

Our ref: PCS/151890  
Your ref: 2017/0062/DET

If telephoning ask for:  
Simon Watt

16 March 2017

Julie Gray  
Loch Lomond & the Trossachs NPA  
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By email only to: [planning@lochlomond-trossachs.org](mailto:planning@lochlomond-trossachs.org)

Dear Madam

**Town and Country Planning (Scotland) Acts**  
**Planning application: 2017/0062/DET**  
**Erection of new office premises**  
**Sawmill Balliemeanoch, Strachur, Argyll And Bute, PA27 8DW**

Thank you for your consultation email which SEPA received on 03 March 2017.

**Advice for the planning authority**

We **object** to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy. We will review this objection if the issues detailed in Section 1 are adequately addressed.

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

**1. Flood Risk**

1.1 In summary we wish to receive clarification on the following points before we would consider removing our objection to the proposed development:

- Modification of the development to locate the proposed building outwith the functional floodplain in line with Scottish Planning Policy. There may still be the need for adequate flood mitigation measures, which may include compensatory storage.
- Further information on the access and egress arrangements.

- 1.2 We have reviewed the information provided in this consultation and it is noted that the application site (or parts thereof) lies within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding. As noted in the cover letter, the site has experienced flooding, including in the last 15 years, which we consider additional information supporting our concerns that the site is at a risk of flooding.
- 1.3 Scottish Planning Policy (SPP) (paragraph 255) states that “*the planning system should promote... flood avoidance by safeguarding flood storage and conveyance capacity and locating development away from functional floodplains and medium to high risk areas*”. Built development should not therefore take place on the functional flood plain.
- 1.4 We have previously commented on proposals at this site under planning application 2015/0305/DET, raised flooding concerns and requested further information to assess the flood risk. We also offered pre-planning advice (letter dated 13 October 2016 under PCS/149362) on a letter from Terrenus Land and Water (dated June 2016) which outlined flood mitigation measures and the provision of emergency access and egress.
- 1.5 The location of the proposed office building has not been modified as part of this submission. The flood extents determined by the Terrenus Flood Risk Assessment (FRA) show a significant portion of the site as being within the functional (1 in 200 year) floodplain. However, they also do identify a part of the site as being outwith the functional floodplain (albeit within the 1 in 200 year plus climate change extent). The development is still proposed to be located within the functional floodplain of the River Cur.
- 1.6 The previous application stated that “*there is no other ground available within the site that is suitable for the proposed development*”. This was on the basis of various factors, such as minimising pedestrian and traffic interactions, that the location had the best overview of the site and had the best amenity and aesthetics, and the development would occupy “*dead ground*” in the site of limited commercial use to existing operations. While we acknowledge the reasons provided, we do not consider aesthetic or limited commercial use to be valid reasons to locate development within the floodplain. The most sustainable form of flood risk management at the site would be to locate the proposed development outwith the functional floodplain. This is in line with the avoidance principle of SPP. Our previous position remains and we require that the development be located at an alternative, lower risk location.
- 1.7 At pre application stage it was indicated that it was proposed to alter the office development such that the under floor building would be allowed/ designed to inundate. This would be achieved by the use of a suspended floor slab and both high level and low level air venting. Whilst this does not appear to form part of the latest planning application we would reiterate, as stated at pre application stage, that given the office building is entirely new, we would not be supportive of such proposals, particularly given there appear to be lower risk locations (from a flood risk perspective) available within the site. Should the proposal result in a loss of storage from the functional flood plain, we expect compensatory storage to be provided and it demonstrated that there is a neutral or beneficial impact on flood risk. No alternative compensatory storage details have been provided.
- 1.8 We understand that the raised pedestrian walkway is to the A815 and is noted as outwith the functional flood plain (Terrenus Letter dated 20 June 2016). However given that the flood extents within the FRA show an overland flow route onto the road at the south west corner of the site we would have concerns that the road may be inundated via the flow path through the site. We therefore require further information to clarify that safe access and egress is available from the site. The flood early warning system is not mitigation against flooding of the site itself.
- 1.9 The site in question has a risk of flooding and it follows that to allow development to proceed may place property or persons at serious risk contrary to SPP.

- 1.10 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 Loch Lomond & The Trossachs National Park 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/>.

## **Detailed advice for the applicant**

You will note that we have objected to this application and we would recommend that you account for the comments we have provided above.

### **2. Flood Risk**

- 2.1 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> 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/>.
- 2.2 We refer the applicant to the document entitled: "Technical Flood Risk Guidance for Stakeholders". This document provides generic requirements for undertaking Flood Risk Assessments and can be downloaded from <http://www.sepa.org.uk/media/162602/ss-nfr-p-002-technical-flood-risk-guidance-for-stakeholders.pdf>. Please note that this document should be read in conjunction with Policy 41 (Part 2).
- 2.3 Our Flood Risk Assessment checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process. It can be downloaded from <http://www.sepa.org.uk/media/159170/flood-risk-assessment-checklist.xls>.
- 2.4 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.

### **3. Construction/ Demolition, Pollution Prevention**

- 3.1 Construction/demolition works associated with the development of the site must be carried out with due regard to the guidelines on avoidance of pollution. Reference should be made to the relevant Pollution Prevention Guidance (PPG) Notes available on our website at [www.sepa.org.uk](http://www.sepa.org.uk) and to the CIRIA publication C715 "Environmental Good Practice On Site – Pocket Book".
- 3.2 Any waste materials imported to the site during construction must be stored and used only in accordance with a waste management licence or exemption under the Waste Management Licensing (Scotland) Regulations 2011. Similarly, any waste materials removed from the site must be disposed of at a suitably licensed or exempt waste management facility in accordance with these Regulations.
- 3.3 The applicants and their contractors should also be fully aware of the relevant requirements relating to the transport of controlled waste by registered carriers and the furnishing and keeping of duty of care waste transfer notes.

## 4. Construction SUDS

- 4.1 It is a requirement of CAR to provide a SUDS system throughout the construction phase of the development to ensure adequate protection of the water environment. The system should comply with the Rules detailed in GBR's 10 & 11. Suitable pollution control measures should be employed wherever there is an identifiable risk to the water environment. This should give particular consideration to contaminated surface water run-off arising from earthworks, roads, drainage, compounds, concrete batching facilities and any other associated infrastructure.

### **Regulatory advice for the applicant**

## 5. Regulatory requirements

- 5.1 The discharge of sewage effluent to the water environment, inclusive of groundwater, will require to be authorised by us, in accordance with the terms of The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR). Further details on this matter can be found on our website [www.sepa.org.uk](http://www.sepa.org.uk).
- 5.2 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the West Highlands and Argyll operations team in your local SEPA office at:

Kilbrandon House  
Manse Brae  
Lochgilphead  
PA31 8QX

Tel: 01546 602 876

If you have any queries relating to this letter, please contact me by telephone on 01698 839 000 or e-mail at [planning.sw@sepa.org.uk](mailto:planning.sw@sepa.org.uk).

Yours faithfully

Simon Watt  
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](#).*