

Agenda Item	<b>6.1</b>
Report No	<b>PLS-021-21</b>

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 27 April 2021

**Report Title:** 20/02401/FUL: Scottish Water  
Wastewater Treatment Works, Ardersier

**Report By:** Area Planning Manager – South

### **Purpose/Executive Summary**

**Description:** Retrospective application to amend planning permission 10/02007/FUL (as amended by planning permission 13/04590/S42) to allow increased heights of the Picket Fence Thickener Tank and inlet works and installation of electrical substation

**Ward:** 17 – Culloden and Ardersier

**Development category:** Local

**Reason referred to Committee:** More than 5 representations against the proposal (incl. Community Council)

### **Recommendation**

Members are asked to agree the recommendation to **Grant** planning permission as set out in section 6 of the report.

## 1. BACKGROUND

1.1 This planning application was considered by the South Planning Applications Committee at its meeting on 03 November 2020. Following a request from Members, the application was deferred for the following reasons:

- To allow the applicant to meet with the Community Liaison Group to discuss what mitigation could be secured to address the local concerns regarding visibility and report the outcome of these discussions to the planning authority
- To provide updated photos of the site as it currently stands, and visualisations of how mitigation could offset the visual impact of the development
- To provide members with further details of the purpose of the alterations applied for, the reasons for the chosen design and whether any alternative designs were considered

1.2 This Report is supplementary to that originally contained within the Agenda for the 03 November Committee, the purpose of which is to provide an update on the matters at section 1.1. The original Report is attached at Appendix 2.

1.3 Scottish Water has submitted a Supporting Statement with updated plans (19.03.2021). This Statement sets out the:

- planning history/background to the proposal;
- the engagement that Scottish Water have undertaken with the community since the Committee meeting
- planning issues arising from the Committee meeting

The Statement is attached in full at Appendix 1.

1.4 Scottish Water's Statement identifies:

"The construction of the new plant and equipment began on 18 January 2017. The current construction timetable was delayed due to the Covid-19 outbreak by 4 months. Subject to the current planning application being granted by the Committee, an additional 6 months will be required to complete the required alterations to the consented scheme. At present, it is estimated that commissioning of the new scheme will be completed by the end of 2022.

The PFT Tank replaced a Sludge Control Building in the site's original design, via the variation approved in 2016. This change presented an opportunity to manage sludge within the site with a reduced development footprint, reduced odour risk and reduced requirement for chemicals. The detailed design of the unit was not fully developed until 2018 and the addition of the access gantry was required to allow safe access to the Picket Fence Thickener Motor, located at the top of the structure, for operatives to access the motor when required to carry out repairs or maintenance. Following the further engagement with the community, Scottish Water has been able to identify an option to dismantle and reconstruct the tank in order to comply with the originally consented height. A system of folding handrails is now proposed to allow safe operational access without the need for a permanent handrail structure above this height. This will substantially reduce any additional landscape and visual impact from the most sensitive vantage points on the coastal path.

The inlet works screen size was not known before further detailed design work was undertaken. The height of the protruding parts of the screen and part of the handrail required for safe operational access are above the consented size. This plant plays a vital role by screening out 'rags', debris and grit from the wastewater at the start of the treatment process. Opportunities to lower the proposed height of this structure have been explored in detail. This has resulted in the tallest protruding element previously proposed, the bypass screen, being replaced with a model which is not as tall. Lowering the height of the structure as a whole was discounted because this would prevent wastewater from flowing through the Site via gravity, necessitating an additional pumping station with associated costs, carbon impact and operational risk over the site's full lifetime.

The original 2010 planning application sought consent for a sludge control building. This was replaced by a PFT tank via the variation approved in 2016. This change presented an opportunity to manage sludge within the site with the reduced development footprint, reduced odour risk and reduced requirements for chemicals. The detailed design of the unit was not fully developed until 2018 and the addition of the access gantry was required to allow safe access to the PFT motor when required to carry out repairs or maintenance. Regrettably the fully developed design did not adhere to the previously consented maximum height and this was not properly understood by the Scottish Water design team.

Further detailed design work and an alternative design has been submitted for a lowered tank. This design includes folding handrails which are erected for maintenance purposes. Scottish Water have also identified that at the inlet works, a modest reduction in the height of the bypass screen is proposed. However, they have identified that there is no scope to further reduce the height of the structure without preventing wastewater from moving through the site via gravity. The requirements to pump wastewater within the site would result in a significant energy cost, additional carbon impact and risk of failure throughout the site's lifetime."

## **2. ENGAGEMENT**

2.1 The Supporting Statement identifies that following the engagement by Scottish Water with the Community Liaison Group (25.11.2020, 21.12.2020, 27.01.2021) and the Ardersier and Petty Community Council (06.01.2021), feedback was received, and this then informed a revised plant specification.

Matters identified by Scottish Water from the Community Liaison Group, and the Community Council, following this engagement include:

- Mitigation options including lowering of taller structures
- Lowering the height of the picket fence thickener tank, and inlet works
- Community longstanding objection to the development
- Height of the inlet works and visibility of higher parts of this structure from the road, shoreline and the village
- Changes to lower height of inlet works following discussion with supplier of this structure
- Coastal flooding
- Objections to landscape and visual impact of the entire site and the associated landscaping plan

## **ASSESSMENT**

- 3.1 The amended plans which are now presented following the engagement by Scottish Water with the Community Liaison Group and the Community Council detail:
- Picket Fence Thickener (PFT) Tank - *Revised height\* PFT Tank of 4.7m in addition to a moveable handrail (height\*: with handrail upright – 6.1m; with handrail folded- 5m)*
  - Inlet works - *Replacement bypass screen model (height\*: reduced from 7.2m to 6.3m)*
  - New electrical substation - *this remains unchanged from the 2020 planning application*  
*\*Note: Heights above finished ground levels; changes to the original planning application submission denoted in italics.*
- 3.2 Scottish Water has undertaken a process of engagement with the Community Liaison Group and the Community Council, and this has resulted in adjusted design details that reduce the overall height of the infrastructure being proposed.
- 3.3 These mitigations will reduce the visibility of the infrastructure, as requested by Committee.
- 3.4 Visualisations which have been provided by Scottish Water also show how the reduced height and the landscaping of the site could aid mitigating the visual impact of the development, as also requested.
- 3.5 It is considered that these changes demonstrate that Scottish Water has sought to reduce the visual impact of the design changes necessary to safely operate the treatments works.

## **4. CONCLUSION**

- 4.1 The updated plans and Supporting Statement that have been submitted by Scottish Water are considered to clarify and address the matters raised by Committee during previous consideration of the proposal. These additional details are not considered to amend the conclusions and recommendation set out in the Report to South Planning Applications of 03 November 2020 contained with Appendix 2.
- 4.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## **5. IMPLICATIONS**

- 5.1 Resource: Not applicable
- 5.2 Legal: Not applicable
- 5.3 Community (Equality, Poverty and Rural): Not applicable

5.4 Climate Change/Carbon Clever: Not applicable

5.5 Risk: Not applicable

5.6 Gaelic: Not applicable

## 6. RECOMMENDATION

### Action required before decision N issued

Conclusion of Section 75 Obligation N

**Subject to the above**, it is recommended that planning permission be **GRANTED**, subject to:

1. The conditions and reasons set out in the Report to South Planning Applications Committee on 03 November 2020 contained within Appendix 2.

Designation: Area Planning Manager – South

Author: Bob Robertson

Background Papers: Documents referred to in report and in case file.

Relevant Plans:

- Plan 1 5000061980-WW-DRA-04159501-0B Location Plan
- Plan 2 5000061980-WW-DRA-04159502-0C Site Layout Plan
- Plan 3 5000061980-WW-DRA-04159503-0C Site Layout Plan
- Plan 4 5000061980-WW-DRA-04159504-0C General Plan – Inlet Works Layout
- Plan 5 5000061980-WW-DRA-04159505-0D General Plan – Inlet Works Sections
- Plan 6 5000061980-WW-DRA-04159506-0D General Plan – Inlet Works Sections
- Plan 7 5000061980-WW-DRA-04159507-0C General Plan – Picket Fence Thickener Layout
- Plan 8 5000061980-WW-DRA-04159508-0D General Plan – Picket Fence Thickener Section
- Plan 9 5000061980-WW-DRA-04159509-0D General Plan - Picket Fence Thickener Section
- Plan 10 5000061980-WW-DRA-04159511-0C General Plan

Supporting Statement



## SUPPORTING STATEMENT

<i>Application Site:</i>	<b>Ardersier Waste Water Treatment Works IV2 7TD (NH7759056175)</b>
<i>Application Description:</i>	<b>20/02401/FUL - Retrospective application to amend consent 10/02007/FUL to allow increased heights of the Picket Fence Thickener Tank and inlet works, and installation of an electrical substation</b>
<i>Date:</i>	<b>March 2021</b>

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### 1.0 PROJECT DESCRIPTION

Scottish Water applied for retrospective planning permission in July 2020 (ref: 20/02401/FUL) to vary the 2010 planning permission (ref: 10/02007/FUL) to reflect essential changes to the site layout and plant specification. The current planning application (20/02401/FUL) was heard at The Highland Council's South Planning Application Committee on 3 November 2020. The Committee agreed to the following:

*“Agreed: Members unanimously agreed to DEFER consideration of application to the meeting of SPAC on 3 February 2021 for the following reasons:*

- To allow the applicant to meet with the Community Liaison Group to discuss what mitigation could be secured to address the local concerns regarding visibility and report the outcome of these discussions to the planning authority*
- To provide updated photos of the site as it currently stands, and visualisations of how mitigation could offset the visual impact of the development*
- To provide members with further details of the purpose of the alterations applied for, the reasons for the chosen design and whether any alternative designs were considered.”*

As a consequence of the decision of the Planning Application Committee, Scottish Water has made several amendments to the proposed plant specification. Revised drawings have been lodged with which demonstrate the amendments. This further Supporting Statement outlines the recent changes to the plant and should be read in conjunction with the June 2020 Supporting Statement.

## 2.0 PROPOSED WORKS

### 2.1 Planning Application

The application site is situated entirely within the existing Ardersier Waste Water Treatment Works (WWTW), IV2 7TD (NH7759056175). The WWTW is located off the B9006 between Fort George and Ardersier. The site consists of a range of plant and machinery along with landscaping features. The construction of the new plant and equipment began on 18 January 2017. The current construction timetable was delayed due to the Covid-19 outbreak by 4 months. Subject to the current planning application being granted by the Committee, an additional 6 months will be required to complete the required alterations to the consented scheme. At present, it is estimated that commissioning of the new scheme will be completed by the end of 2022.

The planning application comprises of the following works (*changes to the current planning application denoted in italics*):

- Picket Fence Thickener (PFT) Tank – *Revised height PFT Tank of 9.435m in addition to a moveable handrail (height: with handrail upright – 10.8m; with handrail folded – 9.7m)*
- Inlet works – *Replacement bypass screen model (height: reduced from 11.92m to 11m)*
- New electrical substation – *this remains unchanged from the 2020 planning application*

The PFT Tank replaced a Sludge Control Building in the site's original design, via the variation approved in 2016. This change presented an opportunity to manage sludge within the site with a reduced development footprint, reduced odour risk and reduced requirement for chemicals. The detailed design of the unit was not fully developed until 2018 and the addition of the access gantry was required to allow safe access to the Picket Fence Thickener Motor, located at the top of the structure, for operatives to access the motor when required to carry out repairs or maintenance. Following the further engagement with the community, Scottish Water has been able to identify an option to dismantle and reconstruct the tank in order to comply with the originally consented height. A system of folding handrails is now proposed to allow safe operational access without the need for a permanent handrail structure above this height. This will substantially reduce any additional landscape and visual impact from the most sensitive vantage points on the coastal path.

The inlet works screen size was not known before further detailed design work was undertaken. The height of the protruding parts of the screen and part of the handrail required for safe operational access are above the consented size. This plant plays a vital role by screening out 'rags', debris and grit from the waste water at the start of the treatment process. Opportunities to lower the proposed height of this structure have been explored in detail. This has resulted in the tallest protruding element previously proposed, the bypass screen, being replaced with a model which is not as tall. Lowering the height of the structure as a whole was discounted because this would prevent waste water from flowing through the

site via gravity, necessitating an additional pumping station with associated costs, carbon impact and operational risk over the site's full lifetime.

## 2.2 Engagement

Following the advice of the South Planning Application Committee at their November meeting, Scottish Water has engaged further with the Community Liaison Group (CLG) on the current proposals. Scottish Water has met with the CLG on 3no. occasions to receive feedback and review progress with mitigation options, following the planning committee's previous consideration of this matter. The key timeline of engagement activity is set out below:

- 25 November 2020 – Discussion took place following the Committee's initial consideration of the planning application. Discussions also took place about mitigation options and CLG members gave clear feedback that they felt only the lowering of the taller structures would be acceptable.
- 21 December 2020 – An additional meeting was held to allow CLG members to be briefed on design work, in response to their feedback at the November meeting. An option was presented to lower the height of the Picket Fence Thickener tank and the difficulty of lowering the Inlet Works was explained. CLG members requested that a paper be provided for discussion at a meeting of Ardersier and Petty Community Council on 6 January 2021.
- 6 January 2021 – Scottish Water's written update was discussed by Ardersier and Petty Community Council. The Community Council responded, reflecting that the community maintained its longstanding objection to the development, but acknowledged the effort which had been made to lower the PFT in response to feedback received. It remained concerned about the height of the Inlet Works and the visibility of the higher parts of this structure from the road, the shoreline and the village. It asked for opportunities to lower this structure to be explored further.
- 27 January 2021 – A further meeting of the CLG took place and discussed the proposed further lower revision to lower the highest elements of the Inlet works following further engagement with the supplier of this structure, reflecting the comments received. It was requested at that meeting that Scottish Water make available the revised proposals for comment by the local community in advance of a further submission to the Council.
- 5 February 2021 – Scottish Water displayed posters on the WWTW site hoarding and at several locations within the village. Information was also published on a dedicated webpage about the project and highlighted by CLG members on local social media pages. The update detailed the revised proposals and provided the opportunity for the community to provide further comments. 2no. comments were received which concentrated on the following:
  - Objected to the increase in height from that permitted.



- Concerns regarding coastal flooding; and
- Objected to the landscape and visual amenity impact of the entire site and the associated landscaping plan.

This feedback received from both the CLG and Community Council has significantly informed the revised plant specification.

It is acknowledged by Scottish Water that there remains concerns regarding the height and visual impact of the Inlet Works. In addition to the reduction in proposed height of this structure which is now proposed, it is anticipated that the visualisation drawings (to be submitted under separate cover) will provide clarity regarding the visual impact of the current proposals.

### **3.0 PLANNING ISSUES**

The key planning issues arising from the Committee meeting were:

- *To allow the applicant to meet with the Community Liaison Group to discuss what mitigation could be secured to address the local concerns regarding visibility and report the outcome of these discussions to the planning authority*

Scottish Water has engaged with the CLG regarding the proposals - refer to section 2.2 for a summary on engagement.

- *To provide updated photos of the site as it currently stands, and visualisations of how mitigation could offset the visual impact of the development*

A consultancy has been instructed to produce the visualisations of the site with mitigation proposals, these will be shared with the Council in the very near future.

- *To provide members with further details of the purpose of the alterations applied for, the reasons for the chosen design and whether any alternative designs were considered.*

The original design changes which resulted in non-compliance with previously approved plans came about via the development of detailed designs and engagement between the design team and the suppliers of the equipment concerned. Decisions were taken for appreciable engineering, environmental and safety-related reasons, but the significance of the resulting increase in height of two structures to the planning consent and to the local community was not properly understood and addressed as it should have been, until a complaint was received following the construction of the PFT.

The 2010 original application sought consent for a Sludge Control Building. This was replaced by a PFT Tank via the variation approved in 2016. This change presented an opportunity to manage sludge within the site with a reduced development footprint, reduced odour risk and reduced requirement for chemicals. The detailed design of the unit was not fully developed until 2018 and the addition of the access gantry was required to allow safe access to the PFT Motor when required to carry out repairs or maintenance. Regrettably the fully developed design did not adhere to the previously consented maximum height and this wasn't properly understood by the design team.

Scottish Water has now undertaken further detailed design work and an alternative design is now being submitted for a lowered tank which is considered to comply with the height that has previously been permitted. The only exception would be when the folding handrails are in the upright position, but this will solely be for maintenance purposes.

In terms of the Inlet Works, a modest reduction in the height of the Bypass Screen is proposed. However, there is no scope to further reduce the height of the structure without preventing waste water from moving through the site via gravity. The requirement to pump waste water within the site would result in a significant energy cost, additional carbon impact and risk of failure throughout the site's lifetime.

#### **4.0 CONCLUSIONS**

The proposed development seeks to regularise the planning status of the established WWTW, whilst protecting the health and safety of site operatives. The Highland Council South Planning Application Committee's decision to defer the determination of the planning application has prompted further local engagement and detailed design work. The revised planning application has sought to take into account and accords with the feedback received from the Committee. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the proposed development stands to be determined against the policies contained within the Highland-wide Local Development Plan (2012) and the Inner Moray Firth Local Development Plan (2015) unless material considerations indicate otherwise. The planning application is submitted with supporting information in the form of site plans, with visualisations to follow.

**Additional Application Documents:**

*Drawings:*

5000061980-WW-DRA-04159501;

5000061980-WW-DRA-04159502;

5000061980-WW-DRA-04159503;

5000061980-WW-DRA-04159504;

5000061980-WW-DRA-04159505-0D;

5000061980-WW-DRA-04159506-0D;

5000061980-WW-DRA-04159507;

5000061980-WW-DRA-04159508-0D;

5000061980-WW-DRA-04159509-0D;

5000061980-WW-DRA-04159511-0C.

Agenda Item	6.1
Report No	PLS-053-20

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee  
**Date:** 3 November 2020  
**Report Title:** 20/02401/FUL: Scottish Water  
Wastewater Treatment Works, Ardersier  
**Report By:** Area Planning Manager – South

### Purpose/Executive Summary

**Description:** Retrospective application to amend planning permission 10/02007/FUL (as amended by planning permission 13/04590/S42) to allow increased heights of the Picket Fence Thickener Tank and inlet works and installation of electrical substation.

**Ward:** 17 – Culloden and Ardersier

**Development category:** Local

**Reason referred to Committee:** More than 5 representations against the proposal (incl. Community Council).

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

### Recommendation

Members are asked to agree the recommendation to **Grant** planning permission as set out in section 11 of the report.

## **1. PROPOSED DEVELOPMENT**

1.1 The development, which is in retrospect, relates to the following:

- increased height of the Picket Fence Thickener Tank
- extend height of inlet works
- installation of a new electrical substation

These changes are required as a result of recent detailed design work which showed these new additions to be necessary for the operation of the infrastructure on site.

1.2 The Picket Fence Thickener Tank has been increased in height by less than 1m however the stair, walkway and handrail that is required to allow safe access to this adds an additional 1.2m. The inlet works have been extended by approximately 2m in height at its tallest point however, again the safety measures (handrailing) have resulted in added height.

1.3 The inlet works are located at the northern corner of the site with the Picket Fence Thickener being located 35m to the south west of the inlet works.

1.4 The new electrical substation is approximately 45m east of the Picket Fence Thickener and is 3.11m long by 2.8m wide and 2.26m high.

1.5 Pre-Application Consultation: In May 2020, discussion was held with Scottish Water regarding discrepancies between the approved plans for the scheme with the 'as built' development. This resulted in an Enforcement Notice (Section 33A Notice) being served on Scottish Water on 2 June 2020 requiring the submission of a planning application. The reason for this was given as: "The differences between the approved and erected structures within the Ardersier Waste Water Treatment Works are not of a scale that could be considered non-material and a planning application is therefore required to allow the Planning Authority to consider the appropriateness of the modified structures within the site."

1.6 As a result of the Section 33A Notice, this planning application has been submitted to regularise the two structures which have been erected without the benefit of planning permission.

1.7 Supporting Information: The application includes a supporting statement to address matters raised by the Planning Authority. This included information on the requirements for the works and on planning policy.

1.8 Variations: None

## **2. SITE DESCRIPTION**

2.1 The site is the area to the north of the existing Ardersier Waste Water Treatment Works that was granted planning permission in 2011 for increased capacity. The site is located just north of Ardersier and bounded to the east by the B9006 Ardersier - Fort George road and to the west by the public footpath that runs along the Firth connecting Ardersier to Fort George. There are no immediate neighbours to the site

with Fort George being located over 1km to the north west and Ardersier approximately 500m to the south east.

- 2.2 There is a variety of different plant and machinery on the site with construction work currently underway. Landscaping is located around the site to mitigate the visual impact on the surrounding area.
- 2.3 There are no natural or cultural heritage designations covering the site. However, the Moray Firth is a designated Special Area of Conservation and the area to the east of the B9006 is a designated SSSI.

### **3. PLANNING HISTORY**

- |     |                 |   |                             |
|-----|-----------------|---|-----------------------------|
| 3.1 | 24 January 2011 | 10/02007/FUL - Construction of a new wastewater treatment works & associated works  | Planning Permission Granted |
| 3.2 | 23 January 2014 | 13/04590/S42 - Application to vary Condition 1 of the existing permission (10/02007/FUL) to extend the period of permission by three years. | Permission Granted          |
| 3.3 | 04 January 2017 | Non-material variation of 13/04590/S42 to modify proposed landscaping, relocate plant and use alternative access.                           | Granted                     |
| 3.4 | 18 January 2017 | Satisfaction of Conditions 7, 8, 9, 10 & 15 of planning permission 10/02007/FUL.  | Conditions Satisfied        |
| 3.5 | 12 June 2018    | Non-material variation of 13/04590/S42 to change relocation of plant and realign internal road layout.                                      | Granted                     |

### **4. PUBLIC PARTICIPATION**

- 4.1 Advertised: Unknown Neighbour  
Date Advertised: 17 July 2020, 14 August 2020  
Representation deadline: 31 July 2020, 28 August 2020  
Timeous representations: 11  
Late representations: None
- 4.2 Material considerations raised are summarised as follows:  
a) Adverse visual impact from increased height.  
b) Public safety due to the increased height in an area prone to high winds.
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam).

## **5. CONSULTATIONS**

5.1 None

## **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### **6.1 Highland Wide Local Development Plan 2012**

9 - A96 Corridor - Phasing and Infrastructure

28 - Sustainable Design

29 - Design Quality & Place-making

30 - Physical Constraints

57 - Natural, Built and Cultural Heritage

58 - Protected Species

63 - Water Environment

66 - Surface Water Drainage

### **6.2 Inner Moray Firth Local Development Plan (2015)**

No specific policies apply

### **6.3 Highland Council Supplementary Planning Policy Guidance**

Physical Constraints Supplementary Guidance (March 2013)

Statutorily Protected Species (March 2013)

## **7. OTHER MATERIAL POLICY CONSIDERATIONS**

### **7.1 Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (June 2014)

## **8. PLANNING APPRAISAL**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

### **Determining Issues**

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

### **Planning Considerations**

8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) siting, layout, and design
- c) impact on natural and cultural heritage

- d) concern for public safety
- e) any other material considerations.

### **Development plan/other planning policy**

- 8.4 The new plant and machinery associated with this proposal is located within an established site that has had planning permission granted for infrastructure that would not only support additional waste water capacity within the area but also improve the existing systems to benefit the water environment. In this regard, the development directly supports Policy 9 and Policy 63 of the Highland wide Local Development Plan.
- 8.5 Policy 28 of the Highland Wide Local Development Plan is also relevant to the assessment of this proposal and requires proposals to demonstrate sensitive siting and high-quality design in keeping with local character, historic and natural environment that does not have significant detrimental impact on community and/or individual residential amenity. Where the proposals can demonstrate that to be the case, the development would accord with the development plan.

### **Siting, layout and design**

- 8.6 The site is bunded. The electrical substation is at ground level and not visible outwith the site. It is the case that the other structures subject to this application are higher than originally allowed for however these features are largely limited to fencing/screens around the tops of tanks and handrailing.
- 8.7 The Community Council suggest that the site is no longer 'low-profile' as was originally discussed with Scottish Water and it is unlikely that these tall structures can be screened.
- 8.8 While these structures may be seen from further away as a result of their increased height, they sit within the context of an existing WWTW plant that is industrial in nature. The works are required to allow the site to continue running safely, to support further housing capacity within the wider area and should ensure that the overall footprint of the WWTW does not require to be extended further in the near future.
- 8.9 Given the context, these functional and necessary items of plant and machinery are not considered to be unacceptable. There will be no significant adverse impact on the character of the area or visual amenity. While it may be possible to increase the height of the bund screening, the benefits of doing so would be outweighed by the visual impact of any increased bund itself.

### **Impact on cultural heritage**

- 8.10 Despite two of the structures being increased in height, the inlet works by up to 2m and the Thickener Tank (including walkway and handrails) by up to 2.3m, this change is not be considered to be significant enough to adversely impact on the character of the surrounding area. The proposals will always be viewed in the context of an existing established industrial setting. There will be no adverse impact on the cultural heritage of the area; particularly those features of local/regional importance in the



vicinity i.e. Ardersier Conservation Area and/or the setting of Fort George. There would be no conflict with Policy 58 in this regard.

### **Public safety and amenity**

- 8.11 It should be noted that some of the works are required in order to ensure that Scottish Water staff have a safe working site environment. Policy 30 identifies that proposals should ensure that they do not adversely affect human health and safety. A lot of the infrastructure which has been put in place, and is now subject of this retrospective application, including the increase in heights for both the inlet works and the Thickener Tank, are to help improve health and safety measures for users of the equipment. Notwithstanding this, Members should note that matters relating to site safety are regulated by the Health and Safety Executive and various Health and Safety Statutes and Regulation, not the Planning system.

### **Other material considerations**

- 8.12 The Community Council has suggested that further expansion of this site is not appropriate and that another location for these works could be better suited. Despite this, all of the works associated with this application are increasing the height of what is existing or adding to an area which has already been developed on site. The proposal seeks to regularise works that have been undertaken to new plant within the application site. Alternative locations for the treatment works, or alternative locations for the works that have been undertaken within the overall WWTW site, are not part of the proposal.
- 8.13 There are no other material considerations

### **Non-material considerations**

- 8.14 Representations highlight dissatisfaction with the nature of this application; the fact that it was submitted in retrospect. The Community Council asks a number of questions in relation to how this situation has come about. However, these are not for the Planning Authority to address but for Scottish Water as the applicant. Scottish Water is entirely within its rights to lodge a retrospective application.
- 8.15 It is unfortunate that Scottish Water did not bring the changes now presented through an earlier application or amendment. However, this retrospective application has now provided the opportunity for the community to engage and this is an appropriate way in which to regularise the development and bring it back under planning control.

### **Matters to be secured by Section 75 Agreement**

- 8.16 a) None

## **9. CONCLUSION**

- 9.1 The expansion of capacity at this WWTW is established within the development plan and has the benefit of planning permission. This application seeks to regularise aspects of the development that has now been constructed for which planning permission has not been given. It is not for the Planning Authority to provide an explanation of how or why Scottish Water has developed in this way nor should it be

excused. However, the applicant is entitled to apply for planning permission and the Planning Authority must make a decision on that based on the development plan policies and the relevant material planning considerations.

- 9.2 It is the case that the development, as now proposed, will sit higher within the site. It will therefore be visible from greater distance. However, it is contained within the envelope of an existing WWTW of industrial character. The changes proposed, particularly the lightweight nature of the additional structures, overall are not considered to be significantly detrimental to visual amenity and/or to the character of the nearby Ardersier or Fort George. While in theory, albeit not offered within the application, it may be possible to provide further visual screening, this is not considered appropriate in this context as it would only accentuate an unnatural landform in views, particularly from the beach.
- 9.3 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## 10. RECOMMENDATION

**Action required before decision issued** N

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

**Subject to the above**, it is recommended that planning permission be **Granted**. There are no conditions.

## REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

## TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

## FOOTNOTE TO APPLICANT

### Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as

Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

### **Accordance with Approved Plans & Conditions**

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

### **Flood Risk**

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

### **Mud & Debris on Road**

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

### **Construction Hours and Noise-Generating Activities**

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under

Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact [env.health@highland.gov.uk](mailto:env.health@highland.gov.uk) for more information.

### **Protected Species – Halting of Work**

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: [www.snh.gov.uk/protecting-scotlands-nature/protected-species](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

Designation: Area Planning Manager – South  
Author: Lauren Neil  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 - Location Plan  
Plan 2 - Site Layout Overall  
Plan 3 - Inlet Works Layout  
Plan 4 - Inlet Works Elevations (View A and B)  
Plan 5 - Inlet Works Elevations (View C and D)  
Plan 6 - Picket Fence Thickener Layout  
Plan 7 - Picket Fence Thickener Elevations (View A and B)  
Plan 8 - Picket Fence Thickener Elevations (View C and D)  
Plan 9 - Electrical Substation Layout