

BALLOCHYLE

BY DUNOON

ARGYLL

PA23 8RD

Head of Democratic Services and Governance,

Argyll and Bute Council

Kilmory

Lochgilphead

PA31 8RT

May 7th 2010

To the Head of Democratic Services and Governance,

Planning Application: 09/01308/PP

I would like to clarify that I, Kirsteen Manuel, have lived at Ballochyle for 45 years. 40 years with my late husband and latterly on my own, since my husband's sudden death in December 2004. I feel that the appeal letters, comprising of line architects, James Boyd & Ffiona Boyd are a direct and very personal attack on both my late husband, with whom they did not know, myself and the local planning department. Attached is my last letter of objection, I believe the fourth to the area in question. Rather than re-hash old ground, I would like to submit my letter and photographs as part of my representation.

I would therefore like to raise some concerns.

WATER

James Boyd states that Ballochyle has had a history of mismanagement in terms of water resources. Why is this even relevant as the applicants wish to obtain their own water supply? What is more relevant is that my late husband both invested & built the current water supply, which has been in good working order for the past 30 years, the upkeep is carried out by the residents, as and when necessary. The original private water supply that the applicant refers to is in fact the main source of water for their current dwelling, which they quite happily increased usage to by splitting two dwellings into four.

The applicant mentions the little Echaig as an alternative water source. I have no knowledge of its suitability for domestic use but there could be some seepage from other occupations upstream. The Glenkin burn; which contains run off from the original local dump joins the Little Echaig at the rumbling bridge further upstream to the applicant's access point.

If the applicant intends to use the Little Echaig as a source, is there a formality of application or approval to do so?

Potable Water; is water of sufficiently high quality that can be consumed or used without risk of immediate or long term harm. A source for potable water should be protected, sources that don't encourage improved drinking water include: unprotected well, rivers or ponds. (Wikipedia)

FLOODING

I am most concerned & surprised to see that Sepa now do not think that there is a risk. I enclose a copy of my last letter to Sepa and some pictures of the surrounding ground to the applicants plot in question. The surrounding ground is within the Sepa flood map. Points within this flood map are as high as 12.36m, the adjacent field, to which the applicant makes reference to me purchasing, also points up to 12.36m, points at which have seen flood water, my point is that the fields are level and do in fact both flood, and have done, on numerous occasions in the last 45 years of me living at Ballochyle.

Offices on the estate have flooded twice in the past few years; this can be validated by Stephen Tong of Till Hill EFG and more recently by occupants SNH. The flooding starts from a much higher point on the river than the applicant highlight, flood water passes over their ground and into the field that they highlights in order to reach the said offices that have flooded.

The weir has indeed been bound with a gauging station & the sides of the river clad with gabions, this in terms will narrow the river at this point, I am no expert but the Little Echaig, prone to flood, will and does burst its banks, the flood water normally starts much higher upstream & follows the course of the flood map, this may however change due to the alterations made recently on the river bank? Please see correspondence & images of the area in question attached.

WORKING FARM & CONDITION OF BUILDINGS

The Cottages in question were in perfect liveable condition when my late husband and I sold them. They have had 3 owners prior to the applicants. I can assure you they were purchased after much renovation and in good conditions.

The outer buildings, as a fank and pens, are frequently used by a local farmer, to whom I lease my fields. They are used during the working day when probably the applicants are at work themselves, away from home.

I would like to conclude by noting that I am in my 70th year. I adore my surroundings and have a very good relationship with my neighbours. I have been part of the local community for 45 years and genuinely have the local area at my best interest.

I find the nature of the applicant's plea distasteful & empty of fact. The planning officers, over the entire period of my residence at Ballochyle have always been honest & support their answers with facts. I do not condone the way in which they have been attacked in this application, they too are looking to protect the local environment & have the best interest of the rural opportunity areas at their forefront.

On that point, I would like to include that I am slightly confused as to the relationship of the applicant, her husband and Architect. It seems that both the applicant & her husband have written their appeal letters to the architect. The architect practice is made up of the applicant's brother & husband. In turn the applicant's husband is writing to his own firm as a letter of appeal. I have no idea if this is common practice but do feel that the appeal is very one sided with a skewed view to their end goal.

I would certainly like to be part of the on site meeting, pre application discussions, if and should these take place. I thank you in advance for reviewing my past letters, photographs and attached points.

Yours Sincerely,

Kirsteen Manuel

Kirsteen Manuel

Ballochyle
By Dunoon
Argyll PA23 8RD

Brian Close

Planning officer

Argyll & Bute Council

4 Milton Avenue

Dunoon, PA23 7DU

15th Dec 2009

Dear Mr Close,

Mrs Fiona Boyd; Erection of dwelling house, planning application # 09/01308/PP

I would like to make an objection to this planning application on the following grounds.

- Planning & Flooding – SPP7
- Private Water Supply – use of Bore Hole
- Working farm buildings in close proximity
- Ballochyle Farm Cluster
- Access/Parking/Boundaries

Planning & Flooding: SEPA hold indicative flood risk maps which indicate the area is in high risk of flooding. They also note that they would likely object to any planning application proposal. Please see correspondence attached dated 27th April 2006. I would also like to draw your attention to the applicants flood map which indicates it as a SEPA rivers and coastal flood map. Knowing the area and where the river last broke its banks this is not a natural flow of excess water, I would ask that SEPA's official map is requested. On that note I have myself contacted Dr Marc Becker asking them to clarify the flood pattern that the applicant has submitted, please see attached.

The application states that the highest ever recorded flood level in this area is 12.36m, 1.14m below the finished floor level of the proposed dwelling and therefore the likelihood of flooding from the Little Eachaig is nil. I feel this is a little ambiguous, with climate change and river erosion who can say what will happen in years to come. Our summers have been the wettest on record with heavy flooding of the said area in recent years.

On a previous application in May it was detailed that the property is 13.40m at its entrance, 13.15m external ground level to the left and 12.65m external ground level to the right (as you look at the plan) points from front to back of the proposed dwelling range from 0.68m and 0.29m above the noted highest recorded flood level. Are there further proposals to raise the site in order for it to clear the flood risk by the 1.14m noted? On the current proposal I can not see the sight being 1.14m clear of recorded floods.

Enclosed are pictures taken during the summer that show recent flooding in the field which would be the curtilage to the applicants' dwelling house. The flooding I believe is mainly due to heavy rain collected as ground water, the pictures clearly show how wet the ground is with heavy growth of reeds. Please see planning advice note 69.

Use of Bore Hole as a private water supply: The applicant proposes to sink a borehole where there is no evidence, in times of flood, that this will not become polluted. The risk of water seepage from the river into the bore hole would need to be assessed. The little Eachaig, and its catchment area, is known to be polluted from the old Dalilongart Coup, this can't be overlooked.

Working farm buildings in close proximity: The proposed dwelling is in the midst of working farm buildings. Not noted on the map are sheep pens and dipping facilities. There are also farm sheds and a midden that sits on the boundary of the proposed dwelling house.

Ballochyle Farm Cluster: The applicant denotes the proposed dwelling to be part of the Ballochyle Farm Cluster. The applicant was sold the property as a courtyard, not a farm. The location noted is too small for a government crofter's grant so technically should not be known as 'Farm' or 'Farm Cluster'

Boundaries/Access: The point of the proposed dwelling highlights 3 car parking spaces, again I would like to note the close proximity of working farm buildings and use of machinery, the area is already often blocked due to additional cars from the split of cottages 1 & 2.

The applicant does own the road & access rights for the proposed dwelling house, however everyone on the estate has a servitude right to use the road, the applicants plan shows that the area of road in question will be resurfaced, this will not be in keeping with the rest of the farm tracks, there look on the map to be 2 lines where there may be intentions to close this area to other road users.

Access to the dwelling house & the applicants' private road would be on my private road to the Ballochyle estate; this connects with the U15 Glen Massan Road and in turn with the A815. I have not been notified of 3 more cars wishing to have constant use/access of this road. The private road has recently been resurfaced, at a personal expense to the current road users. The new house would have to be given a servitude right by the owners of the main access road; I do not believe this has been accounted for in application.

Site History: A previous 3 applications have been made by the same applicant on both the mentioned site and surrounding area, 06/00472/DET withdrawn on the 18th September 2006 following concerns regarding flooding & suitability of the site for residential purposes. 06/01964/DET; Refusal of planning application on the 24th November 2006. 09/00612/DET; withdrawn in May 2009 following concerns of all neighbours due to additional strain of private water supply. When is this going to end?

I look forward to hearing from you,

Yours Sincerely,

Kirsteen Manuel

**Ballochyle
By Dunoon
Argyll PA23 8RD
Tel/Fax 01369 70 4412**

Dr Marc Becker
Senior Hydrologist
SEPA
Redwood Crescent
Peel Park
East Kilbride G74 5PP

14th October 2009

Dear Dr Becker,

Once again I would like to call on your expert advice in reference to planning application on/next to a flood plain. I enclose various pieces of previous correspondence which are still relevant.

Mrs Boyd has applied for planning, yet again, on the flood plain next to my ground, which as recently as a month ago was flooded from my fields on to the area where she intends to build. The worrying thing was that the flooding was not from the river Eachaig this time but coming up from the ground, the culmination of a very wet summer.

I am sending photographs, taken at that time, to the planners. Mrs Boyd goes into great detail about the recently constructed gabions on the river bank which has narrowed this area of the river.

When the major flood occurred, in the past ten years, the river rose to the height of the steps to the house on the opposite bank to where the Boyd's would like to build. I am also including a detailed map, which the Boyd's submitted with their planning application, showing the flood risk area which I do not believe is correct. Mr Tom Pearson, of Till Hill EFG, states the bottom of the road at Ballochyle and the field leading to the then EFG offices were all flooded, extremely seriously, to the height of the office windows.

The river has flooded twice in the last 10 years. What the Boyd's don't realise is that the river doesn't flood from the area of the gabions but further upstream, from the top end of my field which was probably the track of the river many years ago.

What concerns me greatly is that as the owner of this field, I don't want to be held responsible for any future flooding or damage. It seems that weather patterns are changing and our climate in Argyll is getting wetter & wetter, with ever increasing risks of flooding. I am also including a detailed map with the plans showing the flood risk area which I do not believe is correct

I would greatly appreciate your advice on this matter,

Yours sincerely,

Kirsteen Manuel

Explanation of Photographs Page 1

- 1 The effect of August rain on already saturated ground without any flooding. Site of proposed house is in front of existing dwellings, on the bank.
- 2 View of 1 from site of proposed house.
- 3 Rain water lying in channel of River Eachaig's previous course on top side of proposed housing site which could easily become a channel again in times of flood. The existing river course is just in front of Keith Tate's house – see 3.on page 2.
- 4 Close up of rain water lying in old river course on top side of proposed house site.



Explanation of Enclosed Photographs Page 2

1 River Eachaig showing gabions on Keith Tate's side above his house.

2 Gabions jutting out and narrowing the river flow which in flood will exacerbate the situation of the flood plain which by this time is in full spate up river.

3 Keith Tate's house showing its position against the River. In the major flood (1997) Mr Tom Pearson went by road to rescue the Tate family with the river still rising and lapping at his door.



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Mrs Kirsty Manual
Ballochyle House
By Sandbank
Dunoon
Argyll PA23 8RD

1(1)

04 September 2006

Our Ref:

Dear Kirsty

Flooding at Office Premises at Ballochyle

Further to our telephone conversation, I am writing to confirm details relating to the flooding of our old office premises at Ballochyle.

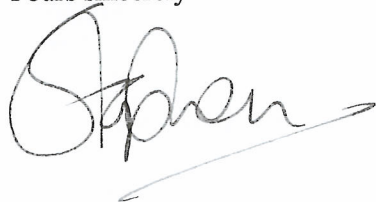
The office was built at this location some 30-40 years ago. No flooding was experienced there until about 1999, when the water came in to a few inches above the floor level. At the time, we considered that this had been a "freak event" and may have been caused or exacerbated by blockages upstream.

We sold the office around 2000 and, to my knowledge, it has flooded on a further occasion since the sale. I believe that this was probably in 2001.

When the office got flooded, the river burst its banks some distance upstream and flowed all the way across the fields between our depot and the bridge, flooding a significant area of ground. Prior to the flood, we had been looking at the possibility of building a house on the field next to the office. Our investigation indicated that the risk of flooding in this area is too great and that consent for additional building on ground at the same level as the old office would be likely to be refused.

I am sorry that I cannot be more specific about matters relating to our old office, but we no longer retain any of the records relating to it.

With best wishes,
Yours sincerely



S B Tong
Forest Manager

A member of the UPM Group