

## Planning Application 21/00595/PPP

“In response to planning application [21/00595/PPP](#) from the Ettrick and Yarrow Community Council. The Community Council in principle supported an additional dwelling house, however we were concerned about the details of the application. The points raised were as follows :

1. The current access to Deuchar is very compromised. It is impossible to come onto the A708 and turn west without executing a 3 point turn. Approaching from the west presents the same problem. The view to the west from the access lane is also limited. The application drawings show the new entrance to the proposed development in different places which is unhelpful in providing an informed response to the application. Therefore for reasons of road safety, I think it important that the planning department gives a clear indication as to the exact location of access and uses this opportunity to consult with the Deuchar residents in order to mitigate the current dangers and provide safer access to the A708 in both directions.
2. More information regarding the replacement of the current building would be helpful and if a replacement is anticipated would it then be extending the development of Deuchar further east?
3. Concerns were raised regarding the style and materials used for new houses built in the Yarrow Valley in recent years. Yarrow Feus in particular has several new builds, the architecture of which is inappropriate and at odds with the setting. More information as to the style of the proposed house would again be helpful in determining our position on this application”.

Submitted by Philip Grant Chair EYCC

Brett Taylor  
Planning & Environmental Standards  
Scottish Borders Council  
Newtown St Boswells  
TD6 0SA

19 May 2021

Our ref: CDM162936

Dear Brett

**21/00959/PPP – CONSTRUCTION OF NEW HOUSE ON LAND EAST OF DEUCHAR MILL, YARROW  
River Tweed Site of Special Scientific Interest and Special Protection Area**

Thank you for consulting NatureScot on this proposal, dated 30 April 2021.

The proposal concerns planning permission in principle for construction of a new house at land east of Deuchar Mill, Yarrow. The site is adjacent to the River Tweed SAC and SSSI.

Legal Context

The proposal is next to River Tweed Special Area of Conservation (SAC) designated for its fish species (Atlantic salmon, river, brook and sea lamprey) otter and as a whole river system characterised by water crowfoot.

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/protected-areas-and-species/protected-species/legal-framework/habitats-directive-and-habitats-regulations>.

Appraisal

In our view, it is unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly. An appropriate assessment is therefore not required.

The principle of development in this field is acceptable with regard to the SAC/SSSI. The proposed site layout shows the property at the top of the slope, away from the river. A full planning proposal may have a different layout and so I would give the following advice to inform any future application.

The development site boundary must be a minimum of 10 m from the boundary of the SAC/SSSI. The start of built development must be a minimum of a further 10 m beyond the site boundary. This is to ensure that there is a suitable buffer between development and the SAC/SSSI. The proposed layout is comfortably within these parameters. It is acceptable for this buffer area to include garden ground.

A Construction Environment Management Plan should accompany a full planning application. This should consider how development could affect the river and how to prevent such impacts. Silt-laden run-off is a common problem, especially during bad weather, as is release of other materials from the development site to the river. Pollution prevention measures, storage of materials and other considerations should be included in the CEMP. An effective CEMP will reduce delays later in the planning process.

If construction activity is required closer to the river, e.g. for a septic tank, an otter survey should accompany the application, along with a species protection plan where necessary, to ensure this protected species is not affected by development.

With regard to treatment of domestic waste water, NatureScot will not raise any concerns provided SEPA are content with the proposed measures.

Regards

Yours sincerely,

*Stuart Macpherson*

Area Officer

[stuart.macpherson@nature.scot](mailto:stuart.macpherson@nature.scot)

Friday, 30 April 2021



Local Planner  
Development Management  
Scottish Borders Council  
Newtown St. Boswells  
TD6 0SA

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Steps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Sir/Madam

**SITE: Land East Of Deuchar Mill House, Yarrow, TD7 5ND**  
**PLANNING REF: 21/00595/PPP**  
**OUR REF: DSCAS-0039012-P7Z**  
**PROPOSAL: Erection of dwellinghouse with access and associated works**

**Please quote our reference in all future correspondence**

### Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

### Water Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private options.

### Foul Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

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### Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has



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been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

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## Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

### General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - ▶ Site Investigation Services (UK) Ltd
  - ▶ Tel: 0333 123 1223
  - ▶ Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).



## Next Steps:

### ▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

### ▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

### ▶ Trade Effluent Discharge from Non Dom Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal



units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Pamela Strachan**

Development Operations Analyst

Tel: 0800 389 0379

[developmentoperations@scottishwater.co.uk](mailto:developmentoperations@scottishwater.co.uk)

### **Scottish Water Disclaimer:**

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*



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## PLANNING CONSULTATION

To: EVH - Contaminated Land Officer

From: Development Management

Date: 2nd June 2021

Contact: Brett Taylor ☎ X6628

Ref: 21/00595/PPP

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 23rd June 2021, 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 23rd June 2021, 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:** Buccleuch Estates Ltd

**Agent:** Ferguson Planning

**Nature of Proposal:** Erection of dwellinghouse with access and associated works

**Site:** Land East Of Deuchar Mill House Yarrow 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>	
	EVH - Contaminated Land Officer Gareth Stewart			
<b>Date of reply</b>	8 <sup>th</sup> June 2021		<b>Consultee reference:</b> 21/01505/PLANCO	
<b>Planning Application Reference</b>	21/00595/PPP		<b>Case Officer:</b> Brett Taylor	
<b>Applicant</b>	Buccleuch Estates Ltd			
<b>Agent</b>	Ferguson Planning			
<b>Proposed Development</b>	Erection of dwellinghouse with access and associated works			
<b>Site Location</b>	Land East Of Deuchar Mill House Yarrow 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>	There is an indication within the application that the site has had agricultural use. The specific uses and activities undertaken at the application site are not currently known.			
<b>Key Issues (Bullet points)</b>				
<b>Assessment</b>	<p>I therefore recommend that the Applicant complete and return the attached questionnaire providing information relating to the previous use of the site. The applicant has been sent the questionnaire directly with instruction to return it to Environmental Health</p> <p>Once the questionnaire has been returned it will be put on the IDOX system and I will advise you on whether further assessment of potential contamination issues at the site is necessary.</p> <p>If the Applicant does not return the questionnaire, it is important that the potential for contamination is considered when issuing the Planning Permission. I recommend that if the questionnaire is not returned, the following condition is attached to the Planning Permission in order to ensure that the development is suitable for its proposed use.</p>			
<b>Recommendation</b>	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input checked="" type="checkbox"/> Further information required
<b>Recommended Conditions</b>	<p><i>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. <b>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.</b></i></p> <p><i>The scheme shall be undertaken by a competent person or persons in accordance</i></p>			

	<p><i>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:-</i></p> <p><i>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 <b>prior to</b> addressing parts b, c, d, and, e of this condition.</i></p> <p><i>and thereafter</i></p> <p><i>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.</i></p> <p><i>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).</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><b>Written confirmation from the Council</b>, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, <b>shall be required by the Developer before any development hereby approved commences</b>. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.</p> <p><i>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.</i></p>
<p><b>Recommended Informatives</b></p>	

**Scottish Borders Council  
Redevelopment of Agricultural & Other Buildings Questionnaire**

**Planning Application Number:**

**Yes/No**

Is asbestos known or suspected to be present in the fabric of any buildings present?	
Has any part of the site been used for the storage of liquid fuel, such as petrol, diesel, DERV, kerosene?	
Has any part of the site been used for the storage or use of agricultural chemicals, such as preservatives or pesticides?	
Has any part of the site been used for sheep dipping, storage or disposal of sheep dip chemicals?	
Has any part of the site been used for disposal of solid farm waste?	
Has any part of the site been used for the disposal of liquid wastes or washings other than to an approved drainage system?	
Has the site been used to store/maintain vehicles?	
Has there been any building fires or bonfires onsite?	

Please give the source of all available information used to answer these questions and an indication of the time period which it covers (continue on separate sheet/reverse side if required):

Source e.g. Previous farmer/operator	Time Period Covered e.g.1975-1990

Please provide a description of the use of the agricultural land (*continue overleaf if necessary*):

If you have answered yes to any of the above questions please give details below (*continue overleaf if necessary*):

**PLEASE NOTE – YOUR RESPONSE WILL BE PLACED IN THE PUBLIC DOMAIN**

Signed

Date

Name

(Block Capitals)\_\_\_\_\_

Thank you for completing this questionnaire, please return it to :-

Gareth Stewart, Contaminated Land Officer, at the address below:

**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>	1 <sup>st</sup> June 2021	<b>Consultee reference:</b>		
<b>Planning Application Reference</b>	21/00595/PPP	<b>Case Officer:</b> Brett Taylor		
<b>Applicant</b>	Buccleuch Estates Ltd			
<b>Agent</b>	Ferguson Planning			
<b>Proposed Development</b>	Erection of dwellinghouse with access and associated works			
<b>Site Location</b>	Land East Of Deuchar Mill House Yarrow 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> <li>• Visibility</li> </ul>			
<b>Assessment</b>	<p>A similar application, 18/00355/PPP, was previously refused and I have copied part of our response below.</p> <p><i>“Due to the horizontal alignment of the road, visibility is restricted to the left when exiting the site. Forward visibility on approach to the access when travelling east is also restricted which impacts on the ability to spot a stationary vehicle waiting to turn right whilst having the appropriate stopping sight distance.”</i></p> <p>Having revisited the site, there are no material changes which would allow me to reconsider the previous position. The alignment of the A class road past this site is such that the visibility is restricted as detailed above.</p> <p>Visibility splays of 2.4 by 120 metres in both directions onto the public road from the access would be required, along with 120 metre forward visibility for vehicles travelling east, in order to react to a vehicle waiting to turn right into the development site.</p> <p>In order to achieve the required visibility, significant regrading works on the embankment opposite the development site, on the inside of the bend of the A708, would be required. However without the required visibility splays I am unable to support this application for the reason listed below.</p>			
<b>Recommendation</b>	<input checked="" type="checkbox"/> <b>Object</b>	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
<b>Reason for Refusal</b>	The proposal does not comply with Policy PMD2 of the Local Development Plan 2016 in that it would fail to ensure there is no adverse impact on road safety, including but not limited to the site access.			

**AJS**