
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(Planning Officer, Development Control)

DEVELOPMENT PROPOSED: UPGRADING OF EXISTING WASTE WATER TREATMENT PLANT (WWTP), STATION ROAD, NETHY BRIDGE (FULL PLANNING PERMISSION)

REFERENCE: 04/361/CP

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

DATE CALLED-IN: 16 JULY 2004



Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site to which this application refers is the existing waste water treatment plant (WWTP) which is located adjacent to Station Road but on the north-western fringe of the settlement of Nethy Bridge. The existing treatment plant is accessed by an existing unsurfaced track off Station Road and is situated within a mainly coniferous woodland which has been formed between Station Road to the east and the River Nethy to the south and west. The access also serves as a footpath route down to the river.
2. At present there is an existing humus and filter tank on the northern edge of the site. This is to be decommissioned and broken down to ground level and infilled. There is also a fenced compound to the southern side of the site. This encloses a primary treatment structure which is to be converted to a pumpwell, an existing site hut which is to be demolished, and sludge beds which have been decommissioned since 1990. These, plus the fencing, will also be removed as part of the new proposals.
3. The new works involve the construction of 1 inlet works, 2 primary settlement tanks, 2 trickling filters, 2 humus tanks, 1 sludge holding tank, a new plant building (10m x 4.4m with pitched roof and finishes of timber wall cladding, slate grey interlocking roof tiles or roof shingles), new security fencing and the extension of the access track to form a turning area. The new works will involve incursion into some treed areas, mainly on the west side. This will require some tree felling (approx.1200sq.m of commercial plantation). All the surrounding woodland is in the ownership of Scottish Water. The existing access at its junction with the public road is to be upgraded in line with Highland Council's standards.
4. The need for the development is set out in the applicant's written submissions. They state that the development is needed in accordance with the requirements of the Urban Wastewater Treatment Directive. This states that there should be "appropriate treatment" of urban waste water by 31 December 2005. "Appropriate treatment" is defined as *"treatment of urban waste water by any process and/or disposal system which after discharge allows the receiving waters to meet the relevant quality objectives and the relevant provisions of the Directive and other Community Directives"*. It is stated that the current sewerage system at Nethy Bridge falls short of meeting the legislative requirements for discharge quality due for implementation by 31 December 2005, hence the requirement for the new facility which will provide full treatment of waste water.
5. In addition, to improving the quality of the discharge the upgrade will provide additional capacity at the treatment works. The additional capacity to be provided equates to a population equivalent of 200 which relates to an additional 77 houses. This represents additional

capacity for “*Approved Future Development*” in Nethy Bridge. The approved development referred to includes Eagle Star (40 houses), Eccles Mordant (4 houses and 1 tearoom), two Albyn Housing Society sites (total 27) and single house private developments (5).

DEVELOPMENT PLAN CONTEXT

6. In the **Highland Structure Plan (March 2001) Policy G2 (Design for Sustainability)** states that proposed developments will be assessed on the extent to which they, amongst other things, impact on resources, including pollution and discharges, such as habitats, species, landscape freshwater systems, cultural heritage etc; demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environments; and contribute to economic and social development of the community. **Policy N1 (Nature Conservation)** seeks to minimise the impact of new developments on nature conservation resources and enhance them wherever possible. With regard to sites and species of international importance developments which would have an adverse effect on conservation interests 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. **Policy L4 (Landscape Character)** states that regard will be had to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals. **Policy W11 (Sewerage)** states that local plans will identify the following areas in respect of sewerage constraints: poorly drained areas for septic tanks and soakaways; and a safeguard area around wastewater treatment plants and other associated structures, as advised by Scottish Water. This policy is relevant but it places an emphasis on Local Plans to provide guidance on specific projects.
7. In the **Badenoch and Strathspey Local Plan (1997)**, the existing treatment works are identified on the proposals map and under **Policy 4.4.3. (Drainage)** of the Nethy Bridge settlement statement it states that the need for upgrading the sewage treatment facilities at Nethy Bridge, consistent with future development requirements and water quality standards, should be kept under review. In order to secure appropriate standards of amenity, there is a need to maintain a presumption against permanent development within 90 metres of the sewage treatment works. **General Policy 2.4.9 (Drainage)** states that the Council will seek to minimise the impact on the environment of the design and operation of sewage treatment works and will minimise any detriment to the River Spey and its tributaries. Under its general objectives The Local Plan also seeks to continue to upgrade and extend essential infrastructure networks.

CONSULTATIONS

8. In their first response **SNH** stated that they supported the principle of improved water treatment at Nethy Bridge but in relation to the specific proposal, they raised some objections. These related to requirements for further assessment of local impacts on otters and appropriate mitigation, and written confirmation from SEPA that sediment input into the River Nethy is unlikely during construction. They also made recommendations regarding management of woodland habitats (retention and extension of the broadleaved alluvial and riparian woodland habitat), individual tree retention (a mature willow which supports a rich diversity of lichens is to be removed to allow access to some plant), and maintenance of open and safe access along the existing promoted walking route along the river during construction.
9. In response, the applicants carried out an otter survey and no active holts or other signs, such as spraints or footprints were found along the river in proximity to the site. In addition, following direct consultation with SNH, mitigation measures to protect the safety of any otters, during construction, will be implemented by the contractor. The applicants also provided a detailed construction method statement which covers matters such as spillage of substances, waste management, pollution control, storage of fuels, protection of ecological and archaeological resources, dust and mud prevention, noise and light emissions etc. In response to the matter of retention of the willow tree, a detailed statement which refers to technical and health and safety matters has been submitted. This also emphasises the advantage of converting and reusing the existing primary treatment structure to form the new pumpwell. The alternative would have been a new pumpwell structure and its associated plant elsewhere which would have resulted in more tree felling. To compensate and to improve the woodland habitats in the vicinity, the applicants are also agreeable to providing additional tree planting. The applicants have also stated that the existing footpath alongside the site would remain open throughout the construction period and that temporary fencing and warning signs would be erected in accordance with health and safety regulations.
10. As a result, provided the mitigation and method statements are adopted, SNH have agreed that it is unlikely that any qualifying feature will be significantly affected either directly or indirectly. They have also advised on suitable species for replanting including goat willow, alder, silver birch, bird cherry and rowan. SNH have now withdrawn their objections to the proposal.
11. The **CNPA Natural Resources Group**, have stated that improving current effluent material discharges and raising water quality standards in both the River Nethy and consequently the River Spey should benefit the NATURA qualifying species, all of which require clean unpolluted water. They provide support for the initial matters raised by SNH regarding otters, sediment input into the river, removal of non-native

tree species and their replacement with native broadleaved woodland, and the retention of the solitary willow tree on the site. With regard to landscape and visual impacts, NRG state that the site is well screened and that any clearance of internal non-native trees should not open the site up at the edge. Following receipt of the information from the applicant, as described above, NRG have no further comment to make but express their disappointment that the willow tree is required to be felled.

12. **SEPA** have welcomed the proposals which will ensure compliance with the stricter regulations on quality of discharges to watercourses. However, they wished to ensure that a site-specific construction method statement which systematically identifies pollution risks in relation to the operation and how they will be avoided and minimised, be submitted. This statement also required to address how effluent quality will be maintained during construction. Following receipt of the method statement and a site meeting, SEPA have now confirmed that the method statement is acceptable.
13. **Highland Council's Area Roads and Community Works Manager** requires conditions imposed on any planning permission relating to the provision of visibility splays and a passing place at the junction of the access with the public road, localised repairs along the access track, and adequate parking and turning space being provided within the site. Following discussions with the Area Roads Manager, agreement has been reached on the standards required for the upgrade of the junction and the provision of the visibility splays and how they will be achieved. A revised drawing indicating this, has been submitted and the Area Roads Manager has confirmed his acceptance.
14. From the perspective of the **CNPA Visitor Services and Recreation Group**, support is given for the requirement to keep open access to the footpath route alongside the river.
15. Under delegated powers, **Highland Council's Senior Planner** for the area has advised that he welcomes the upgrade of the treatment works, provided that the works are not just for the purposes of satisfying discharge consents but includes sufficient additional capacity to service foreseeable housing development. A number of existing housing land allocations at Nethy Bridge have been the subject of planning applications which are effectively held up only by the lack of capacity in the existing works. In addition, a number of infill or plot subdivision dwelling proposals are held up by the lack of capacity. It is stated that through the preparation of the CNPA Local Plan, the level of future housing which can be accommodated in Nethy Bridge will be determined but it is not thought that it would be healthy for the community if no allowance was made for growth and development of the settlement.

16. The **CNPA's Economic and Social Development Group (Housing Officer)** have advised that the proposals do include for additional capacity which will allow for existing approved planning applications and that this includes 27 houses classed within the affordable housing for rent or sale category (Albyn Housing Society sites). Albyn has held back their development of 15 houses until the treatment works are complete. From information gleaned from Highland Council there is a current transfer and waiting list number of 60 for the Nethy Bridge area. From consultation with Highland Council's Area Planning and Building Control and Area Housing Managers it is felt that Scottish Water, due to funding restrictions, are not generally willing to expand works due to their policy of replacement without expansion. It is therefore fortunate that they have allowed, in this instance, for additional capacity for up to 200 persons. The Housing Officer advises that there are three options. The first would be to resist the proposal as it stands. This is not viewed as an option because the sewerage system needs upgrading to comply with regulations. The second option is to move forward with the application as it stands. This would allow for the existing approved development to connect to the upgraded system which includes the 27 affordable units. The third option would be to delay making a decision, in order to pursue alternative means of creating additional funds. This could be from developer contributions or by approaching Highland Council to contribute a proportion of the additional Council Tax charges for Badenoch and Strathspey. However, in both these cases, it is stated that it would take some time to gather information and resources, and assess cost implications and levels of contributions etc. The conclusion from the E&SD Group is that, these options could be looked at in general terms but that the uncertainties and delays would hold up the project. They recommend that the works be approved to allow the additional housing (including the affordable) and to ensure that the earmarked Nethy Bridge funding is not lost to other parts of Scotland.

REPRESENTATIONS

17. The application was advertised under Section 34 of the Planning Act (Bad Neighbour Development). One letter of representation has been received from agents working on behalf of a developer. The letter raises concerns that there appears to be no additional capacity for allowing the Eagle Star development of 40 houses to connect to the upgraded system. This development has approval, in principle, from Highland Council, subject to the completion of a S75 agreement, all in accordance with the Local Plan. In addition they have consent for the temporary on-site treatment of sewage for up to 10 of the houses until such time as the upgrade at the treatment works is completed. If there is no additional capacity included for their development, they find it completely unacceptable and they feel that it makes little sense for Scottish Water to attempt an upgrade, only to have to return to carry

out further works to improve the situation in the near future, particularly given all the other environmental sensitivities at the location.

18. A copy of this letter is attached to the report for the Committee's consideration. **The applicants have made a written request to address the Committee.**

APPRAISAL

19. There are several considerations requiring assessment in the determination of this application. These are the matters raised through the technical consultation process relating to environmental considerations in particular natural heritage conservation and pollution control, and access (both vehicular and pedestrian). There is also the important matter of additional capacity, and how this impacts on the future growth and development of the Nethy Bridge area.

Natural Heritage

20. With regard to these considerations, paragraphs 8-12 detail the particular issues that the development raises. These include protection of species, prevention of sedimentation and pollution into the nearby River Nethy, tree felling and replacement planting, and landscape impact.
21. There is a general welcoming of the proposal from consultees because of the improvements that the development will have on the quality of discharges into the River Nethy and that this ensures compliance with the requirements of the Urban Waste Water Treatment Directive. The construction method statement submitted by the applicants provides detailed information on how the local environment, including the river, will be protected during the construction period. There are sensitivities in terms of the location but the submitted information has resulted in the proposals being found to be acceptable in respect of this. A condition is required to ensure compliance with the method statement.
22. The development will involve tree felling. However, the bulk of removal works involve blocks of non-native coniferous tree species on the west side of the site. There will though be some encroachment into an area of broadleaf trees on the eastern boundary. While this is unfortunate, the applicants are agreeable to providing replacement tree planting of an appropriate type for this riparian location. SNH have suggested appropriate riparian broadleaf types which will help to boost this important riparian woodland habitat which is a habitat selected for action in the Cairngorms Local Biodiversity Action Plan. A condition requiring a scheme of tree planting can be imposed in this respect.

23. Attempts have been made to retain the mature willow tree on the site. However, the applicant has detailed technical, health and safety and other tree felling reasons for not being able to do so. The proposed layout of the upgraded works on the site allows for the re-use of an existing primary treatment structure to a pumpwell but the position of the access to serve it does require the removal of the tree. Other options were investigated. These included constructing a new pumpwell elsewhere on the site. However, the possible alternative positions would have resulted in additional native tree felling or unacceptable safety risks for operational staff carrying out maintenance works. Again the loss of the tree is unfortunate but I am satisfied that the alternatives would create additional problems. The required replanting scheme will also compensate for the loss of this tree.
24. Scottish Water control all the land which encloses the site. It is therefore possible to impose a condition which requires the retention and continued maintenance of the surrounding woodland. The site is fully contained within the woodland and is therefore not visible from any significant public vantage point. Most of the structures proposed are either wholly or partially underground. The plant building is modest in size, has a pitched roof and uses appropriate finishes. It is also proposed to reuse as much material from the excavation works as possible within the site. For instance, material will be used to create a bund covering two thirds of the trickle filters. These factors, plus the additional tree planting, mean that the visual and landscape impacts of the development are minimal.

Other Environmental Considerations

25. The applicants have provided information on matters relating to noise and odour. As with all construction processes there will be an increase in general noise level during the construction period. Mitigation measures have been included in the construction method statement. However, noise during construction is a matter for Environmental Health control. On-going noise from the plant will be minimal and the upgrade has been designed to minimise potential increases in noise. The nearest dwelling is also some 150m away to the south east and the surrounding woodland will provide noise screening. The upgrade works have been designed to minimise potential odours. Stored sludge is contained within a fully enclosed unit and transfer of sludge from the tank to the tanker is via a detachable pipe. The tanks are also emptied once a week. No objections relating to these matters have been received.

Vehicular and Pedestrian Access

26. The applicants have stated that the WWTP upgrade has been designed to operate with minimum maintenance requirements. The frequency of vehicular movements to the plant for de-sludging purposes will actually decrease to approximately 1 visit per week. In

addition there will be personnel visits approximately 5 times a week. Despite the possible reduction in traffic movements in and out of the site, there is still a requirement to improve the access at its junction with the public road. The requirements for this improvement have been found to be physically achievable and the applicants have agreed to carry out the works. There is also the existence of the "Explore Abernethy" footpath link to the river to consider. The route uses the proposed access to the treatment plant for approximately 40m from the public road. The applicants have confirmed that this will be kept open at all times, even during the construction period, and that safety measures (temporary fencing and signage) will be put in place. A planning condition can be imposed to this effect.

Capacity and Future Growth

27. With all the technical and nature conservation issues addressed, the determining factor is that of the additional capacity being provided by the upgrade. Following discussion on this matter, Scottish Water have submitted further information. The development is part of the current Quality & Standards Period 2 Capital Investment Period provided by the Scottish Executive. This is predominantly for improvements to the environment such as wastewater quality. There is no funding for development growth. However in this instance, "*Approved Committed Development*" has been catered for in sizing the upgraded WWTP. Committed development is defined as one that has been granted full planning permission. The reasoning behind this is, in the past, the water authority would build a works that took account of all proposals in the Local Development Plan. It is stated that realistically, only 25 to 30% of the development plan growth would actually occur during the initial 10 to 20 years WWTP post construction period. It is stated that there are many examples of oversized works that have operational problems. Treatment plants are now funded and designed to cope with known development and operators would return in subsequent investment periods with further investment as necessary.
28. In addition, it is stated that because wastewater treatment is a living biological process, making a plant either too small or too large can cause the process to fail. In the Nethy Bridge situation the concern is that the WWTP would be too large if too much additional capacity was provided. If a WWTP is too large there is insufficient sewage load to feed the living biological process and the wastewater treatment process would fail, polluting the watercourse.
29. The planned growth of Nethy Bridge is clearly significant in terms of the National Park's fourth aim of promoting the sustainable economic and social development of the area's communities. Development in Nethy Bridge, even on Local Plan allocated sites, is currently constrained by the lack of capacity at the treatment works and there continues to be a need for development in line with localised housing needs (waiting list identifies 60). Continued constraints in respect of wastewater

treatment capacity is clearly a concern for the development of the CNPA Local Plan and its ability to deliver effective development land to meet localised needs. This concern has also been expressed by Highland Council Planning Service and I agree with their sentiments that it is certainly not healthy for the community if no allowance is made for the planned growth and development of Nethy Bridge.

30. **We have strongly expressed our concerns regarding this to Scottish Water and we have pressed them hard to provide adequate justification. It is disappointing that we have not been able to achieve a change to the capacity situation in this instance. However, as can be seen from the statements set out above, it does not seem possible to achieve anything more than has been proposed in terms of additional capacity.**
31. It is conceded that the proposed works will allow for limited growth in line with the "Approved Committed Development" strategy and amongst this there is the capacity to allow the development of approved affordable housing in Nethy Bridge. It is also the case that the Eagle Star development to which the representation refers is included in the "Approved Committed Development" which is catered for in the upgrade. The benefits of this short term situation off-set the negatives created by the longer term constraint and it is worth noting that the next Capital Investment Period (Quality & Standards Period 3) is due to commence next year. There may be potential for further expansion then, although there are no proposals or guarantees at present.
32. The CNPA E&SD Group have raised general concern about the lack of additional capacity for longer term growth and have suggested ways that further investment could be sought. However, these and any other mechanisms cannot be achieved immediately and require to be investigated in a more general way, through the development of the CNPA's policies and plans and its work with its partners and relevant agencies. In this instance, there is the risk that the investment earmarked for Nethy Bridge could be channelled elsewhere, and not necessarily within the Park. While expressing general concern, in order to remove the current constraint and allow currently approved development to take place, I therefore feel that it is appropriate to recommend approval of the proposal as it is submitted at present.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

33. The improvements to the quality of the discharge to the River Nethy as a result of the development is a positive implication for this aim. The loss of non-native trees in the surrounding woodland is not a significant negative effect, especially when this is balanced with the necessity to

carry out replacement tree planting which will be of a type appropriate to a riparian habitat. The replacement planting will improve the quality of the woodland habitat which is valuable in helping to boost fish populations by providing a source of insects which drop into the water. The development does not impact on any features of cultural heritage value in the area.

Promote Sustainable Use of Natural Resources

34. There are no significant implications in relation to this aim.

Promote Understanding and Enjoyment of the Special Qualities of the Area

35. The development does not provide any direct benefits in this regard. During construction there will be some impacts on the character and quality of the existing footpath which runs along the riverside (noise, traffic etc.). However, it will be necessary to keep this route open and safe during the construction period. Once completed, there will be no additional effects on this walking route.

Promote Sustainable Economic and Social Development of the Area's Communities

36. The lack of capacity at the treatment works at present is a constraint to the social and economic development of Nethy Bridge. The provision of additional capacity for "approved" development is welcomed and will remove the barrier to growth that exists at present. However, the proposal does not allow for the longer term social and economic development of the Nethy Bridge community. Overall this is not healthy for Nethy Bridge and must be viewed as negative in terms of this aim.

RECOMMENDATION

37. That Members of the Committee support a recommendation to **Grant Full Planning Permission for the Upgrade of the Existing Waste Water Treatment Works at Station Road, Nethy Bridge, subject to the following planning conditions:-**
- i. The development to which this permission relates must be begun within five years from the date of this permission.
 - ii. The development shall be constructed in accordance with the measures and procedures detailed in the GMJV construction method statement dated 18 November 2004 submitted with the planning application. All of these approved measures and procedures, shall not be departed from without the prior written agreement of the Cairngorms National Park Authority acting as

Planning Authority and following consultation with Scottish Natural Heritage and the Scottish Environment Protection Agency.

- iii. That the mitigation measures for protecting otter and otter habitat, as detailed in the RPS Consultants correspondence to Scottish Natural Heritage dated 29 November 2004 shall be implemented during the entire construction process. These approved mitigation measures shall not be departed from without the prior written approval of the Cairngorms National Park Authority acting as Planning Authority, following consultation with Scottish Natural Heritage.
- iv. That from the date at which this planning permission is granted, no trees on the site, or on the land surrounding the site which is in the control of the applicant, other than those identified for removal on the approved site layout plan, shall be uprooted or damaged. Trees on the site shall only be felled, lopped or topped with the prior written approval of the Cairngorms National Park Authority acting as Planning Authority.
- v. That no development shall commence on this site until trees which are required to be retained, have been protected by fencing erected around the extremities of the crowns of these trees to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority, and in accordance with BS5837, Trees in Relation to Construction.
- vi. Native tree planting, of a 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 the development, shall be undertaken within the site, during the planting season next following the completion of the development. The new trees shall be maintained in perpetuity and any trees which are removed, or which in the opinion of the Cairngorms National Park Authority acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees of similar size and species to those originally planted.
- vii. Unless otherwise agreed in writing, all material excavated during the construction works shall be re-used on the site in accordance with details which shall be submitted for the further written approval of the Cairngorms National Park Authority acting as Planning Authority, prior to the commencement of works on site.

- viii. That during the construction works and at all times in the future, open, unobstructed and safe access to the existing footpath which runs down to and along the River Nethy shall be maintained.
- ix. Prior to the commencement of works on site, exact details and specifications for the proposed roofing material and the proposed timber wall cladding stain for the new plant building, shall be submitted for the further written approval of the CNPA acting as Planning Authority.
- x. That prior to the commencement of any works on site the following works shall be carried out and maintained to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority in consultation with Highland Council's Area Roads and Community Works Manager:-
Visibility splays of not less than 30m x 90m shall be provided in both directions at the junction of the existing site access with the public road and thereafter maintained free from any obstructions exceeding 1m in height above the road channel levels;
A combined access/passing place shall be formed in accordance with the approved drawings, at the junction of the existing site access and the public road. Construction shall consist of a minimum of 40mm thick close graded wearing course on 60mm dense basecourse on a minimum thickness of 350mm type1 sub base, all on a sound formation. The first 6m of the existing site access shall also be surfaced using the same construction specification;
Localised repairs with well bound type 1 sub base shall be carried out along the full length of the site access track;
Parking and manoeuvring space for all vehicles expected to use the site, shall be provided within the site, as shown on the approved drawings;
- xi. No surface water shall be allowed to discharge on to the public road, and measures shall be taken to prevent the ingress off water to the site from the public road.

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24 January 2005

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