

# ***Drainage Issues***



**Chapter No:**

# ***15***

67 - Scottish Environment Protection Agency [Written Submissions]

## **BACKGROUND**

1. Foul and waste water drainage is dealt with in the deposit draft local plan through Policy 1 (“• compatibility with service provision”), Policy 4 (““Other Development Considerations’ – 8. ‘Development Factors’ – ‘Developers must take account of the details set out in the Proposals Maps. We will give particular consideration to the total effect of private water and sewage systems’”), Box 2 (““Physical Constraints’ – ‘Poorly drained areas’, and ‘Next to waters that the European Union Shellfish Directive applies to’”), and the allocations tables where drainage constraints are specified. These policies are set out in full in Appendix 1 to this report. Earlier chapters in this report have included recommendations of amendments to the policies; a summary of the policies including the recommended amendments is included in Appendix 2 to the report.

## **SUMMARY OF THE OBJECTIONS**

2. The first suggestion made by the objector was to amend Policy 4, section 8 so that it included all waste water drainage policy. Although the plan recognised the effects of the cumulative impact of private waste water systems, mere consideration of the total effect was insufficient; the plan needed to state what measures would be taken when the total effect was taken into consideration. The plan gave no guidance as to where or when applications would be refused as a result of this cumulative effect.

3. Under the heading of Development Factors, several of the Proposals Map Insets included the following:

- “• This settlement lies adjacent to a European Union Shellfish Water area. Regulations require that private foul drainage must be to land.”

The objector pointed out that there were a number of errors of identification in this regard, citing Gairloch, which did not lie adjacent to such waters, as an example. In addition, over the life of the plan, additional waters would almost certainly be designated and the approach in the plan of identifying which settlements were currently adjacent to such areas of water would soon become out of date to the point of being misleading. Furthermore, the terminology used in the plan was inaccurate.

4. Finally, while there were no waters designated as European Union Bathing Waters within the plan area, it was possible that designation would take place during the plan period, and the presence of such waters also required private drainage systems to maintain high water treatment standards and required to discharge to land. However, this matter could be addressed by deleting the waste water drainage requirements referring to Shellfish Waters from all of the Proposals Maps, and by amending Policy 4, section 8 to read as follows (amendments sought by objector shown in *italics*):

*“Where reasonably practicable to do so, foul drainage must connect to a public sewer, as defined in the Sewerage (Scotland) Act 1968. Connection to a public sewer will be a prerequisite of development within areas where the council is promoting significant development and within the settlements of Ullapool, Gairloch, Lochcarron and Aultbea. Private foul drainage from new development adjacent to waters designated under Directives 79/923/EEC (Shellfish Waters), 91/492/EEC (Shellfish Hygiene) and 76/160/EEC (Bathing Waters Directive) must be to land.”*

## SUMMARY OF THE COUNCIL’S RESPONSE

5. Rather than alter the form of Policy 4 as suggested by the objector, the council proposed a modification to add a statement at the end of the policy in order to clarify that where the cumulative impact of private water systems became unacceptable, further development would not be permitted. The following would therefore be added to the policy:

“Developments which are judged to be significantly detrimental in terms of the above criteria and for which no mitigating action can be taken shall not accord with the local plan.”

6. The council accepted that the locations of European Union Shellfish Waters would vary over time, and agreed to remove references to these waters from the inset maps where they were currently shown. Instead, the issue would be dealt with through Policy 4 paragraph 5, as the Shellfish Waters were identified as a physical constraint in Box 2, as well as on the Background Maps. This would allow any variation in the identification of the waters to be updated as part of the Background Maps, rather than waiting for the plan itself to be reviewed.

7. The council also accepted that the deposit draft Wester Ross Local Plan did not identify the European Union Shellfish Hygiene Water or the Bathing Water Directive areas, but proposed that they be added to the physical constraints listed in Box 2 and be shown within the Background Maps. While there were no Bathing Water Directive areas currently in Wester Ross, any designation that occurred over the plan period could be incorporated into the Background Maps.

8.1 Instead of amending section 8 of Policy 4 in relation to the development allocations in Settlement Development Areas, as suggested by the objector, the council proposed that the inset maps of Ullapool, Aultbea, Poolewe, Gairloch and Lochcarron be amended to clarify that development would require to be connected to a (new or existing) public sewer, by adding the following note to the plans:

“Development will require to connect into existing or new public sewers with any necessary upgrading – the council has made representations to Scottish Water for the upgrading of the existing works to be incorporated within the 2004-2016 Capital Plan.”

8.2 The Ullapool Inset Map would have the following note added to its Development Requirements:

“Development will require to connect into the existing or new public sewers (including the Braes septic tank) with any necessary upgrading. The council has made representations to Scottish Water for the upgrading of the existing works to be incorporated within the 2004-2016 Capital Plan.”;

8.3 and the Lochcarron Inset Map would have the following added:

“Development will require to connect into the existing or new public sewers with any necessary upgrading.”

9. With these modifications proposed by the council, the objector withdrew the objections.

## CONCLUSIONS

10. Once again, the council appears to have met the objections to the satisfaction of the objector, who has subsequently withdrawn. However, although I agree with the clarification of the inset maps as proposed, as already detailed in Chapter 9 of this report, the Background Maps form an integral part of the plan and cannot be changed about at will. Accordingly, the same problems arise with them as they do with the inset maps. The objector considers that changes are likely over the plan period and I therefore agree that a policy change is more appropriate than including such information on any form of mapping.

11. As to the objector’s proposed amendment to Policy 4 (now Policy 1B) of the plan, it appears that the council’s proposed modifications to the inset maps of the main towns (described in paragraph 8 above) are a suitable replacement, together with the addition of the footnote described in paragraph 5 above and I see no point in altering Policy 4 (Policy 1B) any further. (It should be noted however that in chapter 18 below, I have suggested that the council’s response as shown in paragraph 5 be extended to apply to other policy criteria in the plan).

## RECOMMENDATION

12. Accordingly, I recommend that

- (i) the following footnote be added to Policy 4 (now known as Policy 1B)

“Developments which are judged to be significantly detrimental in terms of the above criteria and for which no mitigating action can be taken shall not accord with the local plan.”;

- (ii) the additional note as set out in paragraph 8.1 above be added to the existing Development Requirements for the inset maps of Aultbea, Poolewe and Gairloch;
- (iii) the additional note as set out in paragraph 8.2 above be added to the existing Development Requirements for the inset map of Ullapool;
- (iv) the additional note as set out in paragraph 8.3 above be added to the existing Development Requirements for the inset map of Lochcarron;
- (v) reference to the locations of European Union Shellfish Waters be removed from the Background and Settlement Inset maps;

- (vi) reference to the locations of European Union Shellfish Hygiene Waters be added to the list of physical constraints shown in Box 2; and
- (vii) reference to the locations of Bathing Water Directive areas be added to the list of physical constraints shown in Box 2

and that these alterations be incorporated into the plan prior to its adoption.