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| Our ref: | PCS/170501 |
| Your ref: | 2020/0055/DET |

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| Loch Lomond & the Trossachs NPA  Carrochan  20 Carrochan Road  Balloch  Alexandria  G83 8EG  By email only to: [planning@lochlomond-trossachs.org](mailto:planning@lochlomond-trossachs.org) | If telephoning ask for:  Julie Gerc  14 May 2020 |

Dear Sir

Town and Country Planning (Scotland) Acts

Planning application: **2020/0055/DET**

**Erection of training centre (use Class 8) composing leadership centre and 4 no. visitor accommodation buildings with associated parking and landscaping**

**Land adjacent to Ross Priory, Gartocharn, West Dunbartonshire**

Thank you for your consultation email which SEPA received on 09 March 2020.

Advice for the planning authority

We object to this planning application on the grounds of flood risk and foul drainage arrangements due to a lack of information. We will review these objections if the issues detailed in Sections 1.1 and section 2, below are adequately addressed

SEPA met with the applicant on a pre application basis and also provided written advice with respect to flood risk and proposed drainage arrangements. It is therefore disappointing that we have to register our objection to the proposal based on the information provided in support of this application.

Following a pre application meeting 22 July 2019, Alan Farquhar (SEPA Planning and Contaminated Land Manager) advised “If it is possible to remove part or, indeed, all of the development from the medium flood risk area and locate it further back from the loch-side then we would encourage you to explore this option as this would represent a more sustainable option in terms of flood risk without compromising your vision for the centre and its connection to the water.”

A Flood Risk Assessment, provided by the applicant, has confirmed that the majority of Site A is within the functional floodplain.

Scottish Planning Policy (SPP) (para 255), promotes a precautionary approach to flood risk through flood avoidance and locating development away from functional flood plains.

While the Flood Risk Report provides an assessment of the risk of flooding for Site A, it does not include a site layout or show an overlay of the proposed buildings relative to the flood extent. The Design Statement however, would suggest that a large part of the development will be placed in the functional floodplain.

SEPA do not object to the principle of development at this location provided it can be demonstrated that the proposal complies with Scottish Planning Policy. The applicant should therefore provide additional information to this effect.

# Flood Risk

We **object** to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.

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.

**Summary of Technical Points**

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

* For site A, further clarification should be provided on re-development and any new development proposals. SEPA has major flooding concerns with respect to this site and the avoidance approach, as advocated in SPP, would be recommended.
* For site B confirmation should be provided that no development is proposed within the floodplain.

**Technical Report**

## A Flood Risk Assessment (FRA) has been provided in support of the proposed development. Based on the information submitted we would make the following comments.

## The proposal is for a leadership centre and this includes overnight accommodation. Given that the existing buildings (site A and B) on the Ross Priory site are largely farm buildings we would view this proposal as an increase in land use vulnerability.

## In terms of flood sources the primary flood source has clearly been identified as Loch Lomond. A historical flood study (Jacobs 2009) has been used to inform flood levels from the loch. We would agree that this still represents the best estimate of flood levels for the Loch. However, we note that a currently on-going West Dunbartonshire Council flood study for the River Leven should provide an updated assessment. In the interim the linear regression relationship developed in the Jacobs study between Loch levels and River Leven could be extended to consider climate change levels.

## Based on the flood levels the majority of site A is within the floodplain (as defined by the 0.5% Annual Exceedance Probability event) with maximum significant flood depths of approximately 1.25m. Any major flood event on the Loch would constitute a long duration event given the volumes of water involved.

## SEPA would view all of site A other than the holiday let as an increase in land use vulnerability. We would not support any re-development that would constitute an increase in land use vulnerability which is clearly the case for two of the existing buildings on site A – the piggery and the garage. SEPA requires further clarification as to the re-development of the existing holiday let, as the number of people catered for, relative to the new proposals, could represent an increase in flood risk by putting more people at risk. An increase in the number of people at risk, is not something SEPA would support. We also have concerns about safe access/egress and freeboard. In terms of potential new development within the sparsely developed floodplain we only accept water compatible uses or essential infrastructure. The clear first principle should be the avoidance approach. We therefore need further information on the nature of the proposed redevelopment and new development for site A before we can comment on any mitigation principles.

## It is assumed that there are no existing buildings on site B. Therefore other than water compatible or potentially essential infrastructure SEPA would not accept any form of new development within the floodplain. However, as outlined in the FRA a fairly significant portion of the site is naturally elevated above the floodplain. The site as a whole is partly at medium-high risk of river flooding. We would request provision of an appropriate planning drawing confirming floodplain, proposed development and minimum Finished Floor Levels (FFL) To help ensure a managed adaptive approach in terms of climate change we would support recommendations in relation to a minimum FFL (200 year level plus a climate change allowance and freeboard allowance) developing an evacuation plan, flood warning sign up and flood resilience measures.

## Given the level difference and other site characteristics we would be in agreement that the potential flood risk from the Ross Burn and other sources is low.

## It is also recommended that the Flood Risk Management Authority should satisfy themselves that access/egress, freeboard, post development runoff and management are acceptable for flood control purposes.

## Notwithstanding our objection on grounds of flood risk, please note our advice below.

# Foul Drainage

## We are of the view that drainage is a material planning consideration and further that potential impacts on the water environment must also be considered in the determination of planning applications. Planning Advice Note 79 (Water & Drainage) provides guidance on new development’s connection to waste water infrastructure. Paragraph 12 states “Where a development is proposed in an area already served by Scottish Water’s network, connection to that network will be the preferred option.” Paragraph 42 states that “The Planning Authority should be satisfied that proposals would not have an adverse impact on water quality, public health or the environment”.

## SEPA have a strong presumption against a discharge to a freshwater Loch. The preference for a development of this scale would be to discharge foul drainage to the public sewer and Scottish Water have indicated that their system has capacity to accept the associated additional load. While SEPA has indicated that we would consider an application to vary the existing discharge licence for an upgraded private treatment system, it is dependent on the developer submitting adequate information to demonstrate that the costs of connection to a public sewer would be disproportionate to the costs of a private system – or it is not technically feasible. The applicant has suggested, that for economic reasons, they wish to discharge treated sewage effluent to Loch Lomond via private treatment arrangements, however specific cost details are required to support this economic argument.

## The following examples may be relevant in considering cost and practical issues associated with this development’s connection to the public sewer:

## The distance to sewer;

## Will wayleave to cross land be granted;

## Costs of land sewer will have to cross;

## Pumping costs dependant on gradient to sewer;

## The cost benefits of combining with other developments (if applicable);

## The increase in value of property due to public sewer connection with no ongoing maintenance costs of private system;

## Costs of private system, including technology used to secure best environmental option, cost of land take i.e. loss of developable land within the site, access road costs, maintenance costs and who will fund these. The whole life costs of private system compared with public sewer should also be taken into account. ,

## If the applicant is able to justify the need for a private sewage treatment plant, it is likely that stringent conditions in the discharge licence will be required. There will be a significant increase in sewage loadings discharging to a very sensitive environment and the drainage proposals will need to be modelled in order to determine licence parameters. At the very least secondary treatment with a partial soakaway and phosphorous removal will be required. Early contact with our permitting team, [waterpermitting@sepa.org.uk](mailto:waterpermitting@sepa.org.uk) , is recommended to discuss SEPA’s requirements.

## **Vision pool** The applicant intends to install a pond in order to form a visual connection between the loch and the building. The three options proposed are:

## Chemically treated pool to provide clear water

## Filtered system (not chemically treated)

## Untreated or unfiltered.

2.6 Given the environmental sensitivities in this area, SEPA’s preference would be for a pond which is neither treated nor filtered. Filtering and/or chemically treating the pond water are likely to require SEPA authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR).

# Ecology

3.1. The renderings show landscaping at the loch edge to have a hard boundary and riprap erosion control. These are highly undesirable for environmental reasons and their use would need to be fully justified for the works to gain the necessary SEPA CAR authorisation. See section 5.1 below.

3.2 We would recommend employing the services of a specialist water environment engineer to devise a more sympathetic foreshore.

# Flood Risk Caveats & Additional Information for the Applicant

## 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”. This document provides generic requirements for undertaking Flood Risk Assessments. Please note that this document should be read in conjunction with Policy 41 (Part 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.

## 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 flood risk 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 West Dunbartonshire Council as Planning Authority in terms of the said Section 72 (1).

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.

## A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:

* is more than 4 hectares,
* is in excess of 5km, or
* includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25˚

See SEPA’s [Sector Specific Guidance: Construction Sites (WAT-SG-75)](https://www.sepa.org.uk/media/340359/wat-sg-75.pdf) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

## Below these thresholds you will need to comply with [CAR General Binding Rule 10](https://www.sepa.org.uk/media/34761/car-practical-guide-v8-final.pdf) which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.

## 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 services team in your local SEPA office at:

[GGCE@sepa.org.uk](mailto:GGCE@sepa.org.uk)

If you have any queries relating to this letter, under normal circumstances, please contact me by telephone on 01698 839337 or e-mail at [planning.sw@sepa.org.uk](mailto:planning.sw@sepa.org.uk) for the duration of the Covid 19 scenario and leave a contact telephone number.

Yours faithfully

Julie Gerc

Senior Planning Officer

Planning Service

ECopy to: [k.khalifah@kettle.co](mailto:k.khalifah@kettle.co)

*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/)*.*