

Friday, 03 February 2023



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,

W Pearce And Sons St Ronan's Works, 2 Miller Street, Innerleithen, EH44 6QS
Planning Ref: 21/00797/FUL
Our Ref: DSCAS-0080318-2ZR
Proposal:

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:

- ▶ This proposed development will be fed from Innerleithan Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.

Waste Water Capacity Assessment

- ▶ There is currently sufficient capacity for a foul only connection in the Walkerburn Waste 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 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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Drinking Water Protected Areas

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

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](#).
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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

▶ 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,

Ruth Kerr.

Development Services Analyst

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."

Carlos Clarke
Planning Department
Scottish Borders Council

Our Ref: 8124
Your Ref: 23/00129/FUL

SEPA Email Contact:
planning.south@sepa.org.uk

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

9 February 2023

Dear Carlos Clarke

Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017
23/00129/FUL
Erection of dwellinghouse with detached garage
W Pearce And Sons St Ronan's Works 2 Miller Street Innerleithen Scottish Borders
EH44 6QS

Thank you for your consultation which was received by SEPA on 02 February 2023 in relation to the above application. We understand the reason for consultation is Flooding.

Advice for the planning authority

We **object in principle** to the application and recommend that planning permission is refused. This is because the proposed development may put people or property at risk of flooding which is contrary to national planning policy. Please note the advice provided below.

If the planning authority proposes to grant planning permission contrary to this advice on flood risk, the [Town and Country Planning \(Notification of Applications\) \(Scotland\) Direction 2009](#) provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

1. Flood Risk

- 1.1 The application is for a change of use from a commercial site to a dwellinghouse. This is an increase in vulnerability to a Highly Vulnerable Use as outlined in [SEPA's Land Use Vulnerability Guidance](#) and therefore must be outwith the functional floodplain, with safe (dry) pedestrian access/egress.
- 1.2 The site is within the functional floodplain based on the SEPA Flood Maps. This indicates that there is a *medium to high* risk of flooding from Leithen water. You can view the SEPA Flood Maps and find out more about them here [Flood Maps | SEPA - Flood Maps | SEPA](#).
- 1.3 This supported by the Innerleithen Flood Study undertaken by Mott Macdonald and JBA Consulting for the Scottish Borders Council in 2018. For more information, this can be accessed at: [Downloads - Borders Flood Studies](#).



Chairman
Bob Downes

CEO
Nicole Paterson

Angus Smith Building
6 Parklands Avenue
Eurocentral
Holytown,
North Lanarkshire, ML1 4WQ

Tel: 03000 99 66 99
www.sepa.org.uk

- 1.4 Based on the findings of the Innerleithen Flood Study there would be no dry pedestrian access/egress during a 1 in 200 year event and the proposed development would introduce a Highly Vulnerable Use to the functional floodplain contrary to Scottish Planning Policy.
- 1.5 Our advice has referenced Scottish Planning Policy which was current at the time of writing. National Planning Framework 4 supersedes Scottish Planning Policy as of 13 February 2023. Our position would not change under the new policy as the site is in an area at risk of flooding – which is defined in NPF4 as “land or built form with an annual probability of being flooded of greater than 0.5% which must include an appropriate allowance for future climate change”. The site is fully inundated and surrounded in the 1 in 200 year + climate change extents from the Innerleithen Flood Study.

2. Other planning matters

- 2.1 For all other planning matters, please see our [trriage framework and standing advice](#) which are available on our website: www.sepa.org.uk/environment/land/planning/.

Advice for the applicant

3. Regulatory advice

- 3.1 Details of regulatory requirements and good practice advice, for example in relation to private drainage, can be found on the [regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at: elb@sepa.org.uk

If you have queries relating to this letter, please contact us at the email above including our reference number in the email subject.

Yours sincerely

Jessica Taylor
Planning Officer
Planning Service

Ecopy to: cgclarke@scotborders.gov.uk

Disclaimer: This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages - www.sepa.org.uk/environment/land/planning/](http://www.sepa.org.uk/environment/land/planning/).

PLANNING CONSULTATION

To: EVH - Contaminated Land Officer

From: Development Management

Date: 31st January 2023

Contact: Carlos Clarke ☎ 01835 826735

Ref: 23/00129/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 21st February 2023, 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 21st February 2023, 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 Alex Clapperton

Agent: ATW Chartered Architects

Nature of Proposal: Erection of dwellinghouse with detached garage

Site: W Pearce And Sons St Ronan's Works 2 Miller Street Innerleithen Scottish Borders EH44 6QS

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post: EVH - Contaminated Land Officer	Contact e-mail/number:		
Date of reply	20 th February 2023	Consultee reference: 23/00259/PLANCO		
Planning Application Reference	23/00129/FUL	Case Officer: Carlos Clarke		
Applicant	Mr Alex Clapperton			
Agent	ATW Chartered Architects			
Proposed Development	Erection of dwellinghouse with detached garage			
Site Location	W Pearce And Sons St Ronan's Works 2 Miller Street Innerleithen Scottish Borders EH44 6QS			
<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 appears to be proposing the redevelopment of land which was previously operated as a light industrial works. 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 RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Flood & Coastal Management	Contact e-mail/number:
Officer Name and Post:	Paul Grigor Flood Engineer	pgrigor@scotborders.gov.uk 01835 826663
Date of reply	15 th March 2023	Consultee reference: 3411
Planning Application Reference	23/00129/FUL	Case Officer: Carlos Clarke
Applicant	Mr Alex Clapperton	
Agent	ATW Chartered Architects	
Proposed Development	Erection of dwellinghouse with detached garage	
Site Location	W Pearce And Sons St Ronan's Works 2 Miller Street Innerleithen Scottish Borders EH44 6QS	
<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	21/00797/FUL – Withdrawn 19/01157/FUL – Withdrawn	
Key Issues (Bullet points)	<ul style="list-style-type: none"> • Flood risk • Increase in vulnerability 	
Assessment	<p>The consultation response made on the previous application is still relevant as there has been no material changes in the proposal and I have copied the comments below for your information;</p> <p><i>“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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>Hydraulic modelling was produced for SBC as part of the Innerleithen Flood Study which demonstrates that the proposed development lies within the 1 in 200 year (0.5%) inundation outlines for the Leithen Water. This study is anticipated to be more accurate than the indicative mapping although no warranty is given.</i></p> <p><i>The flood study maps show flood levels at the site of up to 0.25m during a 1:200 year + climate change event.</i></p>	

	<p><i>As the proposal is for a change of use from industrial to residential, the proposal goes against SEPA's land use vulnerability guidance for land at risk of flooding during a 1:200 year event. The proposed land use is classed as being more vulnerable than the existing use.</i></p> <p><i>Additionally, the proposal goes against Scottish Planning Policy due to the displacement of flood water and loss of floodplain storage that would associated with it. This is of particular concern as the site is within a built-up area.</i></p> <p><i>I would therefore object to the proposed development on the grounds of flood risk and loss of floodplain storage.</i></p> <p><i>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."</i></p> <p>Given the above, the recommendation is for this application to be refused due to flood risk.</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
Recommended Conditions/Reason for Refusal	<p>The proposal is contrary to Policy 22 of the adopted NPF4 in that the proposal would result in a high vulnerability of use, as defined in SEPA's Flood Risk and Land Use Vulnerability Guidance, within a flood risk area.</p> <p>The proposal is contrary to Policy IS8 of the Adopted Local Development Plan in that it would introduce development within an area of significant flood risk.</p>			
Recommended Informatives				

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Roads Planning Service		
Officer Name, Post and Contact Details	Alan Scott Senior Roads Planning Officer		ascott@scotborders.gov.uk 01835 826640
Date of reply	28 th February 2023	Consultee reference:	
Planning Application Reference	23/00129/FUL	Case Officer: Carlos Clarke	
Applicant	Mr A Clapperton		
Agent	ATW Chartered Architects		
Proposed Development	Erection of dwelling		
Site Location	2 Miller Street, Innerleithen		
<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 have no objections to this proposal provided the conditions shown below are attached to any approval issued.		
Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions <input type="checkbox"/> Further information required
Recommended Conditions	<p>Parking and turning for a minimum of two vehicles, excluding any garages, must be provided within the curtilage of the property prior to occupation and be retained thereafter in perpetuity. Reason: To ensure the development hereby approved is served by an appropriate level of parking.</p> <p>Any gates proposed for the access must be hung so as to open into the site and not outwards over the adjacent footway. Reason: To ensure the development hereby approved does not cause a danger to users of the adjacent footway.</p> <p>Steps must be taken to ensure that no surface water drains from the access onto the adjacent public road upon completion of the development. Reason: To ensure that the development hereby approved does not cause additional surface water to flow on to the public road.</p>		
Recommended Informatives			

Signed: DJI

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Roads Planning Service		
Officer Name, Post and Contact Details	Alan Scott Senior Roads Planning Officer		ascott@scotborders.gov.uk 01835 826640
Date of reply	7 th June 2023	Consultee reference:	
Planning Application Reference	23/00129/FUL	Case Officer: Carlos Clarke	
Applicant	Mr A Clapperton		
Agent	ATW Chartered Architects		
Proposed Development	Erection of dwelling		
Site Location	2 Miller Street, Innerleithen		
<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 have no additional comments to make from those previously submitted via my response of 28 th February 2023.		
Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions
			<input type="checkbox"/> Further information required
Recommended Conditions			
Recommended Informatives			

Signed: DJI