

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 20 SEPTEMBER 2005

**05/0294/LA: PROPOSED FLOOD PREVENTION SCHEME WITH NEW
ALTERATIONS TO THE RIVER IRVINE AND BURN ANNE EMBANKMENT
WALLS, CONSTRUCTION OF FLOOD ATTENUATION AREAS AND
ASSOCIATED EMBANKMENTS
AT
VARIOUS SITES AROUND THE RIVER IRVINE AND BURN ANNE,
GALSTON BY EAST AYRSHIRE COUNCIL ROADS AND
TRANSPORTATION DIVISION**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposed development is required to protect the settlement of Galston from potential flooding from the River Irvine, the Burn Anne and the Gaughland Burn. The proposal involves four distinct areas of flood prevention works. These are protection to the River Irvine, protection to the Burn Anne tributary, formation of a retention bund at the Gaughland Burn in St Mary's Holm playing field and the formation of a flood retention basin at Moleys and Saugh plantations, Galston.

1.2 Investigations of the flood effects of the proposed scheme has shown that the risk of flooding to Galston in the equivalent of a 1 in 200 year flood event is alleviated and no significant increase in flood risk upstream and downstream of Galston is produced with the scheme in place.

1.3 The protection works to the River Irvine involve the construction of flood defences along the southern bank of the River Irvine between Barrmill Stadium and the A71 road bridge. This will comprise a combination of embankments and sheet piling, as well as the repair and replacement of existing flood walls. Downstream of the A71 Bridge, a combination of floodwalls and raised bunds require to be constructed to the south of the A71 in order to prevent back flow of flooding into Galston. These works would involve the provision of a sheet piled wall adjacent to the A71 from the petrol station on the western approach towards Galston for a distance of approximately 200 metres.

1.4 The works relating to the Burn Anne would require the replacement and improvement of existing flood defence walls along the river banks, from Galston cemetery to the burn's confluence with the River Irvine. In particular a steel trash screen structure would be constructed adjacent to the Public Gardens at Barr Street, to prevent trash build up on the Bridge Street bridge which currently exacerbates flooding in the area. Two fish passages are also proposed on Burn Anne.

1.5 A flood detention basin is proposed on the Gauchalland Burn (a tributary into the Burn Anne) at St Mary's Holm playing field to protect commercial developments in the area and reduce flood flows into the Burn Anne. Due to the natural gradient of the playing fields the retention basin can be formed through the provision of a bund at the eastern end of the site. The existing football pitch in this location will be unaffected by the proposed works.

1.6 To prevent the water being retained within the River Irvine, after the flood prevention walls and bunds are implemented which would flood areas both down and up stream of Galston, offline flood storage is required. Therefore, offline storage is proposed on the north side of the River Irvine at Moleys Plantation and Saugh Plantation opposite Galston. This land adjacent to the river is currently used for grazing. Earth bunds are proposed around this area with an inlet spillway located at the east end, near the A71 Bridge, and outlet pipes at the west end of the field to return water to the river after the flood event has passed.

2. RECOMMENDATION

2.1 It is recommended that a Notice of Intention to Develop be forwarded to the Scottish Ministers in accordance with the development by Planning Authorities Regulations 1981-1984. The proposal is considered to be acceptable subject to further details being agreed with the Head of Planning and Building Control as indicated on the attached sheet.

3. CONCLUSIONS

3.1 As is indicated in Section 5 of the report the application is considered to be in accordance with the development plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

3.2 As indicated in Section 6 there are material considerations relevant to this application these are generally supportive of the proposed development. The proposed works are in accordance with the East Ayrshire Local Plan. The proposed works will help to alleviate the flooding problems caused by the River Irvine within Galston during the equivalent of a 1 in 200 flood event.

Alan Neish
Head of Planning, Development and Building Standards

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 20 SEPTEMBER 2005

05/0294/LA: PROPOSED FLOOD PREVENTION SCHEME WITH NEW ALTERATIONS TO THE RIVER IRVINE AND BURN ANNE EMBANKMENT WALLS, CONSTRUCTION OF FLOOD ATTENUATION AREAS AND ASSOCIATED EMBANKMENTS

AT

VARIOUS SITES AROUND THE RIVER IRVINE AND BURN ANNE, GALSTON BY EAST AYRSHIRE COUNCIL ROADS AND TRANSPORTATION DIVISION

Report by Head of Planning, Development and Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a Notice of Intention to Develop Application under the Town and Country Planning (Scotland) Act 1997 which is to be considered by the Development Services Planning Committee under the scheme of delegation as it requires to be referred to the Scottish Ministers.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site includes the River Irvine at Galston, the Burn Anne tributary (known locally as the Burnawn) through Galston, the southern boundary of the A71 to the west of Galston, the St Mary's Holm playing field, Galston and an area of grazing land to the north-west of Galston referred to as Moleys Plantation and Saugh Plantation.

2.2 **Proposed Development:** The proposed development is required to protect the settlement of Galston from potential flooding from the River Irvine, the Burn Anne and the Gaughland Burn. The proposal involves four distinct areas of flood prevention works. These are protection to the River Irvine, protection to the Burn Anne tributary, formation of a retention bund at the Gaughland Burn in St Mary's Holm playing field and the formation of a flood retention basin at Moleys and Saugh plantations, Galston.

2.3 Investigations of the flood effects of the proposed scheme has shown that the risk of flooding to Galston in the equivalent of a 1 in 200 year flood event is alleviated and no significant increase in flood risk upstream and downstream of Galston is produced with the scheme in place.

2.4 The protection works to the River Irvine involve the construction of flood defences along the southern bank of the River Irvine between Barrmill Stadium and the A71 road bridge. This will comprise a combination of

embankments and sheet piling, as well as the repair and replacement of existing flood walls. Downstream of the A71 Bridge, a combination of floodwalls and raised bunds require to be constructed to the south of the A71 in order to prevent back flow of flooding into Galston. These works would involve the provision of a sheet piled wall adjacent to the A71 from the petrol station on the western approach towards Galston for a distance of approximately 200 metres.

2.5 The works relating to the Burn Anne would require the replacement and improvement of existing flood defence walls along the river banks, from Galston cemetery to the burn's confluence with the River Irvine. In particular a steel trash screen structure would be constructed adjacent to the Public Gardens at Barr Street, to prevent trash build up on the Bridge Street bridge which currently exacerbates flooding in the area. Two fish passages are also proposed on Burn Anne.

2.6 A flood detention basin is proposed on the Gauchalland Burn (a tributary into the Burn Anne) at St Mary's Holm playing field to protect commercial developments in the area and reduce flood flows into the Burn Anne. Due to the natural gradient of the playing fields the retention basin can be formed through the provision of a bund at the eastern end of the site. The existing football pitch in this location will be unaffected by the proposed works.

2.7 To prevent the water being retained within the River Irvine, after the flood prevention walls and bunds are implemented which would flood areas both down and up stream of Galston, offline flood storage is required. Therefore, offline storage is proposed on the north side of the River Irvine at Moleys Plantation and Saugh Plantation opposite Galston. This land adjacent to the river is currently used for grazing. Earth bunds are proposed around this area with an inlet spillway located at the east end, near the A71 Bridge, and outlet pipes at the west end of the field to return water to the river after the flood event has passed.

3. CONSULTATIONS AND ISSUES RAISED

3.1 Historic Scotland has indicated that they are content with the proposals.

Noted.

3.2 Scottish Natural Heritage have indicated no objection to the proposal but would recommend conditions are attached to any grant of consent relating to the timing of construction works in relation to otters and the bird breeding season.

Conditions can be attached to any grant of consent in relation to these matters.

3.3 The Garden History Society have no objection to the proposals.

Noted.

3.4 The Architectural Heritage Society have not responded at the time of writing the report.

Noted.

3.5 Scottish Wildlife Trust has not responded at the time of writing the report.

Noted.

3.6 Scottish Civic Trust have not responded at the time of writing the report.

Noted.

3.7 Scottish Environment Protection Agency have indicated that they are satisfied that all aspects which directly relate to their interests have been addressed through the proposed scheme.

Noted.

3.8 Scottish Water have indicated that if a water main or waste water system is affected, then no building shall be erected over, or in such a way as to interfere with Scottish Water's right of access. The applicant should be advised to contact Scottish Water to ascertain what measures should be taken to protect Scottish Water apparatus.

A note can be attached to any approval relating to this matter.

3.9 Scotland Gas Networks requested further information in relation to the proposal and have not as yet provided an amended response to the proposal.

A note can be attached to any grant of planning consent requiring that the applicant contact Scotland Gas Networks regarding the proposal prior to the commencement of the development.

3.10 East Ayrshire Council's Access Officer has not responded at the time of writing the report.

Noted.

3.11 East Ayrshire Council's Road Division have indicated that the proposal presents no road safety issues.

Noted.

3.12 East Ayrshire Council's Outdoor Services have no objection to the proposal subject to conditions being attached to any grant of planning consent in relation to the provision of a footpath within St Mary's Holm playing field and the maintenance of appropriate drainage to the football pitches at St Mary's Holm and Western Road.

Conditions can be attached to any grant of planning consent in relation to these matters.

3.13 Galston Community Council have not responded at the time of writing the report.

Noted.

3.14 Moscow and Waterside Community Council have not responded at the time of writing the report.

Noted.

3.15 Sports Scotland have indicated that that they have no objection to the proposal however have concerns regarding the frequency of flooding for the St Mary's Holm playing field, a 1 in 2 year event, and that this has not been rectified as part of the flood prevention scheme. They also express concern that the flood prevention scheme does not include protection to the football pitch at the Barrmill Stadium.

The applicant indicates that the proposed scheme would not change the frequency of flooding from the Gauchalland Burn which runs through the St Mary's Holm playing field. The creation of the flood retention bund may result in the area flooding to a greater depth than it currently does, however any flooding would discharge within a day.

It should be noted that the flooding of St. Mary's Holm playing field would only occur during such significant rainfall events that the football pitch in St Mary's Holm would be unplayable anyway. Therefore the proposed flood prevention scheme would not have a detrimental impact on the availability of the pitch.

The football pitches at St Mary's Holm and Barrmill have not been protected as part of the flood prevention scheme as the proposal is required to focus on providing best value from the investment required. Sports pitches do not suffer significant economic damage due to flooding and the additional works necessary to protect the football pitches would not therefore meet best value requirements.

4. REPRESENTATIONS

One letter of objection has been received in relation to this Planning application. It raises the following issues:

4.1 The objector's land, located between the A71 and River Irvine at Galston, was recognised as a residential development site in the previous Kilmarnock and Loudoun Local Plan. The site was allocated for development as a result of the Local Plan Inquiry at that time. In terms of the site its characteristics and its location, it is still considered that this land has effective development opportunities. In this regard, representations have been made to the present local Plan review and various drawings and consultants reports prepared. This also includes advices on NPPG7 (Planning and Flooding) where a technical solution exists to facilitate development on part of this site. Objection is made to this proposal for flood prevention work as it impacts upon land recognised as having development potential.

The area of land referred to by the objector is farm land located outwith the settlement boundary of Galston. The flood inundation maps of Galston within the Environmental Statement indicate that the objector's site would at present be the subject of flooding from the River Irvine in the equivalent of a 1 in 200 year flood event. The post development flood inundation maps of Galston within the Environmental Statement indicate that the site would continue to be affected by flood water from the River Irvine and that the flood prevention scheme would not significantly affect the flooding issues within the objector's site.

It should be noted that the objector's site is not identified within the East Ayrshire Local Plan for development and therefore would not be recognised as having a significant development potential. It is the aim of the flood prevention scheme to reduce the risk of flooding in developed areas, not in areas, which may at some point in the future have the potential to be developed.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (EALP).

Ayrshire Joint Structure Plan Policy

5.2 There are no policies within the Ayrshire Joint Structure Plan relevant to this proposal.

Adopted East Ayrshire Local Plan (EALP)

5.3 Policy ENV 17 of the East Ayrshire Local Plan provides that in areas that are known to have flooded in the past, a precautionary approach to development will be pursued and appropriate flood prevention measures should be incorporated into the design of their proposals so as to remove or reduce to an acceptable minimum, any adverse effects from flooding that may be experienced.

The proposal is likely to pre-empt any possible future need for individual flood prevention proposals by developers and could therefore possibly increase the feasibility of development on land within Galston.

5.4 Policy ENV 4 of the East Ayrshire Local Plan indicates that the Council will seek to ensure that all development within or affecting the setting of a Conservation area or affecting the appearance or setting of a Listed Building, is sympathetic to the area or building concerned in terms of its layout, size, scale, design, siting, materials and colour of finish. Wherever possible all proposals should seek to preserve, enhance or incorporate features which contribute positively to the character or appearance of the area and have due regard to the architectural and historic qualities of the area or building concerned.

The proposed flood prevention works would reduce the flood risk along the Burn Anne within Galston town centre and decrease the likelihood of physical damage to the Outstanding Conservation Area and the Listed Buildings within it.

Many of the proposed flood walls and other works along the Burn Anne would be within the Galston Outstanding Conservation Area. Of particular importance are the views along the Burn Anne from Bridge Street and Church Lane. In order to minimise the visual impact of the flood prevention works within these areas, it is proposed that a condition be attached to any grant of planning permission in relation to the finishing materials to be utilised in these areas. As regards Listed Buildings, it is noted that most of these are not directly affected by the proposals.

5.5 Policy ENV 5 of the East Ayrshire Local Plan the Council will seek to protect, preserve and enhance Historic Gardens and Designed Landscapes.

It is noted that part of the application site impinges on the Loudoun Estate HGDL. However, it is not considered that this incursion would result in any significant detrimental effect on this designated landscape.

5.6 Policy ENV 15 of the East Ayrshire Local Plan the Council will actively seek to preserve and supplement existing broadleaf and native trees throughout East Ayrshire.

The construction of the flood embankments proposed at St Mary's Holm, to the rear of the existing industrial units at Richmond Bridge, may necessitate the removal of two mature trees statutorily protected under Tree Preservation Order No 5/ 1987: St Mary's Holm. A condition can be attached to any grant of planning permission requiring the planting of replacement trees at suitable locations as near as possible to the sites of the trees to be removed.

5.7 Policy IND 4 of the East Ayrshire Local Plan indicates that the Council will specifically reserve sites forming the effective business and industrial land supply.

Proposed flood walls south of the River Irvine at Barrmill Road are within an area safeguarded for industrial use in the Local Plan. However the proposals would not prejudice use of the industrial site, which would in fact benefit from the flood protection works.

5.8 Policy TLR 8 of the East Ayrshire Local Plan presumes against development on those safeguarded areas of public and private recreational or amenity open space as identified on the Local plan maps.

The proposed development while creating a minor reduction in public recreational area at various locations in and around Galston, will protect these areas from flooding therefore maintaining their long term viability. At Barr Street, Galston the existing 2 m high chainlink boundary fence will be replaced with a metal railing with handrail thus the proposed works will result in a significant environmental improvement in this area.

5.9 Policy TLR 9 of the East Ayrshire Local Plan states that development of any sites identified under Policy TLR 8 for uses other than those specified in that policy will be permitted only in exceptional circumstances where such facilities can be enhanced by redevelopment of part of the site and where development would not adversely affect the existing facilities; alternative provision of equal benefit can be made available nearby or there is a clear surplus of such provision.

The proposed development while creating a minor reduction in public recreational area at various locations in and around Galston will protect these areas from flooding therefore maintaining their long term viability.

5.10 Under Proposal PROP 30 the Council will provide a new primary school on land at Western Road, Galston and retain the remainder of the site for playing field usage.

It is considered that the area to which Proposal PROP 30 relates will benefit from the proposed flood prevention scheme.

5.11 Under Policy RES 1 the Council will encourage and support the residential development of those Development Opportunity Sites identified for housing purposes on the individual Local Plan maps.

Two potential housing sites in Galston identified under Policy RES 1 (Site 109H, Gateside Road and Site 108H, Barr Street) are affected by the proposals. However it is considered that the proposed flood prevention scheme will have a positive impact on the development sites.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are Scottish Planning Policy 7, Planning and Flooding, the consultation responses received which are addressed in Section 3 of this report, the letter of objection addressed in Section 4 of this report and the impact on the amenity of the area.

SPP7 Planning and Flooding

Scottish Planning Policy 7 sets out the Government policy position in relation to addressing the risk of flooding and the damage which floods cause. In recent years particular areas of Scotland have suffered from widespread flooding and the planning system has to play its part in responding to the problems.

The development aims to alleviate the existing flooding problems caused by the River Irvine during flood events up to the equivalent of 1 in 200 year events. Therefore, the proposed development meets the terms of the SPP7.

Consultation Responses

6.2 The consultation responses from the amenity bodies are detailed in the report and are found to be supportive of the application.

Letters of representation

6.3 The letter of objection has been assessed and is not considered to raise significant issues that would merit the refusal of the application.

Amenity of the area

6.4 While it is noted that the proposed flood prevention works are of a significant engineering nature it is considered that the design of the scheme and use of appropriate materials and landscaping will reduce the impact of the scheme. It is considered that the provision of a flood prevention scheme to protect the settlement of Galston from flooding will be of significant benefit to the community of Galston and this benefit significantly outweighs the visual impact of the proposed scheme.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. The Council is obliged to notify the Scottish Executive under the Town and Country Planning (Notification of Applications)(Scotland) Direction 1997 as Planning authorities are obliged to submit to the Scottish Ministers an application for a Notice of intention to Develop where they have received objections to their advertised proposals.

8. CONCLUSIONS

8.1 As is indicated in Section 5 of the report the application is considered to be in accordance with the development plan. Therefore, given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

8.2 As indicated in Section 6 there are material considerations relevant to this application these are generally supportive of the proposed development. The proposed works are in accordance with the East Ayrshire Local Plan. The proposed works will help to alleviate the flooding problems caused by the River Irvine within Galston during the equivalent of a 1 in 200 year flood event.

9. RECOMMENDATION

9.1 It is recommended that a Notice of Intention to Develop be forwarded to the Scottish Ministers in accordance with the development by Planning Authorities Regulations 1981-1984. The proposal is considered to be acceptable subject to further details being agreed with the Head of Planning and Building Control as indicated on the attached sheet.

James Lavery

Executive Director of Development and Property Services

8 September 2005 (CI/SA)

FV-AN

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letter of representation
5. SPP7 Flooding and Planning
6. Adopted East Ayrshire Local Plan
7. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers please contact Craig Iles on 01563 576772.

Implementation Officer: Alan Neish

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

05/0294/LA

Nature of Proposal: Proposed Flood Prevention Scheme with New Alterations to the River Irvine and Burn Anne Embankment Walls, Construction of Flood Attenuation Areas and Associated Embankments

Site:
Burn Various Sites Around the River Irvine and Anne, GALSTON

Name & Address of Applicant: Roads and Transportation Division
East Ayrshire Council
Council Offices
Greenholm Street
KILMARNOCK

Name & Address of Agent: Scott Wilson Scotland Ltd
23 Chester Street
EDINBURGH EH3 7ET

DPOs Reference: CSI/SA

The above FULL application should be granted subject to the following conditions:-

(1) Notwithstanding the plans hereby approved, the applicant shall implement in full the recommendations and mitigation measures contained in the Environmental Statement dated February 2005.

REASON : In order to protect the amenity of the area.

(2) No construction works shall be carried out during the otter and bird breeding seasons without the prior written consent of the Planning Authority

REASON: In the interests of environmental amenity.

(3) Notwithstanding the approved plans the position of the flood wall adjacent to the A71 is not hereby approved. Revised details showing the flood

wall repositioned to incorporate a landscaped embankment adjacent to the A71 shall be submitted to and approved by the Planning Authority prior to the commencement of the development.

REASON: In the interest of visual amenity.

(4) Notwithstanding the approved plans a footpath link over the retention bund in the St Mary's Holm playing field shall be provided linking the changing facilities at Galston Primary School and the football pitch in St Mary's Holm. Details and routing of the footpath shall be submitted to and agreed in writing with the Planning Authority prior to work commencing. Thereafter, the approved scheme shall be implemented within two months of the flood prevention measures in the area being completed.

REASON: To ensure existing access arrangements into the playing field are not inhibited.

(5) Notwithstanding the plans hereby approved details of the finishing materials for the retaining walls shall be submitted to and approved by the Planning Authority prior to the commencement of the development.

REASON: In the interest of visual amenity.

(6) Prior to the commencement of the development a comprehensive landscaping scheme for the development, shall be submitted to and approved by the Planning Authority. Said approved landscaping scheme shall be implemented in the first available planting season after the substantive completion of the works to the satisfaction of the Planning Authority. Said landscaping scheme shall take account of any trees covered by Tree Preservation Orders removed as a result of the development.

REASON: In the interest of visual amenity

(7) No construction work shall take place in the River Irvine or the Burn Anne near any watercourses affected by the approved details between the months of September and mid-May during the fish spawning season, unless otherwise agreed in writing by the Head of Planning, Development and Building Standards.

REASON: The work should not take place at these times due to the detrimental impact work within the watercourses could have on the fish spawning.

(8) Appropriate measures shall be taken to prevent mud, dirt, dust or stones being carried onto the highway and such steps shall include the provision and use of appropriate wheel washing facilities for the cleaning of all lorries, dump trucks and other heavy vehicles utilised in the development. Details of said washing facilities shall be submitted to and approved by the Planning Authority prior to the commencement of the development.

REASON: In the interest of road safety and residential amenity

(9) Notwithstanding the approved plans the applicant shall assess the existing drainage provision within the existing football pitches at St Mary's Holm and Western Road Galston to record the quality of the existing playing surfaces. Said details shall be submitted in writing to the Planning Authority prior to the commencement of the development. Following the completion of the substantive part of the flood prevention works, the applicant shall reassess said football pitches to ensure that the implementation of the flood prevention scheme has not detrimentally effected the quality of the playing surfaces. The applicant shall provide written confirmation of the drainage arrangements and the quality of the playing surfaces post development to the Planning Authority for approval. Said written confirmation shall include any mitigating measures required to resolve any defects which have arisen as a result of the flood prevention scheme.

REASON: To ensure that the flood prevention scheme will not have a detrimental impact on the sporting facilities.

Note to Applicant

The applicant should contact Scotland Gas Network and Scottish Water to discuss the implications of the development on the service providers infrastructure prior to the commencement of the development.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**