



Assessment Report

Case reference	NA-ABS-049
Application details	Conversion of part of steading to form dwellinghouse
Site address	Site at Prony Steading, Glengairn, Ballater, Aberdeenshire
Applicant	
Determining Authority	Aberdeenshire Council
Local Authority Area	Aberdeenshire Council
Reason(s) for notification	Category 2
Representations	0
Date notified to Ministers	16 March 2020
Date of recommendation	06 April 2020
Decision / recommendation	Call in

**Description of Proposal and Site:**

- Full planning permission (APP/2019/2108) is being sought for the conversion of part of an existing steading to form a dwellinghouse.
- The River Gairn lies immediately adjacent to the site (Figure 1)
- The application site is in a rural area to the North West of Ballater.

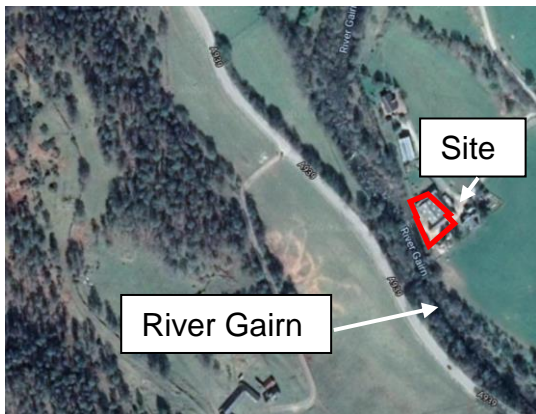


Figure 1 – Site Location and Wider Site Context (google earth)



Figure 2 – steading (Structural Report)

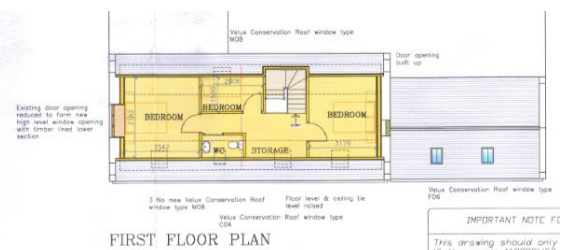
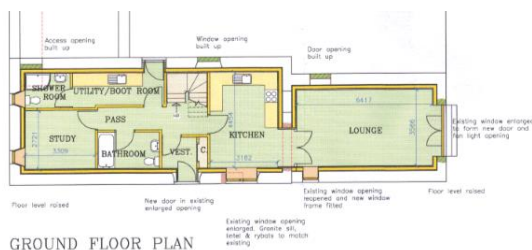


Figure 3 – Proposed floor plans (planning dwg 1822/06)

## **EIA Development:**

- The proposal can be regarded as an 'urban development project' in terms of the relevant EIA Regulations, but is below the screening threshold of 0.5ha. The site is not located within a sensitive area. Therefore the proposal does not need to be the subject of an EIA screening opinion.

## **Consultations and Representations:**

- The Scottish Environmental Protection Agency (SEPA) object to this application on the basis that the application site lies within the medium likelihood (0.5% annual probability or 1 in 200 year return period) fluvial flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding from the River Gairn
- The Council's Flood Risk and Coast Protection Team recommended refusal of the application on grounds of flood risk.
- The Scottish Government's Flood Risk Management Team have recommended that the application be called in.
- No representations were made on this application.
- Cairngorms National Park Authority advised that the application was not considered to raise issues of significance to the collective aims of the National Park, and did not call in the application.

## **Assessment:**

1. This planning application has been notified to Scottish Ministers because Aberdeenshire Council (ABS) is minded to grant planning permission against the advice of SEPA. SEPA note that the application site currently lies within the medium to high likelihood (1 in 200 year) flood extent on the SEPA flood map and is therefore, at a medium to high risk of flooding from the River Gairn.
2. SEPA also consider that the change of use from agricultural to residential increases land use vulnerability. SEPA's Flood Risk and Land Use Vulnerability Guidance, sets out that a change of use to a dwelling house within the "highly vulnerable" category could significantly increase the overall flood risk, especially in relation to human health and financial impacts. Any proposal for a change of use to a dwelling house should, therefore, be supported by an appropriate level of flood risk assessment.
3. SEPA consider insufficient information is provided with this consultation for them to assess flood risk at this site. They maintain their objection to this development, due to a lack of information on flood risk, until a Flood Risk Assessment (FRA) or other appropriate information is provided in support of the application.
4. Further information was submitted to SEPA for their consideration. However, SEPA concluded that this information did not enable them to remove their objection on the grounds of a lack of information on flood risk. The applicant has submitted a Flood Risk Assessment checklist but a detailed Flood Risk Assessment does not appear to have been undertaken and the committee report notes it is not clear how flow and catchment information included on the checklist had been derived. SEPA have questioned the methods used to calculate the 200-year design flow and are unable to accept the flow estimate in the submitted checklist.
5. Council planning officials recommended refusal of the application solely on flood risk grounds due to the lack of a competent Flood Risk Assessment to show that the new

residential use would be free from significant risk of flooding. This recommendation was overturned by committee who recommended the application for approval.

6. The Marr Area Committee heard from the applicant, who advised the following: that they had lived at the location for over 40 years and there had been no flooding events during that time; that it was essential for them to be able to live on site; that the building proposed for conversion had previously been used as a bothy (shelter) and, was redundant as an agricultural building; and that there was a substantial retaining wall adjacent to the building offering it further protection from flood risk. The committee gave consideration to the relevance of Policy 10 Part 2 of the Cairngorms National Park Plan 2015, in relation to flooding. Consideration was also given to the height of the application site being approximately 8 to 10 feet above the river, the width of the river bank, and noted that the residential accommodation would be upstairs in the building, and managed by someone who would be on site at all times and able to take precautions in the event of bad weather. The need to judge applications based on local knowledge was also considered to be relevant by the committee. After consideration, the committee agreed to support approval of the application, based on the view that it complied with local plan policies relating to flooding.
7. The Scottish Government Flood Risk Management Team (FRMT) have noted SEPA's concerns, and state that the building is situated on the bank of the River Gairn and is shown to be at risk of flooding on SEPA's flood maps. SEPA's flood maps are developed at a strategic level. Site specific Flood Risk Assessments use more detailed information to ascertain whether a development site that lies within SEPA's flood maps is at risk of flooding. The applicant has not provided a site specific Flood Risk Assessment (FRA), or other robust supporting information that shows the site is not at risk of flooding. As a result, both SEPA and the Local Authority Flood Risk and Coast Protection Team objected to the development because of a lack of information confirming that the development is not at risk of flooding. SEPA also consider that the change of use from agricultural to residential increases land use vulnerability.
8. FRMT colleagues confirm that without a FRA it is impossible to tell whether the 1 in 200 flow will come out of bank at the site location, and therefore whether it is or is not at flood risk. Call in is therefore recommended because the application is not supported by a site specific Flood Risk Assessment, or other robust supporting information that proves definitively that the site is not at risk of flooding. Provision of this information is a standard requirement for developments falling within the boundaries of SEPA's flood maps and thus an issue of national importance is raised in this case.
9. Based on the information submitted, the proposal gives rise to significant concerns over flood risk. A Flood Risk Assessment has not been undertaken for the development and It is considered that inadequate justification has been given for departing from national policy in this instance. It is therefore considered that the application would benefit from further scrutiny.

**Decision/Recommendation:**

- It is recommended that this application be called in.