

# KEMNAY COMMUNITY COUNCIL

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Cc: Ctrs. S Lonchay, A Grant and P Oddie

18 February 2016

Mr Bruce Strachan  
Planning Officer  
Infrastructure Services  
Planning & Building Standards  
Gordon House  
Blackhall Road  
INVERURIE  
AB51 3WA

Dear Mr Strachan

## **Planning Application APP/2015/1107**

### **Erect 66 Houses at Bogbeth Road (Land East Of Greystone Road), Kemnay.**

We note the extensive modifications and alterations to the above planning application, which have taken place since our initial objection dated 29 June 2015. In particular we are extremely pleased to see that the single track section of Bogbeth Road is now to be widened to 5.5 mtrs. with the addition of a 2.0 mtr. wide footpath to be constructed above the culverted ditch. These modifications now establish and confirm that Bogbeth Road will without doubt be the main entrance to the proposed development and as such there will be minimal traffic flow through Bogbeth Rise, to the satisfaction of residents in Phase I.

Road widening and footpath provision along Bogbeth Road formed the main basis of our objection and we are grateful that the applicant has acknowledged our concerns and amended the plans accordingly. It is an achievement for common sense as well as sound planning and the applicant has earned our appreciation and respect for making these amendments, which will provide a much safer access to the development. In this respect I can now confirm that the reasons for our objection have now been resolved.

We have one remaining concern which relates to new material evidence in the form of extensive flooding at the nearby Detention Basin at Fyfe Park and Victoria Terrace. SG LSD 9 i) indicates that development would be refused if it precipitated flooding or significant nuisance or presented an unacceptable hazard to the public or the environment.

The new material evidence relates to recent flooding in Kemnay during early January 2016, although there is some recent historical supporting evidence also (see **Figs. 4 & 5**). There are two matters of concern:

- i) The Detention Basin for the new development at Fyfe Park could not cope with the amount of surface water and overflowed into Stuart Crescent, Fyfe Park and Victoria Terrace. **See Figs. 1 & 2** below.
- ii) The surface water sewer that drains west from Victoria Terrace, through Parkhill / Bennachie Lodge Hotel / Bogbeth Road / Bogbeth Park was found to be blocked by sand and silt during the recent floods, which contributed significantly to the flooding in Victoria Terrace. **See Fig. 3** below.

An attempt to clear this sewer was partially successful but water still flowed backwards in the opposite direction to the natural fall and workmen acknowledged that there was still an obstruction somewhere between the junction of Parkhill / Victoria Terrace and Bogbeth Road.

However, our first concern i) would appear to be covered in paragraph 6.17 of your report to GAC:

*6.17 The wider issue of flooding of properties which has been highlighted by recent events in the town was also raised in comments from Kemnay Community Council. The Planning Service sought some advice from Flood & Coastal Protection on this matter. In its response, it is pointed out that this site is well away from any river that could cause fluvial flooding issues. Surface water drainage issues can only be assessed on a site by site basis and the developer has demonstrated improved attenuation storage within the proposed development and adjusted the pre-development flow calculations. As such it is considered that there are adequate safeguards in the design.*

Our second concern ii) really depends on whether or not the drainage ditch that runs alongside Bogbeth Road, connects to the obstructed surface water sewer. In your report to GAC you state:

*6.15 As it is proposed to culvert an existing ditch, comments were sought from Roads Development and Flood & Coastal Protection. The conclusion was that the roadside ditch was a minor feature that was not linked to a watercourse and most likely took road drainage and attenuated discharge from the Phase I SUDS pond. As such, SEPA would have no interest in the proposed culvert and the specification proposed was acceptable.*

*6.16 .... Surface water will be collected from road gullies and areas of open space via sewers that will gravitate and connect to the proposed detention basin. Flows from this basin will be restricted and will flow into a swale before discharge into the existing open ditch located along the western boundary of the site.*

However, I have just received information that suggests the said drainage ditch is culverted under Bogbeth Road at the bend in the road and discharges at Greenkirtles Bridge to the west. In this respect it would appear to allay any concerns that we may have relating to the said obstructed surface water sewer.

We are extremely pleased to note that you have suggested a condition requiring completion of the Bogbeth Road widening and footpath prior to commencement of development.

*( 1) That notwithstanding requirements under the Roads (Scotland) Act 1984, prior to the commencement of development, the proposed road widening and footpath shown on approved drawing 82678/1011 C shall be constructed in its entirety and to the satisfaction of the Planning Authority. Reason: In order to provide a safe and convenient access to the development site and in the interests of road safety for other users.*

This condition will certainly be welcomed and appreciated by all who use Bogbeth Road for access or recreation, especially so during the course of the development.

Finally, we have to reflect back to the “community event” held in Kemnay Village Hall on 18th February 2014. If Kemnay Community Council had been extended the courtesy of formal notification of the event and given the opportunity to publicise said event in the village Newsletter, then in all probability, the widening of Bogbeth Road and provision of a footpath would or should have been included in the Masterplan (that the community was unaware of). In consequence, it is more than likely that this planning application could have proceeded unopposed with an approval in 2015. One can only hope that some lessons have been learned and any future consultations will be true to the spirit of the intended process.

Yours sincerely

David Evans

**pp Chair: Dr Sheila A Simpson FRCP**