

21/01618/FUL Objection from Lilliesleaf, Ashkrik and Midlem Community Council.

The Community Council objects to this planning application as it stands.

Currently the sewage waste from Castleside causes smell continuously. Should a house be consented here such consent must be conditional upon measures being undertaken to cope with the additional sewage. Unless it is possible to prevent the sewage polluting the river periodically this application is unacceptable.

The Ale water regularly floods east of Castleside, covering the road between the Salenside Bridge and Sandyknowe cottage. Any new additions would make an existing problem worse unless effective mitigation is possible and is a condition of consent. For example, no hard standing around the house, unless it is a permeable surface, should be permitted

We consider that the proposal is not appropriate the scale, design or materials. Yes, there can be a house here, with strict conditions indicated above regarding sewage and river flooding, but the house proposed here does in no way relate to the style and design of the building group.

Wednesday, 08 December 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](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)



Dear Customer,

**Land South West Of, Castleside Cottage, Selkirk, TD7 4PF**  
**Planning Ref: 21/01618/FUL**  
**Our Ref: DSCAS-0054434-7S4**  
**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:

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

### Foul Assessment

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

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### Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

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## **Surface Water**

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

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

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

### **General notes:**

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

- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
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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](http://www.scotlandontap.gov.uk)

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

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

- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

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

Yours sincerely,

**Pamela Strachan**

Development Services Analyst

Tel: 0800 389 0379

[planningconsultations@scottishwater.co.uk](mailto: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."*

# Consultation Reply

## ASSETS AND INFRASTRUCTURE

**To:** HEAD OF PLANNING AND REGULATORY SERVICE

**FAO:** Brett Taylor **Your Ref:** 21/01618/FUL

**From:** HEAD OF INFRASTRUCTURE AND ENVIRONMENT **Date:** 22/12/2021

**Contact:** Raffaella Diesel **Ext:** 6977 **Our Ref:** 015-SCR

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**Nature of Proposal:** Erection of dwellinghouse  
**Site:** Land South West of Castleside Cottage, Ashkirk, Selkirk

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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 we stated in a meeting with the land owner on 28<sup>th</sup> May 2021, given the small extent of the indicative flood envelope of the Ale Water within the site, a Flood Risk Assessment would not be required.

However, in an email from 8<sup>th</sup> June 2021 I stated that *“Given the SEPA flood maps and the topography of the land on either side of the Ale Water, the site itself is unlikely to be at flood risk. FFL at 183.6mAOD, or higher, would be acceptable. This would be at least 400mm above the road.”* (The indicative 1:200 flood envelope covers the entire public/access road.)

I note that the Finished Floor Levels (FFL) are proposed to be 183.192mAOD. We would require the FFL to be at least 183.6mAOD.

In the same email I also stated that *“...the applicant still needs to consider the ditch/culvert that is indicated at the back of the site...”*

The submitted Planning Statement states that *“the open drain being removed as part of current drainage work.”*

As the drain has been removed and the western part of the site has a steep slope, the applicant should be made aware that flooding can occur from other sources including run-off from surrounding land, blocked road drains, surcharging sewers and blocked bridges and culverts.

As access and egress to the development may also be affected by flood waters, should approval be given, I would recommend that, to receive flood warnings from SEPA, the applicant signs up to FLOODLINE at [www.sepa.org.uk](http://www.sepa.org.uk) or by telephone on 0345 988 1188.

As the site is close to the Ale Water pollution prevention measures should be put in place during construction works to ensure the works do not cause siltation or contamination of the watercourse. The proposed measures should be submitted to the Planning Authority for approval.

Considering the scale of the proposed development do not think an EIA is required and that potential pollution of the watercourse can be avoided with appropriate measure.

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 Reply

## ASSETS AND INFRASTRUCTURE

**To:** CHIEF PLANNING OFFICER

**FAO:** Carlos Clarke **Your Ref:** 21/01618/FUL

**From:** HEAD OF INFRASTRUCTURE AND ENVIRONMENT **Date:** 5<sup>th</sup> August 2022

**Contact:** Ian Chalmers **Ext:** 5035 **Our Ref:** 3275

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**Nature of Proposal:** Erection of dwellinghouse  
**Site:** Land South West of Castleside Cottage, Ashkirk, Selkirk

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In December 2021, my colleague Raffaella Diesel responded stating that only a small section of the site was at flood risk, and that she had no objection if the following conditions were met:

- Finished Floor Level of at least 183.6mAOD
- Pollution prevention measures are put in place during construction.

In April, July and August 2022, the applicant submitted amended site plans, most recently (*Drg No: 21-001/SD/002 Rev H*), which states that the Finished Floor Level of the proposed dwellinghouse will be 183.6mAOD. This drawing also changes the orientation of the building from the site plan issued in October 2021, of which our December 2021 response was based upon.

Considering the above and the change in orientation, I am content that our flood risk requirements have been met and I have no objections on the grounds of flood risk.

We still advise that pollution prevention measures are put in place during the construction phase to ensure the works do not cause siltation or contamination of the watercourse.

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**

<b>Comments provided by</b>	Roads Planning Service	<b>Contact e-mail/number:</b>		
<b>Officer Name and Post:</b>	Paul Grigor Roads Planning Officer	<a href="mailto:pgrigor@scotborders.gov.uk">pgrigor@scotborders.gov.uk</a> 01835 826663		
<b>Date of reply</b>	11 <sup>th</sup> January 2022	<b>Consultee reference:</b>		
<b>Planning Application Reference</b>	21/01618/FUL	<b>Case Officer:</b> Brett Taylor		
<b>Applicant</b>	Mr P J Lewis			
<b>Agent</b>	RM Architecture Ltd			
<b>Proposed Development</b>	Erection of dwellinghouse			
<b>Site Location</b>	Land South West Of Castleside Cottage Selkirk Scottish Borders			
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>				
<b>Background and Site description</b>				
<b>Key Issues (Bullet points)</b>	<ul style="list-style-type: none"> <li>• Access</li> <li>• Parking</li> </ul>			
<b>Assessment</b>	<p>I am unable to support the proposal as it stands due to concerns over the access and visibility. In order to address my concerns I will require an amended plan showing visibility splays of 2.4 by 120 metres in both directions at the junction onto the public road. The parking for the proposed dwelling should be within the bounds of the plot and not segregated by the farm track, in order to minimise conflict between users.</p> <p>My preference would be for an independent access to the north of the proposed property which would separate it from the farm track and provide better visibility. A construction specification for the new access and parking area will also be required.</p> <p>Until the above concerns have been addressed, I am unable to support this application.</p>			
<b>Recommendation</b>	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input checked="" type="checkbox"/> <b>Further information required</b>
<b>Recommended Conditions</b>				
<b>Recommended Informatives</b>				

**AJS**

**From:**Clarke, Carlos

**Sent:**3 Aug 2022 13:24:15 +0100

**To:**Clarke, Carlos

**Subject:**FW: [OFFICIAL] RE: Application Ref: 21/01618/FUL - Erection of dwellinghouse, Land South West of Castleside Cottage, Ashkirk, Selkirk

**From:** Grigor, Paul <pgrigor@scotborders.gov.uk>

**Sent:** 02 August 2022 16:55

**To:** Clarke, Carlos <CGClarke@scotborders.gov.uk>

**Subject:** RE: [OFFICIAL] RE: Application Ref: 21/01618/FUL - Erection of dwellinghouse, Land South West of Castleside Cottage, Ashkirk, Selkirk

Carlos,

The amended plan with dimensions confirms that parking for two vehicles can be achieved within the site however I am not convinced that turning can be achieved within the site. Turning is not essential given that some of the adjacent dwellings do not have turning facilities. As far as I can tell the specification for the parking area has not been agreed and the plan does not show my requirement for the first two metres of the access to be surfaced, as per a previously stated specification. I am happy for this to be covered by a suitably worded condition though. Any boundary treatments should be kept to a height of no greater than 900mm, to ensure they do not impact on the visibility splays.

Sorry for the back and forth on this application, but the drawing is still lacking detail which you may wish to cover by condition.

Paul