

# **AGENDA ITEM 9**

## **APPENDIX 4**

**2018/0402/DET**

**REPRESENTATIONS -  
OBJECTIONS**

BSCG  
info

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From: BSCG info  
Sent: Mon, 26 Nov 2018 23:55:11 +0000  
To: Planning  
Subject: 2018/0402/DET

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CNPA Planning

26 November 2018

Dear Sir/Madam

**Planning Application 2018/0402/DET - Replacement of  
SUDS pond with a soakaway and raise ground levels on plots 7-10 - in Land 150M  
NW of Beachen Court Grantown-on-Spey**

BSCG wishes to object to the above application unless the following concerns are fully resolved.

The field north of Revoan is known to support breeding waders including lapwing (UK red list). Breeding waders have suffered declines on the Mossie, which in recent years appears to have lost breeding redshank, and suffered declines in breeding snipe and breeding lapwing. All work associated with raising plots and construction of soakaways should be conducted outwith the bird breeding season.

Otters (European PS) are known to use the area including the burn as well as the pond in Revoan and need to be taken fully into account in the construction phase.

No development, above or below ground, should be permitted to take place in the low lying field that forms the flood plain north of Revoan.

Information on ownership and financial responsibility for maintaining and upkeeping the proposed soakaway has not been provided. Without such information it is not reasonable to view this proposal as sustainable.

We note that the run off from adopted roads may be managed through private drainage arrangements. We do not consider that this provides a secure and sustainable arrangement.

Yours sincerely

Gus Jones

Convener



22 November 2018

Cairngorms National Park Authority  
Planning Team  
14 The Square  
Grantown on Spey  
PH26 3HG

**Comments and Objection to Planning Application 2018/0402/DET - Replacement of SUDS pond with a soakaway and raise ground levels on plots 7-10 - in Land 150M NW of Beachen Court Grantown-on-Spey**

I have some comments on this application and, unless my concerns are satisfied by the relevant statutory consultees, I wish to register an objection to this planning application.

**1. Positive comments in support of the application**

Replacement of SUDS pond 1 (approved as part of consent 2016/0060/DET) with a soakaway as described in the supporting drawings is welcome as there are potential environmental benefits from the proposal, namely:

- the proposal would considerably reduce the environmental impact on this field by avoiding most of the field being cut up by earthworks vehicles and avoiding the creation of a permanent maintenance track. This field is used by lapwings, and probably many more ground nesting birds, for breeding each year.
- the currently approved SUDS pond 1 is designed to drain into the Kyntra Burn which runs down the side of Seafield Avenue. This outflow has the potential to exacerbate the overtopping of water from the culvert under Revoan's access road onto Seafield Avenue, which happens regularly. Thus this proposed soakaway could potentially avoid the further loading of the Kyntra Burn at Revoan's access road culvert.

**2. Concerns that need to be corrected or addressed**

I have the following concerns about this planning application which need to be corrected or satisfied before I would agree to withdraw them as objections.

1. The Microdrainage calculations seem to satisfactorily calculate that the proposed soakaway has adequate capacity to not overflow in flood conditions (up to 1 in 200 flood conditions), but there is a bigger flood issue which does not seem to have been addressed. Let me try to explain.

The current green field flood attenuation of rainwater falling on the ground around

these plots operates by the gradual percolation of rainwater through the soil before leaking into the flood plain area and into the burn. The soil acts as a buffer, attenuating flood water and slowing the rise in water levels in the burn. The SUDS pond should have been designed to 'mimic' this attenuation by collecting storm water from hard surfaces such as roads, driveways and the roof of the houses in and around plots 6-10. This water collects in the SUDS pond and then the release of the water into the burn is controlled to be no worse than the calculated groundwater flow from this water through the soil to the burn. The potential problem with the soakaway is that the collected storm water in the proposed drains is transported on average some 50 metres closer to the burn before being introduced into the ground via the soakaway – roughly halving the attenuation obtained by the current green field attenuation. The result is that this storm water will get into the burn faster and could potentially increase the flood risk downstream at the crucial point which is the culvert under Rhuarden Court.

I hope my explanation is clear. The resulting increase in water levels in time of flood might not be very much in percentage terms, considering the relatively small surface area that the proposed storm water drain will gather water from, however, even the applicant's consultant's flood risk assessment submitted back in October 2016 in support of the whole development (ref: 2016/0060/DET) showed that the flood risk at the Rhuarden Court culvert was relatively high (overtopping in the 0.5% AEP scenario) – so any increase in water entering the burn in times of flood is likely to exacerbate an already relatively high flood risk point.

2. The planning application form states that the landowner is R S McLeod Ltd. This error was made by the applicant in a previous planning application connected with the same development. My information is that the land is owned by R S McLeod Developments Ltd. – a different legal entity.

3. The planning application refers to plots 7-10, but the supporting drawings do not show these plot numbers. I believe plots 19-22 shown in the supporting drawings are the plots 7-10 referred to in the planning application form. To avoid confusion and misunderstandings, this error should be corrected by the applicant in all the relevant supporting documents – including the recent undated covering document from Colin Armstrong Architects recently posted on the CNPA website on 8 November 2018.

4. If this application is approved, there needs to be a condition applied to ensure that work in raising the plot levels and in particular work in constructing the soakaways is carried out outside of the bird breeding season to avoid disruption to ground nesting birds known to use this field each year to nest and raise young.

5. I fully support the comments provided by Highland Council Flood Risk Management Team in their letter dated 15 February 2018 related to replacement of SUDS pond 1 with a soakaway and the more recent comments by Highland Council Transport Planning Team dated 16 November 2018, namely:

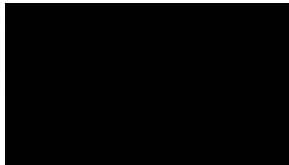
- CNPA should ensure, (it needs to be a planning condition) that that no development (including underground or above ground drainage systems) takes places within the low lying flood plain north of Revoan, in perpetuity.
- There is no information on who will own and accept financial undertakings to

maintain the proposed soakaway. I fully understand Highland Council Transport Planning Team's statement that they don't support surface water run-off from adoptable roads being dealt with by private drainage arrangements. The 'clarification' provided by Colin Armstrong Architects by email dated 21 November 2018 is meaningless and unhelpful. There is no undertaking given that any legal entity will maintain the soakaway in perpetuity. The reference to HLD maybe being the factor and maybe being responsible is totally unsatisfactory, and in any case HLD is a private company. It might be that this part of the site has to become unadopted. Nevertheless this matter must be fully resolved by clear financial undertakings before any approval is given to this application.

I previously raised the issue of lack of a guaranteed maintenance scheme as objections to 2016/0060/DET which covered the whole of the drainage and landscape scheme, and 2017/0286/DET which covered part of the development site, but my objections were not accepted by CNPA. Private maintenance of any drainage system without a satisfactory financial undertaking presents a significant financial risk to Highland Council and to taxpayers or at the very least the owners of the houses serviced by the soakaway. I request that CNPA puts in place appropriate binding financial undertakings to protect public funds. The one page SUDS maintenance schedule submitted with this application is satisfactory as a scheme of work, but R S McLeod Ltd agreement to this maintenance scheme is a worthless statement as it is a limited company with no net assets.

- The routing of surface water in the event of a failure of the soakaway needs to be clarified to ensure no additional risk to neighbouring land and property.

Yours faithfully,



Dr Gordon Bulloch