

Friday, 10 June 2022



Local Planner  
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Scottish Borders Council  
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Dear Customer,

**Land South Of Greenbraehead Farmhou, Greenbraehead, Hawick, TD9 9SW**  
**Planning Ref: 22/00869/PPP**  
**Our Ref: DSCAS-0066639-QXD**  
**Proposal: Erection of dwellinghouse | Land South Of Greenbraehead**  
**Farmhouse Greenbraehead Hawick Scottish Borders TD9 9SW**

**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 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.

### **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

## 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-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](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,

**Ruth Kerr**

Development Operations Analyst

Tel: 0800 389 0379

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

## PLANNING CONSULTATION

To: Access Officer

From: Development Management

Date: 7th June 2022

Contact: Scott Shearer ☎ 01835 826732

Ref: 22/00869/PPP

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 28th 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 28th 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 Stephen Murray

**Agent:** W M Brown

**Nature of Proposal:** Erection of dwellinghouse

**Site:** Land South Of Greenbraehead Farmhouse Greenbraehead Hawick Scottish Borders TD9 9SW



### CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION

Comments provided by	Officer Name and Post:	Contact e-mail/number:
	Access Officer Susan Gray	<a href="mailto:susangray@scotborders.gov.uk">susangray@scotborders.gov.uk</a>
Date of reply		Consultee reference:
Planning Application Reference	22/00869/PPP	Case Officer:
Applicant	Mr Stephen Murray	Scott Shearer
Agent	W M Brown	
Proposed Development	Erection of dwellinghouse	
Site Location	Land South Of Greenbraehead Farmhouse Greenbraehead Hawick Scottish Borders TD9 9SW	

***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**

There have been previous applications for the site with slight variation on development outline area. Outdoor Access response is updated below.

The following is a response in relation to Outdoor Access only. There may be other factors that will influence decisions in relation to the treatment of the area of the corridor of the Right of way path. Roads planning, and others may have other information that is relevant to the treatment of the Right of way path in the planning application at this location.

There is one Right of way path. Right of way path BR117 at this location is on the West side of the property running roughly North/South. Further path links to the Right of Way path are to the North and South of this location. The track is generally on slightly lower ground than the property. Right of way path BR117 forms part of a local network of paths. The use of this route at this location, and the BR116 to the North is by walkers, cyclists and horse riders. This is shared access, the track is also an access to neighbouring property and agricultural land.

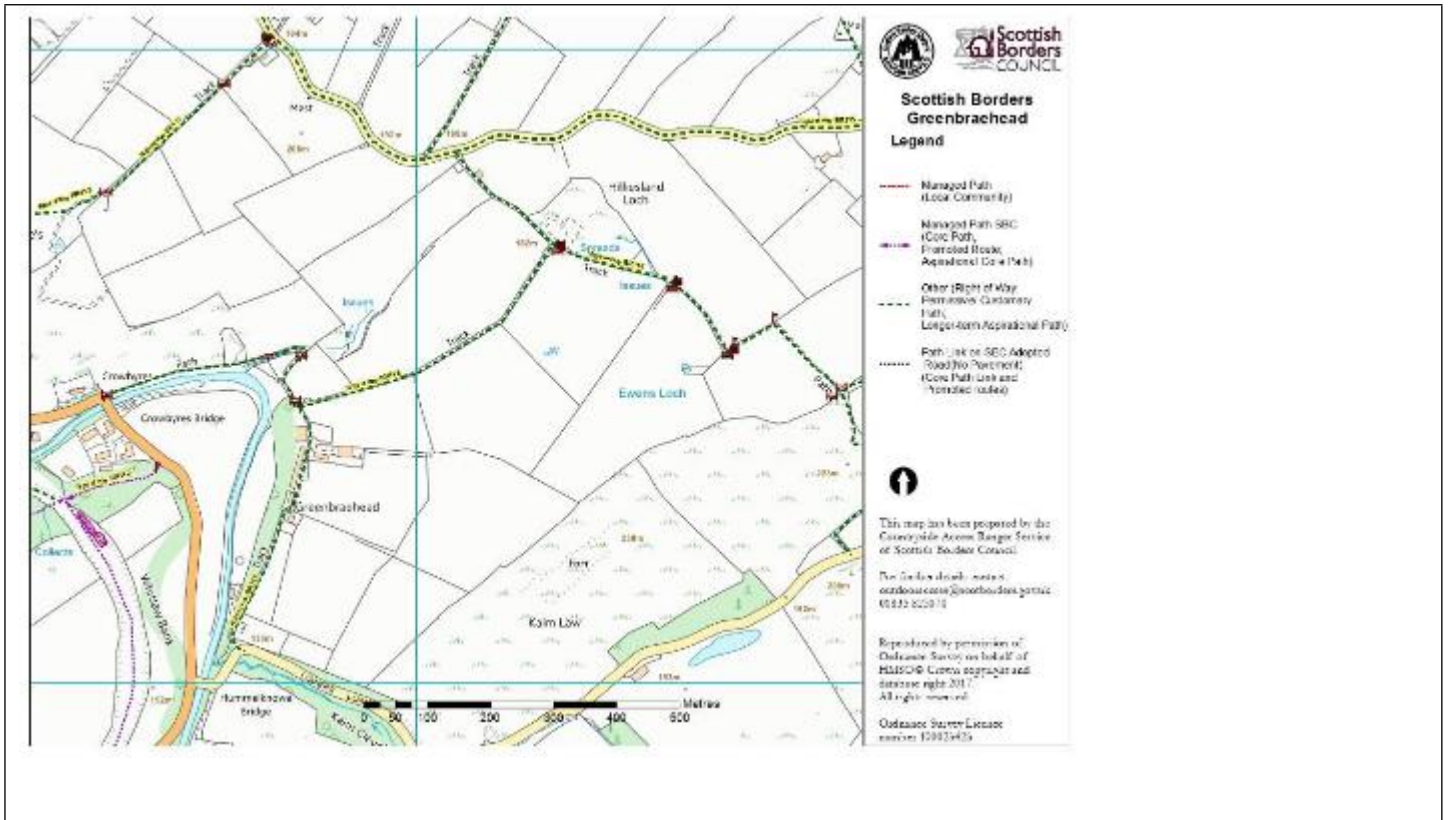
The Right of way path on this track is an area that the public have a right of responsible access to. It is a public path and out-with the curtilage of the existing buildings and land in this area.

Rights of Way are protected by law under the Countryside (Scotland) Act 1967 sec. 46 'It shall be the duty of a planning authority to assert, protect, and keep open and free from obstruction or encroachment any public right of way which is wholly or partly within their area.

The proposed development is shown on the plans provided as being located immediately adjacent to the track and on a section of the track verge.

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. According to the records held in Planning and Regulatory Services there is one right of way that will be affected by this proposal, as shown on the attached plan. Details are:

<b>Rights of Way Code</b>	<b>Start (Approx. Grid Ref)</b>	<b>Finish (Approx. Grid Ref)</b>
BR117	B6399 1.5km S of Hawick (NT 505 134)	UCR 2.0km S of Hawick (NT 507 130)



## Key Issues

### (Bullet points)

22/00969/PPP area of application includes verge area of shared use right of way. Verge area is part of the path corridor used by path users.

- Safeguard route BR117
- Shared use of BR117 track
- New access from BR117
- Site boundary adjacent to BR117
- Drainage
- Curtilage of proposed dwellinghouse
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## Assessment

Access to the public road, parking and other matters relating to vehicular access at this location are roads planning matters. I note that SBC Roads planning have also been consulted and responded .

The full width of the track past the site is the right of way, as shown on the attached maps. Any development, or traffic associated with the development should not infringe upon, obstruct or jeopardise access along the route during the construction phase or upon completion of the development. Any new gates into the property must open within the development site and not outwards into the line of the users on the route.

In relation to Outdoor Access, Right of Way BR117 is a shared use path. Users including walkers, cyclists and horse-riders have rights of responsible access along this route.

The site boundary is shown on plans as immediately adjacent to and along the edge of the track BR117.

This is new access from BR117 –to proposed parking locations and the side of the dwelling.

Surface water drainage could affect the route BR117

- The Right of Way BR117 on the track is out-with the curtilage of the property.

<b>Recommendation</b>	<input type="checkbox"/> <b>Object</b>	<input type="checkbox"/> <b>Do not object</b>	<input checked="" type="checkbox"/> <b>Do not object, subject to conditions</b>	<input checked="" type="checkbox"/> <b>Further information required</b>
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**Recommended Conditions**

- The adjacent route Right of Way BR117 on the full width of the track is kept open and free of obstruction before, during and after construction. Any new gates into the property must open within the property and not outwards into the line of users of the route
- The Right of Way BR117 path and verge is excluded from the development site and not enclosed within the area of the development.  
Reason : to allow an adequate width of right of way to be kept open and free of obstruction for the use of the public exercising rights of responsible access by walking, cycling and horse-riding

The boundary of garden ground and curtilage of the proposed dwellinghouse should be defined clearly within the edge of the planning development area. The full width of the track Right of Way path BR117 defined clearly outwith this garden ground /other curtilage of the development

**Recommended Informatives**

- The Right of Way BR117 on the existing track is a shared use track used by walkers, cyclists and horse-riders.
- The Right of Way path BR117 is out-with the curtilage of property at this location.
- Surface water drainage will require future maintenance to avoid surface water issues on Right of Way BR117.

Further advice on the width of paths for shared use is available from the British Horse Society. Also from NatureScot.

Further information on Rights of Way is available from the Scottish Rights of Way and Access Society.

Further information on Core paths and Outdoor access specific to this location is also available from Scottish Borders Council web site and Countryside Access team.



**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>	22 <sup>nd</sup> June 2020	<b>Consultee reference:</b>	
<b>Planning Application Reference</b>	22/00869/PPP	<b>Case Officer:</b> Scott Shearer	
<b>Applicant</b>	Mr Stephen Murray		
<b>Agent</b>	W M Brown		
<b>Proposed Development</b>	Erection of dwellinghouse		
<b>Site Location</b>	Land South Of Greenbraehead Farmhouse Greenbraehead Hawick Scottish Borders TD9 9SW		
<b><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>			
<b>Background and Site description</b>	Previous applications 17/00508/PPP (withdrawn) & 19/01533 (refused), 20/00/597/FUL (withdrawn).		
<b>Key Issues (Bullet points)</b>	<ul style="list-style-type: none"> <li>• Access</li> <li>• Economic justification</li> </ul>		
<b>Assessment</b>	<p>A previous application included a business case for the need for a dwelling at this location. As such the Roads Planning Service were able to offer support to the proposal providing the private access track was suitably upgraded. The existing private track is in a state of disrepair and barely usable for domestic traffic.</p> <p>The current application appears to make no business case for a new dwelling at this location. Therefore, should the planning department be minded to support this proposal then the conditions listed below, or similarly worded, should be attached to any consent.</p>		
<b>Recommendation</b>	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> <b>Do not object, subject to conditions</b> <input type="checkbox"/> Further information required
<b>Recommended Conditions</b>	<p>Prior to works commencing, a scheme of details for the upgrading of the existing private track must be submitted in writing to the Planning Authority for approval. Thereafter the approved scheme of details to be fully implemented prior to occupation of the dwelling. Reason: To ensure the development hereby approved is served by an adequate form of access.</p> <p>Parking provision for a minimum of two vehicles must be provided within the curtilage of the plot and fully formed and available for use prior to occupation of the dwelling. Thereafter they must be retained in perpetuity. Reason: To ensure appropriate parking is provided for the new dwelling.</p>		
<b>Recommended Informatives</b>	The private track must be upgraded to provide a well compacted, free draining, smooth running surface, capable of withstanding a minimum axle loading of 14 tonne.		

**AJS**