

THE HIGHLAND COUNCIL

**CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING
APPLICATIONS AND REVIEW COMMITTEE – 23 September
2008**

Agenda Item	5.1
Report No	49/08

**08/00453/FULRC Erection of storage building at Plot 3 Averon Way, Teaninich
Industrial Estate, Alness**

Report by Area Planning and Building Standards Manager

SUMMARY

The proposal is in detail and comprises the erection of a storage building together with associated car parking.

The Scottish Environment Protection Agency has objected to the proposal.

The Recommendation is to REFUSE planning permission.

Ward Number 7 – Cromarty Firth

Applicant – Aquascot Ltd.

1. PROPOSAL

- 1.1** The detailed proposal comprises the erection of a single warehouse storage building with a footprint of 600m² to the immediate west of the established Riverside Salmon fish processing unit in Teaninich Industrial Estate on the south-western flank of Alness. The applicants advise that they now own the Riverside Salmon factory adjacent. The purpose of the proposed building is to store machinery, packaging and equipment to be ready as a contingency measure should anything happen to their existing facility at Fyrish Way. Should loss or damage occur to the current operation, Aquascot has an agreement with the tenants at Riverside that they will vacate the premises and Aquascot would transfer its operation using the equipment stored in the new building.
- 1.2** The site is presently flat, vacant, grassed land located between Riverside Salmon and the burn and mature trees which separates the industrial estate from Redwoods Nursing Home to the west. To the immediate north lies Fish Direct, a shellfish treatment and packing facility and beyond that to the north, within its own grounds, lies Teaninich Distillery. Access is proposed from the end of the existing public road cul-de-sac of Averon Way, which joins Riverside Drive to the immediate north-east of Riverside Salmon and which frames the eastern side of the industrial estate along the western bank of the River Averon.

2. PLANNING HISTORY

2.1 No previous applications for this site.

3. PUBLIC PARTICIPATION

3.1 No third party letters of representation received.

4. CONSULTATIONS

4.1 **Alness Community Council** – No objections.

4.2 **Internal Consultees**

TECS(Transport) - No objections.

Forestry Officer - The site lies to the east of the Redwoods Nursing Home Tree Preservation Order (HC64) and immediately adjacent to the southern boundary is a belt of mature trees alongside a small burn. The proposals do not appear to impact in any way on the TPO, however precautions will need to be taken to safeguard the neighbouring trees to the south. Furthermore, landscaping will be required to tidy up the appearance of this currently neglected part of the Industrial Estate. No objections subject to appropriate conditions relating to set back of development from trees; protection of trees during construction; and detailed landscaping proposals to be submitted and implemented as part of the development.

4.3 **External Consultees**

Scottish Environment Protection Agency – SEPA has received a Flood Risk Assessment (FRA) from consultants on behalf of the applicants. SEPA considers that the River Averon has been modelled incorrectly in the FRA. At present the FRA concludes that the site is located within the functional flood plain of the River Averon. The site is a brownfield site and therefore falls within Category 3 (a) – Within areas already built up – of the risk framework of Scottish Planning Policy (SPP) 7: Planning and Flooding. This states that ‘these areas may be suitable for residential, institutional, commercial and industrial development provided flood prevention measures to the appropriate standard already exist, are under construction or are planned as part of a long term strategy in a structure plan context.’ SEPA is not aware of any flood prevention measures to the appropriate standard or are planned as part of a long term strategy in a structure plan context for this site. Given the uncertainties relating to the FRA there are two options for the applicant to pursue:

1. If the applicant wishes to revise the FRA then SEPA **maintains its objection** until a revised site specific FRA, utilising recognised industry standard methodologies, is submitted which demonstrates that the site is outwith the functional flood plain and complies with SPP7. Information on how this could be achieved has been detailed to the applicants. SEPA would be happy to meet with the applicant and consultant again to discuss the requirements.

2. If the applicant wishes to utilise the FRA as it presently stands then SEPA would **object in principle** as the proposals, including the proposed bunding, does not accord with SPP7.

(A full copy of SEPA's detailed comments is attached as an appendix to this report.)

5. POLICY

- 5.1 The following policies are relevant to the assessment of the proposal

Highland Structure Plan (2001):

- Policy G1 – Conformity with strategy
- Policy G2 – Design for sustainability
- Policy B2 – Industrial and business sites
- Policy NH1 – Flood consultation areas

Ross and Cromarty East Local Plan (2007):

- GSP1 – Design and Sustainable Construction
- GSP4 – Flood risk
- Alness Settlement Policy 24 – Allocated for business use

- 5.2 The proposal also requires to be assessed against the following relevant Scottish Planning Policies (SPP), NPPG, and Planning Advice Notes PAN.

- SPP1 – The Planning System
- SPP7 – Planning and flooding

6. PLANNING APPRAISAL

- 6.1 **Determining issues** – Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

- 6.2 The proposal requires to be assessed against the appropriate policies of the Development Plan, supplementary guidance and National Planning Policy and Guidelines as referred to in the Policy section. In particular, the proposal requires detailed assessment of the following fundamental issues:

- whether the principle of development is appropriate in terms of policy
- whether the layout of development is appropriate
- the impact on the amenity of the area and residents
- other material issues

- 6.3 **Policy appraisal** - The site is allocated for business development in the adopted Local Plan. It forms part of a larger site of 2.6ha with development requirements listed as protection and set back from the mature trees on the southern boundary. Two other fish processing businesses have been developed within the same

allocation within the past 15 years and therefore in terms of land use, the proposal is acceptable.

6.4 Structure Plan policy NH1 states that Local Plans will identify areas with a perceptible risk of flooding however the Ross and Cromarty East Local Plan does not specifically highlight flood risk as an issue in the Teaninich area. Advice from Planning Policy is that SEPA did not raise any specific objections to allocations that now find themselves affected by the SEPA Flood Risk mapping. The mapping only became available at the end of the plan process, as the Local Plan approached adoption. As a consequence the forthcoming availability of the flood mapping is referred to in Policy GSP4 - Flood Risk.

6.5 GSP4 of the Local Plan states that any development proposals in areas susceptible to flooding (defined using SPP7's Risk Framework) will require a developer funded Flood Risk Assessment and this must demonstrate:

- That the development can be adequately protected from flooding in terms of the Risk Assessment and, where appropriate, that remedial measures to alleviate the flood risk will be taken;
- That no adverse impact on the characteristics of the watercourse will arise;
- Use of best practice in the management and disposal of surface waters; and
- That suitable evacuation provisions are embodied in site building layout and design

The costs of flood protection works associated with development proposals are to be met by developers whether on or off-site.

6.6 In this case SEPA highlighted the flood risk through their consultation response and consequently a flood risk assessment (FRA) was commissioned by the applicants. This FRA concludes that the site at Averon Way will likely flood during a 1 in 200 year return event and recommends that the existing flood bund alongside the river should be increased by 0.7m – 1m approximately 75m up and down stream of Averon Way. The report also suggests that given the number of commercial and domestic properties potentially affected by flooding and the public ownership of the existing industrial estate, a strategic solution to the problems would be best dealt with by Highland Council. Aquascot has intimated its willingness to make a financial contribution to the cost of any such project. SEPA has clarified that current legislation puts the responsibility for carrying out any flood risk mitigation works in respect of individual building projects on individual developers and not the Local Authority.

6.7 At a strategic level, SEPA advises that there is a Flood Bill which has recently undergone consultation and is expected to go before Parliament this Autumn. This Bill transposes the EU Flood Directive and includes the requirement for member states of the EU to consider areas liable to flood and to include those in a national flood plan along with phased investment proposals for mitigating such flooding. In the consultation on the draft proposals it was mooted that SEPA would co-ordinate activities associated with the Flood Directive but that other relevant Authorities, such as Scottish Water and Local Authorities would also be involved. In the case of Alness Industrial Estate it would therefore likely be for the Local Authority to promote the relevant works if the risks and benefits indicated that such works

should be prioritised. Whilst this points to a future opportunity to address the overall flood risk problems within a wider area, it does not provide an early solution which would help the applicants with their current application.

- 6.8** Aquascot considers SEPA's position is unreasonable and points to other developments in close proximity which would also be affected by the 1 in 200 year return flood, including other industrial units, a nursing home, housing and a children's nursery. It is submitted by Aquascot that as SPP7 was first published in 2004 and some of the existing developments have taken place since then SEPA and the Highland Council are not being consistent. The company asks that the development be approved and construction take place in tandem with a flood prevention scheme, towards which they would be willing to contribute.

(A full copy of Aquascot's letter of 22 August 2008 is attached as an appendix to this report.)

- 6.9** In response to the reference to other developments, the most recent development (for the shellfish unit directly opposite the site) was approved by Committee in February 2006. Consultation with SEPA at the time did not highlight any flood risk issue. The nursing home has been established for over 20 years with the most recent extension approved in March 2006. The children's nursery involved the change in use of an existing building which was also approved in March 2006. Neither of those applications involved any consultation with SEPA because the flood risk mapping was not available at that time. The most recent house approved, to the north of the Teaninich Distillery Houses, was granted permission in 2004. There is therefore no evidence of inconsistency of approach by SEPA.
- 6.10 Siting, design and amenity** – The detailed proposal is for a single building measuring 20m x 30m x 4m to the eaves of a shallow pitched roof, running parallel with and set back 20m from Averon Way. Access is proposed from the end of the existing cul-de-sac into a parking and turning area to the west of the proposed building. An existing avenue of young trees along Averon Way is to be retained along the site frontage and following comments from the Council's Forestry Officer, the building has been adjusted to be over 30m from the mature line of trees which forms the southern boundary of the site. The lower sections of the external walls are proposed to be finished in block and drydash render with the upper wall sections and roof finished in profiled plastisol coated steel.
- 6.11 Servicing and infrastructure** – With the exception of the over-riding flood risk issues referred to at paras 6.4 to 6.7 there are no other servicing issues. SEPA has advised that all surface water should be directed to separate soakaways and not to the public drain. TECS(Transport) has confirmed no objection to the proposal.

7. CONCLUSION

- 7.1** It is submitted that the application accords with established land use policy and but for the objection from SEPA relating to the flood risk it would be recommended for approval. It is acknowledged that the proposal would provide greater flexibility within the applicant's existing local fish packaging business and would accord with

the Local Authority's drive to encourage local businesses on appropriate allocated serviced industrial sites.

- 7.2** The application must however be assessed against Policy GSP4, which requires the applicant to demonstrate that the development can be adequately protected from flooding in terms of the risk framework defined in SPP7 and, where appropriate, that remedial measures to alleviate the flood risk will be taken, with all costs both on and off site met by the developers. This has not been demonstrated and indeed the applicants acknowledge the flood risk to the site pointing out that such risk exists to a much wider area which requires a comprehensive flood protection plan. Thus, whilst I have considerable sympathy with the applicants in this instance I do not consider that the application can be supported until SEPA is satisfied through the submission of further details from the applicant that the proposed building can be adequately protected from the recognised flood risk.

RECOMMENDATION

Refuse Planning Permission for the following reason:

1. The applicant has failed to demonstrate that the development proposed can be adequately protected from flooding and thereby the proposal is contrary to Scottish Planning Policy 7 and Policy GSP4 of the adopted Ross and Cromarty East Local Plan.

Members are advised that if they are minded to approve the application contrary to the advice given by SEPA on flood risk, the application must be notified to Scottish Ministers as per the Notification of Applications Direction 2007.

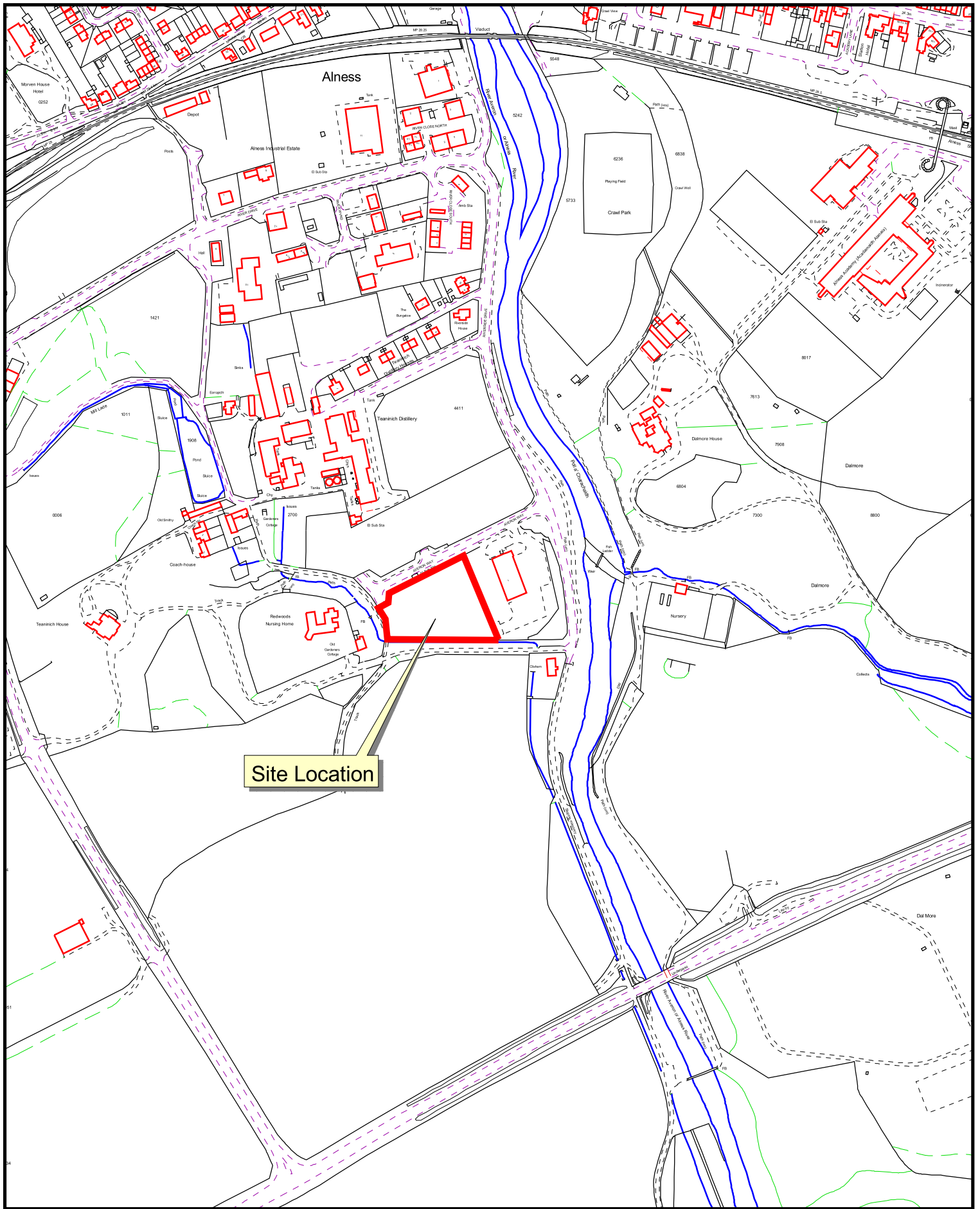
Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager

Author: Dorothy Stott 01349 868426

Background Papers: As referred to in the report above and case file reference number 08/00453/FULRC

Date: 11.09.08



08/00453/FULRC
 Erection of storage building (Detail)
 at Plot 3, Averon Way, Teaninich Industrial Estate,
 Alness

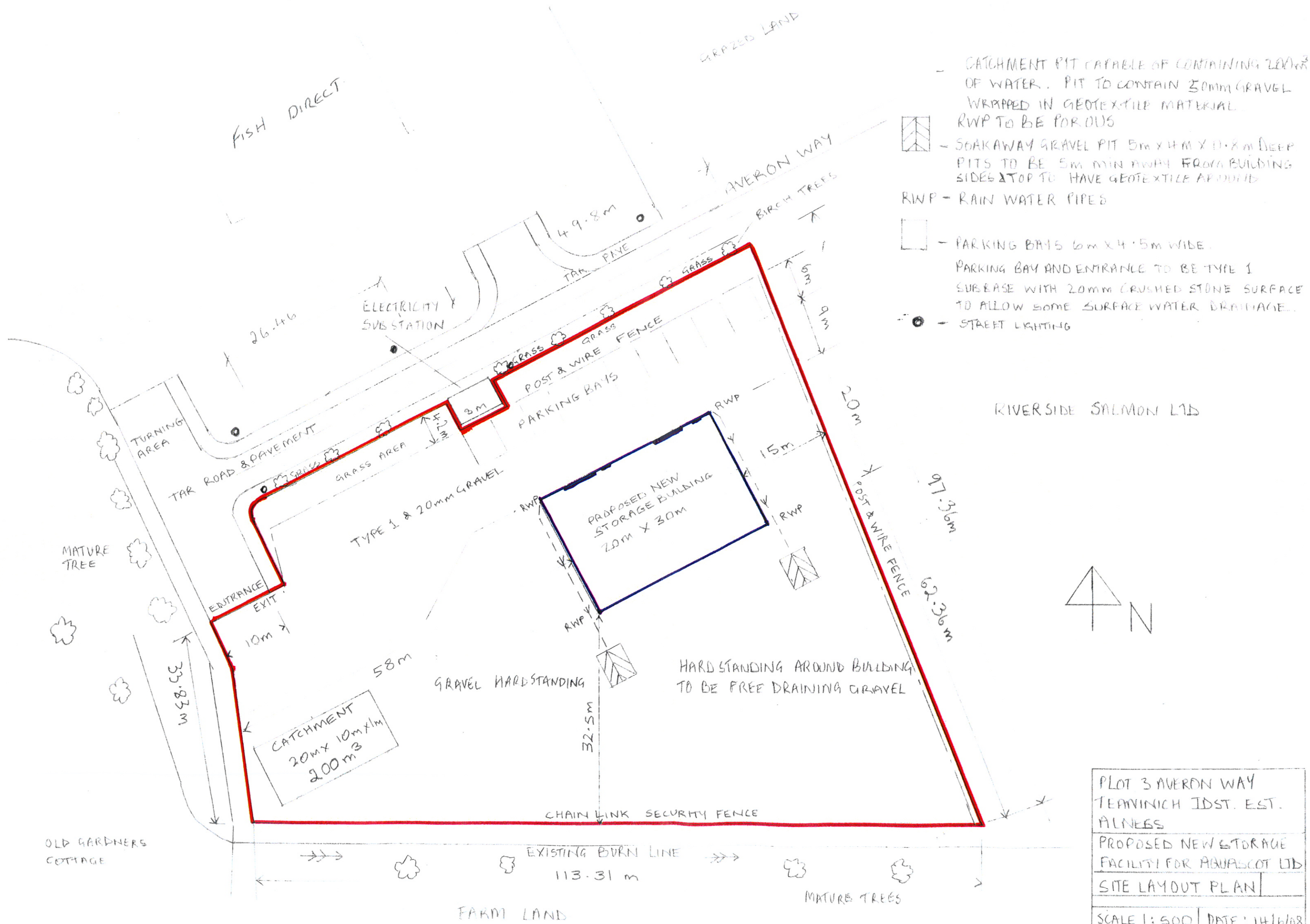
Aquascot Ltd
 Fyrish Way
 Alness
 Ross-shire
 IV17 0PJ

Date: 15 Sept 2008

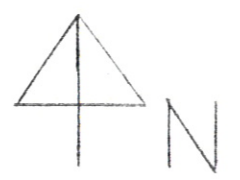
SUPPLIED BY THE HIGHLAND COUNCIL

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 Scale
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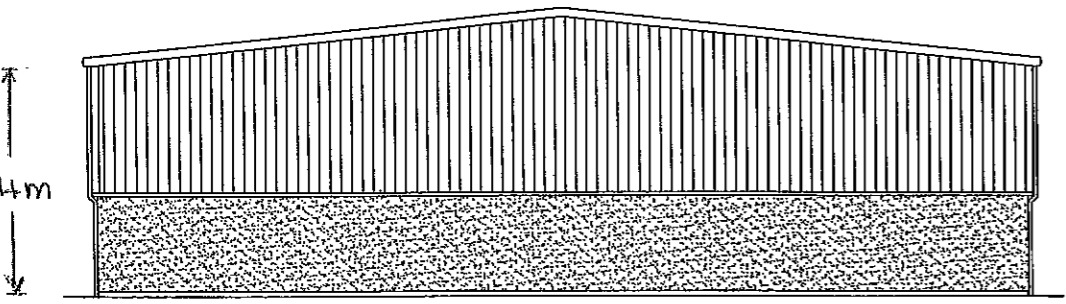
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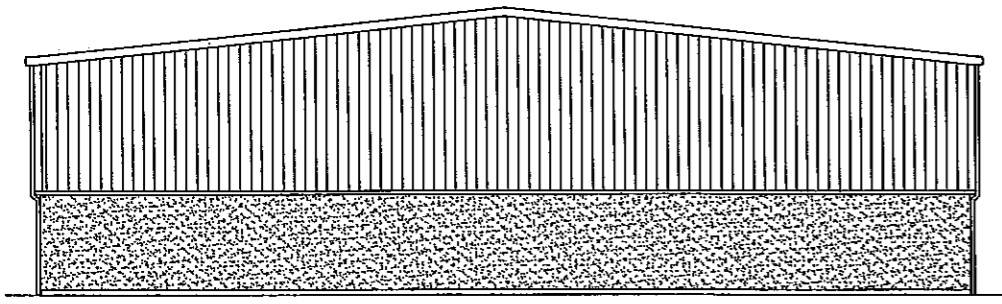
- CATCHMENT PIT CAPABLE OF CONTAINING 200m³ OF WATER. PIT TO CONTAIN 50mm GRAVEL WRAPPED IN GEOTEXTILE MATERIAL. RWP TO BE POROUS
- SOAKAWAY GRAVEL PIT 5m x 4m x 0.8m DEEP. PITS TO BE 5m MIN AWAY FROM BUILDING SIDES & TOP TO HAVE GEOTEXTILE ABOVE. RWP - RAIN WATER PIPES
- PARKING BAYS 6m x 4.5m WIDE. PARKING BAY AND ENTRANCE TO BE TYPE 1 SURFACE WITH 20mm CRUSHED STONE SURFACE TO ALLOW SOME SURFACE WATER DRAINAGE.
- STREET LIGHTING



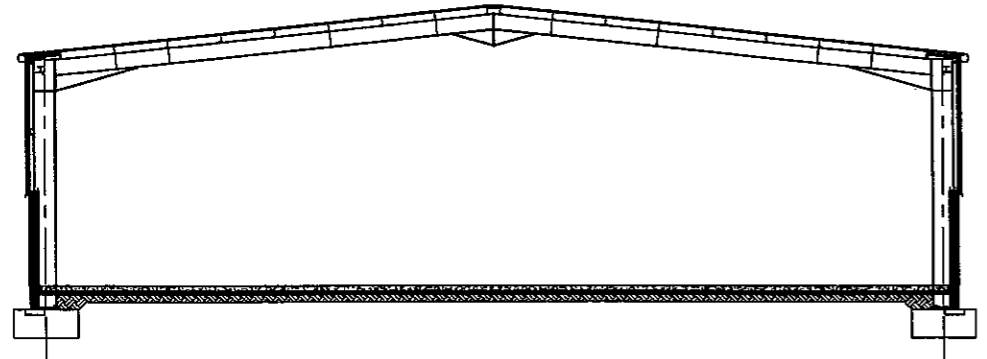
PLOT 3 AVERON WAY	
TEANINICH IDST. EST. ALNESS	
PROPOSED NEW STORAGE FACILITY FOR AQUASCOT LTD	
SITE LAYOUT PLAN	
SCALE 1:500	DATE: 14/6/08



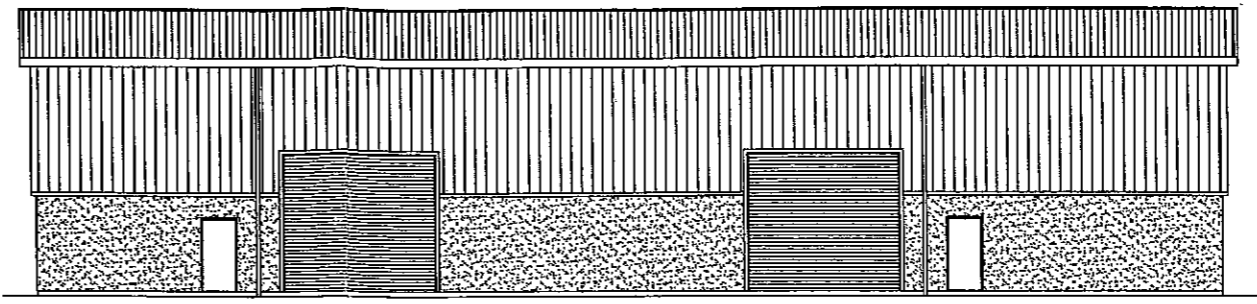
GABLE ELEVATION



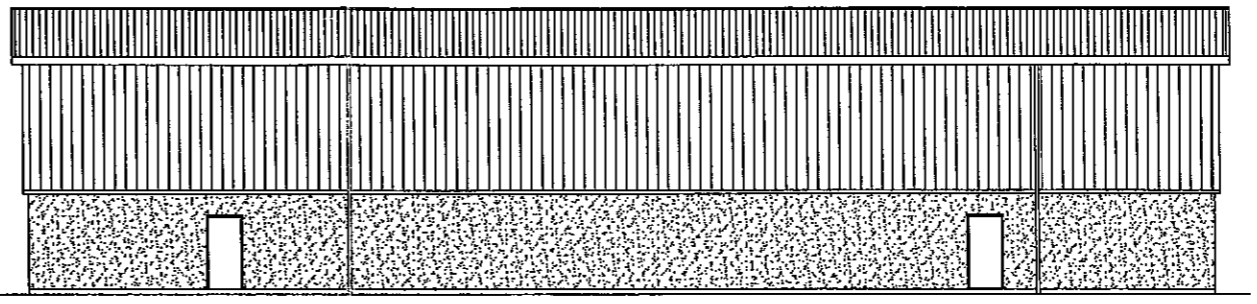
GABLE ELEVATION



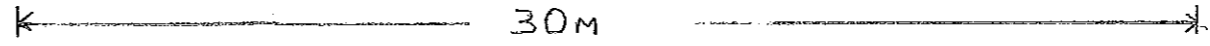
TYPICAL CROSS SECTION



FRONT ELEVATION



REAR ELEVATION



THE HIGHLAND COUNCIL
 PLAN 3 OF 3 SUBMITTED WITH
 PLANNING APPLICATION NO: 08/00453/FULRC
 DATE OF RECEIPT: 13th May 2008

General Notes:
 All work to be carried out in accordance with the Building Regulations and latest amendments, and to the local authority approval.
 All materials and workmanship are to be in accordance with the current British Standards Code of Practice.

Foundations:
 All foundations to be in accordance with the structural engineers details.

Ground Floor Construction:
 Floor construction to be confirmed by structural engineer.
 150mm thick in-situ concrete floor slab, reinforcement mesh, floro slab insulation, 1200 gauge DPM taken up edge of floor slab. 200mm hardcore compacted and blinded with sand.

External Walls:
 Cavity wall construction:
 19mm drydash render, 100mm blockwork outer leaf, 50mm cavity, 100mm blockwork inner leaf.
 Cavity filled with lean concrete mix up to ground level.
 Movement joints in blockwork to be advised by structural engineer.
 Cladding material to be vertically laid composite panels comprising of a trapezoidal profiled plastisol coated steel outer skin, LPC approved PIR insulation core and a polyester coated steel internal lining skin.

Roof:
 Composite panel roof cladding comprising of a trapezoidal profiled plastisol coated steel outer skin, LPC approved PIR insulation core and a polyester coated steel internal lining skin.

Steelwork:
 All in accordance with the structural engineers specifications.
 Steel portal frame structure complete with all associated ties bracings and cold rolled roof purlins and side rails.

Doors:
 Good/vehicle doors to be roller shutter/up and over type doors.
 Personnel access door to be sized to suit minimum fire exit regulations etc.
 All doors fitted with suitable ironmongery.

Electrical Installation:
 All electrical installations to be in accordance with the current regulations.
 Exact electrical fit-out to be determined by client.

Drainage
 All drainage works in accordance with the engineers requirements.

REV	BY	DATE	DESCRIPTION
CLIENT			Aquascot Ltd
PROJECT			Proposed New Building
TITLE Planning Submission			
DRAWN	CM	DATE 11/12/07	CONTRACT No.
CHECKED		DATE	DRAWING No. A52
			REV

PLANNING CONSULTATION

Authority: Highland Council

Case Officer: Dorothy Stott **Planning Ref:** 08/00453/FULRC

Proposed Development: Erection of storage building (Detail) at Plot 3 Averaon Way
Teainich Industrial Estate Alness Highland

SEPA Ref: RC/2008/2047/2 **Date:** 2 September 2008

SEPA Contact: Cerian MacInnes **(Planning Unit - North Region)**
Direct Tel: 01349 860 415

Copy to: Aquascott Ltd Fyrish Way Alness IV17 0PJ
(applicant)

THE HIGHLAND COUNCIL
ROSS AND CROMARTY AREA
PLANNING SERVICES

04 SEP 2008

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN & COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
(SCOTLAND) ORDER 1992
ENVIRONMENT ACT 1995, SECTION 25(2)

SEPA has received a Flood Risk Assessment (FRA) on the 21 August 2008 dated August 2008 and a letter from Mr Murray dated 22 August 2008. SEPA's comments on the FRA can be found below. A separate response to Mr Murray's letter will also be sent out. These comments are without prejudice to SEPA's consideration of any elements controlled through environmental regulation administered by SEPA.

ADVICE FOR THE PLANNING AUTHORITY

1. Flood Risk

- 1.1 SEPA considers that the River Averaon has been modelled incorrectly in the submitted FRA and technical comments on this are detailed below. At present the FRA concludes that site is located within the functional flood plain of the River Averaon (also called the Alness River). It is now SEPA's understanding from the submitted information that the site is a brownfield site and therefore the site falls into Category 3 (a) Within areas already built-up of the Risk Framework of Scottish Planning Policy 7: Planning and Flooding (SPP7). SPP7 states "These areas may be suitable for residential, institutional, commercial and industrial development provided flood prevention measures to the appropriate standard already exist are under construction or are planned as part of a long term strategy in a structure plan context". SEPA is not aware of any existing flood prevention measures to the appropriate standard or are planned as part of a long term strategy in a structure plan context for this site.
- 1.2 Given the uncertainties relating to the FRA there are two options for the applicant to pursue.

- 1.2.1 If the applicant wishes to revise the FRA then SEPA **maintains its objection** until a revised site specific FRA, utilising recognised industry standard methodologies, is submitted which demonstrates that the site is outwith the functional flood plain and complies with SPP7. Information on how this could be achieved is detailed in full in Appendix 1. SEPA would be happy to meet with the applicant and consultant again to discuss the requirements set out in Appendix 1.
- 1.2.2 If the applicant wishes to utilise the FRA as it presently stands then SEPA would **object in principle** as the proposals, including the proposed bunding, does not accord with SPP7. A detailed explanation for this is given in Appendix 2.
- 1.3 **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 Notification of Applications Direction 2007.**
- 1.4 The advice contained in this letter is supplied to you by SEPA in terms of Section 25 (2) of the Environment Act 1995 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Highland Council as Planning Authority in terms of the said Section 25 (2);

PLANNING UNIT (NORTH REGION)

Ecoby: Flood Risk North, SEPA, Dingwall

Ecoby: Allan Todd, Highland Council – allan.todd@highland.gov.uk

Ecoby: Dorothy Stott, Highland Council – Dorothy.stott@highland.gov.uk

Ecoby: Robert Murray, Aquascott – robert.murray@aquascott.com

Ecoby: Ian Fraser, Gunn MacPhee – IanFraser@gunmacphee.co.uk

Appendix 1

1. SEPA does not consider that flood levels at the site have been adequately estimated and in addition the proposed mitigation is not in accordance with SPP7 (as detailed below). At present the FRA concludes that the site will flood in the 1 in 200 year flood of the River Averon (also called the Alness River) and therefore demonstrates that the site is within the functional flood plain of the River Averon. However, due to the uncertainties within the FRA, SEPA currently considers that further revision of the FRA may demonstrate that the site or a developable part of the site is outwith the functional plain and would therefore comply with SPP7.
2. It should be noted that there is still a risk that the FRA may show that the entire site is within the functional flood plain in which case SEPA would object unless land raising mitigation proposals which complied with SPP7 (as detailed in Paragraph 19 of SPP7) were proposed.
3. The FRA states that the 1 in 200 year storm event will overtop the existing bund by approximately 700 mm. The FRA does not state the predicted flood level or the topography of the site and therefore it is unclear whether the entire site is inundated or whether only part of the site would flood. The predicted 1 in 200 year flood level should be expressed in metres above ordnance datum (AOD Newlyn) and topography of the site and flood flows detailed. If only part of the site is inundated it may be that the remainder is outwith the functional flood plain and could be developed in accordance with SPP7.
4. The FRA suggests that a flood volume of 2,000,000 m³ will be present in the 1 in 200 year flood. This is an unusual quantity to assess. Best practice FRAs quantify the 1 in 200 year flood level in metres above ordnance datum (AOD Newlyn). It is not clear what the flood volume 2,000,000 m³ refers to or how it was derived. Equally it cannot be transposed to a level on site in the absence of a contoured drawing of the site.
5. From the submitted information there appears to be uncertainties with the actual modelling used to derive the above flood level. Further comments on this are given below and the FRA should be revised in line with these comments prior to determining the 1 in 200 year flood level. Further to this the consultant notes that video footage on YouTube indicates that the model is inaccurate. It may be that information on flood levels from this video and flow information from the Alness gauging station could be used to calibrate the model correctly.
6. The location of the downstream boundary of the model is critical. SEPA previously recommended utilising the weir as the downstream location however note from the results of the modelling that the current downstream location (below the weir) appears to be influencing the predicted flood level at the actual site and therefore it is not possible to properly determine the 1 in 200 year flood level at the site. During best practice modelling the downstream boundary is taken far enough downstream so as not to affect the modelling at actual site. It may be the case that downstream boundary needs to be moved even further down to ensure it does not impact upon the predicted flood level. If the boundary is taken too close to the site, the model will be too sensitive. Should this be

the case, more cross sections further down stream should be taken. A sensitivity analysis which demonstrates that levels at the site are unaffected by changes in the chosen downstream boundary needs to be included in the revised FRA.

7. The depth taken at the downstream boundary has not been stated. This is essential for assessing the validity of the model and determining what the 1 in 200 year flood level is. SEPA cannot comment on results without this information.
8. Manning's coefficient refers to the roughness of the surrounding ground including vegetation or any structures which would affect the flood flows. The lower the coefficient the 'smoother' the ground and therefore the faster flood water would flow from the site. Where 'rougher' ground occurs flood water does not flow as quickly downstream and backs up upstream. Manning's coefficient for the submitted FRA has been taken as 0.035. This is a rather low value, considering that the FRA shows a range of values from 0.035 to 0.55 over the river section studied. A low value of Manning's coefficient may lead to an underestimate of flooding upstream. Applying the precautionary principle advocated by SPP7, a sensitivity analysis should be performed to demonstrate the effect of changing the value of Manning's coefficient. Both the highest (worst case scenario) and lowest Manning's coefficient should be modelled. It is considered best practice to calibrate the model for Manning's coefficient using a historical flood event, where measured data is available.
9. The small watercourse flowing 'around the back' of the development site has not been modelled. SPP7 requires flood risk from all sources to be considered. To fully assess the risk of flooding from all possible sources this watercourse needs to be included within the FRA.
10. The FRA recommends that improvement of the flood bund at Avern Way be undertaken. SPP7 paragraph 38 states that "*proposals for the development of additional areas which would require new flood prevention measures must only come forward through the development plan process and with full consideration of all the implications*". Paragraph 3 of SPP7 states that "*It is unlikely that the Scottish Executive would support a Flood Prevention Scheme which was required just to defend proposed new development*". Therefore the proposed bund is not in accordance with SPP7 and therefore SEPA would not support the proposal for this bund.
11. Dependant on the outcome of a revised FRA if the site adjoins an area outwith the functional flood plain then the applicant may wish to consider land raising however any proposed land raising would need to be assessed in accordance with SPP7, in particular Paragraph 19. From the information available to SEPA it appears that there are no properties downstream of the site and therefore this may be an option for the applicant. Again this would need to be fully assessed and demonstrated within the FRA.

Appendix 2

1. The FRA concludes that the site will flood in the 1 in 200 year flood of the River Averon (also called the Ainess River) and therefore the site appears to lie within the functional flood plain of the River Averon. Category 3 (a) Within areas already built-up of the Risk Framework of Scottish Planning Policy 7: Planning and Flooding (SPP7). SPP7 states "*These areas may be suitable for residential, institutional, commercial and industrial development provided flood prevention measures to the appropriate standard already exist are under construction or are planned as part of a long term strategy in a structure plan context*". SEPA is not aware of any existing flood prevention measures to the appropriate standard or are planned as part of a long term strategy in a structure plan context for this site. 2. Paragraph 17 of SPP7 states that '*built development should not take place on functional flood plains*' but then goes on to state '*there may be exceptions for infrastructure if a specific location is essential for operational reasons or it is incapable of being located elsewhere*'. From the information submitted to date it does not appear that this location is required for operational reasons or is incapable of being located elsewhere.
3. On the basis of the information received to date, and if the applicant does not propose to revise this information as detailed in Appendix 1, then SEPA has to object in principle as the proposals do not accord with SPP7.
4. In considering SEPA's advice the planning authority might wish to have regard to the proposed use of the development for storage and the above commercial and industrial definitions of SPP7. Further to this SEPA notes that there are no properties downstream of the proposals however SEPA is unable to advise on the impact of the proposed building on the flood plain as this has not been assessed as part of the submitted FRA. Should the planning authority permit this development water resistant building techniques and materials should be used. Further information on protecting buildings from flooding can be found at: www.sepa.org.uk/pdf/publications/leaflets/flood/protecting_your_property.pdf

27 AUG 2008

To:

Head of Planning Highland Council, Dingwall
Area Planning and building Standards Office
Dingwall. IV15 By email and recorded delivery
&

Head of SEPA Dingwall
Graesser House, Fodderty Way, Dingwall, Ross-Shire IV15 9XB
By fax email and recorded delivery

Copy:

Councilor Carolyn Wilson, Alness by hand delivery
John Thurso MP by email
John Farquhar Munro MSP by email

22 Aug. 08

Dear Mr Todd and Inglis

**Planning Application dated 19 April 08 Proposed new storage building – Plot 3
Averon way Alness**

Further to our letters of 29/7/08 & 31 July 08 and our email of 7th August 08 we are writing to update you and seek your help in resolving matters.

As we indicated would happen, Gunn Macphee & Associates yesterday submitted a Flood Risk Assessment report regarding the above planning application.

Could you please indicate when we shall have a response to this report? We have a deadline for planning approval of 20 September 08 (extended by HIE from the original date – per my email of 8/8/08).

To help speed up any potential debate, we thought it useful to summarise our position.

Our position is best divided into two main parts, that is;

- the solution to the planning application and our deadlines for the purchase of the land.
- “The big picture “in terms of a local community – and thus national policy.

Dealing first with the planning application we would summarise as follows:

1. There would appear to be a risk of flooding in the area surrounding the planning application. However, the probability is open to considerable debate due to the limited nature of modeling techniques and underlying assumptions

Aquascot Ltd, Fyrish Way, Alness, Ross-shire, IV17 0PJ, Scotland (registered office)
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(company no. Sco 262080). Vat reg gb836346416

- available to both ourselves and to sepa... For example, modeling indicates flooding would occur at flows of around 240m³. However, sepa recorded levels have exceeded these flow rates (for example 26 October 2006) without overspill at the critical points on the bank.
2. So, there is a risk of flooding but uncertainty as to what flow levels would need to be reached (certainly more than the flood levels attained in October 06 and greater than sepa recorded records). There is also uncertainty as to how long and to what height flooding would occur.
 3. The risk of flood is significantly increased due to the weir that exists on the river, effectively creating a dam. Within a short distance of the weir both upstream and downstream the risk of flooding diminishes.
 4. The risk of flooding effects numerous businesses and residential property in the locality.
 5. The banking is particularly low at the weir and for a short distance upstream.
 6. Aquascot propose that the banking (or bund) is increased in height along the length of the weir. While, this requires local community involvement, Aquascot is prepared to contribute to the cost.
 7. Aquascot has already proposed that the foundations of the planned building are raised.
 8. We understand that Solutions at 6 and 7 above could in certain circumstances be objected to by sepa – based on a “displacement argument. We believe that in theses particular circumstances as there is no development downstream – in fact it is a flood plain, the solutions are acceptable.
 9. The existence of the weir is an issue that needs to be addressed if it is considered that there is a real risk of flooding.

Turning to the “Big Picture, the points we would make are as follows;

10. There is a clear lack of logic in demanding each new planning proposal to implement flood prevention measures, while existing business and residential properties are at risk. Flood prevention if it is such a real risk should be tackled in a more holistic way by the local community acting in unison.
11. Why is each planning application in flood risks areas being asked to carry out risk assessments at onerous cost? The work we have done has cost £6k, to date. Surely sepa have the data on probability etc on which its objection is based. What is the value in each applicant redoing such work? Why is it for example, that firstly, Aquascot identify a significant contributory factor to local flooding as a weir, then it is Aquascot that propose a solution and the experts (planning and sepa) who then critique and deliberate on concrete actions/solutions and reason that they are restricted by and “working to national policy and direction in respect of flood risk”? Should, instead it not



be the experts who come up with solutions that work? Why is it that if there is a real risk of flooding that action by the local community has not been taken before now? If no action has been taken because it is not considered an important enough priority, why then is our planning application been objected to?

12. There is a strong element of second guessing by sepa on technical assessment work carried out and there is a high degree of uncertainty regarding key assumption by sepa. For example, we would question the flow rates and tolerances assumed in a 1 in 200 occurrence
- We understand that the ultimate decision on planning applications lies with "planning" and the Highland council on this matter, not sepa. That said, sepa appear to be "locked" into complying with a narrow non holistic remit, which is not its fault, within its remit, it is carrying out a profession "job". Planning then push the onus onto sepa, stating that planning can only overrule a sepa objection by reference to the Scottish Executive. Meantime, economic development and common sense are put at risk!

Finally, we hope that in this particular instance common sense prevails, in that our planning application is approved and that we can work together actively as members of the local community to address any real risk of flooding.

Yours sincerely

Robert R Murray
Director