigor Roads Planning Officer	<a href="mailto:pgrigor@scotborders.gov.uk">pgrigor@scotborders.gov.uk</a> 01835 826663	
Date of reply	16 <sup>th</sup> October 2018		
Planning Application Reference	18/01194/FUL	Case Officer: Stuart Herkes	
Proposed Development	Erection of dwellinghouse, garages and associated access		
Site Location	Land North West of Town O Rule Farmhouse, Bonchester Bridge, Hawick		
<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>			
Background and Site description			
Key Issues	<ul style="list-style-type: none"> <li>• Access</li> </ul>		
Assessment	<p>I have no objections in principle to this development. The proposed access for the residential plot will need to be surfaced to an appropriate specification.</p> <p>I note that there are plans to provide a new access to the south-west of the development site for agricultural traffic. It should be noted that this would not be a requirement of the Roads Planning Service. I would have no objections to the existing junction area being surfaced to an extent which covers both the residential access and the agricultural access.</p> <p>Should the applicant insist on a new access for agricultural traffic, I do not have any preference over option 1 or 2, as shown on the associated plans.</p>		
Recommendation	<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
Recommended Conditions	<p>A scheme of details to be submitted for approval by the Council and thereafter the approved details to be carried out fully prior to occupation of the proposed unit, unless otherwise agreed in writing with the Council. The scheme of details must show how both the proposed residential unit and the agricultural units are accessed.</p> <p>Reason: To ensure adequate access is provided from the public road to serve the development site.</p>		
Recommended Informatives	<p>Specification for all works associated with any new access connected with this development:</p> <ul style="list-style-type: none"> <li>• 40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.</li> </ul> <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