

Issue 17a	New Development and Flooding	
Development plan reference:	EP2 - New Development and Flooding, page 51-53	Reporter: Hugh M Begg
Body or person(s) submitting a representation raising the issue (including reference number):		
Portmoak Community Council (00638) Fiona Ross (00786) Carse of Gowrie Sustainability Group (00788) Councillor Michael Barnacle (02633) Perthshire Chamber of Commerce (03005) Scottish Environment Protection Agency (03194)		Methven & District Community Council (09221) SSE plc (09311) Arklay Guthrie (09692) Dr Peter Symon (09723) G S Brown Construction Ltd (09817) Homes for Scotland (10214)
Provision of the development plan to which the issue relates:	Policy relates to flood risk in relation to new development	
Planning authority's summary of the representation(s):		
<p>G S Brown Construction Ltd (09817/3/004): Any development taking place on land between 1:200 and 1:1000 year risk as shown on LDP should NOT require Flood Risk Assessment, assume this assertion made on the basis of costs.</p> <p>Homes for Scotland (10214/1/023): Contradictions between text and diagram are confusing and should be amended for clarity. Any development taking place on land with anything greater than a 1:200 year flood risk should not require a Flood Risk Assessment.</p> <p>SSE plc (09311/1/008): This policy goes beyond the policy position as set out within SPP (S4_Doc_109), (paragraph 203), SPP is far less restrictive.</p> <p>Carse of Gowrie Sustainability Group (00788/1/009); Fiona Ross (00786/1/008): Less than adequate attention to drainage of agricultural land has contributed to the flooding of the low-lying clay soils in the Carse. Climate change may mean that flooding of the Carse becomes a more regular event, SEPA flood maps do not accurately represent the extent of flooding in the Carse in recent winters.</p> <p>Perthshire Chamber of Commerce (03005/1/004): The quality of mapping used to implement the policy falls well short of being accurate, several members of the Chamber have had experience of incurring considerable additional cost (consultancy work) simply to demonstrate that the flood risk areas indicated on the 1:480,000 map annexed to this policy extend into areas which are not at risk, an error of one millimetre in drafting of a 1:480,000 scale map represents just under one third of a mile in real terms.</p> <p>Dr Peter Symon (09723/4/001): The present definition of flooding is too narrow with respect to risk of water logging of development land, especially on low lying estuarine clay lands such as the Carse. Inadequately maintained drainage systems make development susceptible to flood. Agricultural areas should be kept as such.</p>		

Arklay Guthrie (09692/2/001); Councillor Michael Barnacle (02633/1/018); Methven & District Community Council (09221/1/018); Portmoak Community Council (00638/2/010); Scottish Environment Protection Agency (03194/3/001): The policy accords with the principles set out in the Risk Framework of the Scottish Planning Policy (S4_Doc_109) and takes account of the need to adapt to climate change, and we therefore support the policy wording. Support for the Plan.

Modifications sought by those submitting representations:

G S Brown Construction Ltd (09817/3/004): Any development taking place on land between 1:200 and 1:1000 year risk as shown on LDP should NOT require Flood Risk Assessment. No specific wording suggested.

Homes for Scotland (10214/1/023): The flood diagram and subsequent text on page 52 requires clarification and should be amended so that *'any development taking place on land with anything greater longer than a 1:200 year flood risk, should NOT require a flood risk assessment'*. No specific wording suggested.

SSE plc (09311/1/008): The policy should be amended and brought in line with the policy position as set out within SPP (S4_Doc_109). No specific wording is suggested.

Fiona Ross (00786/1/008); Perthshire Chamber of Commerce (03005/1/004); Carse of Gowrie Sustainability Group (00788/1/009): SEPA flood maps (S4_Doc_350) need to have their accuracy improved.

Dr Peter Symon (09723/4/001): *'In the sentence beginning 'There will be a general presumption against...' add text(1) to expand the explicit definition of "flooding" beyond the implicit meaning of inundation by rising water levels in watercourses, rivers or bodies of water, to include any case of the creation of or reversion to boggy, marshy or otherwise excessively damp land due to an excess of water in or on the land: and (2) add an explicit statement of policy that there will be a presumption against development of land that depends for its viability on intensive systems of field drainage or other groundwork systems in order to maintain suitable levels of land dryness'*.

Summary of responses (including reasons) by planning authority:

G S Brown Construction Ltd (09817/3/004); SSE plc (09311/1/008); Homes for Scotland (10214/1/023): The representations by GS Brown and Homes for Scotland state that there should be no requirement for a flood Risk Assessment (FRA) in areas where the flood risk is below 1:200 year event. SSE state that the policy should reflect the risk framework set out in SPP. SSE also state they consider the policy goes beyond what is required by SPP (S4_Doc_109) and Homes for Scotland considers the statement *'They are not appropriate locations for essential civil infrastructure'* contradicts the text within Policy EP2 (ii).

The Council does not agree. The Council considers that the policy does accurately reflect the policy framework set out in SPP (S4_Doc_109) which states that in low risk areas (1:1000-1:200) a *"FRA may be required at the upper end of the probability range (i.e. close to 1:200) or where the nature of the development or local circumstance indicate heightened risk"*. The guidance is in accordance with SPP which states that *'in Low to Medium risk areasubject to operational requirements, including response times, these areas are generally not suitable for essential civil infrastructure such as hospitals, fire stations, emergency depots etc....'*

The Council is content that the policy as included in the Plan complies with SPP (S4_Doc_109), a view endorsed by the Scottish Environment Protection Agency (03194) who is therefore supportive of Policy EP2.

No modification is proposed to the Plan.

Fiona Ross (00786/1/008); Perthshire Chamber of Commerce (03005/1/004); Carse of Gowrie Sustainability Group (00788/1/009): Are concerned that the SEPA indicative flood maps do not accurately reflect the actual extent of flooding in recent winters. Flooding can occur from a whole range of factors, SEPA indicative flood maps are a matter for SEPA to keep up to date. The Council will always use the most up to date information available when assessing flood risk in an area, these maps are meant as a tool to alert those concerned that in certain areas flooding may be an issue, which will require to be investigated, and, if necessary, addressed.

No modification is proposed to the Plan.

Dr Peter Symon (09723/4/001): Suggests amended wording to give an expansion of the definition of flooding, he also refers to the contribution inadequate drainage can make to flooding, as does the Carse of Gowrie Sustainability Group (00788/1/009). The policy however, talks of "flooding from any source" and the Council considers this covers both of these points;

No modification is proposed to the Plan.

Reporter's conclusions:

1. Scottish Planning policy (SPP) at paragraph 204 sets out a risk framework which divides flood risk into three categories and outlines an appropriate response. The risk framework identifies a Low to Medium Risk Area which has an annual probability of watercourse, tidal or coastal flooding in the range (1:1000-1:200). SPP states that "*A flood risk assessment may be required at the upper end of the probability range (i.e. close to 0.5%) or where the nature of the development or local circumstances indicate heightened risk.*" Policy EP2 as worded has the support of the Scottish Environment Protection Agency (SEPA) and the respondents have provided no persuasive evidence to justify the setting aside of that requirement in Perth & Kinross.
2. The diagram and text to be found on page 52 of the Proposed Plan must be read as an integral part of Policy EP2. A modification is required in order to ensure compatibility with the terms of SPP, and the main text of Policy EP2.
3. The SEPA indicative flood maps might benefit from a review in the light of flooding suffered in recent winters in the Carse of Gowrie (including in the vicinity of Grange) and elsewhere in Perth and Kinross. However, the need for any review which may be appropriate in the light of climate change in general, or the specific circumstances to be found in Perth and Kinross, is a matter for SEPA to address and not the planning authority. Given that the map on page 54 shows Indicative Flood Risk Areas it should be retained.
4. There is no dispute that the risk of waterlogging of development land in the Carse of Gowrie is a matter for concern. However, the terms of Policy EP2, and the flood risk framework incorporated within it, when read together with the policy framework provided by the Proposed Plan as a whole, are sufficiently broad to allow an adequate assessment

of the impact of new development in any area where there is a significant probability of flooding from any source. Accordingly, there is no need for a modification to the Proposed Plan.

Reporter's recommendations:

1. Modify the diagram on page 52 where it refers to Category ii to read as follows:
"...development acceptable here subject to a satisfactory flood risk assessment if required by the Council."
2. Related to that, in the text below the diagram which refers to Category ii Low to Medium Flood Risk amend the first sentence to read: *"Suitable for most forms of development but may be subject to a flood risk assessment."*