



Case reference	NA-STG-016
Application details	New dwelling house and garage
Site address	West Rossburn Lane Farm, Stirling
Applicant	Agritrac Exports
Determining Authority	Stirling Council
Local Authority Area	
Reason(s) for notification	Category 2 (Objection by Government Agency) (SEPA)
Representations	NIL
• Date notified to Ministers	05 August 2019
Date of recommendation	23 September 2019
Decision / recommendation	Clear

Description of Proposal and Site:

- Planning permission in principle is sought for a new dwelling house and garage at West Rossburn Lane Farm, Stirling. The development site is located on an area of low relief and is adjacent to a small, canalised watercourse called Rossburn. The site is currently used for agriculture.
- The applicant owns the Agritrac Exports business which is adjacent to the proposed site. The applicant has stated that as the business has grown the site is now open 24 hours a day, seven days a week and operational needs require accommodation for the site manager to sometimes stay onsite.

EIA Development:

- Stirling Council sent its EIA screening opinion to Scottish Ministers following notification. The Council determined that the development is unlikely to have a significant environmental effect and concluded that EIA was not required.

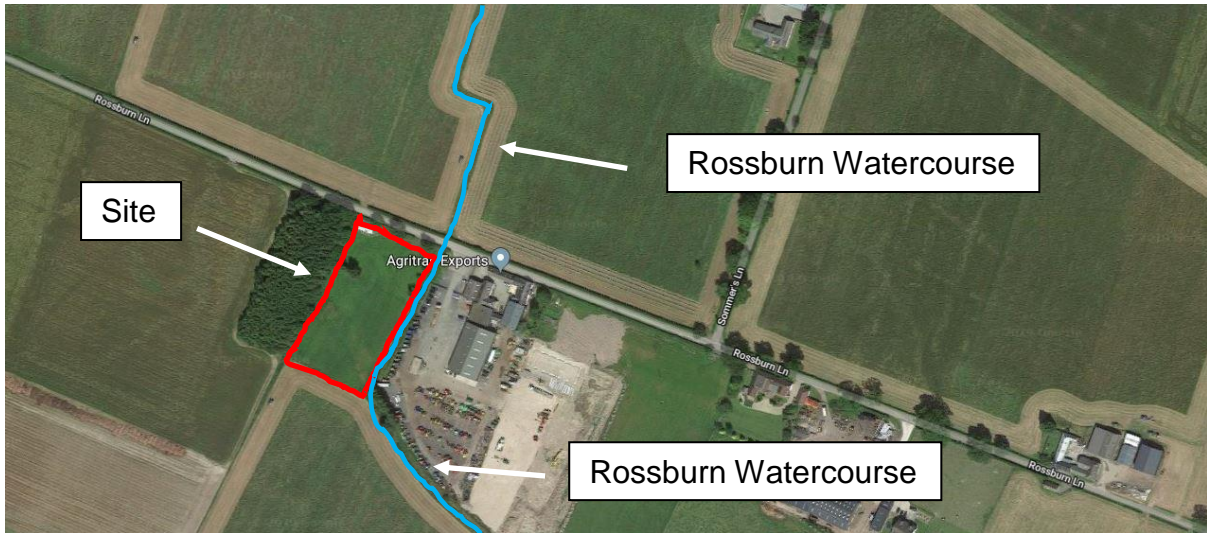


Figure 1 - site context (google maps)

Consultations and Representations:

- The Scottish Environmental Protection Agency (SEPA) object to this application on the grounds that it may place buildings and persons at flood risk, contrary to Scottish Planning Policy (SPP).
- The Council's Environment Services state they have no objection to the proposal, subject to no development taking place in the floodplain.
- Following notification to Scottish Ministers, the Scottish Government Flood Risk Management Team were consulted and consider the proposed development does not raise any issues of national importance that would warrant Scottish Ministers calling it in.
- No representations were made on this planning application.

Assessment:

1. This planning application has been notified to Scottish Ministers because Stirling Council is minded to grant planning permission against the advice of SEPA.
2. SEPA's consultation response dated 18 March 2019 stated that because this is an application for planning permission in principle, no information had been provided on the exact location of the proposed house and no topographic information of the site had been provided. Therefore, SEPA were unable to determine if an area of the house footprint or site boundary is outwith the functional floodplain.
3. In SEPA's most recent consultation response dated 8 April 2019, SEPA stated that the additional information provided by the applicant has not provided them with the information which would enable them to remove their objection. As a result, SEPA object in principle to this application.

4. On 2 May 2019, the application was refused under delegated powers by the planning officer. The officer found that although the application was largely in accordance with the development plan, it conflicted with flood policy.
5. On 21 May 2019, the applicant asked for a review of the application to be carried out by Local Review Body (LRB). On 25 July 2019, the LRB was minded to grant planning permission subject to conditions.
6. The LRB noted the objection by SEPA but also the consultation response from the Council's Environmental Services, who did not object to the application, subject to no development taking place in the flood plain.
7. The LRB considered the proposed mitigation recommended in the applicant's Flood Risk Assessment (FRA) that if maintenance is carried out in the channel of the Rossburn adjacent to the site, to cut back the heavy growth of weeds and the lower section of the channel is re-profiled, then the channel will have the capacity to contain a 1 in 200 year flood and the development site will not flood. The applicant confirmed in their Local Review Statement that they intend to carry out the mitigation proposed in the FRA and in the notification to Scottish Ministers, Stirling Council have stated that they will add this as a condition in allowing the review. It should be noted that SEPA has not commented on the mitigation proposed in its consultation responses. The applicant may have to apply to SEPA for a Controlled Activity License to carry out the re-profiling of the watercourse.
8. The Scottish Government Flood Risk Management Team (FRMT) acknowledge that the application does not comply with SPP, as the development site is mostly within a functional floodplain and is undeveloped land. However they acknowledge that the FRA shows that if maintenance and re-profiling of the Rossburn was undertaken, then the flood risk to the site would be substantially reduced. Overall, whilst they acknowledge there are some concerns about the flood risk at the site, their view is that the concerns do not raise issues of national importance that would justify the application being called in by Scottish Ministers.
9. Stirling Council have considered the issue of flooding at the site and are of the view that the proposed mitigation measures are satisfactory. The consent would be subject to a condition being attached that requires the re-profiling and maintenance of the watercourse. In light of the above information, it is not considered that this proposal raises any issues of national importance that warrant intervention by Scottish Ministers.

Decision/Recommendation:

- It is recommended that this application be cleared back to Stirling Council.