

PLANNING CONSULTATION

Authority: Cairngorms National Park Authority, Albert Memorial Hall, Station Square, Ballater AB35 5QB

Case Officer: Mary Grier **Your Ref:** 07/145/CP
(07/00094/OUTBS)

Proposed Development: Outline application for development of 104 houses on land north west and south of former steadings, Dalfaber Farm, Dalfaber, Aviemore

Applicant: Reidhaven Estates, Seafield Estate Office, Cullen, Buckie, Banffshire. AB56 4UW

Our Ref: P7/07/145/CP **Date:** 3 May 2007
SEPA Contact: Fiona Graham **Direct Tel:** 01224 424655

Thank you for consulting SEPA on the above planning application. SEPA comments as follows:

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

1. Foul Drainage

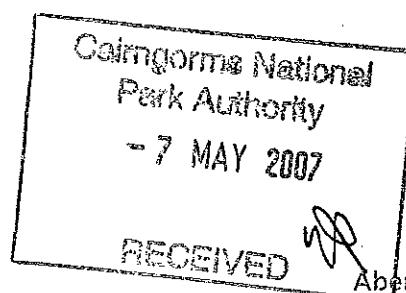
1.1 It is proposed to connect the foul drainage from this development to the public sewer and therefore SEPA has no objections to this aspect of the proposal.

2. Surface Water Drainage

2.1 Due to a lack of information on surface water drainage SEPA **objects** to this application. The objection could be removed if appropriate information is provided in order to demonstrate that a satisfactory Sustainable Drainage System (SuDS), with no unacceptable adverse impact on the water environment, can be accommodated on site.

2.2 It is a requirement of the Controlled Activities Regulations (CAR) that sites are drained by SuDS. The planning authority should ensure all sites adopt SuDS and, in line with Planning Advice Note 61 (PAN61) "Planning and Sustainable Urban Drainage Systems" and Section 3 of the technical handbooks for compliance with building regulations, appropriate information needs to be provided to the planning authority to confirm that the drainage scheme can a) be achieved and b) be accommodated in the proposed layout.

Contd/



Chairman
Sir Ken Collins

Chief Executive
Dr Campbell Gemmill

Aberdeen Office
Greyhope House, Greyhope Road, Torry
Aberdeen AB11 9RD
tel 01224 248338 fax 01224 248591
www.sepa.org.uk

2.3 The information required includes full details of proposed SuDS methods and calculations demonstrating the suitability of the proposed measures in line with planning guidance within PAN61 (particularly paragraphs 23 and 24) and the technical guidance within the SUDS design manual for Scotland and Northern Ireland, CIRIA C521. For residential developments such as this, one level of treatment is acceptable.

3. Flood Risk

3.1 The site is located partially within the indicative limits of flooding shown upon the Indicative River & Coastal Flood Map (Scotland) for floods with a 1 in 200 year return period (i.e. a 1 in 200 chance of occurring in any one year, or 0.5% annual exceedance probability).

3.2 The Indicative River & Coastal Flood Map (Scotland) has been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river cross-sections and low-lying coastal land. The outlines do not account for flooding arising from sources such as surface water runoff, surcharged culverts or drainage systems. The methodology was not designed to quantify the impacts of factors such as flood alleviation measures, buildings and transport infrastructure on flood conveyance & storage. The Indicative River & Coastal Flood Map (Scotland) is designed to be used as a national strategic assessment of flood risk to support planning policy in Scotland. For further information please visit the following website: www.sepa.org.uk/flooding.

3.3 The eastern section of the site also lies within an area covered by an indicative map of the 1829 flood on the River Spey developed by SEPA (and based on the information within Sir Thomas Dick Lauder's book "*The Great Moray Floods of 1829*" (1998 edition)).

3.4 SEPA wishes to point out that new development should be protected to a 1 in 200 year standard as per Scottish Planning Policy (SPP) 7: "Planning and Flooding" guidance and advises that a Flood Risk Assessment be conducted to illustrate how this will be achieved.

3.5 SEPA therefore objects to development on this site and will maintain its objection unless a Flood Risk Assessment can successfully demonstrate ALL of the following:

- 1 that new buildings do not lie within the 1 in 200 year floodplain (i.e. functional floodplain) or can be raised above it;
- 2 that residents will be afforded a safe, permanent route of access and escape, that will remain dry during a 1 in 200 year flood event, to land lying entirely outside the floodplain;

- 3 any loss of floodplain arising from any increase in ground covered area or landraising will be compensated for on-site, on a level-for-level and volume-for-volume basis;
 - 4 that the development will not cause increased impedance of flood flows or increase the probability of flooding elsewhere.
- 3.6 Please refer to Annex B of SEPA Policy 41 (a copy can be downloaded from www.sepa.org.uk/pdf/policies/41.pdf) which provides guidance on generic requirements for undertaking a flood risk assessment. In addition, an updated set of guidance (entitled 'Reporting Requirements for Flood Risk Assessments') has recently been completed and can be downloaded from www.sepa.org.uk/pdf/publications/leaflets/flood/rep_reqs_flood_risk_assess.pdf. Please note that these two documents should be read in conjunction with each other.
- 3.7 In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk the application must be notified to the Scottish Ministers as per the Notification of Applications Direction 1997.
- 3.8 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 SEPA as at the date hereof. It is intended as advice solely to The Cairngorm National Parks Authority as Planning Authority in terms of the said Section 25 (2).
- 4.0 Waste recycling facilities**
- 4.1 SEPA advises that, in relation to substantial new developments, as proposed, appropriately scaled and located facilities for waste segregation and recycling be incorporated into the design from the outset.
- 5.0 Biodiversity**
- 5.1 SEPA advises the Planning Authority that the applicant should be requested to demonstrate how the landscaping and (any) new water features (arising out of designed SuDS arrangements) will affect existing biodiversity and contribute to the enhancement of local wildlife habitats and biodiversity (both aquatic and brownfield habitats).
- 6. Construction Method Statement**
- 6.1 SEPA requests that a condition is attached to any grant of planning consent which requires that a detailed site specific construction method statement for the particular site must be agreed by the planning authority, in consultation with SEPA, prior to the commencement of works on site and must be implemented in full during works on site. This is in order to prevent potential water pollution.

6.2 SEPA requests that the method statement address the following:-

- Surface water run-off – including measures to prevent erosion, sedimentation or discolourisation of controlled waters should be provided, along with monitoring proposals and contingency plans;
- Timing of works – works should be undertaken to avoid periods of high rainfall;
- Fuel or Chemicals – measures to ensure any fuel/chemicals from plant does not cause pollution;
- Landscaping works – planting should be undertaken to minimise run off;
- Waste – all waste streams associated with works should be identified.

Fiona Graham

Fiona Graham
PLANNING UNIT (NORTH REGION)

Cc: applicant, with leaflet on SuDS

ADVICE FOR THE APPLICANT

SEPA provides the following regulatory and good practice advice to applicants. The local SEPA office should be contacted for any further advice.

Local SEPA Office

28 Perimeter Road, Pinefield, Elgin IV30 6AF Tel:01343 547663

REGULATORY ADVICE

The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR)

From 1 April 2006 the above regulations replace the Control of Pollution Act and Groundwater Regulations. These new regulations not only control discharges to watercourses and groundwater but also cover abstractions, impoundments and engineering works within and in the vicinity of inland surface waters. This means that activities such as culverting, ditch clearing, dredging, bridging and damming all now require to be authorised under CAR.

In order to ensure proportionate controls over activities, the Regulations provide for three levels of control: General Binding Rules (GBR), Registrations and Water Use Licences. If SEPA considers that a GBR or a registration will not provide sufficient environmental protection, SEPA can require a higher level of control. For example, SEPA could require an activity which was covered by a GBR to be registered or even licensed.

Contd/

Page 5
Your ref: 07/145/CP
3 May 2007

Any person undertaking an activity which falls within the scope of the GBR do not have to contact SEPA but must abide by any rule laid out in the Regulations which relates to their activity. However, an application must be made to SEPA for a Registration or Licence. SEPA has 30 days for determining an application for Registration and 4 months for a Licence; this should be taken into consideration when planning works. CAR allows a variety of different authorisable activities at the one site to be covered by a single licence.

The publication 'The Water Environment (Controlled Activities) (Scotland) Regulations 2005: A Practical Guide' provides very useful advice on CAR and it is recommended that all applicants consult this document which is available both from the website (www.sepa.org.uk/wfd/index.htm) and from local SEPA offices to determine where an application for authorisation is required for the development.

SEPA has published a leaflet as a useful Dos and Don'ts guide on sustainable drainage systems (SuDS) for surface water drainage. This includes further explanation on the legal requirements. A copy of this is enclosed. It is also available from the local office or at www.sepa.org.uk/pdf/publications/wfd/suds_leaflet.pdf

The Water Environment (Oil Storage) (Scotland) Regulations 2006

The Regulations apply to any kind of container which is being used and which is stored on premises above ground, whether inside or outside a building. These include fixed tanks, intermediate bulk containers, drums (oil drums or similar containers used for storing oil) or mobile bowsters. The range of premises covered by the Regulations is wide including land and mobile plant but does not include storage of oil in vehicles or vessels.

It is not necessary for storage facilities to be registered with SEPA however applicants should ensure compliance with the Regulations. Full details of the requirements can be found from SEPA's website at: www.sepa.org.uk/regulation/oilstorage2006/index.htm.

Waste Management

SEPA encourages waste minimisation whenever possible. Further details can be found on SEPA's website (found at www.sepa.org.uk/wastemin/index.htm).

SEPA similarly encourages the recovery and reuse of controlled waste, such as soils from other sites, provided that it is in accordance with the Waste Management Licensing Regulations 1994. There are specific criteria which if met will constitute an exemption from licensing under these Regulations (namely Paragraph 35 of Schedule 3 to the Regulations). These exemptions are required to be registered by SEPA and the details must be forwarded to the relevant SEPA office. Applicants should first consult SEPA's website at www.sepa.org.uk/regulation/waste/exemptions.htm and then contact the local SEPA office for further advice.

Contd/

Pollution Prevention and Control Regulations 2000

The above regulations are concerned with prevention or minimisation of emissions to air, water and soil, as well as waste, from industrial and agricultural installations.

If an on-site mobile rock crusher is proposed then the developer should ensure a crusher that is either permitted under the Pollution Prevention and Control Regulations 2000 or authorised under the Environmental Protection Act 1990 is utilised. Other proposals such as concrete batching plants or petrol stations may also require authorisation under the above Regulations.

Further details on PPC can be found at www.sepa.org.uk/ppc/index.htm

POLLUTION PREVENTION ADVICE

In addition to the requirements of legislation the following good practice guidance should be considered when developing and an appropriate strategy for prevention pollution from the development:

- Pollution Prevention Guidance note PPG5: Works in, near or liable to affect Watercourses (SEPA);
- Pollution Prevention Guidance note PPG6 - Working at Construction and Demolition Sites (SEPA);
- Control of Water Pollution from Construction Sites – Guidance for consultants and contractors (CIRIA C532);
- Control of Water Pollution from Linear Construction Sites – Site Guide (CIRIA 649);
- Control of Water Pollution from Linear Construction Projects – Technical Guidance – (CIRIA C648);
- CIRIA C521 SuDS manual (but this may need to go under another heading)
- The Small Environmental Guidance for Construction Works (SEPA/CIRIA); and
- Forests and Water Guidelines: Fourth Edition (Forestry Commission)

SEPA would expect to see the principles contained within this guidance to be incorporated within any environmental statement or construction method statement requested.