



Central Validation Team at Argyll and Bute Council 1A Manse Brae Lochgilphead PA31 8RD Tel: 01546 605518 Email: [planning.hq@argyll-bute.gov.uk](mailto:planning.hq@argyll-bute.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100515684-011

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:  You must enter a Building Name or Number, or both: \*

First Name: \*  Building Name:

Last Name: \*  Building Number:

Telephone Number: \*  Address 1 (Street): \*

Extension Number:  Address 2:

Mobile Number:  Town/City: \*

Fax Number:  Country: \*

Postcode: \*

Email Address: \*

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Lee"/>	Building Number:	<input type="text" value="10"/>
Last Name: *	<input type="text" value="Wheeler"/>	Address 1 (Street): *	<input type="text" value="Cherwell Green"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Northampton"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="NN5 7LL"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Argyll and Bute Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Land West of Stratholm"/>
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Northing	<input type="text" value="656292"/>	Easting	<input type="text" value="176874"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Erection of dwellinghouse and siting of 2 temporary caravans (retrospective), erection of timber storage shed (retrospective) installation of sewage treatment plant, formation of car parking area and associated works

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

please refer to attached statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

supporting statement and relevant letters and emails

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/02691/PP

What date was the application submitted to the planning authority? \*

16/12/2021

What date was the decision issued by the planning authority? \*

26/01/2024

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

To fully appreciate the issues involved

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr john bol

Declaration Date: 20/12/2022

# Planning Application Appeal Statement

## Land West of Stratholm, Clachan, Argyll

The application site is situated within the Argyll and Bute Council boundary. The location of the site is Land to the West of Stratholm, Clachan, Argyll Planning Application Ref. 21/02691/PP

### ***Reasons for Local Review:***

#### **Timeline:**

16th December 2021

Application submitted via the eplanning web portal and application fee of £401 paid.

23rd December 2021

Email sent to Argyll and Bute Council regarding registration of application, informed the registration team were dealing with a high volume of applications and were dealing with applications submitted on 3rd December and would be in contact when they got to our application.

13th January 2021

Letter received asking for a fee of £203 for a local advertisement and duly paid by the applicant on 17th January.

Also requested that jpeg format drawings be converted to pdf and requested to clarify the mains water arrangements.

We replied to this request also on 17th January.

25th January 2021

Further letter requesting the following:

Roof plan is not consistent with plan and elevations- it was confirmed to be consistent.

Amendment of red line to include roadway out with our boundary

Amendment of scale on one drawing

Plans and elevations of temporary cabins which have been on site for many years

Information submitted on 4th February 2022

10th February 2022:

Application registered with a formal decision to be given within 2 months of this date ( 10 April 2022)

March 2022:

Various phone calls regarding the application went unanswered.

4th April 2022:

Phone calls and emails asking for an update on the application - no reply

10th April 2022

No correspondence in relation to extending the formal decision period from the council.

28th April 2022:

Letter from the planner, no mention of not meeting deadline, but list of issues to be resolved:

Flood risk assessment requested although property 6m above watercourse, but asking in regard to a small watercourse feeding into the main burn.

An issue with the temporary buildings on site left by previous owners of the site

Request for a site specific FRA

Three week deadline to provide the above information.

5th May 2022:

Reply to the above points ( this was not uploaded to the web portal )

7th June 2022:

Asked for confirmation they had received our letter of 5th May and requested a reply and reasons for the delay in this application.

No written reply.

26th June 2022:

After telephone call with planning officer, realised my letter of 7th June had not been passed to SEPA or JB Consulting ( and not on planning portal), so I attempted to contact them directly.

12th July 2022:

Reply from SEPA, unable to provide 1 in 200 year flood level as well as JBA Consulting acting on behalf of Argyll and Bute Council as Flood Risk Consultant as this is relevant to determine that soil infill is not within the 1 in 200 year flood levels.

28th July 2022:

After investigations reply to SEPA

3rd August 2022

Begin to obtain quotes from professional engineers regarding flood risk to include modelling of the small watercourse and hillside. ( we still do not have a flood level at this point )

8th September 2022

After receiving quotations from a series of Engineers the cost to carry out this work was deemed too expensive at tens of thousands of pounds with no guarantee of planning approval as a conclusion. Informed the planning officer that we cannot provide a flood risk and could they please determine the application

7th December 2022:

Lodged an appeal to Scottish Government for non determination, which was accepted but later rejected as Argyll + Bute objected due to the timescale being over the allowed 3 months after the proposed decision date, and was advised to submit to the Local Review Body, which was also rejected on Friday 23rd December which was a very timely rejection which was not appreciated and very unprofessional, and again due to the timescale , please refer to the email dated 10 January 2023 with a fuller explanation for the reason behind the delay.

10th January 2023

Email to Fiona MacCallum requesting confirmation that the application will not be going to the LRB, so we can contact the minister responsible for planning at Holyrood to explain our situation. No reply received but a phone call was received from Peter Bain in Planning asking to give him time to investigate the application and get back to me, this was agreed.



I also explained to him that Argyll + Bute and JBA Consulting have not been able to provide since the application commenced a 200 year flood level for the site.

1February 2023

Peter Bain advised that A+B Roads and Infrastructure may have the flood level information required. ( how are we suppose to know this !!!) We cannot get a quote from Flood Engineers without this item of information.

**It should be noted that the email from Peter Bain dated 30th January confirmed that ABC did not provide the information requested in respect to a 1 in 200 year flood level as is legally required through this process and therefor it was impossible for the applicant to provide such information which was still not being made available 12 months after the application was submitted, although requested on many occasions.**

1March 2023

Revised proposal raising the building by approximately 1750mm to alleviate possible flooding issues.

20 April 2023

Chased Peter Bain regarding proposal to raise building

3rd May 2023

Email received in relation to raising building stating that a new planning application would be required as it would be deemed as a material change.

16th July 2023

Informed the planing department , that we were developing a flood barrier scheme for the site

22 July 2023

A flood barrier scheme was submitted for comment with the recommendation of flood risk details being fully submitted as part of the conditions to enable the applicant to have full confidence of an approval before expended a large sum of money for flood design work, as we have had no feedback from the planning department

25 August 2023

Email to planning department asking why no documents had been uploaded to the portal since January 2023

19th September 2023

SEPA letter stating that because NPF4 was no in place they could not consider the flood barrier system as it was in contravention of NFP 4

10th December 2023

As no further correspondence with planning write to them asking to determine the application one way or another.

26 January 2024

Planing refused.

Information provided:

We have attached all the correspondence as listed above and subsequent Email trails and information related from SEPA and JBA Consulting.

Further observations:

It is now 24 months since submitting a planning application for a single dwelling, although registration was a long process and the application did not get registered until 10th February 2022 ( 8 weeks after applying) the main issues of contention were not raised until the 28th April, which was two weeks after the official decision date, and it took time to finally realise the main reason of objection in regards to flood risk was not the main watercourse but a small watercourse which fed into the main burn.

It became even more frustrating that SEPA or JBA Consulting were not willing to provide the 1:200 flood levels for the site ( this is required to produce an FRA) nor provide the evidence of the flooding to the small watercourse , when we eventually managed to obtain the evidence it was not independently verified and was obtained from a previous application objector, this information was not submitted as part of this application.

Conclusions:

5 of 7

Although we are fully aware that planning approval is not guaranteed for any application, we would expect a level of cooperation during the process to get to a rational decision, especially as planning approval was granted in 2010 for a single dwelling on this site.

In this case the process and coordination by the planning department has been slow and inconsistent with the consultations being unhelpful and blocking of necessary information.

It should also be borne in mind that this application has been mishandled from inception through to its conclusion, with the lack of an accurate 1:200 year flood level being at the heart of the issues, which was not received until 18 months after the application was submitted, it should also be noted that we were confident that there were no issues with flooding from the Clachan Burn as the proposal was 6 m above the burn and we were unaware of the flooding issues with the small burn to the East of the site, as was SEPA until they were informed by flood risk consultants from ABC, which at the time was unacceptable as there was no verification of the evidence, and this is the sole reason for refusal.

Even after we obtained the interpolated flood level, which indeed revealed that flooding from the clachan burn was not an issue, but the small burn to the East of the site was, not indeed in relation to a flood level but in relation to a photograph taken by an objector in relation to a previous scheme, and SEPA requested that we have consultants calculate the flood water from the immediate hillside , which to model this is time consuming and as such expensive.

As an attempt to satisfy SEPA we prepared a preliminary flood defence system to cater for any eventuality, to be told that that flood defences were not now acceptable under NFP4, even although our application was submitted well in advance of NFP4 become live. The purpose of the flood design was to enable the planing authority to condition the flood risk, so a suitable design could be formulated to satisfy SEPA, knowing that we had approval for the house and worth the expenditure required as we were not informed that the design was suitable in planning terms.

We have not had any observations from the planning department against the suitability of the proposal in terms of design, which is why the applicant was reluctant to pay large design fees as there was no guarantee that the proposals would be approved.

The final conclusion that the proposed flood defences were contrary to NFP4 after two years of chasing shadows, was both insulting and disappointing.

As the application was not determined on the 10th April 2022 and a letter requesting an extension was also not issued together with the fact that ABC blocked the Appeal for non determination to the Scottish Government as we were attempting to resolve the flood risk issues, we respectfully request that this application be considered fully and independently by the Local Review Board and hopefully enable the applicant to establish their home in Clachan and be integrated into the local community.

John Bol

b3a

**From:** Antwi, Tiwaah P TiwaahP.Antwi@argyll-bute.gov.uk [REDACTED]  
**Subject:** RE: APPLICATION REF. <21/02691/PP> Land West of Stratholm, Clachan [OFFICIAL]  
**Date:** 13 December 2023 at 09:52  
**To:** [REDACTED]  
**Cc:** Bain, Peter (Planning) Peter.Bain@argyll-bute.gov.uk, Bowker, Bryn Bryn.Bowker@argyll-bute.gov.uk

TA

**Classification: OFFICIAL**

Good morning John,

Thanks for the update. I can confirm the report of handling has now been amended and sent off to Bryn for signing therefore, you should be getting a decision in due course on the application.

Kind regards,

**Tiwaah Antwi**  
Planning Officer (MAKI)  
Development Management  
Development and Economic Growth  
Argyll and Bute Council

01546604035

[tiwaahp.antwi@argyll-bute.gov.uk](mailto:tiwaahp.antwi@argyll-bute.gov.uk)

[www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

[www.abplace2b.scot](http://www.abplace2b.scot)

Further detail on [Planning Service Status](#) is available on the Council website.

British Sign Language (BSL) users can contact me direct by using [contactSCOTLAND-BSL](#)



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**From:** [REDACTED]  
**Sent:** Sunday, December 10, 2023 10:41 PM  
**To:** Antwi, Tiwaah P <TiwaahP.Antwi@argyll-bute.gov.uk>  
**Cc:** Bain, Peter (Planning) <Peter.Bain@argyll-bute.gov.uk>; Bowker, Bryn <Bryn.Bowker@argyll-bute.gov.uk>  
**Subject:** Re: APPLICATION REF. <21/02691/PP> Land West of Stratholm, Clachan [OFFICIAL]

Apologies for the delay in getting back to you regarding the above application, but I have been ill for quite a few weeks.

After discussing with the applicant, as stated within the flooding statement, we were hoping to achieve an approval with a condition with regard to the possible flooding, but as this does not seem to be an option at this stage and the applicant is unwilling to pay out in the region of £10,000 + for an FRA to cover the hillside in question, with no guarantee of planning approval as no indication has been forthcoming, they would prefer to take the application to appeal and failing that to go to the Court of Session.

Therefor can you please determine the application as you see fit.

regards

john bol  
b3a

On 13 Sep 2023, at 11:05, Antwi, Tiwaah P <[TiwaahP.Antwi@argyll-bute.gov.uk](mailto:TiwaahP.Antwi@argyll-bute.gov.uk)> wrote:

**Classification: OFFICIAL**

Hi John,

Just a quick update on the above application still waiting on SEPA to revert. A consultee response has been received from the Council's Flood risk officer who still recommends defer decision until a FRA has been submitted – a copy of the full response is available on the planning portal for your perusal.

I shall awaiting SEPA's response.

Kind regards,

**Tiwaah Antwi**  
Planning Officer (MAKI)  
Development Management  
Development and Economic Growth  
Argyll and Bute Council

01546604035

[tiwaahp.antwi@argyll-bute.gov.uk](mailto:tiwaahp.antwi@argyll-bute.gov.uk)

[www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

[www.abplace2b.scot](http://www.abplace2b.scot)

Further detail on [Planning Service Status](#) is available on the Council website.

British Sign Language (BSL) users can contact me direct by using [contactSCOTLAND-BSL](#)

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**From:** [REDACTED]

**Sent:** Tuesday, August 29, 2023 2:20 PM

**To:** Antwi, Tiwaah P <[TiwaahP.Antwi@argyll-bute.gov.uk](mailto:TiwaahP.Antwi@argyll-bute.gov.uk)>

**Cc:** Bain, Peter (Planning) <[Peter.Bain@argyll-bute.gov.uk](mailto:Peter.Bain@argyll-bute.gov.uk)>; Bowker, Bryn <[Bryn.Bowker@argyll-bute.gov.uk](mailto:Bryn.Bowker@argyll-bute.gov.uk)>

**Subject:** Re: 6033 SEPA response to query PLANNING APPLICATION REF. <21/02691/PP> Land West of Stratholm, Clachan, Tarbert, Argyll and Bute [2018s0548] [NOT PROTECTIVELY MARKED] [OFFICIAL]

Thank you

regards

john bol  
b3a

On 29 Aug 2023, at 11:31, Antwi, Tiwaah P <[TiwaahP.Antwi@argyll-bute.gov.uk](mailto:TiwaahP.Antwi@argyll-bute.gov.uk)> wrote:

**Classification: OFFICIAL**

Hi John,

Having reviewed the file this morning I note the documents were uploaded but had not been made publicly available. I have now made the most recent files publicly available and will await SEPA and our flood officer's feedback on the submitted plans and revert.

Kind regards,

**Tiwaah Antwi**

Planning Officer (MAKI)  
Development Management  
Development and Economic Growth  
Argyll and Bute Council

01546604035

[tiwaahp.antwi@argyll-bute.gov.uk](mailto:tiwaahp.antwi@argyll-bute.gov.uk)

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Further detail on [Planning Service Status](#) is available on the Council website.

British Sign Language (BSL) users can contact me direct by

using [contactSCOTLAND-BSL](#)

<image001.png>

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**From:** [REDACTED]

**Sent:** Friday, August 25, 2023 4:58 PM

**To:** Antwi, Tiwaah P <[TiwaahP.Antwi@argyll-bute.gov.uk](mailto:TiwaahP.Antwi@argyll-bute.gov.uk)>

**Cc:** Bain, Peter (Planning) <[Peter.Bain@argyll-bute.gov.uk](mailto:Peter.Bain@argyll-bute.gov.uk)>; Bowker, Bryn <[Bryn.Bowker@argyll-bute.gov.uk](mailto:Bryn.Bowker@argyll-bute.gov.uk)>

**Subject:** Re: 6033 SEPA response to query PLANNING APPLICATION REF. <21/02691/PP> Land West of Stratholm, Clachan, Tarbert, Argyll and Bute [OFFICIAL] [2018s0548] [NOT PROTECTIVELY MARKED]

Can you let me know why no documents have been uploaded on to the web portal since January 2023 please. ?

regards

john bol  
b3a

On 22 Jul 2023, at 09:45, [REDACTED] wrote:

Tiwaah,

We have submitted additional information in regard to the flooding at the above site for your consideration.

Any queries please let me know

any queries please let me know

regards

john bol  
b3a

On 3 May 2023, at 13:20, Antwi, Tiwaah P <[TiwaahP.Antwi@argyll-bute.gov.uk](mailto:TiwaahP.Antwi@argyll-bute.gov.uk)> wrote:

**Classification: NOT PROTECTIVELY MARKED**

Good morning Jon and Peter,

Having considered the application and reviewed the submitted revised proposal, I can confirm that the proposed ground level increase of 1750mm would be deemed a material change and would therefore trigger the need for a new application. Furthermore, with the adoption of NPF4 and changes to SEPA's requirements in line with the current policies, I would advise that you contact SEPA ahead of any resubmission.

In view of the above, I would appreciate a response on how you would like to progress with the application by **12<sup>th</sup> May 2023**.

I look forward to hear from you.

Kind regards,

Tiwaah Antwi

Planning Officer (MAKI)  
Development  
Management

Development and Economic Growth  
Argyll and Bute Council

01546604035  
[tiwaahp.antwi@argyll-bute.gov.uk](mailto:tiwaahp.antwi@argyll-bute.gov.uk)  
[www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

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**From:** Bain, Peter (Planning)  
<[Peter.Bain@argyll-bute.gov.uk](mailto:Peter.Bain@argyll-bute.gov.uk)>  
**Sent:** 20 April 2023 17:42



**To:** [REDACTED]  
**Cc:** Antwi, Tiwaah P  
<[TiwaahP.Antwi@argyll-bute.gov.uk](mailto:TiwaahP.Antwi@argyll-bute.gov.uk)>;  
Bowker, Bryn <[Bryn.Bowker@argyll-bute.gov.uk](mailto:Bryn.Bowker@argyll-bute.gov.uk)>  
**Subject:** RE: 6033 SEPA response to query PLANNING APPLICATION REF. <21/02691/PP> Land West of Stratholm, Clachan, Tarbert, Argyll and Bute [OFFICIAL] [2018s0548] [NOT PROTECTIVELY MARKED]

**Classification: NOT PROTECTIVELY MARKED**

Evening Jon,

Apologies I have missed your email of 1<sup>st</sup> March in my inbox. The proposed amendment to site levels will require to be reviewed on site and I will request that Tiwaah has a look at this when she's next passing the application site to consider i) the general acceptability of the proposal to increase the overall height of the building above existing ground levels, and ii) whether this can be accommodated within the context of the current application as a non-material amendment or whether a fresh application would be required.

Regards,

<image011.png> **Peter Bain**  
Development Manager  
Development & Economic Growth, Argyll and Bute Council.

t: 01546 604204  
e: [peter.bain@argyll-bute.gov.uk](mailto:peter.bain@argyll-bute.gov.uk)  
w: [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

For details of any disruption to service delivery and amended ways of working [Click Here](#)

<image012.png> follow us on Twitter [https://twitter.com/abc\\_planning](https://twitter.com/abc_planning)

If you have any comments or wish to

make a suggestion, please fill in our  
online [Customer Satisfaction  
Questionnaire](#)

<image013.jpg><image014.jpg>  
<image003.jpg>

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**From:** [REDACTED]  
[om](#)>  
**Sent:** 20 April 2023 14:52  
**To:** Bain, Peter (Planning)  
<[Peter.Bain@argyll-bute.gov.uk](mailto:Peter.Bain@argyll-bute.gov.uk)>; Antwi,  
Tiwaah P <[TiwaahP.Antwi@argyll-bute.gov.uk](mailto:TiwaahP.Antwi@argyll-bute.gov.uk)>  
**Subject:** Fwd: 6033 SEPA response to  
query PLANNING APPLICATION REF.  
<21/02691/PP> Land West of Stratholm,  
Clachan, Tarbert, Argyll and Bute  
[OFFICIAL] [2018s0548] [NOT  
PROTECTIVELY MARKED]

Peter,  
We would be grateful if you could  
replay to my email dated 1 March 2023,  
so we can proceed with this application  
please.

regards

john bol  
b3a

Begin forwarded message:

**From:** [REDACTED]  
[m](#)  
**Subject: Re: 6033  
SEPA response to  
query PLANNING  
APPLICATION REF.  
<21/02691/PP> Land  
West of Stratholm,  
Clachan, Tarbert,  
Argyll and Bute  
[OFFICIAL]  
[2018s0548] [NOT  
PROTECTIVELY  
MARKED]**

**DATE:**

**Date:** 1 March 2023 at  
12:01:32 GMT

**To:** "Bain, Peter  
(Planning)"

<[Peter.Bain@argyll-  
bute.gov.uk](mailto:Peter.Bain@argyll-bute.gov.uk)>

**Cc:** "Antwi, Tiwaah P"  
<[TiwaahP.Antwi@argyll-  
bute.gov.uk](mailto:TiwaahP.Antwi@argyll-bute.gov.uk)>

Peter,

To enable us to provide a flood risk assessment and also provided resilient construction methods to minimise water ingress into the dwelling in the event of a flood overspill from the small burn to the east of the site, we need to establish if an amendment to elevate the building by approximately 1750 mm which will place the dwelling approx 450mm above the adjacent ground level at the existing roadway, as the attached sketches, would be acceptable in planning terms ?

We would be grateful for your comments as soon as possible please.  
regards

john bol  
b3a

<image017.jpg>

<image018.jpg>

On 3 Feb  
2023, at  
16:45, Bain,  
Peter  
(Planning)  
<[Peter.Bain@  
argyll-](mailto:Peter.Bain@argyll-bute.gov.uk)

[bute.gov.uk](mailto:bute.gov.uk)>

wrote:

**Classification:  
NOT  
PROTECTIVELY  
MARKED**

Evening Jon,

Please see attached a copy of the Clachan Flood Study Baseline Report that has been provided by the Council's Roads & Infrastructure Services with the caveats below.

I trust that this is of assistance and await your further instruction on whether the applicant wishes to review their intent to provide further information pertaining to flood risk to address the concerns raised by both SEPA and the Council's FRA.

Best regards,

<image016.png>**Peter Bain**  
Development  
Manager

Development  
& Economic  
Growth, Argyll  
and Bute  
Council.

t: 01546  
604204  
e: [peter.bain@  
argyll-  
bute.gov.uk](mailto:peter.bain@argyll-bute.gov.uk)  
w: [www.argyll-  
bute.gov.uk](http://www.argyll-bute.gov.uk)

For details of  
any disruption  
to service  
delivery and  
amended ways  
of  
working [Click  
Here](#)

<image017.png>follow us on  
Twitter [https://  
twitter.com/ab  
c\\_planning](https://twitter.com/abc_planning)

If you have any  
comments or  
wish to make a  
suggestion,  
please fill in  
our  
online [Custom  
er Satisfaction  
Questionnaire](#)

<image018.jpg  
>  
<image019.jpg  
>  
<image004.jpg  
>

---

**From:** Flooding  
Enquiries

[<floodingenquiries@argyll-bute.gov.uk>](mailto:floodingenquiries@argyll-bute.gov.uk)

**Sent:** 01  
February 2023  
13:59

**To:** Bain, Peter  
(Planning)  
<[Peter.Bain@argyll-bute.gov.uk](mailto:Peter.Bain@argyll-bute.gov.uk)>

**Subject:** RE:  
6033 SEPA  
response to  
query  
PLANNING  
APPLICATION  
REF.  
<21/02691/PP  
> Land West of  
Stratholm,  
Clachan,  
Tarbert, Argyll  
and Bute  
[OFFICIAL]  
[2018s0548]  
[NOT  
PROTECTIVELY  
MARKED]

**Classification:**  
**NOT**  
**PROTECTIVELY**  
**MARKED**

Peter,  
Please  
find the  
Clachan Flood  
Study Baseline  
Report  
attached. This  
details the  
extents for  
various flood  
events in  
Clachan. The  
report is  
available for  
public viewing  
if requested

.. ..

however although the Council has provided a copy of the report it cannot be responsible for any inaccuracies in it and that the information within it is used at the applicants own risk. The comments made by SEPA and by JBA acting on behalf of ABC should also be taken into account. Any further queries regarding this matter should be sent to [floodingenquiries@argyll-bute.gov.uk](mailto:floodingenquiries@argyll-bute.gov.uk)

Regards

Grant

Grant Whyte  
Technical  
Officer  
Infrastructure  
Design  
Argyll and Bute  
Council  
Helensburgh &  
Lomond  
Civic Centre  
38 East Clyde  
Street  
Helensburgh  
G84 7PG

I : U143b  
658868  
[grant.whyte@  
Argyll-  
Bute.gov.uk](mailto:grant.whyte@Argyll-Bute.gov.uk)

---

**From:** Bain,  
Peter  
(Planning)  
<[Peter.Bain@a  
rgyll-  
bute.gov.uk](mailto:Peter.Bain@argyll-bute.gov.uk)>

**Sent:** 31  
January 2023  
13:21

**To:** Whyte,  
Grant  
<[Grant.Whyte  
@argyll-  
bute.gov.uk](mailto:Grant.Whyte@argyll-bute.gov.uk)>

**Subject:** FW:  
6033 SEPA  
response to  
query  
PLANNING  
APPLICATION  
REF.  
<21/02691/PP  
> Land West of  
Stratholm,  
Clachan,  
Tarbert, Argyll  
and Bute  
[OFFICIAL]  
[2018s0548]  
[NOT  
PROTECTIVELY  
MARKED]

**Classification:**  
**NOT  
PROTECTIVELY  
MARKED**

Afternoon  
Grant,

I'm not sure if  
you'll be able



to assist with this one or not. In summary we have a planning application in Clachan that is subject to objection from SEPA and JBA in the absence of a Flood Risk Assessment. One of the reasons that the Agent has refused to proceed with the FRA is that neither the Council or SEPA have provided detail of the 1:200 flood level – it is understood that this would in this instance be based on work undertaken by the Council as part of the Clachan Burn Survey.

I've attached a location plan of the development – are you in a position to confirm the 1:200 flood level for this locality?

<image002.png>  
<image006.png>

g>  
<image010.png>  
g>  
<image015.png>  
g>

Thanks,

<image016.png>  
g>**Peter Bain**  
Development  
Manager  
Development  
& Economic  
Growth, Argyll  
and Bute  
Council.

t: 01546  
604204  
e: [peter.bain@  
argyll-  
bute.gov.uk](mailto:peter.bain@argyll-bute.gov.uk)  
w: [www.argyll-  
bute.gov.uk](http://www.argyll-bute.gov.uk)

For details of  
any disruption  
to service  
delivery and  
amended ways  
of  
working [Click  
Here](#)

<image017.png>  
g>follow us on  
Twitter [https://  
twitter.com/ab  
c\\_planning](https://twitter.com/abcc_planning)

If you have any  
comments or  
wish to make a  
suggestion,  
please fill in  
our  
online [Custom  
er Satisfaction  
Questionnaire](#)

<image018.jpg  
>  
<image019.jpg  
>  
<image021.jpg  
>

---

**From:** David  
Cameron

[REDACTED]

**Sent:** 30  
January 2023  
13:49

**To:** Bain, Peter  
(Planning)  
<[Peter.Bain@argyll-bute.gov.uk](mailto:Peter.Bain@argyll-bute.gov.uk)>

**Cc:** Whyte,  
Grant  
<[Grant.Whyte@argyll-bute.gov.uk](mailto:Grant.Whyte@argyll-bute.gov.uk)>

**Subject:** RE:  
6033 SEPA  
response to  
query  
PLANNING  
APPLICATION  
REF.  
<21/02691/PP  
> Land West of  
Stratholm,  
Clachan,  
Tarbert, Argyll  
and Bute  
[OFFICIAL]  
[NOT  
PROTECTIVELY  
MARKED]  
[2018s0548]

Hi Peter,

The Clachan  
Flood Study  
was

...  
undertaken by  
others on  
behalf of Argyll  
and Bute  
Council. Grant  
Whyte (cc'ed)  
will be the  
best contact  
for that. Some  
general  
information is  
here <https://www.argyll-bute.gov.uk/flood-studies>

Kind regards,

Dave

**Dr David  
Cameron**  
Technical  
Director | Team  
Leader

---

**From:** Bain,  
Peter  
(Planning)  
<[Peter.Bain@argyll-bute.gov.uk](mailto:Peter.Bain@argyll-bute.gov.uk)>  
**Sent:** Monday,  
January 30,  
2023 12:33 PM  
**To:** David  
Cameron

**Subject:** FW:  
6033 SEPA  
response to  
query  
PLANNING  
APPLICATION  
REF.  
<21/02691/PP  
> Land West of  
Stratholm,  
Clachan,

Tarbert, Argyll  
and Bute  
[OFFICIAL]  
[NOT  
PROTECTIVELY  
MARKED]

Afternoon  
David,

We're  
currently  
looking at this  
application as  
a refusal as  
the applicant  
has been  
unable to  
provide the  
further  
information  
requested. I  
note on  
review of the  
file that issue  
has been  
raised by the  
Agent in  
relation to a  
request from  
the Council to  
provide  
information  
from the  
'Clachan Burn  
Survey' (see  
below). Is this  
information  
that you  
would have to  
hand that  
could be  
forwarded to  
the Agent?

thanks,

Peter Bain  
Development  
Manager  
Development

Policy  
Planning,  
Housing and  
Regulatory  
Services  
Argyll and  
Bute Council

T: 01546  
604082

E: [peter.bain@argyll-bute.gov.uk](mailto:peter.bain@argyll-bute.gov.uk)

W: [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

Argyll and  
Bute -  
Realising our  
potential  
together

-----  
-----  
-----  
-----  
-----

From: Antwi,  
Tiwaah P  
<[TiwaahP.Antwi@argyll-bute.gov.uk](mailto:TiwaahP.Antwi@argyll-bute.gov.uk)>

To: dm.civica  
<[dm.civica@argyll-bute.gov.uk](mailto:dm.civica@argyll-bute.gov.uk)>

Date:  
03/10/2022  
12:32:03

Subject: FW:  
6033 SEPA  
response to  
query  
PLANNING  
APPLICATION REF.  
<21/02691/PP

> Land West  
of Stratholm,  
Clachan,  
Tarbert,  
Argyll and  
Bute  
[OFFICIAL]  
[NOT  
PROTECTIV  
ELY  
MARKED]

Classification:  
NOT  
PROTECTIV  
ELY  
MARKED  
From: john  
bol

<

Sent: 08  
September  
2022 08:24

To: Antwi,  
Tiwaah P  
<[TiwaahP.Antwi@argyll-bute.gov.uk](mailto:TiwaahP.Antwi@argyll-bute.gov.uk)>

Cc: Planning  
SW  
<[planning.sw@sepa.org.uk](mailto:planning.sw@sepa.org.uk)>  
>;

Rozy.Shepher  
d

<

Subject: Re:  
6033 SEPA  
response to  
query  
PLANNING  
APPLICATIO  
N REF.

<21/02691/PP  
> Land West  
of Stratholm,  
Clachan,  
Tarbert,

Argyll and  
Bute  
[OFFICIAL]

Further to our  
previous  
email  
regarding the  
proposed  
flood risk  
assessment,  
the applicant  
has recently  
receiving  
quotations  
and  
timescales  
from  
Engineering  
consultancies  
throughout  
Scotland to  
provide the  
flood risk  
assessment  
and associated  
modelling  
requested by  
Argyll and  
Bute Council  
and SEPA.  
The applicant  
has decided  
that he cannot  
justify this  
added  
expense,  
especially as  
there is no  
guarantee  
after paying  
out many  
thousands of  
pounds for  
this work that  
the  
application  
will be  
granted and in  
light of the  
fact that we



cannot get a  
1 in 200 year  
flood level  
from the  
council's own  
modelling and  
therefore this  
is seen as a  
risky venture  
for them.

They are  
disappointed  
at this  
situation as  
this was going  
to be their  
family home  
and the  
construction  
of the  
building  
would bring  
much needed  
work into the  
area and  
benefit to the  
local  
economy, but  
they have  
tried to  
accommodate  
the  
requirements  
as much as  
possible by  
locating the  
house as far  
as possible  
away from  
any potential  
risks but to no  
avail.

Therefore we  
will not be  
able to  
provide a  
flood risk  
assessment, as  
this is not

feasible as  
stated  
previously as  
no  
information  
was  
forthcoming  
in relation to  
1:200 year  
flood levels  
and  
subsequent  
flood  
modelling due  
to a non-  
verified  
photograph  
taken by an  
objector in  
2018.

Therefore can  
you please  
determine the  
application as  
you see fit  
and the  
applicant can  
decide on  
their next  
steps.

Regards

john bol  
b3a

On 12 Aug  
2022, at  
07:27, Antwi,  
Tiwaah P  
<[TiwaahP.Antwi@argyll-bute.gov.uk](mailto:TiwaahP.Antwi@argyll-bute.gov.uk)>  
wrote:

Classification:  
OFFICIAL  
Good

morning John,

Thanks for  
the update. I  
shall update  
the file and  
await  
submission of  
the FRA.

Kind regards,

Tiwaah Antwi  
Planning  
Officer  
(MAKI)  
Development  
Management  
Development  
and Economic  
Growth  
Argyll and  
Bute Council.

01546604035  
[tiwaahp.antwi@argyll-bute.gov.uk](mailto:tiwaahp.antwi@argyll-bute.gov.uk)  
[www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

<image001.png>

From: john  
bol

<[REDACTED]>

Sent: 11  
August 2022  
15:54

To: Planning  
SW

<[REDACTED]>

>

Cc:  
Rozy.Shepherd

<[REDACTED]>


[ting.com](#)>;  
Antwi,  
Tiwaah P  
<[TiwaahP.Antwi@argyll-bute.gov.uk](mailto:TiwaahP.Antwi@argyll-bute.gov.uk)>

Subject: Re:  
6033 SEPA  
response to  
query  
PLANNING  
APPLICATION REF.  
21/02691/PP  
Land West of  
Stratholm,  
Clachan,  
Tarbert,  
Argyll and  
Bute

We are in the  
process of  
organising an  
FRA, we will  
let you know  
the dates  
when we have  
them.

Regards

john bol  
b3a

On 11 Aug  
2022, at  
10:51,  
Planning SW  
<>  
> wrote:

OFFICIAL

Dear Mr Bol

Thank you for  
your email.  
Unfortunately,  
the additional  
information  
supplied  
remains  
insufficient  
for us to  
withdraw our  
objection. Our  
reasoning is  
as follows:

It is the  
responsibility  
of the  
applicant to  
demonstrate  
that the site is  
not at risk and  
to provide the  
relevant  
supporting  
information.  
It is therefore  
for the  
applicant to  
contact Argyll  
and Bute  
Council (or  
JBA  
Consulting,  
who work  
with the  
council to  
provide flood  
risk support)  
in order to  
obtain the  
flood levels  
for the site  
from the  
Clachan Burn  
and to  
demonstrate  
with  
topographic  
information  
and an  
appropriate

.....  
site layout  
that no  
development  
will take  
place below  
this level.  
SEPA do not  
hold a copy of  
the Clachan  
Burn study, so  
are unable to  
provide this  
information.

With regards  
to the small  
watercourse,  
we remain of  
the opinion  
that this  
source could  
present a risk  
of flooding to  
the site and  
we require a  
flood risk  
assessment to  
be undertaken  
as detailed in  
our previous  
responses.

If you have  
any further  
queries,  
please contact  
me by email  
via 

[k](#)  
Kind regards

Peter Minting  
SEPA  
Planning  
Officer

Disclaimer  
The  
information  
contained in

contained in  
this email and  
any  
attachments  
may be  
confidential  
and is  
intended  
solely for the  
use of the  
intended  
recipients.  
Access,  
copying or re-  
use of the  
information in  
it by any other  
is not  
authorised. If  
you are not  
the intended  
recipient  
please notify  
us  
immediately  
by return  
email  
to [postmaster  
@sepa.org.uk](mailto:postmaster@sepa.org.uk).

Registered  
office:  
Strathallan  
House, Castle  
Business  
Park, Stirling  
FK9 4TZ.  
Under the  
Regulation of  
Investigatory  
Powers Act  
2000, the  
email system  
at SEPA may  
be subject to  
monitoring  
from time to  
time.

OFFICIAL

From: john  
bol

[REDACTED]

Sent: 28 July  
2022 09:04

To: Planning  
SW

<[planning.sw@sepa.org.uk](mailto:planning.sw@sepa.org.uk)>

>

Cc:  
Rozy.Shepher  
d

<  
[REDACTED]>

Antwi,  
Tiwaah P  
<[TiwaahP.Antwi@argyll-bute.gov.uk](mailto:TiwaahP.Antwi@argyll-bute.gov.uk)>

Subject: Re:  
5707 SEPA  
response to  
query  
PLANNING  
APPLICATIO  
N REF.  
21/02691/PP  
Land West of  
Stratholm,  
Clachan,  
Tarbert,  
Argyll and  
Bute

CAUTION:  
This email  
originated  
from outside  
the  
organisation.  
Do not click  
links or open  
attachments  
unless you  
recognise the  
sender and  
know the



know the  
content is  
safe.

On 12 Jul  
2022, at  
10:56,  
Planning SW  
<[planning.sw  
@sepa.org.uk](mailto:planning.sw@sepa.org.uk)  
> wrote:  
Peter,

Many thanks  
for your reply  
in relation to  
this planning  
application  
and apologies  
for the late  
reply but I  
was waiting  
on a reply  
from JBA  
Consulting.

In  
conversation  
with JBA  
Consulting it  
was agreed  
that the  
finished floor  
level of the  
proposed  
dwelling was  
above the 1 in  
200 year  
flood level (  
although I am  
still unaware  
what this  
level is ?)  
confirmed by  
SEPA in their  
letter dated  
14th October  
2019 and  
within the  
planning  
refused

1010501  
documents  
within  
application 18/  
02686/PP, and  
that the main  
concern was  
the flooding  
from the  
small  
watercourse,  
which was  
shown in a  
series of  
photographs  
within a  
previous  
application.

After  
downloading  
these  
photographs,  
it does show  
the  
watercourse  
overflowing,  
but there is no  
evidence to  
indicate when  
this event  
occurred and  
is not backed  
up with an  
independent  
observation.  
Unfortunately  
this evidence  
is from an  
objector to the  
development  
and therefor  
has an interest  
in the  
application  
being refused.  
The objector  
does not  
stipulate when  
these  
photographs

were taken  
only that they  
were taken  
from the  
neighbouring  
property and  
it should be  
noted that in  
one of the  
photographs  
the gate has  
been opened  
for some  
reason with  
what seems to  
be a timber  
runner to the  
bottom of the  
gate which  
could be  
diverting the  
water into the  
roadway (   
comparison of  
the water flow  
with and  
without the  
gate being  
opened) and  
not to the  
South of the  
site as quoted  
within the  
objectors  
report ? There  
is also an  
unknown  
timber  
structure  
within our site  
which my  
client is  
unaware of.  
Therefor  
without any  
independent  
reporting and  
transparency  
these  
photographs  
do not

provide sufficient evidence as to this incident was not even reported within the Clachan Flood Study in 2019 or in any newspaper articles. It should also be noted that this objector has not filed his objection to this planning application. As there is no documentary evidence for the overflowing, for instance our client has been informed this may have been due to a tree falling and blocking the watercourse and subsequently diverting the water flow ?

We have also gone through the correspondence from previous applications and note that SEPA as recently as 14th October 2019 had no

objection to  
flood risk on  
the site ,so it  
can only be  
the evidence  
of the  
photographs  
mentioned  
above which  
has forced a  
change of  
mind.

We would be  
grateful if as  
you suggested  
Argyll & Bute  
Council can  
confirm the 1  
in 200 flood  
level as a  
flood risk  
conclusion  
cannot be  
finalised  
without this  
information  
and that the  
photographic  
evidence is  
not sufficient  
to warrant  
further  
investigations.  
I am  
assuming that  
the two  
photographs  
are the only  
pieces of  
evidence as  
JBA  
Consulting  
could only  
provide a link  
to these  
photographs  
within the  
planning  
portal.

In conclusion  
can it be  
confirmed  
that the level  
of the  
development  
is above the 1  
in 200 year  
level, and that  
the flooding  
to the small  
watercourse is  
inconclusive  
as it is not  
supported by  
independent  
evidence.

We have  
enclose two  
photographs  
of the  
watercourse  
in normal  
flow and it  
would seem  
that in  
forming the  
access gate to  
Stratholm the  
banking to the  
watercourse  
has been  
removed to  
achieve this  
access which  
could result in  
overflowing  
in storm  
conditions, so  
my client has  
suggested we  
remove the  
gate and  
replace with a  
fence and  
reinstate the  
banking.

Regards

john bol  
b3a

<image001.jp  
g>  
<image002.jp  
g>  
<image003.jp  
g>

## OFFICIAL

Dear Mr Bol  
Thank you for  
your email. I  
have  
consulted my  
colleagues in  
SEPA's Flood  
Risk  
Hydrology  
team, who  
have made  
some general  
points and  
answered  
your (in bold)  
questions as  
follows:

SEPA's flood  
risk advice  
considers the  
risk to the site  
as a whole, as  
defined by the  
red line  
boundary, and  
not just the  
area of the  
development  
shown in the  
site plan.  
When an  
application is  
for planning

in principle,  
the site layout  
is often not  
fixed and in  
such cases,  
planning  
conditions can  
be applied to  
determine  
which parts of  
the site are, or  
are not,  
suitable for  
development.

Such  
conditions  
would be  
informed by  
additional  
information  
such as a  
flood risk  
assessment.

The outline of  
the dwelling  
is outwith the  
SEPA flood  
zone as  
indicated on  
your  
floodzone  
maps. This  
was accepted  
at registration  
of the  
planning  
application,  
so we have to  
assume this  
was the case  
as no Flood  
Risk  
Assessment  
was required  
for the recent  
extension to  
the  
neighbouring  
property  
which is on a  
similar level



and distance from water courses. The SEPA Flood maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. In this area, there has been no site-specific data used within the assessment and a consistent, nationally-applied methodology using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land has been applied. Although the location proposed for the dwelling (based on the Site Layout) is outwith the flood extent of the SEPA

Flood Map, the lower part of the site is within an area shown to be at risk of flooding from the Clachan Burn. It is therefore not clear if the proposed land raising would encroach on the functional flood plain. This would not be acceptable under the requirements of Scottish Planning Policy. The SEPA Flood Maps do not include small watercourses with catchments less than 3km<sup>2</sup>, such as the small watercourse to the east of the site. Therefore, flood extents will not appear on the map for these and in such situations, additional flood risk information is often required. Small watercourses

are often poorly understood with respect to the severity of the flood hazard that can be generated on a catchment of this scale and they can still cause serious flooding. You can view the SEPA Flood Maps and find out more about them at [Flood Maps | SEPA - Flood Maps | SEPA](#).

There is mention within your statement of a Flood Risk Assessment from a previous application, this flood risk assessment does not relate to this application as the design is fundamentally different, the same applies to photographs quoted, we or our client do not have access to such photographs or hard evidence of

what they are.  
The previous application and supporting documents, including the flood risk assessment, are publicly available on the Argyll and Bute planning portal and can be viewed at Simple Search ([argyll-bute.gov.uk](http://argyll-bute.gov.uk)) by searching for reference 19/01738/PP. Although the site layout for the previous application may have been different, the site boundary is the same and the purpose of the flood risk assessment is to assess risk to the site, as defined by the red line boundary.  
The Contributor Response dated 07/10/2019 on the planning portal associated with the previous planning application includes

photographs of high flows coming out of bank from the small watercourse along the east boundary of the site. The additional information in Section 8 of the document states the flood water has flowed across the application site on several occasions.

This demonstrates that there is a risk of flooding from this source and as such, further information must be provided to show how this risk impacts the site and to inform any areas where development must be avoided.

We have attached the FRA and Contributor Response for ease of reference but note that there are additional documents available online.

The statement in regard to the temporary caravans, within the design and access statement and the drawings, we specifically stated that the caravans are temporary and to be removed after construction of the dwelling, is there a reason why you have presumed they will be a permanent feature ? SEPA has not assumed that the caravans are permanent, however has set out this position for clarity if the situation were to change in the future. It would be helpful if you could confirm the required floor levels for the 1:200 year flood level plus the allowance for the updated climate change to compare with our finished

floor level.

We understand that Argyll and Bute council have undertaken a flood study for the Clachan Burn. As such, they should be contacted to obtain the relevant 200-year flood level for the Clachan Burn at the site. This level can then be used to inform any planning conditions which may be required. For clarity, we would object to any land raising within the functional flood plain i.e. on existing ground levels below the 200-year flood level. With regards to the small watercourse, as a flood risk assessment is yet to be undertaken, we are not aware of the 200-year level, flood extent or flow

pathways for  
this source.

As such, a  
detailed Flood  
Risk

Assessment is  
required to be  
undertaken by  
a qualified  
professional.

As noted in  
our previous  
response, the  
flood risk  
assessment  
(FRA) should  
assess the risk  
of flooding  
from this  
watercourse  
with

consideration  
of any  
backwater  
effect from  
the

confluence  
with the  
Clachan Burn  
as well as  
blockage to  
any existing  
structures,  
such as where  
the

watercourse  
passes under  
the track at  
the north-east  
corner of the  
site.

As the flood  
records  
indicate  
flooding may  
be instigated  
at the north-  
east corner of  
the site, any  
FRA would  
need to



extend far  
enough  
upstream to  
ensure the  
best  
representation  
of the flood  
risk at the site  
and should  
also consider  
the influence  
of the track  
with regards  
to flow  
pathways and  
where flood  
waters may  
enter into the  
site if diverted  
along the  
track along  
the north of  
the site.

I hope this  
information is  
useful. If you  
have any  
further  
queries,  
please contact  
me by email  
via

[REDACTED]  
[REDACTED] of a  
general email  
address  
allows us to  
manage work  
when staff are  
on leave, as I  
was last  
week).

Kind regards

Peter Minting  
SEPA  
Planning  
Officer

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time.

OFFICIAL

From: john

bol

<

Sent: 26 June  
2022 17:30

To: Planning  
SW

<

>

Subject:  
PLANNING  
APPLICATIO  
N REF.  
21/02691/PP  
Land West of  
Stratholm,  
Clachan,  
Tarbert,  
Argyll and  
Bute

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safe.

Dear  
Sir/Madam,

I asked the  
planning  
officer  
dealing with  
the above

the above  
application  
for a contact  
with in SEPA  
who is  
dealing with  
this project  
but  
unfortunately  
they have  
only supplied  
a general  
email address.

In regard to  
your  
statement, the  
design and  
access  
statement  
issued with  
the  
application  
stated “ It has  
been assumed  
that a Flood  
Risk  
Assessment is  
not applicable  
for this  
application as  
the finished  
floor level of  
the proposed  
dwelling is  
over 5m  
above the  
mean level of  
the  
watercourse  
and  
approximately  
24m from the  
burn running  
North to  
South in close  
proximity to  
the Eastern  
boundary. If  
flooding is to  
occur to the

owering the water level would be above all the rooftops within the village, and common sense would dictate that this is not a feasibility. The outline of the dwelling is outwith the SEPA flood zone as indicated on your floodzone maps. This was accepted at registration of the planning application, so we have to assume this was the case as no Flood Risk Assessment was required for the recent extension to the neighbouring property which is on a similar level and distance from water courses. There is mention within your statement of a Flood Risk Assessment from a previous application,

this 1100d risk assessment does not relate to this application as the design is fundamentally different, the same applies to photographs quoted, we or our client do not have access to such photographs or hard evidence of what they are. The statement in regard to the temporary caravans, within the design and access statement and the drawings, we specifically stated that the caravans are temporary and to be removed after construction of the dwelling, is there a reason why you have presumed they will be a permanent feature ? It would be helpful if you could confirm the required floor levels for the 1:200 year flood .

level plus the allowance for the updated climate change to compare with our finished floor level.

If possible could we have a discussion to find a way forward with this application ?

Regards

john bol  
b3a

07511 691757

<Contributor  
Response  
19\_01738\_PP.  
pdf><FRA  
19\_01738\_PP.  
pdf>

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**OFFICIAL**

**From:** b [REDACTED]  
**Subject:** Re: Request for Review of Planning Application Reference: 21/02691/PP [OFFICIAL]  
**Date:** 10 January 2023 at 12:22  
**To:** McCallum, Fiona [Fiona.McCallum@argyll-bute.gov.uk](mailto:Fiona.McCallum@argyll-bute.gov.uk)  
**Cc:** DPEA [Karen.Cowie@gov.scot](mailto:Karen.Cowie@gov.scot)



Fiona,  
Further to my email on 23rd December, can you please confirm that this application will not be going to a local review board so I can commence with contacting the minister responsible for planning a Holyrood.

regards

john bol  
b3a

On 23 Dec 2022, at 18:30, [REDACTED] wrote:

FionaFiona,

Thank you for your email with attached letter.

Firstly can I remind you that Argyll & Bute Council intervened and insisted with the DPEA appeal process to bring it back to the council to have a Local Review.

Also, the reason we did not contact your department within the 3 months and this can be interpreted from the documents which were submitted to you was that the planning department did not respond within the 2 month period but responded in 10 weeks with a list of queries which leaves us in a catch 22 position, do we carry on with negotiations with the planning department or appeal, we chose to carry on with negotiations, but apparently this was the incorrect choice as they way you are conducting your options does beg the question what is your motive for such timings and maladministration of this application?

We to this date still have not had a decision notice from the Council

Therefor, if we have no alternative to appeal we shall re-approach the DPEA and if this is unsuccessful we will be contacting the Government minister responsible within the Scottish Government directly and also taking this to the press.

regards

john bol  
b3a

On 23 Dec 2022, at 11:13, McCallum, Fiona <[Fiona.McCallum@argyll-bute.gov.uk](mailto:Fiona.McCallum@argyll-bute.gov.uk)> wrote:

**Classification: OFFICIAL**

Good morning

Please find attached letter regarding the above.

Kind regards.

Fiona McCallum  
Committee Services Officer  
Legal & Regulatory Support  
Argyll and Bute Council  
Kilmory  
Lochgilphead  
Argyll  
PA31 8RT

<image002.jpg>

Please note, I am working from home and can be contacted via the telephone number and e-mail

address outlined below. Thank you.

Tel: 01546 604392

Email: [fiona.mccallum@argyll-bute.gov.uk](mailto:fiona.mccallum@argyll-bute.gov.uk)

<http://www.argyll-bute.gov.uk>

<image001.png>

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From: **Bain, Peter (Planning)** Peter.Bain@argyll-bute.gov.uk  
Subject: RE: <21/02691/PP> - update [NOT PROTECTIVELY MARKED]  
Date: 1 February 2023 at 10:50  
To: [REDACTED]  
Cc: Whyte, Grant Grant.Whyte@argyll-bute.gov.uk

PB

**Classification: NOT PROTECTIVELY MARKED**

Morning John,

I've had initial feedback from David Cameron at JBA consulting (who act as the Council's advisor in Flood Risk matters) advising that they don't hold the info requested. He did recommend however that I flagged this one up with Grant Whyte in the Council's Roads & Infrastructure Services who may be able to assist. I forwarded this yesterday.

Regards,

**Peter Bain**  
Development Manager  
Development & Economic Growth, Argyll and Bute Council.

t: 01546 604204  
e: [peter.bain@argyll-bute.gov.uk](mailto:peter.bain@argyll-bute.gov.uk)  
w: [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)



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From: [REDACTED]  
Sent: 01 February 2023 10:26

**To:** Bain, Peter (Planning) <Peter.Bain@argyll-bute.gov.uk>  
**Subject:** Re: <21/02691/PP> - update [NOT PROTECTIVELY MARKED]

Peter,  
Many thanks for getting back to me with your feedback.

In regard to the 1:200 year flood level, do you have any indication when we would expect to receive this, so we can inform the releant engineers to provide a cost to prepare the FRA ?

regards

john bol  
b3a

On 30 Jan 2023, at 12:41, Bain, Peter (Planning) <[Peter.Bain@argyll-bute.gov.uk](mailto:Peter.Bain@argyll-bute.gov.uk)> wrote:

**Classification: NOT PROTECTIVELY MARKED**

Afternoon Jon,

Apologies for the delay in getting back to you. I can advise that I have now had the opportunity to review the file and draft report of handling on this item and cannot identify any means of removing the SEPA/FRA holding objections until such time as further information on the minro watercourse has been submitted as per the consultation input from SEPA/FRA.

I have however noted that in part this issue has not been addressed as confirmation was not provided by either SEPA or ABC on the 1:200 flood level. I note that SEPA have confirmed that this is a matter for ABC and I have accordingly issued a request to our FRA to request that the relevant information is provided to you. I'm currently awaiting feedback on this issue and will update you on receipt of a response.

In other respects I can also confirm that if a response that allows the applicant to reconsider their position on provision of a Flood risk Assessment is not received then the application is otherwise written up and ready to be determined as a refusal.

Regards,

<image001.png>**Peter Bain**  
Development Manager  
Development & Economic Growth, Argyll and Bute Council.

t: 01546 604204  
e: [peter.bain@argyll-bute.gov.uk](mailto:peter.bain@argyll-bute.gov.uk)  
w: [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

Telephone: 0131 244 6936  
E-mail: Karen.Cowie@gov.scot

Mr J Bol – sent by e-mail  
b3a  
The Whisky Bond  
2 Dawson Road  
Glasgow  
G4 9SS

Our ref: PPA-130-2085  
Planning Authority ref:21/02691/PP

7 December 2022

Dear Mr Bol

**PLANNING PERMISSION APPEAL: LAND WEST OF STRATHHOLM CLACHAN  
TARBERT ARGYLL AND BUTE**

Thank you for your appeal that was received in this office on 4 December 2022.

I am pleased to inform you that your appeal has been checked and is ready to move to the next stage of the appeal process.

**Next Steps**

Argyll and Bute Council, the planning authority that dealt with your original application has 21 days from when they received your appeal to provide a response, along with any relevant documents or information. You will receive a copy of this and then have 14 days to comment. Please note, if you wish to respond, your comments should be limited to any new matters the planning authority raise and which were not included in its processing of your application.

On completion of this process, a reporter appointed by Scottish Ministers will consider your case and move towards reaching a decision.

The reporter might have enough information to make a decision and in this instance you will be informed that no further procedures are necessary, prior to the decision being issued. Alternatively the reporter might decide to carry-out a site visit before making a decision and/or decide that additional information is required. In either of these instances I will write and keep you informed.

**Appeal is I**  
**Further Information**

Further information can be found on the appeal process, which includes using the appeal website ([Appeal Website](#)), the DPEA complaints procedure and guidance on claims for an award of expenses - [Taking Part in Planning Appeals and Other Cases](#).

I trust this explains the position.

Yours sincerely

*Karen Cowie*

**KAREN COWIE**  
**Case Officer**  
**Planning And Environmental Appeals Division**





b3a  
The Whisky Bond  
2 Dawson Road  
Glasgow  
G4 9SS



4 May 2022

Argyll and Bute Council  
Development and Infrastructure Services  
1A Manse Brae  
Lochgilphead  
Argyll and Bute  
PA31 8RD

For the attention of Peter Bain

PLANNING APPLICATION REF. 21/02691/PP  
Land West of Stratholm, Clachan, Tarbert, Argyll and Bute

Dear Sir/Madam  
In reply to your letter dated 28th April 2022:

Firstly this application was due for a decision on 9th April 2022, we did not receive a letter requesting an extension to the timescale and only received this letter after many attempts to receive any kind of communication from your department.

In regard to the comments from SEPA, the design and access statement issued with the application stated “ It has been assumed that a Flood Risk Assessment is not applicable for this application as the finished floor level of the proposed dwelling is over 5m above the mean level of the watercourse and approximately 24m from the burn running North to South in close proximity to the Eastern boundary. The outline of the dwelling is outwith the SEPA flood zone as indicated on their floodzone maps. “ this was accepted at registration so we have to assume this was the case as no Flood Risk Assessment was required for the recent extension to the neighbouring property which is on a similar level and distance from water courses. Within the comments from SEPA and JBA Consulting there is mention of a Flood Risk Assessment from a previous application, this flood risk assessment does not relate to this application as the design is fundamentally different, can I ask why they are using this, the same applies to photographs quoted, we or our client do not have access to such photographs or hard evidence of what they are.

The statement in regard to the temporary caravans, within the design and access statement and the drawings we specifically stated that the caravans are temporary and to be removed after construction of the dwelling, please explain why you and SEPA have presumed they will be a permanent feature ?

In regard to the site specific FRA, we will writing to SEPA and JBA Consulting separately in regard to this.



b3a  
The Whisky Bond  
2 Dawson Road  
Glasgow  
G4 9SS



In regard to your timescale for receiving this information, it should be noted that you have been in receipt of this application since 16th December 2021, which is 19 weeks, and only now requesting this information and asking for it within 3 weeks, when it should have been requested at registration, please confirm if you intend to refuse this application should all the information not be submitted within the three week timescale by return as we have the option of going to the Scottish Government with an appeal under non determination.

Also within this letter you have attached a document “ standard template information requests, you have not stated if you are asking for this information within your letter, again this should have been requested at registration, please advise.

Yours faithfully

John Bol

b3a

Argyll and Bute Council  
Comhairle Earra Gháidheal agus Bhóid

**Development And Infrastructure Services**  
Executive Director: Kirsty Flanagan

1A Manse Brae Lochgilphead PA31 8RD

Our Ref. : 21/02691/PP  
Your Ref. :  
Contact : [planning.maki@argyll-bute.gov.uk](mailto:planning.maki@argyll-bute.gov.uk)

Mr Lee Wheeler  
B3a  
The Whisky Bond  
2 Dawson Road  
Glasgow  
G4 9SS

28 April 2022

Dear Sir/ Madam,

**town and country planning (scotland) act 1997**  
**town and country planning (Development management procedure) (scotland)**  
**regulations 2013 – regulation 24**  
**SITE ADDRESS: Land West Of Strathholm Clachan Tarbert Argyll and Bute**  
**PROPOSAL: Erection of dwellinghouse and siting of 2 temporary caravans**  
**(retrospective), erection of timber storage shed (retrospective) installation of sewage**  
**treatment plant, formation of car parking area and associated works**

I refer to your application in respect of the above and must advise that the details submitted are insufficient to allow the Planning Authority to determine the application. As such, I am formally notifying you in accordance with Regulation 24 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 that the Council will not determine your application in the absence of the details listed below.

- Additional information is required to address SEPA's concerns raised in relation to the application. The site is close to a small watercourse. Comments and photographs submitted with an earlier application at this development site (planning reference 19/01738/PP) demonstrated that the site has experienced flooding from this small watercourse in 2012 and 2015. The flood risk assessment (FRA) should assess the risk of flooding from this watercourse, including consideration of any backwater effect from the confluence with the Clachan Burn and blockage of existing structures.
- Secondly, the two temporary caravans proposed as part of the development solely for the construction phase as shown on block plan with drawing no. 1067.05 would be objected to in the event that these are to be retained permanently on site. This is because caravans are classified by SEPA as a 'most vulnerable' use, however, relocating them beyond the 1 in 1000-year flood extent would likely be deemed acceptable.
- Furthermore, a site-specific Flood Risk Assessment (FRA) that quantifies the 1:200 year plus climate change fluvial and surface water flood events per 1b-d above would be required. This should be accompanied by a site section plan illustrating the site's historic flooding levels.

- You are advised to discuss the scope of the Flood Risk Assessment with SEPA and refer to Scottish Planning Policy (SPP)7: PLANNING AND FLOODING which can be viewed on the Scottish Government website at [www.scotland.gov.uk/Publications](http://www.scotland.gov.uk/Publications). SEPA can be contacted at Graesser House, Fodderty Way, Dingwall IV15 9XB - Tel: 01349 862021

It should be noted that in the case of a material amendment to your current planning application, this would require a new planning application submission and a further planning application and/or advert fee.

The additional information requested above should be submitted within 3 weeks from the date of this letter unless an alternative, extended timescale for submission is agreed in writing with the case officer. **The information should be submitted to [planning.maki@argyll-bute.gov.uk](mailto:planning.maki@argyll-bute.gov.uk) or to Argyll and Bute Council, Development Management, Kilmory Castle, Lochgilphead, Argyll, PA31 8RT.**

In the event that it is not possible to submit the requested information within an agreed time period it would be more appropriate to withdraw the current application and resubmit when the additional information requested is available. In the event that the requested information is not submitted within the agreed time period, I must advise that it would be my intention to refuse the application on the basis of lack of information.

I trust that the above is self-explanatory; however, should you wish to discuss this matter further then please do not hesitate to contact the office on 01546 605518.

Yours faithfully

Peter Bain  
Development Manager, 1A Manse Brae Lochgilphead PA31 8RD

From: john bol [redacted]  
Subject: Re: 5707 SEPA response to query PLANNING APPLICATION REF. 21/02691/PP Land West of Stratholm, Clachan, Tarbert, Argyll and Bute  
Date: 28 July 2022 at 09:04  
To: Planning SW [redacted]  
Cc: Rozy Shepherd [redacted] Antwi, Tiwaah P TiwaahP.Antwi@argyll-bute.gov.uk



On 12 Jul 2022, at 10:56, Planning SW [redacted] wrote:  
Peter,

Many thanks for your reply in relation to this planning application and apologies for the late reply but I was waiting on a reply from JBA Consulting.

In conversation with JBA Consulting I was agreed that the finished floor level of the proposed dwelling was above the 1 in 200 year flood level (although I am still unaware what this level is) confirmed by SEPA in their letter dated 14th October 2019 and with the planning refusal documents with application 18/02686/PP, and that the main concern was the flooding from the stream watercourse, which was of photographs with a previous application.

After downloading these photographs, I do not show the watercourse overflowing, but there is no evidence to indicate when this event occurred and is not backed up with an independent observation. Unfortunately this evidence is from an objector to the development and therefore has an interest in the application being refused. The objector does not stipulate when these photographs were taken on the neighbouring property and I should be noted that in one of the photographs the gate has been opened for some reason with what seems to be a meter runner to the bottom of the gate which could be diverting the water into the roadway (comparison of the water flow with and without the gate being opened) and not to the South of the site as quoted within the objector's report? There is also an unknown with our site which my client is unaware of. Therefore without any independent reporting and transparency these photographs do not provide sufficient evidence as this incident was not even reported within the Clachan Flood Study in 2019 or in any newspaper articles. It should also be noted that the objector has not filed his objection to this planning application. As there is no documentary evidence for the overflowing, for instance our client has been informed this may have been due to a tree falling and blocking the watercourse and subsequent diverting the water flow?

We have also gone through the correspondence from previous applications and note that SEPA as recently as 14th October 2019 had no objection to flood risk on the site, so I can only be the evidence of the photographs mentioned above which has forced a change of mind.

We would be grateful if as you suggested Argyll & Bute Council can confirm the 1 in 200 year flood level as a flood risk concern cannot be finalized without this information and that the photographic evidence is not sufficient to warrant further investigation. I am assuming that the two photographs are the only pieces of evidence as JBA Consulting could only provide a link to these photographs with the planning application.

In conclusion can it be confirmed that the level of the development is above the 1 in 200 year level, and that the flooding to the stream watercourse is not supported by independent evidence.

We have enclosed two photographs of the watercourse in normal flow and it would seem that forming the access gate to Stratholm on the bank to the watercourse has been removed to achieve this access which could result in overflowing in storm conditions, so my client has suggested we remove the gate and replace with a fence and restate the banking.

Regards

John Bol  
b3a





OFFICIAL

Dear Mr Bol

Thank you for your email. I have consulted my colleagues in SEPA's Flood Risk Hydrology team, who have made some general points and answered your (in bold) questions as follows:

SEPA's flood risk advice considers the risk to the site as a whole, as defined by the red line boundary, and not just the area of the development shown in the site plan. When an application is for planning in principle, the site layout is often not fixed and in such cases, planning conditions can be applied to determine which parts of the site are, or are not, suitable for development. Such conditions would be informed by additional information such as a flood risk assessment.

**The outline of the dwelling is outwith the SEPA flood zone as indicated on your floodzone maps. This was accepted at registration of the planning application, so we have to assume this was the case as no Flood Risk Assessment was required for the recent extension to the neighbouring property which is on a similar level and distance from water courses.**

The SEPA Flood maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. In this area, there has been no site-specific data used within the assessment and a consistent, national methodology using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land has been applied.

Although the location proposed for the dwelling (based on the Site Layout) is outwith the flood extent of the SEPA Flood Map, the lower part of the site is within an area shown to be at risk of flooding from the Clachan Burn. It is therefore not clear if the proposed land raising would encroach on the functional flood plain. This would not be acceptable under the requirements of Scottish Planning Policy.

The SEPA Flood Maps do not include small watercourses with catchments less than 3km<sup>2</sup>, such as the small watercourse to the east of the site. Therefore, flood extents will not appear on the map for these and in such situations, additional flood risk information is often required. Small watercourses are often poorly understood with respect to the severity of the flood hazard that can be generated on a catchment of this scale and they can still cause serious flooding. You can view the SEPA Flood Maps and find out more about them at [Flood Maps | SEPA - Flood Maps | SEPA](#).

**There is mention within your statement of a Flood Risk Assessment from a previous application, this flood risk assessment does not relate to this application as the design is fundamentally different, the same applies to photographs quoted, we or our client do not have access to such photographs or hard evidence of what they are.**

The previous application and supporting documents, including the flood risk assessment, are publicly available on the Argyll and Bute planning portal and can be viewed at [Simple Search \(argyll-bute.gov.uk\)](#) by searching for reference 19/01738/PP.

Although the site layout for the previous application may have been different, the site boundary is the same and the purpose of the flood risk assessment is to assess risk to the site, as defined by the red line boundary.

The Contributor Response dated 07/10/2019 on the planning portal associated with the previous planning application includes photographs of high flows coming out of bank from the small watercourse along the east boundary of the site. The additional information in Section 8 of the document shows flood water has flowed across the application site on several occasions. This demonstrates that there is a risk of flooding from this source and as such, further information must be provided to show how this risk impacts the site and to inform any areas where development must be avoided.

We have attached the FRA and Contributor Response for ease of reference but note that there are additional documents available online.

**The statement in regard to the temporary caravans, within the design and access statement and the drawings, we specifically stated that the caravans are temporary and to be removed after construction of the dwelling, is there a reason why you have presumed they will be a permanent feature?**

SEPA has not assumed that the caravans are permanent, however has set out this position for clarity if the situation were to change in the future.

**It would be helpful if you could confirm the required floor levels for the 1:200 year flood level plus the allowance for the updated climate change to compare with our finished floor level.**

We understand that Argyll and Bute council have undertaken a flood study for the Clachan Burn. As such, they should be contacted to obtain the relevant 200-year flood level for the Clachan Burn at the site. This level can then be used to inform any planning conditions which may be required. For the site, we would object to any land raising within the functional flood plain i.e. on existing ground levels below the 200-year flood level.

With regards to the small watercourse, as a flood risk assessment is yet to be undertaken, we are not aware of the 200-year level, flood extent or flow pathways for this source. As such, a detailed Flood Risk Assessment is required to be undertaken by a qualified professional. As noted in our previous response, the flood risk assessment (FRA) should assess the risk of flooding from this watercourse with consideration of any backwater effect from the confluence with the Clachan Burn as well as blockage to any existing structures, such as where the watercourse passes under the track at the north-east corner of the site.

As the flood records indicate flooding may be instigated at the north-east corner of the site, any FRA would need to extend far enough upstream to ensure the best representation of the flood risk at the site and should also consider the influence of the track with regards to flow pathways and where waters may enter into the site if diverted along the track along the north of the site.

I hope this information is useful. If you have any further queries, please contact me by email via [planning.sw@sepa.org.uk](mailto:planning.sw@sepa.org.uk)

(The use of a general email address allows us to manage work when staff are on leave, as I was last week).

Kind regards

Peter Minting  
SEPA Planning Officer

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OFFICIAL

From: john bol <[redacted]>  
Sent: 26 June 2022 17:30  
To: Planning SW <[redacted]>  
Subject: PLANNING APPLICATION REF: 21/02691/PP Land West of Stratholm, Clachan, Tarbert, Argyll and Bute

CAUTION: This email originated from outside the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam,

I asked the planning officer dealing with the above application for a contact with in SEPA who is dealing with this project but unfortunately they have only supplied a general email address.

In regard to your statement, the design and access statement issued with the application stated " It has been assumed that a Flood Risk Assessment is not applicable for this application as the finished floor level of the proposed dwelling is over 5m above the mean level of the watercourse and approximately 24m from the burn running North to South in close proximity to the Eastern boundary. If flooding is to occur to the dwelling the water level would be above all the rooftops within the village, and common sense would dictate that this is not a feasible option.

The outline of the dwelling is outwith the SEPA flood zone as indicated on your floodzone maps. This was accepted at registration of the planning application, so we have to assume this was the case as no Flood Risk Assessment was required for the recent extension to the neighbouring property which is on a similar level and distance from water courses. There is mention within your statement of a Flood Risk Assessment from a previous application, this flood risk assessment does not relate to this application as the design is fundamentally different, the same applies to photographs quoted, we or our client do not have access to such photographs or hard evidence of what they are.

The statement in regard to the temporary caravans, within the design and access statement and the drawings, we specifically stated that the caravans are temporary and to be removed after construction of the dwelling, is there a reason why you have presumed they will be a permanent feature ?

It would be helpful if you could confirm the required floor levels for the 1:200 year flood level plus the allowance for the updated climate change to compare with our finished floor level.

If possible could we have a discussion to find a way forward with this application ?

Regards

john bol  
b3a

<Contributor Response 19 01738 PP.pdf><FRA 19 01738 PP.pdf>

**From:** Antwi, Tiwaah P <TiwaahP.Antwi@argyll-bute.gov.uk>  
**Subject:** RE: 6033 SEPA response to query PLANNING APPLICATION REF. <21/02691/PP> Land West of Stratholm, Clachan, Tarbert, Argyll and Bute [OFFICIAL]  
**Date:** 6 October 2022 at 15:59  
**To:** john bol <[REDACTED]>

TA

**Classification: OFFICIAL**

Hi John,

I can confirm receipt of your last email and will be assessing the application for determination in due course. We are still experiencing delays due to backlog and staff shortage. I shall look into this at the earliest and revert.

Kind regards,

Tiwaah Antwi

Planning Officer (MAKI)  
Development Management  
Development and Economic Growth  
Argyll and Bute Council

01546604035

[tiwaahp.antwi@argyll-bute.gov.uk](mailto:tiwaahp.antwi@argyll-bute.gov.uk)  
[www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)



---

**From:** john bol <[REDACTED]>  
**Sent:** 04 October 2022 09:16  
**To:** Antwi, Tiwaah P <TiwaahP.Antwi@argyll-bute.gov.uk>  
**Subject:** Fwd: 6033 SEPA response to query PLANNING APPLICATION REF. <21/02691/PP> Land West of Stratholm, Clachan, Tarbert, Argyll and Bute [OFFICIAL]

Begin forwarded message:

It has been 4 weeks since sending this email without a reply, looking at the webpage nothing has been added to since 28th April this year, if you do reply within the next 7 days we will have no alternative but to submit an appeal under non determination.

Regards

john bol  
b3a

**From:** john bol <[REDACTED]>  
**Subject:** Re: 6033 SEPA response to query PLANNING APPLICATION REF. <21/02691/PP> Land West of Stratholm, Clachan, Tarbert, Argyll and Bute [OFFICIAL]  
**Date:** 8 September 2022 at 08:24:17 BST  
**To:** "Antwi, Tiwaah P" <TiwaahP.Antwi@argyll-bute.gov.uk>  
**Cc:** Planning SW <[REDACTED]>, "Rozy.Shepherd" <[REDACTED]>

Further to our previous email regarding the proposed flood risk assessment, the applicant has recently receiving quotations and timescales from Engineering consultancies throughout Scotland to provide the flood risk assessment and associated modelling requested by Argyll and Bute Council and SEPA. The applicant has decided that he cannot justify this added expense, especially as there is no guarantee after paying out many thousands of pounds for this work that the application will be granted and in light of the fact that we cannot get a 1 in 200 year flood level from the council's own modelling and therefore this is seen as a risky venture for them.

They are disappointed at this situation as this was going to be their family home and the construction of the building would bring much needed work into the area and benefit to the local economy, but they have tried to accommodate the requirements as much as possible by locating the house as far as possible away from any potential risks but to no avail.

Therefor we will not be able to provide a flood risk assessment, as this is not feasible as stated previously as no information was forthcoming in relation to 1:200 year flood levels and subsequent flood modelling due to a non-

verified photograph taken by an objector in 2018.

Therefore can you please determine the application as you see fit and the applicant can decide on their next steps.

Regards

john bol  
b3a

On 12 Aug 2022, at 07:27, Antwi, Tiwaah P <[TiwaahP.Antwi@argyll-bute.gov.uk](mailto:TiwaahP.Antwi@argyll-bute.gov.uk)> wrote:

**Classification: OFFICIAL**

Good morning John,

Thanks for the update. I shall update the file and await submission of the FRA.

Kind regards,

Tiwaah Antwi  
Planning Officer (MAKI)  
Development Management  
Development and Economic Growth  
Argyll and Bute Council.

01546604035  
[tiwaahp.antwi@argyll-bute.gov.uk](mailto:tiwaahp.antwi@argyll-bute.gov.uk)  
[www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

<image001.png>

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**From:** john bol <[REDACTED]>  
**Sent:** 11 August 2022 15:54  
**To:** Planning SW <[REDACTED]>  
**Cc:** Rozy.Shepherd <[REDACTED]>; Antwi, Tiwaah P <[TiwaahP.Antwi@argyll-bute.gov.uk](mailto:TiwaahP.Antwi@argyll-bute.gov.uk)>  
**Subject:** Re: 6033 SEPA response to query PLANNING APPLICATION REF. 21/02691/PP Land West of Stratholm, Clachan, Tarbert, Argyll and Bute

We are in the process of organising an FRA, we will let you know the dates when we have them.

Regards

john bol  
b3a

On 11 Aug 2022, at 10:51, Planning SW <[REDACTED]> wrote:

**OFFICIAL**

Dear Mr Bol

Thank you for your email. Unfortunately, the additional information supplied remains insufficient for us to withdraw our objection. Our reasoning is as follows:

It is the responsibility of the applicant to demonstrate that the site is not at risk and to provide the relevant supporting information. It is therefore for the applicant to contact Argyll and Bute Council (or JBA Consulting, who work with the council to provide flood risk support) in order to obtain the flood levels for the site from the Clachan Burn and to demonstrate with topographic information and an appropriate site layout that no development will take place below this level. SEPA do not hold a copy of the Clachan Burn study, so are unable to provide this information.

With regards to the small watercourse, we remain of the opinion that this source could present a risk of flooding to the site and we require a flood risk assessment to be undertaken as detailed in our previous responses.

If you have any further queries, please contact me by email via [REDACTED]

Kind regards

Peter Minting  
SEPA Planning Officer

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OFFICIAL

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**From:** john bol <[REDACTED]>  
**Sent:** 28 July 2022 09:04  
**To:** Planning SW <[REDACTED]>  
**Cc:** Rozy.Shepherd <[REDACTED]>; Antwi, Tiwaah P <[TiwaahP.Antwi@argyll-bute.gov.uk](mailto:TiwaahP.Antwi@argyll-bute.gov.uk)>  
**Subject:** Re: 5707 SEPA response to query PLANNING APPLICATION REF. 21/02691/PP Land West of Stratholm, Clachan, Tarbert, Argyll and Bute

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On 12 Jul 2022, at 10:56, Planning SW <[REDACTED]> wrote:

Peter,

Many thanks for your reply in relation to this planning application and apologies for the late reply but I was waiting on a reply from JBA Consulting.

In conversation with JBA Consulting it was agreed that the finished floor level of the proposed dwelling was above the 1 in 200 year flood level ( although I am still unaware what this level is ?) confirmed by SEPA in their letter dated 14th October 2019 and within the planning refusal documents within application 18/02686/PP, and that the main concern was the flooding from the small watercourse, which was shown in a series of photographs within a previous application.

After downloading these photographs, it does show the watercourse overflowing, but there is no evidence to indicate when this event occurred and is not backed up with an independent observation. Unfortunately this evidence is from an objector to the development and therefore has an interest in the application being refused. The objector does not stipulate when these photographs were taken only that they were taken from the neighbouring property and it should be noted that in one of the photographs the gate has been opened for some reason with what seems to be a timber runner to the bottom of the gate which could be diverting the water into the roadway ( comparison of the water flow with and without the gate being opened) and not to the South of the site as quoted within the objectors report ? There is also an unknown timber structure within our site which my client is unaware of. Therefore without any independent reporting and transparency these photographs do not provide sufficient evidence as this incident was not even reported within the Clachan Flood Study in 2019 or in any newspaper articles. It should also be noted that this objector has not filed his objection to this planning application.

As there is no documentary evidence for the overflowing, for instance our client has been informed this may have been due to a tree falling and blocking the watercourse and subsequently diverting the water flow ?

We have also gone through the correspondence from previous applications and note that SEPA as recently as 14th October 2019 had no objection to flood risk on the site ,so it can only be the evidence of the photographs mentioned above which has forced a change of mind.

We would be grateful if as you suggested Argyll & Bute Council can confirm the 1 in 200 flood level as a flood risk conclusion cannot be finalised without this information and that the photographic evidence is not sufficient to warrant further investigations. I am assuming that the two photographs are the only pieces of evidence as JBA Consulting could only provide a link to these photographs within the planning portal.

In conclusion can it be confirmed that the level of the development is above the 1 in 200 year level, and that the flooding to the small watercourse is inconclusive as it is not supported by independent evidence.

We have enclosed two photographs of the watercourse in normal flow and it would seem that in forming the access gate to Stratholm the banking to the watercourse has been removed to achieve this access which could result in overflowing in storm conditions, so my client has suggested we remove the gate and replace with a fence and reinstate the banking.

Regards

john bol



<image001.jpg><image002.jpg><image003.jpg>

OFFICIAL

Dear Mr Bol

Thank you for your email. I have consulted my colleagues in SEPA's Flood Risk Hydrology team, who have made some general points and answered your (in bold) questions as follows:

SEPA's flood risk advice considers the risk to the site as a whole, as defined by the red line boundary, and not just the area of the development shown in the site plan. When an application is for planning in principle, the site layout is often not fixed and in such cases, planning conditions can be applied to determine which parts of the site are, or are not, suitable for development. Such conditions would be informed by additional information such as a flood risk assessment.

**The outline of the dwelling is outwith the SEPA flood zone as indicated on your floodzone maps. This was accepted at registration of the planning application, so we have to assume this was the case as no Flood Risk Assessment was required for the recent extension to the neighbouring property which is on a similar level and distance from water courses.**

The SEPA Flood maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. In this area, there has been no site-specific data used within the assessment and a consistent, nationally-applied methodology using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land has been applied.

Although the location proposed for the dwelling (based on the Site Layout) is outwith the flood extent of the SEPA Flood Map, the lower part of the site is within an area shown to be at risk of flooding from the Clachan Burn. It is therefore not clear if the proposed land raising would encroach on the functional flood plain. This would not be acceptable under the requirements of Scottish Planning Policy.

The SEPA Flood Maps do not include small watercourses with catchments less than 3km<sup>2</sup>, such as the small watercourse to the east of the site. Therefore, flood extents will not appear on the map for these and in such situations, additional flood risk information is often required.

Small watercourses are often poorly understood with respect to the severity of the flood hazard that can be generated on a catchment of this scale and they can still cause serious flooding. You can view the SEPA Flood Maps and find out more about them at [Flood Maps | SEPA - Flood Maps | SEPA](#).

**There is mention within your statement of a Flood Risk Assessment from a previous application, this flood risk assessment does not relate to this application as the design is fundamentally different, the same applies to photographs quoted, we or our client do not have access to such photographs or hard evidence of what they are.**

The previous application and supporting documents, including the flood risk assessment, are publicly available on the Argyll and Bute planning portal and can be viewed at [Simple Search \(argyll-bute.gov.uk\)](#) by searching for reference 19/01738/PP.

Although the site layout for the previous application may have been different, the site boundary is the same and the purpose of the flood risk assessment is to assess risk to the site, as defined by the red line boundary.

The Contributor Response dated 07/10/2019 on the planning portal associated with the previous planning application includes photographs of high flows coming out of bank from the small watercourse along the east boundary of the site. The additional information in Section 8 of the document states the flood water has flowed across the application site on several occasions. This demonstrates that there is a risk of flooding from this source and as such, further information must be provided to show how this risk impacts the site and to inform any areas where development must be avoided.

We have attached the FRA and Contributor Response for ease of reference but note that there are additional documents available online.

**The statement in regard to the temporary caravans, within the design and access statement and the drawings, we specifically stated that the caravans are temporary and to be removed after construction of the dwelling, is there a reason why you have presumed they will be a permanent feature ?**

SEPA has not assumed that the caravans are permanent, however has set out this position for clarity if the situation were to change in the future.

**It would be helpful if you could confirm the required floor levels for the 1:200 year flood level plus the allowance for the updated climate change to compare with our finished floor level.**

We understand that Argyll and Bute council have undertaken a flood study for the Clachan Burn. As such, they should be contacted to obtain the relevant 200-year flood level for the Clachan Burn at the site. This level can then be used to inform any planning conditions which may be required. For clarity, we would object to any land raising within the functional flood plain i.e. on existing ground levels below the 200-year flood level.

With regards to the small watercourse, as a flood risk assessment is yet to be undertaken, we are not aware of the 200-year level, flood extent or flow pathways for this source. As such, a detailed Flood Risk Assessment is required to be undertaken by a qualified professional. As noted in our previous response, the flood risk assessment (FRA) should assess the risk of flooding from this watercourse with consideration of any backwater effect from the confluence with the Clachan Burn as well as blockage to any existing structures, such as where the watercourse passes under the track at the north-east corner of the site. As the flood records indicate flooding may be instigated at the north-east corner of the site, any FRA would need to extend far enough upstream to ensure the best representation of the flood risk at the site and should also consider the influence of the track with regards to flow pathways and where flood waters may enter into the site if diverted along the track along the north of the site.

I hope this information is useful. If you have any further queries, please contact me by email via [REDACTED]  
(The use of a general email address allows us to manage work when staff are on leave, as I was last week).

Kind regards

Peter Minting  
SEPA Planning Officer

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OFFICIAL

---

**From:** john bol <[REDACTED]>  
**Sent:** 26 June 2022 17:30  
**To:** Planning SW <[REDACTED]>  
**Subject:** PLANNING APPLICATION REF. 21/02691/PP Land West of Stratholm, Clachan, Tarbert, Argyll and Bute

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Dear Sir/Madam,

I asked the planning officer dealing with the above application for a contact with in SEPA who is dealing with this project but unfortunately they have only supplied a general email address.

In regard to your statement, the design and access statement issued with the application stated " It has been assumed that a Flood Risk Assessment is not applicable for this application as the finished floor level of the proposed dwelling is over 5m above the mean level of the watercourse and approximately 24m from the burn running North to South in close proximity to the Eastern boundary. If flooding is to occur to the dwelling the water level would be above all the rooftops within the village, and common sense would dictate that this is not a feasibility.

The outline of the dwelling is outwith the SEPA flood zone as indicated on your floodzone maps. This was accepted at registration of the planning application, so we have to assume this was the case as no Flood Risk Assessment was required for the recent extension to the neighbouring property which is on a similar level and distance from water courses. There is mention within your statement of a Flood Risk Assessment from a previous application, this flood risk assessment does not relate

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It would be helpful if you could confirm the required floor levels for the 1:200 year flood level plus the allowance for the updated climate change to compare with our finished floor level.

If possible could we have a discussion to find a way forward with this application ?

Regards

john bol  
b3a



<Contributor Response 19\_01738\_PP.pdf><FRA 19\_01738\_PP.pdf>

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**From:** john bol [REDACTED]  
**Subject:** Re: 6033 SEPA response to query PLANNING APPLICATION REF. 21/02691/PP Land West of Stratholm, Clachan, Tarbert, Argyll and Bute  
**Date:** 11 August 2022 at 15:53  
**To:** Planning SW [REDACTED]  
**Cc:** Rozy.Shepherd [REDACTED], Antwi, Tiwaah P TiwaahP.Antwi@argyll-bute.gov.uk



We are in the process of organising an FRA, we will let you know the dates when we have them.

Regards

john bol  
b3a

On 11 Aug 2022, at 10:51, Planning SW [REDACTED] wrote:

OFFICIAL

Dear Mr Bol

Thank you for your email. Unfortunately, the additional information supplied remains insufficient for us to withdraw our objection. Our reasoning is as follows:

It is the responsibility of the applicant to demonstrate that the site is not at risk and to provide the relevant supporting information. It is therefore for the applicant to contact Argyll and Bute Council (or JBA Consulting, who work with the council to provide flood risk support) in order to obtain the levels for the site from the Clachan Burn and to demonstrate with topographic information and an appropriate site layout that no development will take place below this level. SEPA do not hold a copy of the Clachan Burn study, so are unable to provide this information.

With regards to the small watercourse, we remain of the opinion that this source could present a risk of flooding to the site and we require a flood risk assessment to be undertaken as detailed in our previous responses.

If you have any further queries, please contact me by email via [REDACTED]

Kind regards

Peter Minting  
SEPA Planning Officer

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OFFICIAL

**From:** john bol [REDACTED]  
**Sent:** 28 July 2022, 09:04  
**To:** Planning SW [REDACTED]  
**Cc:** Rozy.Shepherd [REDACTED]; Antwi, Tiwaah P <[TiwaahP.Antwi@argyll-bute.gov.uk](mailto:TiwaahP.Antwi@argyll-bute.gov.uk)>  
**Subject:** Re: 5707 SEPA response to query PLANNING APPLICATION REF. 21/02691/PP Land West of Stratholm, Clachan, Tarbert, Argyll and Bute

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On 12 Jul 2022, at 10:56, Planning SW [REDACTED] wrote:

Peter,

Many thanks for your reply in relation to this planning application and apologies for the late reply but I was waiting on a reply from JBA Consulting.

In conversation with JBA Consulting it was agreed that the finished floor level of the proposed dwelling was above the 1 in 200 year flood level (although I am still unaware what this level is?) confirmed by SEPA in their letter dated 14th October 2019 and within the planning refusal documents v application18/02686/PP, and that the main concern was the flooding from the small watercourse, which was shown in a series of photographs within a previous application.

After downloading these photographs, it does show the watercourse overflowing, but there is no evidence to indicate when this event occurred and is not backed up with an independent observation. Unfortunately this evidence is from an objector to the development and therefore has an interest in the application being refused. The objector does not stipulate when these photographs were taken only that they were taken from the neighbouring property and it should be noted that in one of the photographs the gate has been opened for some reason with what seems to be a timber runner to the gate which could be diverting the water into the roadway (comparison of the water flow with and without the gate being opened) and not to the South of the site as quoted within the objectors report? There is also an unknown timber structure within our site which my client is unaware of. Therefore without any independent reporting and transparency these photographs do not provide sufficient evidence as this incident was not even reported within the Clachan Flood Study in 2019 or in any newspaper articles. It should also be noted that this objector has not filed his objection to the planning application.

As there is no documentary evidence for the overflowing, for instance our client has been informed this may have been due to a tree falling and blocking the watercourse and subsequently diverting the water flow?

We have also gone through the correspondence from previous applications and note that SEPA as recently as 14th October 2019 had no objection to flood risk on the site, so it can only be the evidence of the photographs mentioned above which has forced a change of mind.

We would be grateful if as you suggested Argyll & Bute Council can confirm the 1 in 200 flood level as a flood risk conclusion cannot be finalised without this information and that the photographic evidence is not sufficient to warrant further investigations. I am assuming that the two photographs only pieces of evidence as JBA Consulting could only provide a link to these photographs within the planning portal.

In conclusion can it be confirmed that the level of the development is above the 1 in 200 year level, and that the flooding to the small watercourse is inconclusive as it is not supported by independent evidence.

We have enclosed two photographs of the watercourse in normal flow and it would seem that in forming the access gate to Stratholm the banking to the watercourse has been removed to achieve this access which could result in overflowing in storm conditions, so my client has suggested we reinstate the gate and replace with a fence and reinstate the banking.

Regards

john bol  
b3a

<image001.jpg><image002.jpg><image003.jpg>

OFFICIAL

Dear Mr Bol

Thank you for your email. I have consulted my colleagues in SEPA's Flood Risk Hydrology team, who have made some general points and answered your (in bold) questions as follows:

SEPA's flood risk advice considers the risk to the site as a whole, as defined by the red line boundary, and not just the area of the development shown in the site plan. When an application is for planning in principle, the site layout is often not fixed and in such cases, planning conditions can be applied to determine which parts of the site are, or are not, suitable for development. Such conditions would be informed by additional information such as a flood risk assessment.

**The outline of the dwelling is outwith the SEPA flood zone as indicated on your floodzone maps. This was accepted at registration of the planning application, so we have to assume this was the case as no Flood Risk Assessment was required for the recent extension to the neighbouring property which is on a similar level and distance from water courses.**

The SEPA Flood maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. In this area, there has been no site-specific data used within the assessment and a consistent, nationally-applied methodology using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land has been applied.

Although the location proposed for the dwelling (based on the Site Layout) is outwith the flood extent of the SEPA Flood Map, the lower part of the site is within an area shown to be at risk of flooding from the Clachan Burn. It is therefore not clear if the proposed land raising would encroach on the functional flood plain. This would not be acceptable under the requirements of Scottish Planning Policy.

The SEPA Flood Maps do not include small watercourses with catchments less than 3km<sup>2</sup>, such as the small watercourse to the east of the site. Therefore, flood extents will not appear on the map for these and in such situations, additional flood risk information is often required. Small watercourses are often poorly understood with respect to the severity of the flood hazard that can be generated on a catchment of this scale and they can still cause serious flooding. You can view the SEPA Flood Maps and find out more about them at [Flood Maps | SEPA - Flood Maps | SEPA](#).

**There is mention within your statement of a Flood Risk Assessment from a previous application, this flood risk assessment does not relate to this application as the design is fundamentally different, the same applies to photographs quoted, we or our client do not have access to such photographs or hard evidence of what they are.**

The previous application and supporting documents, including the flood risk assessment, are publicly available on the Argyll and Bute planning portal and can be viewed at [Simple Search \(argyll-bute.gov.uk\)](#) by searching for reference 19/01738/PP.

Although the site layout for the previous application may have been different, the site boundary is the same and the purpose of the flood risk assessment is to assess risk to the site, as defined by the red line boundary.

The Contributor Response dated 07/10/2019 on the planning portal associated with the previous planning application includes photographs of high flows coming out of bank from the small watercourse along the east boundary of the site. The additional information in Section 8 of the document states the flood water has flowed across the application site on several occasions. This demonstrates that there is a risk of flooding from this source and as such, further information must be provided to show how this risk impacts the site and to inform any areas where development must be avoided.

We have attached the FRA and Contributor Response for ease of reference but note that there are additional documents available online.

**The statement in regard to the temporary caravans, within the design and access statement and the drawings, we specifically stated that the caravans are temporary and to be removed after construction of the dwelling, is there a reason why you have presumed they will be a permanent feature?**

SEPA has not assumed that the caravans are permanent, however has set out this position for clarity if the situation were to change in the future.

**It would be helpful if you could confirm the required floor levels for the 1:200 year flood level plus the allowance for the updated climate change to compare with our finished floor level.**

We understand that Argyll and Bute Council have undertaken a flood study for the Clachan Burn. As such, they should be contacted to obtain the relevant 200-year flood level for the Clachan Burn at the site. This level can then be used to inform any planning conditions which may be required. For clarity, we would object to any land raising within the functional flood plain i.e. on existing ground levels below the 200-year flood level.

With regards to the small watercourse, as a flood risk assessment is yet to be undertaken, we are not aware of the 200-year level, flood extent or flow pathways for this source. As such, a detailed Flood Risk Assessment is required to be undertaken by a qualified professional. As noted in our previous response, the flood risk assessment (FRA) should assess the risk of flooding from this watercourse with consideration of any backwater effect from the confluence with the Clachan Burn as well as blockage to any existing structures, such as where the watercourse passes under the track at the north-east corner of the site.

As the flood records indicate flooding may be instigated at the north-east corner of the site, any FRA would need to extend far enough upstream to ensure the best representation of the flood risk at the site and should also consider the influence of the track with regards to flow pathways where flood waters may enter into the site if diverted along the track along the north of the site.

I hope this information is useful. If you have any further queries, please contact me by email via [REDACTED] (The use of a general email address allows us to manage work when staff are on leave, as I was last week).  
Kind regards

Peter Minting  
SEPA Planning Officer

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From: John Bol [redacted]  
Sent: 26 June 2022 17:30  
To: Planning SW <[planning.sw@sepa.org.uk](mailto:planning.sw@sepa.org.uk)>  
Subject: PLANNING APPLICATION REF. 21/02691/PP Land West of Stratholm, Clachan, Tarbert, Argyll and Bute

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Dear Sir/Madam,

I asked the planning officer dealing with the above application for a contact with in SEPA who is dealing with this project but unfortunately they have only supplied a general email address.

In regard to your statement, the design and access statement issued with the application stated " It has been assumed that a Flood Risk Assessment is not applicable for this application as the finished floor level of the proposed dwelling is over 5m above the mean level of the watercourse and approximately 24m from the burn running North to South in close proximity to the Eastern boundary. If flooding is to occur to the dwelling the water level would be above all the rooftops within the village, and common sense would dictate that this is not a feasibility.

The outline of the dwelling is outwith the SEPA flood zone as indicated on your floodzone maps. This was accepted at registration of the planning application, so we have to assume this was the case as no Flood Risk Assessment was required for the recent extension to the neighbouring property which is on a similar level and distance from water courses. There is mention within your statement of a Flood Risk Assessment from a previous application, this flood risk assessment does not relate to this application as the design is fundamentally different, the same applies to photographs quoted, we or our client do not have access to such photographs or hard evidence of what they are.

The statement in regard to the temporary caravans, within the design and access statement and the drawings, we specifically stated that the caravans are temporary and to be removed after construction of the dwelling, is there a reason why you have presumed they will be a permanent feature ?

It would be helpful if you could confirm the required floor levels for the 1:200 year flood level plus the allowance for the updated climate change to compare with our finished floor level.

If possible could we have a discussion to find a way forward with this application ?

Regards

John Bol  
b3a

[redacted]

<Contributor Response 19\_01738\_PP.pdf><FRA 19\_01738\_PP.pdf>

**From:** Rozy Shepherd [REDACTED]  
**Subject:** RE: Application 21/02691/PP: photographs referenced in Flood Risk Observations (dated 25 Feb 2022)  
**Date:** 29 July 2022 at 15:05  
**To:** [REDACTED]  
**Cc:** Antwi, Tiwaah P <TiwaahP.Antwi@argyll-bute.gov.uk>, David Cameron [REDACTED]

RS

Hi John,

An FRA would still be required for this application, and the increased embankment / bund would also need to be included in the FRA if you wish to construct this, as a bund could also result in reducing floodplain storage/increasing downstream flood risk. Also, as it's not a formal Flood Protection Scheme, its unlikely to be acceptable to SEPA.

Kind regards,

Rozy

**Rozy Shepherd**  
Analyst | JBA Consulting

---

**From:** [REDACTED]  
**Sent:** 27 July 2022 16:33  
**To:** Rozy Shepherd <[REDACTED]>  
**Cc:** Antwi, Tiwaah P <TiwaahP.Antwi@argyll-bute.gov.uk>  
**Subject:** Re: Application 21/02691/PP: photographs referenced in Flood Risk Observations (dated 25 Feb 2022)

Rozy,

Thank you for your reply, I appreciate that we have to submit any further details to the planning department, but if we could establish that the reinstatement of a banking to the burn as suggested in my last email, would in principle, be acceptable, it would remove an elongated consultation were we are trying to guess what is acceptable as the planning officer did initially refer me to you rather than the planning department contact you directly.

regards

john bol  
b3a

On 27 Jul 2022, at 15:59, Rozy Shepherd <[REDACTED]> wrote:

Hi John,

Apologies for my delay in getting back to you. Regarding your email below, the photographs were taken at a flood event in 2012. The cause of the flood event does not change our position regarding flood risk at the site, and as such an FRA would still be required (we note also that SEPA have requested one).

Regarding your second paragraph below, we have been asked by Argyll and Bute Council that new material is submitted through planning rather than directly to us. Please can any new submissions be made via planning and any calls related would need to be arranged with the planning officer.

Kind regards,

Rozy

**Rozy Shepherd**  
Analyst | JBA Consulting

---

**From:** [REDACTED]  
**Sent:** 18 July 2022 15:24  
**To:** Rozy Shepherd <[REDACTED]>  
**Cc:** Antwi, Tiwaah P <TiwaahP.Antwi@argyll-bute.gov.uk>  
**Subject:** Re: Application 21/02691/PP: photographs referenced in Flood Risk Observations (dated 25 Feb 2022)

Rozy,

Many thanks for the email, and I managed to download the photos and forward them to the client for comment, unfortunately they have been on holiday but back yesterday. Do we know when these photographs were taken and what the circumstances were, as the applicant has been informed that this may have been due to a tree falling further up stream and the water being diverted ?

But the applicant has suggested the following, that the existing gate be removed and replaced with fencing and form an increased embankment on the West side of the burn ( presumably as it was before the formation of the access to the gate) to minimise any spillage on to their land. The photograph seems to show a low level of water where the caravan is presently situated, but it should be borne in mind that the house will be situated well beyond this point at 25m from the burn.

I will call at some point tomorrow to discuss the above .

Regards

john bol  
b3a

On 4 Jul 2022, at 13:48, Rozy Shepherd <[REDACTED]> wrote:

Dear John,

Following your call last week in relation to application 21/02691/PP, the photographs that were referenced in our Flood Risk Observations dated 25 February 2022 are located on application number 18/02686/PP on the Argyll and Bute planning portal. The photos are included with the objection from Nigel Stewart, dated 16 April 2019 and are of flooding in 2012 from the small burn on site. Our main reasoning for asking for an FRA is because of this small watercourse along the eastern side of the site that caused flooding to the site in 2012.

Kind regards,

Rozy

**Rozy Shepherd**  
Analyst | JBA Consulting

**JBA Consulting, The Library, St. Philip's Courtyard, Church Hill, Coleshill, Warwickshire, B46 3AD.**  
**Telephone:** [REDACTED]

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**From:** Planning SW [REDACTED]<sup>k</sup>  
**Subject:** Automatic reply: PLANNING APPLICATION REF. 21/02691/PP Land West of Stratholm, Clachan, Tarbert, Argyll and Bute  
**Date:** 26 June 2022 at 17:29  
**To:** john bol [REDACTED]

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Kind regards,

Planning Service South West

SEPA

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From: Antwi, Tiwaah P TiwaahP.Antwi@argyll-bute.gov.uk  
Subject: Application <21/02691/PP> [OFFICIAL]  
Date: 24 June 2022 at 11:47  
To: [REDACTED]

TA

**Classification: OFFICIAL**

Hi John,

Following our discussion this morning, I can confirm we do not have a direct email for a SEPA rep in relation to the above. However, as mentioned earlier Peter Minting is the Case Officer on the consultation and the email we have for him is the generic one [REDACTED]. David Cameron our internal Flood Risk consultant can be reached on [REDACTED].

I shall separately contact them at them as well.

Kind regards,

Tiwaah Antwi  
Planning Officer (MAKI)  
Development Management  
Development and Economic Growth  
Argyll and Bute Council.

01546604035  
[tiwaahp.antwi@argyll-bute.gov.uk](mailto:tiwaahp.antwi@argyll-bute.gov.uk)  
[www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)



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**From:** [REDACTED]  
**Subject:** Re: RE Form submission from: Planning enquiries <21/02691/PP> [OFFICIAL]  
**Date:** 5 May 2022 at 11:25  
**To:** Antwi, Tiwaah P <TiwaahP.Antwi@argyll-bute.gov.uk>



Reply to your letter dated 28th April 2022.

regards

john bol  
b3a



Clachan Plann  
let 040522.pdf

On 28 Apr 2022, at 15:07, Antwi, Tiwaah P <TiwaahP.Antwi@argyll-bute.gov.uk> wrote:

Classification: OFFICIAL

Hi John,

It was nice speaking to you on the above application regarding the outstanding concerns from both SEPA and the Council's Flood Risk officer. See attached requesting for additional details to address the concerns raised and as discussed, should you wish to directly contact the officers involved, their details would be on the consultee responses made publicly available online.

I hope this finds you well and look forward to hear from you soon.

Kind regards,

Tiwaah P Antwi  
Planning Officer (MAKI)  
Development Management  
Development and Economic Growth  
Argyll & Bute Council.

01546 604035  
[tiwaahp.antwi@argyll-bute.gov.uk](mailto:tiwaahp.antwi@argyll-bute.gov.uk)  
[www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

-----Original Message-----

From: maki, planning <planning.maki@argyll-bute.gov.uk>  
Sent: 25 April 2022 09:10  
To: Antwi, Tiwaah P <TiwaahP.Antwi@argyll-bute.gov.uk>  
Subject: FW: Form submission from: Planning enquiries - 21/02691/PP [OFFICIAL]

Classification: OFFICIAL

-----Original Message-----

From: Argyll and Bute Council via Argyll and Bute Council <website@argyll-bute.gov.uk>  
Sent: 25 April 2022 09:06  
To: maki, planning <planning.maki@argyll-bute.gov.uk>  
Subject: Form submission from: Planning enquiries - 21/02691/PP

Submitted on Monday, 25 April, 2022 - 09:05 Submitted by anonymous user: 10.22.2.55 Submitted values are:

==Your details==

Name: john bol  
Email address: [REDACTED]  
Telephone number: 07511691757  
Address: Land West Of Strathholm Clachan Tarbert Argyll And Bute  
Location: Mid Argyll, Kintyre and Islay

Enquiry: planning application ref 21/02691/PP, this application was due for a decision on 9th April, I have previously emailed asking when the planning officer will make comments in regard to design and comments etc and also telephoned and was informed I would receive a call back but nothing as yet. we have not received a letter asking for an extension to the time period allowed for a decision, so could you please inform me when it is likely someone will be in contact. regards. john bol b3a

The results of this submission may be viewed at:  
<https://www.argyll-bute.gov.uk/node/51198/submission/130513>

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