



Case reference	NA-SBD-049
Application details	Erection of class 1 retail foodstore
Site address	Wilton Mills 31-32 Commercial Road Hawick
Applicant	Wilton Mills Ltd
Local Authority Area	Scottish Borders Council
Reason(s) for notification	Category 2 (Objection by SEPA)
Objectors	8 objections, including a petition with 309 signatures and a petition signed by 23 owners of local businesses, 3 in support and 1 letter of representation
Date notified to Ministers	Fully documented on 30 May 2016
Date of recommendation	24 June 2016
Decision / recommendation	Clear

Description of Proposal and Site:

- The proposal is for the erection of a Class 1 retail foodstore (Aldi) with ancillary works, on a 0.9 ha site, with car parking, access and landscaping.
- Wilton Mills is a brownfield site on the outer edge of Hawick town centre within a conservation area. The site, now cleared of buildings, is a regeneration priority area.
- The site faces the River Teviot separated by Commercial Road (the A7 trunk road), there is an existing stone wall between the road and the river.
- The site lies within an area identified as having a medium to high risk of flooding.
- The site has had previous planning consents including: alterations to form trade showroom (1995); alterations to form retail and office premises (2003), alterations to form college building (2005), erection of 24 flats (2010) notified and cleared. It is noted that this history precedes the current guidance on Flood Risk in Scottish Planning Policy (SPP).

EIA Development:

- The proposal fits the description of being an urban development project under 10(b) of the table in Schedule 2, and exceeds the size threshold of 0.5ha. The Council has screened the proposal and is of the view that an EIA is not required. This is considered to be reasonable.

Consultations and Representations:

- SEPA objects to the proposal on the grounds that it may place buildings and persons at flood risk contrary to SPP. The site has a medium to high flood risk – meaning an annual probability of flooding greater than 0.5% (1:200 years). SEPA's key concerns are: drainage during high flows in the River Teviot; the flood risk from the lade structures that

historically flowed through the site; land-raising of the site to reduce the risk of flooding from the River Teviot; and, bridge blockage potential.

- There are no objections from other statutory consultees.
- Eight representations have been received objecting to the application, including a petition with 309 signatures, and a petition signed by 23 owners of local businesses, three in support and one letter of representation.
- Following notification to Scottish Ministers, the Scottish Government's Flooding team was consulted and has recommended that the development does not raise any issues of national importance which would warrant its call in by Scottish Ministers.

Assessment:

1. The Council's Local Review Body (LRB) is minded to grant planning consent for this proposal against the advice of SEPA and the application has been duly notified to Scottish Ministers as a result of that objection.
2. The LRB has reversed the decision of the appointed officer to refuse the application. In deciding to grant permission, in relation to flood risk, the LRB note that the appointed officer accepted that the proposal would not result in a significant increase in flood levels at neighbouring properties to warrant refusal of the application on flooding grounds. Officers had recommended refusal primarily on the grounds of retail capacity. The fact that the site has historically comprised building, is now derelict, in a prominent position and a regeneration priority in the LDP and SPG are considered by the LRB to be significant material considerations.
3. SEPA's concerns relate to the medium to high flood risk category and the risk of flooding from the River Teviot. The development is on a site that lies within the 1 in 200 year inundation outline for the River Teviot. The proposals would involve land raising, which the SPP states should generally be avoided since it reduces the storage capacity of the flood plain. SEPA has commented that land raising should be kept to an absolute minimum and car parking should be kept to existing ground levels. SEPA advises that there is a flood protection scheme proposed for the town which is anticipated to protect Hawick to a 1 in 75 year flood event but not to a 1 in 200 year plus climate change return period standard of protection which is a requirement of SPP.
5. The Council's Flood Protection Officer had advised that as there is no capacity for compensatory storage provisions, there should be no land raising at the site as this would further remove storage capacity; and, the car parking should be left at current levels. The Flooding Statement from Terrenus dated 18 February says that "The proposed development design at Commercial Road makes every effort to comply with the above requirements", although it doesn't give any specific details on how it would comply. However, it is noted that the Flood Risk Assessment concludes that the development would have a neutral impact on site neighbours. There are conditions proposed to mitigate flood risk. Condition 27 of the proposed consent requires the flood mitigation measures contained within Part 4 of the Flood Risk Assessment November 2014 prepared by Terrenus Land & Water to be implemented as part of the development to address issues of potential flood risk as the site is at risk from flooding.
6. The Scottish Government Managing Flood Risk Team have recommended that the development does not raise any issues of national importance which would warrant its call in by Scottish Ministers.

Decision/Recommendation:

- Clear back to Scottish Borders Council.