

9 December 2019

Ranalds Dods  
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 Ranald

**Planning application: 19/01645/FUL  
Erection of dwellinghouse and detached garage  
Land South West Of 3 Mill Lade Blyth Bridge Scottish Borders**

Thank you for your consultation email which SEPA received on 20 November 2019.

**Advice for the planning authority**

We **object** to this planning application on the grounds of lack of information and on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

We will review this objection if information is submitted which adequately addresses the issues detailed in Section 1 below.

**1. Flood Risk**

- 1.1 We previously responded to this application in April 2018 at the pre-planning stage and requested additional information in support of the application. In February 2019, we objected in principle to a formal planning application on the grounds that limited topographic information indicated that the development was located within the functional floodplain.
- 1.2 Scottish Planning Policy paragraph 255 states “the planning system should promote: flood avoidance: by safeguarding flood storage and conveying capacity, and locating development away from functional flood plains and medium to high risk areas.”

continued.....

- 1.3 Again, limited information is provided within the current application. However, a synopsis of responses has been provided in spreadsheet format. From this, it is suggested that the freeboard of the proposed house is 3.4 metres above the Tarth Water. It is unclear whether this is based on bed level, bank level or water level on day of survey. There is also the suggestion in the spreadsheet that the site is in excess of 3 metres above the water level of the Tarth Water. Based on the information supplied within the planning application we cannot confirm that this height difference is sufficient to elevate the site out with the 1:200 year functional floodplain.
- 1.4 The North West Elevation diagram in the provided drawing (Drawing no. OGS 298 01, Rev. A.) suggests that finished ground levels, and finished floor levels shall be achieved through land raising. The information submitted in the current application does not include a Flood Risk Assessment (FRA). We are unable to confirm that land-raising is proposed out with the functional floodplain without a detailed FRA, based on topographic information related to metres Above Ordnance Datum (mAOD).
- 1.5 We do not support land raising within the functional flood plain as stated in SEPA guidance "Land raising in fluvial flood risk areas reduces the ability of the functional flood plain to store and/or convey water and can increase flood risk elsewhere". Furthermore, we do not deem that this application falls within the exceptional category that would enable land-raising within the functional floodplain to be offset through compensatory storage. We note that this is however for your authority to confirm.
- 1.6 Therefore, we would request a Flood Risk Assessment is submitted in support of the development to determine whether land-raising will take place out with the functional floodplain, does not create an island of development, and that safe, flood free access/egress can be provided.
- 1.7 We would stress that based on the information submitted, an FRA will likely only confirm that the site is unsuitable for the proposed development and we would subsequently object in principle to any future consultations.

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

1. 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/>
2. Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

3. 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. Other relevant aspects of the development**

- 2.1 Please refer to [SEPA standing advice for planning authorities and developers on development management consultations](#) for other aspects of the development due to the fact that the consultation is below the threshold where we would provide bespoke advice for other aspects.

### **Detailed advice for the applicant**

## **3. Flood Risk**

- 3.1 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/>.

Please note that this document should be read in conjunction Policy 41 (Part 2).

- 3.2 Our Flood Risk Assessment checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process. It can be downloaded from <https://www.sepa.org.uk/media/159170/flood-risk-assessment-checklist.xlsx>

### **Regulatory advice for the applicant**

## **4. Regulatory requirements**

- 4.1 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

If you have any queries relating to this letter, please contact me by telephone on 01738 448193 or e-mail at [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk).

Yours sincerely

Sheena Jamieson  
Senior 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](#).*



Scottish Natural Heritage  
Dualchas Nàdair na h-Alba  
**nature.scot**

Ranald Dods  
Planning & Development  
Email to - [dcconsultees@scotborders.gov.uk](mailto:dcconsultees@scotborders.gov.uk)

Date: 04 November 2019

Our ref: CDM157491  
Your ref: 19/01645/FUL

Dear Sirs

**Consultation - Town and Country Planning (Scotland) Act 1997 - Erection of dwelling house and garage at Mill Lade Blyth Bridge - SNH response**

Thank you for consulting SNH on the above planning application, dated 20 November 2019.

The proposal is close to the TARTH Water, which is part of the River Tweed Special Area of Conservation (SAC) designated for its habitat (Water courses of plain to montane levels with the *Ranunculus fluitantis* and *Callitriche-Batrachion* vegetation) and species (Sea lamprey *Petromyzon marinus*, Brook lamprey *Lampetra planeri*, River lamprey *Lampetra fluviatilis*, Atlantic salmon *Salmo salar* and Otter *Lutra lutra*).

The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") or, for reserved matters, The Conservation of Habitats and Species Regulations 2017 apply. Consequently, Scottish Borders Council is required to consider the effect of the proposal on the SAC before it can be consented (commonly known as Habitats Regulations Appraisal). The SNH website has a summary of the legislative requirements (<https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species/legal-framework/habitats-directive-and-habitats-regulations>).

**SNH position: Advice only**

The maintenance of an undeveloped buffer strip of 10m from the bank of the TARTH Water to the edge of the development footprint is appropriate in this case. Such mitigation will help to provide a more natural riparian corridor and minimise impacts on water quality during construction activities. Providing the developer follows Scottish Environment Protection Agency's regulations and best management practice that is usually observed across the construction industry, it is also unlikely in our view that the proposed works will have a significant effect on any qualifying interests either directly or indirectly. An appropriate assessment is therefore not required.

Scottish Natural Heritage, Greystone Park, 55/57 Moffat Road, Dumfries DG1 1NP  
Tel: 01738 458678 [www.nature.scot](http://www.nature.scot)

Dualchas Nàdair na h-Alba, Pàirc a' Chùirm Leithe, 55/57 Rathad Mhofad, Dùn Phrìs DG1 1NP  
Fòn: 01738 458678 [www.nature.scot](http://www.nature.scot)

Please do not hesitate to contact me should you wish to discuss our comments.

Yours sincerely

**Francois Chazel**  
Operation Officer  
Southern Scotland

Response On Development Affecting Trunk Roads and Special Roads

**The Town and Country Planning (Scotland) Act 1997**

**The Town and Country Planning (Development Management Procedure)  
(Scotland) Regulations 2013 S.I.2013 No 155 (S.25)**

**Town and Country Planning (Notification of Applications) (Scotland) Direction 2009**

To Scottish Borders Council Environment and Infrastructure Newtown St Boswells Melrose TD6 0SA	Council Reference:-	19/01645/FUL
	TS TRBO Reference:-	SE/105/2019

Application made by Mr & Mrs William Rose per Kanak Bose Ltd., Ogcscastle Roman Road Carnwarth ML11 8NE and received by Transport Scotland on 21 November 2019 for planning permission for erection of dwellinghouse and detached garage located at Land South West Of 3 Mill Lade Blyth Bridge Scottish Borders affecting the A702 Trunk Road.

Director, Roads Advice

1. The Director does not propose to advise against the granting of permission
2. The Director advises that planning permission be refused (see overleaf for reasons).
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons).

To obtain permission to work within the trunk road boundary, contact the Area Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-

Area Manager (A702) 0141 272 7100 Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
SOUTH EAST
6a Dryden Road, Bilston Glen Industrial Estate, Loanhead, Edinburgh, EH20 9LZ
0800 0420188
OCCR.SESCOTLAND@amey.co.uk

Operating Company:-

Address:-

Telephone Number:-

e-mail address:-

**Transport Scotland Response Date:-** 03-Dec-2019

**Transport Scotland Contact:-** Fred Abercrombie

**Transport Scotland Contact Details:-**

Roads - Development Management  
Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF  
Telephone Number: 0141 272 7382  
e-mail: [development\\_management@transport.gov.scot](mailto:development_management@transport.gov.scot)

**NB - Planning etc. (Scotland) Act 2006**

Planning Authorities are requested to provide Transport Scotland, Roads Directorate, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted.



# Consultation Reply



## ENVIRONMENT AND INFRASTRUCTURE

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

**FAO:** Ranald Dods

**Your Ref:** 19/01645/FUL

**From:** HEAD OF ENGINEERING & INFRASTRUCTURE

**Date:** 27<sup>th</sup> November 2018

**Contact:** Lauren Addis

**Ext:** 6157

**Our Ref:** B48/2815

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**Nature of Proposal:** Erection of dwellinghouse and detached garage  
**Site:** Land south west of 3 Mill Lade, Blyth Bridge, Scottish Borders

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SBC Flood & Coastal Management previously commented on this application in February 2019 and requested that a Flood Risk Assessment be undertaken to support the application. SEPA's Flood Hazard Map shows that the site is located within the 1:200 year flood extent of the Tarth Water and may be at medium to high risk of flooding.

Topographic information and finished flood and ground levels have been provided as well as a fluvial flood extent map and surface water map included within a report. However, it is not clear how the maps have been derived and what supporting information has been used. I am therefore required to request that the full FRA including details of the hydrology and modelling methods adopted to derive the flood maps are submitted for us to determine if the flood maps are an accurate representation of the flood risk at the application site.

The FRA should also address whether there is flood free access and egress to the proposed dwellinghouse and include any details of proposed mitigation or property resilience.

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.

Lauren Addis  
Technician  
Flood and Coastal Management

**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> <b>01835 826663</b>		
<b>Date of reply</b>	28 <sup>th</sup> November 2019	<b>Consultee reference:</b>		
<b>Planning Application Reference</b>	19/01645/FUL	<b>Case Officer:</b> Ranald Dods		
<b>Applicant</b>	Mr & Mrs William Rose			
<b>Agent</b>	Kanak Bose Ltd.			
<b>Proposed Development</b>	Erection of dwellinghouse and detached garage			
<b>Site Location</b>	Land South West Of 3 Mill Lade Blyth Bridge Scottish Borders			
<i><b>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.</b></i>				
<b>Background and Site description</b>	Previous application 19/00194/FUL - refused			
<b>Key Issues (Bullet points)</b>	<ul style="list-style-type: none"> <li>• Means of access</li> </ul>			
<b>Assessment</b>	The previous application raised no objections from Roads Planning Service subject to certain conditions being attached to any approval but was refused on planning grounds. As with the previous application, I have no objections in principle to the resubmitted proposal, subject to the conditions listed below.			
<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
<b>Recommended Conditions</b>	<p>Details of the precise means of access, including construction specification and levels, to be submitted in writing to the Council for approval prior to work commencing on-site. Thereafter the approved details to be fully implemented prior to occupation of the proposed dwelling. Reason: To ensure the development hereby approved is served by an appropriate form of access.</p> <p>Parking and turning for two vehicles, excluding any garages, to be provided within the curtilage of the plot prior to occupation of the dwelling and thereafter retained in perpetuity, unless otherwise agreed in writing with the Council. Reason: To ensure the development hereby approved is served by an appropriate level of parking.</p>			
<b>Recommended Informatives</b>	It should be noted that all work within the public road boundary must be undertaken by a contractor first approved by the Council.			

AJS