
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: **REPORT ON CALLED-IN PLANNING APPLICATION**

Prepared by: **Don McKee Head of Planning**

DEVELOPMENT PROPOSED: **REDEVELOPMENT AND EXTENSION OF EXISTING WASTE WATER TREATMENT PLANT, ASSOCIATED STRUCTURES, PIPEWORK & CONTROL BUILDING, PROPERTY OFF ST ANDREWS TERRACE, BRAEMAR**

REFERENCE: **03/156/CP**

APPLICANT: **SCOTTISH WATER, C/O SOUTER ASSOCIATES LTD, 14 EARLSPARK GARDENS, BIELDSIDE, ABERDEEN, AB15 9AZ**

DATE CALLED-IN: **5 JANUARY 2004**



Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site is located some 450 metres north of the built up area of the village at the confluence of the River Dee and the Clunie Water. Access is via an unmade track from St. Andrews Terrace. The existing facility occupies a compound 20m x 40m (0.08ha) and consists of two rectangular low profile settlement tanks and a small shed surrounded by a 2m high security fence. Sludge is removed by tanker and adjacent grass plots serve as soakaway for treated effluent and storm overflow. Open pasture adjoins the site on all sides with the exception of the south east where screening is provided by established woodland on the bank of the Clunie Water.
2. The proposed Waste Water Treatment Plant (WWTP) will comprise the demolition and removal of existing facilities and the installation of:
 - an inlet works and 6mm screen to treat all flows (highest point 2.5m above ground level);
 - a sludge holding tank (to provide up to 14 days storage capacity) with manual dewatering facilities (3.5m above ground level);
 - two primary settlement tanks (1.25m above ground level);
 - a storm tank;
 - one percolating filter (2.4m above ground level);
 - two humus tanks with automatic de-sludging (1.25m above ground level);
 - an internal site access road;
 - improvements to the existing access track;
 - a new control building;
 - a final effluent flow measurement and sampling chamber;
 - associated ground or below ground level pipework and pumping facilities;
 - security fencing around the operational area;
 - an outfall to Clunie Water with headworks in natural stone;
 - return of those parts of the grass plots not required for the improvement scheme to agriculture; and
 - extensive perimeter landscaping enclosed within stock/rabbit proof fencing.
3. The new facility will occupy a site approximately 65m x 85m (0.55ha) including a minimum of 15m landscaping around the perimeter. There will be capacity for a population of 1164 which will accommodate existing residents, visitors and anticipated growth via Aberdeenshire Local Plan allocations. The redevelopment is required to:
 - ensure compliance with the Urban Waste Water Treatment (Scotland) Regulations;
 - address environmental health concerns about the efficacy of the current method of using grass plots as secondary treatment of effluent;
 - assess SEPA concerns about the effect of the works discharge on the quality of Clunie Water;
 - ensure ability to consistently apply discharge standards during peaks in tourist season;
 - create capacity to serve additional planned development in Braemar.

DEVELOPMENT PLAN CONTEXT

4. **Aberdeen and Aberdeenshire Structure Plan 2001 - 2016 (North East Scotland Together - NEST) Policy 22 (Water Management)** refers to directing development away from “areas at significant risk from flooding according to the sensitivity of the development and the risk of flooding of the site.” The same policy also contains a commitment to “proposals for sustainable water management to enhance water quality, bio-diversity and access.”
5. **Finalised Aberdeenshire Local Plan**
The main proposals map shows Braemar as a Rural Service Centre and the Local Plan contains the following policies that may be relevant to the proposals.
6. **Env 4**
Development that would have an adverse effect on habitats or species protected under British or European law, or identified as a priority in UK or local Bio-diversity Action Plans, or other valuable habitats, will be refused unless the developer demonstrates:
 - (a) that the public benefits at a local level clearly outweigh the value of the habitat for bio-diversity conservation,
 - (b) that the development will be sited and designed to minimise adverse impacts on the bio-diversity of the site including its environmental quality, ecological status and viability AND
 - (c) that there will be no further fragmentation or isolation of habitats as a result of the development.
7. **Env 5**
Development in or adjacent to a National Scenic Area or Area of Landscape Significance will not be permitted where its scale, location or design will detract from the quality or character of the landscape either in part or as a whole. In all cases, the high standards of design, in terms of location, scale, siting, aesthetics and landscaping will be required within National Scenic Areas and Areas of Landscape Significance.
8. **Env 9**
The council seeks to promote the creation and protection of sensitively designed and managed forests and woodlands for their ecological, recreational, landscape and natural heritage value, and to improve economic diversity this include promotion of community woodlands and habitat creation through planting and natural regeneration of native species and enhancement of landscape features such as shelter belts.
9. **Env 11**
Development that would cause the permanent loss of productive agricultural land will be refused unless it has been allocated for development in the Plan or the developer demonstrates:
 - (a) its social or economic benefit clearly outweighs the agricultural value of the site AND
 - (b) there is no suitable alternative site for development

10. **Env 15**
River engineering works that would have an adverse effect upon water quality, quantity or flow rate, ecological status, riparian habitat, protected species or flood plains, whether up or down stream from the works will be refused.
11. **Inf 5**
Development will be approved in principle, if surface water treatment is dealt with in a sustainable manner and in ways which avoid flooding and pollution. Flood risk assessments will be required in those cases where flooding can be expected. Sustainable Urban Drainage Systems (SUDS) will be required as a means of achieving sustainable disposal and/or re-use/recycling of surface water. In all cases the developer will be required to demonstrate how the effectiveness of the measures taken will be maintained in perpetuity.
12. **Gen 8**
Development on land at risk from flooding, including any functional flood plain, will be refused unless:
- (a) it is for uses such as flood prevention measures that must be located in the flood plain or for essential transport or utilities infrastructure that suffer least from inundation by floodwater;
 - (b) it has been designed to minimise the risk of flooding and will not contribute to, or significantly increase the risk of, flooding elsewhere;
 - (c) it has adopted all reasonable measures to improve the management of floodwaters on and adjacent to and to assist the protection of properties within the vicinity of the site;
 - (d) it does not impede the flow of floodwater or the ability of the flood plain to store water and to flood naturally;
 - (e) it is designed to avoid damage to, or loss of existing, wetland habitat;
 - (f) it incorporates building design measures and materials to assist the evacuation of people and minimise damage from flooding;
 - (g) a hydrological survey and flood risk appraisal is provided at the developer's expense when requested AND
 - (h) it can provide for the satisfactory maintenance of any approved privately funded flood defence measures.
13. A further consideration - additional to the Development Plan - is the fact that the River Dee has been designated a candidate Special Area of Conservation for Freshwater pearl mussel, Atlantic salmon and European otter under the Conservation (Natural Habitats, etc.) Regulations 1994. This designation obliges "competent authorities" not to permit projects to proceed if there are likely to be significant adverse effects on any of the conservation interests.

CONSULTATIONS

14. SEPA has been involved in ongoing discussions with Scottish Water and has no objections to the proposals. Recommend that Aberdeenshire Council's Flood Prevention Unit confirms it is satisfied. Applicant and contractors must comply with SEPA's Pollution Prevention Guidelines at all times and muddy

or discoloured surface or groundwater generated during construction should not be admitted to any surface water drain or watercourse.

15. Aberdeenshire Council's Roads' Manager has indicated that as the development will not have a greater impact on the road network than the existing facility there are no objections.
16. Aberdeenshire Council's Flood Prevention Unit has no objections.
17. Deeside District Salmon Fisheries Board has been consulted but has not made any comment.
18. Scottish Natural Heritage consider that the proposal is not likely to significantly affect any of the qualifying species of interest on the River Dee Candidate SAC so long as the proposed mitigation measures are adopted. The site is located within the CNP and the Deeside and Lochnagar National Scenic Area and SNH objected to the proposal as submitted as there was insufficient information to allow the landscape and visual impacts to be fully assessed. The applicant subsequently submitted a detailed landscape and visual impact assessment that was the subject of comment by SNH and a meeting of all interested parties then took place to address outstanding issues. These related principally to the visual impact of the new WWTP when viewed from the south west through to north west. It is understood that these issues have now been resolved and at the time of writing revised drawings are awaited from the applicant to enable SNH to confirm that it is now satisfied.
19. CNPA Natural Resources Group has considered the application. With regard to the River DEE cSAC they agree with SNH's assessment that the proposal is not likely to (detrimentally) effect any of the qualifying species of interest on the River Dee so long as the proposed mitigation measures outlined are adopted. An objective assessment of the needs for the redevelopment indicates that the existing treatment plant does not comply with wastewater treatment standards and concern has been raised about the efficacy of the current treatment methods and its effect of the existing effluent on the quality of the River Clunie (and consequently on River Dee immediately downstream) and the ability of the system to cope with additional housing and development proposed at Braemar. In tackling these issues it is clear that this proposal is directly connected or necessary to the conservation management of the NATURA site, whose qualifying species all require clean unpolluted water. Additionally, improving effluent material discharges and raising water quality standards in the River Clunie and consequently the River Dee cSAC is directly related to first of the National Park's four aims: (a) to conserve and enhance the natural and cultural heritage of the area. With regard to Deeside and Lochnagar NSA, NRG understands that SNH have been involved in a dialogue on the landscape merits of this proposal and concerns are being addressed.

REPRESENTATIONS

20. None.

APPRAISAL

21. The application was accompanied by a detailed submission describing the background and nature of the project, the characteristics of the site and environment, the planning policy framework, assessment of effects, measures to avoid/reduce/remedy any significant effects and an assessment of the effectiveness of mitigation.
22. The present WWTP is clearly inadequate in terms of ability to meet the existing needs of Braemar and address the concerns expressed regarding the environmental health aspects of use of the grass plots and the quality of the discharge to the Clunie Water. There is also the issue of capacity for visitors and additional planned development. Doing nothing is therefore not an option. The applicant has considered various alternatives in terms of sites and treatment solutions and the proposal as submitted is the preferred one as it provides lowest whole life costs, best fits the requirement for a plant with low operator input (given the distance from Scottish Water's operating base) and it is locationally dictated to a significant degree by the existing wastewater drainage network. The distance of the site from the village and the screening offered by existing vegetation also point to it as the preferred location.
23. The essential findings of the ecological assessment as contained in the submitted report and accepted by SNH are as follows:
 - no obvious signs of bats, but parts of the site could provide a potential bat habitat;
 - no evidence of badgers and generally the habitat is not suitable;
 - no evidence of water vole activity and unlikely to be as it is in an area where otters are present;
 - only bird species noted in abundance were dippers, during breeding season it is likely that other birds would use tree cover along Clunie Water;
 - an abundance of rabbit, midges and dragonflies;
 - bank side vegetation on north side of Clunie Water is dominated by a line of trees, mainly elders with some silver birch: the elders are of ecological importance as they are mature and have veteran tree status, are host to a diverse range of lichen, and provide a range of habitats for invertebrates and lower plants as well as potential sites for otter rests;
 - further east on the tree line there are ash, willow and wild rose;
 - the river bank and open grass plots are home to a variety of plant life;
 - both the River Dee and Clunie Water present a range of habitat types for the salmonid population in the reaches upstream, adjacent to, and downstream of the existing WWTP site and grass plots;
 - otters are known to inhabit Clunie Water and a holt is located upstream of the existing site, pawprints were noticed in bankside fines of Clunie Water adjacent to the southern part of the grass plots of the WWTP site and both banks of Clunie Water provide ideal potential areas for holts, although no otter signs were found along the River Dee within the survey area;
 - from a 2001 report it appears that a small, aged population of freshwater pearl mussels survives in the River Clunie defining the

known upstream limit of mussels in the Dee catchment, although an absence of juveniles raise doubts about their viability.

24. The construction phase is identified as having a potential impact of low significance on terrestrial fauna, but significant to high significance on flora, otters, salmonids and freshwater pearl mussels. The operation of the new facility is assessed as having no potential significant impact on flora and terrestrial fauna, low significance on otters and freshwater pearl mussels and significant with regard to salmonids.
25. In view of this assessment and the importance of the Clunie Water bankside habitat, together with its freshwater pearl mussel, salmonid and otter populations, the applicant has proposed that construction work should not be permitted unless a detailed method statement is first prepared by the contractor which clearly demonstrates to the satisfaction of the Planning Authority (CNPA) and SNH that it is possible to construct a new outfall to the Clunie Water with the ecological issues. If this cannot be done it may prove necessary to relocate the proposed outfall to Clunie Water further downstream, the proposed site being subject to the same assessment.
26. In addition to this the submitted report contains comprehensive mitigation measures for the development as a whole to protect the water course, bats, breeding birds, trees, salmonids, freshwater pearl mussels and otters.
27. SNH agrees with the assessment of the potential risks and considers the proposed mitigation measures to be appropriate for addressing those risks and that they would have to be adopted as a condition of any planning consent.
28. The present WWTP is much smaller in scale and footprint and is located immediately behind the established tree screen on the Clunie Bank. Consequently its visual impact is minimal and it is really only visible when viewed from the west. The enhanced WWTP will have a much larger footprint and will involve a greater amount of plant. The report that accompanied the application therefore included a landscape and visual impact assessment from 3 vantage points around Braemar and concluded that there would only be distant partial view to glimpses of the development and the magnitude of the impact would be low.
29. Given the location in the CNP and a National Scenic Area, SNH considered that the assessment contained insufficient information and for this reason an objection was lodged. Following discussions with SNH, the applicant commissioned a comprehensive landscape and visual impact assessment as a separate document in addition to the submitted report. This assessment looked at the proposals from 26 viewpoints around Braemar taking into account the construction phase, summer/winter and the impact in Year 1 and in Year 15 when the facility is well established. The study also took into account mitigation measures including substantial planting, the colour treatment of structures and the surface finishes of areas within the WWTP.

30. The assessment concluded that without the mitigation measures the landscape and visual impact would range between moderate to substantial from several viewpoints. The successful implementation of screen planting and appropriate paint finishes will reduce the general impacts to slight/moderate with many viewpoints judged to have no real discernable change. In terms of the NSA it was considered that the impact of the WWTP is be significant in the local context (prior to establishment of mitigation planting), but only a slight impact on the landscape character of the wider NSA as a whole.
31. Following completion of the assessment SNH subjected it to scrutiny and concluded that the effects on winter Year 1 on the visual amenity of the study area would be moderate adverse and in summer of Year 15 slight adverse. Construction impacts would be greater, particularly from local residents' viewpoints from which construction traffic, plant etc. would be visible. SNH concluded that 15 years is a substantial period to wait for mitigation measures to become effective and it was therefore recommended that screen mounding with planting be considered to ensure an earlier, effective screen of the WWTP structures and equipment is established. They also thought that further exploration should be undertaken in terms of reducing the heights of buildings and structures wherever possible and the site layout re-examined to minimize the footprint. More advantage should be taken of the screening that could be afforded by existing vegetation by moving structures closer to the woodland by the Clunie Water.
32. A subsequent meeting between the applicant, SNH and CNPA secured verbal agreement on the provision of bunding to ensure earlier screening from the west, colour treatment of different elements of the facility, alterations to site layout to relocate as much as possible to the vicinity of the tree screen by the Clunie Water, the use of some larger tree stock to enhance screening in the short term, and location of the construction compound close to the existing tree screen to minimise impact. There was discussion on lowering the heights of tanks by constructing them underground, but there were technical reasons as to why this was not possible.
33. At the time of writing the applicant has not yet submitted the revised drawings necessary to enable SNH to withdraw its objection, but it is understood that the matter is in hand and should hopefully be resolved prior to the meeting.
34. A considerable amount of work has gone into the submission, assessment and subsequent revision of this planning application in order to secure compliance with the relevant planning policies and address issues that have implications for the aims of the CNP. Subject to receipt of satisfactory revised drawings and withdrawal of the SNH objection, the application can now be recommended for approval with appropriate conditions to safeguard the various interests referred to in this report.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and enhance the natural and cultural heritage of the area

35. The effect of the proposal will be to treat Braemar's sewage to a higher standard which will be beneficial to the local environment. The River Dee's interest as a Candidate Special Area of Conservation can be protected by the arrangements proposed by the applicant and agreed with SNH. There are no features of historical or cultural interest in the immediate vicinity. The landscape impact within the NSA has been the focus of much of the work on the application and, with the revisions to the scheme and proposed mitigation measures, it is considered that this issue has been adequately addressed.

Promote sustainable use of natural resources

36. There are no direct implications, positive or negative in terms of this aim.

Promote understanding and enjoyment of the area

37. The visual impact of construction works and the completed facility may have some impact on the enjoyment of this part of the NSA for residents and visitors, but it is considered that this is short term and once established the WWTP will be accepted as part of the landscape around Braemar.

Promote sustainable economic development of the areas communities

38. The improvements to the works will allow residents and visitors to Braemar to have sewage treated to an acceptable standard. The enhanced facility will also have capacity to serve future planned development for the community.

RECOMMENDATION

That Members of the Committee support a recommendation to:

Grant full planning permission for the redevelopment of Braemar Waste Water Treatment Plant subject to receipt of satisfactory revised drawings, SNH withdrawing its objection and to the following conditions:

1. The development to which this permission relates must be begun within 5 years of the date of this permission.
2. All construction works, site activity and the works for the proposed outfall shall be carried out in accordance with a full method statement based on Sections A11, A12 and the Landscape Design and Maintenance Plan contained within the report by Earth Tech Engineering Limited (November 2003) and forming part of the submission that accompanied the planning application for this development. This method statement shall include the timing of works/activity in relation to the various nature interests that may be potentially affected by the development and the statement shall be submitted to and

agreed in writing by the Cairngorms National Park Authority acting as Planning Authority before any work whatsoever takes place on site.

3. *Landscaping condition to be advised upon receipt of revised drawings.*
4. (a) A minimum period of 6 months will be allowed to pass between cessation of settled sewage distribution and any agricultural use.
(b) Soil samples will be taken to ascertain levels of any heavy metals which may be present and the land shall only be returned to agricultural use if these are within statutory limits
5. Precise details of all on site lighting including the position, specification and orientation of lights and hours of use shall be agreed in writing by the CNPA acting as Planning Authority prior to any lighting being installed.
6. Precise details of the finished colour of all buildings, structures and fences and the treatment of all surface areas within the site and access road to the site shall be submitted to and agreed in writing by the Cairngorms National Park Authority acting as Planning Authority before any work whatsoever takes place on site.

Reasons for Conditions:

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to protect both the specific Candidate SAC and other nature conservation interests within and around the site.
3. To minimise the impact of the development on the landscape of the Cairngorms National Park and the Deeside and Lochnagar National Scenic Area.
4. In the interests of public health and to ensure that the land is fit for agricultural use.
5. To minimise the impact of lighting on the landscape and night-time environment.
6. To minimise the impact of the development on the landscape of the Cairngorms National Park and the Deeside and Lochnagar National Scenic Area.

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