
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: RE-DEVELOP EXISTING WATER TREATMENT WORKS AT BLAIRNAMARROW WTW BALLINDALLOCH, MORAY FOR SCOTTISH WATER

REFERENCE: 09/084/CP

APPLICANT: SCOTTISH WATER, BULLION HOUSE, INVERGOWRIE, DUNDEE

DATE CALLED-IN: 3rd APRIL 2009

RECOMMENDATION: APPROVAL, SUBJECT TO CONDITIONS

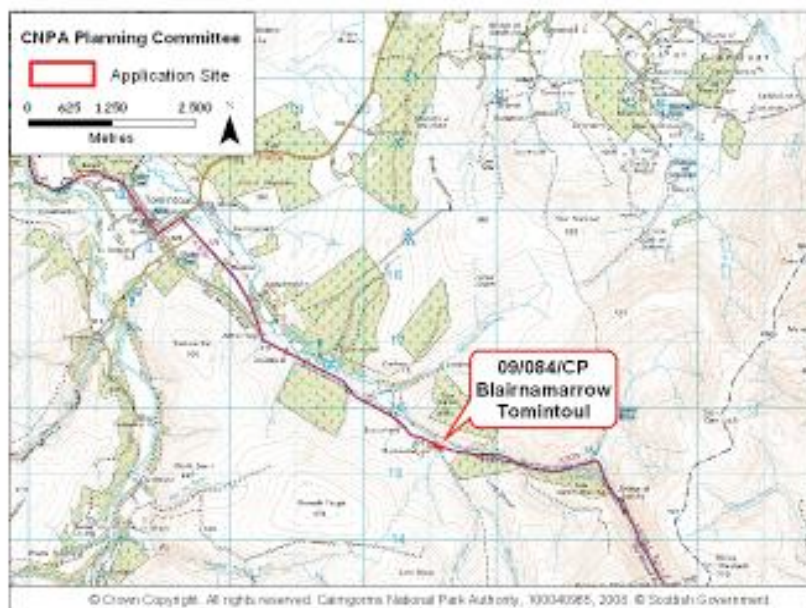


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. This planning application has been made by Scottish Water who propose to upgrade the current public water supply facilities serving the village of Tomintoul and the surrounding area. Full planning permission is being sought for the re-development of the existing water treatment works. This proposal will include the installation of a new Water Treatment Works (WTW) building. The development of the WTW represents an important project to upgrade the supply of public drinking water for Tomintoul and the surrounding area. The drivers for the project relate to Scottish Water deciding that a more robust treatment process at Blairnamarrow was required to eliminate the risk of future contamination failures. To help solve these issues Scottish Water have decided that a new Nanofiltration plant needs to be installed along with a clear water tank. This will provide 24 hours storage capacity and a continued water supply should the electricity supply be interrupted. Nanofiltration would provide a state of the art solution to Cryptosporidium contamination and is the current industry standard for this type of treatment plant.
2. The works will involve the demolition of the existing water treatment works buildings and the erection of a single replacement building to house the drinking water treatment plant and the construction of an upgraded access road. The subject site is located at Blairnamarrow, just off the A939, and is approximately 6 kilometres south east of Tomintoul and 4.5 kilometres north west of the Lecht ski centre. Access to the site would be gained via an upgraded access point with the A939, adjacent to an existing access track which serves the current Scottish Water Treatment works buildings. Improvement works are proposed to the access as part of this application, at its junction with the public road and also extending into the site.
3. The general character of the site is rough grassland. The site currently has a number of buildings which comprise the existing WTW and these will be demolished and removed from the site as part of the application. The location of the proposed WTW would sit at the bottom of a sloping part of the site in a hollow which allows the building to be easily cut into the slope to the west of the building which will minimise the visual impact of the building.



Fig 2 Site of the proposed new Water Treatment Works.



Fig 3 Proposed position of upgraded access road to the site.

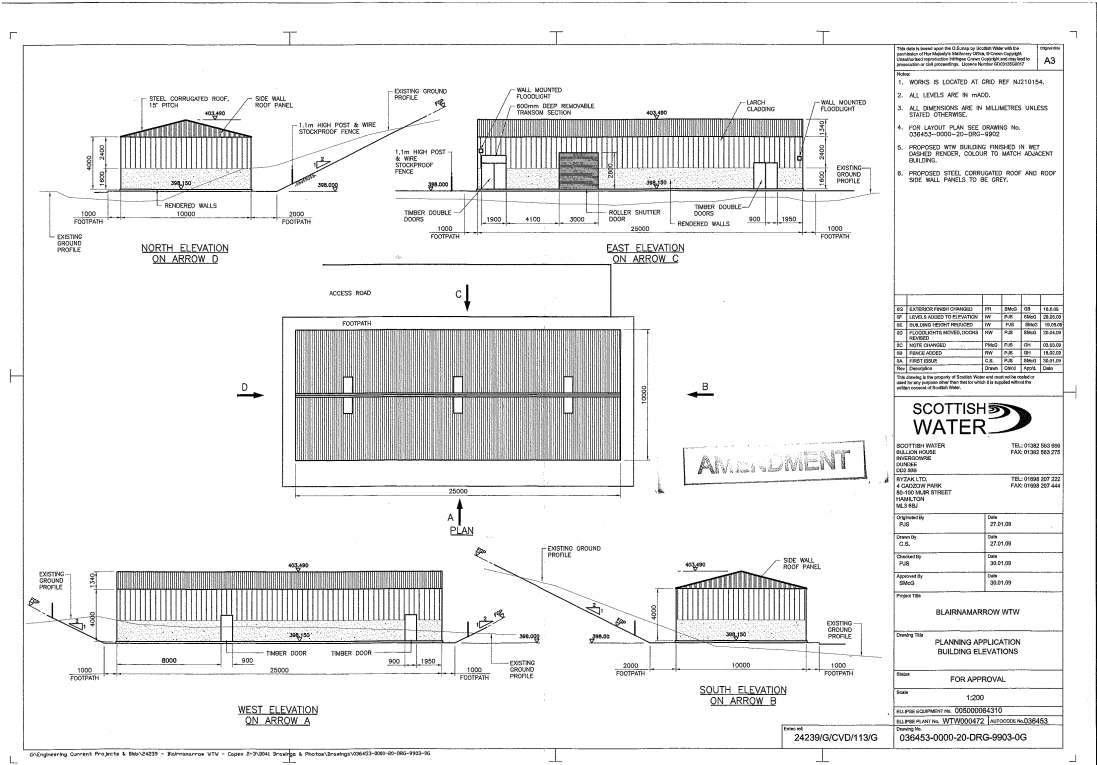


Fig 6 Proposed Water Treatment Works building

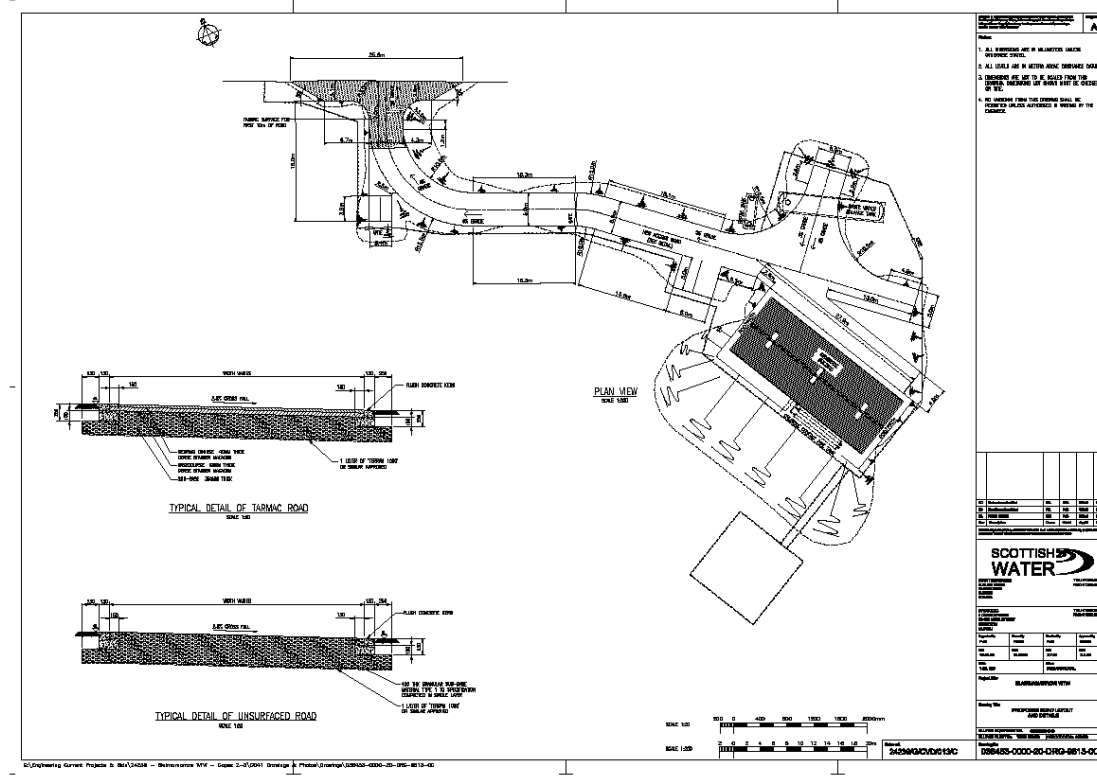


Fig 7 Proposed Road Layout

DEVELOPMENT PLAN CONTEXT

National Planning Policy

6. **Scottish Planning Policy 1 (SPP1)** provides the national context for decision making and sets out the key priorities for the planning system. The primary objectives are; to set the land use framework for promoting sustainable economic development; to encourage and support regeneration; and to maintain and enhance the quality of the natural heritage and built environment. It also states that development and conservation are not mutually exclusive objectives and that the aim is to resolve conflicts between the objectives and to manage change.

Moray Development Plan – Structure Plan

7. Chapter Two of the Structure Plan deals with the Environment and the policies on Landscape are of particular relevance in this particular application. The subject site is within a designated Area of Great Landscape Value (AGLV) and the Structure Plan advises that any development proposals within such areas will be required to incorporate best principles of siting and design.
8. **Policy S/ENV 3 : Scenic Designations** asserts that “areas of scenic quality will be protected from inappropriate development.”

Moray Development Plan – Local Plan

9. **Policy L/ENV 7** of the Local Plan requires that development proposals within AGLV will only be permitted where they incorporate high standards of siting and design and where they will not have a significant adverse effect on the landscape character of the area. Within such areas detailed proposals covering site layout, landscaping, boundary treatment, building design and material finishes are required with any planning application.
10. **Policy L/EDI6** requires that proposals in countryside locations demonstrate the landscaping measures that will be taken to assist with the integration of the site into its rural setting, as well as providing for on site amenity.
11. The Local Plan includes an extensive policy section on Development Control, providing guidelines on character, amenity and design, with the latter primarily referring to new building design only.

Cairngorms National Park Plan 2007

12. The CNPA National Park Plan includes strategic objectives for the **Landscape** including maintaining and enhancing the distinctive landscapes across the Park; and ensuring development complements and enhances the landscape character of the Park. 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 quality and physical condition of water bodies in the Park and encourage more sustainable patterns of domestic, industrial, agricultural and recreational water use.

CONSULTATIONS

13. **Scottish Natural Heritage (SNH)** have considered the proposal in detail and consider that it has the potential to impact on the River Spey Special Area of Conservation (SAC) arising from the:
 - Changes to the existing abstraction,
 - Application to discharge to the Allt Blairnamarrow and
 - Construction of the new membrane plant and associated activity.

14. **SNH** advise that changes to the existing abstraction amendment are unlikely to have a significant effect on salmon. SNH initially advised that they had no objections to the project provided that SEPA were able to confirm that the impacts of the new discharge on the aquatic interests of the receiving watercourses would not be detrimental to aquatic life. For this to be achieved SNH initially recommended that no decision be made on the planning or discharge applications until confirmation was available to inform an assessment of the impact on salmon as a qualifying interest of the River Spey SAC. However, upon discussing the application further with Scottish Water, SNH have provided further advice regarding the application to discharge. SNH are satisfied that SEPA have the expertise to determine what the effects of any discharge to these waters will be as part of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR) application. Scottish Water has explained to SNH that they will comply with any conditions SEPA may require to ensure that the discharge is acceptable. The SNH officer has corresponded with SNH and SEPA colleagues who have confirmed that SEPA will establish appropriate conditions and discharge limits sufficient to ensure the protection of the water environment by ensuring that there is no deterioration in ecological or chemical status of the receiving water course. SNH are of the view that this would afford sufficient protection to the interests of the River Spey SAC.

15. **SNH** advise that to ensure that water quality within these burns and the wider catchment can be maintained when the construction of the new membrane plant and associated activity is done, then the applicants should adhere to the submitted construction method statement and that this should be made a condition of planning consent.

16. **SNH** provided further advice that there is very little risk of this work affecting otters providing that the construction site can be made safe at the end of each working day. They advise that this should include covering any pipes holes/excavations or providing escape routes and ensuring that any materials that could be harmful to mammals are stored safely. They recommend that details of these measures should be included within the construction method statement.

17. **Scottish Environment Protection Agency (SEPA)** have commented on the proposal with regard to flood risk. SEPA initially objected to the proposal on flood risk grounds however, following receipt of comprehensive topographic information for the site and adjacent watercourse, they have withdrawn their objection. SEPA did not initially comment on the foul drainage proposals and surface water drainage as the applicant did not submit details of the schemes. However, the applicant has now submitted these details to SEPA but there has not been a response from SEPA at the time of writing the report. A condition is proposed to secure this information prior to starting the development.
18. **Moray Council Development Control** have made no response at time of writing the report.
19. **Scottish Water** has no objection to this planning application.
20. **Moray Council Contaminated Land Section** advise that the land is unsuspected of being contaminated.
21. **Moray Council Transportation Section** do not object to the proposals however a set of conditions have been recommended to be attached in the event of the granting of planning permission. Conditions include details of the access to and within the site, access gradients, extent of landscaping next to the roadway, provision of a parking layby at the edge of the public road, to allow visiting and service vehicles to park clear of the public road, and the provision of visibility splays measuring 2.4 m by 160 m at the proposed access.
22. **Cairngorms National Park Authority (CNPA) Economic and Social Development Section** welcomed the redevelopment of this site. They commented that Water Treatment Plants provide necessary infrastructure for economic development, ensuring water supplies can match housing and business development needs.
23. **CNPA Heritage and Land Management** consider the planting plan acceptable in general terms but recommended that two small changes would make a significant improvement. They wished to see a smaller proportion of Scots Pine and the addition of Aspen of local origin. For example the seven trees proposed by the burn could be Aspen. This would reflect their normal habitat and be beneficial for biodiversity. Also the addition of native Juniper planted within the tree protection areas would also be of benefit to both the visual amenity and for biodiversity; by providing additional evergreen cover at roadside eye level and additional areas for Local Biodiversity Action Plan (LBAP) priority species. They estimate that 6-10 plants per enclosure would be appropriate, planted no closer than at 1.0m centres.
24. **Kirkmichael and Tomintoul Community Association** advise that they have no objection to the proposed Water Treatment Works commenting that Tomintoul requires a safe, reliable water supply. There have been too many 'boil water' episodes in the last few years. The community are very anxious to see this achieved. They also commented that they feel the proposed building is extremely large and will need to blend into its surroundings as sympathetically as

possible. Suggestions were made of the possibility of a turf roof as an environmental asset and they asked if solar panels could be used for lighting. They questioned the need for a new access road which invades the ground of Blairnamarrow as they thought that the existing access looked sufficient and a new lay-by could be created during the works. They were concerned that intruding on the Blairnamarrow ground would necessitate removal of quite a number of trees, which would detract from the appearance of the site. They also commented that some sympathetic planting of a few more trees or shrubs round the site would make the building more discreet.

25. In response to the concerns raised by the Kirkmichael and Tomintoul Community Association the applicants have submitted a plan showing the internal layout of the building which shows the building is fully utilised and that the building of this size is necessary to house all the required equipment. The landscaping for the site has been proposed to minimise the visual impact of the building and help it fit into the landscape of the immediately surrounding area. In terms of the intended finish of the building, larch cladding has been incorporated into the design to give the building a more rural appearance and to make the building appear more like an agricultural building. In response to the queries about a turf roof and solar panels the applicant has advised that turf roofs are not appropriate for the proposed roof, as the building design includes a roof profile to allow for snow loading. They further add that the structural design would need to be completely redesigned to allow for the additional roof load. With regard to solar panels, these were not included due to their high visibility and prominence, it was a requirement to minimise the external impact of building. Finally, there was also a query raised whether the planners had looked at the site. In response to this query there has been a number of site visits carried out on the site.

REPRESENTATIONS

26. One letter of objection was received by an agent on behalf of the landowner of the site. This was in reference to the siting (positioning) and scale of the proposed building on the land belonging to him and the impact which it would have upon the current planning application at the nearby Blairnamarrow Steading. In addition, the agent felt that the submitted plans lacked sufficient detail in respect of the proposed colour of the building, access provisions and the overall general landscaping. In addition the agent commented that the site is within the National Park and as such a building even of necessity, should reflect the traditional and local vernacular characteristics of the immediate environment. In response to these concerns, Scottish Water submitted revised plans which address the issues raised and as a result of this the landowner's agent has now removed the objection. In removing the objection the agent sought to clarify that the landowner did not object to the principle of the water treatment facility and they understand the necessity for it, but wanted to ensure that the impact on the land affected by the proposal and the wider environment of the Cairngorm National Park was minimised.

APPRAISAL

27. This appraisal section of the report will first consider the principles of the development proposed and how it 'fits' with planning policy and the aims of the Cairngorms National Park. Subsequently natural and cultural issues will be considered followed by more detailed landscape and design issues.

Principle

28. The proposal has been submitted following pre-application discussions with Moray Council and the CNPA. This application is to upgrade the Water Treatment Works for Tomintoul and the surrounding area. The new WTW will not only address water quality issues but Scottish Water has also built in enough capacity in the process to cater for the potential population and demand growth in the area.
29. In terms of the principle of the development, there is general support in planning policy contained within both the Structure and Local Plans, for improving the quality and security of the public water infrastructure in this part of the Park.

Natural and Cultural Heritage

30. Scottish Natural Heritage (SNH) commented on the application in relation to the potential impacts specifically relating to the River Spey SAC. They have no objection to the proposals but have recommended several conditions. The Allt Blairnamarrow was not included within the SAC boundary when it was drawn as salmon were unable to migrate up through the road culvert. However, due to work on this culvert to aid fish passage up the Allt Blairnamarrow it is now possible for salmon to use this burn. It is therefore important to maintain water quality and to ensure that any construction does not lead to disturbance of these watercourses or significant sediment input. SNH are satisfied that SEPA have the expertise to determine the effects of any discharge to the Allt Blairnamarrow. Through the CAR licence application, SEPA will establish appropriate conditions and discharge limits to ensure that there will be sufficient protection to the interests of the River Spey SAC. SEPA have said that this application is still being determined but they are working to establish appropriate conditions and discharge emission limits sufficient to ensure the protection of the water environment by ensuring that there is no deterioration in ecological or chemical status of the receiving water course.
31. In discussions with Scottish Water they have pointed out that they also have a legal obligation to comply with the Water Environment (Controlled Activities) (Scotland) Regulations 2005 and as a competent authority Scottish Water has a requirement to assess any impact of the proposals under Regulation 48 of the Habitats Regulation (Conservation (Natural Habitats, &c.) Regulations 1994 as amended). Scottish Water states that they have designed the water treatment works in such a way that all discharge water containing chemicals is transferred to a wastewater balance tank where it can be neutralised and dechlorinated if necessary. They add that the wastewater will be constantly monitored to ensure it stays within the discharge consent levels whatever these may eventually be.

Should the discharge levels increase an alarm is raised and the discharge is inhibited. Wastewater is then kept within the system until it is safe to resume normal operation.

32. Just outside the development site boundary is a single span bridge which is recorded as a National Monument. The development will not physically impact on the bridge as it is outwith the development site.

Landscape and Design Issues

33. In relation to landscape impact, it is accepted that the proposed WTW building is of a significant scale and will have a degree of visual prominence particularly from the A939. However, over time the landscaping proposals, in conjunction with the exterior appearance of the WTW as essentially an agricultural shed coupled with the topographical setting of the building, would assist in assimilating the building into the landscape.
34. In terms of design, paragraph 5 of this report has already detailed the proposed finishes in an effort to address CNPA's and the representees initial concerns regarding the potential impact of the WTW building. The proposals have been discussed with CNPA's Landscape Officer and he is satisfied with the proposals. The applicants have demonstrated that the WTW building is required to be of this scale to accommodate all the necessary equipment and it has been designed and positioned to fit in the landscape to minimise its visual impact.
35. There is one multi stem tree to be removed at the result of the upgraded access entrance to satisfy the requirements of Moray Council Transportation Section. However, the loss of this tree will be adequately compensated for by new planting as part of the landscape plan and no other trees on the adjoining Blairnamarrow Steading will be affected by this proposal.
36. During a recent site meeting, the issue of power supply was discussed. It is proposed that the existing single phase supply to the site will be replaced by a three phase supply. This will be fed into the site underground adjacent to the A939, to a small transformer station within the site next to the WTW building. It is proposed to condition the details of this station, for agreement prior to the WTW coming into use in order that it's final position can have regard to the access and landscaping requirements of the proposal.

Conclusion

37. The application is considered to be an essential upgrade that has been demonstrated to be necessary and beneficial to the local community. The planning conditions proposed will ensure that there are no significant impacts on the Allt Blairnamarrow. Various measures have also been put forward to ensure that landscape impacts are minimised. The redevelopment of the existing WTW will not only address the current water quality issues but Scottish Water has also built in enough capacity in the process to cater for the potential population and demand growth in the area. The development proposal would not give rise to any planning policy contraventions

IMPLICATIONS FOR THE AIMS OF THE PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

38. The development is not considered to have adverse implications for this aim as mitigation measures and conditions will conserve and enhance the natural and cultural heritage of the area.

Promote Sustainable Use of Natural Resources

39. The development will assist in providing an improved quality and a more sustainable provision of, water supply to serve the Tomintoul and surrounding area of the National Park.

Promote Understanding and Enjoyment

40. The development raises no issues of significance for this aim.

Promote Sustainable Economic and Social Development

41. The development will improve the quality of treated public water for a significant part of the Park. 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 Planning Committee agree with the recommendation to grant full planning permission for the installation of a Water Treatment Works building, construction of access road and associated landscaping on land at Blairnamarrow 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 Planning etc (Scotland) Act, 2006.
2. Prior to the commencement of any works on the Water Treatment Works building, details of the Surface Water and Foul Water drainage solutions for the development shall be submitted to and agreed in writing with the Cairngorms National Park Authority (CNPA) acting as Planning Authority.
Reason In order to control discharges to the adjacent watercourse.
3. Prior to the commencement of any works on the Water Treatment Building samples of the external timber cladding, wall render and roofing material shall be submitted to and agreed in writing with the CNPA acting as Planning Authority.
Reason To ensure that the proposed materials will maintain the visual quality of the area.

4. Details of any additional lighting either on the building or elsewhere within the site, shall be submitted to and agreed in writing with the CNPA acting as Planning Authority, prior to installation.
Reason To ensure that there is not unnecessary lighting on the site and building, which may have an adverse impact on the visual amenity of the area.
5. The development hereby approved shall be carried out in accordance with the details contained in the Method Statement (ref BZ 607-165/RAMS01-Rev2) dated 31st July 2009.
Reason To ensure that there is no significant environmental pollution or sedimentation of the adjacent watercourse or destabilisation / scour of the watercourse embankment.
6. Prior to any work commencing on the Water Treatment Works building a revised landscaping proposal plan indicating the revised tree species locations and provision of Juniper within the site, shall be submitted to and agreed in writing with the CNPA acting as Planning Authority.
The agreed landscaping scheme shall be implemented in the first planting season following the Water Treatment Works coming into use. Any trees which are destroyed, die or are diseased within five years of implementation, shall be replaced with similar specimens.
Reason To ensure the implementation of a satisfactory scheme of landscaping which will in due course improve the environmental quality of the development and help screen the building.
7. Prior to the Water Treatment Works hereby approved becoming operational, visibility splays of 2.4m x 160.0m, in both directions, shall be formed and maintained at the junction of the new access road with the A939.
Reason To enable drivers of vehicles leaving the site to have adequate visibility to enter the public road safely and to ensure approaching vehicles are aware of movements in and out of the site.
8. No building, fence or other structure, or tree or shrub over 1.0 m in height shall be permitted within the 2.4m x 160.0m visibility splays for the site access to the A939, public road.
Reason To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.
9. Prior to the Water Treatment Works coming into use the width of the vehicular access shall be completed in accordance with the detailing on dwg no 036453-0000020-drg-3905-B and have a maximum gradient of 1:20 measured for the first 10.0 m from the edge of the public carriageway and the section of vehicular access crossing over the public verge shall all be to satisfaction of CNPA as Planning Authority.
Reason In the interests of traffic safety.
10. There shall be no direct vehicular access from the new access road to the adjoining Blairnamarrow Steading without the prior written consent of the CNPA as Planning Authority.
Reason In the interest of traffic safety on the adjoining A939.

11. No water shall be permitted to drain or loose material be carried onto the public carriageway from within the applicant site.
Reason To prevent loose material being carried onto the public footpath/carriageway in the interests of traffic safety.
12. The parking layby hereby approved, measuring 8.0 m long x 2.5 m wide with 30 degrees splayed ends and containing the access point to the site, shall be formed and surfaced in bitmac to the satisfaction of the CNPA as Planning Authority, prior to the Water Treatment Works coming into use.
Reason To ensure the layby is formed to an acceptable standard to allow visiting and service vehicles to park clear of the public road in the interests of traffic safety.
13. The access road, internal roadway and turning area shall be laid out and formed in accordance with the approved details shown on the proposed site layout dwg 036453-0000-20-DRG-9603-OF, received on the 7th August 2009.
Reason To enable vehicles to enter/exit the site in a forward gear and in the interests of traffic safety.
14. Details of the size, position and design of the proposed electricity transformer station associated with the Water Treatment Works shall be submitted to and agreed in writing with the CNPA acting as Planning Authority, prior to the Water Treatment Works coming into use.
Reason In the interests of visual amenity.
15. If significant unsuspected contamination is found on site then all construction work shall cease until an appropriate investigation to determine the nature, extent and potential impacts of the contamination has been undertaken and a remediation method statement agreed in writing with CNPA as Planning Authority.
Reason In order to safeguard the health and safety of the occupants of neighbouring properties from the effects of harmful ground contamination.

ADVICE NOTE

Roads Related Advice

1. Prior to commencing any works on site, the applicant shall advise Moray Council Roads Department of their intentions.
2. No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths and verges) without permission from Moray Council Roads Department
3. The applicant shall be responsible for ensuring that water does not run from the public road into his property, in consultation with Moray Council Roads Department
4. The applicant shall ensure that their operations do not adversely affect any Public Utilities which should be contacted prior to commencement of operations.

5. The applicant shall free and relieve the Roads Authority from any claims arising out of his operations on the road or extension to the road.
6. The Transportation Manager at Moray Council Roads Department must always be contacted before any works commence which may affect the adjoining public road. This includes any temporary access which should be agreed with the Transportation Manager prior to work on it commencing.

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10th August 2009

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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.