
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR ERECTION OF NEW WATER TREATMENT WORKS, SITING OF ASSOCIATED KIOSKS AND FORMATION OF ASSOCIATED BOREHOLES AND ACCESS TRACKS, LAGGAN WATER TREATMENT WORKS, LAGGAN

REFERENCE: 05/156/CP

APPLICANT: SCOTTISH WATER, CASTLE HOUSE, 6, CASTLE DRIVE, CARNEGIE, DUNFERMLINE

DATE CALLED-IN: 8 APRIL 2005

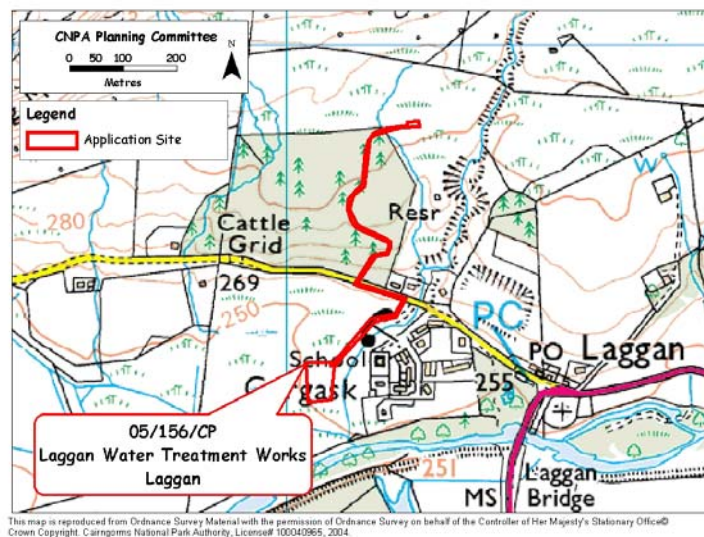


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Full planning permission is sought for the construction of a new and upgraded water treatment works (WTW) on an elevated site lying above and to the north of the village of Laggan. The proposal is to abandon the existing WTW which is situated in an exposed position nearby, and replace it with the new compound (12m x15m) which will be sited further to the north west and closer to an existing area of woodland. Within the compound will be various low level structures and plant, (maximum height of 2m above ground level). The compound will be enclosed by a 1.1m high woven wire stock proof fence.
2. In order to access the new compound, a new access and track will be formed off the minor road which runs through and out of the village in a westwards direction. The track will be constructed, in the main, through the existing woodland which lies on a slope rising northwards from the road. In addition, in order to provide the upgraded water supply, 3 new boreholes, contained within 2mx2mx2m kiosks are to be created to the south of the minor road, at a lower level, on the flat plain near to the Gergask Burn. These kiosks will be positioned in a compound (10mx 40m) and enclosed by a stock proof fence. Also within this compound will be a kiosk housing the pump station. This area will be served by a track running southwards from the minor road. Water will be pumped from the boreholes via an underground main running along the line of the track, under the road and up to the new WTW, again along the line of the new track on the north side. A distribution main will then descend the hill from the WTW into the existing distribution system.
3. Scottish Water has a legal obligation to improve the treatment of drinking water supplies to comply with the requirements of the Water Supply (Water Quality) (Scotland) Regulations 2001. As part of this, under the Quality and Standard 2 review, the existing treatment works at Laggan requires to be upgraded to meet the improved water quality standards by 2006. It is stated by the applicants that the existing water treatment system at Laggan provides a poor water quality supply and therefore in line with the legislative requirements, the new works are necessary to ensure that the quality of the water supply is high enough to meet the needs for the catchments served (approx. 30 properties in the Laggan and Gergask catchment areas). In addition, Scottish Water have advised that the current demand for Laggan is 19.7cubic metres per day and the proposed capacity of the new WTW is 28cubic metres.
4. The Committee may recall that a previous application for extending and upgrading the existing Laggan WTW (04/560/CP) was called-in in December 2004. This application was subsequently withdrawn, following some concerns from consultees.

DEVELOPMENT PLAN CONTEXT

5. 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 and impact on resources such as habitats, species, landscape and freshwater systems. **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. This general support is encompassed in **Policy U3 (Water Supplies)** which seeks to safeguard water resources in terms of volume and quality of water.

6. The **Badenoch and Strathspey Local Plan 1997** includes in its strategic objectives the need to continue to upgrade and extend essential infrastructure networks and promote the sustainable use of the area's resources. In the Laggan settlement statement, the area to the south of the minor road adjacent to the west of the Gergask Burn where the borehole compound is proposed, is shown as "**Amenity Woodland**". **Policy 8.15.2. (Trees)** seeks to safeguard existing trees and woodland and encourage their natural regeneration together with reinforcement planting at various locations in and around the village including beside the Gergask Burn. This area is also denoted as being liable to flood risk, where general **Policy 2.4.12. (Flooding – Development Restraint)** presents a general presumption against any building development except where it is considered essential to continued agricultural use of the land. In the Laggan settlement statement, **Policy 8.14.2. (Water Supply)** states that spare capacity in the existing water supply is limited and may have implications for phasing of development. It is likely that a new source will require to be developed to meet longer term needs.

CONSULTATIONS

7. **SNH** had concerns about the original planning application because of the proposal, at that time, to construct the pipework and track access across the Gergask Burn (part of the River Spey SAC). This is no longer part of the proposal, and they now have no objection, subject to certain provisions. These are that the applicant follows SEPA guidance for working in and around watercourses, that all reasonable mitigation measures take place during construction to enable otters to escape from any excavated areas, and that works at the borehole area take place outwith the wader breeding season (March to June), in order to avoid significant adverse impacts on the breeding wader population on this site. They also do not believe that the tracks, as proposed, will have a significant landscape impact.

8. **SEPA** request that a condition is attached requiring the submission for further approval of a detailed site specific construction method statement and thereafter its implementation in full.
9. **Highland Council's Area Roads Manager** seeks conditions relating to the maintenance of the length of the public road affected by the development during construction, provision of service bays at the junctions of the accesses, surfacing, and visibility splays.
10. **Highland Council's Archaeology Unit** have no objections.
11. Under delegated powers, **Highland Council's Planning Officers** welcome the proposal in general. However, in view of a desire to regenerate communities in the area, they ask that clarification be sought as to whether the proposal will allow additional properties to be served by a public water supply. They also have a degree of concern about the impact of the access track and borehole compound to the west of the Gergask Burn on the landscape. They recommend that the track be constructed sympathetically and that planting of native species be undertaken.
12. The **CNPA Natural Resources Group** confirm that the proposal does not appear to threaten salmon, otter or general Natura interests, provided SEPA guidance is followed. They recommend that works takes place outwith the wader breeding season. They also make comment that the existing WTW is highly visible in the landscape and that removal and reinstatement should be carried out.

REPRESENTATIONS

13. Two letters of representation have been received. Neither raise strong objections to the proposal in principle but make the following points:
14. **Duncan G. Spence & Alison Rebecca Spence, Iona Cottage, Laggan** – some concern about the access track to the new WTW - its position on the slope to the rear of their property and its affect on drainage and slippage.
15. **Mrs. J.A.B. Burnard, Am Botham, Laggan** – inaccurate line of existing distribution pipe shown on the drawings – two properties supplied with water above the new dispersal point – understand new supply to be gravity fed up to these properties.
16. Copies of these letters are attached to the report.

APPRAISAL

17. The issues raised by this proposal include the need for the development, and its impact on natural heritage resources, including visual impact.
18. From the information provided in support of the application, it is clear that the existing water supply serving Laggan is not of the quality that is required by current standards and that Scottish Water are seeking to meet their statutory requirements to improve this essential service provision. Planning policy as contained in the structure and local plans seeks to ensure, in the interests of promoting social and economic development and the general healthy well-being of communities, that essential infrastructure continues to be enhanced. From the information to hand at the time of writing, it appears to be the case that some additional capacity will be provided to allow some further development in Laggan. The principle of the proposal is therefore welcomed.
19. As a result of matters raised by consultees, representees and landowners, the proposals have changed from those initially submitted and withdrawn, last year. A new WTW is now proposed in a location set back from the existing works and in a position closer to the patch of woodland which lies to the west of the village, and the new pipework routes will now not impact on the Gergask Burn which carries SAC status. In addition to this, the current application has been amended during its assessment, to address matters raised by the landowner and representees. The line of the new track to the north to the new WTW has been re-routed near its junction with the public road, to the west side away from the rear boundaries of the houses below and the track to the south side to the borehole compound has been repositioned further west with part of the existing track here to be removed and reinstated.
20. With the works no longer having a direct impact on the Gergask Burn, any significant natural heritage concerns have been removed. SNH have no objections, subject to the imposition of conditions relating to protecting watercourses during construction and limiting works to outwith the wader breeding season. The applicants have advised that they intend to have the works completed by March of next year, but they wish that there is flexibility in the wording of any condition, to allow for access to the site for works not envisaged or for emergency works. Surveys for nests and appropriate mitigation can be carried out at that time, if required. A condition can be imposed to this effect. The new track to the north will require the removal of some trees along its route but the track, in the main, will follow the line of existing routes through the wood. Indeed amendments to the route at its top end have been made, at the request of the landowner, in order to reduce tree felling. The amount of trees requiring to be removed will not adversely impact on this woodland resource.

21. On the south side, the track and the compound are positioned in what is flat open ground which is highly visible from the immediate surroundings. There are no landscape features to provide a setting or any screening and comments have been made about the visual impact of these elements of the proposal. This matter has been raised with the applicants but there is a functional requirement to have the boreholes extracting from a location in proximity to the Gergask Burn. The applicants are agreeable to the provision of native landscaping to provide some screening and indeed planting here would fall in line with the Local Plan designation which aspires to the creation of amenity woodland on this side of the Gergask Burn. In addition, details of the track construction indicate that it will be formed at ground level, apart from the area where it descends from the public road. It should also be noted that part of the track follows the line of an existing track along the burnside. The remainder of this existing track is to be removed and the land reinstated. SNH have advised that they do not feel that the track will have an unacceptable impact on the landscape because of its location close to the built edge of Laggan.

22. The final issue relates to the existing WTW. It is located on an elevated spur in the landscape above Laggan. The application indicates that it is to be abandoned when the new WTW is completed. The new WTW, being set further back on the hill and being located closer to the woodland will be less visible in the landscape, but it would be of benefit to have the existing works removed and the land reinstated within a reasonable timescale, or at least in the short term, screened by appropriate landscaping. A request to remove the existing above ground structures and reinstate the land has been made but the applicant has stated that at this time they are no proposals for removing the WTW but they would be agreeable to providing landscaping for screening. I have asked for a justification for it remaining but at the time of writing, the applicants have not confirmed their exact position in terms of this. **A verbal update will be provided at the Committee meeting and Condition No. 8 of the recommendation may have to be altered.**

23. To conclude, there are no policy contraventions and with the principle of the development being positive and with the imposition of appropriate planning conditions, a favourable recommendation can be given.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

24. There are now no direct impacts on the Gergask Burn SAC and with appropriate conditions, matters relating to visual and landscape impact and pollution to watercourses can be acceptably mitigated. There are no implications for cultural heritage.

Promote Sustainable Use of Natural Resources

25. The improvement of the water supply for Laggan is seen as positive in terms of this aim.

Promote Understanding and Enjoyment of the Area

26. There are no implications for this aim.

Promote Sustainable Economic and Social Development of the Area

27. The provision of an improved water supply both in quality and capacity will help to improve and sustain the economic and social development of the Laggan community.

RECOMMENDATION

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

Grant Full Planning Permission for the Erection of New Water Treatment Works, Siting of Associated Kiosks and the Formation of Associated Boreholes and Access Tracks, Laggan Water Treatment Works, Laggan, 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 the commencement of works on site, a fully detailed site specific construction method statement which shall include, measures for dealing with surface water run-off, the timing of works, measures for the use and storage of fuel or chemicals, measures for dealing with waste, and measures for enabling otters to escape from any excavation areas shall be submitted for the further written approval of the CNPA acting Planning Authority in consultation with SEPA and SNH. Thereafter, the works shall be carried out in accordance with the agreed method statement.

3. The development of the track and the borehole compound adjacent to the Gergask Burn shall be landscaped and maintained in accordance with a scheme which shall be submitted to and approved by the CNPA acting as Planning Authority before development commences. The scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of the development and shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earthmounding, and shall ensure:-
 - (a) Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the CNPA acting Planning Authority.
 - (b) The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the CNPA acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
4. That unless otherwise agreed in writing with the CNPA acting as Planning Authority, following consultation with SNH, no construction works shall take place during the wader breeding season (March to June).
5. That prior to the commencement of works on site, exact details and specifications for the external finishing colour of all above ground plant and structures associated with the development, shall be submitted for the further written approval of the CNPA acting as Planning Authority.
6. That the tracks and their associated drainage mechanisms shall be constructed and completed in accordance with the approved drawing no. 0753-NW-131-DG-EN-0019-0A. In particular, the track serving the borehole compound shall be constructed at a level on or below the existing ground level.
7. That on completion of the works and prior to the commencement of the operation of the new system, the existing track and access leading to the borehole compound as shown in green on the approved drawing no. 0753-NW-131-DG-EN-0014-0F shall be removed and the land reinstated to its natural condition.
8. That unless otherwise agreed in writing with the CNPA acting as Planning Authority, the existing WTW shown as being abandoned on the approved drawing no. 0753-NW-131-DG=EN-0014-0F, shall be completely removed and the land reinstated to its natural condition, within 6 months of the completion of the new works. On completion of the new works, the date from which the 6 month timescale shall run

shall be notified to and agreed by, in writing, the CNPA acting as Planning Authority.

9. That the developer shall be responsible for maintaining the length of the public road affected by the works in a safe and satisfactory condition during the construction phase, and on completion of the works, for the permanent repair of any damage caused by the works, all to the satisfaction of the CNPA acting as Planning Authority, in consultation with Highland Council's Area Roads Manager.
10. That prior to the commencement of any other works in connection with the proposed development, the following works shall have been completed to the satisfaction of the CNPA acting as Planning Authority and thereafter retained;
 - a. At the junction of each access track with the public road, a combined service bay/passing place, shall be provided in accordance with the attached drawing. In each case construction 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, for a distance of at least 6m measured from the nearside edge of the public road.
 - b. At the northern access at its junction with the public road, visibility splays of not less than 2.5m x 90m shall be provided in both directions and thereafter maintained free from any obstructions exceeding a height of 1m above the adjacent road level.
 - c. At the southern access at its junction with the public road, visibility splays of not less than 2.5m x 70m shall be provided in both directions and thereafter maintained free from any obstructions exceeding a height of 1m above the adjacent road level
11. That any gates provided at the junction of the new accesses and the public road shall open away from the public road.

Determination Background

Following requests by representees and the landowner, the applicants revised their proposals during the processing of the application. This required neighbours to be re-notified and consultees to be re-consulted.

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15 August 2005
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