

Our Ref: LP/2007/1766
Your Ref: WHLP
Deposit Draft

FAO Tim Stott

Planning and Development
The Highland Council
Glenurquhart Road
Inverness
IV3 5NX

If telephoning ask for:
Cerian MacInnes

11 March 2008

Dear Mr Stott

WEST HIGHLAND LOCAL PLAN DEPOSIT DRAFT

Thank you for consulting SEPA on the above deposit draft of the West Highland Local Plan. Please find attached SEPA's representations to the Plan. These representations are without prejudice to SEPA's consideration of any elements controlled through environmental regulation administered by SEPA.

Please note that whilst SEPA has concerns regarding Policies 4, 11-13, SEPA has not made representations on these policies as SEPA would direct you to SNH's representations on these matters.

SEPA notes the relatively high number of objections it has been obliged to lodge, particularly in relation to flood risk. SEPA's preference is to work more closely with the planning authority from the outset (an approach working well at present with the forthcoming Orkney Local Plan) to resolve issues prior to deposit draft stage. In this particular case, SEPA would therefore welcome the opportunity to meet with the Planning Authority to discuss the attached representations and to provide any other assistance to the Development Plan process.

If you have any queries relating to this matter please contact Cerian MacInnes on 01349 860415 or email at Cerian.MacInnes@sepa.org.uk.

Yours faithfully

Cerian MacInnes
Planning Unit (North)

Objection/Policy and Part of Plan

General Policy Inconsistency - All Policies

Objection

SEPA notes that several policies (for example, Policies 3 and 16) contain a requirement for consistency "with other policies in the Highland Structure Plan and this Local Plan" whilst other policies (for example, Policies 1, 10, 14, 17) do not. SEPA considers that there is a danger from this approach that the general public and developers may mistakenly assume that Structure Plan and other Local Plan policies do not apply where this is not specifically stated. SEPA **objects** to this inconsistency as the Local Plan does not provide clear guidance to developers and the public as to which policies apply and therefore the Local Plan does not appear to have due regard for impacts upon the environment.

Modifications Required to Remove SEPA's Objection

SEPA would remove its objection if **either** of the following amendments is made.

1. The wording is removed from specific policies and clarified at the beginning of the Local Plan as a general requirement for all development, **or**
2. The following wording is inserted into all policies: "*All proposals should be consistent with other policies in the Highland Structure Plan and this Local Plan.*"

Objection/Policy and Part of Plan

Sustainability - Policy 6

Objection

SEPA welcomes the inclusion of a policy which considers sustainability. However, SEPA **objects** to the Policy as it stands as it is not in accordance with Policy G2 of the Highland Structure Plan and does not provide clear guidance as to when developers are required to submit 'Design for Sustainability' statements. SEPA notes that the supporting text of Policy 6 states that "Highland Structure Plan Policy G2 sets out the requirement for all development to be designed for sustainability", and therefore SEPA considers this should be made clear within the Policy.

Modification Required to Remove SEPA's Objection

SEPA would remove its objection if the following amendment is made.

1. The Policy is amended to the following effect:

"A 'Design for Sustainability' statement should be submitted with planning applications for all developments. These statements will be assessed in accordance with the Development Plan Policy Guideline on Designing for Sustainability."

Objection/Policy and Part of Plan

Waste Water Treatment - Policy 7 and Policy 7 Supporting Text and Map Entitled Physical Constraint: STWs

Objection

SEPA welcomes the assessment of foul drainage capacity and the detailing of this for each settlement. Whilst SEPA fully supports a policy promoting connection to the public sewer, SEPA **objects** to the Policy as it stands as it does not fully accord with SEPA's Policy on the Provision of Waste Water Drainage in Settlements which has been adopted since SEPA responded to previous Highland Council development plans.

Paragraph 23 of Planning Advice Note 79 'Water and Drainage' (which has also been published since SEPA considered previous Highland Council development plans) states that "SEPA also has a role of raising strategic drainage issues in the context of its policies, including its Policy on Provision of Waste Water Drainage in Sewered Areas, to which the planning authority should have regard when preparing development plans and making decisions on planning applications". SEPA's Policy on the Provision of Waste Water Drainage in Settlements can be found at www.sepa.org.uk/pdf/wfd/guidance/general/ps06-08.pdf.

SEPA notes the reference "allocations Vs capacity" and waste water treatment works deficiencies in the supporting text for settlements in the map booklet. It is SEPA's understanding that "allocations Vs capacity" refers to an assessment of whether or not the existing sewage treatment works can accommodate the Plan allocations. It is unclear from the Plan in each case what the deficiency is and if the capacity assessments assess network capacity as well as the capacity of sewage treatment works. SEPA also notes the differing settlement descriptions between the Fort William and Ardnamurchan Section, Lochalsh Section and Eilean a' Chèo Section. If settlement descriptions are addressed inconsistently between different areas this will lead to lack of clarity on requirements by developers and the general public.

In the light of the new role of SEPA and Scottish Water as key agencies in cooperation in the preparation of development plans, SEPA considers that it would be more useful to the public, developers and planners to identify not only the public sewer capacity for each settlement, but also mechanisms which could be implemented to address capacity constraints, including network capacity issues as well as treatment works capacity. SEPA would be happy to work with Scottish Water and the Council to assist in this process.

The Memorandum of Understanding between Scottish Water and SEPA states that "SEPA will promote the proposal that developments of greater than 25 houses in rural areas should have public sewerage systems and treatment works built to Scottish Water standards and taken over by Scottish Water"

Scottish Planning Policy 3 'Planning for Housing' Paragraph 85 states "Creating a new settlement or major extension will generally require partnership between the public sector, private developers and other interests. Development plans should be clear about the likely scale of developer contributions, which for some sites may include provision of all or most new infrastructure, road improvements and similar requirements. Such provisions should be drawn up in consultation with the relevant parties, and the cost of providing the necessary infrastructure should be commensurate with the scale of the development proposed."

SEPA welcomes the assessment of the ability of each allocation to connect to the public sewer presented in the SEA Environmental Report and notes that the assessment identified that many of the allocations can connect to the public sewerage system. However, in the Plan some of the allocation 'Developer Requirements' make reference to these drainage requirements while others

do not. SEPA considers that this approach is inconsistent and does not make the Plan policy and developer requirements clear.

In relation to the above SEPA notes that there are a number of allocations within settlements that are served by public sewer but which the assessment presented in the SEA Environmental Report concludes are unable to connect to the public sewer however no measures to overcome this constraint and enable connection to public sewer are detailed. This includes, for example, all allocations proposed in Glenelg, Glenachulish, Auchtertyre, Armadale, Kilbeg and Inverarish..

National Planning Policy Guideline 13 'Coastal Planning' (NPPG 13) Paragraph 40 states "Even on the developed coast it will be important to assess the effect of new or expanded marina development on the aquatic environment in general and on nature conservation and archaeological interests, in particular". SEPA considers that foul drainage issues in relation to marina and similar facilities needs to be dealt with by the Plan as it is essential that appropriate foul drainage infrastructure is in place or will be provided.

Modifications Required to Remove SEPA's Objection

SEPA would remove its objection if the following amendments are made.

1. The Policy is modified to the following effect:

"Connection to the public sewer as defined in the Sewerage (Scotland) Act 1968 is a prerequisite for all new development proposals. Planning applications for private systems will only be supported where the applicant can clearly demonstrate the following:

- a) *There will be no adverse impact upon the environment; and*
- b) *That the development is unable to connect to public sewer for technical or economic reasons.*

Any such private system should discharge to land rather than water where ground conditions are suitable.

Where connection to the public sewer is not permitted because there is no capacity but Scottish Water has confirmed that investment to address this constraint has been specifically allocated within its investment programme, a temporary private system would only be supported provided:

- *The system would be designed and built to a standard which will allow adoption by Scottish Water.*
- *The system is designed such that it can be easily connected to a public sewer in the future. Typically this will mean providing a drainage line up to a likely point of connection. The developer must provide Scottish Water with the funds which will allow Scottish Water to complete the connection once the sewerage system has been upgraded."*

2. The Policy supporting text is amended to refer specifically to SEPA's Policy on the Provision of Waste Water Drainage in Settlements.
3. The following allocations, which are in settlements served by a public sewage system but the SEA determines cannot connect to the public sewer, and any others subsequently identified by the Planning Authority are removed from the Plan and replaced with alternative sites which can connect to the public system or a feasible solution to connect to public sewer is identified for each site and required within the developer requirements for each allocation.

Acharacle H3, Strontian H3 and Kyleaken H1

All allocations in Glenelg, Glenachulish, Auchtertyre, Armadale, Kilbeg and Inverarish.

4. The requirement for foul drainage is also made explicit for all other allocations. This can be achieved by the insertion of the following comments in each allocation Developer Requirement:
 - 4.1 For those allocations with less than 25 units in settlements identified as not served by a public sewer *“An environmentally acceptable private sewerage system is required.”*
 - 4.2 For all other allocations and the proposals for new settlements at Kinloch and Fassfearn - *“Connection to public sewer required.”*
5. Where there are infrastructure issues the Settlement descriptions should set out the nature of these issues and how they could be addressed (e.g. works capacity, network capacity, scale of development that could facilitate upgrades to infrastructure). The currently inconsistent Settlement descriptions should be set out consistently, similar to the approach adopted in the Lochalsh Section. Sections requiring modification to be consistent are Fort William and Ardnamurchan Section and Eilean a' Chèo Section.
6. For all proposed marinas, including Fort William MU10, Portree MU3 and MU5 and Kyle of Lochalsh C1 the Developer Requirement should state *“Provision of shore facilities for sewage disposal required”*.

Objection/Policy and Part of Plan

Waste Management - Policy 8, Waste Physical Constraints: Existing or Former Waste Management Facility Map and Omission of identified site for an Energy from Waste facility.

Objection

SEPA welcomes the inclusion of a policy to address waste management issues. However SEPA **objects** to the Policy as it stands as it does not provide clear guidance on how sustainable waste management should be achieved and is not in accordance with Scottish Planning Policy 10 'Planning for Waste Management' (SPP 10).

SPP 10 states "Local development plans will provide detailed policies and proposals, except outside the city regions where they will also contain a vision statement. In the city regions, where significant land use issues around the cross-boundary movement of waste arise, these should be addressed in the SDP. Planning authorities should refer to the Development Planning sections on Need, Areas of Search and Site Assessment in PAN 63 which still apply, with the additional updates under the next section of this SPP on establishing and verifying need."

Further policy within SPP 10 outlines the level of guidance which Development Plans should include to provide the necessary guidance for developers as per the following paragraphs.

SPP 10 Paragraph 19 states "At the next level, community composting and "bring" facilities may also create a demand for local sites that support waste recycling which can be identified in development plans at appropriate locations. Other sites, particularly for larger scale installations should also be identified through the development plan".

In addition SEPA considers that the Policy does not provide enough guidance on what developers would need to do to demonstrate sustainable waste management for developments and is not fully in accordance with SPP 10.

SPP 10 Paragraph 46 states "Scottish Ministers are committed to promoting facilities for waste separation and for appropriate kerbside collection of recyclable materials in new housing developments. The Executive expects suitable provision to be included in development plan policies and to be considered as part of the development management process, particularly in relation to major residential developments."

SPP 10 Paragraph 51 states "The efficient use of landfill can be supported through the use of Site Waste Management Plans (SWMPs). The purpose of the Site Waste Management Plan voluntary code of practice 22 is to help resolve the shortage of landfill space and the declining number of waste management sites by minimising waste at source on construction sites through the accurate assessment of the use of materials and the potential for their reuse and recycling both on and off site."

In addition SEPA considers that the Policy does not fully accord with Planning Advice Note 63 (PAN 63) on Waste Management Planning (paragraphs 51 - 52 and 80 – 83) which requires that the need to provide for the management of waste is incorporated into the design and layout of all new developments.

SEPA welcomes the map entitled Physical Constraints: Existing or Former Waste Management Facility. However, it does not show former waste management sites and only some existing waste management facilities are shown. In addition no settlement description identifies or safeguards waste management sites. This is important as Policy 8 safeguards existing waste management facilities and therefore these should be clearly identified within the Plan.

On 28 February 2008, the Highland Area Waste Group determined that the Highland Area Waste Plan should be modified to state the need for an Energy from Waste facility serving the Isle of Skye. SEPA objects unless the Plan identifies a suitable site for an Energy from Waste facility in accordance with the Highland Area Waste Plan and SPP 10 and Scottish Planning Policy 6 'Renewable Energy' (SPP 6).

In this context, it should be noted that SPP 10 Paragraph 21 specifically states "Any future capacity identified in Area Waste Plan reviews, the National Waste Management Plan or the outputs of the Business Waste Framework, in line with the principle that those plans also establish needs, will require to be accommodated by development plans".

It is also relevant to note that the Highland Council's Transport Environmental and Community Services Committee resolved on 15 November 2007 the following:

"The Committee:-

- i. **NOTED** progress to date in developing the waste treatment strategy for Skye and Lochalsh;
- ii. **AGREED**:-
 - a) to seek to revise the Best Practicable Environmental Options contained within the Highland Area Waste Plan to reflect the closure of Portree landfill site, with a small scale Energy from Waste Plant with heat recovery identified as the preferred treatment method for residual wastes from Skye and Lochalsh; and
 - b) that further work be undertaken including the preparation of a detailed comparative cost assessment, identification of possible development sites and consultation with potential end users for the heat produced.
- iii. **NOTED** that the Energy from Waste Plant in Skye and Lochalsh could be a prototype with the option for rolling out similar schemes to other communities in Highland".

SPP 10 Paragraph 34 states "The National Waste Plan indicates that municipal solid waste diverted from landfill could be converted to energy by thermal treatment, for use in district heating, in industrial processes or to generate electricity. SEPA's *Guidelines for Thermal Treatment of Municipal Waste*¹⁵ should be used by planning authorities in developing policies, allocating sites, or assessing development proposals."

SPP 6 Paragraph 30 states "Planning authorities should have regard to the Area Waste Plans drawn up for their area and to other waste management proposals put forward by local authorities to move away from landfill. The location of new facilities will be dependent on the source of waste used and likely to be more appropriately developed within industrial/brownfield sites close to the electricity grid or other potential users. A development plan policy framework should support the identification of sites or provide criteria against which planning applications for new waste management development will be assessed. Separate pollution controls are in place covering these developments so development plan policies should restrict broad criteria to land use and locational factors."

SPP 10 Paragraph 35 states that "Thermal treatment technology is more beneficial if both heat and electricity can be recovered or if it delivers combined heat and power (CHP). Siting of plant close to energy grids or users such as manufacturers and processors using heat from their waste will be consistent with this SPP's model policy".

Modifications Required to Remove SEPA's Objection

SEPA would remove its objection if the following amendments are made.

1. Policy 8 is replaced with the following wording:

“Proposals for waste management facilities will be determined in accordance with the Highland Structure Plan, the National Waste Plan, the National Waste Strategy and the Highland Area Waste Plan.

Waste management facilities will be supported on business or industrial land provided there are no adverse impacts on surrounding uses and meet other criteria relating to environmental impact and transportation. Energy from Waste, community composting and "bring" facilities will also be supported in locations close to source. Biomass or energy from waste facilities will be supported where they provide maximum use of heat and power in locations close to energy grids or users. Proposals for landfill sites would be supported only on degraded land or former quarries, where there is demonstrable need, where the environmental impact would be acceptable and where they deal with residual waste only.

Existing waste management sites will be safeguarded for waste management-related uses. Proposals for redevelopment of existing waste management facilities will be assessed against the National Waste Strategy, the National Waste Plan, and the Area Waste Plan, and will be subject to consultation with SEPA.

The Council will also take into account the extent to which development proposals effectively manage and promote the reduction, reuse, recycling and recovery of waste. This will include assessment of measures for minimising, managing and re-using waste during the construction and operation of development including measures for waste separation and collection at source. Such waste management measures should be included within the "Designing for Sustainability statement" required for all development proposals under Policy 6. For significant developments a construction and operational Site Waste Management Plan will be required as a planning condition.”

2. An Energy from Waste site is identified on the Isle of Skye.
3. Paragraph 1 of the supporting text is modified to include the following sentence:

“Scottish Planning Policy 10 ‘Planning for Waste Management’ states that waste management has to be driven forward to move away from the reliance on landfill and to promote the waste hierarchy.”

4. Paragraph 2 of the supporting text is replaced with the following:

“The Highland Structure Plan sets out the strategic policy framework for waste management. In addition the National Waste Strategy, National Waste Plan and Highland Area Waste Plan are also important material considerations when determining proposals for waste management. The Physical Constraints Map: Existing or Former Waste Management Facility and Settlement section of the Plan sets out the specific waste facilities to be safeguarded.”

5. The Physical Constraints map is amended to show and safeguard all existing waste management sites. The map needs to show all waste management facilities including waste transfer stations, recycling points and recycling centres. The map also needs to show all former waste management facilities, including landfill sites.

6. Each settlement description is amended to include all existing waste management sites including waste transfer stations, recycling points and recycling centres.

Other Modification SEPA Would Welcome

SEPA recommends that the following sentence is inserted at the end of Paragraph 2 of the Policy supporting text.

“Further guidance on issues to be considered as part of waste management proposals can be found in SEPA’s Guidance entitled “Commenting on Development Plan Consultations for National Waste Strategy Issues” and “Guidelines for Thermal Treatment of Municipal Waste.”

Objection/Policy and Part of Plan

Flood Risk - Policy 9 and Site Allocation References shown in Table 1

Table 1

Settlement	Category 1	Category 2	Category 3
Fort William			
MU10	√		
B1		√	
B2		√	
C1			√
MU6		√	
MU8	√		
MU2		√	
A82/A830 Road		√	
Caol/Lochyside Flood Scheme		√	
MU17			√
MU1		√	
MU5		√	
MU9		√	
MU16		√	
H2			√
C3			√
MU11			√
MU12			√
Ardgour/Clovullin			
H3			√
H4		√	
H5			√
H6		√	
B1		√	
Portree			
H1			√
H2		√	
H3		√	
H4			√
H5		√	
C1		√	
C2			√
C5		√	
LT			√
MU1			√
MU2			√
MU3	√		
MU4		√	
MU5	√		
MU6			√
B2			√
I1			√
I2			√

Broadford			
H1	√		
H2			√
H3		√	
R		√	
MU2		√	
MU3			√
MU4		√	
MU5		√	
MU6			√
I			√
Dunvegan, Kilmuir, Lonemore			
H1			√
H2			√
AH		√	
C			√
MU1			√
MU3		√	
MU4		√	
MU5			√
MU6			√
Ferrindonald/Teangue			
H1		√	
H2		√	
MU		√	
Glenelg			
H1			√
H2			√
H3		√	
AH			√
MU	√		
Acharacle			
H2		√	
H3			√
MU1			√
MU2	√		
Strontian			
H1			√
H2			√
B1			√
MU1			√
MU2		√	
Lochaline			
H1			√
H3			√
LT			√
C2		√	
B1		√	
Salen			

H2			√
Achaphuil			
H1		√	
Kinlochleven			
H4			√
C1		√	
MU1		√	
MU2		√	
North Ballachulish			
H1			√
Glencoe			
H1		√	
H2		√	
H4		√	
B1		√	
B2	√		
Duror			
H1			√
H2		√	
H3			√
Inchree			
H1		√	
B1	√		
C1	√		
Onich			
H1		√	
Glenachulish			
MU3			√
Spean Bridge			
H4		√	
H5		√	
H6	√		
MU1		√	
Roybridge			
H1	√		
H2		√	
H3			√
B1	√		
LT x 2		√	
Invergarry			
H1		√	
MU1		√	
B1		√	
Gairloch			
H1			√
H2			√
H3		√	
H5		√	
B1		√	
MU1			√

Mallaig			
H1			√
H2			√
H3			√
B1			√
B2			
Morar			
H1			√
H2			√
C2			√
MU1		√	
Arisaig			
H3			√
B1	√		
MU1		√	
MU2			√
LT		√	
Inverinate			
AH1		√	
South Strome			
MU		√	
Auchertyre			
H			√
AH			√
C			√
MU			√
B			√
Balmacara			
MU		√	
Plockton			
H		√	
LT			√
B1			√
B2			√
Kyle of Lochalsh			
H1			√
H2			√
C1	√		
MU4	√		
Kyleakin			
AH2		√	
B2	√		
I		√	
Armadale			
H		√	
MU1		√	
MU2	√		
MU3		√	
MU4			√
Kinloch			

New Settlement		√	
Inverarish			
H1			√
H4		√	
H5			√
MU1	√		
An Clachan			
AH			√
Edinbane			
H2			√
H3		√	
C		√	
Carbost			
AH		√	
MU1		√	
MU2			√

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

Objection

SEPA supports the inclusion of policy on flood risk. However SEPA **objects** to the policy as it stands. SEPA considers that the wording of Policy 9 is not in accordance with Scottish Planning Policy 7 'Planning and Flooding' (SPP 7) as it does not clearly promote the flood avoidance principle.

SEPA welcomes the appraisal of sites allocations for flood risk presented in the SEA Environmental Report and Plan. However, flood risk has been dealt with inconsistently in the Plan and SEPA considers that, based on the assessments to date, some allocations are at flood risk and therefore are contrary to SPP 7 and also National Planning Policy Guideline 13 'Coastal Planning' (NPPG 13).

NPPG 13 Paragraph 21 states "Even on the developed coast there will be areas where special care should be taken to assess the effects of development on the environment. This is particularly true in estuaries where there are sites which are nationally and internationally important for their natural and cultural heritage value and where it will be important to assess proposed developments not just in relation to their immediate surroundings but also their wider impact; in some areas previously developed land has become important for nature conservation. Potential risks from flooding, erosion or pollution should also be carefully assessed. In formulating structure and local plan policies and making development control decisions, planning authorities should:

- take particular care to assess the impact of development, individually or cumulatively, on natural and cultural heritage interests and on open space
- consider the potential risks from flooding, erosion or pollution for the location of development."

NPPG 13 Paragraph 32 states "Coastal flooding may be caused by extreme tides, storm surges, exceptional waves during storms or a combination of these. It is a natural phenomenon which plays an important role in shaping the natural environment and cannot entirely be prevented.

Global warming is predicted to increase the incidence of flooding due to rises in sea level and the increased frequency and severity of storms. These events may also increase the erosion of natural defences such as sand dunes and shingle ridges, potentially exposing the areas behind them to a greater risk of flooding”.

SEPA has reviewed the proposed allocations using the Indicative River and Coastal Flood Map (Scotland) – 0.5% annual probability layer (1 in 200 year return period flood event). From this review, SEPA highlights that Category 1 allocations lie either totally or significantly within the indicative limits of flooding as shown on this map. Category 2 allocations lie partially within or adjacent to the indicative limits of flooding as shown on this map.

In addition SEPA has assisted the Council further by highlighting allocations containing watercourses with catchments of less than 3km² which are not modelled on the Indicative River and Coastal Flood Map (Scotland). These are listed above as Category 3 allocations.

The planning authority should note that during the above assessment SEPA has utilised a recently updated version of the coastal outline for the Indicative River and Coastal Flood Map (Scotland). The planning authority should receive this updated map within the next weeks.

Modifications Required to Remove SEPA’s Objection

SEPA would remove its objection if the following amendments are made.

1. The Policy is modified to the following effect:

“Development on the functional flood plain will be considered contrary to the objectives of this Plan. For planning applications where flood risk is highlighted, the planning authority will exercise the ‘precautionary principle’ and refuse development proposals where such proposals do not comply with parts (A); (B) and (C) as set out below and/or on the advice of SEPA.

- (A) All types of development within “little or no risk areas” (of less than 1:1000 annual probability of flooding) are acceptable in terms of this Policy unless local circumstances dictate otherwise;*
- (B) All types of development, excluding essential civil infrastructure, within “low to medium risk areas” (of between 1:1000 and 1:200 annual probability of flooding) are acceptable in terms of this Policy unless local circumstances dictate otherwise;*
- (C) Within “medium to high risk areas” (1:200 or greater annual probability of flooding) only those categories of development indicated in (C)(i), (ii) and (iii) may be acceptable.*
 - (i) Residential, commercial and industrial development within built-up areas providing flood prevention measures to the appropriate standard already exist or are under construction. Water resistant materials and construction as appropriate;*
 - (ii) Development on undeveloped and sparsely developed areas within the functional flood plain and comprising:*
 - Essential development such as navigation and water based recreation use, agriculture and essential transport and some utilities infrastructure; and an alternative lower risk location is not achievable;*

- *Essential infrastructure should be designed and constructed to remain operational during floods.*
- *Recreational, sport, amenity and nature conservation uses providing adequate evacuation procedures are in place;*
- *Job related residential use with a locational need;*

(iv) Loss of storage capacity is minimised and suitably compensated for, and any such measures would not compromise the objectives of the EU Water Framework Directive.

(iii) Development, which is in accord with flood prevention or management measures as specified in association with a Local Plan Allocation or development brief."

2. The Policy supporting text is also modified to the following effect.

2.1 The first sentence is changed to: *"The risk of flooding from all sources is likely to increase with projected climate change".*

2.2 The second sentence is changed to: *"It is therefore important not to allocate land at risk for inappropriate development to ensure compliance with Scottish Planning Policy 7: 'Planning and Flooding'".*

2.3 The last sentence is changed to *"...in order to take account of the potential for flooding from all sources as required by SPP 7."*

3. Any Category 1 allocations that lie completely or significantly within the 0.5% annual probability outline are removed from the Plan or a detailed site specific Flood Risk Assessment is carried out at this stage to determine whether the site can be developed in line with SPP 7. In particular SEPA wishes to highlight that in accordance with the risk framework set out in SPP 7, Fort William MU10, Portree MU3 and MU5 and Kyle of Lochalsh C1 would only be acceptable for navigation or water-based recreation uses.

4. All Category 2 allocations partially within 0.5% annual probability outline are revised to remove the area indicatively at risk. Following modification the 'Development Requirement' for each relevant allocation should state:

"This site may be at risk from flooding. A Flood Risk Assessment should be submitted with any planning application."

5. The 'Development Requirement' for all Category 3 allocations should state:

"This site may be at risk from flooding. A Flood Risk Assessment may need to be submitted with any planning application."

In the event that the planning authority proposes to adopt this Plan contrary to this advice on flood risk then the Plan must be notified to the Scottish Ministers as per The Town & Country Planning (Notification of Applications) (Scotland) Direction 2007.

The advice contained in this flood risk section of 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).

Objection/Policy and Part of Plan

Physical Constraints - Policy 10

Objection

SEPA supports the inclusion of a policy in the Local Plan which considers possible physical constraints to development. However SEPA **objects** as SEPA considers the Policy does not provide guidance in accordance with national planning policy on appropriate safeguards required for some the sites listed.

Scottish Planning Policy 10 'Planning for Waste Management' (SPP 10) states "Existing waste handling installations should be protected by development plan policy and care should be taken to ensure that future allocations for other adjacent uses do not compromise waste handling operations". SPP 10 provides further guidance on how to approach consideration of the case for buffer zones and should be referred to in the policy in the Local Plan.

Planning Advice Note 50 'Controlling the Environmental Effects of Surface Mineral Workings' Paragraph 14 states that distances should be "reasonable, taking into account the nature of the mineral extraction activity (including its duration), location and topography, the characteristics of the various environmental effects likely to arise and the various amelioration measures that can be achieved". Whilst SEPA welcomes the proposed buffer of 400 m there may be situations where a greater buffer is required and therefore the Policy as it stands precludes the opportunity for further assessment and requiring greater buffer distances.

Planning Advice Note 79 'Water and Drainage' Annex A sets out a number of additional waters to the ones listed in the Policy which EU Directives protect.

In addition the Control of Major Accident Hazards Regulations 1999 (COMAH) are currently being reviewed which may have implications for hazardous sites. SEPA would be happy to discuss these implications once this review is complete.

Modifications Required to Remove SEPA's Objection

SEPA would remove its objection if the following amendments are made.

1. The Policy is modified to the following effect:

"Subject to the principle of development, developers will be expected to demonstrate appropriate mitigation if their proposals affect or are affected by the constraints below (where appropriate these are shown on the background maps which may be updated with further information)

- Poorly drained areas
- Within 1,000m of large wind generators
- ENA Standards 43-8: "Overhead Line Clearances" (distance from power lines)
- Areas of excessive slope (with a gradient of over 1 in 7)
- Hazardous Sites as shown on Hazard Sites consultation Area map
- *New, existing or former waste management sites in accordance with SPP10*
- Land with possible contamination issues
- Areas that could erode or subside
- Safeguard areas around sewage treatment works²
- *Safeguard areas around active quarries in accordance with PAN50*
- *Any waters that an EU Directive applies to in accordance with PAN79."*

Other Modification SEPA Would Welcome

SEPA recommends that the maps entitled 'Consultation Area Hazardous Sites', 'Physical Constraint EU Shellfish Directive Directive Waters' 'Physical Constraints Existing or Former Waste Management Facility' and 'Physical Constraint: Sewage Treatment Works.' should refer to the relevant policies to provide further guidance as to what is meant by the terms 'consultation area' or 'physical constraint' as per the map title.

Objection/Policy and Part of Plan

Surface Water Drainage - Policy 14 and Appendix 2: SuDS Definition

Objection

While SEPA supports the inclusion of a policy in the Plan which promotes sustainable surface water drainage, SEPA **objects** to the current wording of the Policy as it does not provide clear guidance on how surface water drainage should be dealt with in a sustainable way or provide clear guidance to developers on the information that needs to be submitted in support of a planning application.

Planning Advice Note 79 'Water and Drainage' (PAN 79) (paragraph 5) states "For all new developments sustainable drainage schemes (SuDS) are now required for surface water systems which provides attenuation and treatment prior to return, by natural dissipation where possible, to the water environment".

SEPA considers that not all the key documents are referenced in the supporting text and in addition the references to redrafting of "Sewers For Scotland" or its title in the Policy and reasoned justification are no longer accurate as it has now been published.

SEPA notes that the Developer Requirements for some allocations make reference to the requirement for SuDS whereas others do not. It would make the Plan more concise and consistent for all SuDS references in allocations to be removed as the SuDS policy applies to all allocations.

SEPA considers that the SuDS definition in Appendix 2 does not provide a clear definition of SuDS as it does not refer to the water environment as a whole and does not highlight the range of SuDS devices which may be used.

Modifications Required to Remove SEPA's Objection

SEPA would remove its objection if the following amendments are made.

1. The Policy is modified to the following effect:

"All proposed development must be drained by Sustainable Urban Drainage Systems (SuDS) designed in accordance with The CIRIA SuDS Manual and, where appropriate, the Sewers for Scotland Manual 2nd Edition. Planning applications should be submitted with information in accordance with PAN 69 Paragraphs 23 and 24."

2. The following sentence is inserted after the first sentence of the Policy supporting text *"SuDS provide control over quality and quantity of surface water drainage and provide opportunities for amenity and ecological enhancement."*

3. The reference to "...Sewers for Scotland which is currently being redrafted to incorporate SuDS" is amended to *"Sewers for Scotland 2"*.

4. The definition of SuDS in Appendix 2 is reworded to the following effect:

"Drainage techniques used to treat and return surface water run-off from developments (roof water, road run-off, hardstanding areas) to the water environment (rivers, groundwater, lochs) without adverse impact upon people or the environment. Further guidance can be found in CIRIA's SuDS manual C697 or Sewers for Scotland Manual 2nd Edition."

5. The Policy supporting text is amended to include reference to the following relevant documents:
Scottish Planning Policy 7: Planning and Flooding;
The SuDS Manual (CIRIA C697);
Sewers for Scotland Manual 2nd Edition;
PAN 69.

Objection/Policy and Part of Plan

Developer Contributions - Policy 15 and Settlements – Lochaber - Fort William Land Allocations
Written Statement

Objection

Whilst SEPA welcomes the inclusion of a policy considering developer contributions, SEPA **objects** to the Policy as it stands as it does not provide clear guidance as to what is required of developers.

Policy 15 does not refer to water and sewerage infrastructure improvements. Given the importance of this issue in the area covered by Highland Council SEPA considers it important to advise developers of these possible developer requirements

SEPA notes the Settlements – Lochaber - Fort William Land Allocations Written Statement however it is unclear what developer requirements are required for these allocations as, unlike other allocations within the Plan, no table of developer requirements is provided.

Modifications Required to Remove SEPA's Objection

SEPA would remove its objection if the following amendment is made.

1. The supporting text for Policy 15 includes reference to the need for water and sewerage improvements.
2. A clear table of Developer Requirements is inserted into the Written Statement for the Settlements – Lochaber - Fort William Allocations.

Objection/Policy and Part of Plan

Omission of Policy on Protection of Water Environment and All Allocations Containing Watercourses

Objection

SEPA **objects** to the omission of a specific policy on protection of the water environment.

National Planning Policy Guidance 14 'Natural Heritage' Paragraph 55 states "Lochs, ponds, watercourses and wetlands are often both valuable landscape features and important wildlife habitats, and planning authorities should seek to safeguard their natural heritage value within the context of a wider framework of water catchment management." This is particularly important in this Plan area where allocations in close proximity or enclosing watercourses are common.

SEPA notes that the SEA Environmental Report assesses whether allocations contain watercourses. SEPA also notes that in some instances where an allocation contains a watercourse, the Allocation Developer Requirements states "Requirement to retain and integrate watercourses as natural features within the development."

Highland Structure Plan FA11 states "The Council will, in co-operation in partners, use the planning system and voluntary codes of good practice to ensure the proper management of river systems".

The Water Environment and Water Services (Scotland) (WEWS) Act 2003 implements the EC Water Framework Directive (2000/60/EC), which is aimed at maintaining and improving the quality of aquatic ecosystems and requires that any ecological risks to the water environment associated with development (including engineering operations) be identified and controlled.

Scottish Planning Policy 1 'The Planning System' Paragraph 22 states "The obligations specified in these Directives have a number of implications for the use of land which should be recognised and reflected in development plans and development control decisions." The reference to "these Directives" includes the Water Framework Directive (2000/60/EC).

Furthermore under the WEWS Act Local Authorities are Responsible Authorities and therefore must give consideration to the aims of the Water Framework Directive when exercising their functions, including preparation of Development Plans.

One of the key tasks of the Water Framework Directive regime is the production of River Basin Management Plans (RBMP) and the land use planning system has an important role to play in maintaining and enhancing the water environment, particularly prior to River Basin Management Plans being produced. The Highland Council is partner in the production of RBMP covering this area.

Modifications Required to Remove SEPA's Objection

SEPA would remove its objection if the following amendment is made.

1. A policy is included in the Plan which states that planning applications will be determined in compliance with the Water Framework Directive. SEPA will be happy to discuss a detailed form of words for this policy with the Planning Authority, incorporating a general recommendation that the Policy states that any development that may have a detrimental impact on the water environment would not be supported unless suitable mitigation can be put in place to ensure compliance with the objectives of the Water Framework Directive or SEPA have confirmed that an exemption from Water Framework Directive requirements will apply.

2. For all allocations containing a watercourse the Allocation Developer Requirements should state "Requirement to retain and integrate watercourses as natural features within the development".

Objection/Policy and Part of Plan

Water Supply- Each Settlement where the Plan identifies a water capacity deficiency

Objection

SEPA welcomes the assessment of the capacity of the public water supply network and the detailing of this for each settlement. However SEPA **objects** to the Plan as it stands as it is contrary to Scottish Planning Policy 3 'Planning for Housing' (SPP 3) as it is unclear whether water supply network improvements can be implemented.

It is SEPA's understanding that "allocations Vs capacity" refers to an assessment of whether the existing water supply network can accommodate the Plan allocations. It is unclear what the deficiency is and if the capacity assessments assess network capacity and ability of the water environment to accommodate further development.

SPP 3 Paragraph 85 states "Creating a new settlement or major extension will generally require partnership between the public sector, private developers and other interests. Development plans should be clear about the likely scale of developer contributions, which for some sites may include provision of all or most new infrastructure, road improvements and similar requirements. Such provisions should be drawn up in consultation with the relevant parties, and the cost of providing the necessary infrastructure should be commensurate with the scale of the development proposed."

In the light of the new role of SEPA and Scottish Water as key agencies in cooperation in the preparation of development plans, SEPA considers that it would be more useful to the public, developers and planners to identify not only the public water supply capacity for each settlement, but mechanisms which could be implemented to address capacity constraints. SEPA would be happy to work with Scottish Water and the Council to assist in this process.

Modification Required to Remove SEPA's Objection

SEPA would remove its objection if the following amendment is made.

1. Where there are infrastructure issues the settlement descriptions should set out the nature of these issues and how they could be addressed without adverse impact upon the water environment (e.g. network capacity, scale of development that could facilitate upgrades to infrastructure).

Objection/Policy and Part of Plan

Omission of Policy on Air Quality

Objection

SEPA **objects** to the omission of an appropriate policy addressing air quality. SEPA notes that Structure Plan Policy W12 requires the Council to adhere to certain principles in considering development proposals, and where appropriate, new developments will be required to submit an environmental assessment which address air pollution.

SEPA draws attention to policy guidance from the Scottish Executive dated March 2004 'Air Quality and Land Use Planning'. It states "It is important that the LAQM process is dealt with in an interdisciplinary way by local authorities if its aims are to be met, with support and endorsement from all relevant departments. The planning system has a particularly important role to play both in efforts to improve air quality and to at least ensure that existing air quality does not deteriorate. The enclosed guidance is being reissued as a separate document to emphasise this."

The enclosed guidance within the remainder of the policy guidance document states:

"The land use planning system is integral to improving air quality."

"Local authorities should integrate air quality considerations within the planning process at the earliest possible stage. To facilitate this they should consider developing supplementary planning guidance or protocols" [It should be noted that in the case of the Sutherland Local Plan, the review of the Local Plan provides the opportunity for such integration of air quality considerations.]

"Some issues that should be considered in the preparation of development plans, and may also be material in the consideration of individual planning applications, are as follows:

- ensuring that land use planning makes an appropriate contribution to the achievement of air quality objectives;
- the need to identify land, or establish criteria for the location of potentially polluting developments and the availability of alternative sites;
- inclusion of policies on the appropriate location for new development, including reducing the need to travel and promoting public transport;
- the potential effects of particular types of development on existing and likely future air quality, particularly in and around AQMAs; and
- the requirements of air quality action plans."

Modification Required to Remove SEPA's Objection

SEPA would remove its objection if the following amendment is made.

1. A specific policy is included in the Plan which states that the Planning Authority will take into account the impact of development on air quality in general and the findings of its Local Air Quality Management review and assessment of air quality in particular. In addition the Policy should state that an assessment of the impact on air quality would be required for all development proposals that are likely to have significant air quality impacts.

Objection/Policy and Part of Plan

Omission of Policy on Contaminated Land

Objection

While Policy 10 refers to land with possible contamination issues, it does not provide clear guidance to developers on how contaminated land needs to be risk-assessed, remediated and re-developed. SEPA therefore **objects** to the omission of clear policy on contaminated land. Land subject to contaminative uses is an important issue in the Highland Council area, as it contains a significant area of such land.

Planning Advice Note 33 'Development of Contaminated Land' (PAN 33) Paragraph 27 states "In preparing development plans, planning authorities are expected to encourage and promote the re-use of brownfield land, including contaminated sites. Development plans provide an opportunity for authorities to set out their priorities for the reclamation and re-use of contaminated land, and to inform developers of the availability of sites, and the potential constraints attached to them."

In addition PAN 33 states that "Planning authorities should therefore require that applications include suitable remediation measures. If they do not, then there are grounds for refusal. Where applications are approved, conditions should be put in place to ensure that land is re-mediated before the commencement of any new use."

PAN 33 Paragraph 27 states "The planning authority must consider whether a developer's restoration plan is adequate to avoid unacceptable risks to human health and the wider environment from the contamination on the site, both during the restoration period and for the final end use. The end use of the site is a crucial consideration when determining whether a restoration plan is adequate".

SEPA considers that the Planning Authority should satisfy itself that the potential for contamination is properly investigated, that risks associated with any contamination are assessed and that any necessary remediation is undertaken to ensure that the land is suitable for its proposed new use and does not represent a risk to the wider environment.

SEPA wishes to highlight that SEPA's role is to provide advice to Local Authorities *primarily with respect to the water environment* aspects of the identification and treatment of contaminated sites. Further guidance on this policy should be sought from your contaminated land colleagues.

Modification Required to Remove SEPA's Objection

SEPA would remove its objection if the following amendment is made.

1. A separate policy is inserted into the Plan to the following effect:

"Where development is to take place on land that has been subject to contaminative uses, the developer is required to undertake an adequate risk assessment of the site, and to propose measures to avoid unacceptable risks to human health and the wider environment both during the restoration period and for the final end use."

Our ref: PCS103263
Your ref: WHILP/FWWWS/TS

Tim Stott
Planning and Development
The Highland Council

If telephoning ask for:
Susan Haslam

6 October 2009

By email only to: Tim.Stott@Highland.gov.uk

Dear Mr Stott

Consultee Copy of Fort William Wider Waterfront Study

Thank you for your consultation letter of 8 September 2009 which SEPA received on 14 September 2009. Based on the information currently available to us, we **object** to the optimum masterplan until it is clearly demonstrated that the proposal will not result in flood risk elsewhere. Please note the detailed advice below.

Advice for the planning authority

1. Flood risk

- 1.1 The optimum masterplan results in substantial modification to the coastal environment, including significant amounts of reclamation works and development in areas which are indicatively at risk from flooding.
- 1.2 As you know the optimum masterplan includes allocation MU10 as made in the West Highland and Islands Local Plan Deposit Draft (although we note that the masterplan area is considerably larger than the deposit draft allocation). Our current position on MU10 is that we would withdraw our objection to the allocation if a site specific flood risk assessment demonstrating Scottish Planning Policy 7 (SPP7) compliance is carried out prior to the adoption of the plan (or the site is deleted).
- 1.3 We consider that the bringing forward of the masterplans is the ideal opportunity to investigate flood risk further to ensure that the proposals are in accordance with Scottish Planning Policy and we are disappointed that no work seems to have been carried out on flood risk to support the proposals.
- 1.4 The main issue is the large area of land reclamation (essentially the MU10 element itself). Any reclamation works must raise the level of the land so that it is not at risk from flooding. Due to the scale of work proposed this may have an impact on flood risk elsewhere and this strategic issue needs to be explored at this stage. Unless it can be clearly demonstrated that the proposal will not be at risk of flooding itself and does not result in flood risk elsewhere we consider that the proposed works should not be included in the masterplan. The assessment would need to take into consideration the effect the reclamation might have on coastal processes, such as sedimentation. We therefore **object** to this aspect of the masterplan until it is demonstrated by way of suitable assessment that it is achievable in line with Scottish Planning Policy.

- 1.5 We would also **recommend** that you ensure that the proposals do not result in an island of development during a flood event.
- 1.6 The redevelopment of existing brownfield land at Fort William waterfront proposed in both versions of the masterplan also needs to be shown to be compliant with Scottish Planning Policy, but again this has not been done and we would **recommend** that it is. Landraising would be the acceptable mitigation measure provided it was carried out in line with paragraph 19 of SPP7. In this case we consider that compensatory storage may not be required given that the areas involved are relatively small and the source of flood risk is coastal.
- 1.7 Any development for navigation, water-based recreation and transport uses where the location is essential for operational reasons would be acceptable in the area at risk of flooding. This could include the breakwater and marina structures, for example.
- 1.8 Given the location of the development on the coastal fringe we are of the view that an allowance for climate change is essential in this case and we **recommend** that you discuss and decide upon this with your flood prevention authority colleagues.
- 1.9 If our objection and recommendations are fully acted upon at this stage it will ensure that the proposals outlined in the masterplans could progress in line with Scottish Planning Policy. This would facilitate development by ensuring that modifications to the masterplans are not required at a later stage in the planning process and remove the requirement for individual developers to commission individual flood risk assessments.
- 1.10 On request we would be very happy to provide more technical advice on the scope of the assessments required.
- 1.11 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 us as at the date hereof. It is intended as advice solely to The Highland Council as Planning Authority in terms of the said Section 25 (2).

2. Costings and potential developer contributions

- 2.1 When considering costings and deciding on the final developer contributions please remember that the following will have to be accounted for:
 - 2.1.1 All new development must connect to the public sewerage network; this may result in the requirement for upgrading works.
 - 2.1.2 Due to the scale of the marina proposals there will be a requirement for shore facilities for sewage disposal.
 - 2.1.3 As highlighted above, to comply with SPP7 redevelopment of brownfield sites will require to be raised to ensure they are not at risk of flooding.

Should you wish to discuss this consultation, please do not hesitate to contact me on 01349 860359 or planning.dingwall@sepa.org.uk.

Yours sincerely

Susan Haslam
Senior Planning Officer
Planning Service

Our Ref: LP/2007/1766/3/
CM/KS
Your Ref: WHILP/P&A/DD

FAO Tim Stott

Planning and Development
The Highland Council
Glenurquhart Road
Inverness
IV3 5NX

If telephoning ask for:
Cerian MacInnes

9 February 2009

Dear Mr Stott

WEST HIGHLAND AND ISLANDS LOCAL PLAN DEPOSIT DRAFT (DECEMBER 2008) AND REVISED ENVIRONMENTAL REPORT

Thank you for consulting SEPA on the above Deposit Draft of the West Highland and Islands Local Plan. SEPA is grateful for our meetings on the 6 and 19 January and the 3 February 2009. SEPA found these meetings very useful and hopes that we can continue this good work through our monthly meetings regarding the Highland Wide Local Development Plan.

SEPA's representations to the Deposit Draft (December 2008) are detailed below and summarised in the pro-forma provided. SEPA welcomes all the modifications contained within this Deposit Draft and considers that many of our objections dated 9 June 2008 have been met. Where SEPA has outstanding concerns these have been discussed at our meetings on 6 and 19 January and the 3 February 2009 and so SEPA hopes that the below representations accurately reflect our agreements from the meetings and subsequent discussions and that they enable the Plan to progress.

If SEPA can assist in any further way please do not hesitate to contact us. Please note that SEPA's comments relating to the revised Environmental Report will be submitted under a separate cover.

1. General Policy Inconsistency - All Policies

1.1 SEPA welcomes the explanation of how to use the General Policies contained within the Introduction and Context chapter and in the introduction of the General Policies Chapter. SEPA therefore **withdraws its objection** to this element of the Plan.

2. Sustainability - Policy 6

2.1 SEPA welcomes the further explanation of how the Development Plan Policy Guideline on Designing for Sustainability will be updated in the near future and it is SEPA's understanding this will include a section on when a 'Design for Sustainability' statement will be required. SEPA therefore **withdraws its objection** to this element of the Plan.

2.2 For the avoidance of doubt and to provide clarity to developers SEPA **recommends** that the word 'normally' is deleted from Policy 6 itself.

3. Waste Water Treatment - Policy 7, Policy 7 Supporting Text, Map Entitled Physical Constraint: STWs, specified allocations.

- 3.1 SEPA supports the revisions to the supporting text, settlement descriptions and constraints map as detailed within the Deposit Draft (December 2008). SEPA therefore **withdraws its objection** to these elements of the Plan SEPA also welcomes the modifications of the developer requirement for shore facilities for proposed marinas.
- 3.2 To ensure foul drainage requirements are made clear to developers SEPA **would withdraw its objection** to Policy 7 if it is revised to the below wording as agreed at our meeting on the 19 January 2009. SEPA considers that this policy wording would make requirements for suitable foul drainage for all allocations explicit and therefore does not need to be inserted in Developer Requirements for all allocations except the allocations listed in section 3.3 and 3.4 below.

“Connection to the public sewer as defined in the Sewerage (Scotland) Act 1968 is required for all new development proposals:

- either in settlements identified in the plan with a population equivalent of more than 2000; or*
- wherever single developments of 25 or more units are proposed.*

In all other cases a connection to the public sewer will be required, unless the applicant can demonstrate that:

- 1) the development is unable to connect to public sewer for technical or economic reasons; and*
- 2) that the proposal is not likely to result in or add to significant environmental or health problems.*

The Council’s preference is that any private system should discharge to land rather than water.

For all proposals where connection to the public sewer is not currently feasible and Scottish Water has confirmed public sewer improvements or first time public sewerage within its investment programme that would enable the development to connect, a private system would only be supported if:

- the system is designed and built to a standard which will allow adoption by Scottish Water.*
- the system is designed such that it can be easily connected to a public sewer in the future.*

Typically this will mean providing a drainage line up to a likely point of connection. The developer must provide Scottish Water with the funds which will allow Scottish Water to complete the connection once the sewerage system has been upgraded.”

- 3.3 SEPA **would withdraw its objection** provided that a Developer Requirement for connection to the public sewer is inserted for the below allocations and all allocations of 25 or more units.

Kinlochleven MU1, MU2, H1, H2, H3 and C1
 Lochaline H1, H2 and H3
 Strontian H1, H2, B1, B2, C1
 Inchree H and MU
 Morar H2
 Arisaig H1, C, H2 and MU
 Lochailort B, H2 and H3
 Kyle of Lochalsh C, H1, H2, H3, H4, H5, H6, H7, MU1, MU2, MU3, MU4
 South Strome MU
 Auchtertyre MU1 and MU2
 Dornie AH and C
 Armadale MU1 and H
 Kyleakin H1, H2, AH, MU, B2 and B3
 Uig AH
 Carbost MU1, AH and H

Invergarry H1, B1 and MU1. SEPA notes that the planning authority does not consider this reasonable for MU1 and therefore if this Developer Requirement is not inserted SEPA would maintain its objection to this allocation. SEPA considers that if a sustainable foul drainage solution is not feasible for an allocation then it is not a sustainable location for a development.

- 3.4 SEPA **would withdraw its objection** provided that a Developer Requirement for a public sewer connection or interim private arrangement that will be compatible with and make a future public connection/scheme more feasible is inserted for the following allocations:

Edinbane H1, H2, H3
 Inverarish H4 and H5

4. Waste Management - Policy 8, Waste Physical Constraints: Existing or Former Waste Management Facility Map

- 4.1 SEPA welcomes the revisions to the supporting text for Policy 8 and changes to the Physical Constraints map to include all existing waste management sites and for the inclusion of the Portree Energy for Waste site. SEPA therefore **withdraws its objection** to these elements of the Plan.

- 4.2 SEPA welcomes the revisions made to Policy 8 thus far, however, in order to bring the Policy fully in line with the National Waste Plan, National Waste Strategy and Scottish Planning Policy 10 "Planning and Waste Management" (SPP10) further revisions are required. SEPA **would withdraw its objection** provided the following revisions are made to the Policy:

- 4.2.1 The first sentence is revised to, “the National Waste Strategy, SPP10 and where relevant SEPA’s Thermal Treatment Guidelines”
- 4.2.2 “Proposals for redevelopment of existing waste management facilities will be assessed against the National Waste Strategy, the National Waste Plan and the Highland Area Waste Plan to determine whether the site should be safeguarded for future waste management purposes, and will be subject to consultation with SEPA.” is replaced by your proposed wording “Existing or former waste management facilities and their sites shall be safeguarded. Development proposals on or adjacent to the site of such a facility will be assessed against the National Waste Strategy, the National Waste Plan, and the Area Waste Plan, and will be subject to consultation with SEPA. If the proposed development would adversely affect the operation of the waste management facility, or would be likely to cause the site of the facility to be unavailable or unsuitable for future waste management purposes for which it will be required, the proposed development will not be favoured.”
- 4.3 SEPA notes that SPP10 is likely to be superseded prior to the Reporter’s Decision Letter by the forthcoming Scottish Planning Policy: Part Three. Therefore SEPA recommends that policy references to SPP10 are amended at that time to reflect this change in national policy and ensure the final policy wording is up to date.
- 4.4 SEPA also **recommends** that the glossary is updated to include reference to waste management facilities. SEPA is satisfied with the suggestion “Waste management facilities- for the purposes of this Plan and specifically Policy 8, facilities for the treatment and disposal of municipal and commercial waste, including (but not limited to) waste transfer stations and recycling centres.”
- 5. Flood Risk - Policy 9, Policy 9 supporting text and specified Site Allocations**
- 5.1 SEPA welcomes the revisions to the supporting text for Policy 9 and therefore **withdraws its objection** to this element of the Plan.
- 5.2 SEPA also welcomes the amendments made to the wording of the Policy, however, in order to fully comply with Scottish Planning Policy 7 “Planning and Flooding” (SPP7) SEPA **would withdraw its objection** to the Policy if it is modified as detailed below and agreed at our meeting on the 20 January 2009. SEPA notes that SPP7 is likely to be superseded prior to the Reporter’s Decision Letter by the forthcoming Scottish Planning Policy: Part Three. Therefore SEPA recommends that policy references to SPP7 are amended at that time to reflect this change in national policy and ensure the final policy wording is up to date

“Development proposals should avoid areas susceptible to flooding.

Development proposals within or bordering medium to high flood risk areas, will need to demonstrate compliance with Scottish Planning Policy 7 “Planning and Flood Risk” through the submission of a Flood Risk Assessment.

Development proposals outwith the medium to high flood risk areas may be acceptable. However, where better local flood risk information and/or the sensitivity of the proposed use suggest(s) otherwise, a Flood Risk Assessment which demonstrates compliance with SPP7 will be required.

Developments may also be possible where they are in accord with the flood prevention or management measures as specified within a Local Plan allocation or a Development Brief. Any developments, particularly those on the flood plain, should not compromise the objectives of the EU Water Framework Directive.”

- 5.3 SEPA also welcomes the modifications to a number of allocations which were shown to fall within or bordering the medium to high flood risk areas and the modifications to the supporting text. However, SEPA considers that further revisions are required as follows.
- 5.3.1 SEPA **would withdraw its objection** to Fort William MU1, Portree C1 and MU4, Broadford MU2, MU4 and MU5, Dunvegan AH and MU4, Ferrindonald/Teangue MU, Gairloch H5, Kyleakin B2, Edinbane C provided the wording “*Flood Risk Assessment will be required, built development to avoid flood risk area*” is inserted into the Developer Requirements.
- 5.3.2 SEPA **would withdraw its objection** to Fort William B2, MU2, Dunvegan MU3, Lochaline B1, Arisaig MU1, South Strome MU, Armadale MU2 and Inverarish MU1, provided the wording “*Flood Risk Assessment will be required, built development to avoid flood risk area. Only water-related or harbour uses would be acceptable within flood risk areas*” is inserted into the Developer Requirements.
- 5.3.3 SEPA **would withdraw its objection** to Fort William MU9, Portree H2, Broadford R, Glenelg H3, Spean Bridge H3, Roybridge H1, Invergarry H1, Arisaig B provided the allocation boundaries are modified to exclude the medium to high flood risk areas and the wording “*Flood Risk Assessment will be required, built development to avoid flood risk area*” is inserted into the Developer Requirements. It is SEPA’s understanding that Spean Bridge H3 may be currently being developed. If this is the case SEPA does not object to the allocation any further as it is likely to be completed by the time the Plan is adopted.
- 5.3.4 SEPA **would withdraw its objection** to Fort William MU10 Roybridge B1, Portree MU3 and MU5, if a site specific flood risk assessment is carried out at this stage which demonstrates that the sites are capable of being developed in accordance with SPP7 or the sites are deleted.
- 5.3.5 SEPA would **withdraw its objection** to Glencoe H1 and B2 if the Allocation Developer Requirements for contributions to a flood prevention scheme are deleted and replaced with an Allocation Developer Requirement for contributions to road drainage works instead.

5.3.6 For the avoidance of doubt SEPA **recommends** that the explanation of medium to high flood risk areas in the supporting text is amended to state "...medium to high flood risk areas (1 in 200 or greater than 0.5% annual probability of flooding). SEPA would welcome this explanation included within the glossary as well.

6. Physical Constraints - Policy 10

6.1 SEPA welcomes the modifications to the Policy and cross referencing to the Background Maps, however considers that further revisions are required to ensure the policy safeguards existing waste sites.

6.2 SEPA **would withdraw its objection** to the policy if your suggested wording "*(Regard must be had to the safeguarding of waste management sites as well as to any potential impact that the operation of facilities on such a site might have on the proposed development.)*" is added to the fifth bullet point.

6.3 SEPA **recommends** that the final sentence of Policy 10 is modified from "...controlled waters..." to "...the water environment..." to provide clearer guidance to developers and bring it in line with best practice guidance.

6.4 SEPA also **recommends** a further modification to the final sentence of Policy 10 from "... the site prior to any further occupation" to "... the site prior to development" to ensure measures which can actually be implemented are agreed prior to any activity on the site to ensure any contamination is dealt with adequately.

7. Surface Water Drainage - Policy 14, supporting text and Appendix 2: SuDS Definition

7.1 SEPA welcomes the modifications to the Policy, its supporting text and the SuDS definition. SEPA therefore **withdraws its objection** to these elements of the Plan.

8. Developer Contributions - Policy 15

8.1 SEPA welcomes the modifications to the supporting text. SEPA therefore **withdraws its objection** to this element of the Plan.

9. Omission of Policy on Protection of Water Environment and All Allocations Containing Watercourses

9.1 SEPA welcomes the inclusion of allocation Developer Requirements "*To retain and integrate watercourses as natural features within the development*" for some of the allocations containing significant watercourses. SEPA **would withdraw its objection** provided that the Planning Authority makes a formal commitment to including a Policy on Protection of Water Environment within the forthcoming Highland Wide Local Development Plan.

- 9.2 Whilst SEPA welcomes the inclusion of allocation Developer Requirements *“To retain and integrate watercourses as natural features within the development”* for some of the allocations containing significant watercourses SEPA notes that a number have been omitted. In order to protect the water environment and for consistency throughout the plan SEPA **recommends** that following allocations also include the allocation Developer Requirements *“To retain and integrate watercourses as natural features within the development”*:

Duror H1
Lochaline H2
Leanach Forest/Fort William B3
Mallaig H2 and H3
Morar H1 and H2
Spean Bridge MU2
Kyle of Lochalsh H1
Auchtertyre MU1
Armadale MU2
Ferrindonald/Teangue MU
Kilbeg MU
Kyleakin I
Edinbane H3
Inverarish H1, H3 and H5
An Clachan MU1 and AH1
Fort William MU1, MU8, MU9, MU16, MU17 and H
Glenelg H1 and H3
Dunvegan H1, H2, AH, C, MU4, MU5, MU6, MU1
Broadford H1, H2, C1, I, MU3, MU4 and MU5
Portree H1, H3, H4, H5, I2, MU1, MU2, MU6, C1, C2, C4 and C5

- 10. Water Supply- Each Settlement where the Plan identifies a water capacity deficiency**
- 10.1 SEPA welcomes the ongoing tri-partite meeting between Scottish Water, Highland Council and SEPA to resolve water supply deficiencies across Highland. SEPA considers this an appropriate forum to resolve outstanding water deficiencies relating to the Plan area and therefore **withdraws its objection** to this element of the Plan.
- 11. Omission of Policy on Air Quality**
- 11.1 SEPA **would withdraw its objection** provided that the Planning Authority makes a formal commitment to including a Policy on Air Quality within the forthcoming Highland Wide Local Development Plan.
- 12. Omission of Policy on Contaminated Land**
- 12.1 SEPA **would withdraw its objection** provided that the Planning Authority makes a formal commitment to including a Policy on Contaminated Land within the forthcoming Highland Wide Local Development Plan.

If you have any queries relating to this matter please contact me on 01349 862 021 or email at Planning.Dingwall@sepa.org.uk .

Yours faithfully

Cerian MacInnes
Planning Unit (North)

Enc: Highland Council Response proforma

Ecopy: Tim.Stott@highland.gov.uk

Ecopy: Stephen MacIntyre, Steph Pickford, Rachel Harding-Hill, Flood Risk North, Carole Chapman, Katherine Donnachie

WEST HIGHLAND AND ISLANDS LOCAL PLAN - HOW YOU WISH TO PROCEED WITH YOUR VIEWS

Please clarify how you wish to proceed with each of your views (representations) by choosing one of the options below for **each** issue you made comment on and return to: *Director of Planning & Development, Highland Council Headquarters, Glenurquhart Rd., Inverness IV3 5NX (Freepost envelope enclosed)*

Your Signature

Client (if applicable) **N/A**

Date **9 February 2009**

E-mail (if applicable) **Planning.Dingwall@sepa.org.uk**

Your Name **Cerian MacInnes**

Organisation (if applicable) **Scottish Environment Protection Agency**

Day-time Telephone Number **01349 862 021**

Your Ref. Number (on addressee label) **Not given**

ISSUE(S) Please list each issue (site, boundary, policy or text) – continue on separate sheet if necessary	HOW I WISH TO PROCEED	
	EITHER:	OR:
	WITHDRAW my views <i>(where you are content with the Council's response to your views and/or you do not wish to take the matter any further)</i>	CONFIRM my representation as a formal OBJECTION to the Plan <i>(where you are <u>not</u> content with the Council's response to your views and wish a Scottish Government Reporter to provide an independent judgement on the issue)</i>
Example: A person who commented on two sites, one in Roy Bridge and another in Portree who wishes to withdraw his/her representation to the Roy Bridge site but confirm an objection to the site in Portree would complete the table as follows:		
Roy Bridge - Field off Bohenie Road (H1)	✓	
Portree - Kiltaraglen East (H5)		✓
ISSUE(S)	WITHDRAW	CONFIRM OBJECTION
All Policies - General Policy Inconsistency	✓	
Sustainability - Policy 6	✓	
Waste Water Treatment - Policy 7		✓

Waste Water Treatment - Policy 7 Supporting Text and Map Entitled Physical Constraint: STWs	✓	
Waste Water Treatment - Allocations: All allocations of 25 units or and Kinlochleven MU1,MU2, H1, H2, H3 and C1 Lochaline H1, H2 and H3 Strontian H1, H2, B1, B2, C1 Inchree H and MU Morar H2 Arisaig H1, C, H2 and MU Lochailort B, H2 and H3 Invergarry H1, B1 and MU1. Kyle of Lochalsh C, H1, H2, H3, H4, H5, H6, H7, MU1, MU2, MU3, MU4 South Strome MU Auchtertyre MU1 and MU2 Dornie AH and C Armadale MU1 and H Kyleakin H1, H2, AH, MU, B2 and B3 Edinbane H1, H2, H3 Inverarish H4 and H5 Uig AH Carbost MU1, AH and H		✓
Waste Management - Policy 8		✓
Waste Management - Waste Physical Constraints: Existing or Former Waste Management Facility Map and Policy 8 supporting text	✓	
Flood Risk - Policy 9		✓
Flood Risk – Policy 9 supporting text	✓	

<p>Flood Risk - Allocations: Fort William MU1, MU2, MU9, MU10 and B2 Portree C1, H2 and MU4, Portree MU3 and MU5 Broadford R, MU2, MU4 and MU5 Dunvegan AH, MU3 and MU4 Ferrindonald/Teangue MU Gairlochy H5 Kyleakin B2, Inverarish MU1 Edinbane C Lochaline B1 Arisaig MU1 and B South Strome MU Armadale MU2 Glenelg H3, Spean Bridge H3, Roybridge H1 and B1 Invergarry H1, Glencoe H1 and B2 (previous objections on flood risk grounds to other allocations withdrawn)</p>		✓
Physical Constraints - Policy 10		✓
Surface Water Drainage - Policy 14, supporting text and Appendix 2: SuDS Definition	✓	
Developer Contributions - Policy 15	✓	
Omission of Policy on Protection of Water Environment and All Allocations Containing Watercourses		✓
Water Supply- Each Settlement where the Plan identifies a water capacity deficiency	✓	
Omission of Policy on Air Quality		✓
Omission of Policy on Contaminated Land		✓



THE PLANNING (ETC.) ACT SCOTLAND 2006

THE WEST HIGHLAND AND ISLANDS LOCAL PLAN EXAMINATION

FORT WILLIAM HEARING SESSIONS

DAY 4 (PM) REPRESENTATION NO 446

HEARING 8: EXPANSION SITE MU10 (WATERFRONT)

SCOTTISH ENVIRONMENT PROTECTION AGENCY (SEPA)

STATEMENT OF FURTHER INFORMATION

PREPARED BY:

BRENT QUINN MA (Hons) MRTPI, PLANNING UNIT MANAGER

21 DECEMBER, 2009

Contributors & Qualifications

The following statement sets out The Scottish Environment Protection Agency's (SEPA) interpretation of the evidence pertinent to this issue. This is a joint statement, submitted following collaboration with the following SEPA staff, detailed along with their qualifications and position:

Brent Quinn MA (Hons) in Town & Country Planning, Corporate Member of the Royal Town Planning Institute, Planning Unit Manager (North) with the SEPAs Planning Service

Marc Becker, BSc (Hons - 1st), Environmental Science, MSc (Eng) Public Health and Environmental Control Engineering' Member of the Chartered Institute of Water and Environmental Management, Associate Member of Royal Meteorological Society, British Hydrological Society, SEPA Flood Risk Manager,

Patricia Haynes Dip. Landscape Architecture, Chartered Member of the Landscape Institute, Senior Planning Officer, and SEPA will attend the hearing session on this issue.

SEPA wishes to refer to the following documents in this statement:

Productions

List of Productions available at Scottish Government Website:

<http://www.scotland.gov.uk/Topics/Built-Environment/planning/publications/policy>

SEPA 1	Scottish Planning Policy 1, (SPP1) The Planning System
SEPA 2	Scottish Planning Policy 3, (SPP3) Planning for Homes
SEPA 3	Scottish Planning Policy 7, (SPP7) Planning and Flooding
SEPA 4	Planning Advice note 69, Planning and Building Standards Advice on Flooding
SEPA 5	National Planning Framework for Scotland 2 (NPF2)

Documents appended with this statement

SEPA 6	SEPA response of 11 March 2008 to The Highland Council on the West Highland and Islands Local Plan Deposit Draft
SEPA 7	SEPA response of 9 February 2009 to The Highland Council on the West Highland and Islands Local Plan Deposit Draft (December 2008) and Revised Environmental Report
SEPA 8	SEPA response of 6 October 2009 to the Highland Council on the Consultee Copy of the Fort William Wider Waterfront Study.

Further Document

SEPA 9	SEPA Interim Position Statement on Planning and Flooding, available at www.sepa.org.uk/customer_information/planning.aspx#Guidance_notes
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1. Background

- 1.1 The site, known as the 'waterfront' is currently allocated for Commerce/Town Centre Uses, in the Lochaber Local Plan (adopted in 1999) as part of a wider site than that currently under consideration. The site in the adopted Plan incorporates additional land along the waterfront to the south.
- 1.2 In the Consultative Draft and up to and including the Finalised version of the Plan the site has again been put forward for allocation of a possible mixed use development (defined as proposal MU10), with acceptable uses being listed as housing, community, retail, leisure, tourism and business. It is defined as a site of some 13.5 hectares and is listed as the 'Waterfront'. Much of the proposed allocation is currently below sea level and can only be capable of development if substantial land reclamation is undertaken. The accompanying text state that the development is dependent upon, *inter alia*, flood risk.
- 1.3 Using the Indicative River and Coastal Flood Map (Scotland) the site lies wholly within the 0.5% annual probability layer (1 in 200 year period flood event). This map constitutes the best available information relating to flood risk, until more localised and detailed studies indicate otherwise. In this case, it forms the foundation of our objection in this case as the site lies wholly within a flood risk area.

2. SEPA's position

- 2.1 We were first consulted on this Local Plan in early 2008, following which we responded on the 11 March 2008 (SEPA 6) with an objection on the premise that a flood risk assessment (FRA) should be carried out to establish the principal of development.
- 2.2 We have maintained our objection through both the West Highlands and Islands Local Plan (WHILP) process, informal discussions with Council Officers and also through our consultation responses on the overall Fort William Waterfront Master Plan. (SEPA 8) Our last formal correspondence on the matter was on 9 February 2009, (SEPA 7) where we stated that, in conjunction with other sites (B1, MU3, & MU5) we would withdraw our objection 'if a site specific flood risk assessment is carried out at this stage which demonstrates that the sites are capable of being developed in accordance with Scottish Planning Policy 7 (SPP7) (SEPA 3) or the sites are deleted'. This represents our current position on the matter.

3. Policy framework

- 3.1 The National Planning Framework 2 (December 2008) (SEPA 5) stresses the importance of flood risk as a planning issue. It states that (paragraph 55) "*Development patterns must be robust in relation to long-term climate change, taking account, for example, of changing levels of flood risk and vulnerability to the predicted increase in the frequency of extreme weather.*" It goes on to recognise that (paragraph 177) "*The projected increase in flood risk as a consequence of climate change has implications for the siting of new development*".

- 3.2 Scottish Planning Policy 1 (SPP) 1: The Planning System (paragraph 16) (SEPA 1) states *“The planning system should take the possible impacts of climate change, for example greater rainfall and increased risk of flooding, into account when taking decisions on the location of new development and other changes in land use.”*
- 3.3 SPP3: Planning for Housing (SEPA 2) (paragraph 54) states that, *inter alia*, the consideration of flood risk should form a key consideration for the basis of a sustainable settlement strategy.
- 3.4 SPP7 (SEPA 3) is considered to be of paramount importance in the consideration of this matter. The general objective of current guidance on flooding in Scotland (i.e. SPP7) is to ensure that development avoids increasing risk to life and property. Any development should provide a sustainable approach to managing flood risk, should not materially increase the probability of flooding elsewhere and should allow safe access and egress during a flood.
- 3.5 Furthermore the key role of development planning is made clear in paragraph 2 which states (SEPA’s emboldenment):

“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. Prospective developers also have key responsibilities, including: taking flood risk into account before committing themselves to a site or project; undertaking flood risk assessments and drainage assessments where required; and implementing agreed measures to deal with flood risk.”

- 3.6 It states in paragraph 38 that:

“38. The potential of land to flood should be considered during the preparation and review of every development plan in accordance with this SPP. 'Medium to high' risk areas for watercourse and coastal flooding, and areas where flooding from other causes is an issue must be identified early in the plan preparation process. Taking that into account, planning authorities should still allocate sufficient land for development, and in particular meet the housing land requirement for each housing market area in full (see SPP 3). 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. FLAGs should be involved at appropriate stages during plan preparation and review...”

- 3.7 Furthermore paragraphs 42 and 43 of SPP7 (SEPA 3) states that (SEPA’s emboldenment):

“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. FLAGs 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 flood plain 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.”

3.8 Furthermore, paragraph 48 of Planning Advice Note PAN 69 Planning and Building Standards Advice on Flooding (SEPA 4) (SEPA’s emboldenment) states that:

“48. SPP 7 also says that the potential for sites to flood must be considered in local plans. At each review, the plan should guide development away from land at risk of flooding, based on areas identified in the structure plan and any other relevant sources of information. Paragraph 43 of the SPP sets out in detail what the local plan should cover. A number of existing local plans contain clear policies which identify land with a high probability of flooding within the plan area and set out the implications for future development.”

3.9 SEPA considers that National Planning Policy and Advice makes clear that flood risk should be assessed in the preparation of Local Plans and that sites should be allocated on the basis of this assessment in accordance with the Risk Framework laid out in SPP7 (SEPA 3).

3.10 We have considered the issue of financial burden on the Council in being required to carry out the required FRA. We would like to confirm that it is not our concern who carries out the FRA, provided that it is undertaken in accordance with our guidelines and those set out in SPP7 (SEPA 3), but rather when it is carried out i.e. before the principle of development can be established. Further, we would like to point out that financial matters of this type cannot be considered as material considerations in the determination of a planning matter.

3.11 Moreover, we have considered alternative policy wordings whereby a suspensive conditional arrangement could be applied. However, we do not consider it to be appropriate in this case. We would normally object to any site being adopted which was wholly within the indicative functional floodplain (or the sea in this instance).

4. Recommended modification

- 4.1 To ensure that the West Highland and Islands Local Plan (WHILP) is in accordance with national planning policy, guidance and advice, we are seeking a recommendation from the Reporter that the Council includes the following modification prior to adoption of the WHILP.

Modification 1. The modification would delete the allocation of site MU10, unless the allocation is preceded by an adequate assessment of the risk of flooding. This would take the form of a Flood Risk Assessment, to be undertaken to the satisfaction of SEPA.

5. Conclusion

- 5.1 As described in this statement, the specific allocation at MU10 has been identified as being potentially at risk of flooding. This is contrary to the provisions of national planning policy, guidance and advice, in particular with regard to the SPP7 Risk Framework and paragraph 7. (SEPA 3) and also with the guidance provided in our 'SEPA Interim Position Statement on Planning and Flooding' as approved in July 2009 (SEPA 9). The strategy to allocate sites where there is a known flood risk, without the benefit of a FRA that would demonstrate what can and cannot be safely developed on the site, is wholly contrary to national planning policy and could act as a dangerous precedent.
- 5.2 Our **objection** to this land use allocation is therefore maintained, unless the modification outlined in Section 5, above, is applied.