
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: UPGRADE AND REFURBISHMENT OF EXISTING WASTEWATER TREATMENT WORKS, AT GLENMORE WASTE WATER TREATMENT WORKS, GLENMORE, AVIEMORE (FULL PP)

REFERENCE: 07/348/CP

APPLICANT: SCOTTISH WATER, SHIELDHALL, 38 RENFREW ROAD, GLASGOW, G51 4SU.

DATE CALLED-IN: 21 SEPTEMBER 2007

RECOMMENDATION: GRANT, SUBJECT TO CONDITIONS

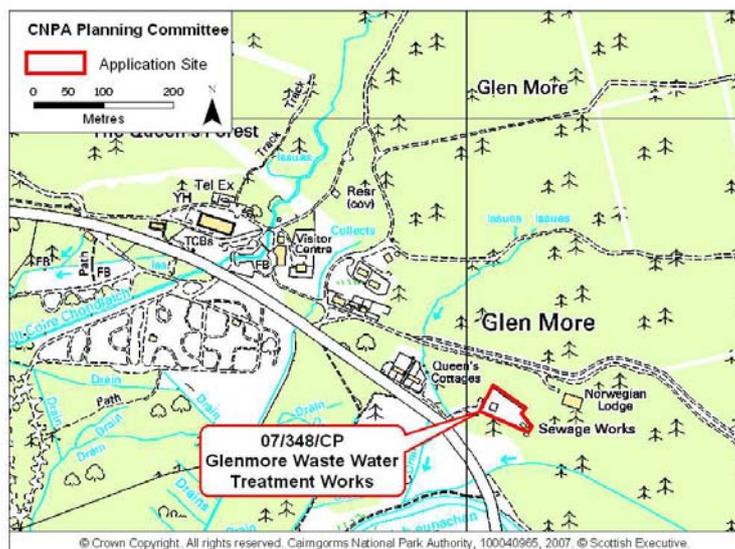


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Full planning permission is sought by Scottish Water for the redevelopment and upgrade of their existing waste water treatment works within the Glenmore settlement boundary, which lies north of the Coylumbridge Cairngorm Mountain Road to the north east of Loch Morlich. The works are contained within a fenced compound in Forestry Commission Woodland with access to the WWTW from the Glenmore Road. The application site forms an area of approximately 1790m² and is set back from Glenmore Road by some 40m. **(See Fig 2)**



Fig 2: photo shows the access point to the WWTW.

2. The Glenmore WWTWs is within the Cairngorms Mountain National Scenic Area (NSA), and adjacent to the Glenmore Forest SSSI, Ancient Woodland to the south of the site, and River Spey SAC.
3. The applicants have written in their planning statement that during the summer months of 2005, the treatment process was operating close to maximum capacity. Some temporary upgrading to the system was therefore put in place, under permitted development rights, in order to keep discharge levels within SEPA compliance. However, Scottish Water now proposes to replace and upgrade the temporary system with permanent structures allowing for an additional growth factor of 20% population equivalent. The construction period is estimated at 18 months.
4. The existing works at Glenmore comprise a primary settling treatment and secondary submerged aerated filter (SAF) treatment with an associated pumping station, sludge holding tank, 2 old sheds and the Old Blower House. **(See Fig 3 and 4)**



Fig 3: Photo of the site, taken in a south west direction. The large green structures are the SAF units.



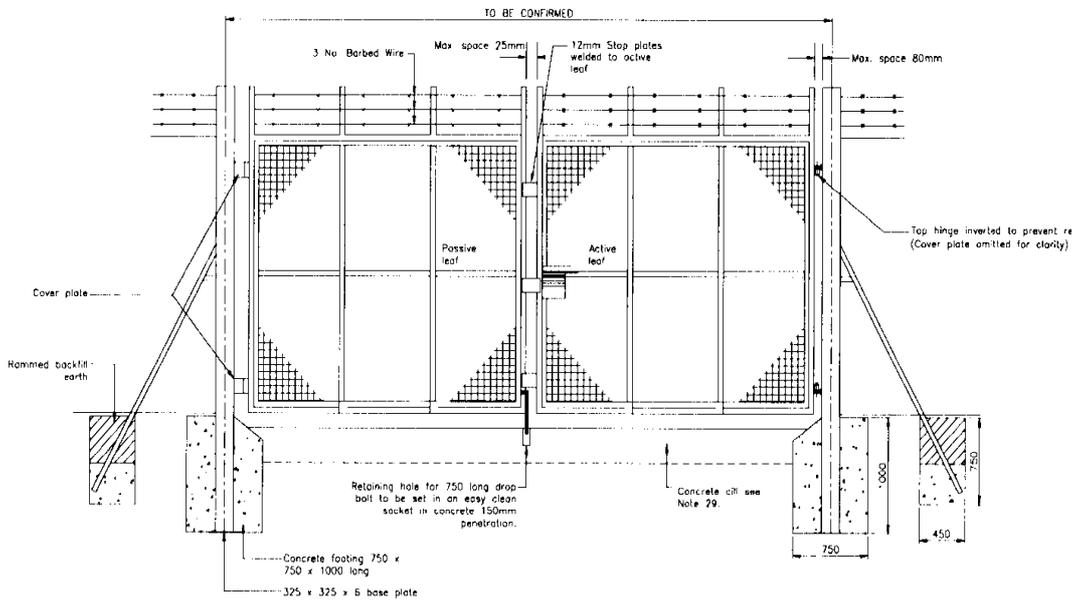
Fig 4: Photo taken in southern direction. Building in the middle of picture is the Old Blower House and the other timber structure is one of the small sheds

5. The upgrade proposals will include:
- 1 new 6.0m diameter Primary Settlement Treatment Tank to the west of the site;
 - 1 new 5.0m diameter Sludge Holding Tank to the north of the site;
 - 1 new 6.0m diameter Final Settlement Tank with associated underground works. (**See APPENDIX 1**)

6. All the above equipment will be totally below ground level. Only the handrails would be approximately 1m above ground. The applicants will retain the 4 Submerged Aerated Filters (SAF) Units, with the replacement of the 4 Blowers with 2 Blowers at 0.8m high in their place. The proposal also includes the construction of 1 MMC Kiosk to the south east of the site (3.15m long x 2.15m wide x 2.45m high).
7. The old timber shed to the south west of the site, which houses the Chemical Dosing System and Shower will be moved approximately 4 meters north of its current location for its continued use.
8. In addition to the above, the growth of the WWTWs will involve works which are classed as “Permitted Development” under Class 38 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. The following therefore do not require planning permission, but for clarity they are included in the application details; Underground Pumping Station, Flow Meter Chamber, Valve Chamber and Sample Chamber.
9. The proposal will also include the replacement of the existing perimeter fence around the application site boundary with a new ‘like for like’ fence which will be at a height of 2.4m. **(See Fig 5 and 6)**



Fig 5: Existing access gate to the site.

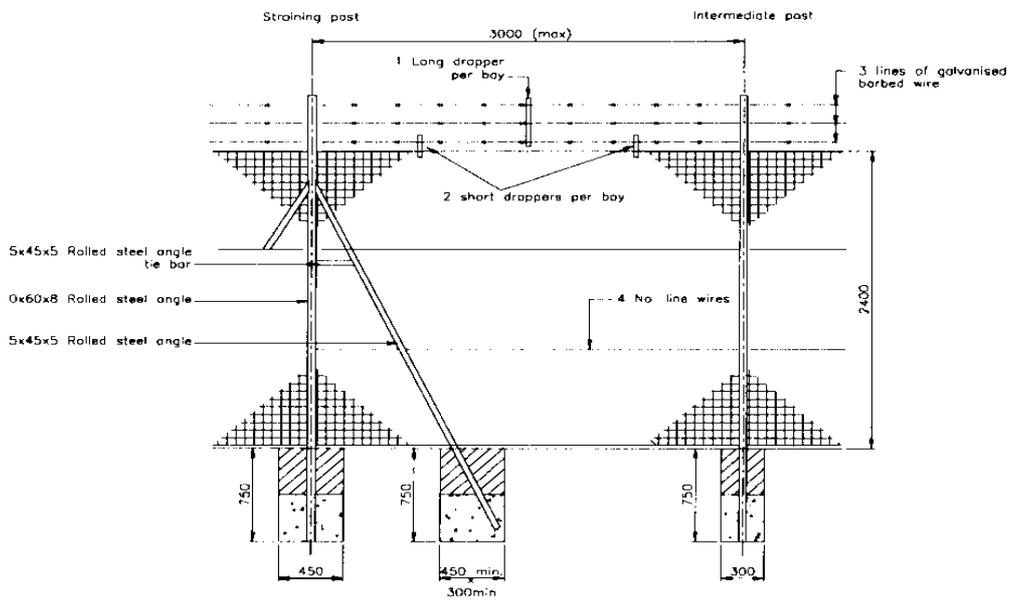


WELDED MESH ACCESS GATE

Scale 1:25

DETAILS OF CONSTRUCTION

- 1 Gate posts 180x190x6.3mm galvanised RHS steel sections overall length 3750mm with 45x45x5mm angle strut 3250mm long and 30x30x2.6mm brace. Gate post to be fitted with 325x325x6mm baseplate. Gate posts to BS EN 10210.



FENCE

Fig 6: The drawings of the proposed new access gate and the rest of the fence that will cover the perimeter of the site.

10. The proposals will require the 'above ground' demolition of the Old Final Tank, Old Sludge Tank, the 1 old shed to the east of the site and the Old Blower House
11. Following an initial enquiry from Forestry Commission Scotland regarding bats, SNH carried out a bat survey within the proposed development site. The survey confirmed that the Old Blower House building provides an important resting site and/or breeding site for bats. **(See Fig 7)**



Fig 7: The Old Blower House

12. Further to concerns raised in the course of the assessment of the application regarding bats, and the CNPA's legal duty to 'satisfy' the 3 Tests as stated in the '*European Protected Species, Development Sites and the Planning System: Interim Guidance for Local Authorities on Licensing Arrangements (Oct 2001)*', the applicant has proposed a new building for the bat roost to the far east of the site. **(See APPENDIX 1)**
13. Further analysis, information and details for the process of securing permission to demolish the Old Blower House from the Scottish Government will be dealt with later on in the report.

DEVELOPMENT PLAN CONTEXT

Cairngorms National Park Plan 2007

14. Strategic objectives for the **Landscape, Built, and Historic Environment** include; maintaining and enhancing the distinctive landscapes across the Park; and ensuring development complements and enhances the landscape character of the Park. Strategic objectives for **Biodiversity** include; that populations of species given special protection under the Habitat Regulations, the Wildlife and Countryside Act, the Nature Conservation Act and European Directive are stable or, where appropriate increased. Strategic objectives for **Sustainable Use of Resources**, include; all management and development in the Park should seek to make the most sustainable use of natural resources, including water and energy. Strategic objectives for **Water**, include; maintain or where necessary enhance the existing high water quality and physical condition of waterbodies in the Park; Strategic objectives for **Sustainable Communities**, include; make proactive provision to focus settlement growth in the main settlements and plan for growth to meet community needs in other settlements.

Highland Structure Plan 2001

15. In the **Highland Structure Plan 2001, 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. **Policy N1 Nature Conservation** states development which would have an adverse effect on the conservation interests for which a site has been designated and/or where priority habitats or species (as defined in Article 1 of the Habitats Directive) would be affected, will only be permitted, where there is no alternative solution and there are imperative reasons of overriding public interest, including those of a social and economic nature. **Policy L4 (Landscape Character)** seeks to maintain and enhance present landscape character. In principle, the structure plan highlights the importance of a satisfactory infrastructure system to promote economic development.

Badenoch and Strathspey Local Plan 1997

16. **Settlement Policy Objectives** for Glenmore state the requirement for the highest possible standards of land management and planning due to enormous visitor pressures and international importance of the land in the corridor. There is a strict presumption against non-essential development in this area. The Glenmore Corridor is within a 'Sensitive

Rural Area' where the priority lies with conservation of the environment and improved management of existing and future recreational activities. Sensitive areas include statutory nature conservation sites, ancient woodlands and area of landscape importance.

17. **Landscape Conservation Policy 2.5.10** states notwithstanding the Cairngorms National Scenic Area (NSA), the Council will seek to conserve areas of landscape importance including waterside land, open space, and scenic views particularly over open water from the main tourist routes. Development proposals will be considered carefully in respect of their impact on conservation and the environment.
18. **Development Policy 4.14.1** for Glenmore states 'whilst reasonable consolidation and improvement of established businesses is acceptable in principle, a strong presumption will be maintained against further new development throughout the area, except where this is considered essential for the proper management of visitors. This will generally comprise of measures to avoid:
 - Conflict between uses and activities;
 - Hazard or jeopardy to public safety, and;
 - Damage to the environment
19. **Other Land Use and Conservation Policy 4.14.3** for Glenmore seeks to encourage conservation measures where they are aimed at sustaining the natural heritage interests and restoring or enhancing the underlying fauna, flora, scenery and manmade heritage features of each transitional zone.

CONSULTATIONS

20. **SEPA** are of the opinion that the proposal is within the terms and conditions of the existing CAR licence. This authorisation was granted in terms of The Control of Pollution Act 1974. In relation to the applicant's notes in the planning statement for surface water run off, in which drainage from any impervious surface within the perimeter of the WWTW will be redirected to the inlet and treated by the WWTW, **SEPA** finds this acceptable from a water quality perspective.
21. Following an initial inquiry from Forestry Commission Scotland in relation to Bats on site, **SNH** have identified that the WWTW site provides an important resting place and/or breeding site for bats, especially within the Old Blower House. Thus, **SNH** has advised the Forestry Commission Scotland that a licence is required from the Scottish Government because the existing bat roost is to be destroyed on this site.
22. An SNH Bat consultant visited the building and counted more than 240 bats, which were identified as Soprano Pipistrellus. Therefore, if the

building is to be demolished **SNH** advises that an alternative roost site is provided for the bats before the work begins. With a roost of this size it would be appropriate to replace a bat friendly building as near to the original site as possible.

23. **SNH** have also advised that the CNPA should fully ascertain what the implications on EPS are, under the guidance of the document *'European Protected Species, Development Sites and the Planning System: Interim Guidance for Local Authorities on Licensing Arrangements (Oct 2001)*, before considering whether to approve an application or not.
24. **SNH** has assessed the proposal and advises that the effect of the proposed action would not be detrimental to the maintenance of the population of soprano pipistrelle bats at a favourable conservation status (FCS) within its natural range. However, to minimise local impacts SNH recommends the following conditions are attached to any permission granted:
 - All works be carried out in accordance with a Method Statement;
 - One way excluders are fitted by a licensed bat worker. They should remain in situ for at least 4 weeks;
 - Demolition of the existing bat roost building takes place only once the new roost building has been erected;
 - If any bats are found during the course of the demolition works they should be carefully removed to the new bat friendly building. If more than five bats are found, all work should stop and SNH contacted for advice on how to proceed before any further works take place, and;
 - That all works are completed by April 30 2008
25. **SNH** considers that it is unlikely that any of the adjacent natural heritage designations will be affected significantly either directly or indirectly by the proposed development.
26. **CNPA's Natural Heritage Group** has no serious concerns in relation to the proposed development's impact on the NSA and the adjacent Ancient Woodland to the south of the site and River Spey SAC. However, care should be taken when replacing the fencing around the site boundary, in order to protect any trees that overhang the fence line.
27. **Highland Council Environmental Health Service** has no objection to this proposal.
28. **Aviemore and Vicinity Community Council** has no objection to this proposal.
29. No response has been received from **Rothiemurchus Community Association**.

REPRESENTATIONS

30. No representations have been received.

APPRAISAL

31. This application raises issues in relation to the principle and the need for infrastructure in the context of the future development of Glenmore; the impacts on natural heritage and the landscape; and the impact on European Protected Species (EPS) on the site.

Principle and Need

32. From a land use policy perspective, there can be no mistake about the existing land use on the site. Although within a woodland setting, the WWTW is long established and fully operational. The proposed upgrade works in themselves are not significant and will take place entirely within the confines of the existing compound. There is also adequate space within the compound to allow for future growth.
33. The reason for this upgrade is to create additional capacity in the Glenmore waste water treatment network. Scottish Water's assessment of the WWTW concluded that there was insufficient headroom at the sewage treatment works, with the existing process units close to their treatment capacity.
34. The proposed new treatment facility will therefore, have the ability to treat effluent from an increased population and to allow for projected growth in domestic and tourist populations. An increase of the development potential of the existing Glenmore WWTW from a mean 860 Population Equivalent to 1200 Population Equivalent has been allowed. This figure is based on the existing Population Equivalent figure for Glenmore plus an additional 20% for increased demand.
35. The upgrade of the works is considered essential for the proper management of visitors under Policy 4.14.1. Clearly, in the interests of promoting the economic and social development of the area, 'freeing up' the current development constraints caused by the WWTW situation, will allow for any essential growth of Glenmore, or increased tourist population activity.
36. In relation to the natural heritage policies within the Development Plans, the proposed upgrade to the WWTW will not have an adverse effect on the adjacent natural heritage designations and the NSA that the site lies within. The issues raised during consultations response can be sufficiently mitigated through the use of conditions. The natural heritage implications of the development are discussed in more detail below.

Impact on Natural Heritage and Landscape

37. The location of the proposed development lies close to, but outwith, Glenmore Forest SSSI. This SSSI forms a component of the Cairngorms NSA. At its nearest point, the site lies approximately 33m from the boundary of these adjacent designations. The location of the WWTW also lies close to the River Spey SAC. At its nearest point, the site lies approximately 120m from the boundary of the SAC.
38. SEPA have stated that the proposal is within the terms and conditions of the existing CAR licence. I therefore, see no impacts on these designations from the discharge from the works, on completion of the upgrade.
39. The trees around the site provide a mature natural screen for the site from the wider area, which includes a popular tourist route within the National Park.
40. In relation to landscape impact, the CNPA's Natural Heritage Group have not raised any major concerns in relation to the impact on the SSSI and Ancient Woodland designations near the site and the Cairngorms NSA designation. However, the trees that overhang the fence line should be adequately protected during the construction of the new fence. The impact on the trees can be mitigated through the use of conditions requiring a Construction Method Statement for the new fence and for works to be carried out in accordance with *British Standards BS 5837:2005 'Trees in Relation to Construction'*.

Impact on European Protected Species (EPS)

41. As previously mentioned, SNH identified 250 bats roosting within the Old Blower House, which is situated within the WWTW compound, to the south.
42. Under the '*Conservation (Natural Habitats, & C.) Regulation 1994*', it is an offence to kill, capture or disturb European Protected Species (EPS), and/or damage or destroy a breeding site or resting place of such an animal. In accordance with the Regulation 1994, a licence can be granted by the Scottish Government for certain purposes. A licence will only be granted under the Regulation 1994 if the Scottish Government Rural Directorate are satisfied that:
 1. **The licence application demonstrably relates to one of the purposes specified in Regulation 44(2) as amended (See APPENDIX 2);**
 2. **There is no satisfactory alternative (to the granting of a licence), and;**

3. That the action authorised will not be detrimental to the maintenance of the population of the European Protected Species concerned at a 'favourable conservation status' in their natural range.
43. As highlighted in the document '*European Protected Species, Development Sites and the Planning System: Interim Guidance for Local Authorities on Licensing Arrangements (Oct 2001)*', planning authorities are required to have regard in the exercise of their functions, to the provision of the Habitats Directive "so far as they might be affected by those functions". This requirement applies to planning authorities when carrying out their functions under planning legislation.
44. The existing policy of the Scottish Government in this regard is based on the premise that the planning decisions reached by planning authorities in Scotland must at all times be consistent with the obligations placed on the UK by the Habitats Directive. Accordingly, it is the view of the Scottish Government that the general obligations of the Regulations mean that every planning decision taken in Scotland must be reached in a manner which ensures that the provision of the Habitat Directive are taken properly into account and that a breach of the Directive does not occur.
45. In consequence, it is important for planning authorities, in considering any application for planning permission, to address the '**3 Tests**' as stipulated in paragraph 42 above.
46. In the following section, I will assess the proposed development against the **3 Tests** through the analysis of consultation advice from SNH and evidence provided by the applicant.

TEST 1

47. In this case the proposed development for the upgrade of the Glenmore WWTW relates to Regulation 44(2)(e). This purpose is defined as:
- "preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment"*
48. That applicant has stated that the proposed work is required as part of a necessary upgrade of the Glenmore WWTWs. Failure to carry out this work will lead to potential public health issues relating to untreated waste water in the vicinity of a very high use public amenity site. Untreated or partially treated waste water may also enter Loch Morlich, which is part of the River Spey SAC, and has the potential to create significant environmental problems.

49. Confirmation on the satisfaction of Test 1, is supported by the evidence provided by the applicant and the nature of work to be undertaken on site. The upgrade of the work would allow for an increased capacity to accommodate any influx of domestic and tourist population. The upgrade would also be crucial to the safeguarding of the River Spey SAC in relation to surface water run off and the quality of effluent discharge to the water course.

TEST 2

50. The existing treatment works at Glenmore was temporarily upgraded a number of years ago to improve the quality of the effluent discharging to the water course and ultimately to Loch Morlich. The proposed works will bring further improvements to the treatment facilities at Glenmore up to a suitable standard as stipulated by SEPA. This work requires a number of additional tanks, which due to the topography and hydraulics of the site, limited Scottish Water's options. The accommodation of the hammerhead within the site to allow an articulated vehicle to turn is another restriction on the retention of the Old Blower House. Therefore, there was no satisfactory alternative to avoid the demolition of the existing building where the bats roost.

TEST 3

51. As advised in the *'European Protected Species, Development Sites and the Planning System: Interim Guidance for Local Authorities on Licensing Arrangements (Oct 2001)'*, the CNPA sought professional advice from SNH in relation to satisfying the 3rd Test. SNH assessed that the proposal would not be detrimental to the maintenance of the population of soprano pipistrelle bats at a favourable conservation status within its natural range. However to minimise local impact, SNH recommended the conditions, as stipulated in paragraph 24 of this report. The conditions including the construction of the new bat roost building will mitigate the effect of this development on EPS on the site.
52. As such it is my view that the proposed upgrade to the Glenmore WWTWs will not impact adversely on the EPS on the site and that the 3 Tests for the eventual grant of a Regulation 44 licence are satisfied.

Conclusion

53. This development raises no concerns in terms of planning policy. Indeed it is considered to be a positive step towards improving the overloaded treatment facility in Glenmore. The proposed conditions will mitigate the effect on nearby trees outwith the compound and EPS on the site.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

54. The proposal will not have an adverse impact on the area, given that the application site is situated outside the statutory designated sites of European and national significance. There will be no visual or landscape impact on the NSA. The issues in relation to the protection of trees immediately surrounding the site and the demolition of a building which harbours an EPS can both be effectively dealt with through the use of conditions, and the applicant's proposal for the new bat roost building.

Promote Sustainable Use of Natural Resources

55. There is no particular implication for this aim. However, the reuse of the old shed for the housing of the Chemical Dosing System and Shower is positive.

Promote Understanding and Enjoyment of the Area

56. The site is within a popular tourist area. The only potential impact is during construction where the access route serving the site comes from a main tourist route to the Cairngorm Mountain. While there may be some increase in traffic movement, it will only be temporary and will not be of a significant scale.

Promote Sustainable Economic and Social Development of the Area

57. The development meets the social and economic aim through the provision of a community asset which will facilitate appropriate development for tourism and economic growth of the area.

RECOMMENDATION

58. That Members of the Committee support a recommendation to:

GRANT Full Planning Permission for the upgrade and refurbishment of existing wastewater treatment works at Glenmore Waste Water Treatment Works, Glenmore, Aviemore, subject to the following conditions:

- 1. The development to which this permission relates must be begun within five years from the date of this permission.**
- 2. That prior to commencement of works on site for the new replacement perimeter fence, a detailed Construction Method Statement, covering all aspects relating to the method of**

construction of the new fence, shall be submitted for the further written approval of the CNPA, acting as Planning Authority.

3. Notwithstanding the terms of Condition No. 2 above, no development shall commence on this site until trees immediately adjacent to and over hanging the site, have been protected around the extremities of the crowns of these trees to the satisfaction of the CNPA acting as Planning Authority, and in accordance with BS5837:2005, Trees in Relation to Construction.
4. That the demolition of the Old Blower House which currently supports a bat roost, shall only take place on the completion, to the satisfaction of the CNPA acting as Planning Authority, following consultation with SNH, of a new bat friendly replacement building in the location indicated on the approved Site Layout Drawing No. 236355/003A.
5. That prior to the commencement of works on the construction of the new bat friendly replacement building required by Condition No. 4 above, exact details and specifications (drawing and written form) for the new building shall be submitted for the further written approval of the CNPA acting as Planning Authority following consultation with Scottish Natural Heritage.
6. That prior to the commencement of works to demolish the Old Blower House, a detailed Method Statement covering all aspects relating to the exclusion and relocation of bats, the demolition of the building, and the subsequent construction of the new bat friendly replacement building required by Condition no. 4 above, shall be submitted for the further written approval of the CNPA, acting as Planning Authority.
7. Notwithstanding the terms of Condition No. 6 above, and prior to the demolition of the Old Blower House, one way bat excluders shall be fitted to this building, by a licensed bat worker, all in accordance with the established guidance and advice of Scottish Natural Heritage. The bat excluders shall remain in situ for a minimum of 4 weeks from the date of installation.

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3 January 2008
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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.

