Agenda Item	6.1
Report No	PLS-49-22

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 23 June 2022

Report Title: 22/01332/FUL: Scottish Water

Land 50M South East of Tomboyach House, Nethy Bridge Road, Boat

of Garten

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Installation of dosing kiosk, 1.8m high screen fencing and

reconfiguration of sludge draw-off point

Ward: 20 – Badenoch and Strathspey

Development category: Local

Reason referred to Committee: Objection from Community Council and more than 5 objections.

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** the application as set out in section 11 of the report

1. PROPOSED DEVELOPMENT

- 1.1 The application is for planning permission to alter the existing Scottish Water Waste Water Treatment Works compound in Boat of Garten. This planning application seeks express consent for the implementation of further odour abatement measures as a result of continual review of the Odour Management Plan in respect of the site. The proposed works are sought to provide mitigation within the site to minimise odour emissions; this involves the installation of a small dosing kiosk and re-configuration of the sludge draw off-point area, other ancillary works include a small weathervane to the existing building, a section of timber screen fencing, and anti-climb measures to improve site safety.
- 1.2 Pre-Application Consultation: No pre-application consultation was sought
- 1.3 Supporting Information:
 - Supporting statement
- 1.4 Variations: No variations to the application since submission.

2. SITE DESCRIPTION

2.1 The site is located to the east of Boat of Garten, on the west bank of the River Spey adjacent to the road bridge carrying the road between Boat of Garten and the B970. The site is an existing Scottish Water compound with an operation building facing the public road. The tanks and other infrastructure are largely screened from public facing sides of the site by a clad wall. The nearest houses are to the west and southwest of the site at 'Tombyach', 'Suilven' and 'The Fringes'. A path runs alongside the river and site to the east.

3. PLANNING HISTORY

3.1	04.02.2011	10/045/CP – Construction of new wastewater treatment works and ancillary development	Planning Permission Granted
3.2	11.06.2019	19/01909/FUL - Installation of odour abatement measures, 2 x dosing kiosks and safety shower, scrubber unit and weather station	•

4. PUBLIC PARTICIPATION

4.1 Advertised: Schedule 3 / Unknown Neighbour

Date Advertised: 07.04.2022

Representation deadline: 21.04.2022

Timeous representations: 9

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) Odour from existing plant
- b) Noise pollution; acoustic assessment
- c) Visual impact; scale of screen fencing
- d) Un-necessary antic climb wall
- e) Alternative location for dosing cabin, against retaining wall
- f) Chemical storage, securing of site; no risk assessment of chemical storage
- g) Impact on public footpath adjacent to site
- h) Impact on wildlife; Appropriate Assessment not undertaken
- i) Not meet aims of National Park
- 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.

5. CONSULTATIONS

- 5.1 **Boat of Garten Community Council:** Object:
 - number of objections from local residents, particularly those living close to the site
 - impact on visual amenity, site on main route into village
 - necessity of dosing kiosk
 - chemicals storage
- 5.2 **CNPA:** The planning application does not raise any planning issues of general significance to the Park aims and as such no call-in is necessary.
- 5.3 **Environmental Health:** Confirmed that its comments from previous application (19/01909/FUL) are applicable to this proposal:
 - "Application is designed to mitigate odour from the WWTW in accordance with Environmental Health's Odour Improvement Plan for the site. The Service has no remit over the visual impact of such equipment."

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Cairngorms National Park Local Development Plan (2021)

Policy 3 – Design and Placemaking

Policy 4 – Natural Heritage

Policy 10 – Water resources

6.2 Cairngorms National Park Policy Guidance

Policy 3 – Sustainable Design

Policy 4 - Natural Heritage

Policy 10 – Resources

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (as amended December 2020)

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 and design
 - c) residential and community amenity
 - d) any other material considerations

Development plan/other planning policy

- 8.4 The site is located within the Cairngorms National Park and therefore requires to be assessed under the provisions of the Cairngorms National Park Local Development Plan (2021).
- 8.5 The site was granted planning permission (10/045/CP) by the CNPA and has since been constructed.
- 8.6 A further planning permission (19/01909/FUL) was granted for the installation of additional equipment in relation to odour abatement measures, with 2 x dosing kiosks, safety shower, scrubber unit and weather station.
- 8.7 The current application seeks to install new dosing equipment, re-configure the sludge draw-off point pipework, add a small additional weather monitoring station, screen fencing and anti-climb measures to a parapet wall.
- 8.8 The development of the waste water treatment plant is established and this report will not focus on the siting and design of the previously approved and operational facility. This application seeks permission for additional infrastructure within the site to address issues around odour which have been experienced within the area.
- 8.9 With the above in mind, the main policy of relevance in assessing the proposals is the CNPA LDP Policy 3 Sustainable Design. This lists criteria against which

developments are assessed. Of relevance to this proposal is that use of materials should complement the setting of a development and that development should protect the amenity enjoyed by neighbours.

- 8.10 In addition, CNPA LDP Policy 4 Natural Heritage [see reps on designations etc] refers to potential impact of developments on designated sites and protected species.
- 8.11 CNPA LDP Policy 10.1 Water resources identifies to development not resulting in the deterioration of water resources used for amenity or recreation; and avoid unacceptable detrimental impacts on the water environment.
- 8.12 Subject to the proposal having no significant detrimental impact on design, natural heritage interests, and resources, the proposal would comply with the development plan.

Siting and Design

- 8.13 The wastewater treatment works has been built and therefore the assessment in terms of siting and design relates to the additional plant required.
- 8.14 Scottish Water has submitted a supporting statement to accompany the application and it notes that in relation to potential nuisance and amenity:
 - "...the development relates to small scale building and apparatus, with appropriately finished timber screening helping to reduce intervisibility of the de-sludge tinkering area with nearby sensitive receptors and to provide a safe working area free from distraction for operational staff.

The proposals would allow Scottish Water to continue with the operation of the WwTW with additional odour management and treatment measures to further mitigate any interaction with the surrounding environment, thereby maximising the use of the existing local infrastructure. The new features are wholly contained with the operational boundary of the site and in close proximity to existing equipment, ensuring that the proposals would have a negligible impact on the landscape and visual amenity, and would not introduce any new material issues of significance.

Whilst the Spey SAC and SSSI is adjacent to the wider operational site, the plant and equipment is to be installed with the operational area of works and as part of the consented treatment process and so would not encroach on the Spey. There are no environmental or historic environment designations relating to the site."

- 8.15 The overall operational site has a linear plan form parallel to the river to the east, with a southern and northern area.
- 8.16 Within the southern area, closest to the main road, a removable chemical kiosk container (3m x 2.4m x 2.5m) is proposed, adjacent to existing plant and infrastructure. It is to be finished in a dark brown (van Dyke brown) metal. The kiosk container is located in this position for operational reasons, serving buried tanks.
- 8.17 In addition, adjacent to the kiosk, a new sludge draw-off point is proposed this is an area of low-level pipework. Small areas of safety railings are also to be installed

- around the pump equipment, which is being relocated to allow the installation of a stone/rag trap. An anti-climb fan and wall are also to be installed.
- 8.18 To the rear and west of the sludge draw-off point and chemical kiosk, the land rises, and a 1.8m high x 26m long timber fence is to be erected along this higher ground. This will screen the equipment from elevated partial public views from the west.
- 8.19 The colouring and material finish of this fence will match the cladding on the control building.
- 8.20 A small weathervane is proposed to be attached to the control building. This is not considered to raise any issue in terms of siting or design.
- 8.21 To the northern part of the operational site, a monitoring control panel is proposed adjacent to the existing plant and infrastructure. Anti-climb fencing is to be extended around this northern area, ensuring the utility security, and public safety; Scottish Water has advised that this is in response to observed incidents of climbing on the parapet existing walls.
- 8.22 The proposed additional infrastructure located within the operational compound will be largely screened by and/or read as part of the existing operational plant.
- 8.23 The new fencing is at a higher level than the existing control building. It is utilitarian in scale and massing, but within the setting of a functional utility compound area and as such is considered acceptable. It is also noted that such a fence finish is common in the wider area as a boundary treatment. The addition of a large fence and anticlimb wall are to help improve safety and help screen the plant equipment.
- 8.24 The siting and design, material finishes, and colouring proposed for the kiosk, plant and fencing infrastructure are considered to be acceptable within the wider context of the operational Scottish Water site.

Residential and Community Amenity

- 8.25 Individual and community residential amenity has been referred to in representations, identifying that there is smell emanating from the site. It is understood that this has been subject to a legal dispute but this is separate to the consideration of the planning application.
- 8.26 The Scottish Water supporting statement notes that in relation to potential nuisance and amenity:
 - "...as per the Sewerage Nuisance (Code of Practice (Scotland) Order 2006, Scottish Water applies operational and control measures to the site that are considered appropriate. A site Odour Management Plan is regularly reviewed and updated and as a result of review further odour abatement measures were identified and outlined under the site Odour Improvement Plan (OIP) with a planning application submitted and approved by Highland Council in June 2019 (19/01909/FUL)."
- 8.27 Scottish Water continue to monitor the odour levels at this site through the use of Odour Management Plans with previous improvement works having been completed after planning permission being given in 2019. This application is partly intended to

formalise a response to the identified potential for odour release during the routine de-sludging of the septic tanks which must be completed every 4 months. This schedule is administered by de-sludge of a single tank every four to eight weeks with de-sludging typically taking less than one hour.

- 8.28 The applicant is applying to provide additional infrastructure to resolve, or at least mitigate, any odour or smell which is currently impacting on amenity. The development should therefore bring about an improvement to residential and community amenity. It should be noted that once installed, the site will require to be monitored through the Sewerage Nuisance (Code of Practice) (Scotland) Order 2006 that is enforced by Environmental Health.
- 8.29 The new fence should help to screen the compound to help reduce the visual impact of all the plant. This is considered to be a positive impact on individual and wider community residential amenity.
- 8.30 The proposed re-configuration of the de-sludge pipework will involve the repositioning of the existing de-sludge loading pump; a loading pump is used as it generates lower noise over a vacuum pump, and the installation of a macerator would prevent obstruction or damage to the pump. This will only be operational every four to eight weeks and with the new infrastructure, noise should be reduced.
- 8.31 It is considered that once the proposed additional physical infrastructure measures are installed at the site, the impact on individual and community residential amenity will be limited.

Other material considerations

- 8.32 The operational site is located adjacent to the River Spey, which is recognised for its natural heritage interests and designations Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). The proposed works are within an established and operational utilities site, and accordingly, it is this wider site that has any potential impact on the designated interests, rather than the relatively minor works now being proposed. In particular, it should be noted that the development will not result in any change to the outflow from the site to the River Spey, and therefore will not impact on any designated interests; accordingly, NatureScot were not consulted on the application. As the works subject to this application are unlikely to have a significant effect on the River Spey SAC, the Council is not required to undertake an Appropriate Assessment under The Conservation (Natural Habitats, &c.) Regulations 1994.
- 8.33 The works are within an operational site and therefore do not in themselves impact on the nearby public footpath along the riverside.
- 8.34 The CNPA was consulted on the application, and it is noted that they have indicated that the proposal does not raise any planning issues of general significance to the Park aims.

Non-material considerations

8.35 Legal action between neighbours and Scottish Water; failure by Scottish Water to address that the existing treatment works plant is incompatible and the relocation of the Treatment Works are not relevant to the consideration of this application.

Developer Contributions

8.36 None

Matters to be secured by Legal Agreement / Upfront Payment

8.37 None

9. CONCLUSION

- 9.1 The application is considered to comply with the Cairngorms National Park Local Development Plan (2021) Policy 3 Design and Placemaking, in that the siting and design of the additional equipment at the existing treatment works is appropriate to the area in which it is situated, and, that it is not considered that the development will have a significantly detrimental impact on amenity, where the purpose of the development is to take measures to improve amenity.
- 9.2 The proposal is also considered to comply with Policy 4 Natural Heritage, as it does not impact on any designated sites and protected species.
- 9.3 Furthermore, the proposal is also considered to comply with Policy 10.1 Water resources, as it would not result in the deterioration of water resources used for amenity or recreation; and avoids unacceptable detrimental impacts on the water environment.
- 9.4 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. IMPLICATIONS

10.1 Resource: Not applicable

10.2 Legal: Not applicable

10.3 Community (Equality, Poverty and Rural): Not applicable

10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. 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 actions, it is recommended to **GRANT** the application subject to the following conditions and reasons:

Conditions and Reasons

1. The dosing kiosk shall be finished in a dark matt brown finish (van Dyke brown BS 08B 29).

Reason: In the interest of visual amenity.

REASON FOR DECISION

The application is considered to comply with:

- Policy 3 Design and Placemaking, in that the siting and design of the additional equipment at the existing treatment works is appropriate to the area in which it is situated, and, that it is not considered that the development will have a significantly detrimental impact on amenity, where the purpose of the development is to take measures to improve amenity
- Policy 4 Natural Heritage, as it does not impact on any designated sites and protected species
- Policy 10.1 Water resources, as it would not result in the deterioration of water resources used for amenity or recreation; and avoids unacceptable detrimental impacts on the water environment

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

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.

INFORMATIVES

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.

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.

Debris on Road

Please note that it 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 for more information.

Protected Species - Halting of Work

You are advised that work on site must stop immediately, and NatureScot 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 NatureScot: https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species

Signature: David Mudie

Designation: Area Planning Manager – South

Author: Lauren Neil

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

Relevant Plans: Plan 1 - 5000340121-WW-DRA-04181010 REV 0A - Location Plan

Plan 2 - 5000340121-WW-DRA-04181011 REV 0C - Site Layout Plan Plan 3 - 5000340121-WW-DRA-04181012 REV 0B - Site Layout Plan

Plan 4 - 5000340121-WW-DRA-04181013 REV 0D - General Plan/Site

Elevations

Plan 5 - 5000340121-WW-DRA-04181019 REV 0A - Floor/Elevation

Plan – Dosing Kiosk

Plan 6 - 5000340121-WW-DRA-04191520 REV 0C - Location Plan

Plan 7- 5000340121-WW-DRA-04194001 REV A - General Plan -

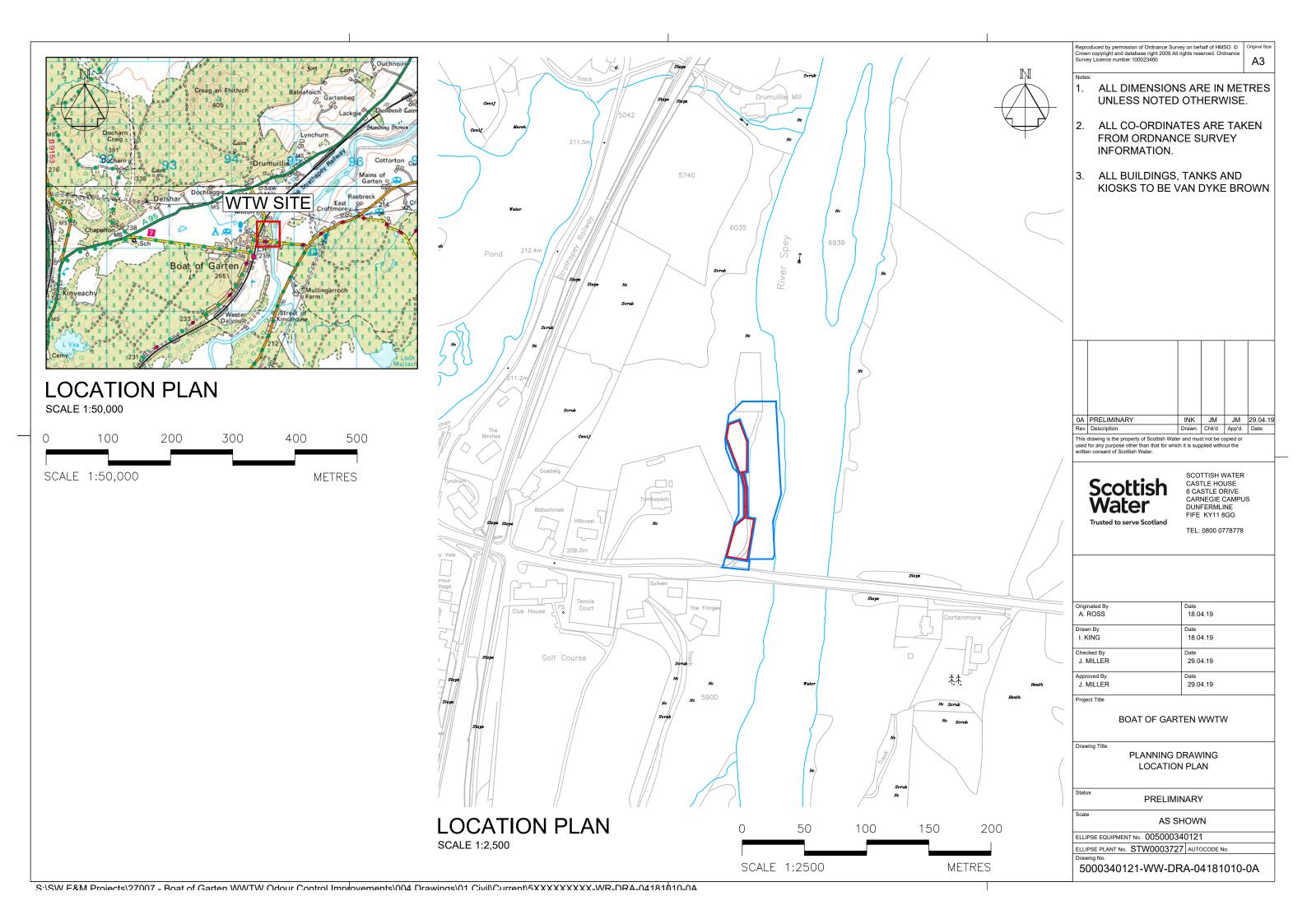
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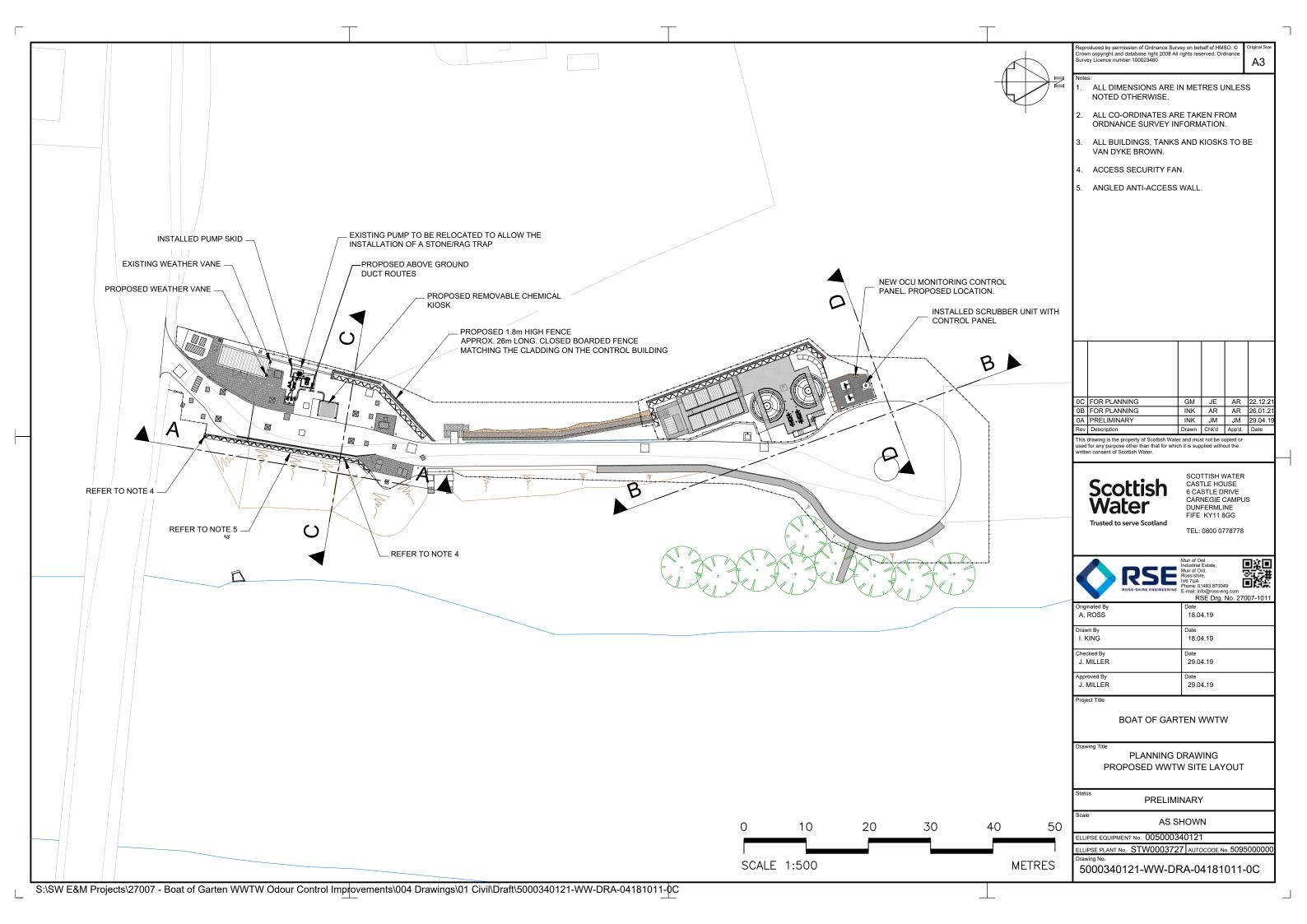
Plan 8 - 5000340121-WW-DRA-04194008 REV 0A - Section Plan -

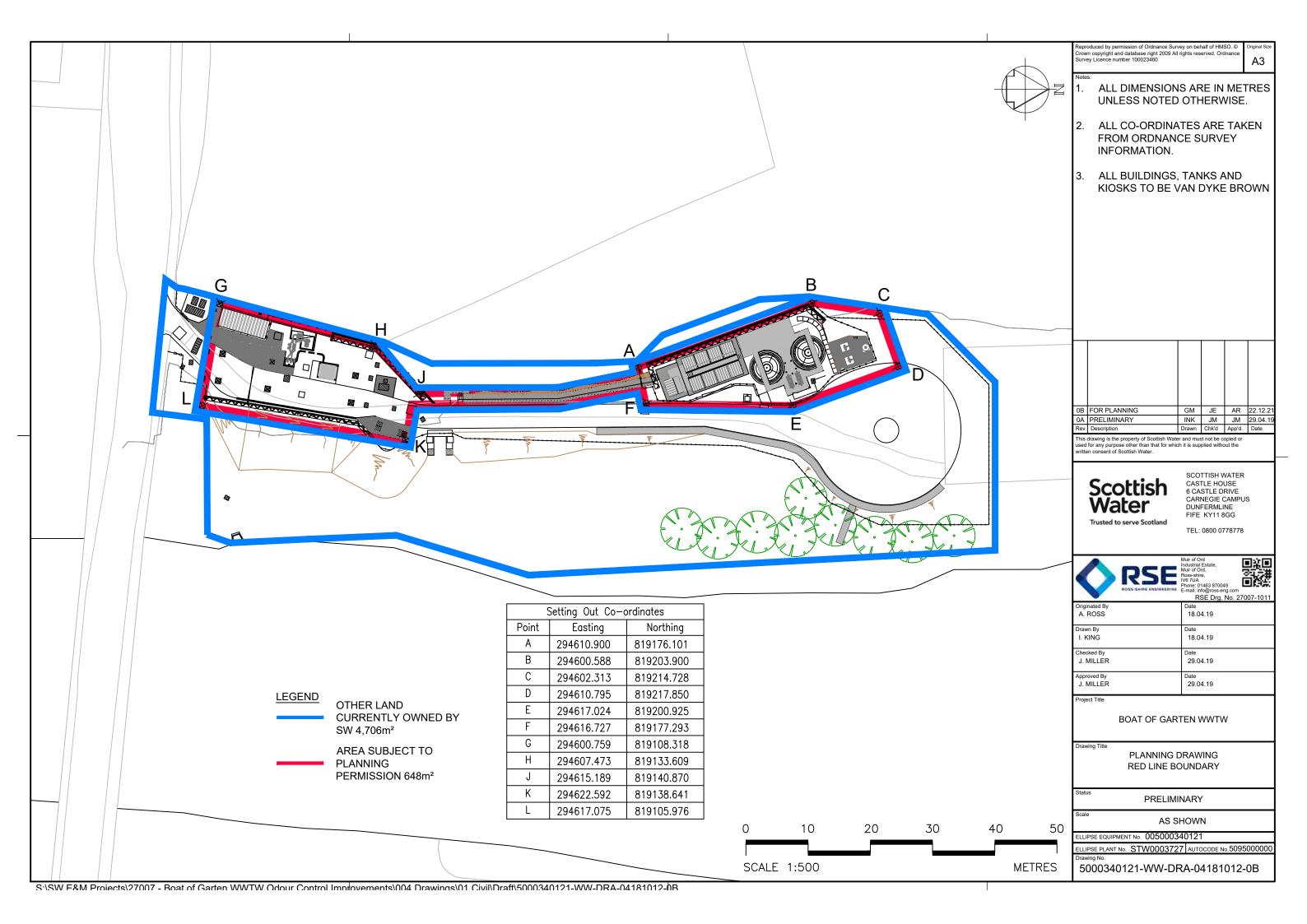
Dosing Kiosk

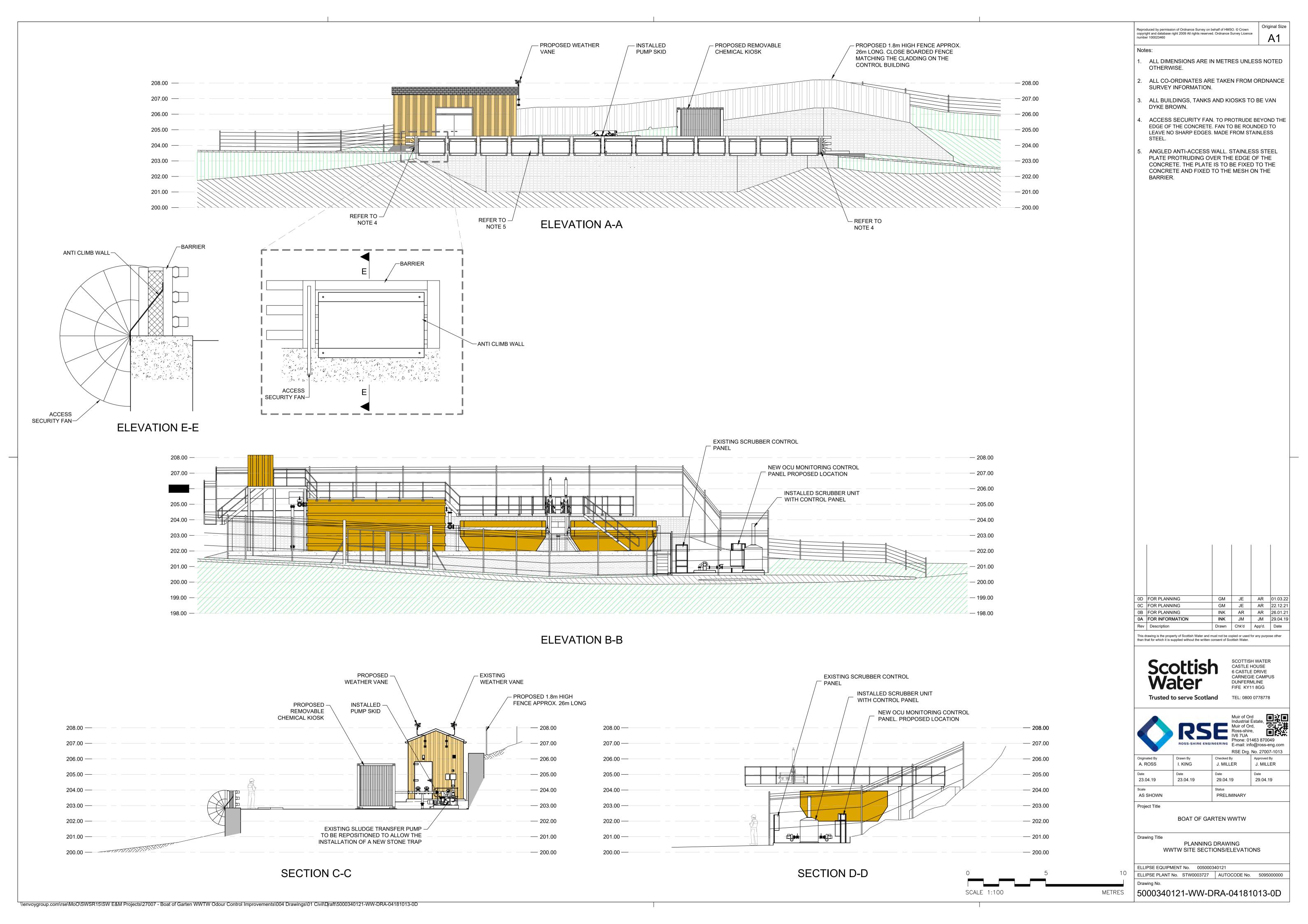
Plan 9 - 5000340121-WW-DRA-04201001 REV 0A - General Plan -

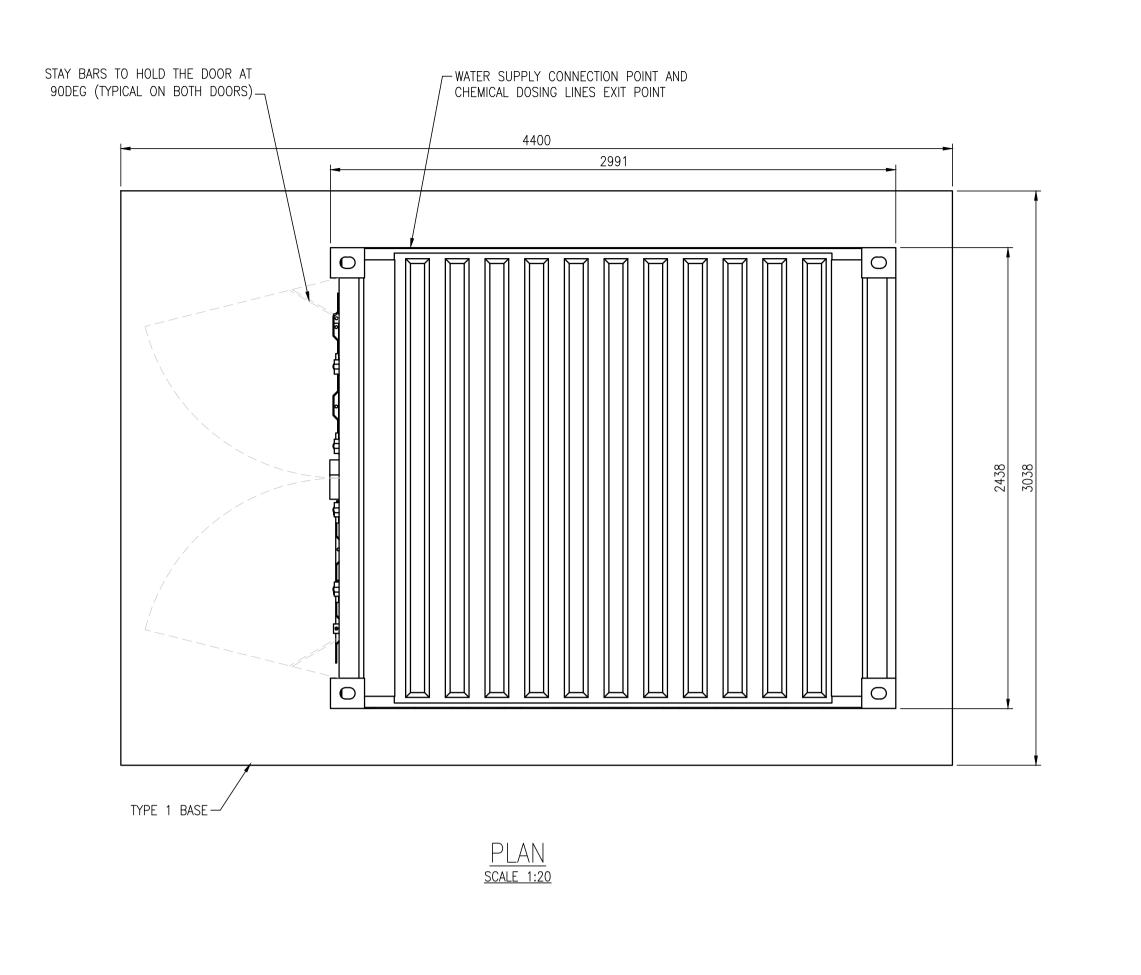
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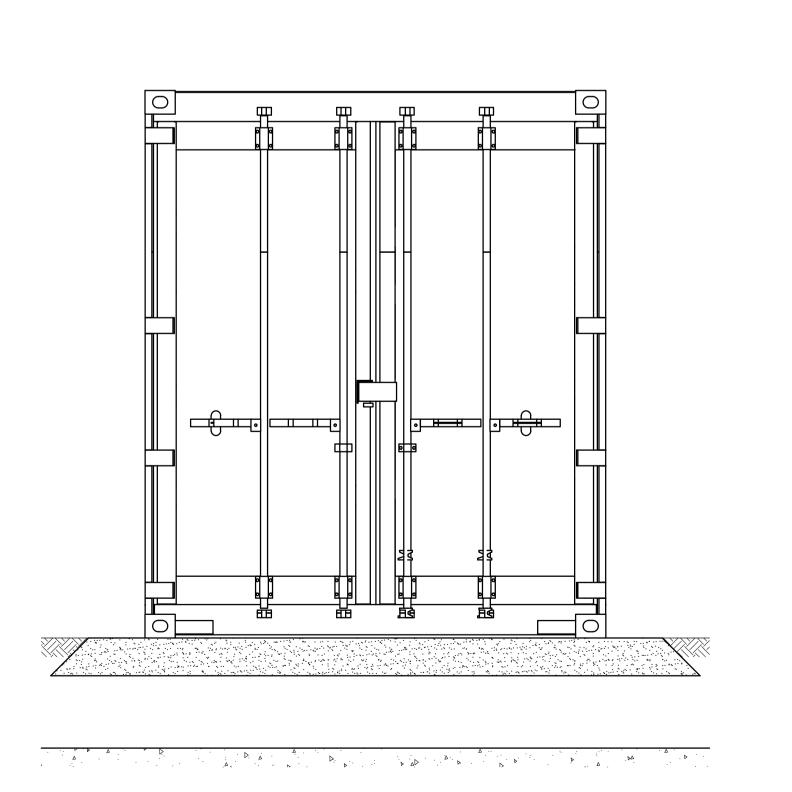






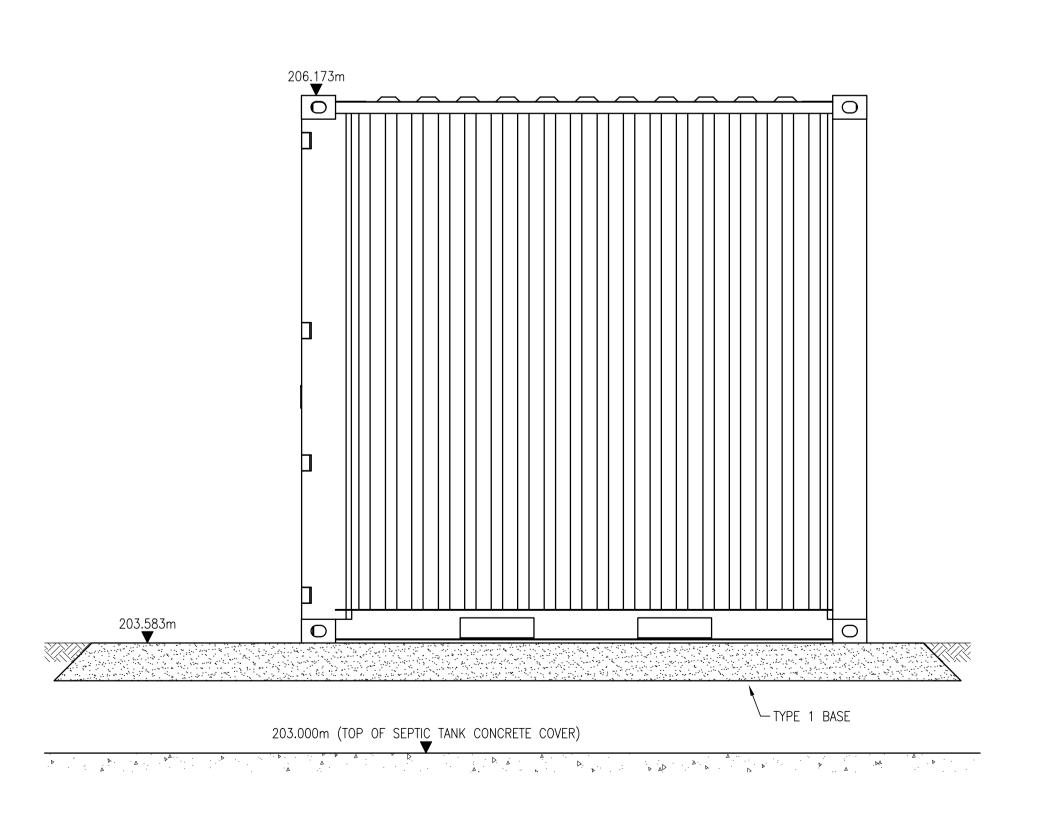




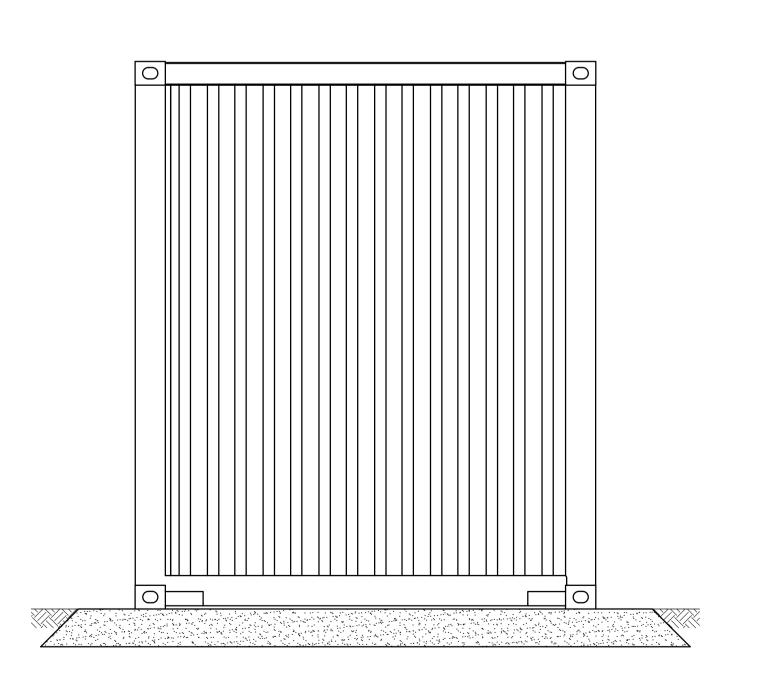


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FRONT ELEVATION
SCALE 1:20



END ELEVATION
SCALE 1:20

0 0.5 1 2 SCALE 1:20 METRES

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Notes:

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 ALL LEVELS ARE IN mAOD UNLESS NOTED OTHERWISE.

REFERENCE DRAWINGS:-

5000340121-WW-DRA-04181011

OA FOR PLANNING GM JE AR 22.12.22

Rev Description Drawn Chk'd App'd. Date

This drawing is the property of Scottish Water and must not be copied or used for any purpose other than that for which it is supplied without the written consent of Scottish Water.



SCOTTISH WATER CASTLE HOUSE 6 CASTLE DRIVE CARNEGIE CAMPUS DUNFERMLINE FIFE KY11 8GG

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AS SHOWN
Project Title

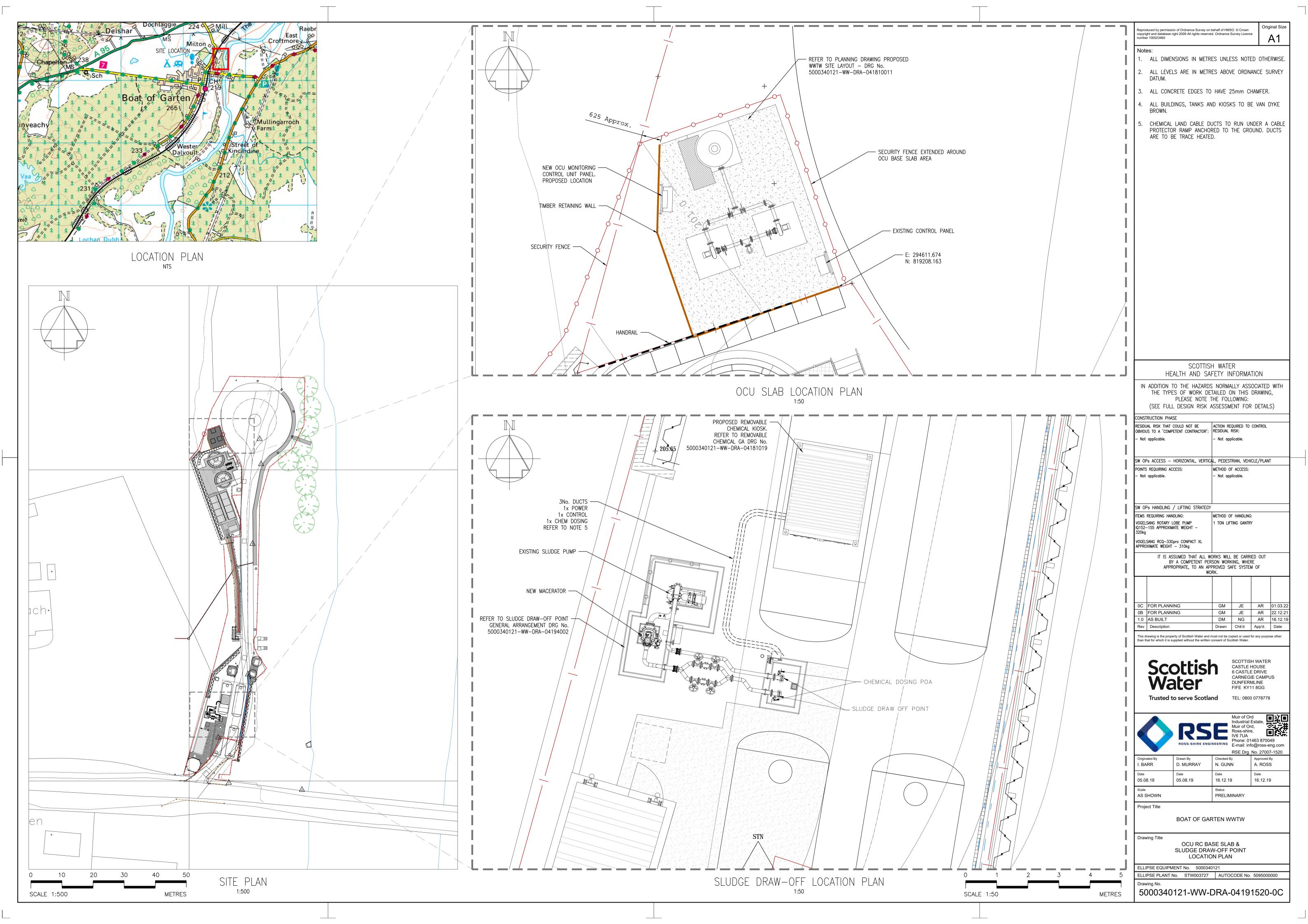
BOAT OF GARTEN WWTW

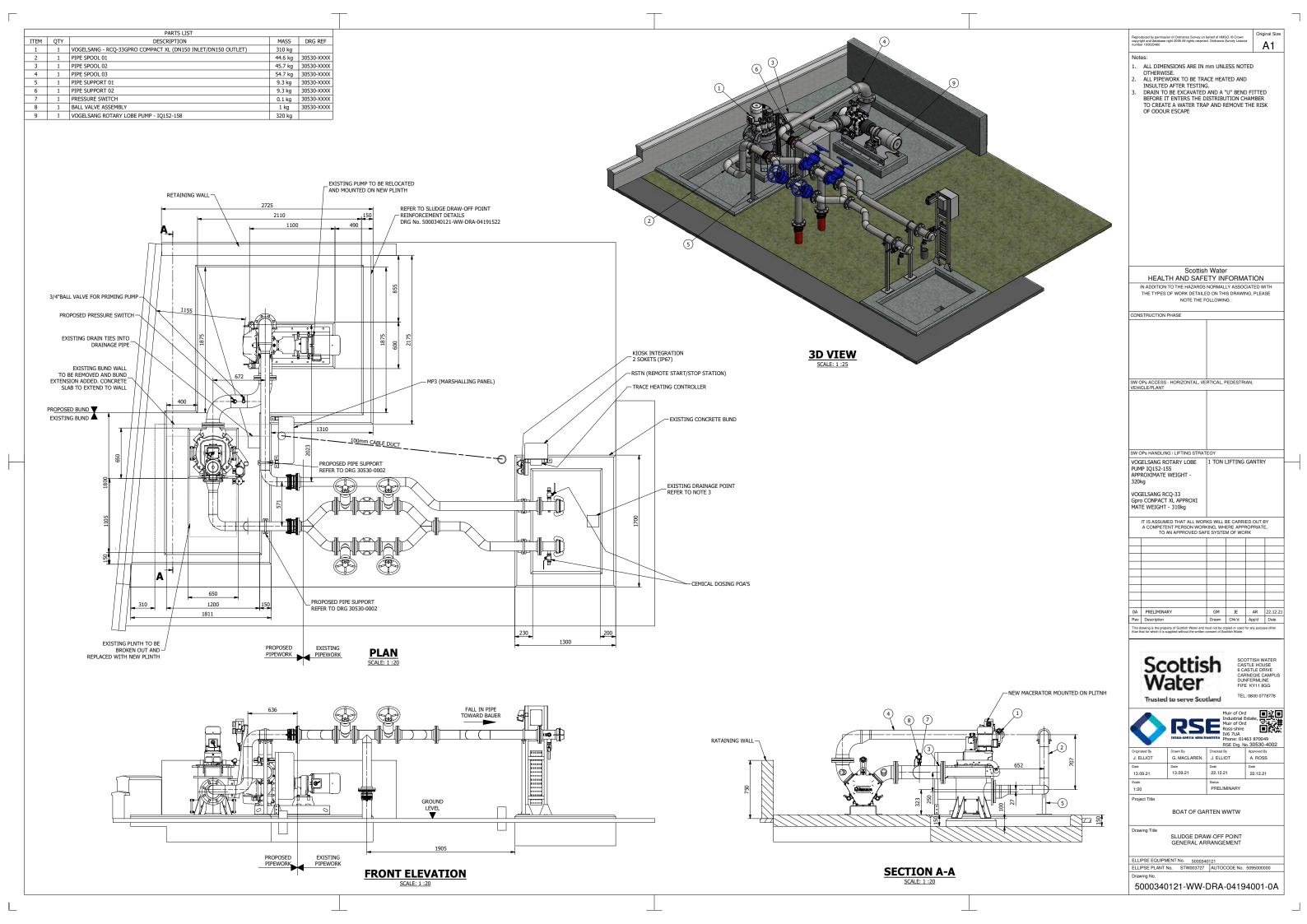
REMOVABLE CHEMICAL KIOSK GENERAL ARRANGEMENT

ELLIPSE EQUIPMENT No. 005000340121

ELLIPSE PLANT No. STW0003727 AUTOCODE No. 5095000000

Drawing No. 5000340121-WW-DRA-04181019-0A





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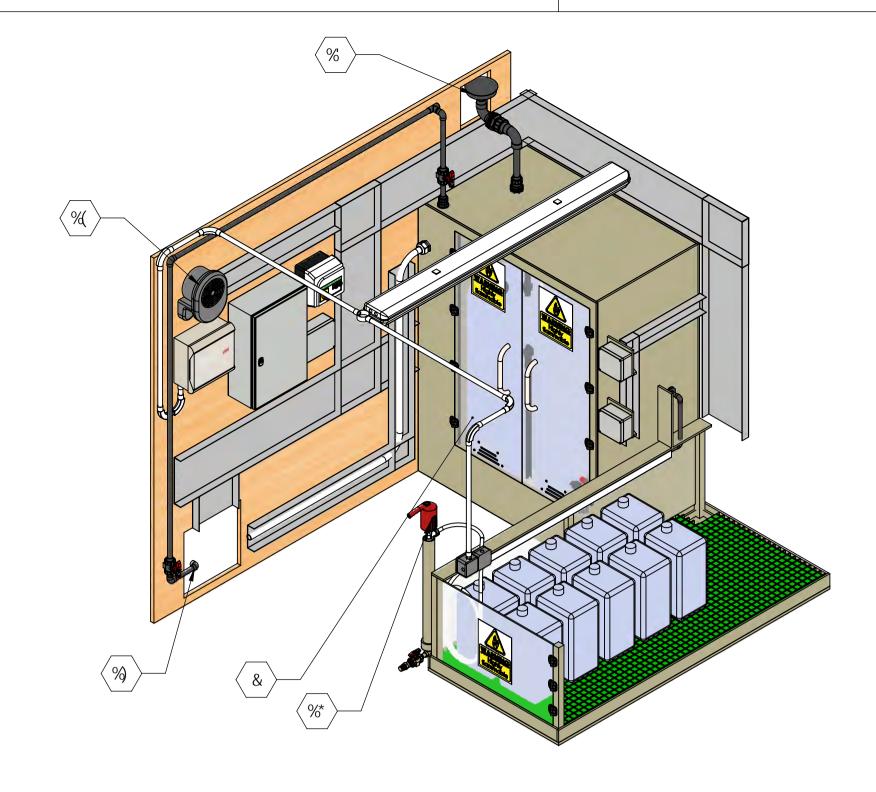
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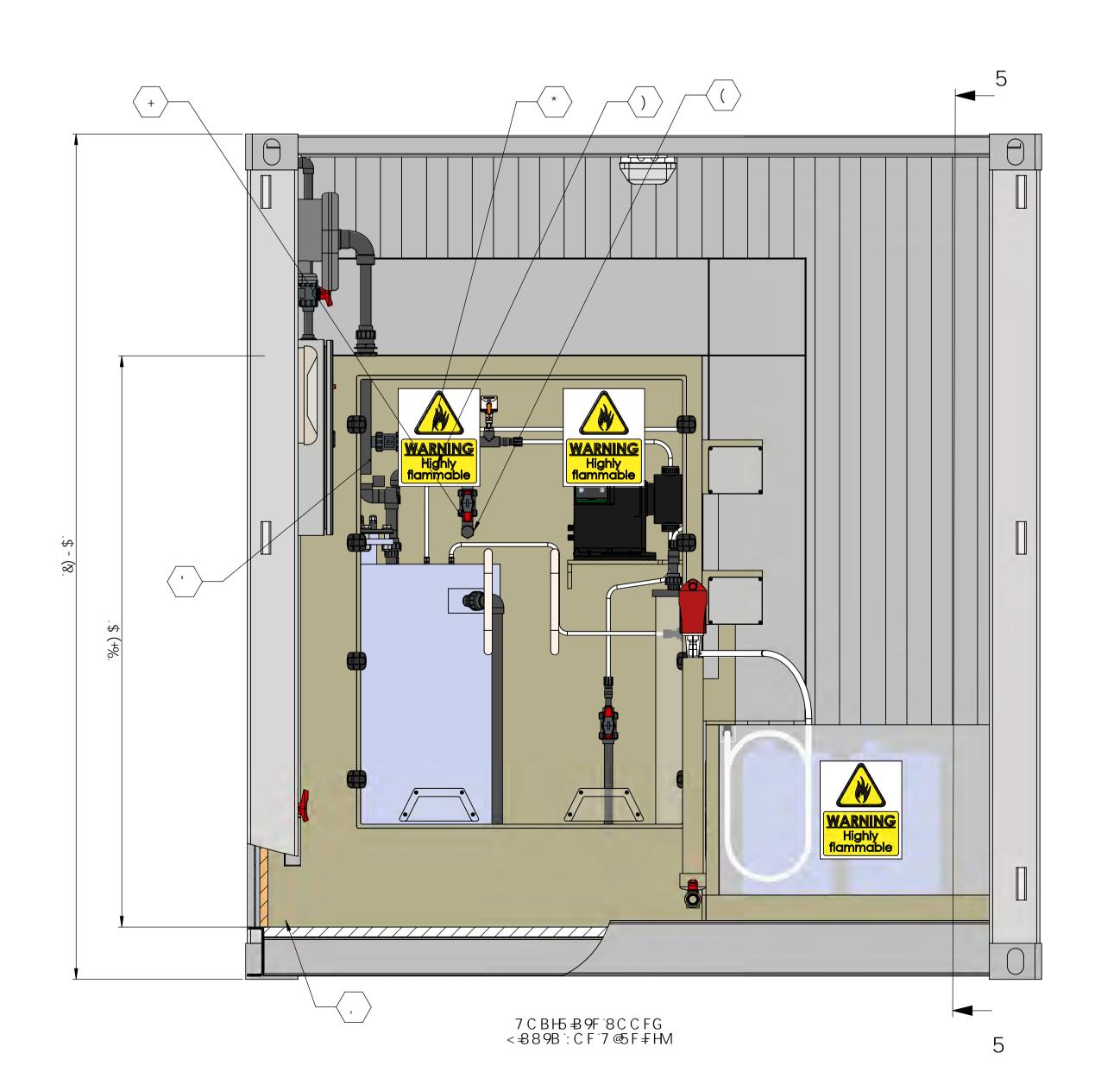
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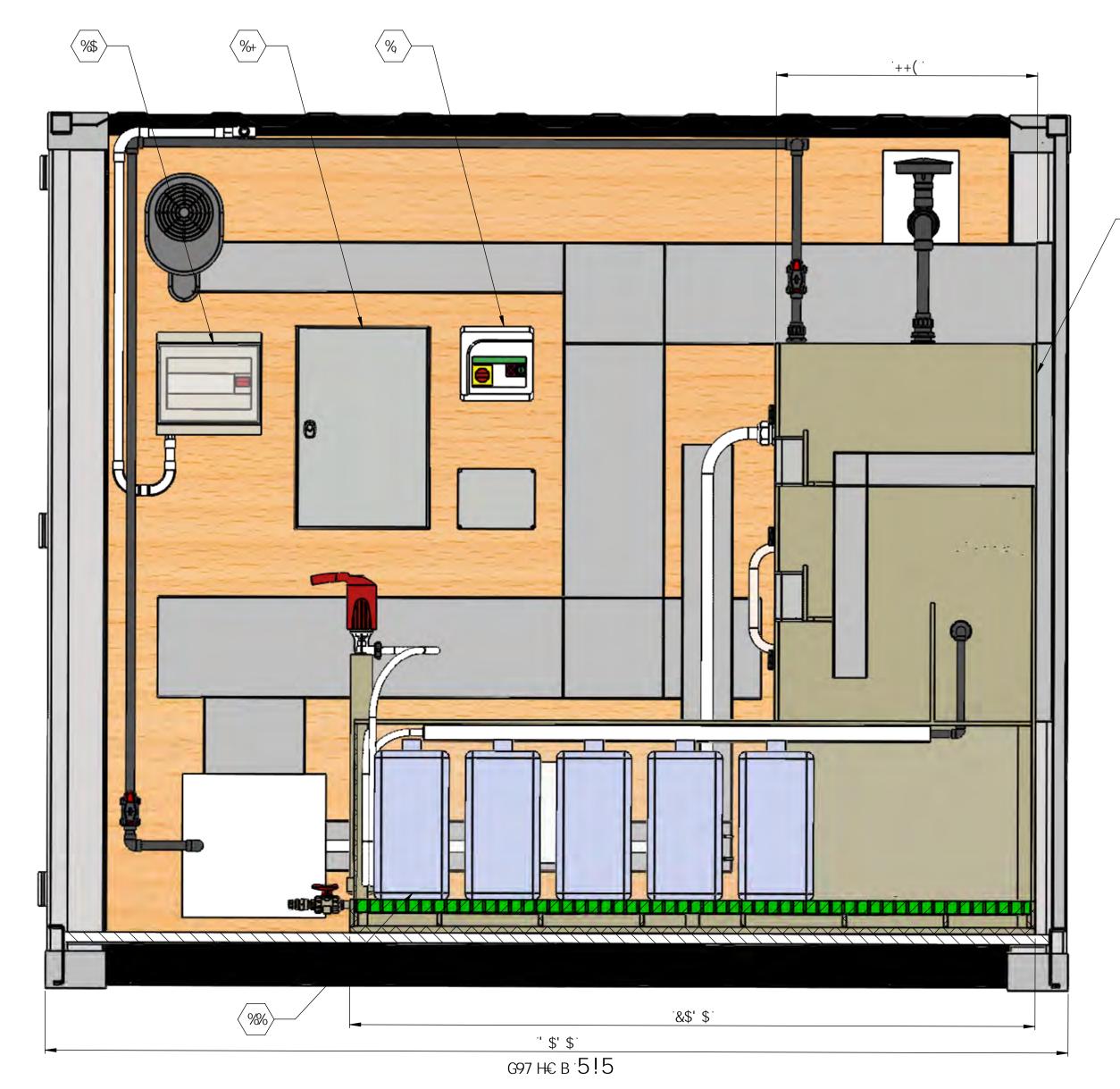
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ÜÒÚÜUÖWÔÒÖÁÝÄÍÒÜT ÒÙÒUÞÁJÆÁJÜÖÞŒÞÔÒÂJWÜXÒŸ (ÉF ÷ ₺5@GAP) UÞÁÔÒPŒŠÆÁJÆÁFT ÚUEÁ ÁÖÜÜY ÞÁÖUÜŸÜÖPVÁŒÞÖÁ ÖŒYŒĎŒĬÒÁÜÖPVÁG€€JÁŒŠŠÁŬŎPVŮÁÜÒÙÖÜXÖÖEÄ UÜÖÞŒÞÔŌÁJWÜXŎŸÁŠŐŌÞÔŌÁÞWT ÖÖÜÆF€€€€H΀

%" 75F6C MGž&) \$@GHC F5; 9H5B?ž5B8

BCH9G.

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H9@'\$, \$\$'\$++, ++,

FC GG:G< # 9 DF C >97 HB c " ' \$- - , !\$\$% F9J **€**€ B CF = \$5 H98 6M 8F5 K B 6M 7 < 97 ? 98 '6M 5 DDF C J 98 '6M

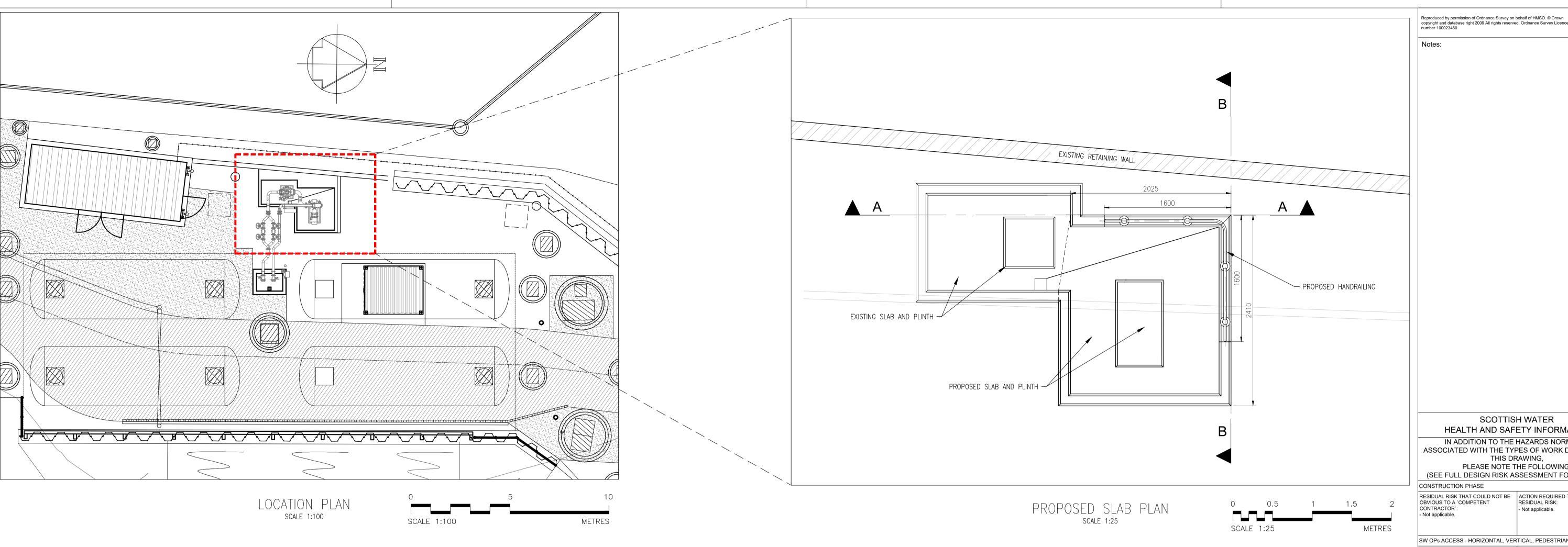
8UhY %* #%\$#&% % #%\$#&% G7 5 @9 : C F '5 DDFC J 5@ DFC >97 HH+@9 6C 5 H C : ; 5 F H 9B GC 8 \(\delta \) 7 < @C F \(\delta \)

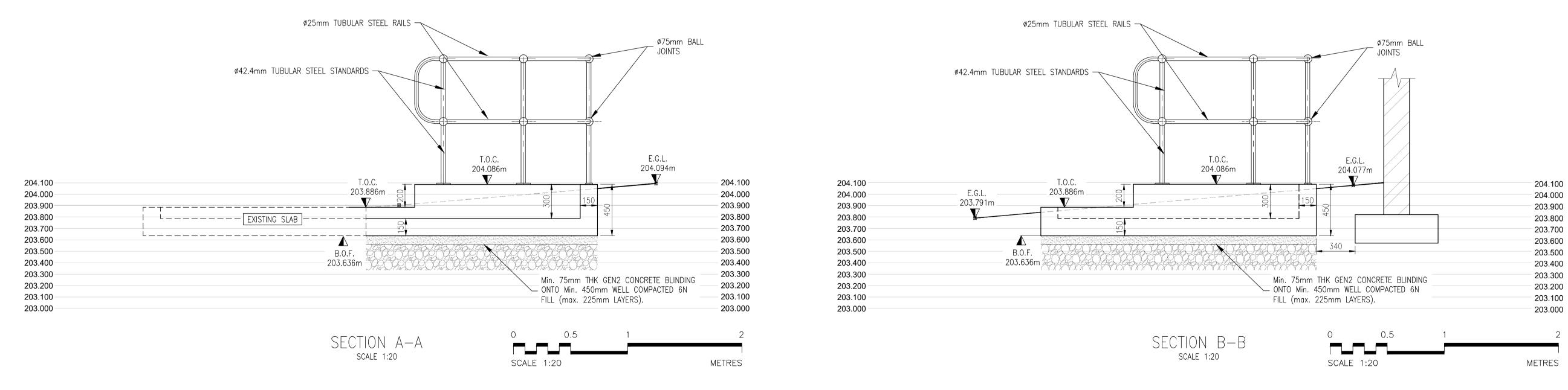
8F5K ₽; 'H+@9

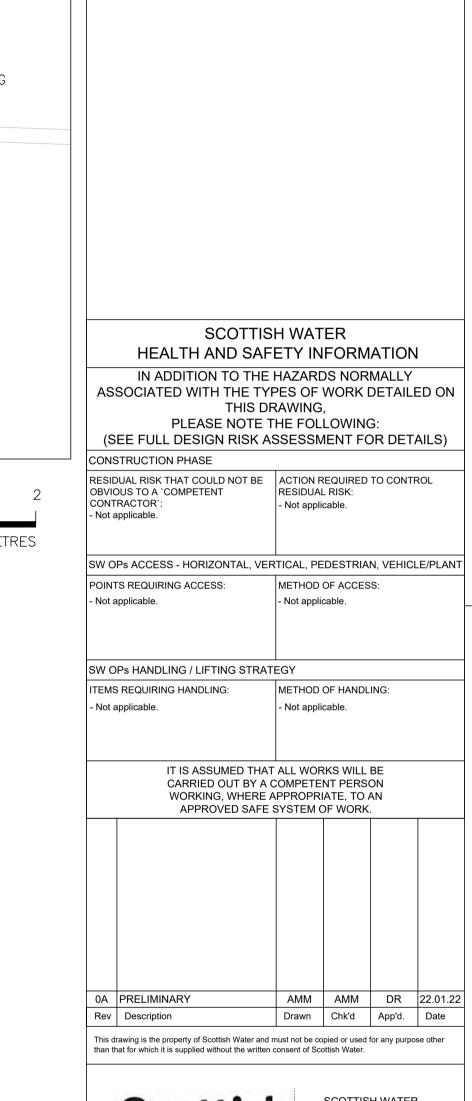
) \$\$\$\$' (\$%%%

9@@DG9'D@5BHBc" QAK \$\$'+&+ 51 HC 7 C 8 9'Bc"A)\$-)\$\$\$\$\$\$

Á)\$\$\$'(\$\%\KK!8F5!\$(%(\$\$,







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A. MOWAT A. MOWAT 10.01.22 19.01.22 22.01.22 22.01.22 AS SHOWN PRELIMINARY

Project Title

BOAT OF GARTEN

Drawing Title

SLUDGE DRAW-OFF POINT PROPOSED SLAB GA

ELLIPSE PLANT No. STW0003727 AUTOCODE No. 5095000000 5000340121-WW-DRA-04201001-0A

ELLIPSE EQUIPMENT No. 5000340121