

1. Introduction

- 1.1 This appeal statement should be read in conjunction with the Notice of Review submitted on 8th January 2014, on behalf of Drummond Estates for the change of use of land comprising an existing caravan club site (5 no. stances) and adjacent land to form a touring caravan site comprising 9 no. stances and formation of internal access road and parking. The planning application (2012/0145/DET) (MBM1) was refused by Loch Lomond & The Trossachs National Park on 30th October 2013 (MBM2).
- 1.2 The proposal requires to be considered under the terms of the National Park Local Plan policies (TOUR3, TRAN3, L1 and ENV16).
- 1.3 In addition it is considered that key material considerations for the Local Review Body (LRB) to take account of are Scottish Planning Policy, the consultation responses from SEPA and also Stirling Council's Flood Prevention Team as well as the fact that there is a recent example where an application for a similar type of development was approved in a similar loch side location.
- 1.4 We therefore contest the National Park's reason for refusal of the planning application and the justification given for the reason within the Report of Handling (MBM3).
- 1.5 In this case it is considered that there would be merit for the LRB to hold a hearing session to discuss the flood risk issues in more detail before reaching their decision.

2. Response to National Park Reason for Refusal

- 2.1 As highlighted above the planning application was refused on 30th October 2013 for the single reason relating to potential flood risk from Loch Earn and Beich Burn.
- 2.2 The planning application was originally submitted in May 2012 and the initial consultation response received from Stirling Council's Flood Prevention Team (29/6/12) recommended the submission of a flood risk assessment (FRA). SEPA's original response dated 25/7/12 recommended refusal but indicated that the objection could be removed following the submission of further information.
- 2.3 Extensive discussions and negotiations subsequently took place between SEPA and the applicant's engineers (Campbell of Doune Ltd) to address the concerns that had been raised by SEPA with the aim of reaching an acceptable solution.
- 2.4 A statement along with drawings from Campbell of Doune Ltd were submitted with the planning application and the application was further supported by a Flood Risk Assessment undertaken by MNV Consulting (January 2013) (MBM4).
- 2.5 The FRA concluded that;
- It provided the most accurate flood level estimates for the development site to date;
 - The hydraulic model of the Beich Burn had used up to date topographic and hydrological information and tested a comprehensive range of scenarios to assess flood risk at the site from both the Beich Burn and Loch Earn;
 - A conservative approach was taken and uncertainties have been accounted for through sensitivity analysis, bridge blockage scenarios and allowances for climate change;
 - The original development site was located within the functional floodplain but to avoid flood risk to temporary residents, it recommended that the stances be relocated on land outwith the functional floodplain;
 - Routine maintenance of the bankside vegetation and debris in the channel is removed to minimise flood risk associated with bridge blockage.
- 2.6 During discussions with the engineers, Mr Milne from SEPA had verbally suggested that the new stances be relocated outwith the functional floodplain. In the email response that Mr Milne sent to the engineers dated 6th March 2013 (MBM5), it can be seen that this suggestion was also confirmed in writing on 3 separate occasions i.e. in paragraphs 9, 10 and 11. The applicants therefore agreed that the area of higher ground suggested by SEPA was a sensible solution and accordingly the layout plan was amended in April 2013 reducing the number of new stances from 5 to 4 and

showing these stances relocated at the northern end of the site and to the east of the existing stances. This revision was also in accordance with the recommendations set out in the MNV FRA (flood scenario 3) i.e. the most conservative scenario which assumes coincident flooding from both the Beich Burn and Loch Earn.

- 2.7 The further consultation response received from SEPA dated 18th June 2013 then went totally against what SEPA had asked the engineers and architects to do in dealing with the flood risk issue. The SEPA objection appeared to be written by someone who had not been involved in the previous discussions and the response clearly took a much harder line in assessing this proposal. It was evident that SEPA decided to ignore all the groundwork and previous discussions that had already taken place.
- 2.8 Despite SEPA's position it is worth pointing out that in response to the additional FRA information and amended plan, Stirling Council's Flood Prevention Team (22nd May 2013) did not object to the application subject to conditions relating to;
- the works being carried out in accordance with the revised site plan drawing;
 - FFL's being set no lower than 99.5AOD thus providing a 600mm freeboard above the 200 year flood level; and
 - that no land raising should take place within the functional floodplain.
- 2.9 Each of the Flood Prevention Team's suggested conditions can be satisfied. The applicant is also prepared to put forward the attached evacuation plan as an added mitigation measure in support of the application, for the LRB to consider (MBM6).
- 2.10 In assessing the planning application the planning officer correctly identified Policy ENV16 – Development in Medium to High Flood Risk Areas as being the key policy consideration. However because SEPA decided to maintain their objection (despite previously offering alternative advice) the planning officer agreed with that response which led him to take the view that the proposal was contrary to this policy and Scottish Planning Policy.
- 2.11 However an alternative lower risk location had been selected as per section a) ii of Policy ENV16 and a FRA had been undertaken in compliance with section b) i, ii, and iii of the policy, which was subsequently approved by Stirling Council's Flood Prevention Team.
- 2.12 The proposal therefore took full account of the relevant policy criteria on flood risk and it is therefore considered that the LRB can support the development as being in accordance with Policy ENV16 subject to appropriate conditions.
- 2.13 It is also considered that the National Park have been inconsistent in their approach to determining this application when a similar proposal for camping and motor homes

at Loch Lubnaig (2013/0008/DET) was approved despite concerns being raised by SEPA. All of the above shows that for whatever reason a much stricter approach was adopted when assessing the merits of this particular application compared to others already approved.

- 2.14 The proposal is also fully supported by other policies within the Local Plan e.g. TOUR3 which supports proposals which enhance and improve existing tourism developments including appropriate small scale expansion. The existing Caravan Club site and fishing and boat hire business are already located at this site.
- 2.15 As noted in the planning officer's Report of Handling the use of the site as a touring caravan site would also alleviate some of the visitor management pressures currently experienced from wild camping/campervans along the north and south shoreline of Loch Earn. Allowing this site to create 9 no. authorised and properly controlled touring caravan stances is a significant material consideration which further strengthens the case for approval of this development.
- 2.16 There are not considered to be any issues raised by Policy L1 – Landscape as the site is already contained by good tree and vegetation cover and Transport Scotland's recommended conditions on visibility splays at the junction with the A85 can be achieved in accordance with Policy TRAN3 as shown on the layout drawing.
- 2.17 Finally we note that no objections were received from any third party.

3	Conclusions
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- 3.1 The principle of this tourism development taking place on this site is entirely consistent with Policy TOUR3 of the Local Plan.
- 3.2 No objections were received to the application and the use of the site as a touring caravan site would also alleviate some of the visitor management pressures currently experienced from wild camping/campervans along the north and south shoreline of Loch Earn.
- 3.3 The planning officer's assessment of this proposal focused on SEPA's response, and did not take account of the earlier discussions and correspondence that had resulted in both a reduction and relocation of the number of stances on the site which is considered to accord with the criteria set out in Policy ENV16.
- 3.4 We would therefore respectfully request that this Notice of Review is determined as being in accordance with the development plan, subject to any conditions that may be considered necessary by the Local Review Body.