



By email to:
dcconsultees@scotborders.gov.uk

Scottish Borders Council
Natural Heritage
Regulatory Services
Council Headquarters
Newtown St Boswells
Melrose
TD6 0SA

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300056702
Your ref: 22/00188/PPP
25 February 2022

Dear Scottish Borders Council

Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013
Woodland Strip North Of Springhall Farm Kelso Scottish Borders - Erection of
dwellinghouse

Thank you for your consultation which we received on 15 February 2022. We have assessed it for our historic environment interests and consider that the proposals affect the following:

Ref	Name	Designation Type
GDL00210	HENDERSYDE PARK	Garden and Designed Landscape

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

We were consulted on a similar application for planning permission in principle in February 2021 (your reference: 20/01434/PPP). We would like to reiterate our previous comments:

We have considered this consultation for planning permission in principle for the erection of a dwelling house within the Hendersyde Park designed landscape which is included in the Inventory of Gardens and Designed Landscapes in recognition of its national importance. Hendersyde Park is a compact, early 19th-century parkland landscape. Despite the later replacement of the original mansion house, there remain many original architectural and design features, including the perimeter woodlands, estate buildings



and large-scale structure of the walled flower-gardens, orchard and woodland shrub gardens. It has outstanding nature conservation interest, high historical, architectural and scenic interest.

The proposed development site is located within a woodland strip on the NE side of the GDL. This woodland strip flanks the former East Drive, which runs from Easter Hendersyde Lodge (of which the 19th century gate piers are listed at Category C) to the north through the woodland towards the site of the mansion house to the south. The development site is situated on ground that rises to the west and the woodland is bounded by a substantial rubble boundary wall of the estate. Despite the fact that this drive no longer provides access to the Inventory site, it is still possible to understand the original arrangement of entrance lodge and gates, wooded drive and boundary wall. We consider that a new house built on rising ground half-way along this historic drive would affect this understanding. The development may require considerable tree felling, land forming and a new entrance access through the boundary wall.

While we consider that a development in this location would have a detrimental impact on this part of the Hendersyde Park Inventory site, it would affect a relatively small area on its NE side. A development in this location would not have a significant adverse impact on the wider designated area at Hendersyde Park of historic parklands and estate buildings enclosed by mature woodland.

Finally, in our view, it might be possible to mitigate some of these negative impacts by careful siting, scale, design and materials of a new house, keeping landforming and tree felling to a minimum and avoiding breaching the boundary wall. The submitted visualisation shows a new building flanked by woodland but open to the front (east side). We would expect more woodland to be retained around this side of the proposed building, screening it from view from both the boundary wall and main road to the east.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.



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Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.englished.org.

Please contact us if you have any questions about this response. The officer managing this case is Catherine Middleton who can be contacted by phone on 0131 668 8729 or by email on Catherine.Middleton@hes.scot.

Yours faithfully

Historic Environment Scotland



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Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

Wednesday, 16 February 2022



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,

Woodland Strip, North Of Springhall Farm, Kelso, TD5 7QA
Planning Ref: 22/00188/PPP
Our Ref: DSCAS-0058442-NVS
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 ROBERTON 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 nearest water infrastructure is approx. 400m from the site boundary and may cross private land.

Waste Water Capacity 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.

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.

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](#).
-

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 Services Analyst

Tel: 0800 389 0379

planningconsultations@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."

From: Elliott, Keith
Sent: 17 May 2022 14:33
To: Calvert, Euan; Roberts, Sanne
Subject: RE: 22/00188/PPP
Attachments: 20-01434-PPP - Woodland strip north of Springhall Farm, Kelso.docx

Hi Euan,

I wouldn't have anything different to say to before (my previous comments attached), other than changing reference number, dates and file title.

Thanks,

Keith

A Keith Elliott
Archaeology Officer

Scottish Borders Council
Heritage and Design
Corporate Improvement and Economy
Council Headquarters
Newtown St Boswells
Scottish Borders
TD6 0SA

Email: Keith.Elliott@scotborders.gov.uk
Tel: 01835 824 000 ext 8886
Web: www.scotborders.gov.uk

Service e-mail: archaeology@scotborders.gov.uk

Web: <https://www.scotborders.gov.uk/info/20013/environment/603/archaeology/1>

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How are you playing [#yourpart](#) to help us keep the Borders thriving?

From: Calvert, Euan <ECalvert@scotborders.gov.uk>
Sent: 17 May 2022 14:14
To: Roberts, Sanne <Sanne.Roberts@scotborders.gov.uk>; Elliott, Keith <Keith.Elliott@scotborders.gov.uk>
Subject: 22/00188/PPP

HES consider that we should consult you both on this proposal and I now have,
If no comment please just let me know.

Euan Calvert

Assistant Planning Officer (Development Management)
Planning, Housing & Related Services

Scottish Borders Council, Council Headquarters, Newtown St Boswells, MELROSE, TD6 0SA
Tel: 01835 826513 | ecalvert@scotborders.gov.uk

PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 17th May 2022

Contact: Euan Calvert ☎ 01835 826513

Ref: 22/00188/PPP

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 7th June 2022. 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 7th June 2022, 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: Mr Kevin Stewart

Agent: Ferguson Planning

Nature of Proposal: Erection of dwellinghouse

Site: Woodland Strip North Of Springhall Farm Kelso Scottish Borders

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post: Keith Elliott Archaeology Officer	Contact e-mail/number: Keith.Elliott@scotborders.gov.uk 01835 824 000 ext 8886
Date of reply	17.05.2022	Consultee reference:
Planning Application Reference	22/00188/PPP	Case Officer: Euan Calvert
Applicant	Mr Kevin Stewart	
Agent	Ferguson Planning	
Proposed Development	Erection of dwellinghouse	
Site Location	Woodland Strip North Of Springhall Farm Kelso 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 application proposes the construction of a new house within the woodland strip north of Springhall Farm, to the east of Kelso, within the central part of the Scottish Borders.</p> <p>This archaeological consultation has been triggered by the application area lying in the surroundings of an entry recorded by the Scottish Borders Historic Environment Record (HER).</p> <p>A previous planning application has been made which I commented on last year as 20/01434/PPP. I concluded my response to that application noting no archaeological conditions or informatives were felt necessary.</p>	
Key Issues (Bullet points)	<ul style="list-style-type: none"> • Impact upon the archaeological consultation trigger • Impact upon other historic features and the potential for such features • Previous application 20/01434/PPP and comments made against it 	
Assessment	<p>This application has been assessed against relevant Scottish policies including;</p> <ul style="list-style-type: none"> - Planning Advice Note 2/2011: Planning and Archaeology - Historic Environment Policy (HEP) for Scotland - the Local Development Plan and in particular the Archaeology Policy EP8 <p>It has then been assessed against the Scottish Borders Historic Environment Record (HER) as per paragraph 10 of the <i>Planning Advice Note 2/2011</i> the on-going record of all known, recorded and mapped archaeological information relating to monuments and sites, findspots and historic landscapes, across the area. This includes information on sites that are designated for their importance as the likes of Scheduled Monuments and Listed Buildings, as well as undesignated.</p> <p>There are no archaeological monuments that would be directly affected by the construction of the proposed house. The archaeological entry that has acted as a trigger for this consultation is an enclosure (Canmore ID 69912) that has been partly revealed as a cropmark. This is possibly a prehistoric enclosed settlement and in common with others of its type located on the higher ground above the</p>	

	<p>slopes masked by trees; it has something of a setting as per the Local Development Plan's paragraph 1.7 as located at the break of hillslope important in the original location of the monument. In this case the monument is likely regional significance.</p> <p>However as noted the progression of this planning application would not directly impact the monument and whilst the planned house is located in the setting of the monument – a preference if an enclosed settlement or smaller hillfort to overlook such lower grounds as would be impacted here – the existing (and to be retained) plantations would lessen any adverse impact.</p> <p>The plantation in which the proposed development sits is part of the historic grounds of Hendersyde Park which has been designated an Inventory of Gardens and Designed Landscapes site (GDL00210), as well as included in the Scottish Borders Designed Landscapes work. A trackway leading through the plantation as a whole is shown by the Ordnance Survey 25 inch to one mile first edition mapping of the area or subsequent editions, but no features are specifically marked or labelled alongside the track in the stretch near this application area. This track leads from the core of the estate to the East Lodge (a Listed Building, Category C, LB2076) which some distance off from the site of the proposed house, but with the boundary wall adjacent to this site also part of the listing. It is possible that something may survive of the track to be encountered during any groundworks, but this is not considered to be of anything other than a low significance in itself.</p> <p>There is nothing that indicates the potential for any new archaeological finds, features and/or deposits to be encountered in this area.</p> <p>Having assessed the range of historic environment features recorded as HEP1 for the site and surrounding area, therefore in conclusion no archaeological conditions are recommended in this case for any below-ground and earthwork-based archaeological investigations given the lack of direct impact to any known or hitherto unknown sites or finds of significance.</p>			
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	No archaeological features are recommended against this application.			
Recommended Informatives	No archaeological informatives are recommended against this application either.			

From: Diesel, Raffaella <Raffaella.Diesel@scotborders.gov.uk>
Sent: 17 May 2022 14:43
To: Calvert, Euan <ECalvert@scotborders.gov.uk>
Subject: RE: 22/00188/PPP

Hi Euan,

The Preliminary Ecological Assessment by Ellendale Environmental found no evidence of protected species (bats, badgers, breeding birds) using the site for breeding/roosting.

Although the trees within the site and near the site boundary were assessed as having low suitability for bat roosts - as no cracks or holes were present - the site itself may still be used by bats for foraging.

The trees, shrubs and ruderal vegetation within the site may also offer opportunities for nesting birds, including ground nesting species, for foraging badgers and for invertebrates.

Therefore, species protection plans for bats, badgers and breeding birds would be required. These would need to include proposals for a sensitive lighting scheme for the development.

Given that the site set within a woodland, the installation of bat and bird boxes as part of the design should be considered.

Kind regards
Raffaella

From: Roberts, Sanne
Sent: 18 May 2022 09:11
To: Calvert, Euan
Cc: Andrews, Catherine
Subject: FW: 22/00188/PPP
Attachments: 3595995 (2).pdf

There's arguably a small impact on the setting of the listed buildings by virtue of them forming part of the designed landscape. I think however any impact is more appropriately covered by considering the impact on the designed landscape, and note Catherine has been consulted (copied in so she is aware of HES's response also).

Sanne

Sanne Roberts
Heritage and Design Officer

From: Calvert, Euan <ECalvert@scotborders.gov.uk>
Sent: 17 May 2022 14:14
To: Roberts, Sanne <Sanne.Roberts@scotborders.gov.uk>; Elliott, Keith <Keith.Elliott@scotborders.gov.uk>
Subject: 22/00188/PPP

HES consider that we should consult you both on this proposal and I now have,
If no comment please just let me know.

Euan Calvert

Assistant Planning Officer (Development Management)

Planning, Housing & Related Services

Scottish Borders Council, Council Headquarters, Newtown St Boswells, MELROSE, TD6 0SA

Tel: 01835 826513 | ecalvert@scotborders.gov.uk

From: Andrews, Catherine
Sent: 14 June 2022 15:17
To: Calvert, Euan
Subject: 22/00188/PPP - Woodland Strip (Hendersyde), North of Springhall Farm Kelso

Follow Up Flag: Follow up
Flag Status: Completed

Euan

I have reviewed the applicants submission for Planning Permission in Principle for the erection of a residential property at the above site and conclude the following:-

Policy relating to this application

- EP10 Gardens and Designed Landscapes (DL) – The Council will support development that safeguards or enhances the landscape features, character or setting of sites included in historic gardens and designed landscape records. Proposals that result in an unacceptable adverse impact will be refused.
- EP13 Trees woodland and Hedgerows – The Council will refuse development that would cause the loss of or serious damage to the woodland resource unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical or shelter value.
- Scottish Governments Policy, Control of Woodland Removal - ‘The policy supports woodland removal only where it would achieve significant and clearly defined additional public benefits’.

The site is located 230m north of Springhall Farm and approximately 260m south of a former gatehouse to Hendersyde Park estate. The early 19th century Hendersyde Park is a designed landscape registered in the Scottish Borders Survey of Garden and Designed Landscapes (P. McGowan 2008) for its regional and high significance. Mixed broadleaf policy woodland forms a north eastern spur of this DL running parallel with the A698 and river Tweed. The proposal lies in what appears to be a clearing in this policy woodland on a raised embankment or haugh lands facing SE across the A698, towards the river tweed and beyond across the open landscape. An historic stone boundary estate wall lies between the woodland and the A698.

This proposal is for the construction of a single dwelling on the raised embankment within the woodland clearing mentioned above. It appears that a considerable number of trees have been removed to open up views to the east and west, allow light to the property and perhaps for clearance for splay lines. It is evident from Google streetview that prior to 2017 this was a block of continuous woodland with a mixture of younger and mature parkland trees along its length. A point of access has been formalised in the estate boundary wall from the A698.

The removal of trees has already weakened the integrity of this designed landscape woodland feature. It is likely that this proposal would risk further damage to the woodland resource as trees grow and shade the development or block views.

I am unable to support this application for Planning Permission in Principle as in my opinion this proposal is contrary to EP10 and EP13 and Scottish Governments policy on Control of Woodland Removal. It risks further loss and damage to the quality and integrity of the Hendersyde Park designed landscape and the contribution it makes to the scenic quality of the local landscape.

Catherine

*Catherine Andrews
Landscape Architect
Heritage and Design
Regulatory Services*

Scottish Borders Council HQ
Newtown St. Boswells
Melrose
TD6 OSA

Tel: 01835 824000 x 8121

Email: candrews@scotborders.gov.uk

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Roads Planning Service	Contact e-mail/number:		
Officer Name and Post:	Keith Patterson Roads Planning Officer	kpatterson@scotborders.gov.uk 01835 826637		
Date of reply	11 th March 2021	Consultee reference:		
Planning Application Reference	22/00188/PPP	Case Officer: Euan Calvert		
Applicant	Mr Kevin Stewart			
Agent	Ferguson Planning			
Proposed Development	Erection of dwellinghouse			
Site Location	Woodland Strip North Of Springhall Farm Kelso 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 previous application was submitted and subsequently withdrawn for this site. The Roads Planning Service objected to that application on road safety grounds.			
Key Issues (Bullet points)				
Assessment	<p>In roads terms the only apparent change between this application and the previous submission is the inclusion of a pedestrian route through the existing woodland. This does not remove the concern with pedestrian having the cross the A class road and as such my previous comments still apply.</p> <p><i>The primary function of derestricted 'A' class principal roads is to provide for the safe and expeditious movement of traffic. That means strictly limiting the number of direct accesses to such roads. Therefore I am opposed to the principle of new accesses onto derestricted 'A' class roads in rural areas unless there is strong economic or road safety justification. The location of this site is of particular concern being on an over-taking stretch of the A698.</i></p> <p><i>The apparent justification for this proposal is that it is for a retiring farmer from the nearby Springhall Farm, however this also raises concern in that the proposed house is approx. 300m away on the opposite side of the A698 from the existing farm, raising the likelihood of cross traffic and pedestrian movement along this section or road to the detriment of road safety.</i></p> <p><i>Given the above I must object to this proposal in the strongest possible terms.</i></p>			
Recommendation	<input checked="" type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
Reason for refusal	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			

Signed: DJI