

CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: NEW FILTER KIOSK AND ASSOCIATED WORKS, BLACKPARK WATER TREATMENT WORKS, AVIEMORE (FULL PLANNING PERMISSION)

REFERENCE: 04/526/CP

APPLICANT: SCOTTISH WATER, CASTLE HOUSE, 6 CASTLE DRIVE, CARNEGIE CAMPUS, DUNFERMLINE, FIFE, KY11 8GG

DATE CALLED-IN: 19 NOVEMBER 2004

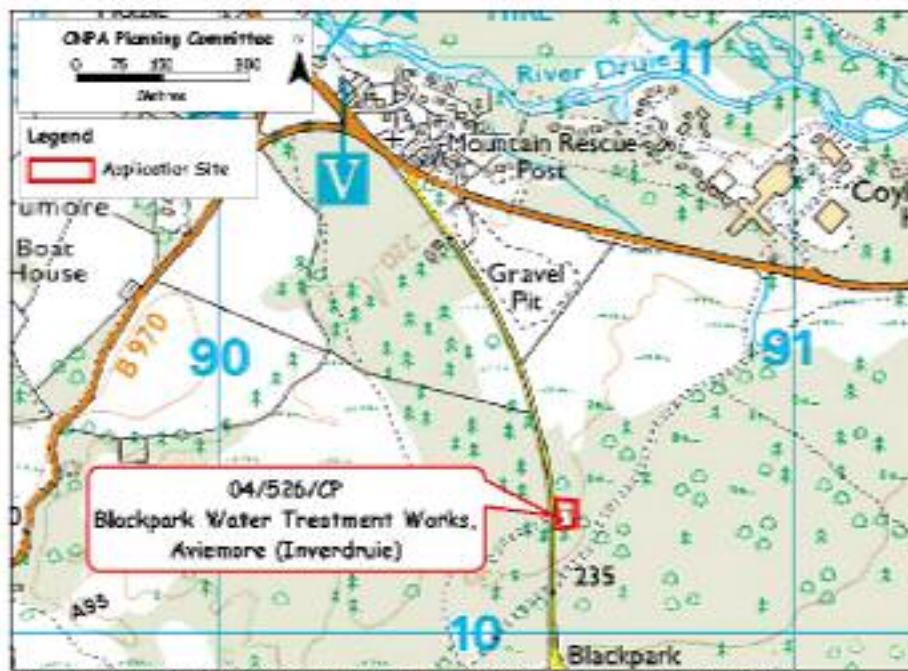


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. This application is for the upgrade of the existing Blackpark Water Treatment Works, located to the south-east of Aviemore and Inverdrue on Rothiemurchus Estate. Within the fenced compound at present, there is a flat-roofed, 6.5m by 10.5m chlorination building located in the centre of the site with cubicles positioned behind. In addition there are underground valve chambers, covers and pipes outside the existing compound boundary to the north side adjacent to a burn. The works involve the siting of a new filter kiosk (7.8m x 10m x 3.7m, coloured dark brown) on the north side of the existing compound. Also within the existing compound, extensions to the existing surfaced road area will allow access to both ends of the new kiosk. An existing screen fence will be removed. Additional associated underground works are also proposed in the area between the existing compound boundary and the burn to the north side. These underground works include the provision of a surface water soakaway, the construction of new valve and sampling chambers, meters, dosing points, and ducts. Following discussions, some new timber fencing will be constructed to form a screened storage area for mobile equipment and plant.
2. The new works are part of Scottish Water's move to comply with the European Water Directive that relates to additional treatment of upland surface waters. A new filtration process is required to be incorporated into the present plant, and this will help to protect against cryptosporidium and avoid the need for a chemical process with its associated delivery and disposal of waste processes. There will be an average of 10 people on site at any one time during the site establishment phase, and temporary office, mess, toilet and storage units (located inside the site) will be provided during this phase.
3. The applicants have provided a Planning Statement with the application which outlines the steps being taken to protect the natural features around the site. The statement for example outlines that juniper bushes on the site are to be protected during the development, and it proposes that the western elevation of the new filter kiosk will be screened using appropriate native plant species.

DEVELOPMENT PLAN CONTEXT

4. The site lies adjacent to, but outwith, the North Rothiemurchus Pinewood (SSSI). This forms a component of a designated Special Protection Area (SPA) and a Site of Community Importance (formerly candidate Special Area of Conservation (cSAC)). Elements of the development such as the undergrounding works outwith the existing compound, lie within the designated sites. The site lies within the Cairngorms Mountains National Scenic Area (NSA).

5. **Highland Structure Plan (approved March 2001)** is the most up-to-date development plan covering this area. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they, amongst other things, impact on resources, including habitats, species, landscape and freshwater systems; and contribute to the economic and social development of the community. **Policy G6 (Conservation and Promotion of the Highland Heritage)**, seeks to conserve and promote all sites and areas of Highland identified as high quality in terms of nature conservation, landscape, archaeological or built environment. New developments should seek to minimise their impact. **Policy N1 (Nature Conservation)**, requires new development to minimise their impact on the nature conservation resources and enhance them wherever possible. In areas of international importance, developments which would have an adverse effect on the conservation interests for which a site has been designated will only be permitted where there is no alternative solution and there are imperative reasons of over-riding public interest, including those of a social and economic nature. For sites of national importance, developments will only be permitted where the objectives of designation and the overall integrity of the area will not be compromised or any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social and economic benefits of national importance. In **Policy L4 (Landscape Character)**, regard has to be given to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals, including offshore developments.

6. In the **Badenoch and Strathspey Local Plan (September 1997)** there are the objectives to “*continue to upgrade and extend essential infrastructure networks*” and to “*promote sustainable use of the area’s resources*”. **Policy 2.5.4. (Woodlands and Trees)** protects existing trees and established woodlands areas which are important landscape, wildlife and amenity features of the countryside. **Policy 2.5.5. (Nature Conservation)** states that there will be a presumption maintained against development which would have a significant detrimental effect on designated nature conservation sites. Included in the list is the North Rothiemurchus Pinewoods SSSI.

CONSULTATIONS

7. **Highland Council Planning**, under delegated powers, have commented that they have no objection in principle, but there are concerns about the way the site is becoming more visually intrusive in this area of significant environmental quality and sensitivity. An earlier planning consent required that all moveable plant and equipment stored on the site should be stored behind a screen fence on the site. The Council state that the applicants do not seem to have been able to comply with this condition, and recommend that a close boarded fence

of at least 2metres in height and of vertical timber boarding be erected around the entire site as a means of screening it from view. The fence should be painted dark brown.

8. **SNH** do not object to the proposed development. However due to the proximity and inclusion of some underground works within specially designated areas, it is necessary to assess whether the development proposed is likely to have a significant effect on the nature conservation interests. They advise the CNPA, as the 'competent authority', to consider the following stages of the procedures required in terms of the relevant Regulations (**the Conservation (Natural Habitats &c) Regulations, 1994**),
 - (a) determine whether the proposal is directly connected with or necessary to site management for nature conservation; and if not,
 - (b) determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then
 - (c) make an appropriate assessment of the implication for the site in view of the site's conservation objectives.The authority can approve the proposal only after having ascertained that it will not adversely affect the integrity of the site.
9. SNH considers that provided a method statement is put forward by the applicant in relation to protection of qualifying features, and that it is adopted, it is unlikely that they will be affected significantly either directly or indirectly. In SNH's view an appropriate assessment is therefore not required.
10. In terms of the site's location within a National Scenic Area, SNH consider that the new Kiosk is in keeping with the design of the existing building, and the colouring fits the site. However there are comments about the amount of brightly coloured pieces of equipment and materials located at the front of the compound. This is not considered to be in keeping with this high quality landscape. Consequently, if the CNPA is minded to approve this application, SNH strongly recommends, as a condition of approval, that brightly coloured equipment be stored behind the proposed repositioned screening fence by the existing building nearest to the public road.
11. **Highland Council's Area Roads Manager** recommends certain improvement works to the site access including the provision of a combined service bay/passing place, concreted road edges and adequate visibility splays at the site access. The road surface and verges should be repaired if any damage arises from the site development. Any gates at the site access shall open into the site only. No water should discharge onto the public road.
12. The **CNPA Natural Resources Group**, have stated that they have no further comments to make in addition to those made by SNH.

13. **SEPA** has no objections subject to the imposition of conditions requiring full details of the arrangements for the disposal of surface water, and the submission of a construction method statement. These requirements are to prevent potential pollution to the adjacent watercourse.

REPRESENTATIONS

14. The application was advertised by Highland Council but no representations have been received.

APPRAISAL

15. The principal considerations with this application are the benefits that the development may bring to the social well-being of the community, whether the proposal will have a significant effect on the designated sites (natural heritage), the impact of the development on the local landscape and the NSA, and the requirements for the access road improvements.
16. The development is required to meet the terms of the EU Directive which calls for raw water falling into the classification of "Upland Surface Waters" to undergo a simple filtration stage in addition to disinfection. The existing works at Blackpark do not have this filter process and there is a minimum legislative requirement for a simple filtration process. The reason for the additional filter is that it will protect against cryptosporidium. Reducing the risks to health from water supplies is obviously positive in terms of the social well-being of the community that the works serve. It also complies, in principle, with the objectives of the Local Plan and the aims of the National Park to promote sustainable use of natural resources, continue to upgrade essential infrastructure networks, and promote the sustainable social and economic development of the area's communities.
17. In terms of the special conservation designations, the development is unconnected to the nature conservation management of a Natura 2000 site but it builds on development and structures that already exist. The undergrounding works outwith the existing compound may impact on the designations, including vegetation and the adjacent watercourse but the layout has been designed to minimise disturbance. Nevertheless, the importance of the designations do require further detail in respect of mitigation. This can be achieved though, through the submission and adoption of the construction method statement, as required by SNH and SEPA. The applicants are agreeable to the submission of this, prior to works commencing.

18. The proposed development lies adjacent to a minor public road leading to an area called Blackpark/Whitewell. This road is used frequently by visitors and local people for access and recreation purposes, and therefore the visual appearance of this development is important. Within the National Scenic Area standards of design and layout are expected to be of the highest quality. The new kiosk cannot be described as an attractive structure but its size is modest and its colour is unobtrusive. It will also be seen in the context of the existing compound and the structures that already exist. The existing development is not of any special quality, and both SNH and Highland Council have expressed concerns about the amount of unnecessary unsightly materials around the site in areas visible from the roadside. There is the potential to remove all unsightly materials and movable equipment into a larger screened yard area to the rear of the buildings. A new 2m high fence will help screen this area but I feel that it is also necessary to extend this screen fencing down part of the south boundary of the compound. Highland Council's planners have suggested that the entire site be enclosed by 2m high fences but I feel that this would have a fairly significant visual impact on this sensitive location in itself, and alter the character of the area. A planning condition is recommended to ensure that the area is provided and properly screened, and that only this area is used for any storage outwith the buildings on the site.
19. The Area Roads Manager for Highland Council has put forward amongst other things, requirements for the upgrading of the access, and the provision of visibility splays. These requirements have been put to the applicants who have stated that because they are increasing the parking and access road area within the compound, they do not anticipate a problem with any vehicles visiting the site creating a hazard for other road users. They therefore do not feel that a formalised service bay is necessary in this instance. Visibility at the junction of the existing access and the public road is viewed as adequate and the new works will not compromise this current situation. I considered the "roads" requirements and requested that the Area Roads Manager reconsider the necessity for the service bay, particularly because of the rural nature of the site. However, in correspondence to the applicant, he has further advised that the existing access arrangements are inadequate and that there is evidence of considerable verge and carriageway damage either side of the access. The existing hard standing area at the access is not judged to be of sufficient size. As a result, I recommend that conditions be imposed and advices made in line with the Area Roads Managers requirements but that there is a caveat included which will allow further discussion between the relevant parties.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

20. This development makes no positive contribution to the natural and cultural heritage of the area. However, the adjacent nature conservation designations are unlikely to be significantly affected, provided that an appropriate method statement is adopted. With appropriate conditions, landscape impacts will be minimal.

Promote Sustainable Use of Natural Resources

21. The development will help to improve the quality of the water supply serving the area and therefore reduce health risks. This is generally positive in terms of this aim.

Promote Understanding and Enjoyment of the Area

22. The proposal makes no positive contribution to this aim.

Promote Sustainable Economic and Social Development of the Area

23. The benefits from this development are that the quality of the water supplies for the local community will be raised to ensure compliance with European directives. This is to the benefit of the future sustainable social well-being and development of the area.

RECOMMENDATION

24. That Members of the Committee support a recommendation to: **Grant Full Planning Permission for the Extension to the Water Treatment Works at Blackpark, Aviemore**, subject to the following conditions,
- i. The development to which this permission relates must be begun within 5 years from the date of this permission.
 - ii. The development shall be constructed in accordance with a detailed construction method statement which shall demonstrate measures and procedures, for the protection and reinstatement of Natura habitats in the vicinity, and the protection and prevention of pollution to the adjacent watercourse, during construction. This construction method statement shall be submitted for the further written approval of the Cairngorms National Park Authority acting as Planning Authority, following agreement with SEPA and SNH, prior to works commencing on site. The measures and procedures adopted thereafter shall not be departed from without the further written approval of the Cairngorms National Park Authority acting as Planning Authority and following consultation with SNH and SEPA.

- iii. Tree planting, of an appropriate species and variety, height and number, in accordance with a scheme to be submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority, prior to the commencement of work on site, shall be undertaken in the area hatched in green on the approved site plan, during the planting season next following the completion of the development.
- iv. That prior to the commencement of the operation of the new plant and equipment on site, the materials and equipment storage area, as identified on the approved site plan shall be formed and the approved screen fencing (dark stained vertical timber boarding of 2m in height) shall be erected along the boundaries as delineated in red on the approved site plan. Thereafter no movable plant, equipment, containers or materials shall be stored at any time on the site outwith this storage area.
- v. That unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority, following agreement with the Area Roads and Community Works Manager, the following works shall be carried out, prior to the commencement of any other works on site, and maintained to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority in consultation with the Area Roads and Community Works Manager:-

Upgrading of the existing site entrance which shall include the provision of a combined service bay/passing place. The construction of this shall consist of a minimum of 40mm thick close graded wearing course on 60mm dense basecourse on a minimum thickness of 350mm type 1 sub base, all on a sound formation. The rear perimeter of the service bay/passing place shall be delineated by 150mm x 50mm concrete edge kerbs; Visibility splays of not less than 3m by 90m shall be provided in both directions at the junction of the site access with the existing road and thereafter maintained free from any obstructions exceeding a height of 1m above the adjacent road channel.

Sufficient temporary and permanent parking and manoeuvring space shall be provided within the site to ensure no vehicles connected with the development shall, at any time, require to park on the public road.

Prior to the commencement of works on site, a drawing indicating these requirements shall be submitted for the further written approval of the Cairngorms National Park Authority acting as Planning Authority.

Reasons for conditions:

- i. To comply with Section 58 of the Town and Country Planning (Scotland) Act, 1997.
- ii. In the interests of protecting the habitat value of the surrounding area and to prevent pollution to the nearby watercourse.
- iii. In the interests of visual amenity and to improve the environmental quality of the development.
- iv. In the interests of visual amenity; to ensure the timeous completion and appropriate screening of the proposed storage area, and ensure that all movable materials and plant are stored in this area only.
- v. In the interests of road and public safety.

Advices to applicant:

- a. That during the course of the works the applicant shall ensure that the carriageway and verges of the existing public road adjoining the site are maintained in a safe and satisfactory condition and that prior to the completion of works on the site, the applicant shall carry out permanent repairs to any damage arising from the works to the carriageway and verges of the public road.
- b. No surface water shall discharge on to the public road and the applicant shall be responsible for any measures necessary to prevent road water entering the site. Details shall be submitted to Highland Council's Area Roads and Community Works Manager for further approval.
- c. Any new gates provided shall open into the property only.

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