

Our ref: PCS/120921
Your ref: APP/2011/3103
LPritchett19.06.12 ELS-3103

Tom Ashley
Turnberry Planning Ltd
41-43 Maddox Street
London
W1S 2PD

If telephoning ask for:
Clare Pritchett

18 July 2012

By email only to: info@turnberryuk.com

Dear Mr Ashley

Town and Country Planning (Scotland) Acts
The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011
Planning application: APP/2011/3103
Full planning permission for Phase 1A of new settlement comprising 802 units, retail & commercial floorspace, civic buildings & associated landscaping, open space & roads infrastructure
Land to West of Chapelton of Elsick, Newtonhill, Stonehaven

Thank you for your consultation letter of 19 June 2012, which SEPA received on 20 June 2012, in response to our letter to the Planning Authority of 31 October 2011.

I note that you are preparing to submit a Further Information Report in support of the above planning application and wish to receive confirmation from us that the information attached is acceptable to us.

On the basis of the information you have provided we **maintain our objection** to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy and PAN 69. We wish to receive clarification on the following points before we would consider removing our objection to the proposed development:

- New flood extent plan and masterplan to indicate the areas at risk of flooding interpreted from the revised FRA modelling results and that development is avoided in areas at significant risk;
- Confirmation that the SUDs basins are outwith the 1 in 200 flood envelope or that no embankments are proposed around them.

We would also request a **condition** on the planning application that no development is carried out until designs of the upgraded watercourse crossings (especially at cross section 6) are submitted and confirmed to convey the 200 year design.

We would ask for comment from the Local Authority and Flood Prevention Authority on acceptability of garden grounds at risk of flooding being included within house plots and how access to the opposite bank will be gained for the property cut by the burn. We note that landraising and culverting within such gardens would not be permitted.

In the event that the planning authority proposed to grant planning permission contrary to this advice on flood risk, the application must be notified to the Scottish Ministers as per The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

Advice for the applicant

1. Flood Risk

- 1.1 You advise that the masterplan has been amended to remove all building from area at risk of flooding and enclose a revised masterplan also showing the area at risk. We have reviewed the revised Flood Risk Assessment (FRA) (Elsick Development Company Chapelton of Elsie Phase 1A Detailed Flood Risk Assessment Final Report May 2012 Document Ref 72054/FRA/002 Fairhurst Issue 6 dated 17.05.12).
- 1.2 As previously requested, details of the cross sections within the model, roughness values used within the hydraulic model have been included.
- 1.3 Allowance for blockage at structures within the model has not been included. It is stated that the structures (farm track crossings) are of limited size and are likely to be upgraded as part of the development (section 6.4). However, no details of proposed watercourse crossing have been included. It is noted that the hydraulic model suggested that the existing structures are under-capacity (section 6.2) and blockage of flood waters would quickly find relief and spill downstream with localised results. Photographs have been provided to indicate the type of structures. It is noted that the structure at cross section 6 is of limited size, could become blocked and topographic information indicates overland flow could route down the existing track (or proposed road) through the development. As the FRA does not include blockage of these structures in the hydraulic model, we advise we would request a condition on the planning application that no development is carried out until designs of the upgraded watercourse crossings (especially at cross section 6) are submitted and confirmed to convey the 200 year design. Any watercourse crossings should also ideally be a clearspan and be designed to have a minimal afflux.
- 1.4 We welcome that the majority of the development has been designed to be located outwith the areas at significant risk of flooding. However, the outputs of the hydraulic modelling in the area of the proposed steadings (cross sections 3 to 6) are ambiguous. The modelling, whilst indicating the inclusion of improved cross section data indicates that the flood levels will be 83.38m AOD between cross section 6 to 5 and 80.48m AOD between cross section 5 and 4. These levels do not appear to be interpreted onto the extent of flooding plan (ref 72054/2101 rev c) according to the surveyed heights. Whilst the gradient of the burn is generally steep, the area of the proposed steadings between cross sections 4 to 6 is flatter. A larger area than indicated is considered to be at risk of flooding and proposed development would still be within the functional floodplain and we require these areas to be avoided. The masterplan would need to be amended. Further clarification should be provided with regards to this and we would re-iterate that the avoidance approach should be a key design principle particularly given the significant masterplan area available outwith an area at significant risk of fluvial flooding.
- 1.5 We also have concerns that several of the steading plots (if buildings area shown to be outwith the functional floodplain) have either a large portion of garden ground at risk of flooding or are cut by the Pheppie Burn (with garden ground on one site and the property on the other). We would ask for comment from the Local Authority and Flood Prevention Authority on acceptability of these garden grounds being included within house plots and how access to the opposite bank will be gained for the property cut by the burn. We note

that landraising and culverting within such gardens would not be permitted.

- 1.6 It is suggested that 600mm would be added to finished floor levels within the development. We support this recommendation and request the details of these located on final plans submitted for the development.
- 1.7 From the previous consultation it is unclear if the proposed two SUDs basins are located within the floodplain associated with the Pheppie Burn to the south or Burn of Elsie to the north. If these are located within the 1 in 200 year flood envelope we would request a condition attached to any grant of planning consent requiring them to have no embankments raised around them to prevent the loss of flood plain storage.
- 1.8 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Aberdeenshire Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "*Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities*" outlines the transitional changes to the basis of our advice inline with the phases of this legislation and can be downloaded from www.sepa.org.uk/flooding/flood_risk/planning_flooding.aspx

2. Hydrogeology

- 2.1 Mark Wills from Fairhurst wrote to us separately concerning hydrogeology and groundwater abstraction. We responded to him on 5 July 2012 (ref: PCS/120832) confirming

*On the basis of the information you have provided us in your email, we **withdraw our objection** to the planning application on the grounds of lack of information on hydrogeology (groundwater and potential impacts on groundwater) as set out in section 4 of our response of 31 October 2011.*

If you have any queries relating to this letter, please contact me by telephone on 01224 266609 or e-mail at planningaberdeen@sepa.org.uk.

Yours sincerely

Clare Pritchett
Senior Planning Officer
Planning Service

Copy to: Neil Mair, Aberdeenshire Council km.consultations@aberdeenshire.gov.uk

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at the planning stage. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. If you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found in [How and when to consult SEPA](#), and on flood risk specifically in the [SEPA-Planning Authority Protocol](#).

Our ref: PCS/121733
Your ref: APP/2011/3103

Tom Ashley
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If telephoning ask for:
Clare Pritchett

22 August 2012

By email only to: tashley@turnberryuk.com

Dear Mr Ashley

Planning application: APP/2011/3103

**Phase 1A of new settlement comprising 802 units, retail & commercial floorspace, civic buildings & associated landscaping, open space & roads infrastructure
Land to West of Chapelton of Elswick, Newtonhill, Stonehaven**

Thank you for your email of 6 August 2012 responding to our letter of 18 July 2012.

We understand that you are preparing the detailed proposals for the first phase of the development (Phase 1A), including the flood risk assessment, but that this phase will not be implemented before the permission in principle is agreed including the road junction. A Further Information Report is to be submitted to the Council for both applications so that all outstanding issues can be resolved and appropriate conditions attached to the relevant planning consents.

We have reviewed the information from Fairhursts (72054 Technical Note 1 – P1a FRA Issue 03-08-12) and we welcome the provision of additional information to describe the flow paths and expected areas of inundation from the Pheppie Burn. This now provides us with a clearer understanding of the assessment made in the Fairhurst FRA report and we can now accept the conclusions that the consultants have arrived at in relation to the area at risk of flooding from the Pheppie Burn.

We still have concerns regarding the extent of garden grounds that will be at risk of flooding, although are pleased to note that all properties are located outwith the functional floodplain. Your email states that proposed planning conditions are being worked on, and we look forward to being consulted on those proposed as a way to address this issue. One property in particular is very close to the area at risk of flooding, and has a significant area of garden at risk of flooding.

The information provided also confirms that the SUDS basin B1 is located outwith the functional floodplain which we welcome.

We agree that the location of Pond P1, which is adjacent to the Burn of Elswick, can be finalised at a



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Chief Executive
James Curran

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later stage once the detailed FRA for that area is complete. We would request a condition to ensure that it will be appropriately positioned in relation to the functional floodplain.

If you have any queries relating to this letter, please contact me by telephone on 01224 266609 or e-mail at planningaberdeen@sepa.org.uk.

Yours sincerely

Clare Pritchett
Senior Planning Officer
Planning Service

Copy to: Neil Mair, Aberdeenshire Council km.consultations@aberdeenshire.gov.uk

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APPENDIX A – DRAWINGS

Red and Blue Line Drawing – 859-101i

Phase 1A Red Line Drawing – 859-103M

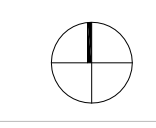
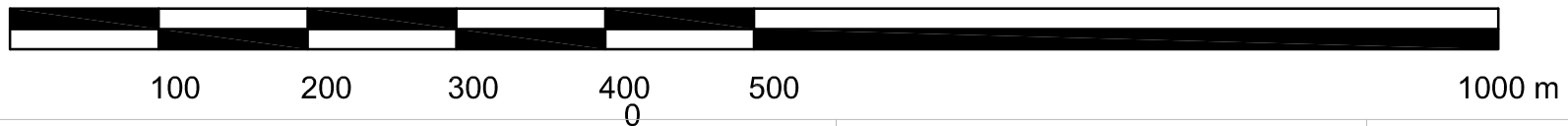
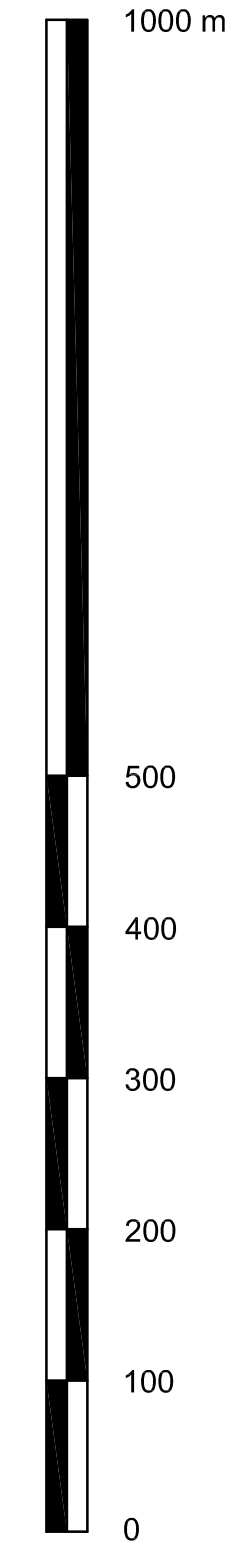
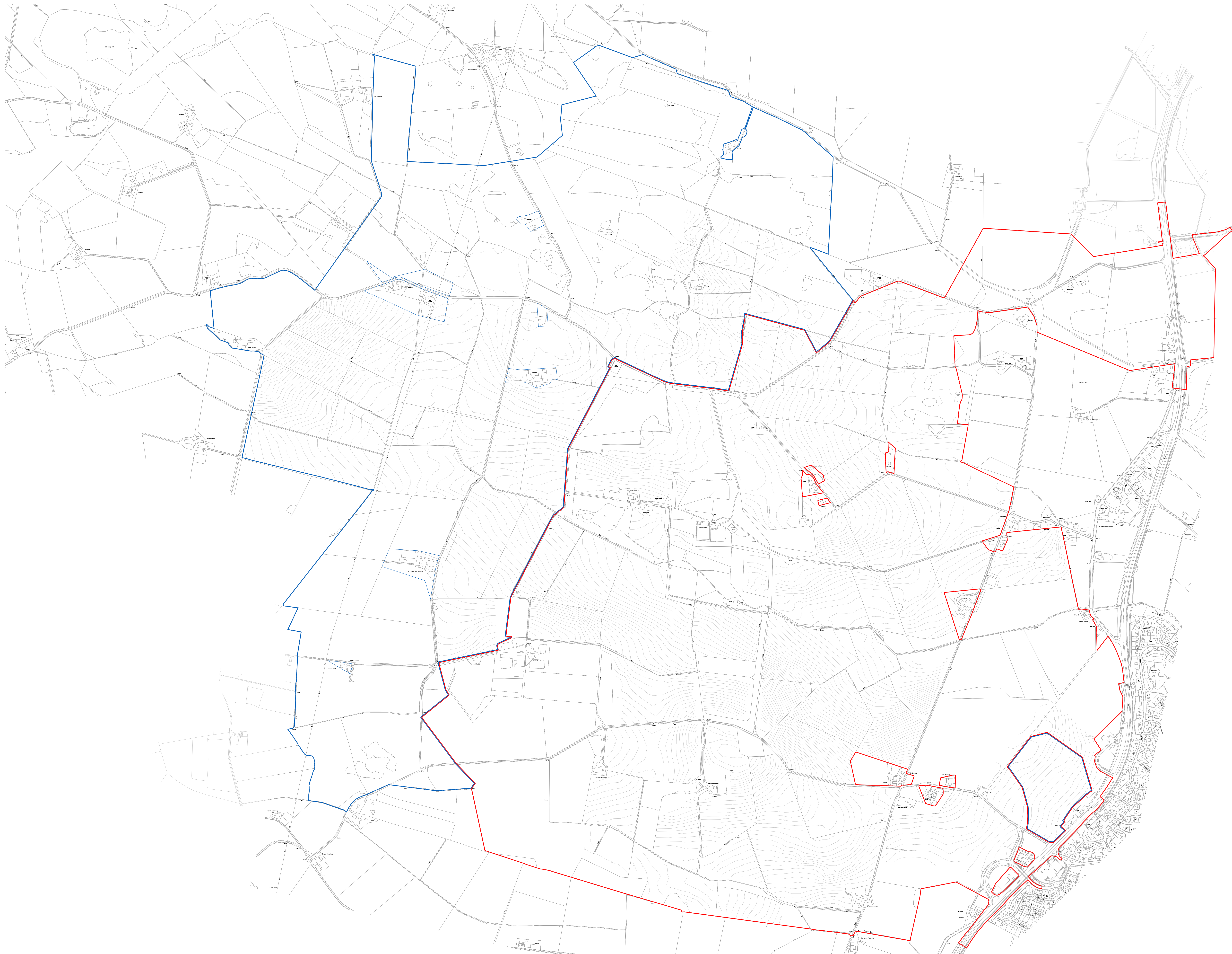
Indicative Masterplan - 1010-02-Plan-A3_FINAL August 5, 2011

859-199 A - Phase 1A Plan

72054/2101/C – Extent of Flooding, Phase 1A, Pheppie Burn

72054/2110 – Pheppie Burn, FRA Cross Sections

72054/9910 – Pheppie Burn, Additional survey at Nether Cairnhill



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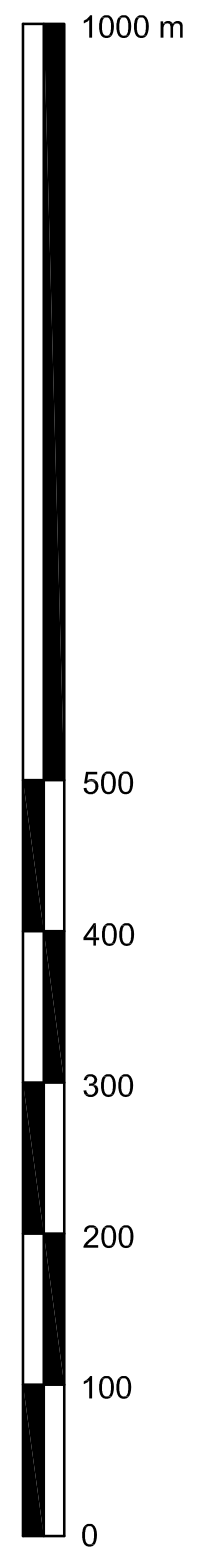
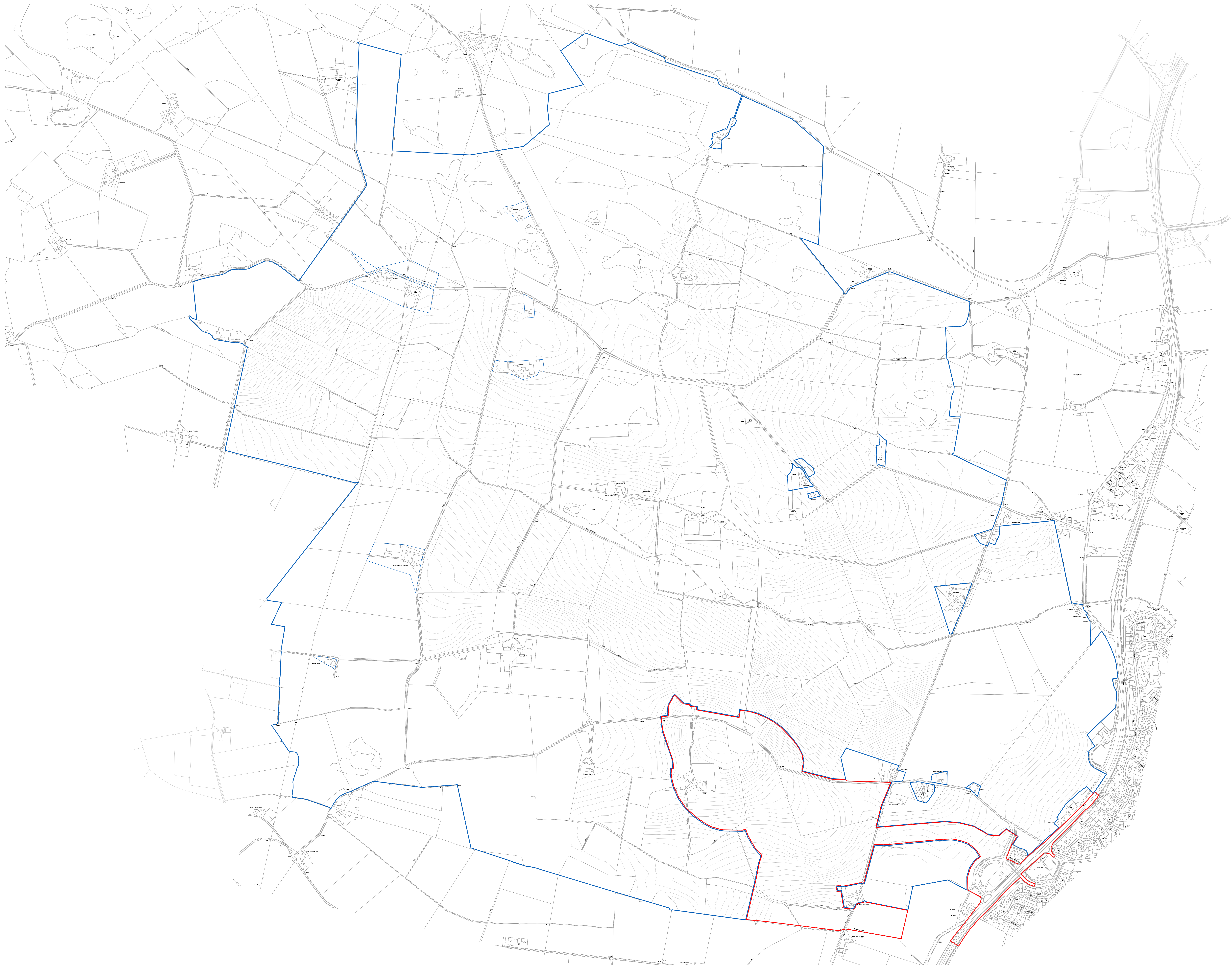
CLIENT: Black Development Company JOB: Chiswick of Black
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DRAWING TITLE: Red and Blue Line Drawing

DATE: June 2011

SCALE: 1:5000 @A0

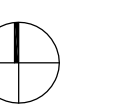
DRAWING NUMBER: 859 - 1011



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DRAWING TITLE: Phase 1a Red Line Drawing

DATE: July 2011

SCALE: 1:5000 @A0

DRAWING NUMBER: 859 - 103 M