

**THE HIGHLAND COUNCIL**

**NORTH PLANNING APPLICATIONS COMMITTEE  
22 MARCH 2016**

Agenda Item	7.1
Report No	PLN/017/16

**15/04780/FUL: Scottish Water  
Gairloch Waste Water Treatment Works, Fasaich, Strath, Gairloch.**

**Report by Area Planning Manager**

**SUMMARY**

**Description :** Installation of septic tanks and ground engineering works

**Recommendation - GRANT**

**Ward :** 06 - Wester Ross, Strathpeffer And Lochalsh

**Development category :** Local Development

**Pre-determination hearing :** Hearing not required

**Reason referred to Committee :** Objection from statutory consultee – Gairloch Community Council.

**1. PROPOSED DEVELOPMENT**

- 1.1 Planning permission is sought for engineering works to re-contour an area of land that extends in total to 2,500m<sup>2</sup> approximately and install three septic tanks which will partially be above ground. The works will be carried out within the operational land associated with the existing waste water treatment works (WWTW) at Fasaich, Strath, Gairloch. They form part of a scheme to adapt the current treatment arrangements, which Scottish Water have indicated have extensive capital maintenance issues. As a result of a review of the long term treatment requirements at Gairloch undertaken by Scottish Water the existing waste water membrane treatment will be replaced.
- 1.2 To provide clarity it must be noted that Scottish Water, as the sewerage authority have extensive permitted developments rights under Class 43A of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). These permitted development rights cover all of the works connected with the replacement of the membrane treatment plant other than those described in the planning application and the paragraph above. Consequently there are elements of the scheme, including the ancillary underground works and the extension to the outfall into Loch Gairloch, which are beyond the scope of the

planning application and therefore outwith the remit of the Planning Authority to consider. SEPA is the regulatory Authority responsible for consideration of the quality of the discharge and controlling pollution of the water environment.

- 1.3 The proposed engineering works involve reducing the ground level on the east side of the existing building by 3 metres, or thereby in order to install the septic tanks. The excavated material will be spread across three areas of the site which will then be landscaped; two of which are on either side of the access to the south of the existing building and the other to the north of the building. The finished ground level of the septic tanks will match that of the existing ground level of the building and surrounding internal roadway. On completion, the elements of the tanks that will appear above ground level, will be the inspection hatches, valves and a small amount of pipe work.
- 1.4 No pre-application consultation was undertaken with the Planning Service prior to the submission of the application.
- 1.5 The WWTW facility is accessed directly from the B8021, by two junctions which are on either side of the existing WWTW building.
- 1.6 The application is supported by a statement outlining the background to the decision by Scottish Water to redesign the treatment facility, the extent of works that require planning permission and an assessment of the development in relation to the development plan policies and other material considerations. In addition an Odour Management Plan was received which sets out the manner in which the site will be operated in compliance with the Sewerage Nuisance (Code of Practice) (Scotland) Order 2006.
- 1.7 **Variations:** None

## **2. SITE DESCRIPTION**

- 2.1 The application site is defined as the whole area of the operational land of the WWTW at Fasaich, Strath, Gairloch. It is located approximately 750m to the west of Strath on the north side of the B8021. The coast is approximately 100m to the south with land rising to the north. There is open land to the west and east on either side of the site. The nearest houses are those at Fasaich, Strath, which lie over 550m to the east. The Gairloch Youth Hostel is located approximately 900m to the west.

## **3. PLANNING HISTORY**

- 3.1 01/00797/FULRC- Construction of Waste water Treatment Plant – Approved - 03.12.2001 and now built.

## **4. PUBLIC PARTICIPATION**

- 4.1 Advertised : Unknown Neighbour  
Representation deadline : 12.02.2016  
Timeous representations : 8 from 7 households  
Late representations : 8
- 4.2 Material considerations raised are summarised as follows:
  - Impact of construction traffic on the B8021

- Odour emissions.
- Description of site in supporting statement.

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). Access to computers can be made available via Planning and Development Service offices.

## 5. CONSULTATIONS

5.1 **Community Services ( Environmental Health):** No objections.

Applicant sought pre-application advice regarding the content of the Odour Management Plan.

5.2 **Transport Planning Team:** No objections.

It is not anticipated that the development will have a negative impact on the local road network. A Construction Traffic Management Plan (CTMP) should be submitted for approval of the Planning Authority in consultation with the Roads Authority. It is suggested that this matter can be dealt with by a suspensive condition. The CTMP must include details of any upgrade to the junction with the public road, details of temporary signage for the construction phase and measures to ensure that the road is kept free of mud and debris arising from construction traffic. .

5.3 **Gairloch Community Council:** Object.

The community council raise concerns about the description of the development as set out in the planning application indicating that "a full application should be made, allowing consideration of the new nature of the process, polluted discharge, the need for odour management and the vehicle movements for solids/sludge waste disposal". They consider that the supporting statement contains an inaccurate description of the site They highlight the importance of water quality in respect of the tourist industry, the use of beaches close to the discharge pipe and the potential impact that the 'downgrade' of the discharge could have on the ability for the Gairloch to achieve bathing water status. They also express their frustration that SEPA have, to date, not accepted an invitation to attend a community council meeting.

5.4 **SEPA:** No objections

The proposal will result in the need for the developer to apply for a new or revised authorisation under The Water Environment Controlled Activities Regulations (CAR). An application has not yet been submitted. Based on the information available at this stage it is considered that the proposal is capable of being authorised.

## 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **Highland Wide Local Development Plan 2012**

Policy 28                      Sustainable Design

Policy 36            Development in the Wider Countryside

6.2    Wester Ross Local Plan ( as continues in force ) 2007

No specific policies apply.

## **7.    OTHER MATERIAL CONSIDERATIONS**

### **7.1    Draft Development Plan**

The West Local Development Plan (WHILDLP) will cover Wester Ross, Lochalsh, Skye and Lochaber. Main issues report still to be published for public comment.

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

Not applicable

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

Scottish Planning Policy 2014

Valuing the Natural Environment Paragraph 194.

## **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.

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.

### **8.3    Development Plan Policy Assessment**

The application site lies within the wider countryside and therefore policy 36 of the Highland wide Local Development Plan (HwLDP) applies. Policy 36 supports development outwith Settlement Development Areas where it is judged not to be significantly detrimental in terms of the criteria listed in the policy. The parts of the policy of particular relevance to this proposal state that proposals should be assessed on the extent to which they are acceptable in terms of siting and design, are sympathetic to existing patterns of development in the area and are compatible with landscape character and capacity.

8.4    There is also a requirement to judge proposals in terms of their impact upon the natural, built and cultural heritage features identified by Policy 57. The site falls within the Wester Ross National Scenic Area in respect of which policy 57.2 states that we will allow developments that can be shown not to compromise the natural environment resource and it must also be shown that the development will support communities in fragile areas who are having difficulties in keeping their population and services.

8.5 Policy 28 of the HwLDP aims to ensure that development is sustainable and lists the criterion against which proposal shall be assessed. The parts of the policy of particular relevance to this proposal state that proposals should be assessed on the extent to which they are compatible with public service provision and impact on individual and community residential amenity.

## 8.6 **Material Considerations**

8.7 **Siting and Design:** The site is located immediately adjacent to the B8021 and therefore public views into the site are available. The development will take place immediately adjacent to the existing WWTW and will therefore be seen in the context of the existing development. In this setting the siting of the septic tanks and the associated pipe works are considered acceptable. On completion of their installation the septic tanks will be buried other than the inspection chambers hatches, valves and some pipe work. The hatches will be at ground level and the pipes will sit approximately a metre above ground level. These exposed elements are industrial by their nature and design. In the context of the existing WWTW these elements are considered acceptable. The remodelling of the ground will result in small mounds being formed on the road side of the existing building as well as the remodelling of the banking at the rear of the site. A similar engineering operation was undertaken as part of the initial development of the WWTW site. The exposed earth will be landscaped in the same manner as the rest of the site with native species being introduced. It is considered that the remodelling of the site, required to accommodate the septic tanks, is of an acceptable scale and design. The landscaping of the remodeled ground will be secured by use of a suspensive condition.

8.8 On the basis of the above, and given the relatively minor nature of the engineering operations which are involved in the remodelling of the ground and their location next to an existing developed site, it is considered that the development is acceptable in terms of its scale and design and that it will not have a significant detrimental effect on the landscape features of the National Scenic Area for which it is designated.

8.9 **Impact on road safety:** Concerns have been raised by the Community Council and other third parties about the management of construction traffic during the peak summer months as well as the frequency of traffic visiting the site once the plant is operational. In response the applicant has indicated that they will provide a construction transport management plan (CTMP) as requested by the Transport Planning Team. They comment that at the present time an articulated vehicle visits the site on a weekly basis to remove sludge. The frequency of journeys will be reduced following completion of the development as the 3 septic tanks will be emptied each on a 6 monthly basis resulting in one tank being emptied every two months. The desludging process for each tank will require 4 articulated vehicles. The total number of articulated loads from the site will reduce therefore from 52 per annum to 24 per annum. In addition the van movements currently associated with operating the WWTW are 3 scheduled visits a week; this will reduce to a weekly visit. Based on the above information, and the consultation response from the Transport Planning Team which offered no objection to the development, it is considered that the development will have no significant impact on road safety. As

regards the re-modelling of the land adjacent to the junction with the public road, there is sufficient land available, it is considered necessary to ensure that these works will not impinge on the visibility splays from both of the existing junctions and that the splays can be maintained in perpetuity. This matter can be dealt with by a planning condition. The access and egress onto the public road were constructed as part of the original development of the WWTW and have been provided to a standard acceptable to the Council as Roads Authority.

- 8.10 **Impact on residential amenity:** Concerns have been raised by the Community Council and other third parties regarding the management of odours from the site. Community Services (Environmental Health) have confirmed that the Odour Management Plan (OMP) submitted with the planning application is acceptable. They comment that the most likely cause of odours will be during periods of maintenance and de-sludging but note that the nearest property is at Fasaich more than 550m away. Implementation of the OMP by Scottish Water is a statutory responsibility under the Sewerage Nuisance (Code of Practice) (Scotland) Order 2006. To comply with the Code of Practice the OMP prepared by Scottish Water must include a procedure which deals with any odour complaints. Taking into account the above, it is considered that the development will have no impact on residential amenity.
- 8.11 **Description of Site:** Concerns have been raised by the Community Council and other third parties about the accuracy of the description of the location of the site as set out in the supporting statement. The Scottish Water statement says that the proposed works are located in a very remote area accessed by a track. This is inaccurate as the site is immediately adjacent to the public road. For the avoidance of doubt the neighbour notifications and the public advert for the application referred to the location as Gairloch WWTW, Fasaich, Strath, Gairloch. The inaccuracy of the description in the supporting statement does not appear to have affected the ability of third parties to understand the proposal, as from the comments submitted all parties are fully aware of the location of the site, nor has it affected the assessment of the planning application.
- 8.12 **Other Considerations – not material**
- 8.13 A total of 16 representations from 15 households have been submitted. In every case, along with the comments from the Community Council, the majority of the concerns raised relate to matters which are beyond the scope of this planning application and therefore outwith the remit of the Planning Authority to consider. The concerns relate to the perceived downgrading of the treatment of waste water and the consequences that this could have on water quality, and thus the commercial shellfish fishing grounds, recreational use of the loch and nearby beaches and the potential for any future request to SEPA for the Gairloch to be given bathing water status. In addition significant concern is expressed regarding the financial cost of constructing the existing treatment facilities and the costs of the replacement scheme.
- 8.14 As set out in paragraph 1.2 above, Scottish Water, as the sewerage authority have extensive permitted developments rights under Class 43A of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as

amended). These permitted development rights cover all of the works connected with the replacement of the membrane treatment plant, other than the installation of the septic tanks and the engineering works described in the planning application.

8.15 The concerns expressed about the potential impact of the change in quality of discharged into the water environment is noted however it is for SEPA as the Regulatory Authority to consider whether the level of treatment and resultant quality of discharge into the water environment is acceptable. This matter will be dealt with through a separate regulatory process known as a Controlled Activity Regulation (CAR) licence. The determination of the planning application and the CAR licence are separate processes and the granting (or otherwise) of one does not affect the determination of the other.

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

8.17 None

**9. CONCLUSION**

9.1 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**

**Subject to the above**, it is recommended the application be Granted subject to the following conditions and reasons / notes to applicant:

1. No development shall commence until details of a scheme of landscaping works for all re-profiled areas have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:
  - i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
  - ii. All planting works, including plans and schedules showing the location, shrub species and planting densities; and
  - iii. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

**Reason** : In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

2. No development shall commence until a construction traffic management plan has been submitted to and approved in writing, by the Planning Authority, in consultation with the Roads Authority. Details of the scheme shall include:
  - i. Details of appropriate signage which shall be installed and maintained at the site access, as required, during the construction phase.
  - ii. A strategy for dealing with any material deposited on the public road network throughout the construction phase.

**Reason :** In the interests of road safety.

3. Any increase in ground levels which lie within the existing visibility splays of the road junctions shall be restricted to no more than 1.05m in height above the level of the public road. Thereafter at no time shall anything obscure the visibility splays.

Reason : In the interests of road safety.

### **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 DIRECTION**

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.



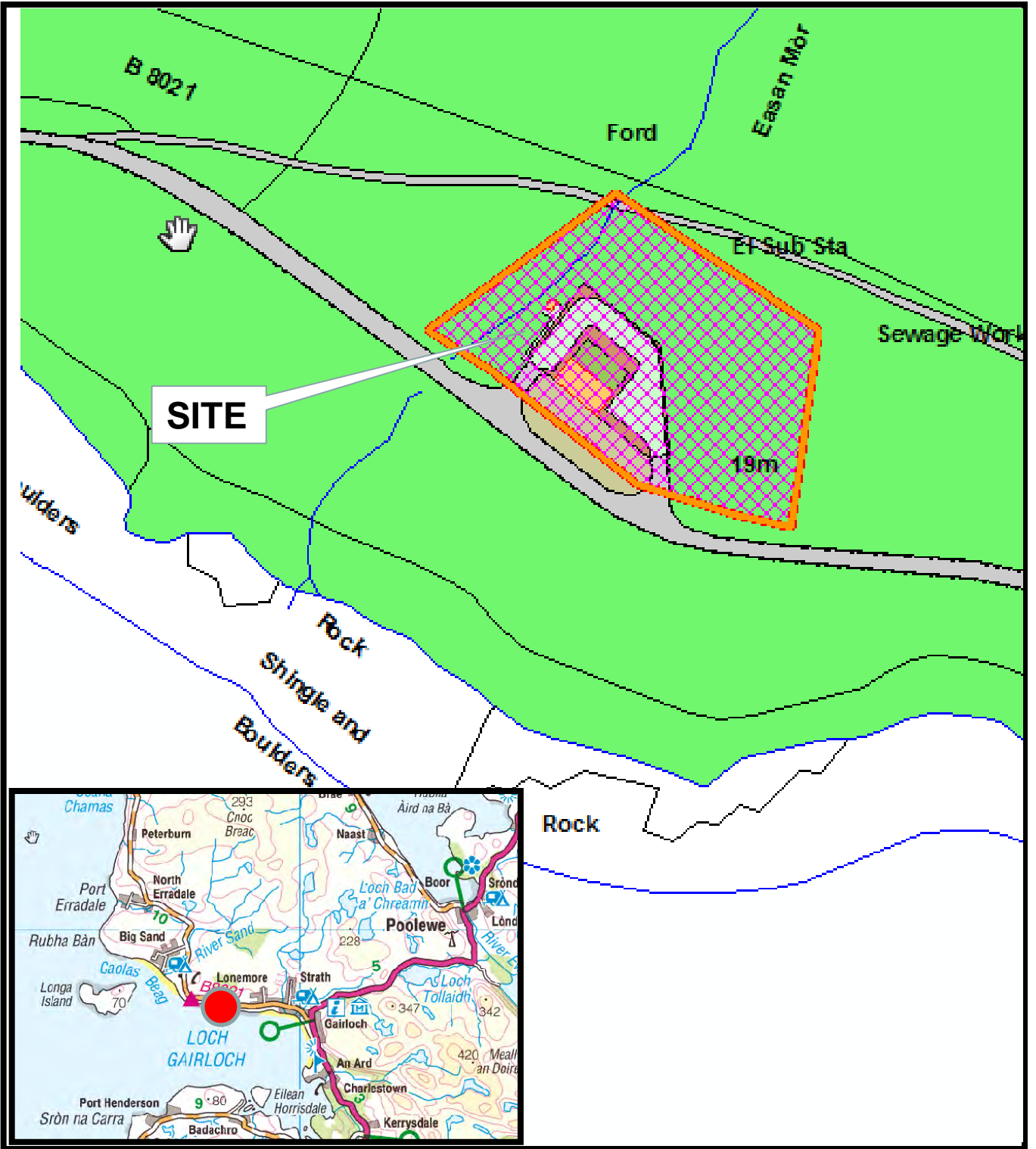
### **Accordance with Approved Plans and Conditions**

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 (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Signature: Dafydd Jones  
Designation: Area Planning Manager North  
Author: Erica McArthur  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 – Location Plan  
Plan 2 – Site Layout  
Plan 3 – Elevations- Tanks  
Plan 4 – Sections – Tanks



Planning & Development Service

**15/04780/FUL**  
Installation of septic tank and ground engineering works at Gairloch WWTW, Fasaich, Strath, Gairloch  
22 March 2016

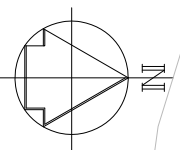




LOCATION PLAN  
SCALE 1 : 25,000

COORDINATES

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B	177173.203	877563.983
C	177228.788	877527.973
D	177221.985	877458.411
E	177173.865	877472.800



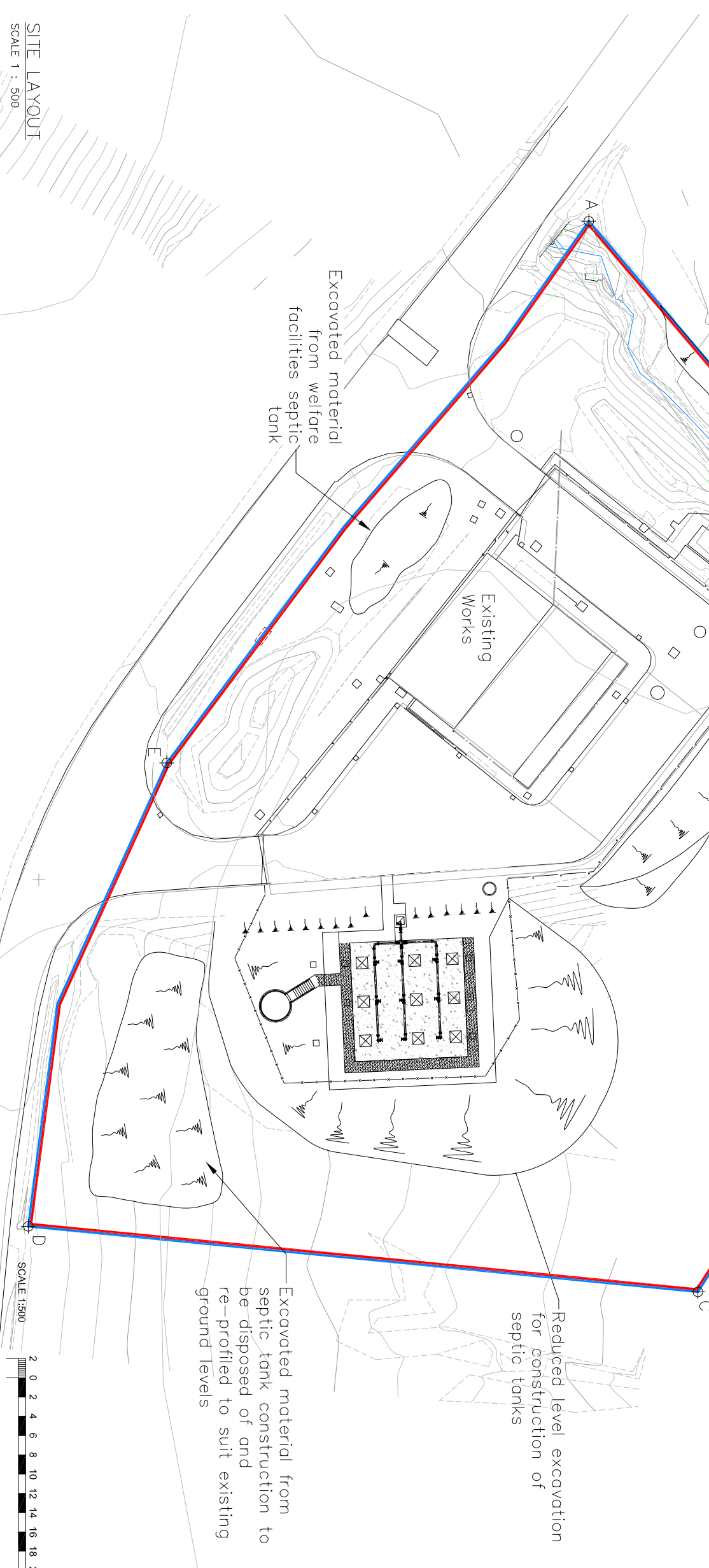
Excavated material from septic tank construction to be disposed of and re-profiled to suit existing ground levels

Reduced level excavation for construction of septic tanks

Excavated material from septic tank construction to be disposed of and re-profiled to suit existing ground levels

Excavated material from welfare facilities septic tank

Existing Works



SCALE 1:500  
2 0 2 4 6 8 10 12 14 16 18 20m

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Original Size  
**A3**

- Key
- Land subject to Planning Application (0.6809ha or thereby)
  - Boundary of Scottish Water owned land.

Rev	Description	Drawn	Chkd	App'd.	Date
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0B	FOR INFORMATION	EM	KS	SK	03.07.15
0A	FOR INFORMATION	EM	KS	SK	15.08.15

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Originated By	IB	Date	04.06.15
Drawn By	EM	Date	04.06.15
Checked By	KS	Date	15.06.15
Approved By	SK	Date	15.06.15

Project Title  
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LOW CARBON TREATMENT**

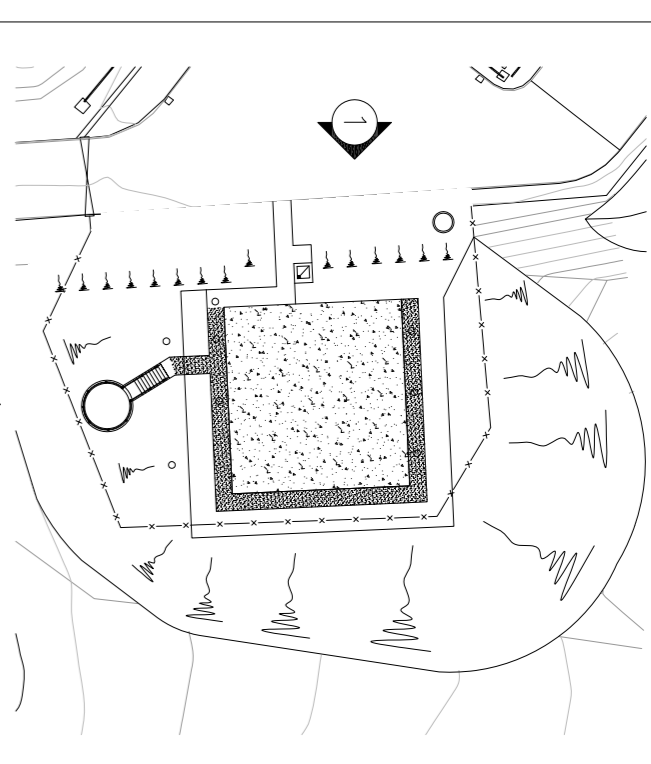
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Status  
**FOR INFORMATION**

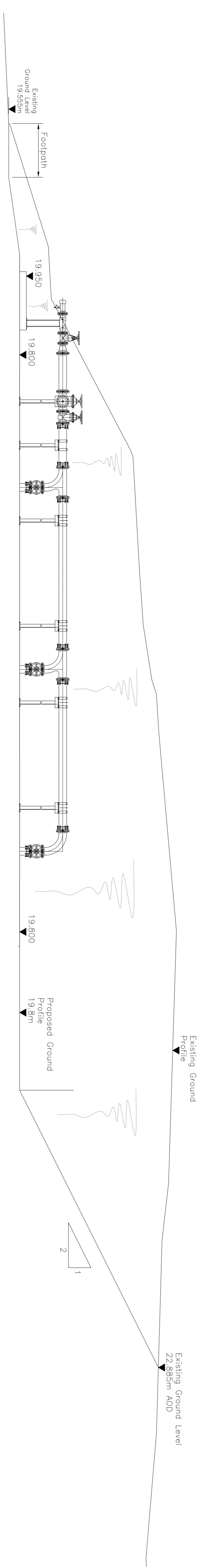
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**AS SHOWN @ A3**

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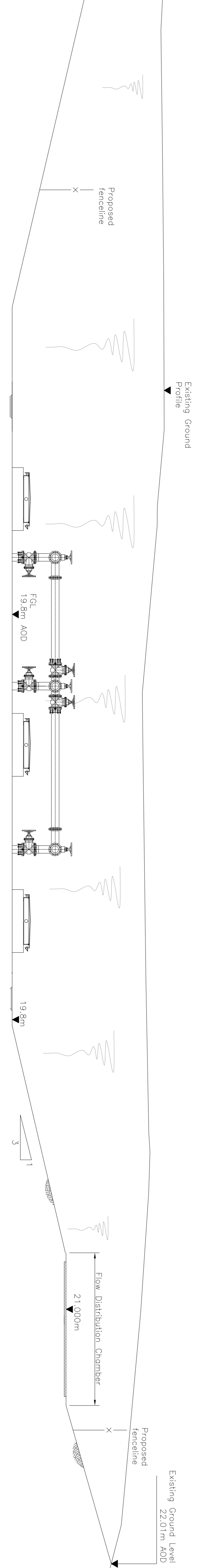
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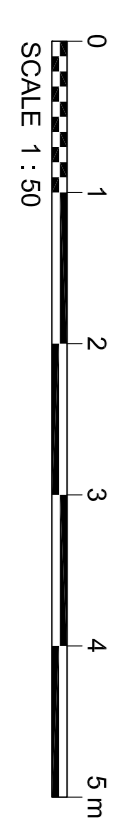
ELEVATION PLAN  
SCALE 1 : 500



TANK ELEVATION 2  
SCALE 1 : 50



TANK ELEVATION 1  
SCALE 1 : 50



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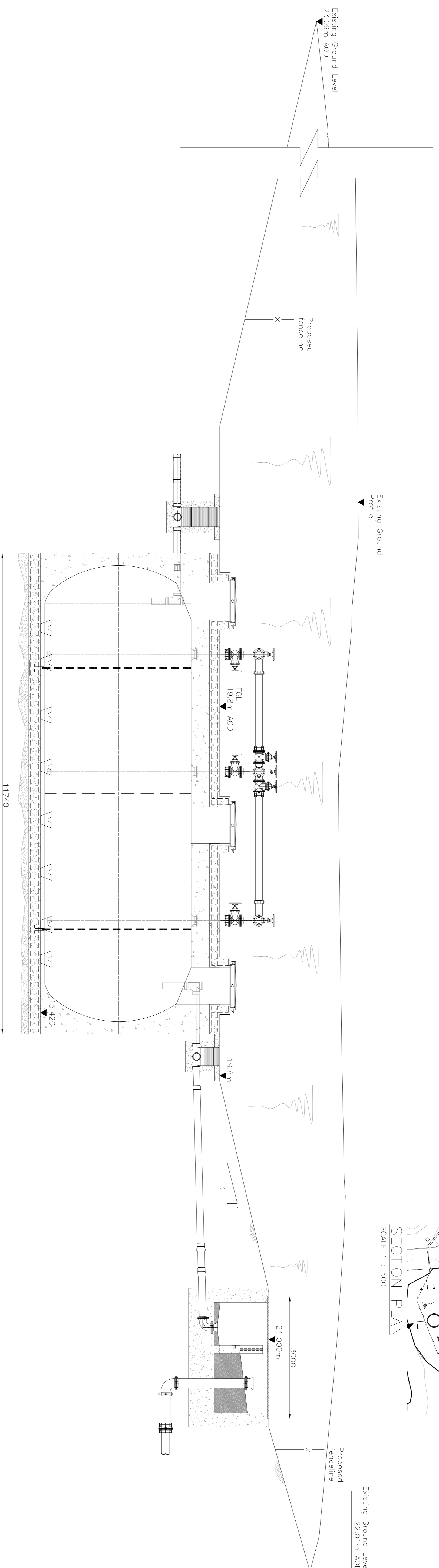
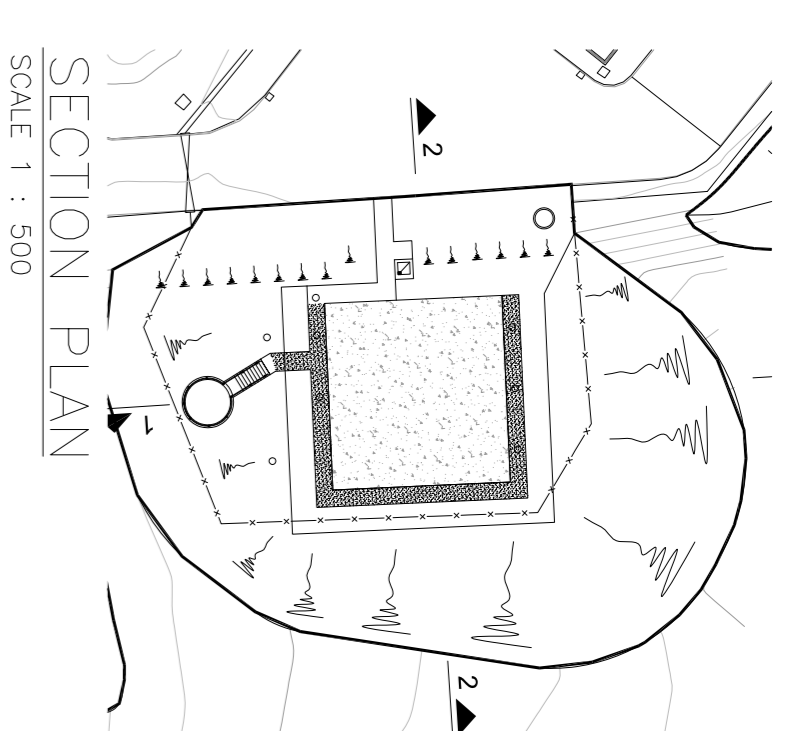
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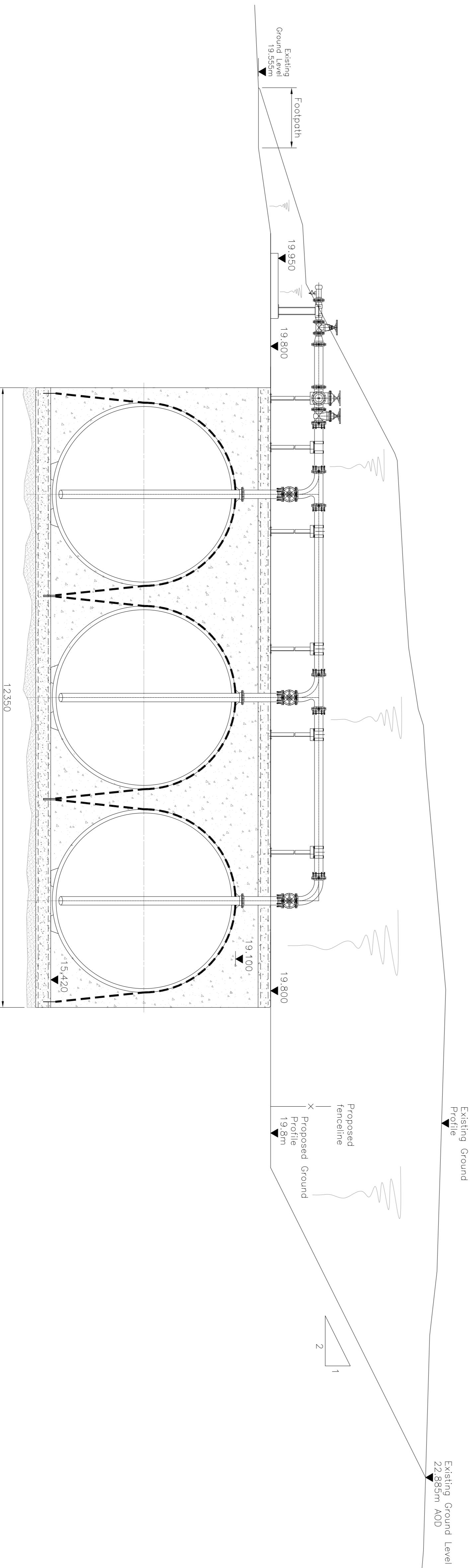
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GARROCH WWTP  
LOW CARBON TREATMENT

Drawing Title  
PLANNING - TANK ELEVATIONS

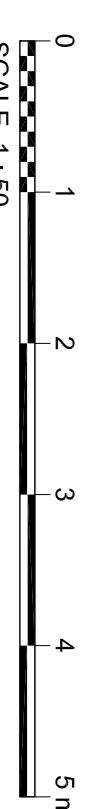
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TANK SECTION 1  
SCALE 1 : 50



TANK SECTION 2  
SCALE 1 : 50



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04	FOR INFORMATION	EM	KS	SK	15.06.15

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KS	EM	01.06.15	KS	EM	01.06.15
KS	KS	15.06.15	KS	KS	15.06.15

Project Title  
GARROCH WWTW  
LOW CARBON TREATMENT

Drawing Title  
PLANNING - TANK SECTIONS

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