

Case reference	NA-SBD-052
Application details	Erection of agricultural building and formation of soil bund (retrospective)
Site address	Todshawhaugh Farm, Roberton, Hawick
Applicant	J C Hobday & Son
Determining Authority	Scottish Borders Council
Local Authority Area	
Reason(s) for notification	Category 2 (Objection by SEPA)
Representations	Nil
Date notified to Ministers	9 November 2016
Date of recommendation	25 November 2016
Decision / recommendation	Clear

Description of Proposal and Site:

- Todshawhaugh Farm is situated to the south west of Hawick. The Borthwick Water loops around the farm steading to the north and west.
- The application is in retrospect and is for an agricultural building and an agricultural bund (56m by 12m by 1.7m in height) to the west of the farm steading adjacent to Borthwick Water. The bund has been constructed from the spoil from excavations to form a level site for the new agricultural building.
- In 1995 planning permission was granted for the erection of steel framed farm building. In 2006 permission was granted for the erection of agricultural building.

EIA Development:

- The agricultural building and the bund are Schedule 2 developments. Having taken into account any sensitive areas, characteristics and location of development, and potential impacts, the screening opinion concludes that the development is not likely to have significant environmental effects and does not require an EIA. There is nothing to question that opinion.

Consultations and Representations:

- While there are no objections to the agricultural building, SEPA maintain their objection to the earth bund. The site is at risk from a flood event with a return period of 1 in 200 years. That is a 0.5% annual risk of a flood occurring in any

one year. SEPA object to the bund on grounds of lack of information by way of Flood Risk Assessment, and consider the bund may lead to an increase in flood risk through the loss of storage and conveyance within the functional floodplain.

- The Council's Flood Protection Team withdrew their initial objection after a site-visit, as well as viewing photos and historical maps. The Council's Flood Officer found that there was no significant alterations to the flow mechanics at this site that would significantly reduce the storage capacity at the site and increase flood risk to property downstream.
- The Scottish Government's flood risk team having considered this case and do not consider that the application should be called-in. They state that whilst a formal Flood Risk Assessment would have been useful, the Council's Flood Protection Team has considered the information provided and seems satisfied that there would be no increased flood risk to property downstream. They conclude that the development does not raise any issues of national importance which would warrant call-in by Scottish Ministers

Assessment:

1. The Council are 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. SEPA's objection relates to the formation of the bund on the grounds of lack of information (no FRA) and storage capacity. There was no objection to the agricultural building.
2. The Council, in their assessment of the application, consider that in terms of the Scottish Borders Local Development Plan May 2016 the development accords with: policy ED7 regarding business development in the countryside as the building is being directly used for agriculture; policy PMD2 on siting, design and impact on visual amenities – a condition has been attached regarding the soil bund; policy HD3 regarding residential amenity and the rural location of the building.
3. The Council's Flood Protection officer while initially objecting to the bund, after a site visit and further information being presented concluded that there would be no significant alteration to the flow mechanics, that properties downstream are not likely to be affected, and that the property to most likely be affected is owned by the applicant and is unlikely to be placed at increased flood risk.
4. Following notification, the Scottish Governments Flooding Policy Team were consulted and do not recommend the application is called in for decision by Scottish Ministers. They have no issues with the way that flood risk has been assessed and are satisfied with the findings. The likelihood of impact on the applicant's property and other properties is not deemed to be significant. It is considered that this application raises no issues of national importance that would warrant intervention by Scottish Ministers.

Decision/Recommendation:

- It is recommended that the application be cleared back to Scottish Borders Council.