

Our ref: PCS/145953  
Your ref: 2015/0305/DET

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By email only to: [planning@lochlomond-trossachs.org](mailto:planning@lochlomond-trossachs.org)

Dear Madam

**Planning application: 2015/0305/DET  
Erection of office accommodation  
Sawmill Balliemanoach, Strachur, Argyll and Bute PA27 8DW**

Thank you for your consultation which SEPA received on 24 March 2016.

Following a review of the submitted information we **maintain our objection** 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 additional information outlined in Section 1 below is provided.

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.

Please refer to our previous responses dated 29 October 2015, under PCS/143317, and 14 January 2016, under PCS/144361, for further comment pertinent to this proposal.

**Advice for the planning authority**

**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:

- If it is not possible to locate development outwith the floodplain, we will require the provision of adequate flood mitigation measures. This may include compensatory storage. We are not supportive of stilts as a flood mitigation measure;
- Provision of appropriate site emergency access and egress measures; and
- Provision of velocity information in a tabular format and amendment of cross section 5 such that no "glass-walling" is present.



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- 1.2 We have previously commented on this proposal, raised flooding concerns and requested further information to assess the flood risk to the site. The location of the proposed office building has been shown by the submitted Flood Risk Assessment to be fully within the 1 in 200 year fluvial flood extent of the River Cur and we therefore have significant concerns that the development is at risk of flooding. Further information has now been submitted, in the form of a letter from Terrenus Land and Water dated 22 March 2016, and we can now make the following comments.
- 1.3 Key Point 1 of the letter states that "*there is no other ground available within the site that is suitable for the proposed development*". This is on the basis of various factors, such as minimising pedestrian and traffic interactions, that the location has the best overview of the site and has the best amenity and aesthetics, and the development will occupy "*dead ground*" in the site which is 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 functional floodplain. We maintain that 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 Scottish Planning Policy (SPP); we would be supportive of an amended proposal which is consistent with this. Notwithstanding this, we acknowledge that the site has been confirmed as developed and, on the condition that appropriate flood mitigation measures and suitable site access/egress can be provided, it may be possible to locate development in the area currently proposed.
- 1.4 However, Terrenus have also stated that land raising of the structure is not a practical solution, "*as the site is not well suited to the provision of compensatory storage*". As such, it is still proposed that the building should be positioned on stilts. Paragraph 263 of SPP states that "*elevated buildings on structures such as stilts are unlikely to be acceptable*". In Scotland, there is no issue regarding land availability for development and as such we do not believe there is an overriding requirement for stilts to be used to allow development within the functional floodplain.
- 1.5 Additionally, the Flood Risk Management (Scotland) Act 2009 places a general duty on the Scottish Ministers, SEPA, local authorities and Scottish Water to exercise their flood risk related functions with a view to reducing overall flood risk. In exercising their functions they should act in a way best calculated to manage flood risk in a sustainable way and promote sustainable flood risk management. The cornerstone of sustainable flood risk management is the avoidance of flood risk in the first instance. We do not believe that stilts are a sustainable method for flood risk management due to the possibility of blockage from the structures, the potential for scour of the stilts structures, level changes over the design life and possible land subsidence.
- 1.6 It is our understanding that there have been proposals in the past for development with stilts within the functional floodplain. SEPA have not supported such development. However, we are aware that planning applications have been granted on appeal to Scottish Ministers against SEPA advice after going through the Notification of Applications Direction 2009 process.
- 1.7 Key Point 2 considers the provision of safe site access and egress measures. It is considered unfeasible to raise the site access above the 1 in 200 year peak flood level as previously requested. Whilst we acknowledge it will be for Argyll and Bute Council, as Flood Prevention Authority, to determine if access and egress arrangements are suitable for vehicles, we are concerned there is no safe (i.e. dry) pedestrian access/egress possible. We are therefore unable to support the proposals, which include a maximum depth of 300mm at the site entrance. We require the provision of safe (dry) pedestrian access/egress from the site. We consider the proposed alternate access and egress route (as shown within Figure 1) would still not result in safe pedestrian egress from the site, due to the position of the proposed building being entirely within the floodplain of the River Cur.

- 1.8 Key Point 3 addresses our requirement for the provision of further technical information, including model cross section results and velocity information. We acknowledge the predicted 1 in 200 year water level is indicated on the information previously supplied in the FRA. We note Section 5 is displaying some “glass-walling” on the left bank. Please either extend the cross sections to eliminate this or provide reasons why this is not possible and the likely impacts this is having on model results.
- 1.9 Velocity information has not been provided as it is the view of Terrenus that the 1D model will not accurately reflect water velocities at the site. However, in line with our technical guidance we maintain that this information should be submitted and request that this be provided in a tabular format.
- 1.10 We acknowledge sensitivity analysis on the downstream boundary has now been undertaken and agree the model is not unduly sensitive to changes in the downstream boundary condition.
- 1.11 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 maintained our objection to this planning application and request that you take account of the comments made in the sections 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.

## **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 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 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 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](#).*