



T: [REDACTED]

E: [REDACTED]

[REDACTED]
Planning Officer
Scottish Borders Council

Your ref: 19/00509/FUL
Our ref: NA-SBD-056
4 March 2020

Dear [REDACTED]

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
THE TOWN AND COUNTRY PLANNING (NOTIFICATION OF APPLICATIONS)
(SCOTLAND) DIRECTION 2009
ERECTION OF CLASS 1 RETAIL STORE AND CLASS 3 RESTAURANT AT LAND WEST
OF STORE J AND R ELLIOT LTD, COMMERCIAL ROAD, HAWICK**

I refer to your e-mail of 14 January 2020 notifying the above application to Scottish Ministers as Scottish Borders Council are minded to grant planning permission for this development against the advice of the Scottish Environment Protection Agency (SEPA).

Having considered the proposal, Scottish Ministers have decided, in terms of Section 46 of the Town and Country Planning (Scotland) Act 1997 to require the application to be referred to them for determination. Accordingly, a Direction, given in terms of Section 46 is enclosed.

Scottish Ministers have given this Direction in view of the proposed development's potential conflict with national policy on flooding and inadequate justification provided for departing from this policy.

Regulation 35 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 requires the planning authority to serve notice on the applicant for planning permission of the terms of the Direction, of the reasons for issuing it, that the application has been referred to Scottish Ministers and that the decision of Ministers will be final. In connection with the service of notice, your attention is drawn to regulation 48 of those Regulations which applies section 271 of the 1997 Act. I should be glad if your Council would serve the required notice and let me have a copy. The planning authority is also required to include a copy of the decision to call in the application on the planning register in accordance with regulation 16 and paragraph 3(d) of Schedule 2.



In terms of the Town and Country Planning (Appeals) (Scotland) Regulations 2013, the application will be submitted to the Directorate for Planning and Environmental Appeals (DPEA) in Falkirk for an examination by a Reporter. I would be grateful if you would prepare all the application documentation and send it to dpea@gov.scot or on pen drive to David Henderson, Head of Performance and Administration, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR who will make arrangements for processing the case. Thereafter the appointed Reporter has been asked to submit a report with recommendations to Scottish Ministers for their consideration and determination.

Any queries relating to the future handling of the case should be directed to DPEA.

Yours sincerely

[Redacted signature]

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
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ERECTION OF CLASS 1 RETAIL STORE AND CLASS 3 RESTAURANT AT LAND WEST
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Scottish Ministers, in exercise of the powers conferred on them by Section 46(1) of the Town and Country Planning (Scotland) Act 1997, and of all other powers enabling them in that behalf, hereby direct that Scottish Borders Council refer to them for determination the application for full planning permission under the Town and Country Planning (Scotland) Act 1997 received by them from Aitken Turnbull Architects on behalf of Image Estates Queen Street, Ltd.

This Direction is given in view of the proposed development's potential conflict with national policy on flooding and inadequate justification provided for departing from this policy.

This Direction may be cited as the Town and Country Planning (Reference of Application) (Scottish Borders Council) (Erection of Class 1 retail store and Class 3 restaurant at land West of Store J and R Elliot Ltd, Commercial Road, Hawick) Direction 2020.


Assistant Planning Decisions Manager

Scottish Government
Directorate for Local Government and Communities
Planning and Architecture Division
Planning Decisions
Victoria Quay
EDINBURGH
EH6 6QQ
4 March 2020