

Our ref: PCS/172280
Your ref: 20/00796/FUL

If telephoning ask for:
Paul Lewis

5 August 2020

Scott Shearer
Scottish Borders Council
Planning & Economic Development
Council Headquarters
Newtown St Boswells
Melrose
TD6 0SA

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

Dear Mr Shearer

Town and Country Planning (Scotland) Acts
Planning application: 20/00796/FUL
Erection of dwellinghouse
Land West of Causewayfoot Cottage, Wolflee, Hawick, Scottish Borders.

Thank you for your consultation which SEPA received on 22 July 2020.

Advice for the planning authority

We **object** to this planning application on the grounds of lack of information on flood risk. We will review this objection if the issues detailed in Section 1 below are adequately addressed.

1. Flood Risk

- 1.1 We **object** to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.
- 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 wish to consider if this proposal falls within the scope of this Direction.
- 1.3 We have been asked to provide comments to the proposed erection of a dwellinghouse at land west of Causewayfoot Cottage, Wolflee, Hawick.
- 1.4 We have reviewed the information provided in this consultation and it is noted that the application site (or parts thereof) lies within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding from the Catlee Burn. OS mapping also indicates there is also a small watercourse running through the proposed site which may be an additional source of flood risk. We hold no records of flooding at this location.

- 1.5 The proposed development is considered to fall within the Highly Vulnerable Use category within SEPA's Land Use Vulnerability Classification. This means development must be situated out with the 0.5% annual probability or 1 in 200 year flood extent.
- 1.6 Insufficient information is provided with this consultation for an assessment of flood risk at this site. We therefore object to this development until a detailed Flood Risk Assessment (FRA), undertaken in line with SEPA Technical Guidance, demonstrates the development accords with Scottish Planning Policy. This requires the accommodation to be located out with the 0.5% (1:200 year) annual probability flood extent of the Catlee Burn and the small watercourse.
- 1.7 It is recommended that contact is made with your colleagues in Scottish Borders Council in their role as the Flood Risk Management Authority should they have any further information regarding flood risk at this location

Summary

- 1.8 In summary, before we can consider removing our objection to the proposed development the application must be supported by a detailed Flood Risk Assessment which demonstrates that the proposed dwelling accords with Scottish Planning Policy and is situated out with the 1 in 200 year floodplain.

Caveats & Additional Information for Applicant

- 1.9 The [SEPA Flood Maps](#) have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² 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.
- 1.10 We refer the applicant to "[Technical Flood Risk Guidance for Stakeholders](#)". This document provides generic requirements for undertaking Flood Risk Assessments. Please note that this document should be read in conjunction with [Policy 41](#) (Part 2).
- 1.11 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.
- 1.12 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.
- 1.13 The flood risk 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).

Regulatory advice for the applicant



Chairman
Bob Downes

Chief Executive
Terry A'Hearn

SEPA Edinburgh Office
Silvan House, 3rd Floor, 231 Corstorphine Road,
Edinburgh EH12 7AT.
www.sepa.org.uk • customer enquiries 03000 99 66 99

2. Regulatory requirements

- 2.1 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, e.g. in relation to the proposal for an outfall to the Rule Water, please contact a member of the regulatory services team in the local SEPA office at:

ELB@sepa.org.uk

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

Yours sincerely

Paul Lewis
Senior Planning Officer
Planning Service

ECopy to: Malcolm McEwen - shankmac@aol.com

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](#).



Chairman
Bob Downes
Chief Executive
Terry A'Hearn

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Silvan House, 3rd Floor, 231 Corstorphine Road,
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Scottish Natural Heritage
Dualchas Nàdair na h-Alba
nature.scot

Scott Shearer
Planning & Development Standards
Scottish Borders Council
Newtown St Boswells
TG6 0SA

28 July 2020
Our ref: CNS/DC/SBC/CDM159947

Dear Scott

**20/00796/FUL – Erection of dwelling house at Wolflee near Hawick
River Tweed Special Area of Conservation**

Thank you for consulting SNH on the above proposal, dated 22 July 2020. The proposal concerns the construction of a house on land bordering the Catlee Burn / Rule Water.

Legislative Context

The proposal is close to the 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 species.

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/planning-and-development/environmental-assessment/habitats-regulations-appraisal-hra>.

Appraisal

Our standard expectation is that there will be a gap of at least 10 m from the SAC boundary to the start of any development. A further 10 m is then expected before the construction of significant features such as housing. This application meets that standard.

Provided SEPA is content with the arrangements for treating sewage and run-off from the site, 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.

Yours sincerely

By email

Stuart Macpherson
Operations Officer
Southern Scotland

Scottish Natural Heritage, Anderson's Chambers, Market Street, Galashiels TD1 3AF
Tel: 01896 661 710 www.nature.scot

Dualchas Nàdair na h-Alba, Seòmraichean Anderson, Sràid a' Mhargaidh, Galashiels TD1 3AF
Fòn: 01896 661 710 www.nature.scot

PLANNING CONSULTATION

To: Ecology Officer

From: Development Management

Date: 22nd July 2020

Contact: Scott Shearer ☎ 01835 826732

Ref: 20/00796/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 12th August 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 12th August 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: Miss Dawn Kilpatrick

Agent: Malcolm McEwen

Nature of Proposal: Erection of dwellinghouse

Site: Land West Of Causewayfoot Cottage Wolflee Hawick Scottish Borders

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post:	Contact e-mail/number:
	Dr Andy Tharme Ecology Officer	atharme@scotborders.gov.uk T:01835-826514
Date of reply	14 August 2020	Consultee reference:
Planning Application Reference	20/00796/FUL	Case Officer: Scott Shearer
Applicant	Miss Dawn Kilpatrick	
Agent	Malcolm McEwen	
Proposed Development	Erection of dwellinghouse	
Site Location	Land West Of Causewayfoot Cottage Wolflee Hawick Scottish Borders	

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.

Background and Site description	
Key Issues (Bullet points)	<ul style="list-style-type: none"> • Potential impacts on a Natura site
Assessment	<p><i>Relevant Local Development Plan (LDP) Policies are: EP1 International Nature Conservation Sites and Protected Species, EP2 National Nature Conservation Sites and Protected Species and EP3 Local Biodiversity.</i></p> <p>I have not visited the site to inform this consultation response, a desk-top assessment has been made using the Council's biological records, aerial imagery and information submitted by the applicant.</p> <p>The site appears to consist of an improved grassland field/ garden ground, with stone dyke and beech hedgerow and woodland boundary features.</p> <p>The site is adjacent to the Rule water, part of the River Tweed SAC.</p> <p>I note that SNH (28 July 2020) are satisfied that the proposal is unlikely to have a significant effect on any qualifying interests of the River Tweed SAC either directly or indirectly, provided proposals for sewage treatment and run-off are to SEPA's satisfaction.</p> <p>SEPA (5 August 2020) object on the grounds of lack of information regarding flood risk.</p> <p>I recommend that a condition applies for a Construction Method Statement adopting good practice to control potential sediment and pollution run-off.</p> <p>An informative for breeding birds should apply to advise the applicants of their</p>

	responsibilities to ensure that nesting birds are not affected by the proposed development.			
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	<ul style="list-style-type: none"> • Prior to commencement of development a Construction Method Statement incorporating the latest good practice guidelines and statutory advice (as outlined in: <i>GBR 10 and GPP5 Works and maintenance in or near water</i>) to protect the <i>River Tweed SAC</i> shall be submitted to and approved in writing in writing by the Planning Authority. Any works shall thereafter be carried out strictly in accordance with the approved in writing scheme <p><u><i>Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.</i></u></p>			
Recommended Informatives	<p><u>Birds</u></p> <p>The applicant is reminded that, under the Wildlife and Countryside Act 1981, (as amended), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. If nesting birds are discovered after works commence, such works must stop and a competent ecologist must be contacted for advice.</p>			

PLANNING CONSULTATION

To: Education & Lifelong Learning (Neil Hastie)

From: Development Management

Date: 22nd July 2020

Contact: Scott Shearer ☎ 01835 826732

Ref: 20/00796/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 12th August 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 12th August 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: Miss Dawn Kilpatrick

Agent: Malcolm McEwen

Nature of Proposal: Erection of dwellinghouse

Site: Land West Of Causewayfoot Cottage Wolflee Hawick Scottish Borders

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post:		Contact e-mail/number:	
	Education & Lifelong Learning (Neil Hastie) (Officer to fill in own name)			
Date of reply	07 August 2020		Consultee reference:	
Planning Application Reference	20/00796/FUL		Case Officer: Scott Shearer	
Applicant	Miss Dawn Kilpatrick			
Agent	Malcolm McEwen			
Proposed Development	Erection of dwellinghouse			
Site Location	Land West Of Causewayfoot Cottage Wolflee Hawick 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)				
Assessment	<p>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 Grammar School.</p> <p>A contribution of £2,672 x 1 is sought for the Primary School making a total contribution of £2,672.</p> <p>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.</p> <p>This contribution should be paid upon receipt of detailed planning consent but may be phased subject to an agreed schedule.</p> <p>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 contributions.</p> <p>If you require any further information please do not hesitate to contact me by emailing estatemangement@scotborders.gov.uk</p>			
Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required

Recommended Conditions	
Recommended Informatives	

Consultation Reply

ASSETS AND INFRASTRUCTURE

To: HEAD OF PLANNING AND REGULATORY SERVICE

FAO: Scott Shearer **Your Ref:** 20/00796/FUL

From: HEAD OF ASSETS AND INFRASTRUCTURE **Date:** 4th August 2020

Contact: Ian Chalmers **Ext:** 5035 **Our Ref:** B48/2909

Nature of Proposal: Erection of dwellinghouse
Site: Land West Of Causewayfoot Cottage Wolflee Hawick

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.

As this site is shown to be at flood risk, I would require that a Flood Risk Assessment (FRA) is undertaken to develop a 1 in 200 year plus climate change flood level to assess if the new development is at risk of flooding and if appropriate how much flood plain storage is lost.

The FRA should include:-

- Flood extents and depths
- Flow paths
- Details of mitigation measures to reduce flood risk including details of compensatory storage.
- Safe access and egress arrangements – emergency vehicles can drive through 300mm of water and this is what we deem to be “safe access and egress”

Ideally a Finished Floor Level (FFL) above the 1 in 200 year plus climate change level should then be developed with an appropriate allowance for freeboard (600mm).

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.

Ian Chalmers
Engineer – Flood and Coastal Management

Consultation Reply

ASSETS AND INFRASTRUCTURE

To: HEAD OF PLANNING AND REGULATORY SERVICE

FAO: Scott Shearer

Your Ref: 20/00796/FUL

From: HEAD OF ASSETS AND INFRASTRUCTURE

Date: 21st October 2021

Contact: Ian Chalmers

Ext: 5035

Our Ref: B48/2909

Nature of Proposal: Erection of dwellinghouse

Site: Land West Of Causewayfoot Cottage Wolflee Hawick

In August 2020, I was consulted on this application and stated that a Flood Risk Assessment (FRA) should be undertaken due to the site being at risk of flooding at a 1 in 200 year flood event within SEPA's Flood Hazard Mapping. I note that SEPA also objected to the planning application until an FRA was submitted.

In October 2021, a Flood Risk Assessment, undertaken by Waterco and dated October 2020, was submitted to Scottish Borders Council.

This FRA is reliant on topographical information. Unfortunately, this information is not sufficient enough to provide suitable evidence that this dwellinghouse will not flood. There is limited topographical information provided, for example a small number of survey points and no cross-sectional information and the limited information available does not allow for a suitable conclusions to be drawn as to whether the site is not at risk of flooding.

Furthermore, levels are shown to be 159mAOD on both sides of the burn, which makes analysis of flow routes difficult to ascertain.

I would, therefore, object to the application on the grounds of flood risk until the Flood Risk Assessment is updated.

The FRA should include:

- Flood extents and depths ("functional flood plain")
- Flow paths
- Details of mitigation measures to reduce flood risk including details of compensatory storage if required.
- Safe access and egress routes – emergency vehicles can drive through 300mm of water and this is what we deem to be "safe access and egress"

In order to achieve this, it is likely that the site will have to be hydraulically modelled to develop a 1 in 200 year plus climate change flood level to develop flood extents and assess if the site is at risk of flooding. The applicant should, however, refer to SEPA's "*Technical Flood Risk Guidance for Stakeholders - SEPA requirements for undertaking a Flood Risk Assessment*" for guidance.

As is stated throughout the existing FRA, ideally the Finished Floor Level (FFL) should be set to above the 1 in 200 year plus climate change level, with an appropriate allowance for freeboard (600mm).

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.

Ian Chalmers
Engineer – Flood and Coastal Management

**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	pgrigor@scotborders.gov.uk 01835 826663	
Date of reply	12 th Aug 2020	Consultee reference:	
Planning Application Reference	20/00796/FUL	Case Officer: Scott Shearer	
Applicant	Miss Dawn Kilpatrick		
Agent	Malcolm McEwen		
Proposed Development	Erection of dwellinghouse		
Site Location	Land West Of Causewayfoot Cottage Wolflee Hawick 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"> • Access 		
Assessment	<p>The site is served by a minor single track public road which has a passing place located between the site and the B6357.</p> <p>An existing access serves the storage shed and garage which are currently on the site and is formed in an unbound surface. The adjacent property Causewayfoot Cottage has off street parking and a garage, so the loss of this parking area is not a concern from a Roads Planning perspective.</p> <p>A more intensified use of the existing access along with service vehicles servicing the property will require the access to be upgraded to provide a bound surface and service layby.</p> <p>Providing the condition listed below, or similarly worded, is attached to any subsequent approval, I shall not object to this application.</p> <p>It should be noted as a result of restrictions on travel due to the Coronavirus pandemic at the time of writing, no site visit has been undertaken and the comments made above are based purely on the information submitted with this application and local 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>Access to the development hereby permitted shall be constructed as per standard detail DC-3 and shall be fully formed prior to occupation of the dwelling.</p> <p>Reason: To ensure appropriate access and servicing provision is provided for the property.</p>		
Recommended Informatives	All work within the public road boundary must be undertaken by a contractor first approved by the Council		

Signed: DJI