

Flood Risk A Sustainable Approach

Benefits, Frustrations, Challenges and Opportunities

Alan Seath and James Mason

Scottish Environment Protection Agency

“The cornerstone of sustainable flood risk management is the avoidance of flood risk in the first instance. Flood Risk and Land Use Planning have a crucial role to play in ensuring that, wherever possible, a sustainable approach is taken towards flood risk management and the functional floodplain is protected. The clear presentation of data will enable an improved review and response time to Planning Authorities.”

Source: SEPA Technical Flood Risk Guide for Stakeholders

The Scottish Planning System

“Development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere should not be permitted. Alterations and small scale extensions are generally outwith the scope of this policy, provided they are unlikely to have a significant effect on the storage capacity of the functional flood plain or affect local flooding problems. The area of impermeable surface should be kept to a minimum in all new developments.”

Source: Scottish Planning Policy 2014 (paragraph 197)

The Scottish Planning System

“Prospective developers should take flood risk into account before committing themselves to a site or project.”

Source: Scottish Planning Policy 2014 (paragraph 198)



Frustrations

- Aberdeenshire
- West Lothian
- East Ayrshire
- Fife



A Case Study: North Esk Park



A Case Study: North Esk Park

- Planning Application 2013.
- Land Raising - drainage and level road access.
- SEPA Flood Maps - no flood plain - No Objection.
- Application withdrawn by previous consultancy team.
- 2014 Revised Application - SEPA Flood Maps change
- Refused Planning Permission - Flooding Principal Reason (30 April 2015)
- My Task from 2015 onward turn Refusal into Approval

North Esk Park: The Next 4 Years+

- Consultants dismissed and replaced.
- New project team formed.
- Revised planning application submitted.
- SEPA Objection.
- Aberdeenshire Council decision?

The River North Esk



 alamy stock photo

DXET3H
www.alamy.com



North Esk Park: A Big Test Storm Frank



The Incident Commander for the North East

“North Esk Park was not flooded and access and egress was not inhibited due to the size of the vehicles used by residents on the site; and flood waters were not at a depth to impede travel. The entrance was clear of water.”



North Esk Park: 2016

On the 28 April 2016 Aberdeenshire Full Council debated the revised Planning Application. Following a presentation of all the facts by the project team the Council reversed their decision in 2015 and granted planning permission subject to conditions.



Not Finished Yet: Call-in by Scottish Ministers

“The application development gives rise to substantial risk to life and property on account of the propensity of the site to flood.”

Decision Letter dated 4 July 2017



**The Scottish
Government**
Riaghaltas na h-Alba

But something to consider!

If there is such a substantial risk to life and property on account of the propensity of the site to flood then:

Why was the time period for cessation of the site extended until the 31 July 2018?

Why was it considered appropriate for people to remain on the site?

Why do we have one part of SEPA saying there is danger to life and property and another part saying *SEPA have worked with residents to create more time for the site to be evacuated safely in the event of a flood warning?*

And For The Future!

- Another consultancy team assembled.
- Another revised planning application being prepared.
- Case based on mitigation including a Flood Evacuation Plan.
- A sustainable development solution available.
- Planning system allows discretion.
- Determination of revised application 2019/20.
- Some 4/5 years on no resolution.

Conclusion

- Planning - we need more consistency in the approach to determining flood risk with an evidence based assessment.
- Engineering Consultancy- we need more consistency across consultancy practices.
- SEPA - Apply a “handrails not handcuffs” approach to policy?
- Third Sector- Greater use should be made of the Scottish Flood Forum - the role of evacuation plans.
- A SUSTAINABLE approach needed as advocated by SEPA.