

Moray Council
Legal and Democratic Services
Council Offices
High Street
Elgin
IV30 1BX

Our Ref: CAS/SD 654/0611/F

20th March, 2015

Dear Mr Westmacott,

Your Ref: 14/01773/APP Erect single storey dwelling, formation of access driveway and associated landscaping works on Site to South East of Orchard House, Spey Street, Garmouth

I agree with Moyra Welsh's thoughts in the penultimate paragraph of her 26th February 2015 letter about avoiding going "on and on picking holes" and in this context I will limit my response appropriately addressing it largely to MCFRM and SEPA.

Moray Council Flood Risk Management

It was the Chairman of the Garmouth and Kingston Amenities Association, in his Community Representation to Moray Council of the 28th December 2011 that stated "the actual site of the proposed dwelling, whether on stilts or not does not actually flood". Furthermore Segur of MCFRM last year considered that "the site in question is at the edge of the functional flood plain" – at the edge, not in it." I am simply founding on these statements.

If MCFRM consider that SEPAS's flood risk maps are "not to be relied upon", what else have they got to be using as an instrument of judgment. In my experience, it is these maps that rolled out to vet and challenge Planning Applications. It's a two way street and everybody should be able to found upon these documents whose compilation has been funded by the public purse.

Speaking of which – what happened to the "Flood Scheme for Garmouth" which was an undertaking of the 2008 Moray Local Plan. If Moray Council's corporate resources cant produce such an assessment in 7 years how can it be reasonable to require it of an individual one off house which floats above floods anyway. I put it to MCFRM that its virtually impossible to prepare an assessment that would be of any assured consequence as there are so many unknowns and variables at work individually and collectively that consensus conclusions are not achievable. This is probably why no "Flood Scheme for Garmouth" has materialized to date.

Amphibious structures achieve parallel compatibility with all potential flooding challenges. That's not an assessment; it's a fact of physics with thanks to Mr Archimedes.

Scottish Environmental Protection Agency

To suggest that my Flood Risk Assessment supporting the application is not robust seems rather incongruous given SEPA admit their flood risk maps are not accurate despite their use as a front line filter for Planning Applications.

There is no denying that parts of the site and the access are affected by fluvial water in adverse weather conditions. Similarly, it is recognised that parts of the site act as a temporary reservoir for passive water at times when the Spey is in flood.

Mention is made of a site meeting to discuss the risk of flooding but the author of the latest SEPA review was not in attendance when we did agree on the 11th July, 2014 that the part of the site which was within the functional flood plain should be classified as a "medium risk" area ie not low and not high. We also agreed that water washing over the proposed driveway to the amphibious house in the event of any flooding would not be overly concerning to SEPA due to the house being able to rise above water level and accessible via an alternative ascending dry route up Mill Lane.

With there being a long family ownership, I have worked and walked on the site over the last 50 years and there has never been a time when one couldn't get about in wellingtons with any fear of them being overtopped. My wellingtons are 400mm high. Contrary to SEPA's suggestions, the area around the Garmouth Public Hall is most certainly adversely affected by flood water not getting away at high tide as the river water can't get out and it backs up into passive storage areas until high tides pass.

I repeat my contention that SEPA are either unable or unwilling to recognize that times are moving on from their comfort zones of convenient legislative embargos to developments on flood susceptible areas. The solution has always been there, even from biblical times, but in recent times our European cousins have given a more contemporary context to the concept of amphibious homes.

My family has owned the application site for over 50 years, long before the adjacent orchard was developed with the 3 storey imposing Orchard House and the Cottage was extended to double its size. Sequentially, these fixed structures must have an impact on the hydrology of the area because of their inability to offer their original footprint areas back for natural flood storage, being non-amphibious structures.

In 1996 we helped Garmouth & Kingston Golf Club's reconsolidation, after the floods downstream ripped away fairways and greens. They acquired most of our hall park with the exception of the application site which we retained for a "retirement location". The Club and ourselves would not have gone to such lengths had we not both considered the location

suitable for investment. This is supported by its inclusion within the Garmouth settlement boundary of the current 2008 Moray Local Plan and by Scottish Water's authorization of a sewer connection for my new house.

With regards to the proposed new point of access at the Hall, road safety is not an issue, as confirmed by the Council, and I will work with all interested parties regarding integration of existing drainage features. I would have no difficulties in increasing the cross sectional size of the proposed culvert under the new driveway to match that of the existing water course trench. I also would have no difficulty in offering the use of this safer point of access, without financial burdens to the Cottage and the Orchard House in view of the Council's concerns regarding the "blindness" of their existing unsafe access to Spey Street.

I would be grateful if you would include this response to representations with the papers being made available to the Local Review Panel.

Yours sincerely,

Cyril Smith
for futureplans