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Our Ref: 9660
Your Ref: 2022/0157/PPP

By email only to: planning@lochlomond-trossachs.org

SEPA Email Contact:
planning.south@sepa.org.uk

28 July 2023

Dear Caroline

**Town and Country Planning (EIA) (Scotland) Regulations 2017
Erection and operation of a mixed-use tourism and leisure development
Land At Pier Road, Ben Lomond Way And Old Luss Road, Known As West Riverside And
Woodbank House (Lomond Banks), Balloch**

Thank you for reconsulting SEPA on 30 June 2023 following the submission of the updated Flood Risk Assessment (FRA) (dated 14 June 2023) in relation to the above application.

NPF4 Policy 22 promotes a precautionary approach to flooding by avoiding development in flood risk areas defined as '*land or built form with an annual probability of being flooded of greater than 0.5% which must include an appropriate allowance for future climate change*'. We therefore welcome the updated FRA and note it now maps the flood risk area as per NPF4.

The outputs of the FRA (illustrated in Appendix G) indicate the majority of Zone B – Riverside and part of Zone A – Station Square is in the flood risk area. We therefore request the Zone A and B layout, as shown in EIAR Appendix 2.1 – Parameters Plan, be **modified** to remove development from the flood risk area. If these changes cannot be accommodated, then please consider this representation as an **objection**. Additionally, notwithstanding our current position to Zones A and B, if you are minded to grant planning permission in principle we request this is subject to the **conditions** outlined in Sections 1.7, 1.9, 1.13, 1.14 and 1.15 below.

Our full flood risk advice following our review of the FRA is included in Appendix 1 below. Our advice on all other planning matters in our original response (dated 15 July 2022) is unchanged.

If you have queries relating to this, please contact us by email at planning.south@sepa.org.uk.

Yours sincerely

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Appendix 1 – Advice on the Updated Flood Risk Assessment

1. Flood risk

- 1.1 We previously reviewed information submitted by Stantec which included past work by both Jacobs and EnviroCentre regarding flooding to the West Riverside area on the River Leven. Following the adoption of NPF4 we requested an updated assessment of the 200-year flow (and level) along with the addition of 49% climate change (for the Clyde Basin Region as per our [climate change allowances for FRA in land use planning](#)), to define the flood risk area. We entered a subsequent meeting with Stantec and agreed what further flood risk work was to be undertaken. It is this information that we now comment on below.
- 1.2 We have reviewed the updated FRA and are satisfied with the updated 200-year flow estimate of 252.4 cumecs. Subsequently, we are happy with the 200+CC flow estimate of 376 cumecs. We agree that use of Reservoir Routing is an acceptable way to derive the increased water level for the 200+CC event, which is 0.08m. This gives a 200+CC flood level at the site of 10.65m AOD.

Zone A – Station Square

- 1.3 The FRA indicates the area of Zone A earmarked for the brewery building is in the flood risk area. Therefore, in line with the principle of flood risk avoidance promoted by NPF4 we request the **modification** of Zone A so no development occurs in the flood risk area.

Zone B – Riverside

- 1.4 Review of FRA Appendix G indicates the vast majority of the proposed forest lodge site is inundated and we note this stems from water flowing through topographically low points. Reference is made to the site being protected to a degree by the raised riverside walkway however we previously advised this cannot be taken into account as it is not a formal flood protection scheme and requested modelling be undertaken with this not in place.
- 1.5 Other forms of mitigation (e.g., landraising and raised kerbs) are suggested as a means to making the site developable. Again, these are informal measures that we cannot support both on technical grounds and by way of them not being viable as it is not currently confirmed that the proposals meet the exceptions defined within NPF4 Policy 22a. If the Planning Authority determine development in this area meets the exceptions, we can review this position and associated information requirements at that point. Please note however informal flood protection measures would not be taken into account when considering development behind or benefitting from them.
- 1.6 Therefore, notwithstanding the fact that modelling without the raised walkway has not been undertaken, given the layout currently indicates forest lodges are at flood risk we require the **modification** of Zone B so no development occurs in the flood risk area.

Zone C – Pierhead

- 1.7 Based on the updated FRA the area earmarked for the Pierhead Visitor Destination appears to be outwith the flood risk area which we support. However, to ensure a precautionary approach to flood risk in line with NPF4 we request a planning **condition** is applied requiring it be demonstrated that the detailed design of the Pierhead Visitor Destination is outwith the flood risk area.
- 1.8 We noted previously the water park component could be considered to be a water compatible use as per our [Flood Risk and Land Use Vulnerability Guidance](#). This remains the case and under our current guidance we would have no concerns as long as no landraising is to be undertaken. However, we note this is currently to form part of the overall Pierhead Visitor Destination building.

- 1.9 Parts of the area earmarked to be multi-user public realm are within the flood risk area. Generally, so long as there is no land raising, this type of use is covered by our current [flood risk standing advice](#). We therefore request a **condition** requiring no land raising takes place in the flood risk area to form the public realm.

Zone D – Boathouse

- 1.10 We acknowledge the proposals for a boathouse to store equipment and for the operation of water-based activities in this area can be considered to be a water compatible use.

Zone E – Woodbank

- 1.11 We note that potential flood risk in this area is not shown on our flood maps due to the three watercourses concerned being too small in catchment area. As previously advised, given their proximity to the development in this area, they have to be carefully considered regarding flood risk.
- 1.12 Our previous advice highlighted that the 200-yr + CC flood extent has to now be considered under NPF4. We also previously welcomed the removal of some proposed development in this area, albeit this was not based on the output of any FRA (e.g., flood extents) for these three small watercourses.
- 1.13 No detailed FRA work has been undertaken for this part of the development yet however, as agreed previously we will be happy to review a detailed FRA at the full planning stage where avoidance should be upheld for areas identified at risk, including those caused by blockage of culverts/ bridges. To secure this we require a planning **condition** be applied which requires the final design of Zone E be supported and informed by a detailed FRA showing all development to be outwith the flood risk area.

Overarching Components

- 1.14 Under our current [flood risk standing advice](#), we have no site specific advice in relation to car parking areas on existing ground levels where no land raising is proposed. We therefore request a **condition** requiring that no land raising take place in flood risk areas to develop the car parking facilities. However, we would advise the Planning Authority and the Emergency Planners in the local authority ensure they are aware of the flood risk shown from the updated FRA.
- 1.15 We note sections of the monorail route also fall within a flood risk area. As we understand from EIA Section 2.10.1 parts of it are to be elevated '*to have sufficient clearance above roads and paths to allow for passage underneath*' we assume it will also be possible to design the structure to avoid development in the flood risk area. We therefore request a **condition** requiring the finalised design of the monorail system to demonstrate no works in the flood risk area.

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 this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar 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 or similar 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. For planning applications, 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 on our [website planning pages - www.sepa.org.uk/environment/land/planning/](http://www.sepa.org.uk/environment/land/planning/).