

Our ref: PCS 125042
Your ref: 2013/0024/DET

Craig Jardine
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If telephoning ask for:
Diarmuid O'Connor

22 February 2013

By email only to: planning@lochlomond-trossachs.org

Dear Sir

Town and Country Planning (Scotland) Acts
Planning application: 2013/0024/DET
Erection of 6 No. Dwelling houses
Land At Site Of The Former Marie Stuart Hotel, Auchraw Terrace, Lochearnhead

Thank you for your consultation letter which SEPA received on 18 February 2013.

We **object** to this planning application on the grounds of lack of information in respect of Flood Risk. We will remove this objection if the issues detailed below are adequately addressed.

Please note that this advice is given without prejudice to any decision made on elements of the proposal regulated by us, which may take account of factors not considered at the planning stage.

Advice for the planning authority

1. Flood Risk

- 1.1 We have reviewed the information provided in this consultation and it is noted that the application site (or parts thereof) lies within the 1 in 200 year (0.5% annual probability) flood envelope of the Indicative River & Coastal Flood Map (Scotland), and may therefore be at medium to high risk of flooding. In addition, a small watercourse is shown to be culverted though the site.
- 1.2 Scottish Planning Policy states in paragraph 203, that "For planning purposes the functional flood plain will generally have a greater than 0.5% (1:200) probability of flooding in any year. Development on the functional flood plain will not only be at risk itself, but will add to the risk elsewhere." Built development should not therefore take place on the functional flood plain.
- 1.3 Planning Advice Note 69: Planning and Building Standards Advice on Flooding, states in paragraph 75 that "Buildings must not be constructed over an existing drain (including a field drain) that is to remain active."



Chairman
David Sigsworth
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- 1.4 Flooding has been reported in Lochearnhead in 1990, 1993, and 1997. Again, in 2006 and 2009 there is anecdotal evidence that loch levels were high. Insufficient information is provided with this consultation for us to assess flood risk at the site. We therefore **object** to this development until a Flood Risk Assessment is provided in support of the application. We will remove our objection on flood risk grounds if a Flood Risk Assessment (FRA) demonstrates that the development accords with the principles of Scottish Planning Policy. We would highlight that a FRA may only show that a housing development is not suitable (or fewer dwellings possible) at this site.
- 1.5 Consideration should also be given to the steep hill-slopes to the north of the proposed development as surface run-off may also be problematic at this site.
- 1.6 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 Scottish Planning Policy.
- 1.7 In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk the application must be notified to the Scottish Ministers as per The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.
- 1.8 The Indicative River & Coastal Flood Map (Scotland) has been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river cross-sections and low-lying coastal land. The outlines do not account for flooding arising from sources such as surface water runoff, surcharged culverts or drainage systems. The methodology was not designed to quantify the impacts of factors such as flood alleviation measures, buildings and transport infrastructure on flood conveyance & storage. The Indicative River & Coastal Flood Map (Scotland) is designed to be used as a national strategic assessment of flood risk to support planning policy in Scotland. For further information please visit www.sepa.org.uk/flooding/flood_extent_maps.aspx.
- 1.9 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.
- 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 Stirling Council 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 www.sepa.org.uk/planning/flood_risk.aspx.

Detailed advice for the applicant

2. Flood Risk Caveats & Additional Information for Applicant

- 2.1 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 www.sepa.org.uk/flooding/planning_flooding.aspx. Please note that this document should be read in conjunction with Annex B in SEPA Policy 41: "*Development at Risk of Flooding, Advice and Consultation – a SEPA Planning Authority Protocol*", available from www.sepa.org.uk/planning/flood_risk.aspx.

- 2.2 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/flooding/planning_flooding/fra_checklist.aspx

Regulatory advice for the applicant

3. Regulatory requirements

- 3.1 Details of regulatory requirements and good practice advice for the applicant can be found on our website at www.sepa.org.uk/planning.aspx. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at:

SEPA Balloch
Carrochan
Carrochan Road
Balloch
G83 8EG

Tel: 01389-727770

If you have any queries relating to this letter, please contact me by telephone on 0131-449-8554 or e-mail at planning.ek@sepa.org.uk .

Yours faithfully

Diarmuid O'Connor
Planning Officer
Planning Service

Copy to:

James Denholm Partnership
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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 the planning stage. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning 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 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. 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 in [How and when to consult SEPA](#), and on flood risk specifically in the [SEPA-Planning Authority Protocol](#).