
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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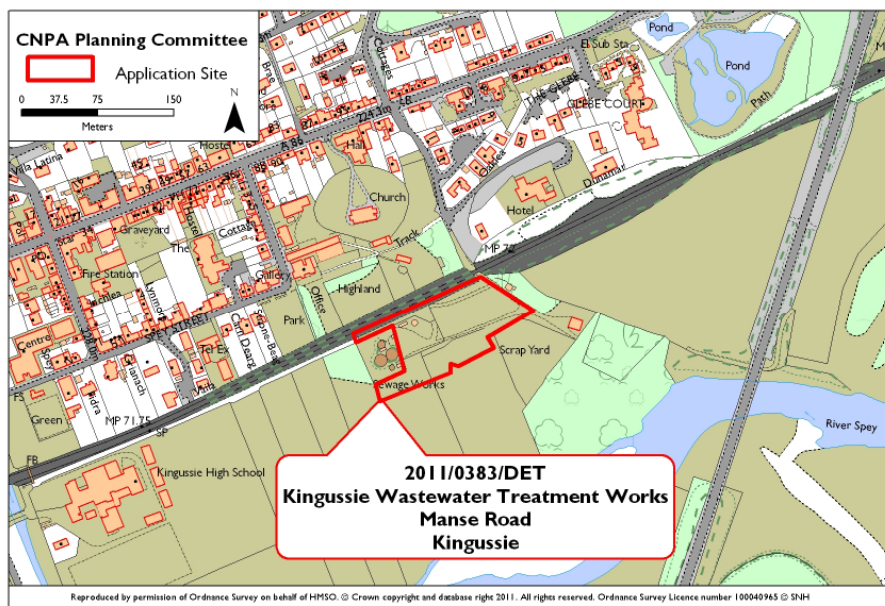
DEVELOPMENT PROPOSED: PLANNING PERMISSION FOR THE CONSTRUCTION OF ADDITIONAL WASTEWATER TREATMENT INFRASTRUCTURE ASSOCIATED WITH UPGRADING KINGUSSIE WASTEWATER TREATMENT WORKS (REVISED PROPOSAL 09/255/CP)

REFERENCE: 2011/0383/DET

APPLICANT: MR. TIM MUIR, SCOTTISH WATER SHARED SERVICES DELIVERY, BEECHWOOD BUSINESS PARK, INVERNESS

DATE CALLED-IN: 9 DECEMBER 2011

RECOMMENDATION: GRANT WITH CONDITIONS



Grid reference : 276123 800555

Fig. 1 : Site location plan

SITE DESCRIPTION AND PROPOSAL

1. Planning permission is sought by Scottish Water in this application for the construction of additional wastewater treatment infrastructure, both above and underground, at Kingussie wastewater treatment plant (WWTW). The additional infrastructure is required in order to upgrade the facility. The proposal is a revision of an earlier proposal on the site which was granted planning permission by the CNPA in early 2011 (CNPA planning ref. no. 09/255/CP refers). The subject site is situated on the eastern periphery of the settlement of Kingussie, immediately adjacent to the railway line. The identified site area extends to approximately 0.8597 hectares and includes part of the area of the existing Scottish Water compound. The site boundary is demarcated on two sides by existing access tracks.
2. The works and structures proposed as part of the current application are the same as those within the previously determined planning application, including :
 - Control building – a single storey pitched roof structure, with a ridge height of 4.7 metres. External finishes include concrete blockwork which would be finished with a wet dash render, under a slate roof. Existing office accommodation on the site would be removed prior to the commencement of construction activities;
 - Standby generator (housed in a kiosk type building, proposed to be green in colour) and transformer;
 - 2 settlement tanks (concrete tanks, 1.15 metres high above ground, with a galvanised steel access platform and handrailing on top) ;
 - A sludge thickener (3.5 metres high tank, green in colour, with a galvanised steel handrail and access platform on top);
 - A final effluent pumping station;
 - An oxidation ditch (2.3 metre high concrete tank, extending to a length of 34.8 metres x 12.2 metres wide);
 - Security fencing (2.25 metre high chain link fence); and
 - Boundary stock proof fence.



Fig. 2 : Northern area of proposed site (photos taken in 2009)



Fig. 3 : Southern area of site, with view towards existing WWTW.

- Some aspects of the development would be undertaken as permitted development.¹ Those works are primarily underground and include an inlet pumping station, scum pumping station, and various manholes and chambers. The submitted site layout plan also identifies the retention of all other remaining elements of the existing facility.

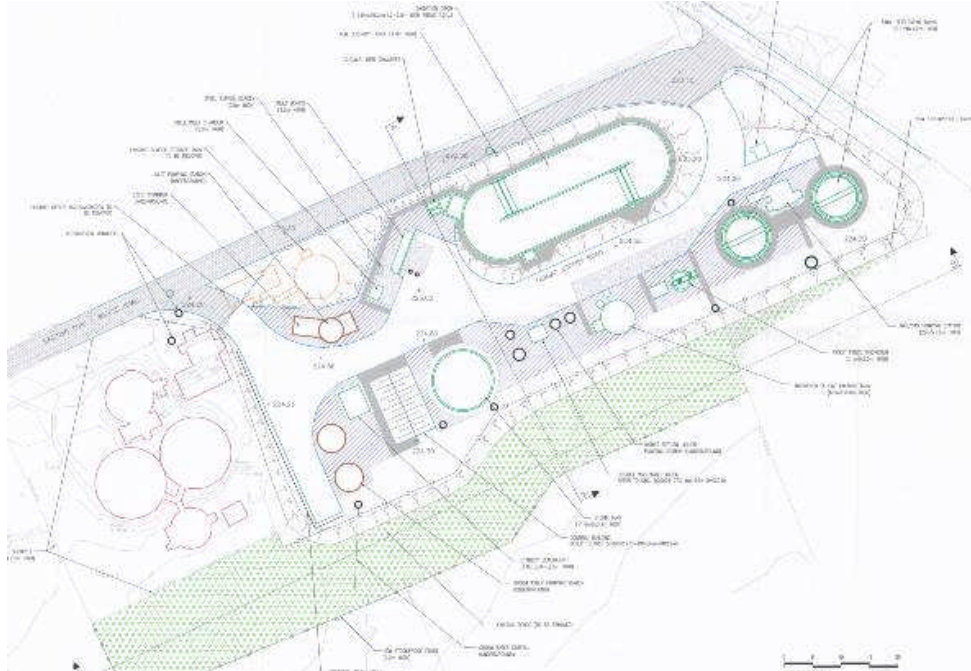


Fig. 4 : Site layout permitted under CNPA planning ref. no. 09/255/CP

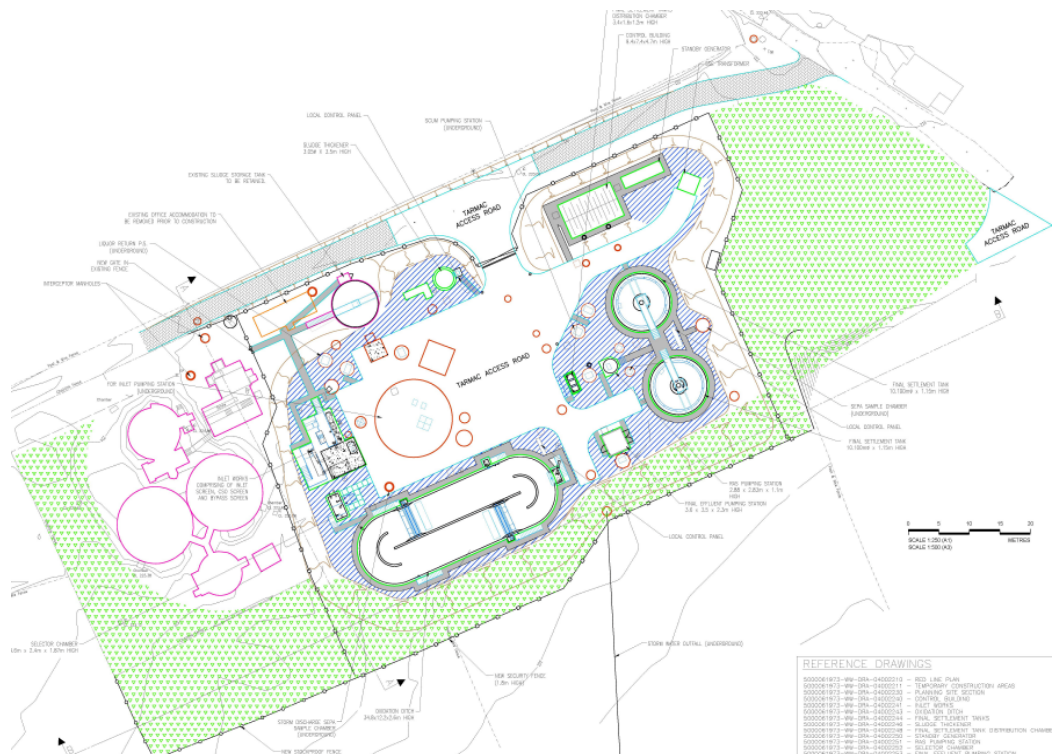


Fig. 5 : Currently proposed site layout

¹ Class 43A of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

Main differences between previously permitted and currently proposed development

4. The main changes from the previous proposal include :
- (a) Site layout – a single vehicular access point is proposed off the access track;
 - (b) Key infrastructure components have been realigned and relocated to accommodate access from the single vehicular access point;
 - (c) Relocation of the oxidation ditch and anoxic tank to the southern boundary of the site, a further distance away from the access track;
 - (d) Retention and re-use of the existing sludge tank rather than the introduction of a new sludge holding tank;
 - (e) Omission of the previously proposed storm tank due;
 - (f) Reduction in the overall size of the proposed inlet works, due to a reduction in the footprint of the additional infrastructure;
 - (g) Relocation of the SSE transformer from its proposed location on the western boundary of the approved development site to a point on the north eastern corner of the new infrastructure;
 - (h) The reduced footprint of the proposed new infrastructure resulting in a reduction in the amount of imported landfill required within the 1:200 year flood plain; and
 - (i) An increase in the area of land available for earth bunding and landscaping along the eastern boundary of the site and an increase in the land available for landscaping on the western boundary of the site due to the relocation of the SSE transformer.

Landscaping proposals

5. The landscaping plan submitted in support of the current application identifies the provision a significant belt of landscaping on the southern and eastern boundaries of the site, which would consist of a 'mix of native shrub and tree planting.' The proposals also include the retention of existing trees within these areas, although the trees have recently been lopped and topped and are currently quite stark in the landscape. A large area in the north eastern area of the site is proposed as a wildflower meadow, surrounding a number of trees that would be retained. Within the main area of new development on the site, the removal of a number of trees would be necessary (identified by hatched red circles on the landscaping plan in Fig. 6).

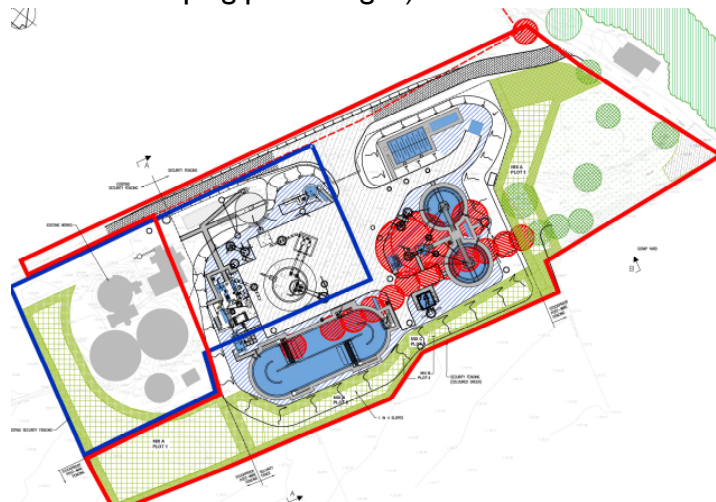


Fig. 6 : Proposed landscape strategy

Access arrangements

6. Confirmation has been provided from the applicants that the access arrangements to be employed during the construction period for the WWTW would involve utilising the existing access arrangements. This is consistent with the arrangements currently employed by Scottish Water's vehicles when accessing the existing site. This involves accessing the private road that runs adjacent to the site either from the south via Ruthven Road via a shared access across Ruthven burn, which is also used by Kingussie High School, or alternatively from the north via Manse Road.
7. In the course of the previous planning application on the site it was suggested by the applicants that they may consider modifying the southern access to widen the existing private track at the north western corner of the Kingussie High School car park. However, agreement on this was not reached during Scottish Water's negotiations with Highland Council's Estate section. In order to address potential issues of interaction of construction and school traffic, a condition was included in the earlier planning permission² requiring the submission of Traffic Management Plan prior to the commencement of development, with the Plan required to include a number of specific measures such as the provision of a 'banks man' to control all vehicular movement during the construction period.
8. The currently proposed access arrangements reflect the requirements of the aforementioned plan and details recently provided on behalf of the applicant indicate that the following traffic management arrangements have been agreed with Scottish Water and Highland Council :
 - (i) Construction traffic movements to be prohibited during period when pupils will be moving in and out of school (i.e. mornings, lunchtimes, and afternoons);
 - (ii) A banks man would be on duty at all times at the school entrance in order to control vehicle movements into and out of the site;
 - (iii) A "stacking area" to be established away from the High School entrance, where construction vehicles can park if arriving during prohibited access periods; and
 - (iv) The arrangement of a programme of construction works to make best use of school holiday periods (for example curtailing high vehicle traffic movements, such as earth moving and concrete pouring to this period).
9. Information has also been provided on the likely extent of vehicular movements once the new facility would become operational :
 - daily vehicle visits (light vans) by Scottish Water operational staff;
 - 5 vehicle visits per week (large trucks) associated with the removal of rubbish skips containing sludge;
 - 1 vehicle visit per fortnight (large trucks) associated with the removal of rubbish skips containing screenings and grit; and
 - 1 vehicle visit per fortnight (20 tonne trucks) associated with the delivery of lime associated with the wastewater treatment.

² Condition no. 3 of CNPA planning ref. no. 09/255/CP.

Background to the planning application

10. Following the granting of planning permission in January 2011 for the development previously proposed by the applicants on the site, Scottish Water engaged in a tendering process for the “design and build of the approved development.” Information submitted in support of the current proposal refers to one of the outcomes of the tendering process being a “reduction in the overall footprint of the approved development by approximately 15%, through a redesign of the approved site layout and a reuse of some of the existing wastewater treatment infrastructure.” The current proposal has therefore resulted from Scottish Water’s desire to take advantage of the benefits associated with the revised site design.

Miscellaneous Information

11. Details have been provided with this application to justify the choice of site. The proposal allows for the use of many parts of the existing infrastructure, thereby reducing the overall landtake required for the development. In addition, the land on which the development is proposed primarily consists of wasteground and is not currently used for any purpose. The site also has an element of natural screening from the settlement of Kingussie due to the presence of the high railway embankment on the western side. Other technical aspects of the development would also remain unhindered, such as maintaining the Combined Storm Overflow within the operational boundary of the Scottish Water land.
12. Reference was made in the previous application to Scottish Water’s obligations to upgrade the existing infrastructure. The same obligations pertain at the current time in which there is a legislative requirement to upgrade the existing wastewater treatment works. The Urban Wastewater Treatment Directive requires that appropriate treatment is undertaken, with “appropriate treatment” being defined as “treatment of urban wastewater by any process and / or disposal system, which after discharge allows the receiving waters to meet the relevant quality objectives and the relevant provisions of the Directive and other Community Directives.”
13. Scottish Water acknowledged in the course of the previous planning application that the current system in Kingussie falls short of meeting the legislative requirements and a new facility to provide the full treatment is therefore required. The existing Wastewater Treatment Works in Kingussie uses septic tanks which treat domestic sewerage and storm water from the existing combined system. The existing works were constructed several decades ago. The existing sewer system is currently overloaded and cannot therefore accept additional flows. This in turn places a constraint on any new development in the Kingussie area. One of the main project drivers for the currently upgrading is the removal of development constraints within Kingussie. The proposed scheme would treat the existing wastewater flows and also provide the necessary additional capacity to treat additional wastewater flows resulting from planned growth of the Kingussie community.

DEVELOPMENT PLAN CONTEXT

National Planning Policy

14. The consolidated **Scottish Planning Policy**³ is a statement of the Scottish Government's policy on nationally important land use planning matters. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
- The constraints and requirements that planning imposes should be necessary and proportionate;
 - The system shouldallow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
15. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should “operate in support of the Government's central purpose of increasing sustainable economic growth.” Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that “the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places.” Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.
16. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”
17. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes ‘subject policies’, of which many are applicable to the proposed development. Topics include economic development, rural development, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
18. Economic development : planning authorities are required to respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that new economic opportunities can be realised.

³ February 2010. **SPP** supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance.

19. *Landscape and Natural Heritage*: Planning authorities are encouraged to take a broader approach to landscape and natural heritage than just conserving designated or protected areas and species. It is recognised in the SPP that the landscape in the countryside and in urban areas is constantly changing and the aim is to “facilitate positive change whilst maintaining and enhancing distinctive character.” As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by local landscape character.
20. *Flooding and drainage*: It is accepted in the SPP that flooding is a natural process which cannot be entirely be prevented, but it can be managed to reduce its social and economic consequences and to safeguard the continuing functioning of services and infrastructure. In determining planning applications, planning authorities are required to take into account the probability of flooding from all sources and the risks involved. Development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere should not be permitted.
21. **Scottish Planning Policy** concludes with a section entitled ‘Outcomes’ in which it is stated that the “planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets.” Planning authorities are required to be clear about the standard of development that is required. Quality of place not only refers to buildings, but also how the buildings work together as well as the relationships between buildings and spaces. Design is highlighted as an important consideration and planning permission may be refused solely on design grounds.⁴ Finally it is stated that the planning system should be “judged by the extent to which it maintains and creates places where people want to live, work and spend time.”

Strategic Policy

Cairngorms National Park Plan (2007)

22. Strategic objectives for the **Landscape, Built, and Historic Environment** include maintaining and enhancing the distinctive landscapes across the Park and ensuring that development complements and enhances the landscape character of the Park. Amongst the strategic objectives for **Sustainable Use of Resources** is a requirement that all management and development in the Park should seek to make the most sustainable use of natural resources, including water and energy.

⁴ Para. 256.

Structure Plan Policy

Highland Council Structure Plan 2001

23. In the **Highland Structure Plan 2001**, sustainable objectives include maximising, the effectiveness and efficiency of infrastructure provision; standards of health for all; and the quality of air, water and land. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they, amongst other things, are compatible with service provision; contribute to the social and economic development of the community; impact on resources such as habitats, species, landscape and freshwater systems and contribute to sensitive siting and high quality design in keeping with local character and the historic and natural environment; **Policy L4 (Landscape Character)** seeks to maintain and enhance present landscape character. The structure plan also highlights the importance of a satisfactory infrastructure system to promote economic development.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

24. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
25. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
- Chapter 3 - Conserving and Enhancing the Park;
 - Chapter 4 - Living and Working in the Park;
 - Chapter 5 - Enjoying and Understanding the Park.
26. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.

27. Policy 5 – Biodiversity : development that would have an adverse effect on habitats and species identified in the Cairngorms Biodiversity Action Plan, UK Biodiversity Action Plan, or by Scottish Ministers through the Scottish Biodiversity List, will only be permitted where
- (a) The developer can demonstrate that the need and justification for the development outweighs the local, national and international contribution of the area of habitat or population of species; and
 - (b) Significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is avoided, or minimised where harm is unavoidable, and appropriate compensatory and / or management measures are provided and new habitats of commensurate or greater nature conservation value are created as appropriate to the site.
28. Policy 6 – Landscape : there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
29. Policy 34 Outdoor Access : development proposals which would result in a reduction of public access rights, or loss of linear access will only be permitted where an appropriate or improved alternative access solution can be secured to the satisfaction of the planning and access authorities.
30. The proposed site is on land which is within the Kingussie settlement area. Much of the north eastern area of the site i.e. the area outside the current Scottish Water compound is identified as part of an economic development allocation (ED2). The collective lands of ED2 consist of this area and an adjoining parcel of land to the west of the railway line.
31. The remainder of the proposed site i.e. the south western portion, is shown as 'white land' on the settlement map. As such it does not have a particular land use allocation and a variety of uses would therefore be open to consideration.

CONSULTATIONS

32. The proposal has been considered by Highland Council's **Flood Team**. It is noted that the proposal is a revision of a previously approved development and will result in a 15% reduction in the overall footprint of the development from the earlier plans. The reduction in footprint would ensure a reduction in the amount of imported landfill required within the 1:200 year flood plain. As such the Flood Team are satisfied that the current proposal is an improvement on the earlier proposal and there is no objection to the development.

33. Highland Council's **Contaminated Land** unit recommend that a condition is included in the event of the granting of planning permission requiring that a scheme to deal with potential contamination is undertaken prior to the commencement of development. This is required on the basis that records indicate a historic land use of part of the site as a scrap yard, which may have resulted in land contamination.⁵
34. The **Forestry Officer** at Highland Council considered the proposal and comments in the consultation response that a number of trees on the site have been "stripped back to poles" and left standing. Some of the trees where this work has been done were those identified for removal as part of the earlier planning permission on the site. As the built area of the development is now proposed to be significantly reduced, many more trees are now proposed for retention, including seven of those which have been stripped back. The stripping back of the trees is not considered ideal – the work has apparently occurred in preparation for the originally intended felling. Nonetheless, the Forestry Officer considers that "this is better than losing the trees altogether." Proposals for increased landscaping are also welcomed. There is no objection to the current proposal subject to a written commitment to the monitoring of the lopped trees and replacement of any of those as necessary.



Fig. 7 : Lopped trees in the north eastern area of the site.

35. A detailed consultation response has been received from **Kingussie and Vicinity Community Council**. Reference is made to a meeting which the Community Council recently held with Scottish Water's planning agent stating that he was able to "give reassurance that retention and use of some of the existing infrastructure will not result in a less than top quality WWTW for Kingussie." Notwithstanding this, the response from the Community Council raises a number of concerns, including :
- Odour concerns – reference is made to malodour likely to arise when the final settlement tanks are being emptied into tankers for removal. The Community Council are anxious that "monitoring of odour problems should be strict and that Scottish Water should be required to respond quickly to complaints and to take appropriate steps to minimise it if odour should be a problem in the future;"

⁵ A scrapyard currently operates on land to the north east of the proposed site.

- Seeking assurance that the sewage treatment process in the open oxidation ditch section of the works will function fully and consistently under severe weather conditions; and
- Seeking assurance that the trees and shrubs to be planted would be of a good size and properly protected from grazing animals.

The consultation response also mentions an assumption that “the conditions applied to the grant of planning permission in January 2010 will still be applied, where appropriate, to any grant of permission of the revised plans.”

36. *Scottish Water response to points raised by Kingussie Community Council* : on the subject of odour it is stated that “Scottish Water can give assurances that it will endeavour to respond quickly to complaints regarding odour and will take appropriate steps to minimise any unacceptable odour should they arise in the future.” It is also stated that Scottish Water already have recognised procedures in place to respond to odour complaints at their facilities and Odour Management Plans are prepared specific to each site. An Odour Management Plan has been submitted with this application. Reference is also made to aspects of the proposed development which will assist in minimising the risk of odour escaping, including the use of covered sludge holding tanks and passive carbon filters.
37. In response to the concerns raised about the oxidation ditch correspondence states that “Scottish Water can give assurances that the sewage treatment process in the Oxidation Ditch will function fully and consistently under severe weather conditions.” This is due to the fact that the composition of wastewater in the oxidation ditch will not allow the temperature of the wastewater to fall below 4 degrees Celsius.
38. In commenting on the subject of landscaping Scottish Water has confirmed that trees and shrubs planted will be of a good size (from 450mm to 600 mm and from 600mm to 900mm) and properly protected by the use of plastic sapling protectors or by the fencing of planted areas. A detailed planting schedule has been provided in support of the planning application providing further detail on this.
39. The response from the CNPA’s **Outdoor Access Officer** raises no objection. It is noted that the plans identify the retention of the access track which could be used to access the school. It is considered that use of the access track by the general public is unlikely to be disrupted by treatment works traffic.
40. The CNPA’s **Landscape Advisor** notes that the proposal is an amendment of an earlier approved development on the site. The current proposal includes improved landscape provision. Overall, the new proposals are considered to present an opportunity for enhanced landscaping and this could further assist in reducing any adverse impact of the development on pedestrians and rail travellers.

41. There is no objection from the CNPA **Ecology Officer**. It is noted in the response that the site has no ecological issues and the landscaping proposals are considered to have the potential to enhance the biodiversity of the area. It is recommended in the event of the granting of planning permission that conditions are included requiring the submission of a management plan for the future maintenance of the landscaped areas and also requiring the placing of bat boxes on suitable trees on the site.

REPRESENTATIONS

42. The development proposal was advertised in the Strathspey and Badenoch Herald on 7th December 2011. No representations have been received in connection with the planning application.

APPRAISAL

Principle

43. A waste water treatment facility has existed on this land for several decades. In addition, the principle of improvement works, on a larger scale than currently proposed, has already been accepted at this location, as evidenced by the granting of planning permission under CNPA planning ref. no. 09/255/CP. The current proposal is for a smaller scale upgrading of the treatment works, in which greater use would be made of existing facilities on the site, and with the new infrastructure occupying 15% less of the overall identified site area. Undertaking upgrading works at the site of the existing facility is the most expedient means by which to deliver necessary improvements to the wastewater treatment system serving Kingussie and is preferable to seeking to establish a new facility elsewhere.
44. The proposed site is within the settlement boundary of Kingussie and is partially identified for Economic Development and partially as 'white land' which does not have a specific land use allocation. The proposed development is therefore generally compatible with land use planning in this area.

Natural Heritage and Landscape Impacts

45. The proposed site is on the eastern fringes of Kingussie and is some distance from residential properties. The potential impacts of the on-going operation of the facility can be relatively well contained in this location. Consideration has been given to the landscape impacts of the proposed development and it is accepted that the site is physically and visually separated from the main settlement area of Kingussie due to the existence of the railway embankment on the western / north western side of the site. The visual impact of the development would be most evident from the immediate vicinity of the site, for example as experienced by users of the existing access tracks, and also from the railway line, as well as land further to the east and the south east.

46. Whilst every proposal must be considered on its own merits, the fact that the current proposal is a revision of an earlier approved development is a pertinent consideration in this instance, particularly when considering the natural heritage and landscape impacts of the proposal. As detailed earlier in the report, the current proposal would extend over a smaller land area, leaving a substantial portion of ground in the north east of the site to be retained as a wild meadow, interspersed with trees. The revisions to the layout from that previously approved also facilitate the provision of an enhanced belt of landscaping on the southern and eastern boundaries of the site. There was a degree of concern about the potential visual impact of the previously permitted development proposal, particularly as viewed from areas including the A9 and arising in part due to the proposed felling of existing mature trees on the site. The current proposal lessens those concerns as it offers greater benefits in landscape and visual amenity terms, with the overall visual impact of the new development being significantly less than the originally permitted development.

Access

47. Paragraphs 5 to 7 of this report provide details of the proposed access arrangements and also refer to proposals for modifications to the access track from the south which were explored in the course of the previous planning application. The current planning application does not include any proposals for modifications to the access, and Scottish Water have instead provided details of a series of traffic management measures which would be undertaken during the construction period in order to minimise any potential conflict between user groups on the shared access, particularly school related traffic and construction vehicles. The proposed measures are considered an acceptable means of addressing this issue and are consistent with the requirement for the Traffic Management Plan which was required as a condition of the previously permitted development on the site. In order to ensure that construction traffic associated with the development is undertaken in an appropriate manner, it is recommended that a similar condition be applied again in the event of the granting of planning permission. In addition, in order to ensure that construction activity does not have an adverse impact on the condition of the access track in the long term, it is recommended that a condition also be applied, requiring the undertaking of a pre construction survey of both the existing public road and the private access track, with an associated requirement that any damage arising as a result of construction traffic would be made good. Again, this is consistent with the terms of the previous permission.

Conclusion

48. In conclusion, the principle of upgrading the WWTW in Kingussie has already been accepted through the granting of a previous planning permission on the site. Upgrading work is necessary in order to meet legislative requirements to provide appropriate treatment. The existing works are several decades old, are overloaded and incapable of accepting additional flows. The current proposal is an amendment to the original proposal. It is a rationalisation of the earlier proposal, with the proposed new built infrastructure encompassing a smaller area than the previous proposal, involving the re-use of more elements

of the existing infrastructure, and facilitating the retention of a significantly larger area of the site for landscaping works. This offers greater benefit than the previous proposal, in terms of minimising the visual impact and providing opportunities to enhance the natural heritage of the area.

49. In addition to the development being of benefit to the residents in Kingussie through the alleviation of problems associated with the existing works, the upgrading would also be of assistance in facilitating the future planned growth of the settlement.

IMPLICATIONS FOR THE AIMS OF THE PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

50. In overall terms the development is not considered to have adverse implications for this aim. The current proposals would allow for the retention of a greater number of trees on the edge of the site, than would have been possible had the previous planning permission been implemented. More extensive areas of the site are also available for other landscaping works including the creation of a wild flower meadow.

Promote Sustainable Use of Natural Resources

51. The development will provide an improved wastewater treatment facility to serve Kingussie.

Promote Understanding and Enjoyment

52. As with many infrastructural developments, the nature of the works proposed may have a degree of visual impact and as such would not assist in promoting the enjoyment of the area by the general public. However, sufficient measures are proposed to mitigate the visual impact to an acceptable extent, including comprehensive landscaping proposals and tree retention in the vicinity of the site than proposed in an earlier planning application. In addition, the access opportunities which exist in the area would continue to be maintained and would be of assistance in the general public's enjoyment of the area.

Promote Sustainable Economic and Social Development

53. The development will improve the quality and efficiency of the wastewater treatment for the Kingussie area and would address problems associated with overloading and lack of additional capacity. In this respect, it would assist in facilitating growth and improving general life standards. The development is therefore considered to be positive for this aim.

RECOMMENDATION

That Members of the Committee agree a recommendation to GRANT PLANNING PERMISSION for the construction of additional wastewater treatment infrastructure (above and underground) associated with upgrading Wastewater Treatment Works on land to the north-east of the existing works and south of the railway line (revised proposal from 09/255/CP) at Manse Road, Kingussie subject to the following conditions :

1. The development to which this permission relates must be begun within three years from the date of this permission.

Reason : To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 or amended by the Planning etc. Scotland Act 2006.

2. The applicants shall carry out a pre-construction survey of the existing public road connecting to the points of access to the site (Ruthven Road and Manse Road). For clarity, the survey shall include the entire length of the access track serving the site. The survey shall include a detailed photographic record of the carriageway, footways and verges of the public road. A copy of the full survey shall be provided to the Cairngorms National Park Authority acting as Planning Authority, and shall also be provided to Highland Council as Roads Authority, prior to the commencement of development. Any damage arising to the public road and / or the access track as a result of construction traffic associated with the proposed development shall, on completion of the works, be made good to the satisfaction of the Planning Authority, in consultation with the Roads Authority.

Reason : in the interests of traffic safety and to ensure that the development does not adversely impact on the public road network.

3. Prior to the commencement of development, a Traffic Management Plan, covering (a) the construction phase and (b) the on-going operation phase, shall be submitted for the agreement of the Cairngorms National Park Authority acting as Planning Authority, in conjunction with Highland Council as Roads Authority.

The Traffic Management Plan shall include (but is not limited to the following) :

- Details of the route of all construction vehicles entering the village of Kingussie;
- Details of a programme of construction works, which shall minimise construction traffic movement during the main periods of pedestrian activity at Kingussie High School;
- Proposals to provide a 'banks man' to control all vehicular movement during the construction period; and
- Details of all warning signage and locations at which such signage will be erected.

Reason : In the interests of traffic and pedestrian safety and in order to avoid traffic congestion.

4. All landscaping shall be undertaken in accordance with the details contained on drawing no. 500061973-WW-990150-XX and the associated landscape schedule (Landscape Proposals – Detailed Planting Schedule no. 5000061973-WW-SPE-99001051- Rev 05).

The landscaping shall be carried out in accordance with the agreed plan and shall be completed within one year of the commencement of works. Management and maintenance of the landscaping shall be carried out in accordance with the details contained in the method statement which forms part of the landscape schedule. Any trees or shrubs that die or become seriously damaged or diseased within a period of five years from the time of planting shall be replaced with others of a similar size and species, suited to the climate of the area, within the next planting season.

Reason : In the interests of the visual amenity of the area and in the interests of enhancing the natural heritage of the area.

5. No development shall commence until a scheme to deal with potential contamination on the site has been submitted and agreed in writing with the Cairngorms National Park Authority acting as Planning Authority, in consultation with Highland Council's Contaminated Land section. The scheme shall include :
 - (a) The nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk i.e. a land contamination investigation and risk assessment, the scope and method of which shall be submitted to and agreed in writing by the Planning Authority, and undertaken in accordance with PAN 33 (2000) and British Standard BS10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice;
 - (b) The measures required to treat / remove contamination (remedial strategy) including a method statement, programme of works, and proposed verification plan to ensure that the site is fit for the uses proposed;
 - (c) Measures to deal with contamination during construction works;
 - (d) In the event that remedial action is required, a validation report that will validate and verify the completion of the agreed decontamination measures;
 - (e) In the event that monitoring is required, monitoring statements shall be submitted at agreed intervals for such time period as is considered appropriate by the Planning Authority, in consultation with Highland Council's Contaminated Land section.

No development shall commence until written confirmation has been received that the scheme has been implemented, completed, and if required, monitoring measures are in place, all to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority, in consultation with Highland Council's Contaminated Land section.

Reason : In order to ensure that the site is suitable for redevelopment, given the nature of the previous uses / processes at the site.

6. Prior to the commencement of development details of the location and components of any temporary construction compound shall be submitted for the agreement of the Cairngorms National Park Authority acting as Planning Authority and shall be positioned in accordance with the agreed location.

Reason : In the interests of the orderly development of the area and in order to provide clarity on the extent and location of temporary construction site works.

7. Bat boxes shall be erected on suitable trees on the site. Prior to the commencement of development, details shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, to identify the location of all proposed bat boxes, which shall thereafter be erected and maintained in the agreed positions.

Reason : In the interests of enhancing the natural heritage of the area.

8. The track on the western side of the site shall be kept free from obstruction at all times. In the event of the need for any temporary closure of the track to facilitate track works, this shall be agreed in advance with the Cairngorms National Park Authority acting as Planning Authority, and suitable advance warning signage shall be put in place.

Reason : in the interests of public safety.

9. Unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority, working hours (during both the construction and operation of the development) shall be between the hours of 0700 and 2000, Monday to Friday, and between the hours of 0800 and 1300 on Saturdays. No work shall be carried out on Sundays or public holidays.

Reason : in the interests of the general amenity of the area.

Advice notes :

- (a) For clarity, the following are the references to site boundaries, as referred to in the conditions :
 - Northern : the boundary which is in line with the access beneath the railway line;
 - Southern : the boundary nearest Kingussie High School;
 - Eastern : the boundary nearest to the River Spey;
 - Western : the boundary which runs parallel to the railway line.

- (b) In order to minimise nuisance in the surrounding area from noise and vibrations during construction works, all plant and machinery should be used in accordance with British Standard 5228; Noise Control and Construction and Open Site and Control of Pollution Act 1974.
- (c) The applicants are advised to liaise with Highland Council's Environmental Health section on a regular basis in order to ensure that Scottish Water are undertaking all necessary actions to address odour issues.
- (d) All seeds used in the creation of the wildflower meadow shall be native to the area.

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