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Our Ref: PL12/LP/2006/  
1905/4

Your Ref:

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20 June 2008

Dear Karen

### CAIRNGORMS NATIONAL PARK MODIFICATIONS TO FINALISED LOCAL PLAN

Thank you for allowing SEPA to comment on the modifications to the CNPA Finalised Local Plan. We welcome and support the production of this document, which should allow the continued sustainable development of this area whilst respecting and improving the status of its unique environment. SEPA, as a consultee, would therefore like to raise the following comments, recommendations and objections with respect to this document.

SEPA makes the following comments on the modifications to the Local Plan, which for ease of understanding are summarised in Table 1 set out by topic headings with detailed comments set out in the following pages. For clarity it is clearly stated where SEPA **objects** to a policy, omission or allocation, although additional comments have also been made where we consider the plan would benefit from clarification.

While SEPA welcomes the changes which have been made which address a number of SEPA's concerns, SEPA is disappointed to note that many of SEPA's objections have not yet been addressed in the modifications. Please see attached sheets for SEPA's objections in detail. SEPA is pleased to note that that further information to address our concerns relating to flood risk will be provided shortly, SEPA will comment on this in due course.

I confirm that, at this time, SEPA would wish its objections to be heard in person and by written submissions at a Local Plan Inquiry (as set out in Table 1) and that SEPA would welcome the opportunity to discuss SEPA's representations with the Local Plan Team in order to resolve outstanding objections.

Please do not hesitate to contact me should you have any queries. I look forward to hearing from you.

Yours Faithfully

Nicola Abrams  
Senior Planning Liaison Officer

Enc: Table 1

Policy 13 – Water Resources (2 objections)  
Policy 14 – Earth Resources  
Policy 16 – Energy Generation  
Policy 18 – Design Standards for New Developments  
Policy 27 – Business Developments  
Policy 30 – Integrated and Sustainable Transport Network  
Policy 32 – Waste Management (3 objections)  
Omission of Policy Providing Directional Guidance for New Developments  
Failure to Appraise or Demonstrate that all Allocations Have been Appraised for Flood Risk  
Objection to wording of paragraph 1.22 Introduction re Drainage Impact Assessment

Objection / Policy	Page no.	Paragraph no.
Failure to Appraise or Demonstrate that all Allocations Have been Appraised for Flood Risk		

### Objection

SEPA notes that, in line with national planning policy, the potential for flood risk should be considered on all proposed allocations prior to allocation. SEPA **objects** to any allocation where the position is unclear and adequate consideration of flood risk has not been undertaken.

In representations made in January 2006, SEPA highlighted that it did not appear that an appraisal of flood risk had been fully undertaken. SEPA raised this issue in representations of January 2006 and August 2007. SEPA undertook further discussions with CNPA on this issue and provided further advice to CNPA in March 2008 in relation to the appraisal of sites for flood risk prior to allocation in the Local Plan. SEPA is disappointed to note that it does not appear that any further appraisal has been undertaken of allocations in relation to flood risk.

To illustrate the importance of this appraisal, SEPA makes the following site specific comments but stresses that it has not appraised all the allocations.

These site allocations appear to lie outwith areas of flood inundation. However, SEPA wish to remind CNPA that SEPA's Indicative River and Coastal Flood Map (Scotland) only estimates flood outlines on catchments greater than 3.0km<sup>2</sup>. Sites adjacent to watercourses with catchment areas of less than 3.0km<sup>2</sup> may also be at risk of fluvial (or other) flooding but will not appear as such on the SEPA flood map. To highlight this situation, SEPA recently received anecdotal information regarding the site allocation at Newtonmore. A resident wished to point out that this area, although not shown as being at risk on the SEPA flood map, has suffered historic flooding. She recalls, as a child (1969 or 70), wading knee deep in floodwaters near the station but on the northern side of the rail track.

Settlement	Allocation
Aviemore	H1
	H2
	C1
	C2
	ED1
	ED2
	ED3
Kingussie	H1
Boat of Garten	H1
	C1
Braemar	H1
Carrbridge	H1
	ED1
Cromdale	H1
	H2
Dulnain Bridge	H1
	H2
Kincraig	H1
	H2
Nethybridge	H2

[June 2008 page 16]

	C1
	ED1
Tomintoul	H1
	H2
	H3
	H4
	C1
	ED1
Newtonmore	H1
	H2

Areas of these sites have been acknowledged as being at high risk of flooding within the site allocation plans. However, under the "Proposals" section of these allocations, CNPA goes on to specify housing totals for these sites: e.g. – allocation H1 for the community of Ballater is estimated to provide 250 housing units. SEPA's Indicative River and Coastal Flood Map (Scotland) – 0.5% annual probability layer shows the site as being almost totally inundated by this flood event. The site H2 at Braemar is shown as approximately 40% inundated. SEPA reiterate that they would **object** to any allocation for development on greenfield sites within the functional flood plain. Following best practice, all sites should be the subject of flood risk assessment pre-allocation, and areas shown to be at flood risk should be removed from these allocations.

Aviemore	H3
Ballater	H1
Braemar	H2
Dalwhinnie	H1
	H2
	H3
Nethybridge	H1

Additionally, SEPA makes the following further comments:-

Grantown H1 -Although this site is not shown to be at risk on SEPA's flood map, a recent planning application to develop part of the site for housing has highlighted a large area susceptible to flood inundation.

An Camas Mor -SEPA has received an initial request for information with regard to 'Phase 1' of a housing development on this site. Although the site plans show the development as being situated outwith the indicative limits of flooding, there are issues with the alignment of access roads through the floodplain.

#### **Reason for Objection**

SEPA wishes to draw attention to Paragraphs 42 and 43 of SPP7: Planning and Flooding.

SUMMARY : "The Scottish Executive expects developers and planning authorities to err on the side of caution in decision making whenever flooding is an issue".

INTRODUCTION 2. : "Planning authorities must take the probability of flooding from all sources and the risks involved into account during the preparation of development plans and in determining planning applications."

[ June 2008 page 17 ]

LOCAL PLANNING 42 – “The potential for sites to flood must be considered during the preparation and review of every local plan. Few, if any, local plan areas will be completely free from the threat of flooding. Flood plains, other land alongside watercourses, land with drainage constraints or otherwise poorly drained, and low lying coastal land should be assumed to be at risk. The consideration should take into account any areas identified in the Structure Plan, SEPA’s indicative flood risk maps, records of previous floods, other sources and advice from consultees. Flood risk assessments undertaken by developers or agents may also be available, though planning authorities may wish to validate them. FLAG’s should be used to help identify and source the available information. These sources of information should usually be sufficient for local planning but a specific piece of work may occasionally be needed”.

43 – “Each Local Plan should:

- for watercourse and coastal flooding set out policies and select development sites on the basis of the Risk Framework providing full justification if different probabilities are chosen;
- consult adjacent authorities where different probabilities raise cross boundary issues;
- indicate the circumstances where a freeboard allowance should apply;
- identify sites or areas constrained by flood risk from other sources;
- safeguard the flood storage capacity of functional flood plains;
- set out policy for SuDS;
- indicate the circumstances when a drainage assessment will be required on grounds of flood risk;
- if appropriate describe where the promotion of managed coastal realignment or restoration of functionality to the floodplain could contribute to more sustainable flood management and natural heritage objectives; and
- indicate the circumstances when water resistant materials and forms of construction will be appropriate”.

While SEPA welcomes the fact that *some* consideration has been given to flood risk during the consideration of allocation, it is not clear what information has been used to appraise the site information, the examples cited above highlight that SEPA’s indicative maps are only one of a number of potential sources of information available on flood risk.

Furthermore SEPA does not consider that the approach taken to allocations in the Local Plan accord with the *precautionary approach* to flood risk promoted in the National Park Plan (Pg 52 – objective d).

SEPA recommends that a clear and robust appraisal of all allocations for the potential to be affected by flood risk is undertaken prior to their allocation in the local plan to accord with the requirements of SPP7.

#### **Suggested Modifications**

SEPA requests that all allocations in the Local Plan be appraised for flood risk using all appropriate available sources of information as set out in SPP7 and that allocations shown to be at risk of flooding are removed from the local plan. SEPA is concerned that allocations have been placed in the Local Plan which have been identified by CNPA as being at potential risk of flooding with a requirement that a detailed Flood Risk Assessment be undertaken by the applicant at the planning application stage, SEPA considers that this does not provide sufficient clarity to the development industry at an early stage in the development process. SEPA is

[June 2008 page 18]



concerned that detailed flood risk assessments may show that large portions of the sites are not suitable for development due to flood risk. SEPA is therefore concerned that the integrity of these allocations may in fact be brought into question and a developer may have to undergo significant expense at the planning application stage to produce a FRA which may in fact show that large parts of the site are not suitable for the proposed development. SEPA considers that the Local Plan should clearly indicate those parts of the sites which, based on information available at present on flood risk, are unlikely to be suitable for development or alternatively the Plan should indicate those parts of the site which are likely to be suitable for development. SEPA has undertaken further discussion with the CNPA on this matter to provide advice on practical approaches to the further work we are requesting and SEPA notes that CNPA will provide further information in relation to flood risk shortly. SEPA would be happy to review any further work undertaken to address SEPA's concerns.

[June 2008 page 19]