

|  |  |
| --- | --- |
| Our ref: | PCS/165057 |
| Your ref: | 2018/0133/PPP |

|  |  |
| --- | --- |
| Loch Lomond & The Trossachs National Park AuthorityNationa Park HeadquartersCarrochanCarrochan RoadBallochG83 8EGBy email only to: planning@lochlomond-trossachs.org  | If telephoning ask for:Brian Fotheringham20 May 2019 |

Dear Madam

**Town and Country Planning (Scotland) Acts**

**Environmental Impact Assessment (Scotland) Regulations 2011**

**Re-consultation on EIA Application**

Planning Application: **2018/0133/PPP**

**The erection and operation of a tourism and leisure led mixed use development including hotel, bunkhouse accommodation and self-catering holiday lodges, self catering boathouse accommodation, residential development, leisure and recreational facilities including swimming pool, water park, visitor reception and education/interpretation facilities, hot food/café restaurant uses, brewery; ancillary uses including retail, facade retention of Woodbank House and conversion of existing outbuildings, public realm enhancements including public square improvements, footpaths and cycleways, external activity areas including forest adventure rides, tree top walkway, monorail, events/performance areas, picnic areas and play areas, staff and service areas; landscaping, new access from Ben Lomond Way and Pier Road; and site development infrastructure (including SUDS, and parking)**

**Land At Pier Road, Ben Lomond Way And Old Luss Road, Known As West Riverside And Woodbank House, Balloch.**

Thank you for your consultation email which SEPA received on 17 April 2019, in respect of the above proposals. We have completed our assessment of the submissions provided with the planning application and would offer the following comments for your information.

Advice for the planning authority

We are now in a position to **withdraw our flood risk objection** to this planning application. Please note the advice provided below.

# Flood risk

## We have no objection to the proposed development on flood risk grounds. Notwithstanding this we would expect Loch Lomond & The Trossachs National Park to consult the relevant council to undertake their responsibilities as the Flood Risk Management Authority.

Technical Report

## We have previously commented on this proposal, raised some flooding concerns and in the interim period we have had discussions with the consultants to help ensure that the proposal has at least a neutral effect on flooding and is compliant with the principles of Scottish Planning Policy (SPP). A revised planning permission in principle application has now been submitted and we would make the following comments.

## The main area of potential flood risk concern was at the Pier Head (Area C) due to the potential flood hazard and high vulnerability of the proposals in this area (location of a new hotel). We also raised concern about the dated nature of the underlying flood study and associated uncertainty arising from the use of this data.

## We would highlight that within Environmental Statement (ES) Appendix 10 Riverside West: Flood Risk Clarifications- Briefing Note 01 a number of the level values seem to be missing values (*only .223mOD for example to represent the highest recorded loch level which is clearly not the case and a 1 in 200 year return period of 1. mAOD*?). We do however acknowledge the levels are subsequently confirmed and we would be in agreement with the flood levels used within the Briefing Note.

## For Area C the flood hazard involves an interaction of river and loch flooding. We have accepted that the loss of floodplain storage along the loch should not represent a significant detrimental effect on floodplain storage or conveyance. Based on the information currently submitted within the Masterplan the majority of development in Area C will be located outwith the floodplain. We acknowledge the *Water Park* is within the floodplain however this is viewed as a water compatible use and should not have a significant detrimental effect on flooding.

## However, it is noted that within the Briefing Note outdated proposals (5 Dec 2018) have been submitted. We would advise that in correspondence with Envirocentre (dated 15 January 2019) and Peter Brett Associates (dated 12 February 2019) the position of the hotel was altered to ensure it is located outwith the floodplain, the revised location for the hotel was shown in Planning Drawing 1139 SK020- Anderson Bell Christie.

## We will therefore require the updated Masterplan to be based on the site design as shown on the revised version of Drawing No 1139 SK020 prepared by Anderson Bell Architects (11/02/2019) which confirms the revised location for the hotel is outwith the functional floodplain of the River Leven.

## By siting the hotel outwith the floodplain this negates the need for compensatory storage to be provided. which was a requirement for the previous proposed location of the hotel. We would strongly emphasise that in the event that the hotel or parts of it are to be located within the floodplain we will not support these proposals and revised flood risk comments would be required from us.

## We are satisfied that the development proposals for the remaining areas of the site are in flood risk terms are viewed as acceptable. We would therefore confirm based on the above requirements the proposed development should have a neutral effect on flooding and is considered to be compliant with the principles of SPP.

## 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.

## 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/>

Nothwithstanding the removal of our flood risk objection we would reiterate the requirement on the applicant to address the following matters at the next stage of the planning process;

# The water environment – site drainage

Construction works

## As the footprint of the development site is 33ha we would confirm that development of the site will require the applicant to obtain a construction site licence in accordance with the terms of The Water Environment (Controlled Activities) Scotland Regulations 2011. In this respect we would advise the applicant to contact our local regulatory services team for further advice on this legal requirement. We would also advise that for this type of application there is a 4 month determination period.

Surface water drainage

## We would emphasise that it is the responsibility of the developer to ensure that the SuDS strategy for the site, in terms of water quality, is fully compliant with the requirements of the Controlled Activity Regulations. The applicant must design their surface water drainage system in accordance with the guidance contained in the CIRIA C753 SuDS Design Manual C753, taking account of the Simple Index Approach. We would also recommend the SuDS strategy is aligned with SEPA’s requirements and we would refer the applicant to advice contained in the following document ’WAT –RM-08’, which is available on our website. We will expect the finalised ‘SuDS strategy’ to be submitted for further consideration at the next stage of the planning process.

## Issues relating to the provision of attenuation at the site should be discussed with the Planning Authority.

Foul drainage

## All foul drainage from the site must be connected to the public sewerage system vested by Scottish Water. It will be the responsibility of Scottish Water and the applicant to identify any capacity constraints that may exist in the public sewerage infrastructure and thereafter to identify what remedial measures may require to be put in place to ensure that the development of this site is not the cause of potential detriment to the water environment.

Site watercourses

## A number of small watercourses are present at the site (10.4.15 Unnamed watercourse 2, 10.4.16 Unnamed watercourse 3) and as part of our responsibilities under the Water Framework Directive, we are required to protect and improve the status of all waterbodies. In this regard we would ask the applicant to consider if an opportunity exists for the removal and/ or daylighting of culverts which exist on both of small unnamed watercourses, based on the presumption both the culverts lie within the development boundary.

## In addition we would highlight there are a number of non-baseline waterbodies present at the site and whilst we recognise these smaller watercourses not identified on the River Basin Management Plan (RBMP) we would confirm they are still subject to RBMP objectives, which requires that no deterioration of status is allowed to occur.

Buffer strips/ no development zones

## We would emphasise that there is a requirement on the developer to ensure appropriate buffer strips are maintained adjacent to all the watercourses identified within the development area, this is required in order to maintain and promote riparian habitat. This requirement could have implications for the walkway that is being considered directly adjacent to the Leven water. We would recommend further details on these works are provided for assessment and discussion with SEPA.

Invasive non-native species (INNS)

## Efforts must be made to remove and prevent spread of any Invasive Non Native species present in the development area. We acknowledge this matter is discussed within the submissions provided by the applicant.

Habitat enhancement

## The development should include proposals for planting of native riparian species and if possible we would also encourage the planting of suitable riparian habitat.

# Ecology

## We acknowledge the consultant has identified the presence of marshy grassland at the site and the potential exists for it to be groundwater dependent. The area identified is small and as we acknowledge that marshy grassland is an abundant habitat in the area this is not seen as a significant issue of concern for us. We do however welcome the consultant recommendations and we would support measures by the applicant to compensate the loss of habitat with the creation of similar habitats within the site (e.g. recreate wetland habitats when designing sensitive SUDS measures).

## With regard to the presence of INNS at the site, we agree with the consultant comments that the undertaking of a targeted survey is needed and if INNS are detected, an eradication and management plan will require to be prepared and carried out.

# Waste issues

## The site enabling works do not appear to be using waste material other than site generated material. We therefore have no specific comments to offer in relation waste management at the proposed development. Should the site consider the use of waste materials, it is recommended that this activity should be carried out through the use of an appropriate exemption under the Waste Management Licensing (Scotland) Regulations 2011 (as amended). SEPA should be consulted if this option is chosen.

# Land contamination

## The Local Authority is the lead authority in relation to contaminated land and we therefore request that you consult the relevant Environmental Services Department and those responsible for implementing the contaminated land regime regarding this proposal.  The contaminated land specialists will take a lead on commenting on the planning application, with SEPA’s contaminated land specialists, if requested, providing input directly to them in relation to impacts upon the water environment.

Detailed advice for the applicant

# Flood risk

## You will note that we have advised the Planning Authority we are now able to **remove our flood risk objection** to the planning application provided the Masterplan (finalised site design) is updated to take account of the revised location of the hotel as agreed with Envirocentre and PBA in February 2019. You should take account of the comments offered above in Section 1.

## The [SEPA Flood Maps](http://www.sepa.org.uk/environment/water/flooding/flood-maps/) have 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 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.

## We refer the applicant to the document entitled: [“*Technical Flood Risk Guidance for Stakeholders*”](https://www.sepa.org.uk/environment/land/planning/advice-for-developers/#flood). This document provides generic requirements for undertaking Flood Risk Assessments. Please note that this document should be read in conjunction with [Policy 41](http://www.sepa.org.uk/media/136143/sepa-planning-authority-protocol-41.pdf) (Part 2).

## Our [Flood Risk Assessment Checklist](https://www.sepa.org.uk/environment/land/planning/advice-for-developers/#flood) 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.

# Provision of further information

## Notwithstanding our objection on flood risk issues there are a number of other environmental aspects of the development where further information and/or clarification will be required. We acknowledge that the provision of this supplementary information is not fundamental to the principle of the development and we will be satisfied to review this information in due course, as part of matters specified in condition submissions.

Regulatory advice for the applicant

# Regulatory requirements

## Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

## Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

## You may need to apply for a construction site licence under CAR for water management across the whole construction site. These will apply to sites of 4ha or more in area, sites 5 km or more in length or sites which contain more than 1ha of ground on a slope of 25 degrees or more or which cross over 500m of ground on a slope of 25 degrees or more. It is recommended that you have pre-application discussions with a member of the regulatory team in your local SEPA office.

## Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](http://www.sepa.org.uk/regulations/) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at:

SEPA Balloch

Carrochan

Carrochan Road

Balloch

G83 8EG

Tel no 0141-945-6350

If you have any queries relating to this letter, please contact me by telephone on 01698-839336 or e-mail at planning.sw@sepa.org.uk

Yours faithfully

Brian Fotheringham

Senior Planning Officer

Planning Service

ECopy to: dmcdonald@peterbrett.com

*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*](http://www.sepa.org.uk/environment/land/planning/)*.*