

MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE held ON A HYBRID BASIS IN THE MARRIAGE SUITE, HELENSBURGH AND LOMOND CIVIC CENTRE, 38 EAST CLYDE STREET, HELENSBURGH AND BY MICROSOFT TEAMS on MONDAY, 17 JUNE 2024

Present: Councillor Kieron Green (Chair)

Councillor Gordon Blair	Councillor Andrew Kain
Councillor Jan Brown	Councillor Paul Donald Kennedy
Councillor Graham Hardie	Councillor Liz McCabe
Councillor Fiona Howard	Councillor Dougie Philand
Councillor Mark Irvine	Councillor Peter Wallace

Attending: David Logan, Head of Legal and Regulatory Support
Stuart McLean, Committee Manager
Andrew Phillips, Cala Engineer – Applicant
Moray Stewart, Cala Land Director – Applicant
Carolynne Penman, Cala Development Manager – Applicant
Nicholas Innes, Dougall Baille Associates (Cala’s Consulting Engineer) - Applicant
Sandra Davies, Major Applications Team Leader
David Moore, Senior Planning Officer
David Cameron, JBA Consulting - Consultee
Patrick Trust, Convener of Cardross Community Council – Consultee
Lynsey Young, Vice Convener of Cardross Community Council – Consultee
Norman Gatensby, Member of Cardross Community Council – Consultee
Councillor Gemma Penfold, Supporter
Morag Elliot, Objector
Julie Lang, Objector
Jacquelyn McInally, Objector
Tom McInally, Objector
Bob Murray, Objector
Ruth Lightbody, Representative

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors John Armour and Audrey Forrest.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CALA MANAGEMENT LIMITED: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS 2, 3, 6, 7, 8, 9, 11, 12, 13, 15, 16 AND 17 OF CONSENT 18/01444/PP (PPA-130-2071): ERECTION OF RESIDENTIAL DEVELOPMENT WITH ASSOCIATED ACCESS, INFRASTRUCTURE, OPEN SPACE, LANDSCAPING AND MISCELLANEOUS WORKS: LAND NORTH OF CARDROSS PRIMARY SCHOOL, BARRS ROAD, CARDROSS: (REF: 23/00144/AMSC)

The Chair welcomed everyone to the meeting which was held on a hybrid basis. For the purposes of the sederunt Stuart Mclean, Clerk to the Committee today, read out the names of the Members of the Committee and asked them to confirm their attendance.

In advance of the meeting today interested parties confirmed they would make presentations to the Committee. Mr McLean read out the names of those representatives and asked them to confirm their attendance. Mr McLean also clarified from one other objector in attendance that they would like to speak.

The Chair referred to the PPSL Committee held on 20 March 2024 when it was:

1. noted that the Committee were satisfied in relation to conditions 2, 3, 6, 7, 8, 9, 13, 15, 16 and 17; and
2. agreed to hold a pre-determination hearing on a Hybrid basis in relation to conditions 11 and 12.

The Chair advised that this hearing was being held to consider conditions 11 and 12 and to determine the application in full following that consideration. He explained the hearing procedure that would be followed and invited the Senior Planning Officer to present the case.

PLANNING

On behalf of the Head of Development and Economic Growth, David Moore, Senior Planning Officer, made the following presentation with aid of power point slides.

General Introduction

Members will recall that at their last meeting on 20th March 2024 they were satisfied with all Approval of Matters Specified in Conditions (AMSC) submissions made, with the exception of those related to conditions 11 and 12 on drainage and flooding design.

Additional clarification on these matters was sought by Members at that meeting. However, Planning Officers were not qualified to provide this technical advice and therefore a hearing to examine these specific matters in more detail was determined by Members to be required.

With respect to supplementary report 1, this updates members on submissions since their last meeting on 20th March and concludes that the recommendation of officers to approve the AMSC submission details in respect of conditions 11 and 12 matters (and all other matters that were before the Committee) has not changed.

Members will note a number of exchanges on Friday 14 June 2024. All of these exchanges have been copied to them and nothing within them alters the views of Officers as set out in the main report and supplementary report 1. In response to these submissions the Applicant has also submitted a further e-mail submission on 14 June 2024 clarifying that:

The attachments to the email to which Mr Gatensby refers were simply: his own objection; the eplanning receipt to confirm submission of the updated DSR (which purely updated the layout therein, as explained in your Supplementary Report); and a copy of your own email requesting comment. There was no additional technical information included in that email, and the 'drainage calculations' referenced are those within the original DSR – there were no new calculations provided or attached in that communication, and therefore all the 'technical facts' have been available since the original Planning Committee meeting.

The Council's drainage and flooding advisor has re-examined the exchanges and reconfirmed on 14 June 2024 that he remains of the opinion that no objection to the proposals should be raised.

I now have a very brief, presentation, on the matters the hearing has been called to discuss. I have kept my presentation brief as I am aware that the Applicant intends to present a more technical presentation to cover the issues to hand.

Slide 1 - Original Layout submitted

Eastern Boundary. Through discussions with the Applicant a revised layout was agreed that resolved both Roads and Planning Officer concerns.

Slide 2 Revised Layout

The previous line of houses on the eastern boundary has been broken up and driveway and access arrangements altered to meet the requirements of the area roads engineer. This revised layout has been incorporated into the drainage strategy report (Issue 5) and does not alter its conclusions.

Slide 3 - Drainage and SUDS (Sustainable Urban Drainage Development System) Layout

This represents the overall general layout of drainage for the site. An interceptor trench along the northern boundary will collect water flowing to the site from land above it and be discharged to land to the west of Darleith Road. The water within the site will be collected in a SUDS pond and released via a separate discharge to land to the west of Darleith Road. Foul water will be discharged to the mains sewer network and to Scottish water treatment works.

There are a number of technical submissions in support of this approach.

I now have a series of photographs which set out some general views of the site from Darleith Road and the land to which the water will be discharged.

Slide 4

Satellite image showing application site and area of land to the west where the two surface water outfall pipes will be discharged before flowing down to the pond area and then to the Geilston burn.

Slide 5

Looking south from the proposed entrance on Darleith Road. SUDS pond location to left hand side.

Slide 6

Looking east across the site.

Slide 7

Looking North with area where discharge will be made on left hand side of Darleith Road.

Slide 8

One of the existing drainage features on the land to the east of Darleith Road which drain to the existing pond and then into the Geilston Burn.

Slide 9

Local Development Plan - online plan extract perhaps more clearly gives a general indication of the existing drainage characteristics of the land where the surface water will be diverted to. The extract also shows the pond area and Geilston Burn which this pond feeds into. The Glen residential property is also indicated on this plan.

Conclusion

Officers remain of the opinion that necessary design details, and supporting technical information has been provided to demonstrate that the proposals before Members are acceptable and meet required drainage and flood attenuation standards for the proposed development.

On this basis Officers and their expert advisors consider that the details submitted to discharge conditions 11 and 12 are acceptable and therefore details in respect of conditions 2,3,6,7,8,9,11,12,13,15,16 and 17 as submitted under application 23/00144/AMSC should be approved, and the conditions discharged as per officer recommendation.

APPLICANT

Andrew Phillips gave the following presentation with the aid of power point slides:

Thank you for your time today.

The site is an allocated housing site by Argyll and Bute Council and can deliver 118 units of which 30 are affordable.

Following the planning meeting on 20th March, it was agreed that the application information satisfactorily addressed the conditions but that further clarity on Conditions 11 and 12 was required. Conditions 11 and 12 relate to flooding and drainage.

I am here today to provide an understanding of the drainage and flooding proposals for the proposed new Cala development in Cardross.

We acknowledge there have been concerns raised by neighbours of the development which we have addressed separately and furthermore we hope the information provided today will clear up these concerns. The drainage report being discussed was undertaken by Dougal Ballie Associates, acting as lead consultant for Cala.

The original designs for the drainage outfall for this development were based on the Avant homes proposals as well as a review of Scottish Water's existing services drawings.

This design shows the outfall from the on-site SUD's basin traveling down Darleith Road and connecting into the existing installed Scottish Water surface water sewer. Scottish Water had been consulted on the outfall and the outfall was deemed as "A1" meaning based on their records this sewer was exactly as shown on the plans.

We then set out to prove the sewer was in as per the drawings. This process is done by mobile CCTV camera.

The results of this investigation found that the existing Scottish Water sewer had not been installed and that the surface water for the properties off Kilmahew Avenue had been wrongly connected to the combined sewer network.

Further discussions with Scottish Water took place to try and resolve the outfall issue where it was proposed that we have one final check within the ground of Cardross primary. No outfall was located.

At this stage both Cala and Scottish Water concluded that there was not a suitable surface water connection for the development and that an alternative outfall would need to be established. The original outfall position was not considered due to the 19m level difference from the road to the Geilston Burn creating a significant health and safety risk to construct.

Scottish Water recommended that the best solution for an outfall for the development would be to create a three-pipe network. This means there would be a dedicated pipe installed solely to serve the surface water flows wrongly connected at Kilmahew Avenue as well as the usual surface and foul pipework to services the development. This approach would give CALA our outfall while taking away the flow of water entering the combined sewer network within Cardross. In terms of Scottish water policy removing surface water from the combined sewer network is the first and preferred option.

To allow this to be considered as a solution two checks were required;

Check 1. CALA had to provide Scottish Water with the flows and water quantity that would be removed from the downstream combined system verified by a 3rd party flood model.

Check 2. CALA were also to analyze the effects of the additional surface water flow being discharged to the Geilston burn and submit this to the council for approval, showing there was no additional flood risk.

The outcome to point 1, a review of the flooding within the Cardross wider network, was that there was a betterment to the flooding within the Cardross in 3 historic flooding locations by a considerable volume.

The locations of existing historic flooding being improved were at the side of the tennis lawn and at the existing football pitch.

The outcome to point 2 the flooding report reviewing the Geilston burn was submitted to the council in June 2023 and approved by the council's independent design checker JBA with no objections.

Important Technical information from the approved flooding report.

To discuss this section, it helps to have an understanding of freeboard. Freeboard is the maximum designed flooding level plus 600mm and is the standard provision for any new build house being constructed across all councils in Scotland.

The Glen, Geilston Court and Rockwell Cottage has a freeboard of 1.9m when modeled with the flooding flows. Over 3 times the planning requirements.

In the gardens of Burnsland, Greenacre and St Mahews where existing flooding is predicted the change in flood level is only +/- 6cm. Therefore, there is no increased flood risk to these dwellings.

The Existing Pod

The pond contains a permanent volume of water, and the level in the pond is controlled by a weir. The flows from Kilmahew Avenue and the development site pass through the pond and out to the watercourse via a cascade. This pass through of flow will have very minimal impact on the water level in the pond as the weir is the controlling factor.

The current situation for the site's surface water runoff is that these flows go to the low point of the field discharging onto Dareith road cascading down the road causing flooding within the road corridor. The proposed new drainage and SUDS would contain this flow within the development and prevent it spilling onto Darleith road. Therefore, it is a betterment.

The surface water drainage within the new development has been designed to National SUDS design guidance. This means the flows leaving the development must match or better the flows leaving the field.

Surface water flows discharging from the development site are controlled via a hydrobrake flow control device. Flows greater than the discharge rate is attenuated within the site via a SUDS attenuation basin.

Scottish Water has issued a full technical approval for these drainage proposals. This means they are satisfied with the designs and have provided a statement for this committee in support of the proposals.

This statement summarizes that Scottish Water view the proposals to remove the surface water from the combined network as an ideal opportunity to work with Cala to deliver improvement and return the surface water to the Geilston burn as intended.

"In this instance, the proposals to separate the surface water from Kilmahew Ave represents an ideal opportunity for Cala and Scottish Water to work together to rectify an apparent error in the constructed sewer network when these properties were built, as historic sewer records indicate that this surface water was always intended to discharge to the Geilston Burn."

Mark McCullagh – Development Manager Scottish Water

In conclusion the proposed development site can deliver 118 much needed family homes of which 30 being affordable.

The proposal put forward will discharge surface water from Kilmahew Avenue to the Geilston burn. This will remove volume from the combined sewers therefore reducing the frequency of foul drainage spills within Cardross.

The discharge of flows from Kilmahew Avenue and the proposed development pose no additional flood risk proven by DBA flooding report and approved by the council's

independent design checker.

The drainage solution proposed is the preferred option of the governing body Scottish Water who have issued a technical approval for the proposals.

The details presented today are based on factual information and data which has been included in the flood report.

Following the drainage investigations Scottish water could independently install the 3rd pipe system under statutory powers to remove the surface water from the combined network even if the Cala's development does not proceed. Cala are looking to facilitate these works and minimize disruption to the local community.

Thank you for your time today

CONSULTEES

Cardross Community Council

Patrick Trust

Patrick Trust advised that he was the current Convener of Cardross Community Council. He said that when he first came to Cardross more than 40 year the Community Council were opposed to any developments in Cardross and the reason for this was all the raw sewage went from the public toilets straight out into the Clyde at low water. The Community Council removed their objections to developments in Cardross when Scottish Water built a new pumping station at the site of the public toilets which took all the sewage from the village to Dumbarton. He advised that they were not opposed to new developments and recognised the housing emergency in Argyll and Bute. However, it has now been recognised that Scottish Water gained approval in October, which the Community Council complained about, to put in an overflow sewage drainage system in Cardross Park as the current system was unable to cope with flooding in the village. He said that this overflow was going to have untreated sewage entering the Geilston Burn, taking us back 40 years and was unacceptable. He advised that the reason Scottish Water were approving all this was they had a bypass system currently under construction and were going to put raw, untreated matter into the Geilston Burn to prevent the flooding currently experienced.

Lynsey Young

Lynsey Young advised that she was the Vice Convener of Cardross Community Council and gave the following presentation with the aid of power point slides.

Argyll and Bute Council in this area followed the Scottish Environmental Protection Agency's (SEPA's) Flood Risk Management Plan for Clyde and Loch Lomond Local Plan District.

This states the following -

In 2015 the objectives were split into two categories which were defined as:

- Reduce overall flood risk: to reduce the risk of flooding from all sources (river, sea and surface water) as far as reasonable, taking account of economic, environmental and social priorities.
- Avoid an increase in flood risk: to avoid increasing flood risk through land use planning and maintenance of existing flood management infrastructure.

It has a section on land use and spatial planning which states that one of the most powerful tools available when creating a sustainable flood risk plan is to align how you are using land with the flood risk. It goes on to point out that decisions relating to flood risk management can have significant implications for the location of development and, likewise, decisions relating to the location of development can impact on flood risk.

SEPA is a key agency in the land use planning process with a duty to cooperate with planning authorities in the preparation of development plans and have a statutory role to provide flood advice for appropriate development management applications. The advice they give seeks to promote flood avoidance. In addition, land use planning objectives and actions have been agreed with responsible authorities, which will ensure flood risk is adequately considered in local planning decisions

Finally, local authorities are responsible for working together to produce Scotland's local flood risk management plans and work in partnership with SEPA, Scottish Water and other responsible authorities. It is the responsibility of local authorities to implement action to manage flooding and maintain flood defences. So as a Community Council we have concerns that SEPA have not been involved to date with this proposed development.

SEPA's message is clear: "More rainfall will mean places could flood more often and increase the chance of severe flooding from surface water and rivers. Rising sea levels will increase the risk of flooding from the sea."

So this is pertinent to Geilston Burn, which the proposed site plans to discharge into. There is a weir which is at least 50 years old and we are not convinced it is going to work.

Let me talk though what is on the screen currently. The two maps compare downstream flooding from land run off with coastal flooding when high tide combines with strong winds, seen twice in the last year. These both show flooding around the bottom of the village, where we have a railway and a cycle path bridge as well as community facilities by way of a park, tennis courts, not to mention people's houses! This certainly matches up with our lived experience in the village. The top right shows December 2022 at that site. You can see the railway line in the distance and the cycle path bridge in the foreground. Anecdotally this level was higher in October 2023. The video on the right shows up stream of the village and shows the volume of water heading down the road towards the burn.

Norman will show more detail around the proposed discharge into the Geilston National Trust for Scotland Pond which drains into the Geilston Burn. As a council we wanted to highlight another aspect which concerns us about increasing this discharge. This pond is currently infested with American Skunk Cabbage which is classed as an invasive species by the Scottish Invasive Initiative. We would ask why has an environmental impact assessment not been done increasing the flow of water into the burn from the pond as 'these seeds are dispersed by water ways' (Scottish Invasive Initiative). It is hard work to control and eradicate skunk cabbage and again I quote 'Although initial invasions will expand slowly, once this plant takes hold it can spread rapidly and become a serious problem'. We are happy to share with anyone more information about Skunk Cabbage,

but the bottom line seems to be that we should be careful not to introduce it into a burn which has native flora and fauna.

Norman Gatensby

Norman Gatensby gave the following presentation with the aid of the power point slides.

My name is Norman Gatensby, I live at The Glen on Darleith road, a property my wife and I purchased 2 years ago. I am going to talk about the technical analysis on which the council are making their decision as it relates to the drainage strategy and flood risk. I hold a master's degree in mechanical engineering and I have worked in the built environment/construction industry for about 10 years. I am a managing associate director for a consultancy, leading an engineering team who work across residential, healthcare, higher education, and public sector projects. We design systems to provide heating, cooling, ventilation, hot/cold water and drainage. I am not a hydrologist, but I am comfortable reviewing and understanding technical reports.

I believe that the points I will raise today will demonstrate that the analysis within the reports submitted on behalf of Cala, is insufficient, inconsistent, inaccurate and requires additional investigation.

The conclusions that Dougall Baillie have drawn are based on the results of digital modelling which relies on approximations and estimates to represent the built and natural environment. I believe that those approximations and estimates have not accurately accounted for the problems that the village faces with respect to flooding on a regular basis.

One of the main reasons for this is the mismanagement of the drainage serving the Kilmahew development. This was intended to be piped through the school grounds, underneath Darleith Road, and discharged into the Geilston Burn at the bottom of the The Glen's garden. That pipe is shown on Scottish Water's asset plans and a previous version of the drainage strategy for the proposed new development was to connect into that pipe. Upon investigating, Scottish Water determined that the pipe does not exist. Instead, the water that was supposed to be discharged into the Geilston Burn is diverted into the combined sewer at the top of Barrs Road, overwhelming the system, and contributing to significant flooding down Barrs Road and the A814 - the main road into and through Cardross. The resultant flooding and the fact that Scottish Water were evidently not informed or consulted on that change is clear evidence that the construction of the drainage system serving Kilmahew was completely mismanaged by those involved, resulting in significant and persistent risk of flooding. I urge Argyll and Bute Council to not allow that to happen again.

With that in mind, I would like to draw your attention to two points made by Dougall Baillie in their Geilston Burn Flood Study. The first point states that there is no risk of flooding to the three properties listed, on the grounds that the burn will not break its banks, and the water level will be 2m lower than the properties. I have measured the level of the burn recently at 1.7m lower than The Glen during a dry spell. As you will see in a moment, sustained heavy rainfall presents a very real risk of the burn breaking its banks.

The second point concludes that three different properties are at risk of flooding. At this point it's worth repeating the points Lindsey made about Argyll and Bute Council following SEPA's flood risk management plan whose objectives are to reduce, and avoid

flood risk. It's also worth pointing out that the Argyll and Bute Local Development Plan Policy 55 states that where the potential for flooding is identified, the planning authority should exercise the precautionary principle. Dougall Baillie have concluded that only the gardens of these properties are at risk of flooding, but I would ask who would be liable for the damages done to those properties if the approximations and estimates used in the analysis prove to be wrong. It is not fair for residents to have to deal with the consequences of irresponsible decision making as we are the ones who will have to pay for repairing flood damage.

Slide 7

The images you see on screen now are of the Geilston Burn, around Node 5 of the Dougall Baillie digital model. These were taken at the rear of The Glen, which is approximately 8m from the bank of the burn. The image on the left was taken a couple of weeks ago and shows the burn at a normal level for this time of year, the path on the far bank is part of the Geilston Gardens walking route which is used regularly. The video I am about to play was taken in October, with the burn in full flow, inches from flooding our house. Note that the burn has burst its banks and the Geilston Gardens path is completely submerged, as you can see in the image on the right. During that storm, the pond connected to the burn also burst its banks. The risk of the burn flooding The Glen is far higher than the Dougall Baillie reports have concluded.

Slide 8

The pipe highlighted in blue in this image is proposed to divert the water from Kilmahew into the Geilston Burn. The pipe bypasses the SUDs and the hydrobrake which limits the flow of water into the burn, so the flow of water in this pipe is unmanaged and unregulated. If this system was proposed for a new development, it would not be permitted as it would contradict policy 61 of the Argyll and Bute Local Development Plan which states all development proposals will manage all rain and surface water through Sustainable Urban Drainage systems. Dougall Baillie have pointed out that the drainage system serving Kilmahew does not form part of the new development and is not subject to the same conditions. However, that pipe is included on the Dougall Baillie drawings and connects to the infrastructure that serves the new development, so I would argue that it should be subject to the same stringent risk reductions.

Slide 9

As you can see on screen the calculations provided by Dougall Baillie offer no clarity as to what flow rate from Kilmahew they have assessed. They state on page 15 of their Flood Study that the flow from Kilmahew generates a peak flow of 155.3 litre per second (l/s), however in their response to my objection they state the peak flow assessed is 388.6 l/s. These numbers may be hard to visualise, so for clarity 388.6 l/s would fill a 6-lane, 25m swimming pool such as the one in Helensburgh Leisure Centre, in less than 25 minutes. Given the volume of water in question, and the fact that it is not limited by a hydrobrake, it is vitally important that clarity is given, and the precautionary principle is applied.

Slide 10

The map in the centre of the screen shows the village with the proposed development superimposed. The video you are seeing was taken at the top of Barrs Road, in the southeast corner of the proposed development. The next video was taken at the

intersection of Barrs Road and Ritchie Avenue, looking uphill towards the proposed development. As you can see this is a massive volume of water, which requires a stringent and detailed risk based approach to be adopted when addressing it.

Slide 11

The drainage strategy is for the surface water from the proposed development and Kilmahew to be combined, and discharged into a pond which feeds into the Geilston Burn.

The image on the left shows the full extent of the digital model created by Dougall Baillie, beginning upstream from The Glen and Geilston Gardens at Node 1, and terminating near the train tracks near the Clyde at Node 21.

The image in the middle focuses in on a specific section of the model, between Nodes 1 and 7. The pond that is proposed to be the connection point has been omitted from the model, in fact, the analysis assumes that the connection point is directly into the Geilston Burn, meaning that the digital model does not reflect what is shown on the drawings.

The image on the right shows the extents of the topographic study referenced by Dougall Baillie in their Drainage Strategy. As you can see, the pond was also omitted from this analysis. The pond is uphill from, and behind our house. Its capacity has not been assessed, and the Dougall Baillie drawings state that an additional topographic survey is required to confirm the suitability of the proposal. I would ask why neither a hydrological or topographic survey has not already been undertaken, and why Argyll and Bute Council have not insisted on such analysis being done prior to this point. In my opinion, it would be unsafe to discharge these conditions until such time as these issues are fully resolved. The weir that has been talked about is rusted and has not been used in about 30 or 40 years.

Slide 12

The image on the left shows the pond in question. As you may be able to see, and hopefully witnessed yourselves during a site visit, the pond is in a very poor condition and has not been maintained for decades. It has several fallen trees in it and a lot of vegetation including American Skunk Cabbage, as Lindsey noted this is an invasive species spread in waterways. No environmental impact assessment of the pond has been undertaken. The image on the right clearly shows that the outfall into the pond is outside the red line boundary of the proposed development. No evidence has been provided that Cala have reasonable expectations of acquiring that land, or the rights to use it. The land owner – The National Trust for Scotland – have shared with me that they have no intentions of allowing any additional water to be diverted into the pond. Additionally, no evidence has been provided that Scottish Water would approve a section 3 order under the Sewerage Act. I would ask why Argyll and Bute Council are promoting such a proposal without the appropriate consents provided.

Slide 13

The image on the screen now shows some of the calculation settings that govern the Dougall Baillie digital model. The settings I have highlighted shows that the maximum time of concentration for the assessment is 30 minutes. I am not sure how many of you live locally, but I personally don't remember the last time it rained for only 30 minutes. The west coast of Scotland faces storms lasting for days, not minutes, and this is another approximation that suits a digital model, but does not reflect reality.

Slide 14

As you have heard SEPA are not a statutory consultee when it comes to discharging conditions of planning conditions which have been granted permission. If the current design, however, had been submitted as part of the original planning application, SEPA would have been a statutory consultee. So, whether it is legally required or not, it is right and proper for SEPA to be consulted. Excluding SEPA demonstrates contempt for the organisation responsible for flood risk management in the country.

Lynsey Young

Slide 5

We have now looked at the directly affected burn in some detail. To finish we would like to add further detail about the flooding in the village. Barrs Road runs from the east side of the proposed development down to the main road. This main road is the only way in and out of our village to and from Dumbarton and Helensburgh, other than the small B roads that run uphill of the village. In October 2023 this road was very close to being unpassable, which is a situation we are keen to avoid happening again or being made worse.

Slide 15

In conclusion we would ask elected Councillors to consider a holistic view when making a decision today, and consider the following;

- That the evidence put before you by Cala is at this stage insufficient because;
- Longer term rainfall events have not been considered.
- The capability of the burn to drain at high tide has not been assessed.
- The volume of water passing uncontrolled into the burn, bypassing the hydrobrake, has been quantified.
- Neither the volumetric capacity of the Geilston pond, or the environmental impact of the proposed design, have been assessed.
- Residents of the village seek assurance from Argyll and Bute Council that their homes won't be at further risk of increased flooding as a result of this proposed development.

It is the responsibility of Argyll and Bute Council to protect the residents of Cardross from the risk of flooding.

Patrick Trust

Slide 19

I hope you have the opinion of Cardross Community Council on the flooding. This picture was taken at the closed cycle path. This shows water at the rail bridge in December 2022. There are yellow and red markers on the rail bridge put by Scotrail. The water has been consistently above the yellow mark on at least 3 occasions over the last 2 years. But due to the railway line being underwater at Bowling we have not had to notify Scotrail. The burn is at capacity. Sadly at the moment in the park just behind this picture, Scottish Water are working to prevent sewer flooding by putting the excess water in the park directly into the burn through a sieve. I would suggest to the Committee that we are

returning to the position when I first came to Cardross over 40 years ago when sewage was put straight into the Clyde. Scottish Water are now doing that again.

SUPPORTERS

Councillor Gemma Penfold gave the following presentation:

Members, thank you for allowing me to speak at today's hearing. In June of last year we, as a Council, were the first local authority to declare a housing emergency and I stand firmly behind that declaration and will do what I can to bring about solutions to tackle the local housing crisis. As a councillor for the Helensburgh and Lomond South Ward I am very aware that this Cala Homes project is a controversial topic.

We are extremely lucky here in Argyll and Bute to be surrounded by such a beautiful landscape and the last thing anybody wants is to cover that beauty with buildings. I understand that, however, we need to look at the bigger picture here and as a community we need to understand that there is a large proportion of people in the area who are living in overcrowded or unsuitable homes, if they have one at all. I have received numerous emails from constituents who are at their wits end with their current living situations but have no hope of getting themselves and their families out of that situation due to the lack of housing in the area. Issues such as overcrowding within homes, poor quality existing housing stock and lack of homes, in general, can negatively impact both economically and socially and can have a very adverse effect on our local residents and their mental health. For example, cramped or unsuitable living conditions can harm family relationships, negatively affect children's education, and cause stress, anxiety and depression for individuals and families which can sometimes take people out of the workforce. New housing brings an opportunity to alleviate these pertinent issues and bring about the opportunity for people to thrive.

I recently met with the Naval Families Association, and they too recognise the impact that the lack of housing is having on current, and former serving military personnel who, due to the lack of housing in our area, are having to move themselves and their families out to West Dunbartonshire and not able to stay in areas closer to their base. This also affects family members who may need to change jobs or schools because of this move. Our towns and villages benefit greatly from our forces families living here and I know the majority of them absolutely love Argyll and Bute with many families moving here and choosing to put down roots because of the friendships and support they receive throughout the community. It's a sad day when they have to uproot and start again in a new area that's further out and not specifically designed to support the forces families because of a lack of housing here in Helensburgh and Lomond.

It is okay to sit with your feet up on your couch in your forever home, that you worked hard to buy, or to lie comfortably in your bed in a rented property that you enjoy living in, saying that you don't want a new housing development built for whatever your own personal reason is. But the reality of it is, we desperately need new housing in the area. My own family was lucky enough to get our first mortgage only 4 short months before COVID hit but, like so many families, if we had waited just a few months longer, we would have been in a position where our savings dwindled, mortgage rates went up, house prices went up, and we wouldn't of been in any position to get on the property ladder. This situation didn't happen to us but it did happen to plenty of other people. Since then we are enduring a cost of living crisis and the social housing list in Argyll and Bute has soared to over 3000 applicants. The Cala homes site in Cardross would be providing 30 affordable homes, which could help provide a route to home ownership for 30 people or families that are

otherwise not in a position to buy a home. This is an incredibly important step to helping us tackle the housing crisis.

This site was allocated by the Council in 2015 and deemed suitable for a housing development. It is clear to me that there have been issues since then but Cala's proposals appear to be tackling the main issue of flooding that was one of the original causes for concern. The Council's own flood officer and Scottish Water both confirm that this is the case and therefore I have confidence in supporting this application.

Lack of housing is an all too familiar story in Helensburgh and Lomond and I don't see a way forward unless we start to allow housing to be built in suitable areas. For this reason, I fully support Cala's application today and, after meeting with them on several occasions, I am confident that they are offering a robust housing delivery plan that will provide us with both private and affordable housing. I would ask that the Committee approve Cala's application today so we can take the first small step to tackling the housing crisis that we declared a year ago.

Thank you for your time.

OBJECTORS

Morag Elliot

Morag Elliot advised that she was also speaking on behalf of her husband. She said that she did not have the technical knowledge but did live in the village. She advised that no one would argue that there was a lack of housing and that housing was needed in the village but not at any cost.

She said she did not have the same confidence, as Cala were a private sector organisation and may not necessarily have the community's interests at heart. The primary objective of a private sector organisation is to maximise profit and answer to shareholders. Argyll and Bute Council have a duty to provide housing so they have a vested interest to get places developed and to do it in a way that delivers for the community but not at any cost.

She referred to the long term consequences of flooding and said it was not a one off event. She referred to householders down south that 20 to 30 years ago lived in villages that did not have a big flooding problem but now could no longer get house insurance. She said they did not want to get to that same position here. She said that anyone that has worked with numbers knows that they can very much get them to say what you like.

She said that it was really important that the Committee have all the relevant information from as many sources as they could. She advised that the Committee had information from the Council, the Applicant and their experts. She asked why SEPA were not consulted. She said if the answer is because they did not have to be consulted and it is not the law, then that was not appropriate.

She advised that she expected the Committee to act on behalf of the community and stressed that they were concerned about the flooding implications – such as the mess that has to be cleared up, damp, and the ability to sell their houses. She asked why the pond has not been looked at and advised that the pond and Geilston Burn were not fit to have any more water going into it.

She said she had no confidence on the data provided by a private sector organisation who have nothing to gain but profit. She pointed out that the Committee have been presented with a lot of information that they would have to manage. She said that as a voter she expected her Councillors to assess the data in its entirety and ask questions on her behalf and to make sure all avenues were explored before taking any decisions to change the shape of the village forever. She said that SEPA needed to be consulted and an environmental impact assessment needed to be carried out.

Julie Lang

Julie Lang advised her home was called Ellismore and it was on Darlieth Road and was adjacent to and right next door to the proposed development.

She said that in her neighbourhood they did not have mains sewerage and that each house in her little community had a septic tank. The run off water from the septic tanks went into a very small burn parallel to the road. This little burn has not been mentioned yet and it drained across the fields opposite the site and went into the Geilston Burn. She said she had concerns when that floods.

The field in front of her house and the development already flooded on a regular basis when there were periods of heavy rain. She said she was concerned about any additional drainage of water into a system, which could barely cope at the moment. She said it was affected by the tides. She advised that if there was a Spring tide, which happens every month, and a southerly wind parts of the village were already being flooded. Although Argyll and Bute Council needed to build new homes, she said they needed to ensure this did not cause damage to the existing community.

Jacquelyn McInally

Jacquelyn McInally referred to it being said that the flood water went out of the pond via a weir and said this did not happen. She said that last year they were inundated at the burn with water coming out the back of the pond. It came out the back of the pond to their kitchen area that there was so much water coming down the road.

She referred to having an open section of a wall and explained that it had not been closed yet as she'd had private contractors assess it and they have said that as it was a Council asset it was their responsibility. She advised that the Council have said it was not their responsibility to fix it because they did not think it was their part that was broken therefore it had to stay open.

She referred to the proposal that water now be channelled into the burn and advised that if it had already been channelled there at the moment she was in no doubt that her house would have been flooded. She advised that the way in which it flooded last year, meant that it came through the air vents and under their house which had been renovated over the last 2 years.

She said that they have tried to make representations to the Committee and through Councillor Kennedy. She said she was thankful for Councillor Kennedy's assistance to get this hearing organised. She advised of contacting lawyers and a hydrologist. She advised that they had said it was not feasible for her as an individual to get the level of studies done to have confidence in this plan. She said that they needed help to make sure this was looked at fully. She said she was not trying to suggest that people did not

want people to move into Cardross. They just wanted to make sure it was safe and that the investments they have made in the village were not going to be entirely lost.

She advised that if all the water the Committee saw in the videos which came down Barrs Road and Darleith Road had been re-directed into the burn and it broke its banks at the National Trust Land, that it would have flooded her home. She advised that the hydrologist she had spoken to had advised that while this was the formal approach to the assessment of flooding, the over simplification of this case was not appropriate as it did not consider all rainfall events. The pond has not been modelled and no one knows how it will behave under additional water pressure. She advised that the National Trust and herself were co-owners of the burn. She advised that they owned up to the half way point of the burn and were responsible for the maintenance of that. She said she did not want to be responsible for the maintenance of a burn that was going to have all this additional water. She pointed out that the Roads (Scotland) Act said quite clearly that developers and individuals were not allowed to increase the burden on owners and that is what was happening under this plan. The field behind the burn where it was proposed to dump the water into an existing weir cannot cope. The animals housed in this field are sometimes stuck and have to be helped out and come through their garden sometimes. She advised that it was entirely reckless to suggest this and the Council really needed to sort it out.

Tom McNally

Tom McNally thanked the Committee for the opportunity to speak and advised he had nothing much to add to the objection raised by the Community Council and thanked them for their presentation. He advised that he was a Planning Consultant with 38 years experience in planning and that he had never come across a situation where there was a planning application for houses without the actual road solution incorporated within the red line boundary.

He said that no planning application has ever been considered for this road. He said there was a red line but there had never been any official statement, any official public consultation with the community or anybody else.

He said that planning conditions were only normally attached if the Applicant owned the land, or if there was a reasonable expectation that what was being built would have the approval of the owners. He advised that in this case it was very doubtful. He suggested the roads condition could be ultra vires, outwith the law, and challengeable by Judicial Review.

He advised that on the application plan it showed a pipe connection on Darleith Road over his client's land. He said that on inspecting the site they found that there was no outfall, no manhole cover and through that they contacted Scottish Water and it was found that the Kilmahew site was developed contrary to conditions. He said the public were expected to have confidence in the planning system and the guardians of this were the Committee who were expected to protect the interests of their constituents, in this case the residents of Cardross.

He said that he had never seen anywhere in Scotland the principal that you could put flood water on someone's land without their permission. He said that the National Trust for Scotland were not going to give that permission. He said that he was amazed in this case that confirmation from the land owner to allow this to happen was not required. He questioned whether this was legal.

He said that the Council needed to think long and hard about whether this was a practical solution.

Bob Murray

Bob Murray referred to Councillor Penfold's support for this development.

REPRESENTATIVE

Ruth Lightbody

Ruth Lightbody gave the following presentation:

I live on Barrs Road in Cardross and saw the flooding of October 2023 first hand. The water came over my car tyres which is parked on the street and we had to clear the debris from under the tyres before we could use it. I was unable to take my two small children out safely and the flooding meant that any of my neighbours with mobility issues, mobility buggies or prams were unable to venture across the road – such was the force of the water.

To me, this means that the flooding and the development are separate issues and that the flooding in Cardross should be fixed before any consideration is given to this development which may exacerbate this problem. I do not accept that rerouting all the water sources into the Geilston Burn will suffice. Nor do I accept that Cala are doing Cardross residents a favour by fixing this issue – the Council should be fixing it anyway.

The strength of opposition in Cardross to this development would be better represented here today if the public hearing wasn't being held on a Monday morning. I myself have had to take time off work to attend. Many of my neighbours have work or other responsibilities so couldn't attend today.

People opposing the development today should not be accused of NIMBYism (which I believe that Councillor Penfold is insinuating) for being worried about the flooding and the impact to their quality of life and damage to property. The Councillor's point about this development being necessary to meet social housing targets is nonsensical given that (at the most) only 30 social houses will be included and most of the houses are 3, 4 and 5 bed roomed houses designed to be sold to the wealthy. We need a sensible social housing strategy and this is not it.

MEMBERS' QUESTIONS

Councillor Brown expressed her concern about flooding and commented that she did not feel all the information they had been provided with was satisfactory. She said she had concerns about the water going to be channelled out across someone's field. She also expressed concern about the Skunk Cabbage without any extra water coming across. She asked the Applicant what they were going to do about that. The Applicant advised that the site currently discharges to that other field and that they would be attenuating the water and restricting it to the one and two year Greenfield run off. At present it has an uncontrolled Greenfield run off. By putting in the drainage this will control the release of water from the site in accordance with all National Planning Policy and will reduce the discharge of peak run off from the site.

Councillor Brown referred to the increased flooding and commented that this would not be a one off event and sought comment from the Applicant on how they would manage that. The Applicant advised of the design being in accordance with guidance.

Councillor Green referred to there being two aspects to this - drainage from the site and drainage from the new connection from the other part of the village and asked Planning if both of these aspects were being conditioned. Mr Moore advised that all aspects were being considered.

Councillor Hardie sought and received assurance from the Applicant that the development would not contribute to the worsening of flooding in Cardross. The Applicant confirmed that the design was compliant with the guidance and will not make the flooding worse as a result of the development.

Councillor Philand asked why SEPA have not been involved. Mr Moore explained that SEPA were consulted on the original application in 2015 which stems from application 15/01394/PPP and they responded in July 2015. This was for a planning permission in principle. They identified that the site was subject to flooding, did not object, and indicated that any future proposal should mitigate and have regard to surface water flooding on the site. Mr Moore confirmed that the design put forward by the Applicant seeks to mitigate the flooding on the site. He advised that there was no requirement to consult with SEPA on additional discharge matters. The submission made to the Committee today is that this issue has been addressed.

Mr Cameron advised that in respect of planning matters, SEPA will only really come in on river flooding and flooding from the sea. Surface water was for the local authorities to look at. Even though they do surface water mapping, SEPA will not look at it from a planning point of view and it has been that way for a number of years now. Mr Moore added that SEPA have published a triage document of when they should be consulted and when they should not.

Councillor Philand sought and received an explanation from the Applicant on how the SUDs scheme would work. The Applicant advised that they would not be discharging anything greater than the Greenfield run off at the moment. The Applicant said that the design had been modelled and had been physically looked at on the ground. The run off from the site goes into the ditch they were proposing to discharge to from the site. They would not be adding any extra flow, they would be reducing it.

Councillor Kennedy sought and received confirmation from the Applicant that they would not be increasing the amount of water being channelled, they were changing the flow to go round the site rather than through it.

Councillor Kennedy referred to ownership of the field opposite the site and asked the Applicant why they were proposing to discharge water onto someone else's land. The Applicant advised that the water already discharged there and that they were not changing anything.

Councillor Kennedy sought and received confirmation from the Applicant that the sewage would go through a new pipe network to a Scottish Water combined sewer at the bottom of Darleith Road. It was confirmed that the road would be dug up to install this pipe network.

Councillor Green referred to the road being dug up and asked if more pipe work could be installed to discharge at other points. The Applicant advised that this had been looked at but due to engineering considerations it was not possible.

Councillor Irvine advised that he had real concerns that no permission had been received from the landowner to discharge the water and the damage this could cause including the potential for land erosion. He also expressed concern about there being no hydrologist report and topographical issues. He asked the Applicant how confident they were to be able to mitigate against the potential impact of water, which was now going to be channelled away from site to protect the housing estate, to very specific hot spots which may not protect the outlying areas. The Applicant advised that they have designed this in accordance with the guidance. In terms of run off from the site, it runs off to Barrs Road and Darleith Road. By draining the site and controlling the run off it will reduce what contributes to these factors. Reference was made to the videos showing the water running down Barrs Road and it was pointed out that this road would be upgraded to adoptable standards and will have road gulleys on it, which don't currently exist to catch surface water. The videos showing water running off the site this water will all be channelled in the SUDs basin. There will be considerably less water flowing down the road when this development is complete.

Councillor Irvine asked why written permission had not been received from the National Trust for Scotland. The Applicant advised that Scottish Water were confident that they would get the approval to go ahead and discharge at that location. They advised they did not believe they needed landowner approval as it was an improvement of the Scottish Water network. Scottish Water have a statutory power to do this work even if the Cala development did not go ahead and have intimated that they would do that.

Councillor Irvine asked Ms McNally, as part owner of the burn, if she had been approached to give permission to have the run off going into the burn. Ms McNally said they had not. She advised that they had contacted Cala to show them their position and flooding experience at the moment.

Councillor Irvine asked Ms McNally if she, as part owner, had an ongoing relationship with the National Trust for Scotland and did she know if they had granted permission for this work to go ahead. Ms McNally advised that a survey had been done of the burn. She said that the water coming down Barrs Road and Darleith Road would now come into the burn. She referred to damage already done to the wall of the burn which was just under their kitchen window.

Councillor Howard asked the Applicant why no consultation had taken place with the owners of the land. The Applicant explained that the water from the site currently goes there and that they were putting in the necessary drainage to ensure the water no longer goes there and this has been approved by Scottish Water.

Councillor Kain asked the Applicant if he was right in his understanding that with their works on this they would improve upon existing faulty drainage. The Applicant confirmed that was correct.

Councillor Kain asked the Applicant to confirm that with this development there was going to be better drainage from that site and around it. The Applicant confirmed they were removing a misconnected surface water connection to the combined sewer which caused flooding problems in Cardross at the moment.

Councillor Kain sought and received confirmation from the Applicant that they were improving a situation that was improperly designed in the first place. The Applicant pointed out that this was totally unrelated to this development. This was an existing issue that has been resolved.

Councillor Green asked the Applicant how it was possible for them to control the combined volume of water from the Kilmahew site and this development site to ensure there would be no greater run off than there was at the moment. The Applicant advised that they were in control of what was on their site and in terms of the misconnected surface water connection at Kilmahew, that should have originally gone to the burn when those houses were built but was never connected. They were now providing the conveyance through to get the water where it should have went. The Applicant advised that was a separate issue to the development. It was providing Scottish Water with a means to get the water from A to B.

Councillor Green sought and received confirmation from Planning that this was all being considered as part of this hearing. The Applicant referred to the detail of this being in the flood risk assessment and that they were reinstating what Scottish Water should have built and the flow of water back to where it should have been going.

Councillor Brown sought and received confirmation from the Applicant that they will have control of the water coming off their site. Water coming from elsewhere will be a matter for Scottish Water. The Applicant pointed out that the water coming down the Darleith Road and Barrs Road was not just associated with this development site and that they could not control what came down from further up the hill and that the water the developer will be discharging will be controlled.

Councillor Kennedy expressed his concern about various places being flooded now and his fears about the increase of water that would be channelled. He also referred to the septic tank in Geilston Park. Patrick Trust pointed out this was approved by the Council back in October. The Community Council did raise objections and SEPA were consulted by Argyll and Bute Council and this overflow to the sewage was discussed. He said it was not SEPA's preferred option what Scottish Water were going to do. They would prefer a proper pipe under the railway line of the right size and to have all the sewage and surface water pumped to Dumbarton. He advised that SEPA were not entirely happy with what Scottish Water were now doing at the park, which was, to cope with the overflow, to sieve sewage and water into the burn. The problem was the burn was tidal and when the tide was high the water had nowhere to go. He said that Scottish Water have gone against advice from SEPA and the Council have rubber stamped the decision to put raw sewage into the burn. He said all of this was connected. He said that this had not been properly assessed and that there was a need to look at the whole situation of water in Cardross before adding to the problem.

Councillor Wallace asked if any consideration had been given to directing this into the attenuation tank. The Applicant advised no as it was unassociated to the development. He said they were just providing the means for Scottish Water to install what should have been built. Anything to be associated with that drainage would have to be out with the site where the houses were located.

Councillor Wallace asked if it would be possible to direct a pipe into the tank. The Applicant explained that technically it may be possible but it would require whole redesign which was not associated with this development and was a problem Scottish Water already had in that area.

Councillor Blair referred to the slides presented by Cardross Community Council showing the volume of water going into the burn and sought and received confirmation from the Applicant that it would not be possible to increase the size of the SUDs basin. The Applicant confirmed that Scottish Water have granted technical approval for this. If this was built Scottish Water would then adopt and maintain the sewers in perpetuity. We have a design based on the size in accordance with their guidance. They won't accept something bigger than it has to be as they would then have an asset that they would need to maintain at additional cost. It was designed up to the 200 year climate change limit which was all that they would permit. The Applicant advised that their hands were tied by Scottish Water as they would be adopting and maintaining the sewer network on completion of the network.

Councillor Green referred to the drainage from Kilmahew which should have gone into the burn many years ago and noted that this was just putting in place what should have been done many years ago. He sought and received confirmation from Planning that if that development was just happening now that design would not be acceptable.

Councillor Green asked if the Committee were being asked to approve something that would not be acceptable as a new development now. Mr Moore advised that the Committee were being asked to approve an application before them which met all the required standards. He advised that planning would not approve that type of drainage system now, however, what the application seeks to propose is to attenuate that which can be attenuated for the scheme and model that, and to provide a betterment to an existing sub-standard situation in terms of the drainage that is causing flooding further down the combined sewer. On that basis, and the fact that it forms part of this application, and no harm has been found through the reports that have been submitted to other interests that was why Planning were content.

Councillor McCabe sought and received confirmation from the Applicant that this was to correct a problem with the water and flooding which was not from this development but from something that happened before this development was proposed and that they had their own plans in place for their development.

Councillor Howard expressed concern about damage to the burn and how this would be maintained. The Applicant reiterated that they were reinstating where the water should have went. A modelling exercise has been undertaken and demonstrates that with the water in it would make no difference to the flooding and so no increase to property risk as a result of that water going in.

Councillor Philand referred to the Mr Trust's comments about raw sewage within the system and asked why this should be accepted. The Applicant advised that this was an issue for Scottish Water and was not part of the development.

Councillor Philand referred to the invasive species and asked why an environmental impact assessment had not been done. Mr Moore advised that this would have been requested when the Planning Permission in Principle was applied for and already granted. He said that invasive species was dealt with under separate legislation and was not a straightforward planning matter.

Councillor Irvine asked Planning if consideration had been given to commissioning a hydrologists report. He commented on the significant concerns from objectors in terms of a whole range of impacts. Mr Cameron advised that in terms of the technical submissions

on hydrology, flooding and drainage he found these to be acceptable and came up to the required standards and that is why he did not submit an objection.

Councillor Irvine advised of concerns that a holistic approach had not been taken and that it was clear from the lived experience shown that there was significant risk of flooding now. He asked from a planning perspective and also from the Applicant how a road map could be created going forward that would take a far more holistic view and look at comparing the lived experience with the data modelling.

The Applicant advised that they could not undertake a holistic approach to all the flooding issues that were happening in Cardross. They advised that they have demonstrated that they have complied with all the guidance for developing the site.

Councillor Irvine pointed out to the Applicant that they would now be channelling water which previously would have, to a degree, soaked away and found other routes. The Applicant advised that there was a ground source pipe flowing currently under the road. Talking about the infiltration of rain that was going out via pipes under Darleith Road.

Mr Moore referred to the question of a holistic approach and advised that in terms of a planning application there was a limit to what the planning authority could seek to address town or village wide issues in relation to the application. What planning were required to do was deal with flooding which was related to the proposals in order to comply with necessary standards. No one knows why that pipe was not provided in the past but there was going to be wider benefit to the communities in terms of reducing the amount of water in the combined sewer. So by chance there was a wider benefit of this associated with this application. He said they could not ask the Applicant to look at all the flooding and that it was really for the Council to look through its local flood plans and regional flood plan strategies. He said that they had a team of engineers that were looking to deal with flooding and also Development Management who they could talk to about potentials and opportunities for mitigation. He said it would be unreasonable to request the Applicant to look at the whole situation.

Councillor Irvine asked if it would be reasonable to go back to SEPA as 9 years have now passed to seek a consultation response now. Mr Moore said no, mainly because they would not respond as the application does not meet their criteria for responding. Their response in 2015 identified a flood risk on the site and they required the Applicant to address the surface water on the site and the proposal before us today does and has been agreed by those with technical expertise.

Councillor Irvine asked if any of the objectors had any dialogue with SEPA. Mr Gatensby advised that SEPA had informed them that they were consulted on the original design which basically put water into an existing pipe. He pointed out that as the design has changed they should be consulted again.

Councillor Irvine asked Planning to respond. Mr Moore advised that he did not think it met the criteria to consult SEPA. The issue that was identified was on surface water and that has been addressed.

Councillor Irvine referred to comments made that the design had changed since the original application. Mr Moore advised that there was no design before as it was a planning permission in principle application. He said there was no design to approve and that SEPA just advised that the surface water drainage needed to be addressed.

Councillor Kennedy referred to the original application and asked where the water discharged into. The Applicant advised that the water discharged down Darleith Road into the Scottish Water sewer and Geilston Burn as the pipe that should have been there was not built. He confirmed that they were now providing a means to put this through the development site.

Councillor Kennedy commented that what existed now was as it had been for years and questioned whether it would be better to leave it alone. The Applicant advised that the current situation was what was causing the combined flooding issues further down the village. They advised that they were helping Scottish Water to solve one of their problems by providing them with a means to fix one of their pipes. The Applicant stressed they were not creating the issue but were providing a means to rectify an issue on Scottish Water's network.

Councillor Brown questioned why Scottish Water were not at the hearing. She sought and received confirmation from the Applicant that Scottish Water would adopt their SUDs regardless of that pipe being in or not.

Councillor Brown asked what would happen if the solution did not work once all the plans were in place and the water went above and beyond what was there just now. She asked who would fix that problem. The Applicant advised that their report had demonstrated that would not happen and that they only had to design the scheme to set guidance. Scottish Water would be responsible for the pipe network and the SUDs going forward.

Councillor Blair commented that the men were just doing their job to the best of their ability on the site. He suggested that this would be a great place for a hydro scheme and would be a holistic approach to dealing with the water. He added that what the Committee were dealing with here was an application with two elements to approve. He said that he thought the Officers and Applicant had done their best to answer questions and address the issues raised by the community and suggested the Committee move on to the next stage of the proceedings.

Councillor Green advised that he was mindful that the Committee needed as much information as possible before moving onto the debate.

Councillor McCabe said that she agreed with Councillor Blair. She advised that she thought this was an application for a housing development and everything was concentrating on previous flooding. She said the Committee needed to look at the application as the flooding that was there was the flooding that was there before. She commented that the country was in a housing emergency and that the developers have put forward as much as they could and had been very helpful.

Councillor Green sought and received confirmation from the Committee that they had no further questions.

The Chair ruled, and the Committee agreed to adjourn the meeting at 1.05 pm.

The Committee reconvened at 2.00 pm and it was established that all Members of the Committee that were present at the meeting this morning had returned to the meeting.

SUMMING UP

Planning

Sandra Davies advised that this was an application for the approval of conditions following the grant of planning permission in principle.

The purpose of this hearing was to allow Members to consider the flooding and drainage issues relating to conditions 11 and 12 of the planning permission in principle.

These conditions were ones where the planners required the advice of their advisors on flooding and drainage. She confirmed that they have been advised that the submission by the Applicant was acceptable and accorded with the current guidance.

It was therefore recommended that these conditions be discharged.

Applicant

Andrew Phillips advised that this site was an allocated Housing site which had been assessed by all statutory consultees with no objections received. The SUDs design managed all flood water linked to this development through this application in front of the Committee today. He further advised that in addition they were installing a missing section of drainage pipework from the Scottish Water network that would improve the existing flooding situation downstream to Cardross unrelated to this development. In terms of landownership, the outfall was being installed under statutory powers and had been approved by Scottish Water and the Council's flooding expert who was a hydrologist. If this development did not proceed Scottish Water could under statutory powers continue to install the drainage network.

Consultees

Cardross Community Council

Norman Gatensby summed up as follows:

I would like to start by stating that the Cardross Community Council has no objection to the development, or the provision of affordable housing in principle. The objections we have presented relate to the way that the development is being proposed.

Councillors have asked pertinent questions but looking at your reactions to the answers, it seems that those answers have not alleviated your concerns.

We have heard statements by Dougall Baillie Associates and the Applicant that the quantity of water proposed to be directed to the burn will not increase. The water from the development is passing through a hydrobrake to control the flow of water into the burn, but the water from Kilmahew is being redirected to the burn, and not through a SUDs pond or hydrobrake.

As shown in our presentation, the burn is breaking its banks without the water from Kilmahew being redirected to it, so it's illogical to state that adding the water from Kilmahew doesn't increase the flood risk. The quantity of water being directed to the pond, by natural or mechanical means, will absolutely increase from its current levels.

While it's true that Scottish Water won't accept an oversized SUDs basin, they may consider a redesign of the SUDs to incorporate the Kilmahew water. I'd urge Councillors

to take the precautionary principle in light of the confirmation from the Planners that the system being proposed to service Kilmahew would not, if proposed today, be acceptable. The history of Kilmahew clearly demonstrates that when corners are cut, and changes are made without proper review and consultation, the consequences can be dire. Therefore, we would again ask that SEPA be consulted on the revised design.

As we've heard earlier, SEPA operate a triage system to reduce the burden on them. This includes guidance that if developments comply with a specific set of rules, known as the General Binding Rules, SEPA are not a statutory consultee. The original design, connecting to an existing Scottish Water outfall, complies these rules. The new design, does not. I'm going to quote now from the Water Environment (Controlled Activities) (Scotland) Regulations 2011:

<p>10. Discharge of water run-off from a surface water drainage system to the water environment from buildings, roads, yards or any other built developments, or</p> <p>construction sites for such developments, and, if desired, the construction and maintenance of any water outfall in or near to inland surface water which forms, or will form, part of that system.</p>	<p>(a) All reasonable steps must be taken to ensure that the discharge must not result in pollution of the water environment;</p> <p>(b) the discharge must not contain any trade effluent or sewage, and must not result in visible discolouration, iridescence, foaming or growth of sewage fungus in the water environment;</p> <p>(c) the discharge must not result in the destabilisation of the banks or bed of the receiving surface water;</p> <p>(d) the discharge must not contain any water run-off from any built developments, the construction of which is completed after 1st April 2007, or from construction sites operated after 1st April 2007, unless—</p> <p>(i) during construction those developments are drained by a SUD system or equivalent systems equipped to avoid pollution of the water environment;</p> <p>(ii) following construction those developments are drained by a SUD system equipped to avoid pollution of the water environment;</p> <p>(iii) the run-off is from a development that is a single dwelling and its curtilage; or</p> <p>(iv) the discharge is to coastal water;</p>
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Email From NTS:

“Regarding the Cala homes development, we have informed Cala Homes that we do not want to proceed with the water pipe they proposed as we do not want any extra water to go into the burn from their development. We have since been informed that they have found another option anyway to take the water in further downstream so it doesn't need to have anything to do with us going forward.”

From Tim Keyworth, Gardens and Design Landscape Manager (West and Arran).

Lynsey Young

Lynsey Young referred to the points brought up about being holistic in this case and advised she recognised what had been said. She said that she would like to highlight the changing environment and referred to the Scottish Government having 15 consequences

of climate change in Scotland with point number 5 being an increased risk of flooding. She said that flooding could already have a devastating effect on those affected and with climate change would likely alter rainfall patterns and bring heavier down pours and increase to flood risk in the future was expected. This could impact on properties and infrastructure with serious consequences for our people, heritage, businesses and communities. She advised that there was a need to think outside the box. She said she respected everyone here today doing their individual jobs. She asked where the body was that pieces all this together and commented that as far as she could see this fell to the Committee.

Supporter

Councillor Penfold advised that she had nothing further to say.

Objectors and Representative

All the other parties present confirmed that they had nothing further to say.

The Chair established from all those parties in attendance at this point that they had received a fair hearing.

In terms of the Councillor's National Code of Conduct Councillor Gemma Penfold left the meeting at this point.

DEBATE

Councillor Kennedy referred to the concerns raised about possible flood risk. He said he did not doubt the calculations made but commented that something was not working properly due to the flooding experienced right now. He acknowledged the mitigation measures that would be put in place but said the residents were genuinely afraid of being inundated with water. He said that he did not think the developer had satisfied the conditions and mitigated for all possible future flooding. He also referred to input from SEPA and Scottish Water being missing. He advised that the general picture was Cardross was being flooded. He said that he had no problem with a new housing estate but for things on the outside it may mean spending money to get a solution, spending money on the infrastructure round and about. He suggested it might need the Council to put money in to redesign the area so the floods could be avoided.

Councillor Irvine advised that he had concerns that no permission had been granted by the landowner. He said that as someone who had studied climate change, he was worried that the last involvement of SEPA was 9 years ago and commented that they would have a lot more information regarding the impact of climate change now. He said he was concerned about not having up to date key pieces of information.

Councillor Howard said she was concerned about the piece of land the burn was on. No permission had been obtained to use it and there was a danger of damaging the burn banks. She advised that she did not think research had been done into that as well as the Skunk Cabbage issue which was just starting to gather there and would not have been there 9 years ago. She said this was not the developer's fault but was an issue that needed to be dealt with.

Councillor Kain referred to all the discussions. He said that climate change was a fact and was constantly changing. He commented that the main objection was the flood risk and

said that there has been flooding here long before this proposed development was ever planned. He pointed out that the developer had said this development would reduce the effect of flooding in the immediate area and that they would also be addressing the failure of the previous development. He said he could not see a reason to object on grounds of the current flooding as that was going to be alleviated by the development. He also referred to the serious issue of the lack of housing and advised that he would be in favour of this development.

Councillor Hardie advised that he lived in Cardross and had seen the flooding for himself and he said it was horrendous. He said that he felt a development of this size would not make it better and that he believed it could get worse. He referred to comments about SEPA and said he was not sure if they would look at it again.

Councillor Irvine referred to comments by Councillor Kain about the importance of housing development in terms of the need to meet the housing emergency and said that was never in question. He said that he was in a situation where there were gaps in his knowledge and a lack of clarity about the additional water which he perceived to be channelled into the pond or burn which was already under serious pressure from existing water flooding. He said he was worried about that water being directed in a controlled manner into the burn. From what he could see this was taking a problem and moving it sideways. He said he would like more clarity on how that would be managed. He said that he agreed that there was a need for an economic boost to the area but the issue for him was the diversion of water to an area of land where no permission from the landowner had been received. He also said he had not seen any sign of the modelling matching the reality and that he had a big concern about that.

Councillor Brown said she was not against the houses and not against the plan and she did not doubt the report the Applicant had in respect of the modelling carried out. However, having not heard from Scottish Water about the environmental issues and land ownership, she said this did not sit comfortably with her. She was also had concerns about SEPA not being consulted.

Councillor Philand echoed the concerns raised by Councillor Brown. He said the big thing for him was SEPA and questioned whether the Committee could ask them to look at the design. He advised that he also had concerns about the confirmation the Chair had received in the respect of the installation of the missing pipework from the previous development, that if that design was for a new development now it would not be approved.

Councillor Blair said he took a more pragmatic view of the discussions heard. He commented that the rain would be managed better with the mitigation proposed. He said he understood the angst of the local residents. He said he did not know if SEPA would engage or not. He said he was minded to support the Officer's recommendation fully taking on board the concerns about processes and the horticultural aspects and the issue of offloading water onto someone else's land and commented that this may be out with the Committee's remit. He said the Committee were here to discuss the parameters of the application and that he had taken on board the angst of the local residents. He referred to the bureaucracy of other organisations. He said that as it stood at the moment he was minded to support the Officer's recommendation.

Councillor Green commented that he thought there was a number of difficult issues. He said he welcomed a private developer building in Argyll and Bute and that it was good to have investment to help address the housing emergency. He advised that he had every confidence with what the developer had proposed for what was in their control and that

they had done everything they could to address the issues of rainfall and drainage. He advised that the difficulty for him was the areas where rain fall was out with their control, that interaction and how it all worked together was difficult to see. He said he was not sure how many years ago Kilmahew had been built and that if the missing pipework had been in place from then there would have been a better idea of the impact it had on the burn. He advised that the problem with putting the two things together this information was not known. He said he felt that the Committee were being asked to approve an application for housing and also the side effect of improving flooding in large parts of the village. He said it would be difficult if it improved the flooding for the large part of the village but made it worse for a handful of houses. He said it was easy to make decisions on planning applications and weigh up issues in respect of landscape, visual amenity, noise and economic impact. He said it could be recognised that with a new development you may get a loss of visual amenity but when it came to the potential for an increased risk of flooding that was more difficult. He said he was not entirely confident of the best way forward and welcomed the input of the other Members.

Councillor Kennedy said there was an expensive solution. He questioned why a wider pipe could not be put in when digging up the road. He said that could be one solution to the problem. He said he thought there would be a way to do it properly rather than tinkering around the edges.

Councillor Blair said it was about engagement with the professional developers and Planners to come up with the answers and he thought they had come up with the answers. He said the knock on effect was out with this application and could not necessarily be controlled for this process.

Councillor Kennedy questioned what would happen if the development had a big effect on what happened out with it. He said the flood prevention in Cardross was not working at the moment and that it was going to be exacerbated with climate change.

Councillor Blair said that the volume of water that landed on the footprint of the estate would be the same as landing on the roofs. To his mind it was the same volume of water. He said the mitigation proposed would see an improvement but would not resolve the other issues. He said the Committee had to look at this in terms of the planning application. He added that this was not to say he was not concerned about a holistic approach.

Councillor Brown questioned how the Committee could take this forward as they needed to be confident that they would be improving the situation. She said it had to be bigger than just one application. She acknowledged that the Committee were looking at one application but said that the flooding issue was huge and asked if this could be taken to another forum.

Councillor Blair said it would need to be taken to another forum and that the Committee needed to focus on the application. He said that he had been impressed by the presentations by the community and advised that he would be happy to raise issues with his MP and MSP. He said it was all about partnership working.

Councillor Howard acknowledged that the Committee needed to look at the application. She said that if it was granted now it would be too late to get the answers the Committee were looking for. She said the application needed to be put on hold in order to get the answers to how to stop the burn flooding.

Councillor McCabe said that the Committee were not the flooding experts. She advised that the flood risk adviser to the Council had agreed that this could go ahead. She also advised that this would allow for much needed housing to be built. She noted that the developer would try to solve the problem and not make it worse. She noted that they had spoken to Scottish Water and that they have given the Committee a lot of information.

Councillor Irvine advised that for him there was three gaps – no input from the landowners; no definite input from SEPA since 2015; and no discussion from Scottish Water. He said it was not about more water but about the redirection of water which, he thought, would have an impact. He said he would find it difficult to make a decision on this with these gaps and that he would like more detail around these grey areas – Scottish Water plan and input from SEPA and landowners. He said that he totally supported the development and had no qualms about working with the developers and partners to find a solution but until he saw that solution, he advised he could not support this application.

Councillor Blair proposed supporting the recommendations and to also receive guidance on whether or not other conditions could be added in the sense of receiving confirmation from the bodies Councillor Irvine referred to.

David Logan advised that it would not be competent for Councillor Blair to move the granting of the Officer's recommendation then ask for further clarity.

Motion

To agree to support the Officer's recommendation as set out at part 3 of supplementary report number 1.

Moved by Councillor Gordon Blair, seconded by Councillor Andrew Kain.

Amendment

To agree to continue consideration of this application to a future meeting of the Committee to allow Members time to prepare a competent Motion to either refuse the application or seek clarity on specific matters from third parties on issues raised during the meeting.

Moved by Councillor Mark Irvine, seconded by Councillor Paul Kennedy.

A vote was taken by calling the roll.

Motion

Councillor Blair
Councillor Kain
Councillor McCabe
Councillor Wallace

Amendment

Councillor Brown
Councillor Green
Councillor Hardie
Councillor Howard
Councillor Irvine
Councillor Kennedy
Councillor Philand

The Amendment was carried by 7 votes to 4 and the Committee resolved according.

DECISION

The Committee agreed to continue consideration of this application to a future meeting of the Committee to allow Members time to prepare a competent Motion to either refuse the application or seek clarity on specific matters from third parties on issues raised during the meeting.

(Reference: Report by Head of Development and Economic Growth dated 7 March 2024 and supplementary report number 1 dated 13 June 2024, submitted)