

Friday, 24 June 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,

Land At Silo Bins, Edington Mill Edington Mill Rd, Chirnside, TD15 1TT
Planning Ref: 22/00961/PPP
Our Ref: DSCAS-0067524-8B6
Proposal: Erection of 2no dwellinghouses

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. Please read the following carefully as there may be further action required. Scottish Water 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 the Rawburn 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

- ▶ 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-Domestic 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 laundrettes. 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,

Kerry Lochrie

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."

From: Planning South East <PlanningSouthEast@sepa.org.uk>
Sent: 23 June 2022 11:26
To: Duncan, Paul
Cc: DCConsultees
Subject: RE: 22/00961/PPP PLANNING CONSULTATION
Attachments: ufm27_CONSEP_SEPA_Consultee_Letter.pdf

CAUTION: External Email

OFFICIAL

Dear Paul,

We have been consulted on this planning application and we assume the reason is flooding. We also note that you refer to a Flood Risk Report, however there doesn't appear to be one on the portal.

We have reviewed the SEPA Flood Maps and the site appears to be outwith the flood map.

Please could you check the consultation against our triage framework and standing advice and, if our comments are still required, reconsult us stating clearly the reason for the consultation.

<https://www.sepa.org.uk/media/594101/sepa-triage-framework-and-standing-advice.pdf>

For the avoidance of doubt, we will not respond to the consultation at this time, please re consult us if you require any further comment.

Kind regards
Stephanie

Stephanie Balman
Planning Officer
Scottish Environment Protection Agency | Silvan House | SEPA 3rd Floor | 231 Corstorphine Rd | Edinburgh | EH12 7AT
e: PlanningSouthEast@sepa.org.uk

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Registered office: Strathallan House, Castle Business Park, Stirling FK9 4TZ. Under the Regulation of Investigatory Powers Act 2000, the email system at SEPA may be subject to monitoring from time to time.

Dh'fhaodadh gum bi am fiosrachadh sa phost-d seo agus ceanglachan sam bith a tha na chois dìomhair, agus cha bu chòir am fiosrachadh a bhith air a chleachdadh le neach sam bith ach an luchd-faighinn a bha còir am fiosrachadh fhaighinn. Chan fhaod neach sam bith eile cothrom fhaighinn air an fhiosrachadh a tha sa phost-d no a tha an cois a' phuist-d, chan fhaod iad lethbhreac a dhèanamh dheth no a chleachdadh arithist.

Mura h-ann dhuibhse a tha am post-d seo, feuch gun inns sibh dhuinn sa bhad le bhith cur post-d gu postmaster@sepa.org.uk.

Oifis chlàraichte: Taigh Srath Alain, Pàirc Gnothachais a' Chaisteil, Sruighlea FK9 4TZ. Fo Achd Riaghladh nan Cumhachdan Rannsachaidh 2000, dh'fhaodadh gun tèid an siostam puist-d aig SEPA a sgrùdadh bho àm gu àm.

-----Original Message-----

From: paul.duncan@scotborders.gov.uk <paul.duncan@scotborders.gov.uk>

Sent: 21 June 2022 14:32

To: Planning South East <PlanningSouthEast@sepa.org.uk>

Subject: 22/00961/PPP PLANNING CONSULTATION

CAUTION: This email originated from outside the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

please see attached

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OFFICIAL

OFFICIAL

[REDACTED]

From: DCConsultees
To: Duncan, Paul
Subject: RE: Planning comment

CAUTION: External Email

Hi Paul
Yes
They are.

Simon Wright

Chair, Chirnside Community Council

----- Original Message -----

From: "Duncan, Paul" <Paul.Duncan@scotborders.gov.uk>
To: "SIMON Wright" [REDACTED]
Sent: Monday, 18 Jul, 22 At 09:27
Subject: RE: Planning comment

Hi Simon

Can you confirm whether your comments are on behalf of the Community Council?

Thanks

Paul

Paul Duncan
Asst Planning Officer (Development Management)

Planning, Housing & Related Services

Scottish Borders Council

Tel: 01835 82 5558

From: SIMON Wright [REDACTED]
Sent: 18 July 2022 09:27
To: Duncan, Paul <Paul.Duncan@scotborders.gov.uk>
Subject: Planning comment

CAUTION: External Email

Hi Paul

Just realised we have missed the deadline for comments on the planning application for houses at Edington Mill

22/B936/SS

- The reference to the recently granted planning permission for houses on the mill site is irrelevant as they are not visible from the proposal site. They are below the cliff to the south of the site, so the statement that the proposal forms part of a relationship with the existing group is difficult to see. This link is tenuous at best and the proposed development is not 'a logical extension' of the mill site.
- A previous application for a dwelling on the old castle site at the junction with the main road north of this site was refused as being out with the development area.

Simon Wright

Chair, Chirnside Community Council

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PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 24th June 2022

Contact: Paul Duncan ☎ 01835 825558

Ref: 22/00961/PPP

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 15th July 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 15th July 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 & Mrs O McLaren

Agent: Richard Amos Ltd

Nature of Proposal: Erection of 2no dwellinghouses

Site: Land At Silo Bins Edington Mill Chirnside Edington Mill Road Chirnside
Scottish Borders

Thank you for consulting the Scottish Borders Council Archaeology Service about this case.

This application seeks to establish the permission in principle for the development of ground, for the construction of a pair of houses, on land on the eastern side of the road to Edington Mill within the eastern parts of the Scottish Borders, just before it's turn westwards along a now cliff edge above the Whiteadder Water.

The plot lies in the general surroundings of the find, during quarrying operations, of a prehistoric cist burial with Beaker and Food Vessel pottery dating to the Bronze Age (Canmore ID 59728). Originally likely covered by a cairn, this is a site type common at such locations in overlooking lower ground or valleys, across the borderlands generally. Sometimes found singly, these are sometimes found together with other cairns or cists as a group of monuments.

In this case the overall plot proposed is distant from the site of the cist, and more particularly more distant from the slope/quarry edge so it does not directly overlook the Whiteadder Water. From Google Street View photography the area proposed for the two houses appears to have been disturbed previously. In this case whilst the presence of any archaeological finds, features and/or deposits cannot be entirely ruled out as below ground-level features, then there is lower potential for any cairn or cist features to have remained undisturbed.

At this stage the locations of the two houses have not been proposed within the plot of land as a whole, but the closer they are towards the valley edge the more likely an archaeological condition (likely for a watching brief) should be expected. If any cists are located, then these may be significant sites and significant pieces of work to excavate if they cannot be otherwise avoided in any full application. I've included the wording of such a condition below for reference here on the following page;

ARCH01 Archaeology: Developer Funded Watching Brief

No development shall take place until the applicant has secured a programme of archaeological work in accordance with a Written Scheme of Investigation outlining a Watching Brief. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to observe relevant below ground excavation during development, investigate and record features of interest and recover finds and samples if necessary. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered below ground excavation should cease pending further consultation with the Planning Authority. The developer will ensure that any significant data and finds undergo post-excavation analysis, the results of which will be submitted to the Planning Authority.

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

A Keith Elliott
Archaeology Officer, 30.06.2022

PLANNING CONSULTATION

To: EVH - Contaminated Land Officer

From: Development Management

Date: 24th June 2022

Contact: Paul Duncan ☎ 01835 825558

Ref: 22/00961/PPP

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 15th July 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 15th July 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 & Mrs O McLaren

Agent: Richard Amos Ltd

Nature of Proposal: Erection of 2no dwellinghouses

Site: Land At Silo Bins Edington Mill Chirnside Edington Mill Road Chirnside
Scottish Borders

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post:	Contact e-mail/number:		
	EVH - Contaminated Land Officer			
Date of reply	27 th June 2022	Consultee reference: 22/01636/PLANCO		
Planning Application Reference	22/00961/PPP	Case Officer: Paul Duncan		
Applicant	Mr & Mrs O McLaren			
Agent	Richard Amos Ltd			
Proposed Development	Erection of 2no dwellinghouses			
Site Location	Land At Silo Bins Edington Mill Chirnside Edington Mill Road Chirnside 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	The above application proposes the redevelopment of land which appears to have been associated with Edington Mill. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose.			
Key Issues (Bullet points)				
Assessment	<p>It is recommended that planning permission should be granted on condition that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority.</p> <p>Any requirement arising from this assessment for a remediation strategy and verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing.</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

<p>Recommended Conditions</p>	<p>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. 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.</p> <p>The scheme shall be undertaken by a competent person or persons in accordance 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:-</p> <ul style="list-style-type: none"> 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 prior to addressing parts b, c, d, and, e of this condition. <p>and thereafter</p> <ul style="list-style-type: none"> 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. 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). 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. 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. <p>Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.</p> <p>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.</p>
<p>Recommended Informatives</p>	

Consultation Reply

INFRASTRUCTURE AND ENVIRONMENT

To: Chief Planning Officer

FAO: Paul Duncan

Your Ref: 22/00961/PPP

From: Head of Infrastructure and Environment

Date: 21st July 2022

Contact: Ian Chalmers

Ext: 5035

Our Ref: 3291

Nature of Proposal: Erection of 2no dwellinghouses

Site: Land at Silo Bins Edington Mill Chirnside Edington Mill Road Chirnside

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 not at risk from a fluvial (river) 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. A very small section of the boundary of the site on the North Eastern corner may be at risk from surface water at a 1 in 200 year flood event.

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. If the applicant wishes to inspect the maps, they are publicly available to view at <https://map.sepa.org.uk/floodmaps>.

As the flood risk to the site is minimal, and the current house position does not show either of the properties within the 1 in 200 year surface water flood extent, I have no objections on the grounds of flood risk, on the basis of the current application.

I would, however, require that the applicant considers this surface water flood risk within their drainage strategy.

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

PLANNING & REGULATORY SERVICES

To:	Head of Planning					
F.A.O.	Paul Duncan					
From:	Countryside & Access					
Contact:	Erica Hume Niven	Ext. 6704	Ref:	22/00961/PPP	Date:	12/07/22

Nature of proposal:	Erection of 2no dwellinghouses
Site:	Land At Silo Bins Edington Mill Chirnside Edington Mill Road Chirnside Scottish Borders

Comments: ACCESS

Rights of Way

According to the records held in the Planning & Economic Development Section there are no claimed rights of way on this area of land.

Please note that Scottish Borders Council does not have a definitive record of every claimed right of way within its area. The Scottish Rights of Way and Access Society, the community council and local residents may have evidence of existence of claimed rights of way that have not yet been recorded by SBC.

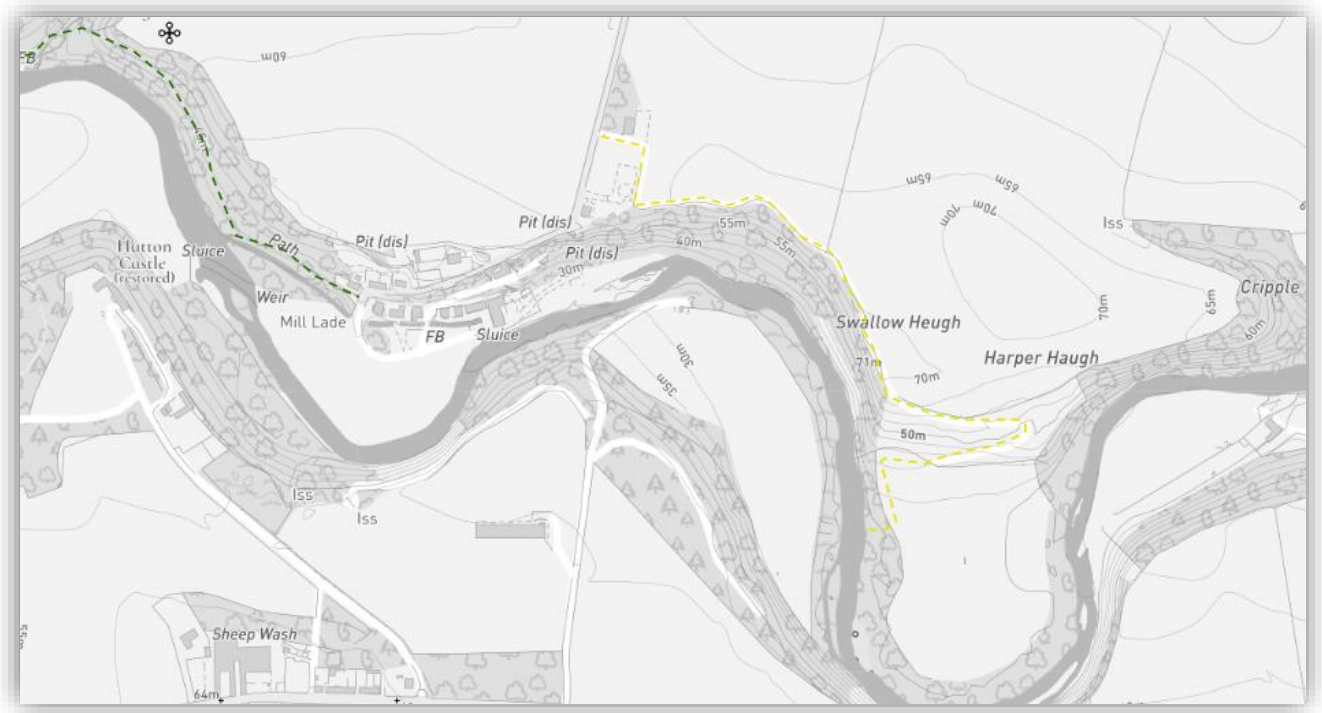
Land Reform (Scotland) Act 2003

There are other tracks in the area that the public would have a ‘right of responsible access’ to under the Land Reform (Scotland) Act 2003. This right also extends to most land and inland water in Scotland.

Please note: There are a number of statutory provisions contained in both public and private Acts under which public paths may be formally diverted. (s.37 Countryside Act 1967, s.199 Town & Country Planning Act 1972, s.9 &12 Roads Act 1984) The diversion of a path may only be undertaken if the planning authority can be satisfied that the diversion will result in the efficient use of land or that a shorter or more convenient path will be created. It should be noted that formal diversions of paths involve a lengthy legal process.

Other routes

There is a permissive path (shown with a dashed yellow line in the plan below), that runs north and east round the proposed development site. As per the LRSA, people have a right of responsible access over this route and other open land. The existence of the route is a benefit to residents and it is noted the route is not impinged by the development site.



Erica Hume Niven

Access Ranger

**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	14 th July 2022	Consultee reference:		
Planning Application Reference	22/00961/PPP	Case Officer: Paul Duncan		
Applicant	Mr & Mrs O McLaren			
Agent	Richard Amos Ltd			
Proposed Development	Erection of 2no dwellinghouses			
Site Location	Land At Silo Bins Edington Mill Chirnside Edington Mill Road Chirnside 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	I shall have no objections in principle to this proposal provided the conditions shown below are included in any consent issued.			
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	<p>Visibility splays of 2.4m by 70m to be provided in either direction at the junction onto the public road prior to occupation of the first dwelling and retained thereafter in perpetuity. Reason: To ensure safe access and egress to the site.</p> <p>Two parking spaces and turning to be provided within the curtilage of each site prior to occupation of the dwelling and retained thereafter in perpetuity. Reason: To ensure adequate parking provision.</p> <p>The access to the site to be formed by way of a service layby to the satisfaction of the Council prior to occupation of the first dwelling. Reason: To ensure adequate servicing of the plots and to protect the integrity of the public road.</p>			
Recommended Informatives	<p>The access to be formed as per standard detail DC-6.</p> <p>It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.</p>			

AJS