

**Private & Confidential**

19 April 2024

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Ms Lisa Simpson  
Head of Legal & Governance Services,  
Perth & Kinross Services,  
2 High Street,  
Perth  
PH1 5PH

Dear Madam,

[REDACTED]

We act for [REDACTED] has passed to us your Notice dated 21 March 2024 served under the Flood Risk Management (Sc) Act 2009 and invited us to lodge [REDACTED] objections on his behalf as a relevant objector in terms of that legislation.

[REDACTED] is the proprietor of [REDACTED] but also owns and farms the adjacent lands at [REDACTED] title to the latter and which contains the lands in question, is contained in [REDACTED]

You have identified one of his fields, known as the Back Park field, lying to the west of the M90 and to the north of Kinross services, as being the location for your intended storage embankment if the proposed South Kinross Flood Protection Scheme 2024 ("the Scheme") goes ahead. We attach a plan showing [REDACTED] Back Park field as well as [REDACTED] field to the east thereof known as the Kippet Knowe field which will also be affected by your intended operations.

**The following therefore should be treated as his Statement of Reasons for [REDACTED] objection to the proposed Scheme.**

In Part 3 Project Description, Element 7 of the Non Technical Survey prepared for your Council by the RPS Group, dated 29 February 2024, it states that a storage embankment should be built on [REDACTED] land to intercept "an overland flow path" which, in terms of your reports, is part of the threat to flooding in South Kinross.

Part 2 states that there are two distinct areas affected by flooding in South Kinross. The northern area affected by the Clash Burn and the southern area by the confluence of the South Queich and the Gelly Burn.

The Scheme is stated to be designed to reduce the risk of flooding to 177 properties across Kinross from a predicted "1 in a 200 year flood".

The EIAR states that there may be an effect on the environment of South Kinross as a result of flooding from the South Queich, the Clash Burn and the Gelly Burn. All of these water courses lie to the south of Kinross with the South Queich flowing towards Loch Leven from the west. It is clear from the maps contained within the various

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reports, and on SEPA's flood risk maps aftermentioned, that the South Queich lies at some distance (2 miles) from [REDACTED] and which has been identified for the storage embankment. It is suggested in your survey that in the event of the 1 in a 200 year flood, that the water will flow from the South Queich, over a number of fields and properties before ending up at the Back Park field. Your report proposes that the water should then be stored there and released into the Ury Burn at a controlled rate, thereby preventing flooding of the town of Kinross.

Operations SQ05 on page 10 of the Scheme Description, prepared by RPS and dated 12 March 2024, states that the Scheme will "capture out of bank flow from the South Queich which travels overland from the north east over agricultural land before flowing through Kinross Services, the M90 and towards the town of Kinross affecting residential properties. The embankment will force water to be stored temporarily in the agricultural land during extreme storm events". [REDACTED] does not recognise this description at all nor does [REDACTED] recall there ever having been an extreme storm or anything like a storm event that has caused a flow of water from the South Queich either to flood [REDACTED] fields or threaten to flow therefrom towards Kinross. Certainly in the event of such an extreme weather event, Kinross Services, M90 and surrounding areas will all be affected/flooded simultaneously. It is artificial to suggest that any such water flow will only be channelled to [REDACTED] Back Park field.

[REDACTED] has lived and farmed at [REDACTED] for the past [REDACTED] years. [REDACTED] family farmed those lands before him and in their [REDACTED] connection with the lands, they have never encountered any issues with flooding that would threaten Kinross in the manner suggested in your reports. It is expected that the reports have been based on certain modelling with anticipated outcomes but it is not based on real life events. It is submitted therefore that the modelling is inaccurate and does not reflect what actually happens on the ground in times of heavy rainfall.

The lands of [REDACTED] have a largely sand and gravel subsoil. The land is therefore exceptionally permeable meaning that any build up of surface water naturally percolates away without any pooling or flooding on the surface. This is confirmed in part 13 of the Non Technical Survey which confirms the geology of the area and that the site is classified as "highly permeable".

You will see from SEPA's own flood risk map of the area, attached, that the location of [REDACTED] Back Park field is subject to a flood risk representing between 0.1 to 0.5% chance of flooding each year. This is shown by the lightest blue and mid blue colours on the attached plan. One suspects that this maybe mainly due to the close proximity of the adjacent Ury Burn, potentially flooding the field, and not as a result of water flowing overland from the South Queich.

The South Queich is shown on the said plan and you will see that it runs much further south, through lands to the south of the A977 roadway before running under the M90 towards south Kinross. You will note the colourings there, mid blue and dark blue suggesting a greater risk of flooding in those specific localities. It is hard to comprehend how any modelling would suggest that the South Queich (which lies some 2 miles distant) would end up pooling in the Back Park field. SEPA's map shows no flooding in this field at all. This is something that has never happened in the preceding [REDACTED] years that the lands have been owned by [REDACTED] and [REDACTED] family. There are many other properties that would be affected by such a waterflow (such as the chicken sheds, the "Golf Ball" site, houses and Kinross services) before it would reach the Back Park field. If any such flood defence is needed, it should be much closer to the South Queich itself.

Whilst there may be merit or need to improve the flood defences in South Kinross that are actually affected by the watercourses in question, it seems that the proposal to build an embankment and store water on a field which does not receive the natural water flow is an extreme misuse of public funds. The estimated cost of the project is stated to be £15,075,215. One respondent quoted in the Public Consultation Report suggests that the likely total cost will be more like £30M based on other recent Scottish flood schemes.

If these works were to be carried out on [REDACTED] land [REDACTED] would suffer substantial disruption. Thousands of tonnes of valuable topsoil will need to be excavated from [REDACTED] fields to form the embankment which is stated to be 600 metres in length. This will effectively "sterilise" the condition of [REDACTED] field once that premium grade agricultural soil has been removed. [REDACTED] will be entitled to significant compensation in terms of sections 82 and 83 of the Act. The Back Park field and the Kippet Knowe field (to be used for access and storage of construction vehicles and materials) would be unable to be cropped for a significant period of time (likely more than one growing season) whilst the works are ongoing. This will result in substantial financial loss to [REDACTED] for each growing season that each field is out of use. These are the most fertile and productive of [REDACTED] fields and hence highly valuable. If an embankment is constructed on the Back Park field, that will permanently remove a sizeable area from arable use as [REDACTED] will be unable to easily access the full remaining area by tractor/combine. This also prevents any diversification of the land potentially for green energy projects. There is also the risk of a whole crop being completely lost if the 1 in a 200 year extreme storm should arise and water is required to pool in the Back Park field rather than freely run away. The compensation due to [REDACTED] will be substantial.

In the answer to question 6 in the Public Consultation Report dated 29 January 2024, it is stated that an assessment has been undertaken to review the potential of storing flood flows upstream of the M90. It states that the viability of that action was assessed to be **limited** as it would require multiple large embankments across multiple storage features to achieve the storage volumes required to significantly reduce flood risk downstream (in Kinross). The response also states that the storage features would **"be situated on areas of high grade agricultural land, which may be considered too valuable to flood. Two of the storage areas identified are disconnected and set at a distance from the main South Queich watercourse. It would be necessary to construct a new diversion feature to direct water to this area during flood events. This action was ruled out as being technically unfeasible."**

This statement is exactly in point with the location and use of [REDACTED] land. [REDACTED] position is no different to the lands mentioned in that report (remote from the watercourse, need to divert water flow, too valuable to flood etc). Why therefore has [REDACTED] land been selected for these works?

The report goes on to say that the "preferred option" is a storage option upstream of the M90 on the Clash Burn. Again, this does not represent [REDACTED] land, which lies nowhere near the Clash Burn, so why is [REDACTED] land being chosen for the embankment?

We consider [REDACTED] objections to be well founded and that the Scheme (certainly insofar as it relates to water storage on his land) should be rejected.

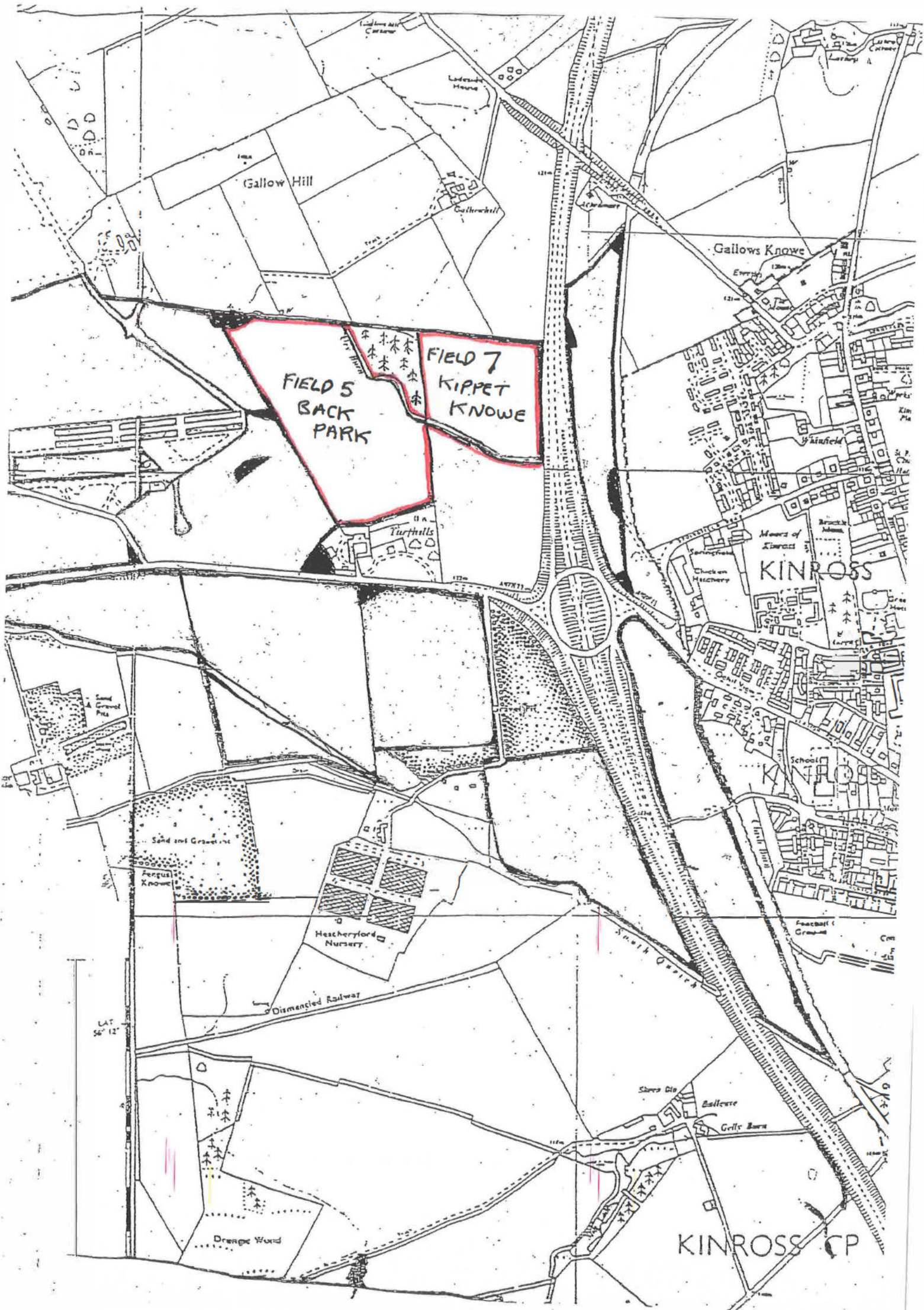
A more natural solution would be to undertake dredging of the watercourses to ensure a proper flow of water into Loch Leven at all times. It is understood that such work would only need to be undertaken every 10 years or so. This would be a much more economic and environmentally friendly outcome.

The cost to the public purse for this Scheme, for an event that is unlikely to ever occur, is abhorrent. [REDACTED] land plays no part in the imagined flow of water and [REDACTED] interests should be preserved and protected from this Scheme. [REDACTED] reserves the right to instruct his own independent flood report/assessment in the event that the proposed Scheme is ratified.

Yours faithfully,







Gallow Hill

Ladeside House

Gallowhill

Gallows Knowe

FIELD 5  
BACK  
PARK

FIELD 7  
KIPPET  
KNOWE

Turphills

KINROSS

Hescherford Nursery

Disused Railway

KINROSS CP



