

31 January 2019

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Planning & Economic Development
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By email only to: localplans@scotborders.gov.uk

Dear Mr Johnston

Town and Country Planning (Scotland) Acts
Planning application: SB/LCP2/MIR
MAIN ISSUES REPORT (MIR) CONSULTATION
SCOTTISH BORDERS

Thank you for your consultation email which SEPA received on 08 November 2018 regarding the publication of the Main Issues Report (MIR) for the Scottish Borders Local Development Plan 2 (LDP2). We welcome the opportunity to comment on this document which provides the basis for the new LDP.

The attached **Appendix 1** contains our comments/answers to those questions set out in the MIR which have direct relevance to our interests. Please note that our comments on the associated Interim Environmental Report (IER) are provided separately under reference SEA01386/ER (SEPA ref. PCS/162490).

Appendix 2 contains our comments in response to the Preferred and Alternative Sites set out within the MIR. We identify our site requirements and provide further recommendations as appropriate. We also attach a spreadsheet containing further detailed considerations for each site, prepared in conjunction with our environmental specialists.

Appendix 3 contains our comments in response to the proposed policies for the LDP2. This section includes our updated policy requirements since the adoption of the last LDP as well as recommendations to promote a holistic and aspirational policy approaches to development planning and management in the Scottish Borders.

Appendix 4 contains a summary of SEPA comments on the proposed and alternative sites as proposed by the MIR.

We look forward to working with you as you take forward the LDP2 with the production of the proposed plan. We note the intention to carry forward a number of existing allocated sites and policies from the adopted LDP into the LDP2. Prior to the submission of the Proposed Plan, we

would welcome further consultation on the existing allocated sites and further drafts of the proposed policies being taken forward to the LDP2. In terms of issues within our remit, we would be particularly keen to assist your review of your policies on flooding, water and waste water drainage, renewable energy, waste management, protection of the water environment, protection of soils and wetlands, trees and woodland. Since the adoption of the existing local development plan (LDP), national policy has been modified and we would be keen to work with you in updating the existing allocated sites requirements and policies to bring them in line with national best practice.

We would highlight that any unresolved requests for policy coverage, site removal or developer requirements would result in an objection/modification request at the Proposed Plan Stage.

We have produced the following Development Plan Guidance Notes and associated background papers which set our requirements and recommendations for development plans by topic area.

- [Flood risk](#) supported by the [land use planning background paper on flood risk](#)
- [Water Environment](#) supported by the [water environment background paper](#)
- [Sustainable Resource Use](#) supported by the land use planning background papers on [zero waste](#), [heat networks and district heating](#), and [renewable energy](#)
- [Soils](#)
- [Air Quality and co-location](#)

These have been used for the basis of our response to the MIR. We would encourage you to use these documents as a guide while developing the Plan.

If you have any queries relating to this letter, or would find it beneficial to arrange a meeting with us to discuss any of our comments, or for us to provide informal comments on any of the work you are currently undertaking please contact me by telephone on 0131 273 7259 or e-mail at planning.se@sepa.org.uk.

Yours sincerely


Senior Planning Officer
Planning Service

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](#).

Appendix 1 – SEPA comments on Main Issues Report

Our comments on the issues and options put forward in the MIR are contained in this section. Please note that we have only commented on the issues that fall within our remit. The comments are also without prejudice to any further comments we may make on the Proposed Plan.

1. Vision, Aims And Spatial Strategy (3)

Q1: Do you agree with the main aims of the LDP2? Do you have any alternative or additional aims?

- 1.1 We note and welcome that sustainability and climate change are key elements of the vision and that the Council is promoting sustainable development which addresses the issues of climate change adaption is being investigated as part of the SBC's transition to a low carbon economy.
- 1.2 We are also supportive of the specific reference to developing heat mapping within the vision for LDP2 as an opportunity, as part of the transition to a low carbon economy and the development of buildings and property which will be resilient to the impacts of climate change.
- 1.3 With regard to the main aims outlined, we would **recommend** that the expansion and improvement of green network opportunities and links is expanded to state blue/green networks opportunities. Blue/green networks are the integration of water and drainage management interventions to green networks in order to deliver benefits to the environmental status of existing and proposed sites and provide opportunities for place making and associated environmental and social benefits, including improved biodiversity, resilient to extreme weather events and improved health and wellbeing.
- 1.4 With regard to the Spatial Strategy, we welcome the identification of the potential flood risk and need for a second bridge requirement in Peebles, prior to the release of any further housing land on the south side of the River Tweed. The identification of environmental constraints on high demand areas such as this helps with the transparency and consistency of LDPs for both the public and stakeholders.

2 Growing our Economy (4)

Q2: Do you agree with the preferred option to retain the existing 'Strategic High Amenity' site categorisation and amalgamate the remaining categories? Do you agree with any of the alternative options including to retain the current policy position? Or do you have another alternative option?

- 2.1 With regards to the intention of the preferred option to retain the existing 'Strategic High Amenity' site categorisation and attract high quality business/commercial uses to the Scottish Borders, we have no specific comments to make in this regard. However we would highlight that the preferred option must be cognisant of associated land use policy and guidance such as SBC Flood Risk policy and the [SEPA Flood Risk and Land Use Vulnerability Guidance](#). The potential supporting uses to the high quality business uses outlined in the MIR such as childcare facilities may not be suitable in areas which have a level of flood risk compatible for commercial premises but not for most vulnerable uses. We are happy to discuss specific sites in more detail in order to set out clear information with regards to potential supportive uses on site in order to provide clarity and certainty with regards to what we would accept on such sites.

Q3: Do you think there are any settlements in which new or more business and industrial land should be allocated, and if so where?

2.2 We have no comments in this regard.

Q4: Do you have any suggestions for a potential area of land to be allocated in the vicinity of Town Yetholm, Lauder and Kelso for business use, and if so where?

2.3 We have no comments in this regard.

Q5: Have you any suggestions as to how allocated business and industrial land can be delivered more effectively?

2.4 We have no comments in this regard.

Q6: Do you agree with the preferred options for the provision of additional business and industrial land/mixed use land in the LDP2? Do you agree with the alternative option for mixed use land? Or do you have other alternative options?

2.5 We have no comments in this regard.

3 Planning for Housing (5)

Q7: Do you agree with the preferred options for additional housing sites? Do you agree with the alternative options? Do you have other alternative options?

3.1 We agree with the preferred options for additional housing sites as proposed in the plan. During the course of the call for sites exercise we provided comment in terms of flood risk, the water environment and co-location with SEPA-regulated processes with regards to a range of additional potential housing sites. During this process we identified sites which should not be included in the plan. We note that one of these sites have been proposed as an alternative option in the MIR. We continue to maintain that site ref. ASELK040 Philiphaugh Mill, Selkirk should be not be included in the LDP2 for the same reasons as outlined in our previous responses and in Appendix 2, Section 5 of this response.

Q8: Do you agree with the preferred option for addressing proposals for housing in the countryside? Do you agree with the alternative proposal? Have you any other options which you feel would be appropriate?

3.2 We agree with the preferred option for addressing proposals for housing in the countryside.

Q9: Do you agree with the proposed existing housing allocations to be removed from the LDP? Are there any other sites you suggest should be de-allocated?

3.3 We agree with the proposed existing housing allocations to be removed from the LDP and require the alternative option site ref. ASELK040 Philiphaugh Mill, Selkirk, to also be removed.

4 Town Centres (6)

Q10: Do you agree with the preferred option? If so, which other uses do you think could be allowed within Core Activity Areas? Do you think existing Core Activity Areas within town centres should be reduced in size, and if so where? Do you think existing Core Activity Areas should be removed altogether?

4.1 We have no comments in this regard.

Q11: Can you suggest any site options within Central Berwickshire, preferably Duns, to accommodate a new supermarket?

4.2 We have no comments in this regard.

Q12: Do you feel the requirement for Developer Contributions could be removed in some parts of town centre core activity areas?

4.3 We have no comments in this regard.

5 Delivering Sustainability and Climate Change Agenda (7)

Q13: Do you support the preferred option? Are there any other matters relating to sustainability and climate change adaptation which should be addressed? Do you have an alternative option?

5.1 We agree with the preferred option and consider that the SBC's proposed approach to LDP policies and proposals to ensure they promote the development needs in the interests of sustainable development and climate change to be appropriate. From a review of the background text outlining the main issue, we consider the MIR comprehensively outlines the key topics for climate change from the perspective SEPA's remit, and we acknowledge that with regard to flood risk that there is a need for ongoing communication between SEPA and SBC, specifically in regard to the allocation of sites behind Flood Protection Schemes such as that as the one proposed in Selkirk.

Q14: Do you support the designation of a National Park within the Scottish Borders? If so, which general area do you think a National Park should cover?

5.2 We have no comments in this regard.

6 Regeneration (8)

Q15: Do you agree with the proposed redevelopment sites to be allocated within the LDP2? Are there other sites within the Scottish Borders you feel should be included?

6.1 We have no comments in this regard.

7 Regeneration (9)

Q16: Do you support the principal of Oxnam becoming a recognised settlement within the LDP? Do you agree with the proposed settlement plan and its boundaries?

7.1 We have no comments in this regard.

Q17: Do you support the removal of the Core Frontage designation within the Newcastleton Conservation Area?

7.2 We have no comments in this regard.

8 Regeneration (10)

Q18: Do you agree with the suggested policy amendments identified in Appendix 3? Do you think there are any other policy amendments which should be referred to?

8.1 We have provided detailed comments to this question in Appendix 3.

Q19: Are there any other main issues which you feel should be addressed within LDP2? Please confirm these and explain how these could be addressed.

8.2 We have identified additional issues to be addressed within LDP2 as part of the policy review, in Appendix 3.

Appendix 2 – SEPA comments on Site Review

1. Co-location of preferred sites to regulated processes

- 1.1 The proposed development sites noted in Table 1 below are located adjacent to activities which are regulated by SEPA under a Waste Management License, Pollution Prevention and Control (PPC) Permit or Controlled Activities (CAR) License. The location of these sites is summarized in table 1 and the attached spreadsheet. We therefore recommend that your authority consults operators of adjacent regulated sites and your Environmental Health colleagues and considers the compatibility of these proposed development sites with the existing adjacent regulated activity which may operate, or expand to operate, 24 hours a day.
- 1.2 Even with the imposition of regulatory controls and the use of best industrial practice, mitigation and abatement techniques, there may be residual emissions which could cause a loss of amenity and nuisance to users of adjacent land. Potential residual emissions or problems will vary with the type of regulated activity but may include odour, dust, noise, litter or pests.
- 1.3 Residual emissions can occur on sites despite being compliant with regulations controlled by SEPA. With regard to sewage treatment works control of odour issues are not within SEPA's remit but fall to the local authority.
- 1.4 Planning Advice Note 51 (PAN 51) (paragraph 64) states with regard to noise and nuisance that "The Planning system is (with the exception of PPC which controls noise from Part A installations) the only means to address these issues in anticipation, before problems arise. Statutory Nuisance is often only used as a method of last resort and is limited in its scope to abate a nuisance."
- 1.5 Furthermore PAN 51 (paragraph 65) states that "New noise or nuisance sensitive developments have to be carefully considered in relation to existing noise or nuisance emitting land uses, for example, social housing adjacent to busy roads or railways, or social housing adjacent to an existing noisy industrial use. In the latter example the local authority should seek to avoid situations where noise complaints from the new occupants would result in an abatement notice being served on the pre-existing use."

Table 1. Co-location of preferred sites to regulated processes

| Site Ref. | Settlement | Site Name | Co-Location Comments |
|-----------|------------|-----------------------------|--|
| MESHI002 | Eshiels | Land at Eshiels II | Peebles STW (CAR) and Eshiels community recycling centre (WML) are located across the road and to the west of the site. These sites are however unlikely to have an impact on the site from SEPA's perspective. Possible odour issues from the STW would be dealt with by SBC Env health. |
| MESHI001 | Eshiels | Land at Eshiels I | Peebles STW (CAR) and Eshiels community recycling centre (WML) are located across the road and to the west of the site. These sites are however unlikely to have an impact on the site from SEPA's perspective. Possible odour issues from the STW would be dealt with by SBC Environmental Health. |
| AGREE009 | Greenlaw | Greenlaw Poultry Farm | This site is next door to the Greenlaw STW (CAR licence). Unlikely to be any issue from SEPA's perspective but any odour complaints would be dealt with by SBC Environmental health. |
| BGALA006 | Galashiels | Land at Winston Road I | This site is located immediately adjacent to the Gala STW (CAR and WML licence). Odour is likely to be problematic from the STW. This would be dealt with by SBC Env Health and not SEPA. A suitable buffer should be provided in line with SPP requirements between the licensed sites and the proposed development. This is likely to impact the developable area available. |
| AGORD004 | Gordon | Land at Eden Road | The site is next to Gordon STW. May be likely to give rise to odour issues, however any issues would be dealt with by SBC Environmental Health. |
| ADOLP004 | Dolphinton | Land to north of Dolphinton | A PPC part B cement batcher is currently located south west of the development at 'Heywood'. Likely issues: dust. |
| AANCR002 | Ancrum | Dick's Croft II | Ancrum STW is just to the south of the development. Not expected to cause any particular issues although any odours would be dealt with by SBC Env Health. |

2. Site Drainage

- 2.1 All sites within or immediately adjacent to a publicly sewered area should connect to the public sewer in keeping with the principles of the Urban Waste Water Treatment Directive and protect and improve objectives of the Water Framework Directive. We recommend that your authority contact Scottish Water with regards availability and feasibility of sewer connection and potential solutions at specific sites where capacity is constrained.
- 2.2 It should be noted that if capacity in the public sewer is not available when sites come through as planning applications then we will respond on a site by site basis based on the receiving water environment and these comments may differ from our position at this stage where it is assumed that sewer connections can be achieved. Our position on foul drainage is set out our Policy and Supporting Guidance on Provision of Waste Water which is available in the [planning](#) section of the SEPA website.
- 2.3 It has been highlighted through the site review process with our SEPA Local Regulatory team that there may be sewerage network infrastructure constraints for some sites. We recommend that contact is made with Scottish Water for further clarity and potential solutions in order that proposed development would not have a detrimental impact on the receiving water environment due to surcharging from the sewer system.
- 2.4 In general we note that although a watercourse is present or immediately adjacent to a site the discharge may take place to another watercourse out of the site boundary.
- 2.5 All new developments should manage surface water through the use of Sustainable Urban Drainage Systems (SUDS). We would recommend that this requirement includes the use of SUDS at the construction phase in order that the risk of pollution during construction to the water environment is minimised.

3. Buffer strips

- 3.1 We note that there is a watercourse within or immediately adjacent to sites identified in Table 2. We therefore recommend that a development requirement is attached to these sites to ensure that a maintenance buffer strip of at least 6 metres wide is provided between the watercourse and built development. Additional water quality buffer strips may be recommended in addition to the maintenance buffer strip depending upon specific water quality pressures.
- 3.2 The inclusion of an undeveloped buffer strip accords with the objectives of the Water Framework Directive (WFD) and your associated duties as a responsible authority under the Water Environment and Water Services (Scotland) Act 2003 to ensure compliance with the WFD and River Basin Planning process in carrying out your statutory functions.
- 3.3 The provision of an undeveloped buffer strip provides a range of benefits including:
 - Protection of the watercourse by intercepting and breaking down potential pollutants during the construction and operational phases of a development before they reach the watercourse;
 - The provision of space for vegetation that can strengthen the banks of the watercourse, provide habitat opportunities, add aesthetic value and slow surface water run off at times of heavy rain;

- The provision of space for the watercourse to move over time through natural river processes and thereby also improving resilience to climate change; and,
- Safeguarding land within the functional flood plain from built development and providing access to your flood prevention colleagues to carry out any necessary maintenance work in the watercourse.

Table 2. Buffer strips

| Site Ref. | Settlement | Site Name | Buffer Strips |
|-----------|-------------|-------------------------------|--|
| SCARD002 | Cardrona | Land at Nether Horsburgh | The small watercourses running through/alongside the development should be safeguarded and enhanced as part of any development |
| MESH1002 | Eshiels | Land at Eshiels II | The watercourse that runs through/adjacent to the site should be protected and enhanced as part of any development. |
| MESH1001 | Eshiels | Land at Eshiels I | The watercourse that runs through/adjacent to the site should be protected and enhanced as part of any development. |
| APEEB056 | Peebles | Land south of Chapelhill Farm | The watercourse (tributary of the Eddleston Water) adjacent to the site should be protected and enhanced as part of any development. |
| SPEEB008 | Peebles | Land west of Edderston Ridge | The burns running through/adjacent to the site must be protected and enhanced as part of any development. |
| AHAWI027 | Hawick | Burnfoot (Phase 1) | There appears to be a marsh/wetland at the southern end of the site which should be protected/enhanced. |
| RJEDB005 | Jedburgh | Jedburgh Grammar School II | The site adjoins the Jed Water on the northern edge. Opportunities should be taken to protect and enhance the Jed Water as part of any development. |
| BGALA006 | Galashiels | Land at Winston Road I | Care should be taken not to damage the river banking as part of any development. |
| BWEST003 | West Linton | Deanfoot Road North | There is a burn running through the site which should be protected and enhanced as part of any development. There should be no culverting for land gain. |
| AEDNA011 | Ednam | Cliftonhill (V) | The site is close to a tributary of the Eden Water at the north western side. This should be protected and enhanced. |

4. De-culverting opportunities

- 4.1 A culverted watercourse runs through sites identified in Table 3. There may be opportunities in these locations to restore the water environment to its natural state by removing the culvert. We therefore recommend that a development requirement is attached to the sites requiring a feasibility study including a flood risk assessment to be undertaken prior to development to assess the potential for channel restoration.
- 4.2 Removal of the culvert and re-instatement of the watercourse accords with Water Framework Directive (WFD) objectives as it will help move the water body towards good status. It will support the delivery of your associated duties as a responsible authority under the Water Environment and Water Services (Scotland) Act 2003 to ensure compliance with the WFD and River Basin Planning process in carrying out your statutory functions.
- 4.3 The benefits of removing the culvert include:
- restoration of the watercourse to a more natural form allowing habitat creation, both within the channel and in the riparian area;
 - flood management through the provision of flood plain storage and energy dissipation;
 - the ability to identify any pollution issues quickly and easily;
 - the potential to provide amenity areas and sustainable active travel routes alongside the open watercourse; and,
 - removal of the on-going maintenance costs and issues associated with blockages and siltation that can occur in closed culverts.

Table 3. Sites with de-culverting opportunities

| Site Ref. | Settlement | Site Name | Detailed comments |
|-----------|------------|-------------------------------------|---|
| MESHI001 | Eshiels | Land at Eshiels I | It appears that there may be a culverted watercourse at the southern end of the site. |
| ACRAI004 | Crailing | Crailing Toll (larger site) | There may be a culvert running through or close to the site boundary and opportunities should be taken to de-culvert. |
| BWESR001 | Westruther | Land South West of Mansefield House | There appears to be a drain partially culverted running along the northern boundary of the site. This should be protected and de-culverted if possible. |
| RHAWI017 | Hawick | Former Peter Scott Building | Potential for land contamination and for lades/culverts to be present within site, given previous use. |
| RHAWI018 | Hawick | Bucleuch Mill | Potential for land contamination and for lades/culverts to be present within site, given previous use. |

| Site Ref. | Settlement | Site Name | Detailed comments |
|-----------|------------|--------------------------------|---|
| RJEDB006 | Jedburgh | Jedburgh Grammar School | It appears that Meikle Cleugh may be culverted through this development site. Opportunities should be taken to de-culvert this as part of any development. |
| MDUNS005 | Duns | South of Earlsmeadow (Phase 1) | There appears to be a marshy area in the northern corner of the site which may be drained to culverts under the site. Any such culverts should be removed as part of any development. Confirmation should be made that this is not a Groundwater Dependant Terrestrial Ecosystem. |
| AMELR013 | Melrose | Harmony Hall Gardens | It appears that the mill lade may be culverted through this development site. Opportunities should be taken to de-culvert this as part of any development. |

5. Updated caveats for SEPA Flood Maps for Site Spreadsheet tab

Caveat 2

The sites have been assessed against the SEPA Flood Maps (April 2018). The Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are *indicative* and designed to be used as a strategic tool to assess, flood risk at the community level and to support planning policy and flood risk management in Scotland.

For further information please visit http://www.sepa.org.uk/flooding/flood_maps.aspx.

Caveat 3

Contact should be made with your colleagues in the Flood Risk Management Department and Scottish Water with regards sites at surface water flood risk.

6. Flood Risk – recommend site is removed from plan

| Site Ref. | Settlement | Site Name | FR removal |
|-----------|------------|------------------|------------|
| ASELK040 | Selkirk | Philiphaugh Mill | Yes |

6.1 Based on the information we hold, this site is at significant risk of flooding and is not suitable for development. We consider avoidance the most sustainable option and recommend that the site is removed from the plan.

6.2 Further detail is provided in the following paragraphs.

Executive Summary Outlining Policy Context

- 6.3 Due to the site being in a sparsely developed area and a proposed increase in sensitivity from commercial to residential we do not consider that it meets with the requirements of Scottish Planning Policy and our position without prejudice is unlikely to change. We have a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote sustainable flood risk management. The cornerstone of sustainable flood risk management is the avoidance of flood risk in the first instance. Therefore, we recommend that this site is removed from the Local Development Plan.

Technical Appendix

- 6.4 We previously recommended the removal of this site during the LDP consultation process in February 2014, July 2016, and November 2017. Prior to the 2008 Local Plan, SEPA had indicated that the site was unsuitable for residential development. Therefore, SEPA has always had a consistent view regarding this site. We attended a meeting with Scottish Borders Council representatives in November 2015 to discuss the Scottish Government Reporter findings. The Reporter had agreed with SEPA and recommended removal of this allocation. The 2013 Proposed Plan which was adopted in May 2016, included the Philiphaugh Mill redevelopment site, which was contrary to SEPA's and the Scottish Government's Reporter's recommendations. The previous Proposed Plan made no mention of flood risk within the Site Requirements. The Site Requirements did state that "The Redevelopment opportunity at Philiphaugh Mill is for housing use". As part of the November 2015 meeting, SBC pointed out that for the site at Philiphaugh Mill (then zRO200) SEPA could have objected to the housing part of the proposal rather than ask for the removal of the site. The allocation is consistently being promoted as housing and as such the council have not altered the land use.
- 6.5 Review of the SEPA Flood Map shows that the entire site boundary of ASELK040 lies entirely within the estimated 1 in 200 year functional floodplain of the Ettrick Water. In addition, there is a mill lade which flows through the site which poses an additional flood risk to the site.
- 6.6 The Ettrick Water has a well documented history of flooding. It is also well documented that the site flooded on the 31st of October 1977 in the book "Troubled Waters – Recalling the Floods of '77". *"At the top of Ettrickhaugh Road, Kendal Fish Farm was flooded out and subsequently many thousands of rainbow trout were released into the river. The following day was a boom time for the local anglers". "Many houses in Ettrickhaugh Road, opposite Selkirk RFC, had to be abandoned and the only escape route for one unfortunate man trapped upstairs in the rugby club premises was via a rowing boat! A short distance away, the swollen waters meant the loss of 70,000 rainbow trout from Kendal Fish Farm, valued at £20,000."* Philip Edgar, the former manager at Kendal Fish Farm is quoted as saying *"A couple of thousand fish were lost from the farm. It was mainly the big fish that got washed away into people's gardens and the rugby pitch – they were everywhere"*. The site is also within the flood envelope of the 1977 flood as

produced by Crouch & Hogg on behalf of Borders Regional Council.

- 6.7 SEPA acknowledge that the Selkirk Flood Prevention Scheme (FPS) will reduce the risk of flooding to Selkirk, including to site ASELK040 Philiphaugh Mill. However, the primary purpose of a flood protection scheme is to protect existing development from flooding rather than facilitate new development.
- 6.8 The latest development planning and development management guidance published by SEPA states that a precautionary approach, i.e. avoidance, should be taken to proposed allocations in areas protected by a flood protection scheme. We would stress that defences can be breached or overtopped leading to a scenario that can be significantly worse than if there are no defences present. Flooding can be sudden, unexpected and floodwater trapped behind defences can extend the period of inundation which can lead to greater damage. FPSs have a finite design life, which may be less than that of the proposed and future development.
- 6.9 Scottish Planning Policy (paragraph 263) states that in medium to high risk areas (greater than 0.5% annual probability of coastal or watercourse flooding); *“May be suitable for residential, institutional, commercial and industrial development within built-up areas provided flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood risk management plan.”* We consider this site to be within a sparsely developed area and based on the risk framework, these areas are generally not suitable for additional development unless a location is essential for operational reasons.
- 6.10 In summary, the housing allocation for 19 units is in a sparsely developed area and as the proposed development would be an increase in sensitivity from commercial to residential. In line with our SEPA position on development behind formal FPSs, development in this area would add to the overall area at risk and would therefore be contrary to the policy principles of Scottish Planning Policy and the aspirations of the Flood Risk Management (Scotland) Act. However, we would be supportive of redevelopment of the site for a similar commercial use.

Caveats & Additional Information for Applicant

- 6.11 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>.
- 6.12 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

- 6.13 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Scottish Borders Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "*Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities*" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.

Policy Context

- 6.14 Planning authorities have a duty under The Planning etc. (Scotland) Act 2006 to ensure that development plans contribute to sustainable development. The Town and Country Planning (Scotland) Act 1997 is also designated as relevant function responsible for the delivery of the Water Environment Water Services (Scotland) Act 2003; which thereby places a duty on planning authorities to promote sustainable flood management. The avoidance of flood risk, by not locating development in areas at risk of flooding is recognised as a key part of delivering sustainable flood risk management which positively contributes to the creation of sustainable places.
- 6.15 In accordance with paragraph 255 of SPP the planning system should take a precautionary approach to flood risk and promote flood avoidance. Development plans should therefore safeguard flood storage and conveyance capacity and direct development away from functional flood plains and medium to high flood risk areas (SPP, para 255). This includes identifying major areas of the flood plain and storage capacity which should be protected from inappropriate development (SPP, para 261).
- 6.16 In particular, paragraph 256 of SPP specifically states that development which would have a significant probability of being affected by flooding should not be permitted. This principle is reflected in the risk framework (SPP, para 263) which states that medium to high risk areas are generally not suitable for additional development in undeveloped and sparsely developed areas. In built up areas certain developments may only be suitable behind formal flood protection schemes which are designed to an appropriate standard.
- 6.17 SEPA and your authority also have duties under the Flood Risk Management (Scotland) Act 2009 to work towards reducing overall flood risk, act in the way best calculated to manage flood risk in a sustainable way and promote sustainable flood management. The cornerstone of sustainable flood management is avoidance of development in areas at risk of flooding.
- 6.18 As this allocation is contrary to the statutory and policy framework for flood risk management we recommend that it is removed from the LDP. If your authority wants to allocate this site contrary to this advice, we will be willing to review our position if a detailed Flood Risk Assessment (FRA) is undertaken to establish the principle of development. It should be accepted that the findings of a FRA may

confirm that the site is not suitable for development. We therefore reserve our right to object to the principle of development at the planning application stage.

7. Flood Risk Assessment required

- 7.1 Sites in Table 6 are located in or adjacent to the functional flood plain or an area potentially at flood risk from any source. We therefore require that a development requirement is attached to these sites for a Flood Risk Assessment to be undertaken prior to any development occurring on the site and that the findings are used to inform the scale, layout and form of development. This is necessary to ensure that development is avoided within areas at medium to high risk (unless they accord with the risk framework in paragraph 263 of SPP) and there is safe dry pedestrian access and egress at times of flood.
- 7.2 The capacity of these sites to provide deliverable development land may be reduced due to flood risk and we recommend that you contact your flood prevention/management colleagues to discuss this further. Potential flood risk constraints should be taken into account when defining the number of units/ area of deliverable development land available on these sites.
- 7.3 If a development requirement addressing this issue is not attached to each of the sites we would object and seek a modification to the proposed plan.
- 7.4 Planning authorities have a duty under The Planning etc. (Scotland) Act 2006 to ensure that development plans contribute to sustainable development. The Town and Country Planning (Scotland) Act 1997 is also designated as relevant function responsible for the delivery of the Water Environment Water Services (Scotland) Act 2003; which thereby places a duty on planning authorities to promote sustainable flood management. In accordance with the principles of sustainable flood risk management the inclusion of a food risk assessment as a developer requirement will ensure that development in areas at risk of flooding is avoided. As set out in paragraph 29 of SPP it will also contribute positively to the creation of sustainable places and support climate change adaptation.
- 7.5 In particular, paragraph 255 of SPP advocates a precautionary approach to flood risk. It states that the planning system should promote flood avoidance by safeguarding flood storage and conveyance capacity and locate development away from functional flood plains and medium to high risk areas. The inclusion of an FRA as a site specific development requirement will ensure that flood risk is appropriately considered and directed away from medium to high flood risk areas (unless it accords with the risk framework in paragraph 263 of SPP). This requirement is supported by paragraph 266 of SPP states that an FRA may be required where factors indicate a heightened risk may be present. It will also ensure that developers are fully informed of the potential flood risk issues affecting the site that may constrain the developable area.

Table 6. Flood Risk Assessment required

| Site Ref. | Settlement | Site Name | FRA required | Detailed FR Comments |
|-----------|------------|-----------------------------|--------------|---|
| RHAWI017 | Hawick | Former Peter Scott Building | Yes | We require an FRA which assesses the risk from the River Teviot and Slitrig Water. Redevelopment to a similar or less sensitive use would be supported by SEPA. An increase in vulnerability would only be supported if a detailed FRA can demonstrate the site is free from flood risk and there is safe access/egress available. Review of the surface water 1 in 200 year flood map indicates that there may be flooding issues within this site. This should be investigated further and it is recommended that contact is made with the flood prevention officer. Site will likely be constrained due to flood risk. |
| RHAWI018 | Hawick | Buccleuch Mill | Yes | We require an FRA which assesses the risk from the River Teviot. Redevelopment to a similar or less sensitive use would be supported by SEPA. An increase in vulnerability would only be supported if a detailed FRA can demonstrate the site is free from flood risk and there is safe access/egress available. Review of the surface water 1 in 200 year flood map indicates that there may be flooding issues within this site. This should be investigated further and it is recommended that contact is made with the flood prevention officer. Site will likely be constrained due to flood risk. |

| Site Ref. | Settlement | Site Name | FRA required | Detailed FR Comments |
|-----------|------------|---------------------------|--------------|---|
| REYEM007 | Eyemouth | Former Town Hall | Yes | <p>We require an FRA which assesses the risk from coastal still water as well as overtopping processes and any interactions with the Eye Water. Redevelopment to a similar or less sensitive use would be supported by SEPA. An increase in vulnerability would only be supported if a detailed FRA can demonstrate the site is free from flood risk and there is safe access/egress available. Sewer flooding will also require consideration. Site may be constrained due to flood risk.</p> |
| RJEDB006 | Jedburgh | Jedburgh Grammar School I | Yes | <p>Redevelopment is noted as the land use type. We require an FRA which assesses the flood risk from the Jed Water, Skiprunning Burn, and small watercourses which flow through/ adjacent to the site. The flood risk is complex at this location. Consideration should be given to any upstream and downstream structures and culverts which may exacerbate flood risk. It is important to consider sensitivity of use in line with our land use vulnerability guidance. Site will be constrained due to flood risk. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues in this area. This should be investigated further and it is recommended that contact is made with the flood prevention officer.</p> |

| Site Ref. | Settlement | Site Name | FRA required | Detailed FR Comments |
|-----------|------------|----------------------------|--------------|---|
| RJEDB005 | Jedburgh | Jedburgh Grammar School II | Yes | Redevelopment is noted as the land use type. We would not support development where there is an increase in vulnerability at this site. For other uses, we require an FRA which assesses the flood risk from the Jed Water, Skiprunning Burn, and small watercourses which flow through/ adjacent to the site. The flood risk is very complex at this location. Consideration should be given to any upstream and downstream structures and culverts which may exacerbate flood risk. It is important to consider sensitivity of use in line with our land use vulnerability guidance. Site will be heavily constrained due to flood risk. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues in this area. This should be investigated further and it is recommended that contact is made with the flood prevention officer. Given clear risk to site, the most sustainable solution here would be to revert this area to open space. |

8. Support sites with development requirement for FRA

- 8.1 We support the development requirement for a Flood Risk Assessment to be undertaken prior to development occurring for the following sites in Table 7.
- 8.2 The inclusion of an FRA as a site specific development requirement will ensure that flood risk is appropriately considered and directed away from medium to high flood risk areas (unless it accords with the risk framework in paragraph 263 of SPP). It will also ensure that developers are fully informed of the potential flood risk issues affecting the site that may constrain the developable area.
- 8.3 This accords with paragraph 255 of SPP which advocates a precautionary approach to flood risk and paragraph 256 which states that the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. The requirement is also complies with paragraph 266 of SPP states that an FRA may be required where factors indicate a heightened risk may be present.

8.4 The site requirement is in keeping with your authorities duties under The Planning etc. (Scotland) Act 2006 to ensure that development plans contribute to sustainable development and duties under the Water Environment Water Services (Scotland) Act 2003 to promote sustainable flood management. The requirements are also supported as a climate change adaptation measure.

Table 7. Support sites with development requirement for FRA

| Site Ref. | Settlement | Site Name | FRA required | Detailed FR Comments |
|-----------|--------------|---------------------------|--------------|--|
| MINNE003 | Innerleithen | Land west of Innerleithen | Yes | We require an FRA which assesses the risk from the River Tweed. Review of the surface water 1 in 200 year flood map indicates that there may be flooding issues within the site. This should be investigated further and it is recommended that contact is made with the flood prevention officer. In addition, surface water runoff from the nearby hills may be an issue and may require mitigation measures during design stage. |
| SCARD002 | Cardrona | Land at Nether Horsburgh | Yes | We require an FRA which assesses the risk from the small watercourses which flow through and adjacent to the site as well as the River Tweed. Consideration will need to be given to bridge and culvert structures within and adjacent to the site which may exacerbate flood risk. Review of the surface water 1 in 200 year flood map indicates that there may be flooding issues within this site. This should be investigated further and it is recommended that contact is made with the flood prevention officer. Site may be constrained due to flood risk. |
| MESHI002 | Eshiels | Land at Eshiels II | Yes | We require an FRA which assesses the risk from the Linn Burn, Eshiels Burn and small watercourses which flow through and adjacent to the site. Consideration will need to be given to bridge and culvert structures within and adjacent to the site which may exacerbate flood risk as well as any transfer of water between catchments. Due to the steepness of |

| Site Ref. | Settlement | Site Name | FRA required | Detailed FR Comments |
|-----------|------------|-------------------------------|--------------|--|
| | | | | the adjacent hill slopes we would also recommend that consideration is given to surface water runoff to ensure the site is not at risk of flooding and nearby development and infrastructure are not at increased risk of flooding. Site may be constrained due to flood risk. |
| MESH1001 | Eshiels | Land at Eshiels I | Yes | We require an FRA which assesses the risk from the Linn Burn and any small watercourses which flow through and adjacent to the site. The River Tweed may also require consideration. Consideration will need to be given to bridge and culvert structures within and adjacent to the site which may exacerbate flood risk. Due to the steepness of the adjacent hill slopes we would also recommend that consideration is given to surface water runoff to ensure the site is not at risk of flooding and nearby development and infrastructure are not at increased risk of flooding. |
| APEEB056 | Peebles | Land south of Chapelhill Farm | Yes | We require an FRA which assesses the risk from the Eddleston Water and small watercourses which flow along the southern and north eastern boundary. Consideration will need to be given to bridge and culvert structures within and adjacent to the site which may exacerbate flood risk. Review of the surface water 1 in 200 year flood map indicates that there may be flooding issues within the site. This should be investigated further and it is recommended that contact is made with the flood prevention officer. Due to the steepness of the adjacent hill slopes we would also recommend that consideration is given to surface water runoff to ensure the site is not at risk of flooding and nearby development and infrastructure are not at increased risk of flooding. |

| Site Ref. | Settlement | Site Name | FRA required | Detailed FR Comments |
|-----------|------------|------------------------------|--------------|--|
| SPEEB008 | Peebles | Land west of Edderston Ridge | Yes | <p>We require an FRA which assesses the risk from the Edderston Burn and tributaries which flow through and adjacent to the site. Consideration will need to be given to bridge and culvert structures within and adjacent to the site. The applicant would need to be mindful of the FPS to ensure there is no increase in risk elsewhere. There have been discussions regarding additional flood prevention works here which may restrict development. Due to steep topography through the allocation site, consideration should be given to surface runoff issues to ensure adequate mitigation is implemented. Site will need careful design to ensure there is no increase in flood risk elsewhere and proposed housing is not affected by surface runoff. Review of the surface water 1 in 200 year flood map indicates that there may be flooding issues within this site. This should be investigated further as and it is recommended that contact is made with the flood prevention officer. Discussions should also take place with the flood prevention officer regarding the additional flood protection works that are considered in the future to ensure a holistic approach.</p> |
| AHAWI027 | Hawick | Burnfoot (Phase 1) | Yes | <p>Historic maps shows a watercourse flowing through the middle of the site which may now be culverted. We require an FRA which assesses the risk from this culverted watercourse. Buildings must not be constructed over an existing drain (including a field drain) that is to remain active. Review of the surface water 1 in 200 year flood map shows that there may be flooding issues at this site. This should be investigated further and it is recommended that contact is made with the flood prevention officer. Due to the steepness of the adjacent hill slopes we would also recommend</p> |

| Site Ref. | Settlement | Site Name | FRA required | Detailed FR Comments |
|-----------|------------|-----------------------------|--------------|--|
| | | | | that consideration is given to surface water runoff to ensure the site is not at risk of flooding and nearby development and infrastructure are not at increased risk of flooding. |
| ACRAI004 | Crailing | Crailing Toll (larger site) | Yes | We require an FRA which assesses the risk from the small watercourse which would appear to be culverted either through or immediately adjacent to the site. We do not support development over culverts that are to remain active. |
| SEDDL001 | Eddleston | North of Bellfield II | Yes | We require an FRA which assesses the risk from the Eddleston Water. Due to the gradients on site, the majority of the site will likely be developable. Consideration should be given to the lower parts of the site adjacent to the A703. Due to the steepness of the adjacent hill slopes we would also recommend that consideration is given to surface water runoff to ensure the site is not at risk of flooding and nearby development and infrastructure are not at an increased risk of flooding. |
| SPEEB009 | Peebles | East of Cademuir Hill | Yes | The allocation has significantly reduced in size. We require an FRA which assesses the risk from the Haystoun Burn and small watercourse which flows on the boundary of the site. Consideration will need to be given to bridge and culvert structures within and adjacent to the site which may exacerbate flood risk. Review of the surface water 1 in 200 year flood map indicates that there may be flooding issues within this site. This should be investigated further and it is recommended that contact is made with the flood prevention officer. Due to the steepness of the adjacent hill slopes we would also recommend that consideration is given to surface water runoff to ensure the site is not |

| Site Ref. | Settlement | Site Name | FRA required | Detailed FR Comments |
|-----------|------------|-------------------------------------|--------------|--|
| | | | | at risk of flooding and nearby development and infrastructure are not at increased risk of flooding. |
| BWESR001 | Westruther | Land South West of Mansefield House | Yes | We require an FRA which assesses the risk from the small watercourse adjacent to the site. Site is relatively flat and hydrology would appear complicated at site. Consideration should be given to bridge and culvert structures which may exacerbate flood risk. Review of the surface water 1 in 200 year flood map indicates that there may be flooding issues within this site. This should be investigated further and it is recommended that contact is made with the flood prevention officer. |
| AGREE009 | Greenlaw | Greenlaw Poultry Farm | Yes | Should the layout or land-use differ from what was previously agreed we would require an FRA which assesses the risk from the Blackadder Water and small watercourse along the eastern boundary. Due to the steepness of the adjacent hill slopes we would also recommend that consideration is given to surface water runoff to ensure the site is not at risk of flooding and nearby development and infrastructure are not at increased risk of flooding. |
| AWESR002 | Westruther | Edgar Road | Yes | We require an FRA which assesses the risk from the small watercourse adjacent to the site. Site is relatively flat and hydrology would appear complicated at site. Consideration should be given to bridge and culvert structures which may exacerbate flood risk. Review of the surface water 1 in 200 year flood map indicates that there may be flooding issues within this site. This should be investigated further and it is recommended that contact is made with the flood prevention officer. |

| Site Ref. | Settlement | Site Name | FRA required | Detailed FR Comments |
|-----------|-------------|------------------------|--------------|---|
| AGALA029 | Galashiels | Netherbarns | Yes | We require an FRA which assesses the risk from the River Tweed. Review of the surface water 1 in 200 year flood map and steep topography nearby indicates that there may be flooding issues within this site. This should be investigated further and it is recommended that contact is made with the flood prevention officer. Site will need careful design to ensure there is no increase in flood risk elsewhere and proposed housing is not affected by surface runoff as properties/ infrastructure upslope have been affected by flooding. |
| ASELK040 | Selkirk | Philiphaugh Mill | N/A | We require the removal of this site from the Supplementary Guidance. We provided a report with our response to the 'call for sites' consultation in summer 2016 which we repeat in this representation. The site is entirely within the floodplain and has flooded in the past. |
| BGALA006 | Galashiels | Land at Winston Road I | Yes | We require an FRA which assesses the risk from the River Tweed. Consideration will need to be given to bridge and culvert structures within and adjacent to the site. Review of the surface water 1 in 200 year flood map indicates that there may be flooding issues within this site. This should be investigated further and it is recommended that contact is made with the flood prevention officer. |
| BWEST003 | West Linton | Deanfoot Road North | Yes | Site has reduced in size. We require an FRA which assesses the risk from the small watercourse (potentially called The Dean) which flows through the site. Consideration should be given to bridge and culvert structures which may exacerbate flood risk. Review of the surface water 1 in 200 year flood map and nearby steep topography indicates that there may be flooding issues within this site. This should be investigated further |

| Site Ref. | Settlement | Site Name | FRA required | Detailed FR Comments |
|-----------|------------|--------------------------------|--------------|---|
| | | | | and it is recommended that contact is made with the flood prevention officer. Site will need careful design to ensure there is no increase in flood risk elsewhere and proposed housing is not affected by surface runoff. |
| AEDDL009 | Eddleston | Land south of cemetery | Yes | We require an FRA which assesses the risk from the Eddleston Water. Any nearby small watercourses should be investigated as there was a mill dam upslope of the site in the past to ensure there are no culverted watercourses through the site. Review of the surface water 1 in 200 year flood map indicates that there may be flooding issues within the site. This should be investigated further and it is recommended that contact is made with the flood prevention officer. Due to the steepness of the adjacent hill slopes we would also recommend that consideration is given to surface water runoff to ensure the site is not at risk of flooding and nearby development and infrastructure are not at increased risk of flooding. |
| MDUNS005 | Duns | South of Earlsmeadow (Phase 1) | Yes | We require an FRA which assesses the risk from the potentially culverted small watercourse which is identified as being located along the northern boundary. Recent studies have not identified the exact location of the culvert. We do not support development over culverts that are to remain active. We would note that the OS Map identifies this area as boggy which may constrain development. We also understand that land-raising done as part of the high school development may alter flooding and flow-paths. Review of the surface water 1 in 200 year flood map indicates that there may be flooding issues at this site or immediately adjacent. This should be investigated further and it is recommended that |

| Site Ref. | Settlement | Site Name | FRA required | Detailed FR Comments |
|-----------|------------|-------------------------------|--------------|---|
| | | | | contact is made with the flood prevention officer. |
| ADENH006 | Denholm | Land south east of Thorncroft | Yes | We require an FRA which assesses the risk from the small watercourses which flow along the boundary of the site. These watercourses then enter a FPS which will require careful consideration to ensure there is no increase in flood risk due to site development. The study undertaken by JBA indicates that part of the site is at risk of flooding but it does not appear to fully modelled the adjacent watercourse. Consideration will need to be given to any culverts/ bridges which may exacerbate flood risk. Site may be constrained due to flood risk. Due to steep topography through the allocation site, consideration should be given to surface runoff issues to ensure adequate mitigation is implemented. Site will need careful design to ensure there is no increase in flood risk elsewhere and proposed housing is not affected by surface runoff. |
| AECKF002 | Eckford | Land at the Black Barn | Yes | Review of OS Map indicates a potentially culverted watercourse along the eastern boundary of the site. We would recommend that this is investigated as part of an FRA. We do not support development over culverts that are to remain active. |

| Site Ref. | Settlement | Site Name | FRA required | Detailed FR Comments |
|-----------|------------|----------------------|--------------|--|
| AEDNA011 | Ednam | Cliftonhill (V) | Yes | We require an FRA which assesses the risk from the small watercourse which flows adjacent to the site and enters the Eden Water. Consideration will need to be given to bridge and culvert structures within and adjacent to the site. Review of the surface water 1 in 200 year flood map and steep topography indicates that there may be flooding issues at this site or immediately adjacent. This should be investigated further and it is recommended that contact is made with the flood prevention officer. Site will need careful design to ensure there is no increase in flood risk elsewhere and proposed housing is not affected by surface runoff. |
| AMELR013 | Melrose | Harmony Hall Gardens | Yes | We require an FRA which assesses the risk from the River Tweed. There was previously a mill lade which flowed along the northern boundary which will also require consideration. |

9. Surface water hazard

- 9.1 Sites identified in Table 9– Sites with potential surface water hazard, have a potential surface water flood risk; we recommend that this issue is taken forward through discussion with your flood prevention and roads department colleagues and Scottish Water, where relevant.
- 9.2 It is noted that additional site specific information may only serve to identify that development at the site would be contrary to the SPP and the principles of sustainable flood management.

Table 9. Sites with potential surface water hazard

| Site Ref. | Settlement | Site Name | Surface Water Hazard |
|------------------|-------------------|-------------------------------------|-----------------------------|
| MINNE003 | Innerleithen | Land west of Innerleithen | Yes |
| SCARD002 | Cardrona | Land at Nether Horsburgh | Yes |
| MESHI002 | Eshiels | Land at Eshiels II | Yes |
| MESHI001 | Eshiels | Land at Eshiels I | Yes |
| APEEB056 | Peebles | Land south of Chapelhill Farm | Yes |
| SPEEB008 | Peebles | Land west of Edderston Ridge | Yes |
| BGREE005 | Greenlaw | Land south of Edinburgh Road | Yes |
| AHAWI027 | Hawick | Burnfoot (Phase 1) | Yes |
| BHAWI003 | Hawick | Gala Law II | Yes |
| BHAWI004 | Hawick | Land to south of Burnhead | Yes |
| ACOLD014 | Coldstream | Hillview North I (Phase 2) | Yes |
| RHAWI017 | Hawick | Former Peter Scott Building | Yes |
| RHAWI018 | Hawick | Buccleuch Mill | Yes |
| REYEM007 | Eyemouth | Former Town Hall | Yes |
| SEDDL001 | Eddleston | North of Bellfield II | Yes |
| SPEEB009 | Peebles | East of Cademuir Hill | Yes |
| BWESR001 | Westruther | Land South West of Mansefield House | Yes |
| AGREE009 | Greenlaw | Greenlaw Poultry Farm | Yes |
| AWESR002 | Westruther | Edgar Road | Yes |
| AGALA029 | Galashiels | Netherbarns | Yes |
| ASMAI002 | Smailholm | Land at West Third | Yes |
| RJEDB006 | Jedburgh | Jedburgh Grammar School I | Yes |
| RJEDB005 | Jedburgh | Jedburgh Grammar School II | Yes |
| RJEDB004 | Jedburgh | Parkside Primary School | Yes |
| RJEDB003 | Jedburgh | Howdenburn Primary School | Yes |
| BGALA006 | Galashiels | Land at Winston Road I | Yes |
| BWEST003 | West Linton | Deanfoot Road North | Yes |
| AJEDB018 | Jedburgh | Land East of Howdenburn Court II | Yes |
| AEDDL008 | Eddleston | Land west of Elibank Park | Yes |
| AEDDL009 | Eddleston | Land south of cemetery | Yes |
| MDUNS005 | Duns | South of Earlsmeadow (Phase 1) | Yes |
| ADENH006 | Denholm | Land south east of Thorncroft | Yes |

| Site Ref. | Settlement | Site Name | Surface Water Hazard |
|------------------|-------------------|--------------------------------|-----------------------------|
| ADOLP004 | Dolphinton | Land to north of Dolphinton | Yes |
| AANCR002 | Ancrum | Dick's Croft II | Yes |
| AOXTO010 | Oxton | Nether Howden | Yes |
| AEDNA011 | Ednam | Cliftonhill (V) | Yes |

Appendix 3 – SEPA comments on Policy Review

Table 10. Summary of policy comments

| Policy | Policy Title | Nature of Representation |
|---------------|--|--|
| PMD1 | Sustainability | We support the retention of this policy |
| PMD2 | Quality Standards | We support the retention of this policy |
| PMD3 | Land Use Allocations | We support the retention of this policy |
| PMD4 | Development outwith development boundaries | We support the retention of this policy |
| PMD5 | Infill Development | We support the retention of this policy |
| ED1 | Protection of Business and Industrial Land | We support the retention and modification of this policy |
| ED2 | Employment uses outwith Business and Industrial Land | We have no comments on this policy |
| ED3 | Town Centres and Shopping Development | We have no comments on this policy |
| ED4 | Core Activity Areas in Town Centres | We have no comments on this policy |
| ED5 | Regeneration | We have no comments on this policy |
| ED6 | Digital Connectivity | We have no comments on this policy |
| ED7 | Business, Tourism and Leisure Development in the Countryside | Modification of policy to clarify balance against environmental considerations |
| ED8 | Caravan and Camping Sites | We support the principle of the policy and the update in wording |
| ED9 | Renewable Energy Development | We support the principle of the retention of the policy and requested modifications to policy wording |
| ED10 | Protection of Agricultural Land and Carbon Rich Soils | We support the retention of this policy |
| ED11 | Safeguarding of Mineral Deposits | We support the retention of this policy |
| ED12 | Mineral and Coal Extraction | We support the retention of this policy |
| HD1 | Affordable and Special Needs Housing | We have no comments on this policy |
| HD2 | Housing in the Countryside | We support the retention of this policy |
| HD3 | Protection of Residential Amenity | We support the expansion of this policy |
| HD4 | Meeting the Housing Land Requirement/Further Housing Land Safeguarding | We support the retention and minor amendments to this policy |
| HD5 | Care and Retirement Homes | We support the retention of this policy |

| Policy | Policy Title | Nature of Representation |
|---------------|--|---|
| EP1 | International Nature Conservation Sites and Protected Species | We have no comments on this policy |
| EP2 | National Nature Conservation and Protected Species | We have no comments on this policy |
| EP3 | Local Biodiversity | We have no comments on this policy |
| EP4 | National Scenic Areas | We have no comments on this policy |
| EP5 | Special Landscape Areas | We have no comments on this policy |
| EP6 | Countryside Around Towns | We have no comments on this policy |
| EP7 | Listed Buildings | We have no comments on this policy |
| EP8 | Archaeology | We have no comments on this policy |
| EP9 | Conservation Areas | We have no comments on this policy |
| EP10 | Gardens and Designed Landscapes | We have no comments on this policy |
| EP11 | Protection of Greenspace | We have no comments on this policy |
| EP12 | Green Networks | We support the retention of this policy |
| EP13 | Trees, Woodlands and Hedgerows | We have no comments on this policy |
| EP14 | Coastline | We have no comments on this policy |
| EP15 | Development Affecting the Water Environment | We support the inclusion of this policy |
| EP16 | Air Quality | We support the inclusion of this policy |
| IS1 | Public Infrastructure and Local Service Provision | We support the retention of this policy |
| IS2 | Developer Contributions | We support the inclusion of this policy |
| IS3 | Developer Contributions Related to the Borders Railway | We have no comments on this policy |
| IS4 | Transport Development and Infrastructure | We have no comments on this policy |
| IS5 | Protection of Access Routes | We have no comments on this policy |
| IS6 | Road Adoption Standards | We have no comments on this policy |
| IS7 | Parking Provision and Standards | We have no comments on this policy |
| IS8 | Flooding | Modifications to policy wording |
| IS9 | Waste Water Treatment Standards and Sustainable Urban Drainage | We support the inclusion of this policy but have suggested minor alteration to wording |

| Policy | Policy Title | Nature of Representation |
|---------------|------------------------------------|--|
| IS10 | Waste Management Facilities | We support the retention of this policy |
| IS11 | Hazardous Developments | We support the retention of this policy |
| IS12 | Development Within Exclusion Zones | We have no comments on this policy |
| IS13 | Contaminated Land | We have no comments on this policy |
| IS14 | Crematorium Provision | We have no comments on this policy |
| IS15 | Radio Telecommunications | We have no comments on this policy |
| IS16 | Advertisements | We have no comments on this policy |
| IS17 | Education Safeguarding | We have no comments on this policy |

Overall we are generally content with the policies proposed for retention for LDP2 and have provided several requirements and recommendations for policies in reflection of the updates to policy positions since we previously commented on the Proposed Plan in 2014.

PMD1 Sustainability & PMD2 Quality Standards

We welcome and **support** the continuation and updating of both of these policies. We welcome that the comments we made at the Proposed Plan stage have been taken into account, and consider that both these policies alongside Policy EP12 Green Network are important to the major of the policies in the plan.

We continue to **support** the inclusion in Sustainability subsection a) of the standards that require developers to demonstrate appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources such as District Heating Schemes. We are happy to continue working with Scottish Borders Council in the drafting of policy wording which reflects the ambitions of the Council and this policy.

We note and welcome the reference to the production of SG on waste and would welcome the opportunity to assist in the production of this.

We welcome the reference to Green Infrastructure within section c of the policy. This compliments the policy wording on Green Networks and we note that this policy is considered relevant to most other policies within the Plan.

ED1 Protection of Business and Industrial Land (previously Policy ED1 Protection of Employment Land)

We welcome the retention of this policy, however recommend that the expansion of uses which are considered complementary to business and industrial uses are considered carefully. We have provided flood risk comments to the allocated business and industrial sites with consideration that it is unlikely that there would be any uses taking place on site that we would categorise as “most” or “highly” vulnerable. As described in the MIR, complementary uses such as a nursery may not be suitable in flood risk terms on the same site allocation as an office building for example. We are happy to discuss this issue in more detail in order to ensure the drafting of policy wording which supports the Council’s ambitions for economic development but is cognisant of the issues with regard to flood risk and particular use types. These comments should also be read in conjunction with our comments in Policy IS8 Flooding.

ED9 Renewable Energy Development

We continue to **welcome** the positive approach made towards renewable energy proposals, as outlined in the Policy ED9 - Renewable Energy Development and the adopted Renewable Energy Supplementary Guidance document. We were pleased to note our advice and comments made in our response PCS/151129 were included in the guidance. We welcome the **retention** of the policy in LDP2, however we do have some comments and requirements due to updates in our position since the adoption of the last LDP.

We **welcome** the statement in paragraph 1.4 of the LDP that the Council intends to take forward work on heat mapping and this commitment is further detailed in the Supplementary Guidance (page 14) with the intention of expanding further on the heat network guidance in LDP2. We also note this commitment in the MIR if work on the heat mapping was sufficiently progressed.

As you may be aware, the national heat map is available on the Scottish Government's website here: <http://www.gov.scot/Topics/Business-Industry/Energy/Energy-sources/19185/Heat/HeatMap>

We will **require** that further specific information is included in the text of Policy ED9 which supports the construction of low carbon energy distribution, district heating networks. Alternatively it may be preferable to draft a new policy the forthcoming plan which specifically outlines the Council's support and information requirements for district heating proposals. We acknowledge that there is support for low carbon energy networks within the background text to the policy, however in order to anchor the policy commitment for such networks, support for such proposals needs to be covered in the text itself.

We **require** this policy (as an insertion to Policy ED9 or new policy) to outline a requirement for substantial new development, such as a new town or sizeable development to connect to an existing or proposed district heating network, or provide a heat network within the site.

We also **require** text within the policy format of LDP2 which identifies that new developments located adjacent to existing or proposed new heat networks or heat supplies should be designed to be capable of connecting to the heat supply. This could include incorporating space to be safeguarded for future pipework/piperuns within developments, incorporating grass/green corridors along footpaths or roads which could be excavated for installing heat network pipes without significant disturbance, and ensuring the new infrastructure does not obstruct the development of planned heat network and district heating systems.

It is acknowledged that due to the scale, form and type of development within the Scottish Borders area, that developments of this scale which would be considered to be "substantial", may not occur regularly. Substantial developments may consist of new towns, urban extensions, large regeneration areas or large development sites subject to master planning. There is, however, an element of judgment that will need to be applied by the Council and it might be that some sites offer significant potential for heat networks due their location, support from the local authority and 'buy in' from developers. In order to meet the energy efficiency requirements and targets set by the Scottish Government, as outlined in paragraph 1.2, renewable energy generated needs to be used by new developments.

In order to deliver the Scottish Government's ambitions for 1.5tw of heat demand delivered by district or communal heating and for 40,000 homes to be heated through heat networks, new developments need to be designed to incorporate district heating. Where substantial new developments are planned, the opportunity arises for providing a heat network within the site and for this to be required and designed in at the earliest stages. New developments have a role to

play in not only establishing and creating these networks, but also in connecting to networks to make use of heat that is being captured.

Furthermore, paragraph 154 of SPP states that the planning system should support the transformational change to a low carbon economy consistent with national objectives and targets including deriving 11 % of non-electrical heat demand from renewable sources by 2020. Paragraph 159 of SPP goes on to advocate that Local Development Plans should support the development of heat networks in as many locations as possible even where these may be initially reliant on carbon-based fuels if there is potential to convert them to low carbon fuels in the future. Maximising the use of existing waste heat sources should always be explored and heat mapping used to co-locate developments with a high heat demand with sources of heat supply (paragraph 158).

Paragraph 159 of SPP also states that LDPs should specifically identify appropriate locations for the development of heat networks/storage/energy centres and include heat policies that support the implementation of this approach.

ED10 Protection of Agricultural Land and Carbon Rich Soils

We **support** the inclusion of this policy which covers carbon rich soils and peat and takes into account previous comments we made on the draft policy wording.

We continue welcome the policy requirement for a soil (or peat) survey to demonstrate that the areas of highest quality soil or deepest peat have been avoided. We also welcome the requirement for the provision of a soil or peat management plan in order to demonstrate that any unnecessary disturbance, degradation or erosion has been minimised, which includes proposed mitigation measures. This is particularly important for developments on peat, as bad management practices can disturb peat leading to oxidation and drying, and the unnecessary release of carbon dioxide.

The Development Plan Guidance Notes (Soils) referenced at the beginning of the document also contains a number of references and guidance which we would **recommend** signposting to as part of the policy text to ensure it remains up to date as possible prior to publication and adoption.

EP12 Green Networks

We continue to **support** the inclusion of this policy, specifically welcoming that the water environment is included as part of green network. This will help to contribute to the delivery of the River Basin Management Plan (RBMP) and Flood Risk Management Plan (FRMP) objectives of the Council. We welcome that paragraph 1.4 refers to the improvement of the quality of the water environment.

We welcome the cross reference to policy PMD2 Quality Standards.

EP15 Development Affecting the Water Environment

We **welcome** the retention of this policy as it provides good coverage of the 'protection and improvement' objective of Water Framework Directive (WFD). The first line of the policy stating that the Council will support for development proposals which seek to bring an improvement to the quality of the water environment.

EP16 Air Quality

We **support** the inclusion of this policy. It should ensure that new developments do not have an adverse impact on air quality either through exacerbation of existing air quality problems or the introduction of new sources of pollution where they would impact on sensitive receptors. We welcome the requirement for Air Quality Assessments in cases where the Council considers that air quality may be affected by development proposals.

The successful implication of this policy will be reliant on development management officers being able to identify when an air quality assessment is required. Relevant developments are likely to be those that involve emissions to air (e.g. biomass or EfW applications) or lead to increased traffic on specific routes. It is important to note that, when considered in isolation, a single development is unlikely to have a significant impact on local air quality and may not trigger the need for an Air Quality Assessment. However, when it is considered alongside other developments in and around the area that may also increase traffic, the cumulative impact on some routes is likely to be more significant and could result in a breach of an air quality standard.

IS2 Developer Contributions

We **support** the continuation of this policy and welcome that contributions could be sought for the protection/enhancement of environmental assets (which would include the water environment), foul and surface water drainage and the provision of facilities to collect, store and recycle waste.

IS 8 Flooding

We welcome the framework provided by this policy, and we are pleased to note that the policy is strengthened by the inclusion an overarching statement that promotes the avoidance of flood risk. This precautionary approach is supported by SPP and the Flood Risk Management (Scotland) Act 2009. We have previously requested in our response to the 2014 Proposed Plan consultation that the Policy IS8 be modified to state clearly that development on the functional flood plain should be avoided and we acknowledge that the policy does state that development should be located away from them.

We are also pleased to note that the policy includes a statement about avoidance of flood risk as a first principle.

We would reiterate our **recommendation** from our 2014 Proposed Plan response that paragraph one is amended to clarify what is meant by *significant* flood risk (we note that the second paragraph highlights the 0.5% probability, but we consider that this should be explained in the first paragraph). In accordance with the risk framework in Scottish Planning Policy this should include flooding up to and including a 1 in 200 year flood event.

We **require** that the wording under Policy IS8 a) is **modified** from “essential civil infrastructure” to “civil infrastructure” and the development described such as hospitals, fire stations, schools and care homes, be separated from the development described as ground-based electrical and telecommunications equipment which is “essential infrastructure.” Essential infrastructure can be located in areas where the flood risk is greater than 0.5% annual probability, however civil infrastructure will never be acceptable in these locations. We are happy to discuss future wording for the policy to ensure that this is clear and we refer you to our [Land Use Vulnerability Guidance](#) which sets out a framework to assist the assessment of vulnerability of different types of land use to the impact of flooding. This is based on the risk framework in SPP and classifies the relative vulnerability of land uses into five groups from most vulnerable uses to water compatible uses. This could be included to ensure that flood risk vulnerability of the proposed land use is appropriate for the location and degree of flood risk to the site. For example, in flood risk areas less vulnerable land uses such as commercial or industrial should be favoured over residential use

(especially on the ground floor). This approach is supported by the Scottish Government and is a principle promoted in the Flood Risk Management Act 2009 in relation to reducing overall flood risk (duties placed on local authorities in Section 1 of the Act).

We **require** that the policy identifies that a precautionary approach should be taken to proposed allocations in areas protected by a formal flood protection scheme. The categories of development allocation would generally be acceptable when protected by an existing or planned formal flood protection scheme within a built up area are outlined in our Development Plan Flood Risk Guidance referenced at the beginning of the letter. It is recommended that any allocated site protected by a formal scheme is built to a water resilient design and has adequate evacuation procedures in place that are appropriate to the level of risk and use. This is matter for solely sbc. We are happy to discuss policy wording with Scottish Borders Council in advance of the draft Proposed Plan.

We **recommend** that the role of sustainable flood risk management should be recognised in the context of sustainable placemaking and blue/green infrastructure as part of the policy text. This includes the policy framework for sustainable placemaking and blue/ green infrastructure and the identification of existing and creation of new blue/green infrastructure in the spatial strategy.

These comments should also be read in conjunction with our comments in Policy ED1 Protection of Business and Industrial Land (previously Policy ED1 Protection of Employment Land) with regard to the comments we made regarding consideration of complementary uses.

We would also add for awareness that SEPA will shortly be publishing updated guidance on “Climate Change allowances for flood risk assessment in land use planning”, which will supersede all current guidance on climate change and land use planning. We are currently processing outputs from UKCP18 to provide a table of regional sea level rise allowances up to 2100 and we expect to have this finished to be incorporated into the guidance in Spring 2019.

Further work is required to translate the UKCP18 projections for rainfall and temperature into climate change allowances for river flows. Together with the Environment Agency we have commissioned CEH to produce new projections for flood flows for catchments larger than 100 km² using the UKCP18 projections. These will be available in mid-2019. Until then recommended climate change allowances for river flow will be based on the regional uplifts from the 2011 study by CEH, “An assessment of the vulnerability of Scotland’s river catchments and coasts to the impacts of climate change”, which is available from our website.

The current outputs from UKCP18 do not provide projections for short duration heavy rainfall which can cause surface water flooding and flooding in flashy catchments. It is anticipated that these will be released by the UKCP18 project in mid-2019. Additional research is likely to be required to translate these into guidance. In the meantime, the most up-to-date projections for short duration high intensity rainfall are those from the 2017 UK Water Industry Research Project, “Rainfall Intensity for Sewer Design, Phase 2”.

IS9 Waste Water Treatment Standards and Sustainable Urban Drainage

We **support** the retention of this policy and the intention to expand it to include reference to the forthcoming SG on SUDS.

We **recommend** that the policy background text is also expanded to acknowledge and support multiple benefits are delivered as a result of improvements to the ground water environment through SUDS such as the development of green/blue infrastructure and contributions which can be made to sustainable placemaking.

We also **recommend** that with the policy background text that reference is made to the requirement for Controlled Activities Regulations (CAR) construction site licences for the management of surface water run-off from a construction sites, including access tracks, which are,

- is more than 4 hectares,
- is in excess of 5km, or
- includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25°

SEPA's [Sector Specific Guidance: Construction Sites \(WAT-SG-75\)](#) provide further specific details. We would also advise that site design can be affected by pollution prevention requirements and therefore we strongly encourage pre-CAR application engagement discussions with the SEPA regulatory teams.

Waste – General Comments

We **support** the inclusion of making adequate provision for waste management as one of the Local Development Plan aims, and the positive approach taken towards waste management as stated in paragraph 3.8 of page 16 that “*The provision of land to deal with waste is also a role for the Plan. Where this involves facilities for recycling or waste reduction, then this in turn will also help to reduce dependence on landfill sites.*” We also **support** the aim for Easter Langlee in Galashiels (paragraph 3.19, page 17) to improve recycling beyond the existing levels and the opportunity to create the provision of district heating in nearby areas.

New Policies

Cemeteries

We **support** the replacement of cemetery allocations with a policy based approach, with the intentions of protecting existing cemetery sites and the application of criteria for new sites or expansions. We strongly recommend that SBC engages with SEPA with regard to the proposed wording, particularly with regard to the criteria to ensure that the proposed policy complies with current regulatory standards and future developments do not have any detrimental impacts on the water environment. We also recommend SBC reviews SEPA's current [Guidance on Assessing the Impacts of Cemeteries on Groundwater](#) with regard to cemetery proposals to ensure the proposed policy draft is cognisant of the application requirements for such developments.

Appendix 4. Summary of Comments of Preferred and Alternative Sites

| Site Ref. | Settlement | Site Name | FRA required | Surface Water Hazard | Water Environment Considerations | Co-location Issues |
|-----------|--------------|-------------------------------------|--------------|----------------------|----------------------------------|--------------------|
| MINNE003 | Innerleithen | Land west of Innerleithen | Yes | Yes | Yes | No |
| SCARD002 | Cardrona | Land at Nether Horsburgh | Yes | Yes | Yes | No |
| MESHI002 | Eshiels | Land at Eshiels II | Yes | Yes | Yes | Yes |
| MESHI001 | Eshiels | Land at Eshiels I | Yes | Yes | Yes | Yes |
| APEEB056 | Peebles | Land south of Chapelhill Farm | Yes | Yes | Yes | No |
| SPEEB008 | Peebles | Land west of Edderston Ridge | Yes | Yes | Yes | No |
| BGREE005 | Greenlaw | Land south of Edinburgh Road | No | Yes | Yes | No |
| AHAWI027 | Hawick | Burnfoot (Phase 1) | Yes | Yes | Yes | No |
| BHAWI003 | Hawick | Gala Law II | No | Yes | Yes | No |
| BHAWI004 | Hawick | Land to south of Burnhead | No | Yes | Yes | No |
| ACOLD014 | Coldstream | Hillview North I (Phase 2) | No | Yes | Yes | No |
| ACRAI004 | Crailing | Crailing Toll (larger site) | Yes | No | Yes | No |
| RHAWI017 | Hawick | Former Peter Scott Building | Yes | Yes | Yes | No |
| RHAWI018 | Hawick | Bucleuch Mill | Yes | Yes | Yes | No |
| REYEM007 | Eyemouth | Former Town Hall | Yes | Yes | Yes | No |
| SEDDL001 | Eddleston | North of Bellfield II | Yes | Yes | Yes | No |
| SPEEB009 | Peebles | East of Cademuir Hill | Yes | Yes | Yes | No |
| ADARN005 | Darnick | Land south of Darnlee | No | No | Yes | No |
| AREST005 | Reston | Land East of West Reston | No | No | Yes | No |
| BWESR001 | Westruther | Land South West of Mansefield House | Yes | Yes | Yes | No |
| AGREE008 | Greenlaw | Halliburton Road | No | No | Yes | No |
| AGREE009 | Greenlaw | Greenlaw Poultry Farm | Yes | Yes | Yes | Yes |
| AWESR002 | Westruther | Edgar Road | Yes | Yes | Yes | No |
| AGALA029 | Galashiels | Netherbarns | Yes | Yes | Yes | No |
| ASMAI002 | Smailholm | Land at West Third | No | Yes | Yes | No |
| RJEDB006 | Jedburgh | Jedburgh Grammar School I | Yes | Yes | Yes | No |

| Site Ref. | Settlement | Site Name | FRA required | Surface Water Hazard | Water Environment Considerations | Co-location Issues |
|------------------|-------------------|----------------------------------|---------------------|-----------------------------|---|---------------------------|
| RJEDB005 | Jedburgh | Jedburgh Grammar School II | Yes | Yes | Yes | No |
| RJEDB004 | Jedburgh | Parkside Primary School | No | Yes | Yes | No |
| RJEDB003 | Jedburgh | Howdenburn Primary School | No | Yes | Yes | No |
| BGALA006 | Galashiels | Land at Winston Road I | Yes | Yes | Yes | Yes |
| BWEST003 | West Linton | Deanfoot Road North | Yes | Yes | Yes | No |
| AJEDB018 | Jedburgh | Land East of Howdenburn Court II | No | Yes | Yes | No |
| AEDDL008 | Eddleston | Land west of Elibank Park | No | Yes | Yes | No |
| AEDDL009 | Eddleston | Land south of cemetery | Yes | Yes | Yes | No |
| MDUNS005 | Duns | South of Earlsmeadow (Phase 1) | Yes | Yes | Yes | No |
| AGORD004 | Gordon | Land at Eden Road | No | No | Yes | No |
| AEDNA013 | Ednam | Land north of Primary School | No | No | Yes | No |
| ADENH006 | Denholm | Land south east of Thorncroft | Yes | Yes | Yes | No |
| ADOLP004 | Dolphinton | Land to north of Dolphinton | No | Yes | Yes | Yes |
| AECKF002 | Eckford | Land at the Black Barn | Yes | No | Yes | No |
| AANCR002 | Ancrum | Dick's Croft II | No | Yes | Yes | Yes |
| AOXTO010 | Oxton | Nether Howden | No | Yes | Yes | No |
| AEDNA011 | Ednam | Cliftonhill (V) | Yes | Yes | Yes | No |
| AMELR013 | Melrose | Harmony Hall Gardens | Yes | No | Yes | No |
| AGRAN004 | Grantshouse | Land north of Mansefield | No | No | Yes | No |