

05 March 2020

Brett Taylor
Scottish Borders Council
Planning & Economic Development
Council Headquarters
Newtown St Boswells
Melrose
TD6 0SA

By email only to: dcconsultees@scotborders.gov.uk

Dear Mr Taylor

Town and Country Planning (Scotland) Acts
Planning application: 20/00132/PPP
Erection of treehouse and walkway for use as holiday let accommodation and associated works
Land South West Of Sandystones Farmhouse Ancrum Jedburgh Scottish Borders

Thank you for your consultation email which SEPA received on 07 February 2020. We previously objected in principle to this development in June 2019 (19/00812/PPP) and our response below should be read in conjunction with our previous response.

Advice for the planning authority

We maintain our **objection in principle** to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy. Please note the advice provided below.

1. Flood Risk

1.1 Given the location of the proposed development within the sparsely developed functional floodplain we do not consider that it meets with the requirements of Scottish Planning Policy and our position is unlikely to change. We have a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. **The cornerstone of sustainable flood risk management is the avoidance of flood risk in the first instance. We recommend that alternative locations be considered.**

1.2 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.

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Chairman
Bob Downes

Chief Executive
Terry A'Hearn

SEPA Edinburgh Office

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

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- 1.3 Notwithstanding this position we have included our review of the information supplied. Provision of this review does not imply that we consider there to be a technical solution to managing flood risk at this site which meets with Scottish Planning Policy.

Technical Report

- 1.4 We previously objected in principle to this development in June 2019 (19/00812/PPP) and noted that if an alternative location is possible, this should be outwith the functional floodplain (1 in 200-year flood extent) and free from flood risk up to the 1 in 1000-year flood events. Safe access and egress should also be ensured outwith the floodplain.
- 1.5 Since our previous response, there has been no change to the proposed design of the development, however updated ground levels have been provided relative to Ordnance Datum and Kaya Consulting has undertaken a Flood Risk Assessment (FRA) in August 2019.
- 1.6 With regards to the FRA, unfortunately the 1 in 200 year flow is lower than we would expect for the area and our estimates indicate that the 1 in 1000 year flow is more representative at the site. With that in mind, we have considered the 1 in 1000 year flow (162.8m³/s) as the 200 year flow when assessing flood risk to the site. As such, the FRA confirms that the development would be situated within the functional flood plain using this design flow (and the lower 200 year design flow adopted in the FRA).
- 1.7 The FRA also concludes that there are some sensitivities in the modelling when adjusting key parameters such as roughness and the downstream boundary. To mitigate for this, it is suggested to add an additional 0.3m onto the design flood levels.
- 1.8 Despite our reservations over the methods used in the FRA, sufficient information has been provided to confirm that the development structure lies within the 1 in 200 year functional flood plain. As such, there is no merit in updating the FRA at this stage. If an FRA update is required in the future, we would expect the flow estimates to be revised and further work to be done to improve the model sensitivity, which may include adding additional surveyed cross sections.
- 1.9 We note that the site is connected to higher land to the north. We would have no objection to an alternative design being situated on these higher ground levels outwith the functional flood plain. If an alternative location is suggested, an updated FRA would be required to inform the 1 in 1000 year flood level for the site.
- 1.10 With regards to the technical notes provided by Murray Land & Buildings:
- 1.5 We note that the small watercourse noted in our previous response in a redundant mill lade and accept that the only source of flood risk to the site is the Ale Water.

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- 1.6 For clarity, we consider the Treehouse to fall into the Most Vulnerable Land Use category in line with SEPA's Land Use Vulnerability Guidance, under 'holiday caravan, chalet, and camping sites' and as a 'site used for holiday or short-let caravans and camping' in line with SPP.

Such types of development are not generally not suitable within Medium to High risk, sparsely developed areas, such as this, and may only be suitable in Low to Medium risk areas if the risk from a 1 in 1000 year event can be alleviated through appropriate mitigation. We do not consider this is be achievable in this case as the development structure lies within the 1 in 200 year functional flood plain.

- 1.7 Paragraph 255 of SPP states that 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. This development would be constructed within the functional flood plain and does not adhere to the principles of SPP by locating development away from functional flood plains.

- 1.11 We remain of the opinion that if the occupants of the treehouse accommodation were required to be evacuated/ rescued during a flood event, this would place others in danger, and the structure may be damaged where debris is carried by the watercourse. Given that such events are usually accompanied by extremely poor weather conditions and could occur during the hours of darkness, this presents an extremely dangerous situation

- 1.12 The approach currently underpinned by national policy in Scotland is for the avoidance of flood risk in the first instance as the most sustainable approach to flood risk management. There are no overriding reasons for developing in the floodplain, especially where there is availability of lower risk land, which we believe to be the case in this instance. We are therefore unable to accept the proposed stilted design as an appropriate solution to flood risk. We note the reasons given as to why it is desirable to place the accommodation at this location, but while clearly it is desirable to do so, we do not consider it acceptable to place people at risk by choice of location.

- 1.13 As such we consider that there is no technical solution to the development of the site which complies with Scottish Planning Policy and we object in principle to the proposed development on flood risk grounds for the following reasons:

- In line with Scottish Planning Policy (SPP) holiday accommodation is classed as 'most vulnerable' land use and is generally not suitable within Medium to High risk, sparsely developed areas, such as this.
- The FRA confirms that the development would be constructed in the 1 in 200 year functional flood plain.
- SPP states that stilted accommodation is generally not acceptable within areas of flood risk.
- The development does not adhere to the principles of SPP by promoting flood avoidance by locating development away from functional flood plains and medium to high risk areas

- Occupants of this treehouse accommodation may be required to be evacuated/ rescued during a flood event, thus placing others in danger, and the structure may be damaged where debris is carried by the watercourse

Detailed advice for the applicant

You will note that we **maintain our objection in principle** to this development. Please note the advice provided in Section 1 above.

2. Flood risk caveats and additional information

- 2.1 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.
- 2.2 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).

If you have any queries relating to this letter, please contact me by telephone on 01786 452572 or e-mail at planning.se@sepa.org.uk.

Yours sincerely

Jess Taylor
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](#).

PLANNING CONSULTATION

To: Economic Development Section

From: Development Management

Date: 6th February 2020

Contact: Brett Taylor ☎ X6628

Ref: 20/00132/PPP

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 27th February 2020, 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 27th February 2020, 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: Sandystones Ltd

Agent: Murray Land & Buildings

Nature of Proposal: Erection of treehouse and walkway for use as holiday let accommodation and associated works

Site: Land South West Of Sandystones Farmhouse Ancrum Jedburgh Scottish Borders

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post:		Contact e-mail/number:	
	Economic Development Section			
Date of reply	11/02/2020	Consultee reference:		
Planning Application Reference	20/00132/PPP	Case Officer: Brett Taylor		
Applicant	Sandystones Ltd			
Agent	Murray Land & Buildings			
Proposed Development	Erection of treehouse and walkway for use as holiday let accommodation and associated works			
Site Location	Land South West Of Sandystones Farmhouse Ancrum Jedburgh 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>				
Background and Site description				
Key Issues (Bullet points)	<ul style="list-style-type: none"> • 			
Assessment	<p>Economic Development would support the erection of treehouse for holiday let with walkway, parking area and associated works at Sandystones farmhouse Ancrum as it fits with the Scottish Borders Tourism Strategy 2013-2020 strategic target by:</p> <ul style="list-style-type: none"> • Increasing volume of overnight visitors. • Increasing overnight visitor spend. • Ensure the Region's accommodation offerings meet consumer demands and where opportunities are available can act as an attractor of demand in themselves. • 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 will continue to raise average quality quotient across all forms of accommodation. 			
Recommendation	<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
Recommended Conditions				

Recommended Informatives	
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Consultation Reply



ENVIRONMENT AND INFRASTRUCTURE

To: HEAD OF PLANNING AND REGULATORY SERVICE

FAO: Brett Taylor

Your Ref: 20/00132/PPP

From: HEAD OF ENGINEERING & INFRASTRUCTURE

Date: 7th February 2020

Contact: Lauren Addis

Ext: 6157

Our Ref: B48/2840

Nature of Proposal: Erection of treehouse and walkway for use as holiday let accommodation and associated works
Site: Land South West Of Sandystones Farmhouse, Ancrum, Jedburgh

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 may be 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.

A Flood Risk Assessment, undertaken by Kaya Consulting to support the application. Hydraulic modelling of the Ale Water and mill lade has been undertaken and peak water levels for the 1:200 year and 1:1000 year flood events determined.

As is stated in the FRA, SPP states that the development should be located out with the 1:1000 year floodplain. This is due to the classification of holiday let accommodation as a 'most vulnerable use' within SEPA's Land Use Vulnerability Guidance. While I appreciate that the application is for a treehouse and does not require to be located within the tree line given the risk of flooding and lack of flood free access and egress directly from the treehouse structure we are unable to support the development in this location.

I would recommend, that as per the FRA, the development is re-located out with the 1:1000 year floodplain.

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

PLANNING CONSULTATION

To: Landscape Architect

From: Development Management

Date: 6th February 2020

Contact: Brett Taylor ☎ X6628

Ref: 20/00132/PPP

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 27th February 2020, 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 27th February 2020, 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: Sandystones Ltd

Agent: Murray Land & Buildings

Nature of Proposal: Erection of treehouse and walkway for use as holiday let accommodation and associated works

Site: Land South West Of Sandystones Farmhouse Ancrum Jedburgh Scottish Borders

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post:	Contact e-mail/number:
	Landscape Architect Catherine Andrews	candrews@scotborders.gov.k
Date of reply	03/04/2020	Consultee reference:
Planning Application Reference	20/00132/PPP	Case Officer: Brett Taylor
Applicant	Sandystones Ltd	
Agent	Murray Land & Buildings	
Proposed Development	Erection of treehouse and walkway for use as holiday let accommodation and associated works	
Site Location	Land South West Of Sandystones Farmhouse Ancrum Jedburgh 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>This is a resubmission of a previous application 19/00812/PPP for a tree house, walkway and parking to be erected on the flood plain of the Ale Water approximately 4km north west of Ancrum. The site location lying out with agricultural field boundaries slopes gently east towards the banks of the Ale Water. A former mill lade runs from north east to south west under the proposed building line. A narrow band of trees follows the line of the mill lade and the building and further small tree clumps are located within the site. Narrow bands of riparian woodland follow the banks of the Ale Water out with the site boundary.</p>	
Key Issues (Bullet points)	<ul style="list-style-type: none"> • Landscape and Visual Impact • Protection of riparian tree resource. 	
Assessment	<p>I have not had the opportunity to visit the site but through a desk top study have made the following assessment:-</p> <p>If the existing tree cover on the site can be retained then this proposal for a single storey tree house should not have significant landscape and visual impacts. The fairly low lying ground levels and screening afforded by existing tree cover on and off site; from surrounding woodland and hedgerows across the landscape as well as it's remote location at some distance from settlements, properties and road networks will all assist in its integration into the landscape. However detailed design proposals, including materials, parking provision and cross sections through the site will be required at the detailed application stage before the potential for landscape and visual impacts can be fully assessed.</p> <p>I note on the block plan that a number of trees have been identified and marked on the plan. It appears that some of these are represented by a dot and I question whether the intention is to remove these or not? As part of any detailed application a fully detailed tree survey will be required including tree species, numbers, precise location, height, girth, age condition and Root Protection Area's (RPA) as well as location of any trees proposed for removal. At the detailed application stage this information should be shown on a plan along with the proposed building layout, footprint and foundation positions. The fully detailed tree survey should follow the requirements set out below from the previous</p>	

	<p>consultation response. Replacement planting should be proposed to cover any trees proposed for removal and to improve biodiversity on the flood plain. In addition more information will be needed with regard to the treatment plant and soakaways, footings for the stilts and how the services will be accommodated to assess whether there will be unacceptable impact on the tree resource.</p> <p>I have no objection in principle to the proposed development.</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>A Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement in accordance with BS 5837:2012 - Trees in relation to design, demolition and construction - recommendations, should be a condition of any outline consent, as should Landscape Condition 8 - Existing Trees to be retained - Details to be submitted. Reason: to ensure protection of the existing tree resource.</p> <p>A landscape scheme to an appropriate scale detailing design and location of the building, walkway, footings and foundations, parking, existing and proposed planting as well as material to be used. Reason: to ensure a landscape fit and protection of the existing tree resource.</p> <p>A scaled drawing of sections through the site demonstrating height and scale of the building and structures proposed in relation to landform and tree cover. Reason: to ensure satisfactory integration of the building into its surroundings.</p>			
Recommended Informatives	<p>BS 5837:2012 - Trees in relation to design, demolition and construction</p>			

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Roads Planning Officer		Contact e-mail/number:	
Officer Name and Post:	Craig Johnston Roads Planning Technician		Craig.johnston@scotborders.gov.uk 01835 826856	
Date of reply	27 th February 2020		Consultee reference:	
Planning Application Reference	20/00132/PPP		Case Officer: Brett Taylor	
Applicant	Sandystones Ltd			
Agent	Murray Land & Buildings			
Proposed Development	Erection of treehouse and walkway for use as holiday let accommodation and associated works			
Site Location	Land South West Of Sandystones Farmhouse Ancrum Jedburgh 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>				
Background and Site description	A similar proposal was refused permission on this site through application 19/00812/PPP but received no objections from the Roads Planning Officer.			
Key Issues (Bullet points)				
Assessment	<p>The Roads Planning comments from the first application are still applicable and I will include these below for reference:</p> <p><i>I have no objections in principle to the proposed development which is for tourism purposes.</i></p> <p><i>The existing private farm track is of a suitable standard for the proposed development but will need to be extended for a short section to accommodate access to the site and the parking area. The extended farm track should be constructed with a well compacted free draining smooth running surface capable of withstanding a minimum axle loading of 14 tonne. This information should be provided at detailed planning stage should this application be approved.</i></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	A scheme of details to be submitted to the Council for approval, detailing the precise means of access to the development site and parking area. Thereafter the approved scheme of details shall be fully implemented prior to the holiday let becoming available for use. Reason: To ensure satisfactory access is provided.			
Recommended Informatives				

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