

Issue 67		Surface Water Drainage	
Development plan reference:		Policy 67 (para. 21.19, Page 113)	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number)			
Brenda Herrick (5), Laid Grazings Committee (83), JG Walford (300), Scottish Environment Protection Agency (SEPA) (326).			
Provision of the development plan to which the issue relates:		Surface Water Drainage General Policy	
Council's summary of the representation(s):			
<p><u>Brenda Herrick (5)</u></p> <ul style="list-style-type: none"><li>Supports policy but fears its introduction is too late.</li></ul> <p><u>Laid Grazings Committee (83)</u></p> <ul style="list-style-type: none"><li>Reports major problem in Laid with surface water drainage where culverts from the road deposit ever more significant quantities of waste water down people's crofts. Therefore believes policy should be applicable to roads as well as new developments.</li></ul> <p><u>SEPA (326)</u></p> <ul style="list-style-type: none"><li>Supports policy.</li></ul> <p><u>JG Walford (300)</u></p> <ul style="list-style-type: none"><li>Disputes that the aims of the policy are or will be achieved in practice because of a lack of effective ongoing maintenance of SUDS devices. Sees Scottish Water adoption and maintenance as the way to ensure this. Quotes example of recent Ardgowan development in Croy and its SUDS device. Appears to allege this has failed due to unclear maintenance responsibility and inadequate maintenance. Asserts that this is also SEPA's view. Uses this uncertainty and alleged failure to cast doubt on how effective the proposed mitigation for the adjoining allocation will be (detail within Croy Schedule).</li></ul>			
Modifications sought by those submitting representations:			
<ul style="list-style-type: none"><li>Policy 67 should be made applicable to existing road drainage as well as to proposed development (83).</li><li>Policy 67 should set out how SUDS devices will be maintained effectively and in perpetuity (assumed) (300).</li></ul>			
Summary of responses (including reasons) by Planning Authority:			
<p><u>Brenda Herrick (5) &amp; SEPA (326)</u></p> <ul style="list-style-type: none"><li>Support noted.</li></ul> <p><u>LAID GRAZINGS COMMITTEE (83)</u></p> <ul style="list-style-type: none"><li>This representation concerns the alleged inadequacy of existing roads drainage infrastructure on the A838 through the Laid crofting community at Loch Eriboll. Given that almost all development is on the low side of the road the representor's concerns are likely to relate to overflowing surface water rather than foul water. Although the concerns are genuine they are not relevant to this Plan. No development proposed in the Plan will be</li></ul>			

affected by this alleged deficiency or its resolution. However, the concerns have been passed to the Council's relevant officer for consideration.

**J.G Walford (300)**

- Scottish Water has not objected to the policy and SEPA has confirmed positive support.
- The specific [Ardgowan, Croy development Committee report](#) (Item 2.7) records that SEPA noted the specific arrangements for that development as acceptable and appropriate. Conditions 6 and 7 of the subsequent permission required applicant (contractor) maintenance of the SUDS area and open space.
- Although Mr Walford may be correct in saying that Scottish Water specification SUDS devices and maintenance of all non roads drainage areas may be the optimum solution within a development, it is not for a (strategic) development plan to specify specific maintenance responsibilities. To prescribe detailed arrangements for the whole of Highland when there is no cross agency agreement on this issue would be inappropriate. The Council hopes to produce future supplementary guidance on Planning for Managing Floods and this may be a more suitable way to address this detailed issue.

**Any further plan changes commended by the council**

None.

**Reporter's conclusions:**

Added by Reporter at later date.

**Reporter's recommendations:**

Added by Reporter at later date.