



Case reference	NA-CLK-011
Application details	Residential development of 15 houses
Site address	Phase 8 East, South East Alloa, Alloa
Applicant Determining Authority Local Authority Area	Allanwater Developments Ltd
Reason(s) for notification	Category 2
Representations	NIL
Date notified to Ministers Date of recommendation	Fully documented on 11 February 2019 27 February 2019
Decision / recommendation	Clear

Description of Proposal and Site:

- Planning permission is sought for 15 houses within a housing site identified (for 96 houses) in the adopted Clackmannanshire Local Development Plan (LDP) 2015.
- The Council is also currently considering a planning application for 49 houses (18/00059/FULL) on a larger portion of the LDP site, which itself incorporates these proposed 15 houses.
- The site is the next phase of the wider Alloa Park housing development which has been under construction for several years.

EIA Development:

- The proposal fits the description of being an urban development project under 10(b) of the table in Schedule 2, and at 0.78 ha is over the size threshold of 0.5ha.
- The Council's screening opinion considers that the proposed development would not amount to significant environmental effects and that Environmental Impact Assessment (EIA) is not required.

Consultations and Representations:

- SEPA has objected to the application on the basis that the development may place people and building at risk of flooding, contrary to Scottish Planning Policy

(SPP). They said that flood mapping shows the site as affected by overland flow from the Brothie Burn (and possibly the Black Devon). The current mapping shows that if the culvert failed, there would be an impact on the sewer network and the Brothie Burn could surcharge, potentially through the development site. However, there is uncertainty over the mapping of the Brothie Burn Culvert.

- Following notification, the Scottish Government's Flood Risk Management Team has been consulted and they do not consider that the application raises any issues of national importance.

Assessment:

1. Clackmannanshire Council are minded to grant planning consent for the proposal against the advice of SEPA and the application has been notified to Scottish Ministers as a result of their objection. The key consideration in this case is therefore whether the anticipated level of flood risk associated with this application raises an issue of national importance which warrants call-in by Scottish Ministers.
2. The larger application (18/00059/FUL) is subject to a flood risk objection by SEPA, and the applicant chose to submit this smaller application in an effort to secure a planning permission for part of that development, in an area that they considered was not affected by SEPA's flood risk concerns, in order that they could continue house building as the current building phase is nearing completion.
3. The Council's Report of Handling states that the Council's Principal Roads and Flooding Officer, has advised that the culverted Brothie Burn has been mapped incorrectly on the SEPA flood map and that as a result, the 1 in 200 yr flood extent shown is inaccurate and exaggerates the extent of the flood risk in the vicinity of the site.
4. SEPA's response acknowledges that there are uncertainties within their existing flooding model. They advised that a full Flood Risk Assessment was required but also that the results of SEPA's Brothie Burn Study had to be awaited. The applicant's flooding consultant, Fairhurst, undertook a hydrological assessment of the Brothie Burn Catchment. The assessment showed that only in the worst case scenario i.e. the 200 year flood extent with full blockage of Brothie Burn culvert was there minor encroachment across the southern boundary of the site in areas of garden / landscaping. The conclusions were that the flood scenario that forms SEPA's objection is a result of infrastructure failure coinciding with the design flow scenario, and even in this scenario which assumes a 0.5% annual probability flood plus a major infrastructure failure, the development is outwith the areas affected by surcharge and overflow. The consultants were also of the view that the site is not considered to be in the functional flood plain as defined by SPP, but is an area of overland flow for conveyance in the event of infrastructure failure.
5. SEPA responded to this assessment by confirming their objection advising that the Fairhurst study did not adequately address the potential flood risk from the Brothie Burn. SEPA advised that the complexities of the catchment/culvert has not been taken into consideration and that the applicant was not therefore in a position to fully assess the potential risk or mitigation.

6. SEPA's concerns about the uncertainties associated with the flood risk assessment carried out are noted, however it is also noted that the Council's Principal Roads & Flooding Officer concurs with Fairhurst's assessment and is of the view that the site is not at risk from flooding in the 1 in 200 year flood event. The proposed development is not located immediately adjacent to any watercourses and is not located within any functional floodplain. The Scottish Government Flood Risk Team have been consulted upon notification and do not believe that this application raises any issues of national importance.
7. The site is allocated for housing in the LDP, forms the latest phase of a development under construction and the issues raised by SEPA in this case are not considered to be of national importance to merit intervention.

Decision/Recommendation:

8. It is recommended that this case is cleared back for a decision by Clackmannanshire Council.

ANNEX B - Location map and proposed layout



(Current application : 18/00196/FUL)



(Larger application under consideration by Council: 18/00059/FULL)

