
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

**Prepared by: MARY GRIER, PLANNING OFFICER
(DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: PLANNING PERMISSION FOR UPGRADING AND CONSTRUCTION OF ADDITIONAL INFRASTRUCTURE (ABOVE AND UNDERGROUND) AT KINGUSSIE WASTEWATER TREATMENT WORKS, MANSE ROAD, KINGUSSIE.

REFERENCE: 09/255/CP

APPLICANT: SCOTTISH WATER C/O SCOTTISH WATER SOLUTIONS, BEECHWOOD BUSINESS PARK, INVERNESS.

DATE CALLED-IN: 21 AUGUST 2009

RECOMMENDATION: GRANT WITH CONDITIONS



Fig. 1 : Site location plan

SITE DESCRIPTION AND PROPOSAL

1. Planning permission is being sought by Scottish Water in this application for the upgrading and construction of additional infrastructure, both above and underground, at the Kingussie wastewater treatment plant (WWTW). The proposed site is situated on the eastern periphery of the settlement of Kingussie, to the immediate east of the railway line. The identified site area extends to approximately 0.79 hectares and includes part of the area of the existing Scottish Water compound and also includes land which extends eastwards from there towards an existing access track. The northern boundary of the site occurs adjacent to another existing access track which runs perpendicular to the railway line.

2. The proposed development is intended to upgrade the existing wastewater treatment facility which serves the settlement of Kingussie. All incoming flows from new and existing catchments¹ will be collected at the wastewater treatment works. The existing sewerage network would be retained unmodified. The proposal involves the development of a variety of works and structures as follows :
 - Inlet pumping station (underground);
 - Combined storm overflow chamber (underground);
 - 2.8 metre high steel inlet chamber;
 - 3.8 metre high inlet works;
 - 3 weir chambers (underground);
 - An oxidation ditch with dimensions of 14.8m x 39.2m x 1.2m;
 - Final settlement tank distribution chamber;
 - 2 final settlement tanks;
 - Pumping station;
 - Thickened sludge holding tank;
 - Works return liquor pumping station (underground);
 - Potable washwater kiosk;
 - Storm tank;
 - Control building;
 - Standby generator;
 - Storm water pumping station (underground);
 - Storm water outfall (underground);
 - Interceptor manholes at ground level;
 - Guardrail;
 - Security fencing; and
 - Boundary stock proof fence.

¹ With the exception of roof connections and any other surface drainage connections.



Fig. 2 : Northern area of proposed site



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

3. Some of the works listed above would be undertaken as permitted development.² Those works are primarily underground and include the inlet pumping station, combined storm overflow chamber, weir chambers, works return liquor pumping station, storm water pumping station and storm water outfall. In addition to the new works, the development would also enable the removal of existing office accommodation and a sludge storage tank at the existing site. Appendix I provides a flow chart diagram demonstrating the treatment process that would be undertaken at the new facility.
4. Information has been provided on the likely vehicular traffic movements. Various unspecified vehicular movements will be necessary during the construction period. During the ongoing operation of the WwTW, the following vehicle movements have been estimated –
 - Daily vehicle visits (light vans) by Scottish Water operations staff;
 - 5 vehicle visits per week (large trucks) associated with the removal of rubbish skips containing sludge;
 - 1 vehicle visit per fortnight (large truck) associated with the removal of rubbish skips containing screening and grit;
 - 1 vehicle visit per fortnight (20 tonne truck) associated with the delivery of lime for the wastewater treatment.
5. During the course of this planning application, access to the site has been a prominent issue. Due to height restrictions in the form of the existing railway bridge on Manse Road at the northern end of the proposed site, it will be necessary for larger construction vehicles to access the site from the south via Station Road and then crossing the bridge which spans the Gynack Burn, and then continuing via an existing access track located to the west of the Kingussie High School boundary. Scottish Water highlight in their submission that this is the same route currently used by their larger operational vehicles to access the existing treatment works, and is also used by heavy load vehicles to access an existing scrap yard which is located a short distance from the proposed site.
6. In response to CNPA queries regarding proposed access arrangements, information received from Scottish Water in May 2010 included a drawing entitled 'Proposed Modifications to Access Road at Kingussie High School.' The

² Class 43A of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

drawing showed proposals for the re-alignment of a corner of the aforementioned access track adjacent to the High School boundary, and involved a small area of land take of school grounds. This aspect of the proposal has been the subject of on-going assessment, and has also resulted in discussions between Scottish Water and Highland Council's Education Section / Estates Strategy Manager. Further details are provided on those discussions in the consultation section of this report. The final position of Scottish Water in relation to the proposed access arrangements has been clarified in correspondence received on 10 November 2010, in which it is stated that the drawing showing modifications to the access track was intended as a preliminary draft only to aid Scottish Water's discussions with Kingussie High School representatives. Scottish Water confirm that it is not now the intention to carry out the re-alignment works shown on that preliminary drawing and it is requested that the drawings is not considered as part of the planning application.

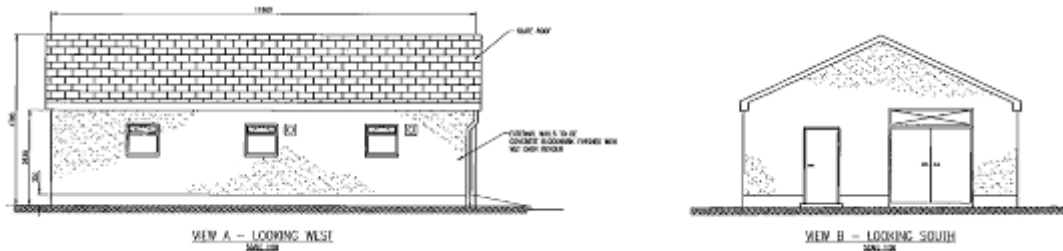


Fig. 4 : Proposed control building

Supporting Information

7. Details have been provided to justify the proposed choice of site. The proposed upgrading works would be located immediately adjacent to the existing WWTW compound and as such part of the existing infrastructure can be utilised and this would therefore reduce the overall landtake required for the proposed 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.
8. Reference has also been made in supporting documentation to various design constraints which resulted in the currently proposed site being considered the most appropriate. Constraints include –
 - the need to locate the proposed wastewater treatment infrastructure as close to the railway line as possible in order to minimise the potential land take and to mitigate against the impact on the River Spey floodplain;
 - the need to ensure that none of the process units (for example open tanks such as Final Settlement Tanks) are overtopped during any 1 in 200 year flood event;
 - the need to provide operational vehicle access to the proposed WWTW that is not affected by any 1 in 50 year flood event; and

- the need to maintain the operation of the existing Wastewater Treatment Works during the construction of the proposed development.

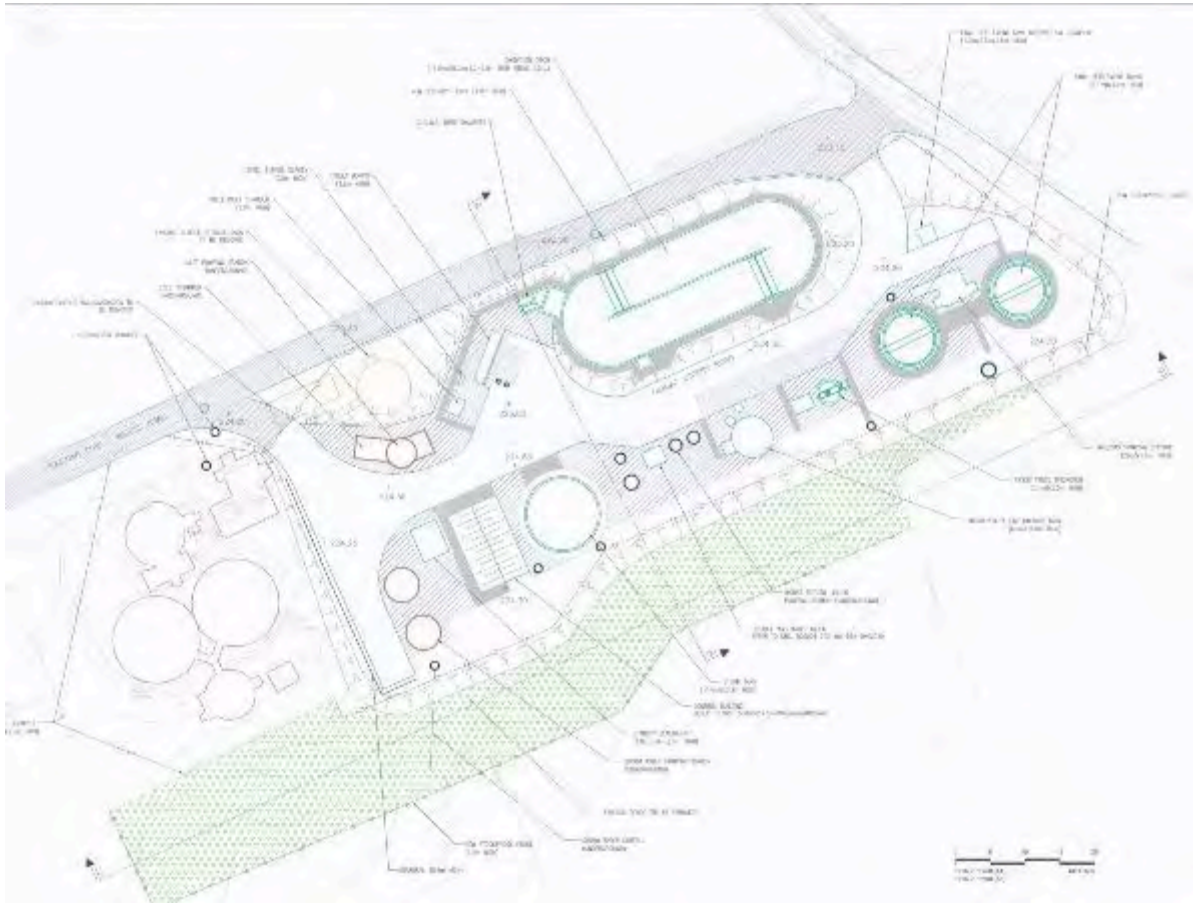


Fig. 5 : Proposed site layout plan

Background

9. Reference is made in supporting documentation to the legislative requirements for upgrading of 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.” Scottish Water admit 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.
10. 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 described as being currently overloaded and cannot therefore accept additional flows. This in turn places a constraint on any new development in the Kingussie area. Scottish Water state in their supporting documentation that one of the main project drivers for the currently proposed

upgrading is the removal of development constraints within Kingussie. The proposed scheme is intended to treat the existing wastewater flows and will provide the necessary additional capacity to treat additional wastewater flows resulting from planned growth of the Kingussie community.

DEVELOPMENT PLAN CONTEXT

National Planning Policy

11. 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.
12. **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.
13. 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.”
14. 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.
15. *Economic development* : planning authorities are required to respond to the diverse needs and locational requirements of different sectors and sizes of

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

businesses and take a flexible approach to ensure that new economic opportunities can be realised.

16. *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.
17. *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.
18. **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)

19. 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.

Structure Plan Policy

⁴ Para. 256.

Highland Council Structure Plan 2001

20. 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)

21. 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>
22. 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.
23. 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.
24. Policy 4 Protected Species : development which would have an adverse effect on any European Protected Species will not be permitted unless there are imperative reasons of overriding interest, including public health or public safety; there is no satisfactory alternative solution; and the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. The policy is intended to ensure that the effects of development proposals on protected species are fully considered by the planning authority. Developers will be required to undertake any necessary surveys for species at their own

cost and to the satisfaction of Scottish Natural Heritage and the planning authority.

25. 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.

26. 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.

27. 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.

28. 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. The Plan text reference to ED2 states that the land could provide some opportunity to support the economic development of the settlement. The plan does however note that “part of the site lies within SEPA’s indicative I in 200 year flood risk area” and that a detailed flood risk assessment will therefore be required to accompany any development proposals for the site.

29. 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

30. The proposed development has been considered by **SEPA** and there is no objection to the proposal. Reference has been made in the consultation response to flood risk, including reference to the applicant providing **SEPA** with information to justify that the chosen location is essential for operational reasons and that a lower risk location is not achievable. It was however recommended in the initial consultation response⁵ that although the scale of the development was relatively small, compensatory storage should be provided if possible in order to prevent the piecemeal reduction of the functional floodplain.
31. In light of **SEPA**'s initial recommendations, Scottish Water was requested to include proposals for compensatory storage. The applicants declined to include a compensatory storage scheme. This information was duly referred back to **SEPA** for comment. In the most recent consultation response from **SEPA**⁶ it was confirmed that there was no objection to the proposal and that **SEPA** "in this particular instance, will not object if no compensatory storage is provided." **SEPA** note that in this case no land is available in the immediate vicinity of the site to use as compensatory storage. It is noted that Scottish Water have proposed measures to minimise the loss of storage as much as possible, by locating the development as close as possible to the railway embankment and only elevating those areas required to remain operational above the 1 in 200 year water level. The consultation response from **SEPA** concludes that the development complies with SPP and there is no objection on flood risk grounds.
32. Highland Council's **Environmental Health Officer (EHO)** raised concerns in the initial consultation response regarding potential odours as a result of the additional infrastructure being proposed. Consequently an odour management plan was requested. The plan was submitted on behalf of the applicants and the **EHO** has advised that he accepts the plan.
33. Other recommendations made by the **Environmental Health Officer** include a condition being applied to any planning permission granted in order to regulate the hours of operation⁷ in the interests of guaranteeing periods of quiet to neighbouring residents. Construction work is required to be undertaken in accordance with British Standard 5228 (Noise Control and Construction and Open Site and Control of Pollution Act 1974) in order to minimise nuisance in the surrounding area from noise and vibrations.
34. The **Contaminated Land** section of Highland Council was consulted and confirmed that there is no comment to make on the proposal.
35. Highland Council's **TEC Services** were consulted and there is no objection arising in relation to the development proposal.

⁵ Received by the CNPA on 1 September 2009.

⁶ Received by the CNPA on 1st June 2010.

⁷ Normal working hours on site recommended to be between 0700 hrs and 2000hrs Monday to Friday, and 0800hrs – 1300 hrs on Saturday, with no work being carried out on Sundays or public holidays.

36. Detailed consultation responses have been received from Highland Council's **Forestry Section**. Concern was expressed in the initial response regarding the impact of the proposed development on trees on the site (a row of semi-mature poplars on the south side of the site; a row of mature sycamore and lime to the north of the poplars; and a mature elm, lime and alder on the eastern side of the site). Disappointment was expressed that the landscaping proposals indicated that of the 24 trees on the site, 22 were proposed for felling, and the remaining two trees have been identified as "existing trees that may be removed." The **Forestry Officer** advised that greater consideration needed to be given to the retention and protection of existing trees on the site. While appreciating the need to upgrade the sewage works, it was considered that the proposals would have a significant detrimental impact on mature broadleaf trees. In an effort to address the concerns, the Forestry Officer requested further arboricultural details, as well as a more detailed landscaping plan and details of a maintenance programme.
37. Further to the receipt of additional information from the applicants, the **Forestry Section** was re-consulted on two additional occasions, with response received in June 2010 and September 2010. Reference was made in the response in June 2010 to a meeting which had taken place on site with the applicants and the forestry officer at which the **Forestry Officer** acknowledges a reluctant acceptance of the removal of the majority of the trees, "provided that some attempt was made to retain trees to the north side of the site" as well as details of new landscaping proposals. Despite this acceptance, the consultation response noted however that measures discussed on site had not been incorporated into the amended proposals and the forestry officer. This point was again conveyed to the applicants and their resulting response was forwarded to the **Forestry Section** for further consideration.
38. The third and most recent response from the **Forestry Section** continues to raise issues regarding matters that are considered not to have been satisfactorily resolved, including the refusal of Scottish Water to provide additional tree planting to soften the views into the site from the south and west. The consultation response concludes that there is a reluctant acceptance that the majority of mature trees on the site would have to be felled, but expressing disappointment that "much of what was agreed on site in terms of replacement planting" is now "not being followed through to the landscape proposals drawing." As a result the final consultation response indicates that the **Forestry Officer** is still not in a position to support this application.
39. Highland Council's **Education Section** was consulted on the proposal, as the works involve utilising an access track and bridge across the River Gynack, which also provides access to Kingussie High School. In a response received from Highland Council's **Estates Strategy Manager** in November 2010 it is stated that the proposals directly affect the access and the property boundaries of the High School. Concern is expressed that the uncontrolled movement of large construction vehicles would directly conflict with the

entry and exit of pupils, staff and visitors to the High School and could create a “potential for injury of KHS personnel or damage to property.” Concern is expressed for the health and safety of pupils, staff and visitors to the school.

40. Details are provided in the consultation response from Highland Council’s **Education Section / Estates Strategy Manager** of a meeting which took place in September 2010 between Highland Council and Scottish Water representatives. A list of commitments made by Scottish Water at that meeting is outlined in the response, including measures such as programming construction works to maximise use of time periods when the school is at lowest occupation levels; prohibiting construction traffic movement during main periods of pedestrian activity at the school (morning, lunchtime and afternoon); presence of a ‘banks man’ at the entry to the High School to control vehicle movements during the construction period; creation of a ‘holding area’ for large vehicles during prohibited periods; and SW to hold regular meetings with Kingussie High School representatives during construction.
41. The response from Highland Council’s **Education Section / Estates Strategy Manager** also indicates a “willingness to release an area of the school grounds for access so that SW can upgrade and improve the vehicular access route.” Highland Council also request in the response that the commitments outlined are included as conditions of any planning permission. On that basis, it is confirmed at the conclusion of the consultation response that “HC are supportive of SW’s proposals.”
42. SW response to the issues raised by HC Education Section / Estates Strategy Manager : SW acknowledge that the main concern is the health and safety of pupils, staff and visitors to the school and confirm that it is also a key priority for Scottish Water. It is pointed out that the planned access arrangements to the proposed site are the same arrangements that Scottish Water’s larger operational vehicles currently use to access the existing Wastewater Treatment Works. SW also make reference to the aforementioned meeting with Highland Council representatives in September 2010, and it is confirmed that Scottish Water are committed to adopt mitigation measures sufficient to address the Council’s health and safety concerns. It is stated at the conclusion of the letter that Scottish Water intend to work closely with Highland Council and Kingussie High School to ensure that the proposed mitigation measures are successfully implemented, both during the construction phase and the subsequent operational phase.”
43. **Kingussie and Vicinity Community Council** stated at the outset of their initial consultation response that they welcome and support in principle the application to upgrade the wastewater treatment works. However a number of concerns and objections were expressed to some aspects of the proposed development. Due to the detailed nature of the response and the proliferation of points raised, copies of the responses from the Community Council are attached to the rear of the report (Appendix 2). The following provides a summary of the issues raised in the initial response received –

- Questioning the appropriateness of the site for the development, as it is within a flood plain;
 - The flood risk assessment indicates that there is a definite risk of flooding with untreated wastewater in major residential parts of Kingussie;
 - Plans for the replacement of the wastewater treatment works should include actions to overcome flooding events;
 - Concerns regarding difficulties in accessing the site for construction and operational purposes;
 - The potential impacts of access – reference is made to the railway bridge being too low to allow the passage of large vehicles; use of alternative access at the western end of the site would involve traversing the Gynack Burn over a bridge shared with the only entrance to Kingussie High School;
 - The community council state their objection to use of the aforementioned access if proposals do not include the development of a separate access away from the High School entrance;
 - Concerns regarding increases in heavy construction traffic through the village during the construction phase;
 - The need for a tree and shrub scheme in order to screen the site from the site and replace trees that are proposed to be felled;
 - A maintenance plan for landscaping for only three years is too limited a timescale;
 - Concerns regarding potential odours and reference to the proximity of the site to many residential areas of Kingussie; and
 - Comment that the proposed new treatment works will not overcome other existing problem with mains drainage in many areas of Kingussie.
44. Points raised by the Community Council were considered as part of the assessment of the proposed development and CNPA planning officials subsequently raised several queries with the applicants. Upon receipt of the required information and response from the applicants, the Community Council was re-consulted. Reference was made in the re-consultation response to a meeting which was held in May 2010 between the Community Council and Scottish Water representatives. A list of the topics discussed at that meeting has been provided in the response. The following points were also raised in the response :
- Unhappy about the potential odours from the development;
 - Concerns regarding landscape screening;
 - Issues regarding the shared use of the bridge over the River Gynack;
 - Potential flooding of town streets, and it is suggested that a statement that “the treatment tanks will be designed not to overtop during a one in two hundred year flood event” holds no comfort; and
 - Uncertainty regarding the final capacity of the new facility.
45. Scottish Water response : The points raised in the second consultation response were brought to the attention of the agent acting on behalf of Scottish Water, and a response has been received in relation to some of the matters raised by Kingussie and Vicinity Community Council.

46. SW response to concerns regarding odours : It is suggested that the concerns are “unfounded” and it is commented that “certain design aspects of the proposed wastewater treatment works at Kingussie minimise the potential risk of odours escaping, such as the use of covered sludge holding tanks and the use of passive carbon filters.
47. SW response to concerns regarding additional screen planting : SW consider that there is insufficient space to accommodate trees along the boundary with the railway line.
48. SW response to concerns regarding shared use of the bridge over the River Gynack : it is stated that the bridge is an existing public road and is currently used by Scottish Water’s operational vehicles to access the WWTW. Scottish Water consider that where there may be potential conflict issues with construction vehicles during the construction period that they can “be suitably managed with on site controls.”
49. SW response to concerns regarding potential flooding issues : reference is made to the formal consultation with SEPA in which it was confirmed that there was no objection to the proposed development on flood risk grounds.
50. SW response to concerns regarding the final capacity of the new wastewater treatment works : a summary has been provided of capacity figures which Scottish Water comment has already been provided to the community council.
- (i) Capacity of existing WwTW (based on 1961 design) – 1,200 p.e.⁸
 - (ii) Capacity of proposed WwTW (based on 2010 design) – 3,148 p.e.
 - (iii) Capacity of future growth (including in 2010 design) – 858 p.e.
51. SW response to concerns regarding the efficiency of the existing sewer network in Kingussie : Scottish Water suggest that this point is not relevant to the proposed development. Reference is however made to the fact that the current wastewater treatment works was built and commissioned in 1961 and there has been no significant capital investment in the past 49 years to increase the capacity of the assets.
52. The CNPA’s **Access Officer** considered the proposal from the point of view of access opportunities in the area and has no objection. Reference was however made in the initial consultation response to the track running adjacent to the railway line which provides a link through the area of Kingussie High School, and that this also offers the potential for a short cut to Kingussie train station. As such it is important that this track is retained. This matter was queried with the applicants. The response on behalf of Scottish Water indicated that in order to improve access to the new water treatment works site, there will be a need to temporarily close the access track for a period of 3-4 weeks. Appropriate signage directing the public to

⁸ Population equivalent – the Scottish Water submission defines this as the “measurement of organic biodegradable load.”

an alternative route would be provided for the duration of the closure. After that the track would remain available for use without any impediments to access opportunities. The CNPA's access officer has confirmed acceptance of this proposal.

53. The natural heritage implications of the proposal have been assessed by the CNPA's **Ecology Officer** and **Landscape Officer**. The Ecology Officer noted that the proposal requires the felling of several trees and consequently requested that a bat survey be undertaken of the trees to be felled, and also required a squirrel survey of the trees within the proposed development site. In response to the requests of the Ecology Officer, the applicants commissioned an ecologist to undertake work and the results of an 'Ecological Walkover' were subsequently submitted.⁹ The Ecology Officer has confirmed acceptance of the details submitted and is satisfied with the reassurance that a bat survey would be carried out prior to the trees being felled.
54. In the initial response from the CNPA's **Landscape Officer** it was noted that the large sycamores on the site are significant in local views, particularly from the access road and the railway. In addition it is commented that all the trees tend to read as part of the wooded periphery of the settlement of Kingussie when viewed from the A9 and B970 public roads. It was also noted that most of the trees are identified for felling. Concern was expressed about the loss of trees, which would weaken the wooded edge of the settlement at this point. A number of mitigation measures were suggested including retention of a greater number of trees (and the provision of adequate operational justification for those proposed for felling), proposals for the protection of individual trees during construction, and proposals for the long term management of the planting.
55. The **Landscape Officer** then attended a meeting on-site together with Highland Council's Forestry Officer and representatives of Scottish Water (applicants). A number of measures were verbally agreed, on the understanding that various items of information would be submitted to address the landscape concerns. Scottish Water submitted details in May 2010, although the details did not accord with the various measures which had been discussed and agreed on site. As a result it was necessary for the CNPA to request further detail. The response received from Scottish Water on 4th August 2010 lacked a willingness to commit to the landscaping works requested, primarily citing health and safety issues in some instances. The case made by Scottish Water on the points raised has been considered by the Landscape Officer and the resulting response suggests a number of measures which could be undertaken as a compromise. The 'compromise' recommendations include :

⁹ The 'Ecological Walkover' site visit was conducted on 22nd April 2010. Information provided indicates that all trees on the site were observed for signs of squirrels and their dreys, and none were observed. Signs of breeding birds were also searched for, including nests or behaviour indicative of nesting, and none were observed during the course of the survey. Finally, three trees were identified with high potential to support roosting bats and as a result it was recommended that a full survey of each of the relevant trees be undertaken by a licensed bat worker prior to felling.

- The undertaking of shrub planting on the northern side of the development site (tree planting had originally been required on a sloped area but SW maintain that this would compromise vehicle access / visibility);
- The planting of native climbers, which should be established in pockets of topsoil at the base of security fence as a means of minimising the visual impact arising from its proposed position at the top of an area of bunding (SW were previously requested to position the security fence in a less obtrusive area at the base of the bunding);
- The inclusion of Alders within the planting mix on the lower, re-graded eastern side of the site; and
- The undertaking of planting on land outside the identified site boundaries, but within the control of Scottish Water, at the extreme southern end of the facility.

REPRESENTATIONS

56. The development proposal was advertised in the Strathspey and Badenoch Herald on 12th August 2009. No representations have been received in connection with the planning application.

APPRAISAL

Principle

57. The principle of a facility of this nature, albeit of a smaller scale, has already been accepted on lands at this location, where the existing facility has existed for several decades. The current proposal is for the upgrading of the treatment works. It is considered reasonable and more expedient in delivering improvements to the wastewater treatment system serving Kingussie to undertake upgrading works at the existing location, rather than seeking to establish a new facility elsewhere.
58. 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 may therefore be considered generally compatible with land use planning in this area.

Natural Heritage and Landscape Impacts

59. 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 therefore 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. Through a combination of the already submitted landscaping proposals and

the use of appropriate landscape related conditions, the visual impact of the development as viewed from areas in the distance to the south east, including from the A9 trunk road, could be minimised. While acknowledging the concerns of Highland Council's Forestry Officer, as detailed in paragraphs 36 – 38, and which relate primarily to the extent of tree felling on the site, it is necessary to balance those against the recommendations of the CNPA's Landscape Office and also to consider the overall benefits to the community which would result from the improvements to sewage infrastructure. The Landscape Officer is also cognisant of the extent of tree felling, but has recommended a suite of conditions to compensate for this and visually enhance the perimeter of the site.

Access

60. Continued concern has been expressed by Kingussie Community Council in relation to the access arrangements associated with the development proposal, and in particular large vehicles associated with this development (in both the construction and operational phases) sharing the same access arrangement which serves Kingussie High School. Dialogue has taken place on this issue between Scottish Water and Highland Council representatives¹⁰ and the most recent response from Highland Council indicates acceptance of the development, subject to a number of operating conditions, particularly relating to the construction phase.
61. The access arrangement is already utilised by Scottish Water's larger vehicles in connection with the operation of the existing WWTW. Smaller operational vehicles access the site from the north east, off Manse Road and under the railway bridge, and this arrangement would remain in place at the upgraded WWTW. In essence, the construction period will be the busiest and require the most intensive use of the access along the track. Various measures can be put in place, and secured by way of appropriate planning conditions, to ensure that vehicular movement at that stage and also during the longer term operation of the facility can be appropriately controlled and regulated, in order to ensure that it does not impact on the health and safety of those accessing Kingussie High School.

Kingussie and Vicinity Community Council concerns

62. The consultation responses received from Kingussie and Vicinity Community Council have been summarised in foregoing sections of this report, and Appendix 2 contains copies of both responses received. Access was one of the main concerns, in particular the potential impact of the development activities on users of Kingussie High School. As detailed above the matter has been explored extensively, and Highland Council have confirmed their agreement to the development proposals. Conditions to address the requirements of the Education Section / Estate Strategy Manager could be included in the event of the granting of planning permission, in order to ensure that conflict between Scottish Water related vehicles and users of the

¹⁰ Representing Highland Council Education Section and also Highland Council Estate Strategy Manager.

school access is minimised and that the health and safety of pedestrians is safeguarded.

63. Other issues raised in the Community Council representation include concerns regarding odour and in response to this, an Odour Management Plan was requested. That has been examined by Highland Council's Environmental Health Officer and has been deemed acceptable. Flooding concerns were also highlighted by the Community Council and this issue was considered in detail by SEPA and it has been confirmed that there is no objection on flooding grounds. Clarification has also been provided by Scottish Water on queries raised by the Community Council in respect of the capacity of the new treatment works

Conclusion

64. In conclusion, the upgrading of the WWTW in Kingussie is necessary in order to meet legislative requirements by providing appropriate treatment. The existing works are several decades old, are overloaded and incapable of accepting additional flows. The upgrading works would provide benefit to the residents in Kingussie by alleviating problems associated with the existing works, and would also be of assistance in facilitating the planned growth of the settlement.

IMPLICATIONS FOR THE AIMS OF THE PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

65. In overall terms the development is not considered to have adverse implications for this aim. Necessary tree felling on the site would be compensated for by a scheme of new planting which would have the potential to enhance the natural heritage of the area.

Promote Sustainable Use of Natural Resources

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

Promote Understanding and Enjoyment

67. As with many infrastructural developments, the nature of the works proposed may have some visual impact and as such would not assist in promoting the enjoyment of the area by the general public. However, sufficient measures can be put in place to mitigate the visual impact to an acceptable extent. 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

68. The development will improve the quality and efficiency of the wastewater treatment for the Kingussie area and would address current 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 upgrading and construction of additional infrastructure (above and underground) at Kingussie Wastewater Treatment Works 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). 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 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. Prior to the commencement of development a revised landscaping plan shall be submitted for the agreement of the Cairngorms National Park Authority acting as Planning Authority specifying the quantity, position, size, species and protection measures (tree shelters, stakes and ties) of all trees / shrubs to be planted. The landscaping plan shall also include the following :
 - (a) proposals for shrub planting (using a similar mix to that already proposed on the eastern boundary) in order to reduce the visual impact of the security fence along the northern frontage of the site;
 - (b) proposals for the provision of native climbers, to be established in pockets of topsoil at the base of the proposed security fence;
 - (c) proposals for a concentration of Alders on lower and wetter ground on the proposed re-graded eastern side of the site;
 - (d) proposals for the planting of shrubs and climbers on land to the south of the proposed site, in the vicinity of the existing compound, on land identified as being in the ownership of the applicants.

A maintenance programme shall also be submitted in conjunction with the landscaping plan. The landscaping shall be carried out in accordance with the agreed plan and shall be completed within one year of the commencement of works. 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. 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.

6. Prior to the commencement of development, a bat survey shall be undertaken of all trees which are proposed for felling and shall be submitted for the agreement of the Cairngorms National Park Authority acting as Planning Authority. In the event of evidence of bats being detected no further work shall proceed until all necessary measures have been taken, including where necessary securing a licence in respect of the works.

Reason : In order to afford adequate protection to European Protected Species and in the interests of conserving and enhancing the natural heritage of the area.

7. 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.

8. 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.

Mary Grier
2 December 2010

planning@cairngorms.co.uk

The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.