

EARLSTON COMMUNITY COUNCIL



Julie Hayward
Scottish Borders Council
Planning & Economic Development
Council Headquarters
Newtown St Boswells
Melrose
TD6 0SA

19 September 2021

Dear Mrs Hayward

Re: Planning Application: 21/01257/FUL

Errection of Dwelling House - Garden Ground Of Kilnknowe House, East End,
Earlston

The above planning application was circulated to members of Earlston
Community Council.

Community Council is of the opinion that the site is of a suitable size to
accommodate the proposed dwelling.

Yours sincerely

Stuart C Holland
Earlston Community Council

Thursday, 19 August 2021



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

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

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Garden Ground Of Kilknowe House, East End, Earlston, TD4 6HW
Planning Ref: 21/01257/FUL
Our Ref: DSCAS-0046788-QGF
Proposal: Erection of dwellinghouse

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 Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in HOWDEN Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

- ▶ There is currently sufficient capacity for a foul only connection in the EARLSTON Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

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 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
 - ▶ 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](#).
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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

▶ 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 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

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.

Yours sincerely,

Pamela Strachan

Development Operations Analyst

Tel: 0800 389 0379

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."

Consultation Reply

ASSETS AND INFRASTRUCTURE

To: HEAD OF PLANNING AND REGULATORY SERVICE

FAO: Julie Hayward

Your Ref: 21/01257/FUL

From: HEAD OF ASSETS AND INFRASTRUCTURE

Date: 06/09/2021

Contact: Raffaella Diesel

Ext: 6977

Our Ref: B48/3117

Nature of Proposal: Erection of dwellinghouse

Site: Garden Grounds of Kilnknowe House, East End, Earlston

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 view them.

The maps show the site is within the 1:200 year floodplain of the Tufford Burn. Additionally, it is also located immediately upstream of a road bridge and a foot bridge across the Tufford Burn.

The Earlston Flood Study produced for SBC in 2017, provides more accurate flood extents and flood depth than the indicative SEPA maps. Although no warranty can be given.

The flood maps produced as part of this study indicate that during a 1:100 year event the site would be flooded up to 0.25m and the Georgefield Road- which is the only access and egress route for the site- would be flooded 0.25m- 1m in depth.

During a 1:200 year +CC change event the application site would be flooded up to 75cm. Georgefield Road would be flooded up to 0.25-1m, including the junction with East Green.

The road flooding stated above encompass Georgefield Road from East Green to past the junction with Tufford Park. Road flood depths of 0.25m or more are likely to greatly impede safe access and egress of a site.

Because of the site location upstream of two bridges and the indicated flood depth for the proposed dwellinghouse and the only access/egress road for the site during a 1:200 year +CC flood event, I would object to this development on flooding grounds.

In the submitted planning statement applicant refers to flooding of the site and the two dwellinghouses on the opposite side of the Georgefield Bridge; *“The applicant has been in the house for 40 years and has not witnessed flooding to the top of the site or onto the proposed access over the mutual ground at the part of the ground near the existing building”* and *“On this lower ground planning permission has been granted for housing and if there was sufficient problems with flooding this would not have been granted”*.

With regards to any flooding that may have occurred in the past 40 years- as stated above- flood risk management legislation requires us to consider flooding which (statistically) may only occur every 200 years.

Additionally, the planning applications for the two houses the applicant refers to, were received in 2002 and 2003 respectively, several years before the current Flood Risk Management Act was introduced in 2009.

Therefore I consider the development proposal incompatible with current legislation on flood risk and residential developments as set out in the Flood Risk Management (Scotland) Act 2009 and Scottish Planning Policy.

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.

Technician – Flood and Coastal Management

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Roads Planning Service		
Officer Name, Post and Contact Details	Alan Scott Senior Roads Planning Officer		ascott@scotborders.gov.uk 01835 826640
Date of reply	13 th September 2021	Consultee reference:	
Planning Application Reference	21/01257/FUL	Case Officer: Julie Hayward	
Applicant	Mr. M. Elliot		
Agent	Stuart Aitchison		
Proposed Development	Erection of dwelling		
Site Location	Garden ground, Kilnknowe House, East End, Earlston		
<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)			
Assessment	<p>I have no objections to this proposal. There is an existing vehicular access serving the site and there is ample ground within the site to accommodate the parking and turning required for a new dwelling,</p> <p>It should be noted that due to travel restrictions in place at the time of writing due to the coronavirus, no site visit was undertaken prior to this response. The comments above are based on the information submitted and responders' knowledge.</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>Parking and turning for a minimum of two vehicles to be provided within the curtilage of the site prior to occupation and thereafter be retained in perpetuity. Reason: To ensure the development hereby approved is served by adequate parking levels.</p> <p>Any gates erected must be hung so as to open into the site and not out over the public road. Reason: To ensure the development hereby approved does not have a detrimental impact on the safety of users of the adjacent road.</p>		
Recommended Informatives			

Signed: DJI