

Agenda Item	<b>15</b>
Report No	<b>EDI/51/18</b>

## HIGHLAND COUNCIL

**Committee:** Environment, Development and Infrastructure

**Date:** 16 August 2018

**Report Title:** Preliminary confirmation of the Caol and Lochside Flood Protection Scheme (FPS).

**Report By:** Director of Development and Infrastructure

### 1. Purpose/Executive Summary

- 1.1 Approval to publish the draft Scheme documents was granted by PDI Committee on the 4 November 2015 (PDI 73/15). In addition in August 2016 the PDI committee were advised on the progress of the above Scheme and informed regarding the formal notification process (PDI 52/16)
- 1.2 Following publication of the Caol and Lochside Flood Protection Scheme in April 2018 the Scheme has received five comments and one objection during the notification period. No late representations have been made.

### 2. Recommendations

- 2.1 Members are asked to:
  - i. Make a preliminary decision to confirm the proposed scheme without modifications. (note: Following a preliminary decision the Council will then notify the objector and the Scottish Ministers of the preliminary decision. It is then up to the Ministers to consider whether a public local inquiry is required or the Ministers instruct the Council to convene a hearing.); and
  - ii. Approve the draft planning conditions in **Appendix 1**. (note: these will be issued in draft to the Scottish Ministers for consideration for conditions on confirmation of the scheme)

### 3. Scheme Details

- 3.1 A full description of the Operations, as included in the Caol and Lochyside Flood Protection Scheme Documents, and Drawings can be viewed on the Council's web-site [https://www.highland.gov.uk/info/1226/emergencies/80/flood\\_alleviation\\_schemes/5](https://www.highland.gov.uk/info/1226/emergencies/80/flood_alleviation_schemes/5)

These include:

- Flood Protection Scheme (FPS) Notice
  - FPS Description Document
  - FPS Drawings, Plans and Sections
  - FPS Design Justification Report
    - Flooding Background
    - Flood risk
    - Hydraulic Modelling
    - Scheme Development
    - Environmental Assessment
    - Public Consultation
  - Scheme fly through animation (provided for information only)
- 3.2 One objection has been received and, following further discussion and negotiation with the land owner, the objection remains in place. The objection is based on the possible impacts related to future housing development. The land in question is the site of the former sewage works for the Caol area and is not zoned for housing in the West Highland and Islands Local Development Plan. The site has been subject to a planning permission application and appeal which were refused (08/00285/OUTLO and 10/00006/RBRREF). The objection also makes comment on the draft West Highland and Islands Local Development Plan with regard to the inclusion of the Caol Link Road. The link road route also passes through land owned by the objector. The design of flood protection scheme is compatible with the proposed link road. The link road, if it were to go ahead, will improve the standard of protection for the Lochyside area as it will provide an additional barrier to wave action from Loch Linnhe and will pass over the Flood Embankment. See **Appendix 2** for a copy of the Objection Letter and accompanying documents.
- 3.3 Five comments have been received on details of the Scheme from Scottish Canals, BSW Timber Group, Transport Scotland, SEPA and Historic Environment Scotland.
- 3.4 The comments from the BSW Timber Group relate to the ownership of the existing infrastructure and do not affect the proposed Scheme.
- 3.5 The comments from SEPA relate to planning standards for future development and their flood warning system for the area. Flood protection schemes can reduce flood risk but cannot eliminate it entirely; their primary purpose is to protect existing development from flood risk rather than to facilitate new development. SEPA make it clear that Scottish Planning Policy would oppose any new proposals for residential development behind flood defences where the standard of protection is less than 1 in 200 year plus climate change. See **5.4** below.
- 3.6 Transport Scotland has asked for clarification of the volume and nature of construction traffic. A report is in preparation.
- 3.6 Scottish Canals and Historic Environment Scotland have made reference to the licence to carry out works on the Caledonian Canal embankment which is a scheduled monument. The terms of the existing licence must be altered to align with the current

proposals. The application is in preparation and this will not affect the proposed Scheme.

- 3.7 The draft planning conditions for the Scheme are included in **Appendix 1** these will be issued in draft to the Scottish Ministers for consideration for conditions on confirmation of the scheme

#### **4. Procedure**

- 4.1 The Scheme is planned under the terms of the Flood Risk Management (Scotland) Act 2009.

- 4.2 Members are advised that since an objection has been received and has not been withdrawn, Members have three possible options which are defined in Schedule 2 paragraph 5 of the Act. Make a preliminary decision to:

- confirm the proposed Scheme without modification;
- confirm the proposed Scheme with modification; or
- reject the proposed Scheme.

- 4.3 Following a preliminary decision the Council will then notify the objector and the Scottish Ministers of the preliminary decision. It is then up to the Ministers to consider whether a public local inquiry is required or they instruct the Council to convene a hearing.

#### **5. Implications**

##### 5.1 Resource

The Scottish Government confirmed on 18 July 2016 that 80% funding was available for the Scheme within the programme of spending 2016 – 2022. The Scheme is included in the Capital Programme, approved by Council on 7 March 2018.

##### 5.2 Legal

Legal advice has been sought in the process of confirming the Caol and Lochyside Flood Protection Scheme.

##### 5.3 Community (Equality, Poverty and Rural)

There are no known implications at this time.

##### 5.4 Climate Change / Carbon Clever

The Scheme was originally proposed to include climate change and predicted change in sea level. Through the public consultation process it was agreed with the local community to provide a progressive design solution. The standard of protection provided accommodates a 1:200 year event taking into account combined coastal and river flooding effects. This will greatly increase the protection to the 300 properties at risk of flooding in Caol and Lochyside. The design footprint of the scheme has been developed to enable future enhancements to increase the standard of protection should it be required due to the impact of climate change.

##### 5.5 Risk

Failure to proceed with the proposed scheme may impact on the availability of Scottish Government grant funding for the project and may require re-payment of funding provided to date.

## 5.6 Gaelic

There are no known implications at this time

Designation: Director of Development and Infrastructure

Date: 27 July 2018

Author: Colin Howell, Head of Infrastructure  
Garry Smith, Principal Engineer

Background Papers: PDI 52/16 and 73/15

**RECOMMENDED CONDITIONS  
CAOL & LOCHYSIDE FLOOD PROTECTION SCHEME**

1.	No development, ground works or tree felling shall commence until pre-construction surveys for otter and bats have been undertaken and a written report of the findings submitted to and approved in writing by the Planning Authority. The Report of Survey shall include details of any recommended mitigation measures and the development shall thereafter be undertaken in accordance with any approved mitigation measures, including timing restrictions.
Reason:	<i>To ensure that the site and its environs are re-surveyed prior to the commencement of development to ensure there is no adverse impact on protected species or habitat; in accordance with Policies 28 and 58 of the Highland wide Local Development Plan.</i>
2.	At least three months prior to the proposed commencement of development a full site-specific Construction Environmental Management Plan shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. All agreed measures thereafter shall be implemented in full. The Plan shall incorporate detailed pollution avoidance and mitigation measures for all construction elements potentially capable of giving rise to pollution/environmental damage.
Reason:	<i>To protect the local environment and safeguard residential amenity.</i>
3.	No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Planning Authority. The Construction Method Statement shall provide details of how the site will be developed/phased and provide details of the location of work compounds and storage areas. Thereafter the development shall be undertaken in accordance with the approved Construction Method Statement.
Reason:	<i>In the interests of road and pedestrian safety and visual and residential amenity.</i>
4.	No development shall commence until a construction phase Traffic Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with the Council's Transport Planning Team and Transport Scotland. Such details shall include a routing plan for construction vehicles, predicted construction vehicle trip generation and distribution, and provision for parking for construction workers. Thereafter the development shall be undertaken in accordance with the approved Traffic Management Plan.
Reason:	<i>In the interests of road and pedestrian safety.</i>
5.	No development, including site clearance, shall commence until a Tree Protection Plan, in accordance with BS5837:2012 (Trees in relation to design, demolition and construction) has been submitted to and approved in writing by the Planning Authority.
Reason:	<i>To ensure the protection of retained trees during construction.</i>
6.	No development shall commence until a detailed Tree Planting Plan, including a planting schedule and maintenance programme has been submitted to and approved in writing by the Planning Authority. Thereafter the approved Tree Planting Plan shall be implemented in full in accordance with the planting

	schedule.
Reason:	<i>In the interests of landscape and community amenity</i>
7.	<p>No development shall commence until a scheme for hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Such details shall include:</p> <ul style="list-style-type: none"> <li>(a) Path works, including material and construction;</li> <li>(b) Fencing and walling, including sample panels of stone or concrete finishes where appropriate;</li> <li>(c) Identification of all existing vegetation to be removed/disturbed;</li> <li>(d) Reinstatement, planting and seeding works, including a schedule of plant species, sizes and planting density;</li> <li>(e) Reinstatement and landscaping schedule for implementation;</li> <li>(f) Proposals for future maintenance of the scheme.</li> </ul> <p>Thereafter the agreed landscaping scheme shall be fully implemented in accordance with the approved reinstatement/landscaping schedule.</p>
Reason:	<i>In the interests of landscape and community interest.</i>

### **FOOTNOTE TO APPLICANT Initiation and Completion Notices**

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

### **Flood Risk**

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

### **Scottish Water**

You are advised that connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to connection to Scottish Water's infrastructure should be directed to Scottish Water on 0845 601 8855.

### **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

### **Mud & Debris on Road**

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

### **Construction Hours and Noise-Generating Activities**

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

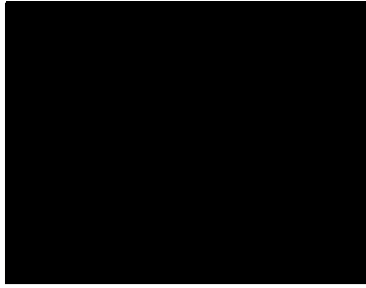
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact [env.health@highland.gov.uk](mailto:env.health@highland.gov.uk) for more information.

### **Protected Species – Halting of Work**

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: [www.snh.gov.uk/protecting-scotlands-nature/protected-species](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

R0006



26<sup>th</sup> May 2018

Garry Smith  
Project Design Unit  
Development & Infrastructure Service  
The Highland Council  
Drummuie  
Golspie  
Sutherland  
KW10 6TA

Dear Mr Smith

**OBJECTION: CAOL AND LOCHYSIDE FLOOD PROTECTION SCHEME 2018**

I refer to the Notice served on my wife and me which accompanied your letter to us dated 26<sup>th</sup> April.

My wife and I are owners of the land at Caol shown on the attached plan, on which proposed operations are to be carried out as part of the Scheme.

We object on the grounds that there is a better alternative scheme on our land which will achieve the objectives of the Scheme. I raised this with you in my letter dated 5 June 2015, almost 3 years ago. I have been in correspondence with you on this issue since then. A copy of a file containing all relevant correspondence is attached, and forms part of this objection.

The statement of reasons for this objection is:

1. The proposed route of the work cuts right through the middle of our land and effectively sterilises it from future development. The construction of an embankment across the middle of the site, and the prohibition on breaching that embankment, would clearly sterilise large parts of the site from development, rendering the whole of it useless.
2. The land is brown-field and eminently suitable for housing or other development. A suggested layout of housing on the site is attached for illustrative purposes. This shows that our land has a potential capacity of up to 20 houses or flats. We have submitted representations to the West Highlands and Islands Proposed Local Development Plan seeking allocation of our land for housing development. As the proposed LDP has yet to be submitted to the Scottish Ministers for examination, the outcome of our representations is not likely to be known for many months.
3. The Scottish Government has submitted representations to the proposed LDP seeking removal of the safeguard for the Caol Link Road, which would enhance the development potential of our land.



4. The better alternative is for the Scheme to go round the coastal perimeter of our land, which would preserve the potential for the land to be developed.
5. There is a need for additional housing in the area, especially with the grant of planning permission for the alloy wheel plant and other proposed development at the former Alcan smelter. The Council should not be promoting works such as the Scheme which sterilise the potential of land for housing development.
6. The alternative works are likely to be a cheaper overall solution. The additional cost of this alternative was estimated at £450,000 in 2015, although I considered that was grossly excessive for an earth-works bund. Even if that estimate is robust, that could be less than the compensation payable to us by the Council for the loss of development potential of our land, which will be assessed on the basis of the "no scheme world", ignoring the existence of the Flood Protection Scheme works. As development potential has to take into account not just the current LDP but also future policies, we consider that our compensation claim would be valued on the basis of loss of potential for housing development, which is likely to be many hundreds of thousands of pounds. Please can you confirm whether the Council have obtained a valuation of the compensation which would be payable to us if the Scheme proceeds in its current form; if so, does that valuation take into account the development potential of our land?
7. Moreover, if our objection to the Scheme is not withdrawn, there is the potential for additional expense to the Council of a public local inquiry being held. We do not want to cause further delay and expense, but genuinely believe that realigning the work would provide a much better outcome, especially since it would avoid the Council from liability to pay a very substantial amount of compensation.
8. The Council has stated that our land has little value because the route of the proposed Caol Link Road effectively precludes development of the site, however the Council has acknowledged that the proposed design of the Flood Protection Scheme is inconsistent with the proposed route of Caol Link Road. If Caol Link Road were ever to be constructed, the FPS, as currently proposed, would have to be either demolished or substantially altered. This is apparent from the design of the FPS as currently made available to the public, and as advertised in the Notice served on us. Clearly, if this Scheme proceeds, Caol Link Road cannot, without major infra-structure redesign, proceed. The Council has, therefore, acknowledged, tacitly at least, that Caol Link Road, which has been in the Local Plan for almost forty years, will never proceed. Despite this incongruity, the Council continue to maintain that our land has no development potential.
9. Acting on behalf of, among others, the Highland Council, Aecom are currently carrying out a STAG appraisal of infrastructure around Fort William. The viability of Caol Link Road will be considered as part of that process. Aecom intend to publish an interim report in around three weeks. In my letter to Scott Dalgarno dated 11<sup>th</sup> December last year (which is Item 8 in the attached correspondence file) I proposed that consideration of the matter of our land and the Flood Protection Scheme be delayed until the outcome of the STAG was made known. The Notice you have served runs contrary to that undertaking.

Will you send me a copy of a plan showing both Caol Link Road and the proposed Flood Protection Scheme?

Please acknowledge receipt of this objection and confirm that it will be taken into account by the Council in proceeding with the Scheme.

Yours sincerely

Don Michie

## CORRESPONDENCE BETWEEN H&HH AND HIGHLAND COUNCIL Re RIVER LOCHY & CAOL FLOOD PREVENTION SCHEME

### PERSONNEL

Name	Employer	Position
Don Michie	Highland & Hebridean Homes	Partner
Garry Smith	Highland Council	Principal Engineer
Stuart Black	Highland Council	Head of Planning Services
Susan MacMillan	Highland Council	Team Leader, Lochaber - Planning Services
Scott Dalgarno	Highland Council	Development Plans Manager

Ref	Type	From	To	Date	Content
1	Letter	Don Michie	Garry Smith	5-Jun-15	Setting out reasons why FPS ought to be re-aligned
2	Letter	Don Michie	Garry Smith	8-Oct-15	Advising costs implications of proposed route & cheaper design option
3	Letter	Don Michie	Garry Smith	14-Mar-16	Referring to WHILDPP Transport Paper abandoning CLR and offering access
4	Letter	Garry Smith	Mr & Mrs Michie	4-Oct-17	Advising of compensation procedures if THC proceed with FPS as proposed
5	Letter	Don Michie	Garry Smith	16-Oct-17	Advising of reasons for re-routing FPS and ref made to Scot Gov objection
6	Letter	Don Michie	Susan MacMillan	3-Nov-17	Submission of housing proposal
7	Letter	Scott Dalgarno	Don Michie	7-Dec-17	Suggesting we postpone decision and await the outcome of the WHILDPP
8	Letter	Don Michie	Scott Dalgarno	11-Dec-17	Suggesting we delay proceedings on FPS and await the WHILDPP outcome
9	Letter, Notice & Plan	Garry Smith	Mr & Mrs Michie	26-Apr-18	Notice served on affected landowners & objection procedure
10	Notes	Don Michie		6-Aug-15	Notes made after meeting between Garry Smith & Don Michie

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5<sup>th</sup> June 2015

Mr Garry W Smith  
Principal Engineer  
Project Design Unit  
Highland Council Roads Dept  
Drummuie  
Golspie  
Sutherland  
KW10 6TA

Dear Mr Smith

**Caol Coastal Protection Scheme**

I am grateful to you for sending me through plans of the proposed Flood Protection Scheme and for taking the time, when I called at the recent public meeting, to explain to me as much as I needed to know about the proposed scheme.

I must register my extreme concern that the proposed route of the coastal protection work cuts right through the middle of the development land which I own and effectively sterilises it. I was also greatly disappointed that no account has been taken of the Flood Risk Assessment report we commissioned, and which I sent to John Ross several months ago.

I purchased this land with a view to building houses on it. We did apply for planning permission and that planning permission was refused however we consider that the grounds for refusal were invalid, and, since the refusal was issued, have been made even more invalid by further developments which have been granted consent. Our solicitor will be in touch with the Highland Council Planning Department in connection with this matter.

The land I own is a brown-field site, eminently suitable for housing. My advisors assure me that the reasons for refusal of my earlier application will not stand up to scrutiny and that eventually consent will be granted for erection of both flats and individual dwelling houses.

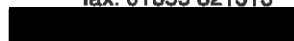
I therefore cannot countenance permitting the Council to render my land valueless as a consequence of the proposed Flood Protection Scheme and would earnestly implore you to consider extending the scheme so that it goes round the coastal perimeter of the land I own and not directly through it.

Yours sincerely

Don Michie  
Partner

Partners: Don Michie & Mary Michie  
Partnership Registration Number: 30 09 79  
VAT Registration Number: 975 8321 80

Highland & Hebridean Homes LLP  
Old Manse, Onich  
Inverness-shire PH33 6RY  
tel: 01855 821202  
fax: 01855 821313





8<sup>th</sup> October 2015

Mr Garry W Smith  
Principal Engineer  
Project Design Unit  
Highland Council Roads Dept  
Drummuie  
Golspie  
Sutherland  
KW10 6TA

Dear Mr Smith

**Caol Coastal Protection Scheme**

I was grateful to be given the opportunity to meet you when you visited Caol in early August.

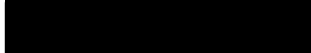
As I mentioned to you when we met, the Council's Planning Department put a raft (nine I recall) of difficulties in front of me when I first approached them about developing the land I own opposite Erracht Drive in Caol. All but two of these nine issues have since been dealt with. The two remaining are the flood protection works and the Caol Interceptor Road.

My preference is that I continue to chip away at the Council to persuade them that this is high value land with a considerable development potential. The site is quite capable of accommodating the 12 flats which were the subject of my previous application, and there are at least two prime house sites east of the area which I proposed to build flats on. Of the four reasons for formally refusing my previous application, two are no longer valid, and the two referred to earlier remain. Not only does the land have a considerable market value but, as far as I am concerned, the site has added value because of the profitability of development projects being carried out on it, particularly at the present time when there is a greatly increased demand for residential property in Lochaber, and interest rates are still favourably low.

Regarding the coastal protection work, the figures you quoted me at our meeting give me grounds for proposing what I am confident will be an attractive offer to the Council. You said that the additional cost to the Council of putting the flood protection scheme round the edge of, rather than through them middle of, my land would be £450,000. From the plans you gave me I have established that the length of protection work skirting the perimeter of my land is twice the length of the scheme proposed by you which takes the protective bund through the middle of my site (rendering it effectively useless). If the increased cost of doubling the length is £450,000 then it stands to reason that the cost on the route proposed by you will be £450,000 and the cost of twice that length (round the edge of my land) will therefore be £900,000.

Partners: Don Michie & Mary Michie  
Partnership Registration Number: 30 09 79  
VAT Registration Number: 975 8321 80

Highland & Hebridean Homes LLP  
Old Manse, Onich  
Inverness-shire PH33 6RY  
tel: 01855 821202  
fax: 01855 821313



It is apparent that a highly equitable solution would be for the Council to agree to enter into a contract with me under which I will build the protective bund round the perimeter of my land for £450,000. This undertaking would, of course, be on the understanding that the works were constructed in such a way that it was fully compliant with your specification for the work. You indicated at your meeting that, because the length of the perimeter work was not as susceptible to tidal action as the more exposed sections of the scheme to the west of my land, all that would be required would be an earthwork bund or embankment protected by some form of geotextile material. Building this for the Council is a particularly attractive proposition to me because I would be able to win the material required for the embankment by contouring the areas of my land remote from the proposed development sites.

You did mention that the Council building a flood protection scheme through my land would not prevent me from building my own flood protection scheme round the edge of my land but, from a practical point of view, that would not be feasible. The footprint of your scheme would take up a large swathe running through my land, I would have to take any access to my land to the east of your bund over the top of your bund since, clearly, the bund could not be breached.

Having said all that, however, I am prepared to consider any sensible offer which the Council may make taking in to account the factors referred to earlier. The Council purchasing the land would, of course, not only leave them free to construct the coastal protection works where they wanted it, it would also obviate any problems which would result from your sterilising my land by building the Caol Interceptor Road. Apart from some conveyancing work, it would avoid the need for lawyers becoming involved in what could be an expensive and protracted dispute.

I look forward to hearing from you.

Yours sincerely

Don Michie  
Partner



14<sup>th</sup> March 2016

Mr Garry W Smith  
Principal Engineer  
Project Design Unit  
Highland Council Roads Dept  
Drummuie  
Golspie  
Sutherland  
KW10 6TA

Dear Mr Smith

### **Caol Coastal Protection Scheme**

I have read the Council's West Highland and Islands Local Development Plan Transport Background Paper dated January 2016 in which, in section 3, it is set out that the Council will, effectively, abandon its intention to include the Caol Interceptor Road in the Local Development Plan.

This change in policy makes the land we own now eminently suitable for the type of housing development which was refused planning consent some years ago. In view of this change of policy, will you now agree to have the proposed flood protection bund taken round the perimeter of the land we own rather than through the middle of it? You will recall that in the area of the land we own the flood protection bund is a fairly modest affair and not hugely expensive to construct. If the council is prepared to re-route the work as per this request we, in return, will grant any reasonable requirement you may have for access for design or constructional purposes.

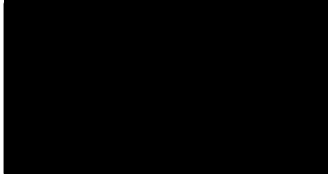
I look forward to hearing from you.

Yours sincerely

Don Michie  
Partner



Mr & Mrs Michie



**Please ask for:** Garry Smith  
**Direct Dial:** 01408 635313  
**E-mail:** garry.smith@highland.gov.uk  
**Our Reference:** YEHAC5002/6  
**Your Reference:**  
**Date:** 4<sup>th</sup> of October 2017

Dear Mr & Mrs Michie

**CAOL AND LOCHYSIDE FLOOD PROTECTION SCHEME  
THE FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009**

The Highland Council will shortly be publishing the notice for the Caol and Lochyside Flood Protection Scheme using the powers contained in The Flood Risk Management (Scotland) Act 2009.

You have been identified as having an interest in part of the land within the boundary of the scheme.

A representative from the Highland Council Estates Team has been instructed to contact you to verify land boundaries and to negotiate and settle any claims for compensation in line with The Flood Risk Management (Scotland) Act 2009, should the scheme be confirmed. This will be done by a separate letter.

Under the terms of the Act, any person who has sustained damage as a result of the scheme as stated in Section 82 of the Act may be entitled to compensation. Compensation due will depend on the type of property, circumstances and the nature of the construction works carried out and claims for compensation will be treated on an individual basis.

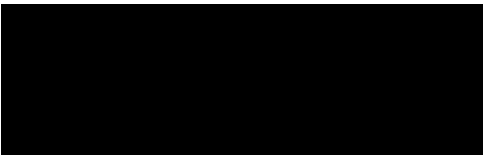
You may wish to appoint an agent to act on your behalf in this connection. I can confirm that the Council will meet reasonable fees for this but prior to appointing advisors you should contact the Council's Estate Team who can advise you on obtaining such professional advice and agree the level of fee at the outset.

Compensation matters arising from the scheme will be handled by The Highland Council's Estates Team, whose contact details are listed below.

Area Surveyor  
The Highland Council  
Estates Team  
Development & Infrastructure Service  
Glenurquhart Road  
INVERNESS  
IV1 1QL

Tel: 01349 886660 and ask for the Estates Team

Yours sincerely



Garry Smith  
Principal Engineer

Cc Frank Scott, THC Estate's Team





16<sup>th</sup> October 2017

Mr Garry W Smith  
Principal Engineer  
Project Design Unit  
Highland Council Roads Dept  
Drummuie  
Golspie  
Sutherland  
KW10 6TA

Dear Mr Smith

### **Caol Flood Protection Scheme**

I refer to your letter reference YEHAC5002/6 dated 4<sup>th</sup> October concerning the acquisition of land for the Caol Flood Protection Scheme, and note the contents.

I have long argued that the land in Caol which my wife and I own is eminently suitable for housing development, and that designing the Capital Flood Protection Scheme so that it dissected our land, effectively rendering it useless for development, was folly in the extreme. I attach letters I have previously sent to you in connection with this matter.

Whereas we had a very strong and very persuasive case when these letters were written, the strength of our case has been increased greatly as a result of recent developments. Along with my previous letters to you, I enclose several other documents which bear on this matter. A synopsis of these is as follows:

- 1) We have lodged formal representations as part of the WHIPLDP (West Highlands and Islands Proposed Local Development Plan) consultation process setting out reasons why Caol Link Road ought to be taken out of the local plan. A copy of this document is attached.
- 2) We have also lodged formal representations proposing that our land be zoned for housing. Given the proposed expansion of the former Alcan smelter, and associated developments, the demand for housing is now far greater than it was formally. A copy of this document is attached.
- 3) There has, at long last, been a groundswell of opinion against the ridiculous proposal to construct Caol Link Road to the extent that the Scottish Government is now making representations as part of the Local Plan consultation process to the effect that it be removed from the local plan. A copy of their representation is enclosed.

The advice from my lawyers is that valuation of any claim is done on the basis of the "no scheme world", which means that the development potential of the land would ignore the existence of the flood scheme. In the no scheme world, there is a case for the site being valued as a housing development site. As the flood scheme, as currently designed, would restrict the amount of housing that could be accommodated on the site, the Council would have to pay compensation to reflect that loss in value caused by the flood scheme. The amount of compensation payable could therefore be very substantial."

Your own department has tacitly acknowledged that Caol Link Road is a non-starter by ignoring it when designing the Flood Protection Scheme. It is well known that the design of the Flood Protection Scheme is incompatible with the proposal to build Caol Link Road.

As a consequence of all the foregoing, it now seems a racing certainty that our land in Caol will have houses built on it, with the blessing of the Planning Department. Not only will this give the land a very high value, it offers the prospect to my wife and me of undertaking a profitable development and construction project on the site.

As recorded in the previous letters which I have sent to you (copies of which are enclosed) the minimal cost of putting the Flood Protection Scheme round our site, rather than through the middle of it, will be small when compared to the value of a compensation claim. I urge you, therefore, to reflect on the wisdom of continuing with the Flood Protection Scheme on the present alignment. If you agree to realign the proposed work so that it goes around our site, rather than through it, you will save the Council a considerable sum of money, probably several hundred thousand pounds. You will also avoid stymieing a desperately needed housing development and thus depriving the people of Lochaber the opportunity to find suitable homes.

If you do not agree to realign the proposed work, I will lodge representations against the proposed scheme, indicating that there is a better alternative to achieve the objectives of the scheme. The advice from my lawyers is that an objection from a landowner prevents the Council from proceeding with the scheme without notifying the Scottish Ministers, who might call it in for their decision and hold an inquiry; even if the Ministers do not call-in, the Council would still require to hold a hearing. I do not want to cause further delay and expense, but I genuinely believe that realigning the work would provide a much better outcome, especially since it would avoid the Council from liability to pay a very substantial amount of compensation.

Yours sincerely

Don Michie  
Partner

6



3<sup>rd</sup> November 2017

Susan Macmillan  
Planning Team Leader – Lochaber  
The Highland Council  
Planning & Building Standards  
Development & Infrastructure Service  
Fulton House  
Gordon Square  
Fort William PH33 6XY

Dear Susan

### **Proposed Development of Former Sewage Treatment Works at Caol**

I have not received replies to either of the two e-mails I wrote to you recently about Caol. As I said in the earlier e-mail, dated 31<sup>st</sup> August, I would like to move forward on agreeing, in principle, a development which makes best use of the land we own and which best addresses local housing need.

I attach:

- a. A suggested layout of housing on the site.
- b. Representations we have made against retaining Caol Link Road in the Local Plan.
- c. Representations we have made urging the Council to zone our land for housing.
- d. A memorial sent to me by Neil Collar, Head of Planning with Brodies in Edinburgh, setting out our remedies if the Council Planning Authority refuse our application because of Caol Link Road.
- e. Representations the Scottish Government has made criticising the Highland Council for retaining Caol Link Road in the Local Plan for decades.

As I am sure you know, all the local elected members, along with Transport Scotland, have voiced concern over retaining this unrealistic aspiration in the Local Plan because of the adverse effect its retention has not only on local housing but on finding a pragmatic and affordable solution to congestion on the A82.

I fully expect that, in view of the foregoing, any application I submit to develop the site along the lines of the enclosed plan would be favorably received. Before proceeding with the formal application I will value any comments you might care to make.

Clearly much flesh has to be added to the bones of what I currently propose. I intend to undertake research, and possibly a needs survey, to identify as precisely as possible the housing need is in Fort William and its suburbs. To do this I will look at surveys which have already been carried out by your department and may well enter into dialogue with liberty, the company who intend to develop the former Alcan smelter. Once housing need has been established or assessed we will decide on the mix of housing we propose to build. Presently our thoughts are that there will be a mix of one and two bedroom flats (in units of two or three flats per building), three detached and a couple of semi-detached houses.

Highland & Hebridean Homes LLP

Partners: Don Michie & Mary Michie

Partnership Registration Number: 30 09 79

VAT Registration Number: 975 8321 80

Old Manse, Onich  
Inverness-shire PH33 6RY  
tel: 01855 821202  
fax: 01855 821313



I am conscious that presently the Caol Link Road remains in the local plan however everyone concerned, hopefully including you, acknowledges that its days are numbered. In order to move towards consensus on how best to develop the site I will appreciate if you would deal with this matter in anticipation in Caol Link Road being taken out of the local plan.

If you would like to meet me to discuss this I will be pleased to call up at your office at a time convenient to you. I look forward to hearing from you.

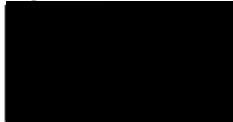
Yours sincerely

Don Michie

cc *Stuart Black – Highland Council*  
*Neil Collar - Brodies*



Mr Michie



E-Mail: [scott.dalgarno@highland.gov.uk](mailto:scott.dalgarno@highland.gov.uk)

Direct dial: (01463) 702592

Date: 07 December 2017

Sent by email to [Redacted]

Dear Mr Michie

**PROPOSED DEVELOPMENT OF FORMER SEWAGE TREATMENT WORKS AT CAOL**

Thank you for your letter dated November addressed to Susan MacMillan regarding the above. The letter has been passed to me for response as the most pertinent factor affecting your proposal is the Caol Link Road safeguard contained in the existing and proposed development plans.

I have considered the additional information you provided but do not agree that this justifies an early and positive determination of a housing planning application on this site. The recent appeal decision (PPA-270-2177) for land north of the proposed site within the land safeguarded for the Caol Link Road supports the Council's position on this issue. Paragraph 8 of the Reporter's decision notice makes clear that the Examination of the emerging West Highland and Islands Local Development Plan (WHILDP) is the most appropriate process to consider the merits of safeguarding routes for road infrastructure in and around Fort William.

I therefore advise that your application should await the WHILDP Examination process outcome. I note that your solicitor advises a similar course of action. The representations you made to the Proposed WHILDP will be considered by the independent Reporter at that stage.

I trust this clarifies our position but if you have any further questions or wish to discuss please do not hesitate to contact me.

Yours sincerely

*SCOTT DALGARNO*

THE HIGHLAND COUNCIL - DEVELOPMENT PLANS MANAGER

cc. Susan MacMillan



11<sup>th</sup> December 2017

Scott Dalgarno  
Development Plans Manager  
The Highland Council  
Development & Infrastructure Service  
Glenurquhart Road  
Inverness  
IV3 5NX

Dear Mr Dalgarno

**PROPOSED DEVELOPMENT OF FORMER SEWAGE TREATMENT WORKS AT CAOL**

I acknowledge receipt of, and thank you for, your letter to me dated 7<sup>th</sup> December concerning the headed matter.

I am familiar with the recent appeal decision issued in respect of Donald Donnelly's land to the north of mine and accept that, as long as the cursed Caol Link Road remains in the local plan, any application I submit is likely to be refused. I will continue to lobby for the Caol Link Road to be removed from the emerging WHILDP and follow this up as appropriate once a decision has been made on that matter.

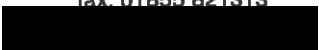
The Council have written to me to tell me that they wish to purchase this land for the Caol & Lochyside Flood Protection Scheme. I will, by copying this to the individuals dealing with that (Garry Smith and Stuart Black) ask that they, likewise, agree to delay any proceedings on the matter until a decision has been made on the outcome of the WHIPLDP process.

In the meantime, I would like to thank you for your courteous and helpful feedback on this matter.

Yours sincerely

Don Michie  
Partner

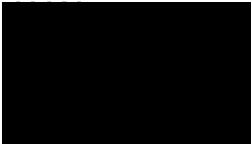
cc *Dr Stuart Black*  
*Garry W Smith*





RECO 30/04/18 9

Mr & Mrs Michie



Please ask for:

Direct Dial:

E-mail:

Our Reference:

Your Reference:

Date:

Garry Smith

01408 635313

[garry.smith@highland.gov.uk](mailto:garry.smith@highland.gov.uk)

YEHAC5002/ 13

26<sup>th</sup> April 2018

Dear Mr & Mrs Michie

### CAOL AND LOCHYSIDE FLOOD PROTECTION SCHEME 2018

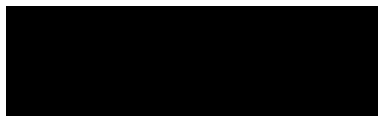
The Highland Council is promoting a Flood Protection Scheme for Caol and Lochyside under powers given by the Flood Risk Management (Scotland) Act 2009 and the Flood Risk Management (Flood Protection Schemes, Potentially Vulnerable Areas and Local Plan Districts) (Scotland) Regulations 2010.

The Act and Regulations require Notice of the proposed scheme to be served on any person who (i) has an interest in any land on which the proposed operations are to be carried out, or (ii) whose interest in any other land may be affected by any of the proposed operations or by any alteration in the flow of water caused by any of the proposed operations.

The enclosed Notice gives you information on where you may view the scheme documents and how to formally object to the scheme.

If you have any queries regarding the scheme you can email them to [caol&lochyside.fps@highland.gov.uk](mailto:caol&lochyside.fps@highland.gov.uk) or telephone 01408 635313.

Yours sincerely



Garry Smith  
Principal Engineer

enc.

**THE HIGHLAND COUNCIL  
FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009 ("the 2009 Act")  
AND  
THE FLOOD RISK MANAGEMENT (FLOOD PROTECTION SCHEMES,  
POTENTIALLY VULNERABLE AREAS AND LOCAL PLAN DISTRICTS)  
(SCOTLAND) REGULATIONS 2010 ("the 2010 Regulations")**

**CAOL AND LOCHYSIDE FLOOD PROTECTION SCHEME 2018**

NOTICE is hereby given pursuant to Section 60 and Schedule 2 of the Act and Parts II, III & IV of the Regulations, that the Council proposes to make the above flood protection scheme. This constitutes a notice under Paragraph 1 of Schedule 2 of the Act and under Paragraph 7 of the Regulations.

The effects of the operations proposed under the Scheme will be:

- To generally reduce the risk of flooding to residential, community and business properties along the shoreline in Caol through the establishment of a raised flood embankment.
- To generally reduce the risk of flooding to residential, community and business properties along the northern bank of the River Lochy west of Castle Drive in Lochyside through the establishment of a concrete flood wall.
- To generally reduce the risk of flooding to residential, community and business properties in Caol and Lochyside through the provision of a secondary surface water management system to provide storage and a managed pumped surface water drainage system.

The scheme documents can be inspected during the period from 30/04/2018 to 28/05/2018 inclusive at:

- The Highland Council, Council Headquarters, Glenurquhart Road, Inverness, IV3 5NX, between 9.00am and 5.00pm, Monday to Friday.
- Caol Library, Glenkingie Steet, Caol, PH33 7DS, Monday 14:00 - 17:00; Tuesday 10:00 – 13:00, 16:00 - 19:00; Wednesday 14:00 - 17:00; Thursday 10:00 – 13:00; Friday 17:00 - 20:00.
- At Caol Community Centre, Glenkingie Steet, Caol, PH33 7DS, on Wednesday 16<sup>th</sup> May, between 2:00pm and 7:00pm. This will take the form of a drop-in session with Council Officers available to answer queries about the scheme.
- Online, at [https://www.highland.gov.uk/info/1226/emergencies/80/flood\\_alleviation\\_schemes/5](https://www.highland.gov.uk/info/1226/emergencies/80/flood_alleviation_schemes/5)



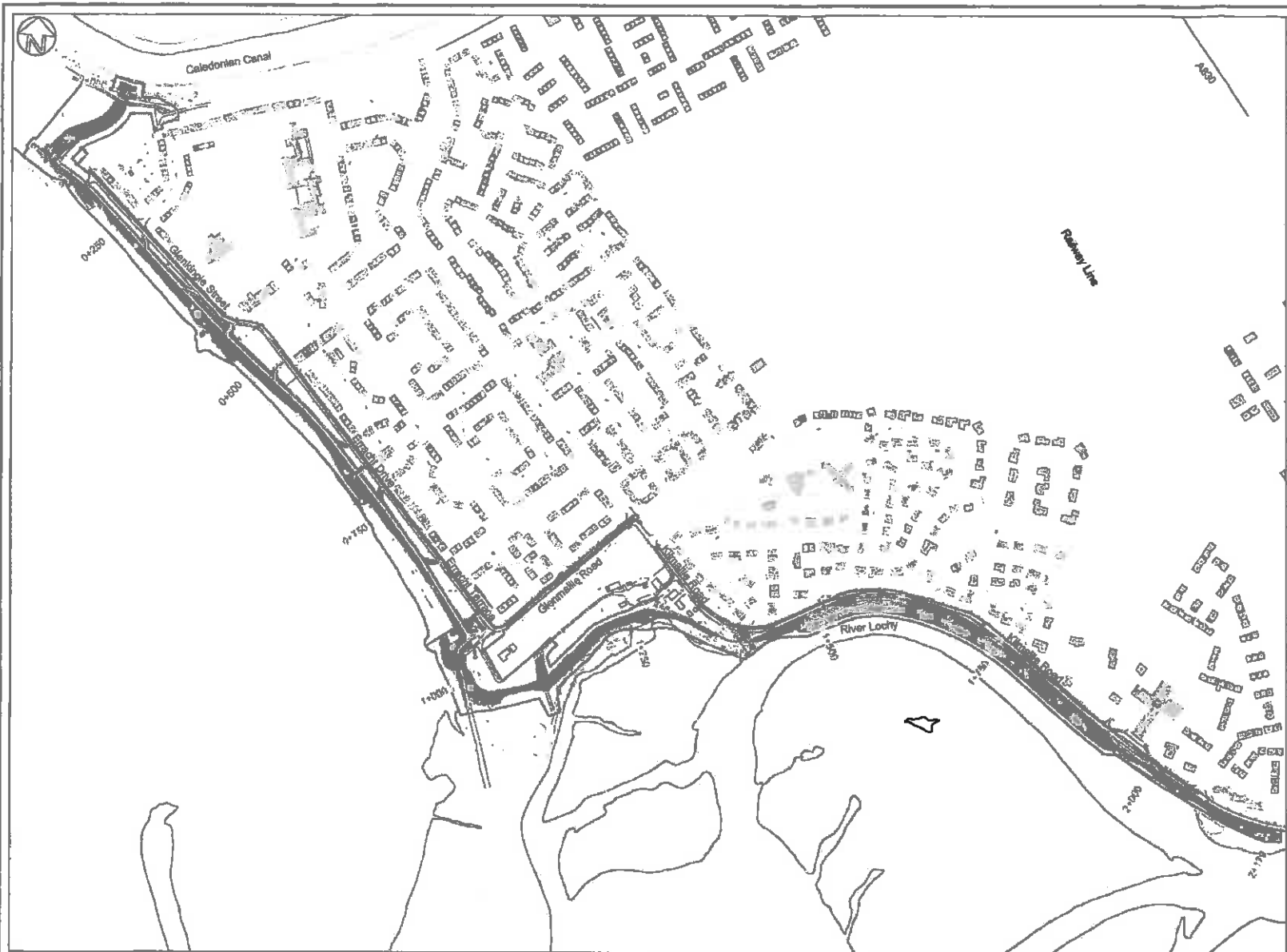
Any objection to the proposed scheme must be in writing and include the name and address of the objector and must be accompanied by a statement of reasons for the objection. Where an objector has an interest in any land on which the proposed operations are to be carried out or which may be affected by any of the proposed operations or by any alteration in the flow of water caused by any of the operations that person's objection must include details of the land in which the objector has an interest, disclosure of the nature of the objector's interest in the land, and details of which aspects of the proposed operations affect the objector. If no valid objections are made to the scheme, then the Council must make the final decision to confirm or reject the proposed scheme. If, however there are objections which are not valid objections under Paragraph (3) (2) of Schedule 2 of the Act, the Council may make a preliminary decision and hold a hearing to consider the proposed scheme, before confirming or rejecting the scheme. Where valid objections are made to the scheme, the Council will consider the objections and make a preliminary decision to either (a) confirm the proposed scheme without modification, or (b) confirm the proposed scheme with modifications, or (c) reject the proposed scheme. Where an objection is received from a relevant objector, who is a person to whom paragraph 5(6) of Schedule 2 of the Act applies, the Council must notify Scottish Ministers of the preliminary decision. The Scottish Ministers must then decide whether to consider the scheme or not. If the Scottish Ministers decide to consider the scheme and valid objections remain, then the Scottish Ministers must cause a Public Local Inquiry to be held. After considering the outcome of the Public Local Inquiry, the Scottish Ministers must make the final decision to: (a) confirm the proposed scheme without modification, or (b) confirm the proposed scheme with modifications, or (c) reject the proposed scheme. Where the Scottish Ministers decide not to consider the scheme; the Council must hold a hearing to consider the proposed scheme. Following the outcome of the hearing, the Council must make the final decision to (a) confirm the proposed scheme without modification, or (b) confirm the proposed scheme with modifications, or (c) reject the proposed scheme. Notification of the final decision, whether made by the Council or the Scottish Ministers will be given.

Any objection to the scheme must be made during the period 30/04/2018 to 28/05/2018 inclusive to: Garry Smith, The Highland Council, Development & Infrastructure Service, Project Design Unit, Drummie, Golspie, Sutherland, KW10 6TA or by email to [garry.smith@highland.gov.uk](mailto:garry.smith@highland.gov.uk)

Any queries or clarifications regarding the Scheme can be obtained by emailing [caol&lochyside.fps@highland.gov.uk](mailto:caol&lochyside.fps@highland.gov.uk) or telephoning 01408 635 313.

Stewart D. Fraser,  
Head of Corporate Governance,  
The Highland Council

30/04/2018



LEGEND		PROPOSED INFRASTRUCTURE		UTILITIES	
	EXISTING WATERCOURSE / BSA		OUTFALL APRON		PROPOSED MANHOLE
	REPROFILED GROUND		PROPOSED SURFACE WATER DRAINAGE		FLOOD EMBANKMENT
	FOOTPATH (SURFACED ASPHALT)		LIMITS OF LAND AFFECTED BY OPERATIONS		EXISTING CULVERT
	SHARED CYCLE / FOOTPATH (SURFACED ASPHALT)		OPERATION ARROW		TREE OR GROUP TO BE RETAINED
	ACCESS RAMP (CONCRETE)		OPERATION CONTINUATION MARKER		TREE OR GROUP TO BE REMOVED
	VEHICLE ACCESS (SURFACED ASPHALT)		SECTION MARKER		BSE - Underground Low Voltage
	VEHICLE ACCESS (UNSURFACED)		LINEAR DRAINAGE CHANNEL		Unknown Utility - Pipe
	ROCK ARMOUR SIDE SLOPE		FLOOD WALL		Existing Watercourse
			FLOOD GATE		GSE - Overhead 11kV High Voltage
					The Highland Council - Street Lighting
					BSE - Underground 11kV

- General Notes**
- All dimensions shown are in metres unless otherwise stated and levels in metres to Ordnance Datum.
  - Do not scale from this drawing.
  - This drawing is to be used in conjunction with:  
 2015a7415-BEAL-00-00-DR-C-1003 - Challenge 0 to 76.00m  
 2015a7415-BEAL-00-00-DR-C-1003 - Challenge 76.00 to 218.00m  
 2015a7415-BEAL-00-00-DR-C-1003 - Challenge 218.00 to 284.00m  
 2015a7415-BEAL-00-00-DR-C-1003 - Challenge 284.00 to 471.00m  
 2015a7415-BEAL-00-00-DR-C-1006 - Challenge 471.00 to 886.00m  
 2015a7415-BEAL-00-00-DR-C-1007 - Challenge 886.00 to 720.00m  
 2015a7415-BEAL-00-00-DR-C-1008 - Challenge 720.00 to 466.00m  
 2015a7415-BEAL-00-00-DR-C-1009 - Challenge 466.00 to 892.00m  
 2015a7415-BEAL-00-00-DR-C-1010 - Challenge 892.00 to 1091.00m  
 2015a7415-BEAL-00-00-DR-C-1011 - Challenge 1091.00 to 1299.17m  
 2015a7415-BEAL-00-00-DR-C-1012 - Challenge 1299.17 to 1326.00m  
 2015a7415-BEAL-00-00-DR-C-1013 - Challenge 1326.00 to 1474.36m  
 2015a7415-BEAL-00-00-DR-C-1014 - Challenge 1474.36 to 1569.42m  
 2015a7415-BEAL-00-00-DR-C-1015 - Challenge 1569.42 to 1657.00m  
 2015a7415-BEAL-00-00-DR-C-1016 - Challenge 1657.00 to 1824.42m  
 2015a7415-BEAL-00-00-DR-C-1017 - Challenge 1824.42 to 1922.25m  
 2015a7415-BEAL-00-00-DR-C-1018 - Challenge 1922.25 to 2050.00m  
 2015a7415-BEAL-00-00-DR-C-1019 - Challenge 2050.00 to 2170.36m  
 2015a7415-BEAL-00-00-DR-C-2001 - Flood Embankment Cross Section 1 of 10  
 2015a7415-BEAL-00-00-DR-C-2002 - Flood Embankment Cross Section 2 of 10  
 2015a7415-BEAL-00-00-DR-C-2003 - Flood Embankment Cross Section 3 of 10  
 2015a7415-BEAL-00-00-DR-C-2004 - Flood Embankment Cross Section 4 of 10  
 2015a7415-BEAL-00-00-DR-C-2005 - Flood Embankment Cross Section 5 of 10  
 2015a7415-BEAL-00-00-DR-C-2006 - Flood Embankment Cross Section 6 of 10  
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 2015a7415-BEAL-00-00-DR-C-2008 - Flood Embankment Cross Section 8 of 10  
 2015a7415-BEAL-00-00-DR-C-2009 - Flood Embankment Cross Section 9 of 10  
 2015a7415-BEAL-00-00-DR-C-2010 - Flood Embankment Cross Section 10 of 10  
 2015a7415-BEAL-00-00-DR-C-3001 - Kinloch Ternac Secondary Flooding Pumping Station - Plan and Schematic Long-Section  
 2015a7415-BEAL-00-00-DR-C-3002 - Kinloch Ternac Secondary Flooding Pumping Station - Plan and Schematic Long-Section  
 2015a7415-BEAL-00-00-DR-C-3003 - Kinloch Ternac Secondary Flooding Pumping Station - Plan and Schematic Long-Section

- These plans are in accordance with the requirements of Section 80 and Schedule 2 of the Flood Risk Management (Scotland) Act 2002.
- The location, horizontal and vertical extents of the operations may vary by some limits (where applicable) as noted in the Description of the Flood Protection Scheme.
- The locations of any known services shown on drawings are approximate and for guidance only.
- Dismantling of any existing underground apparatus will be carried out by or on behalf of the statutory undertaker under its own statutory powers.

Contractor	Revised to be with comments (H-G/AR)								
Rev.	Date	Drawn	S.S.	Design	S.S.	Checked	U.F.	Approved	J.S.
Contractor	Revised to be with comments (H-G/AR)								
Rev.	Date	Drawn	A.W.	Design	A.W.	Checked	U.F.	Approved	R.D.
Client Approval									
A - Approved									
B - Approved with Reservations									
C - Do Not Use									
Purpose of Issue									
For Consultation								Status	
								04	

**Project**  
Caol & Lochyside  
Flood Protection Scheme

**Title**  
Scheme Layout Plan  
Challenge 0.00 to 2170.36m

**Client**  
The Highland Council  
Caledonian Road  
Glenelg Inverness

**Scale**  
1:2500 @ A1

**Project Number**  
2015a7415

**Drawing Number**  
2015a7415-BEAL-00-00-DR-C-1001

**Drawn**  
J. Ferguson  
08.01.17

**Checked**  
R. Dawson  
08.01.17

**Approved**  
R. Dawson  
08.01.17

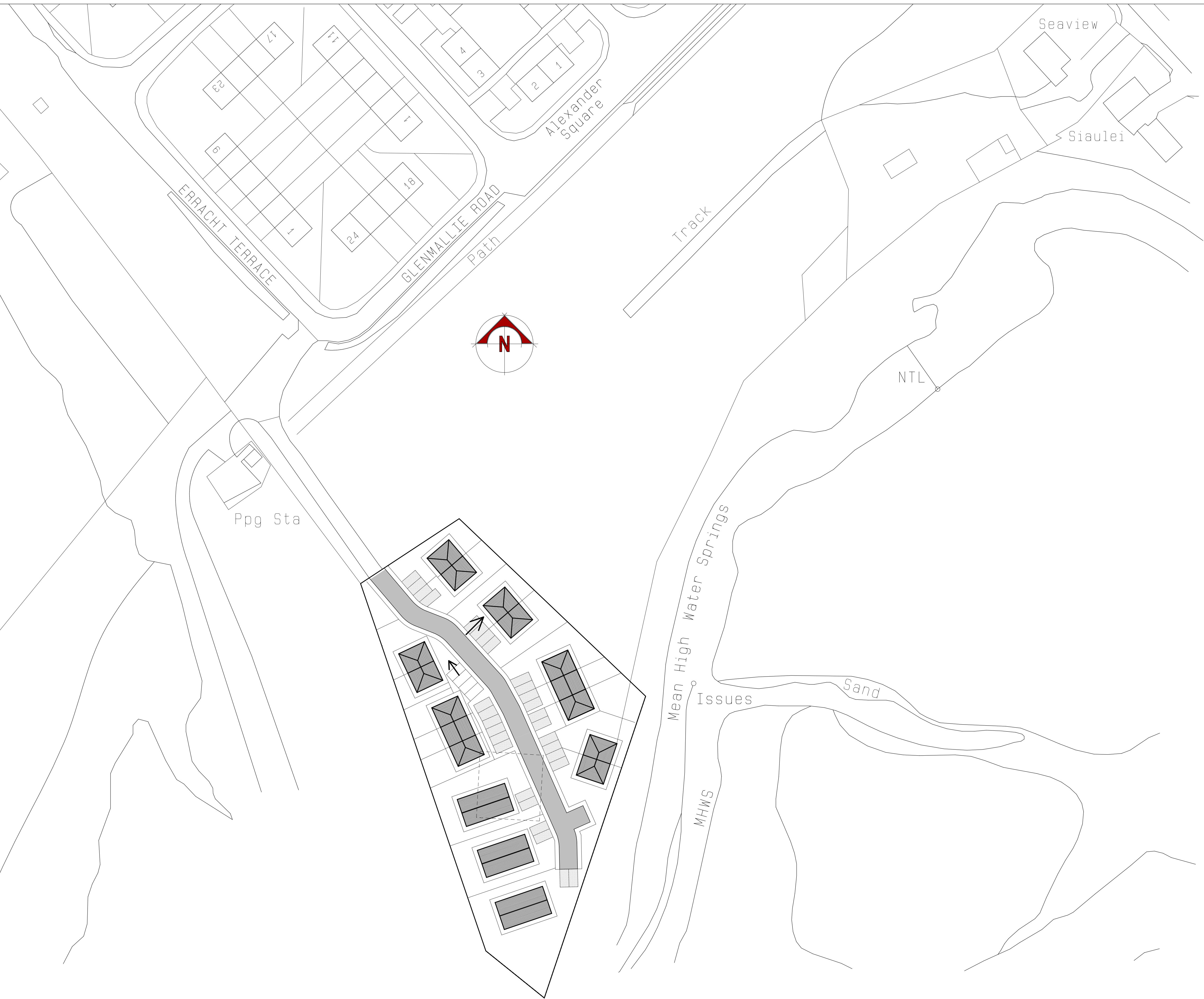
**Revision**  
2

**Notes of Meeting Don had with Garry Smith of Highland Council re Caol Development on 6<sup>th</sup> August 2015**

- Garry said that the council were working in accordance with the Flood Risk Management (Scotland) Act 2009. This act sets out the Council's powers of entry and the consultation procedures they must observe.
- Section 82 of the Act deals with compensation and states that that must be agreed between the developer and either the council estates department or the district valuer. If no agreement can be reached then the matter is referred to the Land Tribunal.
- Garry acknowledged that various people had been notified of the scheme and that several hundred letters had been delivered but no effort had been made to inform affected land owners. Don recorded his concern over this apparent lapse and felt that the affected land owners had a right to be informed.
- The council's proposals will be put before the Planning and Development Committee for consideration at their meeting, probably in November.
- Don may wish to make representations to local councillors about this waste of developable land.
- Garry Smith said that the council had an obligation to design and construct flood protection schemes which protected housing but only existing housing. They had no obligation to protect land which may be suitable for future housing.
- Garry said that the cost of protecting my land would be around £450,000. That was based on a notional £2000 per linear metre. I disputed that figure and said it was grossly excessive for an earth works bund. Garry confirmed that the £2000 per metre was the average cost over the whole scheme and involved sections, such as in front of Caol, where sheet piles with a capping beam and footpaths had to be constructed. It occurred to me after the meeting that the figure of £450,000 could be used to my advantage. I reckoned that the length of the flood protection scheme required to run round the perimeter of my land is twice the length required if it is to follow the existing route. If the cost differential is £450,000 then it must be the case that the cost of building a section across my land is £450,000 and the cost of building a scheme which goes round the perimeter of my land is £900,000. I will suggest to Garry Smith that if the council pay me £450,000 and give me details of the earth works bund I will undertake to build one round my site for £450,000. Garry confirmed that because the perimeter of my site is not in the length of embankment susceptible to tide with action stone armouring would not be required. All that would be required would be some form of geotextile protection. It is worth noting that I could probably contour the land I own in such a way that it would generate the volume of material necessary to construct a new embankment. I would be deliriously happy to build this for £450,000. Garry Smith said that his constructing the flood protection scheme on the proposed line would not prevent me from constructing a

second flood protection scheme round the perimeter of my land. Garry said, wrongly, that they're building a flood protection scheme did not in any way affect land use since I could build my own flood protection scheme. Clearly that does not stack up. The construction of an embankment across the middle of my site, and an embankment which could not be breached, would clearly sterilise huge parts of my site and render the whole of it useless. Garry mentioned that on a development in Inverness the developer agreed to meet the cost of an increased flood protection scheme so as to render capable of development land which the council intended would lie on the seaward side of a proposed flood protection scheme. Garry said that the overall cost of the scheme was £6.5million. This was for a length of 2000metres thus the cost per metre is around £3000 not £2000 as I mentioned earlier.

- It might be an idea for Cathy Donnelly to get the crofters commission on board and Mr Kennedy from Coll might be just the man to speak on her behalf.
- Garry did say that they would require access on the seaward side of the section of flood protection scheme going through my land. Garry did mention compulsory purchase orders. I mentioned to Garry that a smart lawyer from Edinburgh, and I had one, could prolong CPO procedures by years if not decades. Towards the end of the meeting Garry suggested that I might want to sell the land to the council. This would not only free up the land for the flood protection scheme but also for the Caol interceptive road.
- I will put a case to the council stating its development potential that is twelve flats and two villas. It would not be difficult for any reasonable person to work out what the market value of the land would be however a considerable influence would be had on any compensation levels by taking account of the profit from any proposed development. This is particularly the case in an area where there is now abeyant housing market and a dearth of housing. Carry out an exercise to calculate the quantity and the bund based on their offs ketch which I think is available online. A bund which is perhaps two metres wide on the top with one and one batters either side down to ground level. It should not be difficult to calculate the volume of fill required and the area of geotextiles required and from that I can calculate the cost of building the bund through my land and around my land.
- In my make notes of the nine reasons why we have been refused planning permission. These are the reasons given to me by David originally and the four outstanding reasons. I referred to these at my meeting as the nine green bottles and seven of the green bottles have already been knocked off the wall there are only two remaining one is the Caol interceptive road and the other is the flood protection scheme.
- If the council agree to pay me £450,000 for building flood protection right round the scheme then of course they will be quids in because they will avoid the cost of having to compensate me for the loss of land use.



Note  
 The contractor will be held to have checked all dimensions before commencing with any works and, in the event of discrepancies, is to refer them directly to this office for clarification prior to commencement of work.

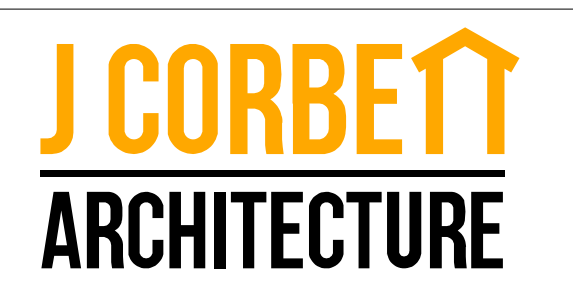
Written dimensions are to be taken in all cases. Drawings should not be scaled for dimensions. In case of doubt refer to this office.

This drawing is copyright and all rights are reserved. No unauthorised copying of this drawing is permitted.

project

client

detail



JOHN CORBETT ARCHITECTURAL CONSULTANT

THE OAKS, PERTH PLACE, FORT WILLIAM, PH33 6UL  
 M 07429 489537 E ADMIN@JCARCHITECTURE.CO.UK

scale \_\_\_\_\_ date \_\_\_\_\_

job no. \_\_\_\_\_ drg no. \_\_\_\_\_ drawn \_\_\_\_\_