

St Abbs Community Council

Application Summary

Application number 22/01357/FUL

Address: Land South of Ebba Strand, Coldingham Sands, Coldingham, Scottish Borders

Proposal: Erection of dwelling house and associated work

Case Officer: Paul Duncan

Customer details

St Abbs Community Council

Commentator Type: Community Council

Stance: Strong objection to the proposal

Comment reasons

Contrary to National Outcomes: “we value, enjoy and protect our built and natural environment”

Contrary to Local Plan and policy HD2 that “development does not take place in the wrong place”.

Contrary to Key Outcome 8 “the protection for the benefit of residents, visitors, tourists and businesses”.

Contrary to PMD1c “the protection of natural resources, landscapes, habitats and species”

Contrary to PMD2 1.1 which aims to ensure development does not negatively impact on existing buildings or surrounding landscape and visual amenity of the area

Contrary to PMD4 and PMD5a regarding infill development.

Contrary to EP1, EP3, EP14, HD2

Also: there are concerns about trees/landscape affected, subsidence, traffic, safety and drainage.

Comment

The site of the proposed development stands within the St Abbs boundary. After consultations with the community, St Abbs Community Council unanimously voted to object to the proposal.

Objections include the land being previously undeveloped (the proposed building is not replacing an existing building) and in the sensitive position of being a green backdrop to the beach which is valued, used and enjoyed by thousands of people annually and therefore on which local businesses are heavily dependent. It is to be noted that St Abbs Community Council was not aware that there was an earlier application for a house to be built next to The Mount (13/00526/FUL). Had they been aware, then similar objections would have been made against that proposal.

To protect the amenity of this beautiful beach there should never be any development on this land or anywhere in this green slope surrounding the beach.

There were also objections on the grounds of concerns about subsidence, drainage, nearby trees/landscape, lack of parking and turning space for vehicles, increased traffic and dangers to road safety. These areas of concern involve specialist and technical knowledge and expertise and it is therefore beyond the competence of the Community Council to make a judgement. Nonetheless the Community Council expects the Planning Department, as the responsible authority, to take account of such matters, and to reach a conclusion informed by advice from those competent to give it.

From: Anne Brown <Anne.Brown@nature.scot>
Sent: 05 November 2022 01:02
To: DCConsultees
Cc: Duncan, Paul
Subject: 22/01357/FUL | Erection of dwellinghouse and associated work | Land South Of Ebbastrand Coldingham Sands Coldingham Scottish Borders

CAUTION: External Email

Dear Paul

Thank you for consulting us on this planning application.

We are satisfied that there will not be any detrimental impacts on the range of national or international designations for which NatureScot (formerly Scottish Natural Heritage (SNH)) carries responsibility such as Sites of Special Scientific Interest, Special Protection Areas, Special Areas of Conservation and National Scenic Areas.

We have no further comments to make in respect of this proposal.

Kind regards

Anne

Anne Brown | Operations Officer - South

NatureScot | Anderson's Chambers, Market Street, Galashiels, Scottish Borders TD1 3AF | 01738 457070 | 07831 807769

nature.scot | @nature_scot | *Scotland's Nature Agency | Buidheann Nàdair na h-Alba*

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Tha am post-dealain seo agus fiosrachadh sam bith na chois dìomhair agus airson an neach no buidheann ainmichte a- mhàin. Mas e gun d' fhuair sibh am post-dealain seo le mearachd, cuiribh fios dhan manaidsear-siostaim no neach- sgrìobhaidh. Thoiribh an aire airson adhbharan gnothaich, 's dòcha gun tèid sùil a chumail air puist-dealain a' tighinn a-steach agus a' dol a-mach bho NàdarAlba.

Tuesday, 13 September 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 South Of Ebbastrand, Coldingham Sands Coldingham, Scottish Borders,
TD14 5PA**

Planning Ref: 22/01357/FUL

Our Ref: DSCAS-0072517-LCW

**Proposal: 22/01357/FUL | Erection of dwellinghouse and associated work |
Land South Of Ebbastrand Coldingham Sands Coldingham Scottish Borders**

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

- ▶ There is currently sufficient capacity for a foul only connection in the EYEMOUTH 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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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,

Ruth Kerr

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."

PLANNING CONSULTATION

To: Paul Duncan

Date: 14/10/2022

From: RD

Ref: 22/01357/FUL

PLANNING CONSULTATION

Subject: Erection of dwellinghouse, Land South of Ebbastrand, Coldingham

OBSERVATIONS OF: Ecology Officer

CONSULTATION REPLY

Relevant Local Development Plan (LDP) policies are EP1 International Nature Conservation Sites and Protected Species and EP2 National Nature Conservation and Protected Species and EP3 Local Biodiversity.

I have not visited the site to inform this consultation response. An assessment was made using desk survey data, aerial photography and details submitted by the applicant.

Designated site

The sea North of Coldingham Bay is designated as the St Abb's Head to Fast Castle SPA, designated for several seabird species.

The sea North and South of Coldingham Bay is designated as the Berwickshire Coast (intertidal) SSSI, designated for reefs and sea caves.

Coldingham Bay itself is part of the Berwickshire and North Northumberland Coast SAC; the submitted PEA by Elledndale Environmental states that the SAC is 0.7km from the application site but as it includes the bay area, it actually is less than 100m from the SAC.

The SAC is designated for grey seals, intertidal mudflats and saltflats, reefs, sea caves and shallow bays and inlets.

The proposal would include changes to the topography of the site and therefore potential impacts on the SAC may arise during construction through sediment run-off and pollution and associated impacts on reefs and grey seals. Impacts may be addressed through good practice construction methods.

Additionally, I am concerned that the change in topography may lead to ground instability both short-term and long-term.

Therefore, it can be assumed that there is a likely significant effect on the SAC and an Appropriate Assessment will be required.

A recent EUCJ¹ ruling means that mitigation cannot be taken into account when considering the likely significant effect of a proposal on Natura/European sites and the need for an HRA at the screening stage.

To determine 'likely significant effects' in relation to HRA, the EUCJ ruled that *"the question is simply whether the plan or project concerned is capable of having an effect. It is in that sense that the English 'likely to' should be understood."*²

A Construction Environmental Management Plan may address potential pollution issues.

Further information should be provided on how the proposal would affect the ground stability of the site and the surrounding land.

Protected species

The submitted PEA showed that the site mostly consists of ruderal vegetation with some species-poor hedgerow and some trees. The trees were assessed as having no roosting potential for bats.

Some birds showing nesting behaviour were observed but no nests were found.

The habitat within the site likely provides foraging habitat for birds, badgers, reptiles but the PEA found no evidence of any foraging animals.

The PEA recommends that nesting boxes are installed on the dwellinghouse to mitigate the loss of potential nesting habitat. I would support this- details of the proposed nest boxes should be provide.

¹ People over Wind & Sweetman v Coillte Teoranta ECLI:EU:C:2018:244 12 April 2018
<http://curia.europa.eu/juris/document/document.jsf?docid=200970&doclang=EN>

² Sweetman case, European Court of Justice C-127/02, [CURIA - List of results \(europa.eu\)](#)

Recommendations: Further Information required

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post:		Contact e-mail/number:	
Roads Planning Service	Craig Johnston Roads Planning Technician		Craig.johnston@scotborders.gov.uk 01835 826856	
Date of reply	21/09/2022		Consultee reference:	
Planning Application Reference	22/01357/FUL		Case Officer: Paul Duncan	
Applicant	Mr Rob Cameron			
Agent	Ferguson Planning			
Proposed Development	Erection of dwellinghouse and associated work			
Site Location	Land South Of Ebbastrand Coldingham Sands Coldingham 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	Numerous previous applications have been submitted and subsequently withdrawn for this site. Recently, application 20/00758/PREAPP was submitted with the Roads Planning Service response stating that a detailed application would likely be refused.			
Key Issues (Bullet points)				
Assessment	<p>Applications at this site have consistently been recommended for refusal by the Roads Planning Service and, given the current submission proposes no material changes, I must also object to this application. I have copied below a previous objection for the site which is still relevant for the current application:</p> <p><i>"I am unable to support this application as I do not believe the public road between St Vedas and the site has the capacity to accommodate the increase in traffic this new development will generate (when considered alongside other planning approvals), the road being narrow and tortuous.</i></p> <p><i>A significant amount of development has been approved in recent times; however these proposals were regeneration of existing buildings and not new builds.</i></p> <p><i>Support for change of use of existing buildings tends to be on the basis that the traffic generation of the buildings former use and proposed use have a tendency to be similar, whereas new builds introduce a new element of traffic generation.</i></p> <p><i>Given the above, I must recommend refusal of this application."</i></p>			
Recommendation	<input checked="" type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
Reason for Refusal:	I object to this proposal as it does not comply with the Council's Local Development Plan Policy PMD2 which ensures that a development has no adverse impact on road safety.			

AJS