

THE HIGHLAND COUNCIL

**SOUTH PLANNING APPLICATIONS COMMITTEE
16 August 2016**

Agenda Item	6.7
Report No	PLS 053/16

**16/02364/FUL: Moray Estates Development Company
Land 585m NW of The Steading, Dalcross**

Report by Area Planning Manager - South / Major Developments

SUMMARY

Description : Upgrade of the existing bellmouth; the erection of fencing 1.1 m high and re-contouring of land; including the installation of a pumping station with kiosk and associated works

Recommendation : GRANT

Ward : 18 – Culloden and Ardersier

Development category : Local Development

Pre-determination hearing : None.

Reason referred to Committee : Objection from Community Council.

1. PROPOSED DEVELOPMENT

- 1.1 This application relates to the delivery of a pumping station and ancillary works, at Dalcross. The works proposed include:
- Re-profiling of site to form base for pumping station and boundary to the site;
 - Installation of a pumping station;
 - Installation of a dosing kiosk;
 - Upgrade of access;
 - Erection of 1.1m high post and wire fencing.
- 1.2 The sinking of the shaft for the pumping station is permitted development. Work has commenced on this element of the development.
- 1.3 The pumping station will pump waste water from developments around Tornagrain and Dalcross to the waste water treatment works at Ardersier via a new pipeline which is being progressed by Scottish Water.

1.4 The access the site is proposed from the C1017 (Airport Access Road). An access has historically been in this location and this development proposes that it will be upgraded.

1.5 Sufficient information has been submitted to allow the application to be determined.

1.6 **Variations:** None.

2. SITE DESCRIPTION

2.1 The site runs largely parallel to the C1017. Inverness Airport is located approximately 480m to the east and Tornagrain is located approximately 1.5km to the south east of the site. As mentioned in para 1.2 of this report work has commenced on site in relation to the permitted development elements of the works, prior to this the site was agricultural land.

2.2 There are no natural or cultural heritage designations covering the site. Within the application boundary, there are no sites of archaeological interest recorded in the Highland Historic Environment Record. However, the site lies within a wider area where important prehistoric remains have been discovered during development. An archeological watching brief was in place for the works which were permitted development.

2.3 The development site is not covered by any international, national, regional or local landscape designations. The site lies within the Intensive Farming Landscape Character Type (LCTs) identified in the Inner Moray Firth Landscape Character Assessment (LCA) (SNH, 1998).

3. PLANNING HISTORY

3.1 12.02.2014 - Approval of Matters Specified by Condition including Condition 1(a); Condition 1(a)a; Condition 1(a)b; Condition 1(a)c; Condition 1(a)e; Condition 1(b), Condition 1(b)a; Condition 1(b)b; Condition 1(b)c; and Condition 1(b)d. All as attached to planning in principle permission Ref: 08/00215/OUTIN - Matters Specified Approved (13/01826/MSC)

3.2 17.06.2011 - Business park on 200 hectares adjacent to the west and south side of Inverness Airport to be developed in four sequential phases comprising business uses (Class 4), general industry uses (Class 5) and storage / distribution uses (Class 6), a hotel and conferencing unit and other supporting uses, associated services and facilities - Planning Permission Granted (08/00215/OUTIN)

4. PUBLIC PARTICIPATION

4.1 Advertised : Schedule 3 Development and Unknown Neighbour

Representation deadline : 22.07.2016

Timeous representations : 10

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- In principle objection to any development associated with the upgrade or expansion of Ardersier Waste Water Treatment Works (WWTW);
- Impact on wildlife.

4.3 The following non-material issues have been raised in objection to the application:

- Impact on roads in Ardersier;
- Odour in Ardersier;
- Flood Risk in Ardersier;
- Impact on business and tourism in Ardersier;
- Impact on Ardersier Conservation Area;
- An alternative site for the WWTW should be considered;
- Object to WWTW.

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

5. CONSULTATIONS

5.1 **Transport Planning:** do not object to the application. Conditions are sought to secure an appropriate surface to the access and a set back from the public road for the position of the entry gate.

5.2 **Environmental Health:** do not object to the application.

5.3 **Ardersier and Petty Community Council:** object to the application. Concerns have been raised that the application is premature to the consideration of an application for a reconfigured waste water treatment works at Ardersier. Issues are also raised in the response related to the upgrade of the Ardersier Waste Water Treatment works.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application:

6.1 Highland Wide Local Development Plan 2012

Policy 9	A96 Corridor - Phasing and Infrastructure
Policy 28	Sustainable Design
Policy 30	Physical Constraints
Policy 57	Natural, Built and Cultural Heritage

Policy 58	Protected Species
Policy 63	Water Environment
Policy 66	Surface Water Drainage

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

Allocation IA1 Inverness Airport Business Park (Business)

6.3 **Inverness Local Plan (Adopted 2006, As Continued in Force 2012)**

6.3.1 The provisions of the Inverness Local Plan have been superseded in relation to this application by the adoption of the Inner Moray Firth Local Plan.

Highland Council Supplementary Guidance

6.4 The following Supplementary Guidance forms a statutory part of the development plan and is considered relevant to the determination of this application.

- Physical Constraints Supplementary Guidance (March 2013)

7. OTHER MATERIAL CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

- National Planning Framework 2
- Scottish Planning Policy
- PAN 51 – Planning, Environmental Protection and Regulation
- PAN 61 – Planning and Sustainable Urban Drainage Systems
- PAN 79 - Water and Drainage

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

8.3.1 Development Plan policy is set out in the Highland-wide Local Development Plan and the Inner Moray Firth Local Development Plan. The site is within an allocation for business use.

8.3.2 This development will facilitate the efficient operation of waste water infrastructure and enable the delivery of land allocations within the A96 Corridor, an area for strategic growth in Highland. This type of development is supported, in principle, through Policy 9 of the Highland-wide Local Development Plan. The key issue

therefore is whether the scheme submitted provides an acceptable level of development. In order to address the determining issues, the Committee must consider:

- a) Traffic impact and road infrastructure;
- b) Impact on the water environment (including SuDS);
- c) Impact on the natural environment;
- d) Siting and design; and
- e) any other material considerations.

8.4 **Material Considerations**

Traffic Impact and Road Infrastructure

- 8.4.1 The development of the site primarily comprises of engineering works to facilitate the free flow of the public waste water network both for existing developments and proposed future developments. Other than during construction, it is unlikely that there will be significant traffic movements associated with the proposed development. Access will be required for maintenance purposes only.
- 8.4.2 The access to the site is from the airport approach road. The applicant has formed a widened bellmouth entrance to the site to facilitate the construction of the elements of the site which are permitted development. Transport Planning request that this is surfaced in an appropriate material (i.e. tarmacadam) to ensure that no material is inadvertently brought on to the public road. This can be secured by condition.
- 8.4.3 Transport Planning is satisfied that the gated entrance to the development is required. However, they have requested that the distance for set back is secured by condition. This is to ensure that vehicles can pull off the public road to gain access to the site. This is acceptable. The site is of a sufficient size to ensure vehicles can turn within the site.

Impact on the Water Environment

- 8.4.4 The proposed development will pump waste water to Ardersier Waste Water Treatment Works (WWTW). The overall capacity of the WWTW is 3000 population equivalent. The remaining capacity in the WWTW is 1915 population equivalent. This development does not increase the capacity of the WWTW. There is an extant planning permission for a new waste water treatment works at Ardersier. Scottish Water is considering variations to this extant permission. Any increase in capacity at the waste water or material changes to the proposed development will require to be assessed through a planning application and other regulatory regimes.
- 8.4.5 The development does not fall within an area at risk of flooding as indicated on the indicative 1 in 200 year flood risk mapping from SEPA.
- 8.4.6 The development will include a sustainable drainage system (SuDS). The details of which can be secured by condition. The site is of a sufficient size to accommodate such a system.

- 8.4.7 Part of the proposed development is a dosing kiosk. This gives a preliminary level of treatment in advance of the waste entering the waste water treatment plant. This will ultimately improve water quality and is therefore considered appropriate. The type and frequency of the dosing is controlled by other regulatory regimes.

Impact on Natural Heritage

- 8.4.8 The development is not located within proximity of any sites designated for nature conservation. The waste pumped via this station will be treated at the Ardersier Waste Water Treatment Works before being pumped into the Moray Firth within the capacity of the current Controlled Activities Regulations License.
- 8.4.9 There is potential connectivity to the Moray Firth Special Area of Conservation (SAC) due to the waste travelling through this pumping station ultimately being discharged into the Moray Firth SAC. As the development is remote from the SAC and in itself will not be discharging the waste into the Firth, it is not considered that this development will have a likely significant effect on the integrity of the SAC either alone or in combination.
- 8.4.10 Given the nature of the previous use of the site, it is unlikely that other habitats or protected species will be present on site. With that said, it is the responsibility of the developer to ensure that this is the case. An informative related to notification of presence of protected species will be added to any permission which may be granted.
- 8.4.11 The development is in close proximity to trees of plantation origin. The works which have already been undertaken on site, those which benefitted from permitted development rights, include fencing along the edge of the wooded area to protect the trees. No further tree related mitigation is considered necessary due to the nature of the development.

Siting and Design

- 8.4.12 The development is set at a lower elevation from the public road. Overall the above ground elements of the development are limited in scale and would not be uncommon in an area such as this.
- 8.4.13 The applicant proposes that the site will be fenced with a 1.1m high fence and the site landscaped. This would include the creation of landscaped bunds, utilising the extracted material from the pump shaft. While acceptable, there needs to be further details submitted in terms of the type, scale and nature of the landscaping. This can be secured by condition.

Other Material Considerations

- 8.4.14 Representations have made in principle objections to any development associated with the Ardersier WWTW. This development is part of a range of upgrades planned to the waste water and water network in the A96 Corridor to serve the expansion of the area. The other upgrades include:

- Additional Pumping Station at Dalcross;
- UV Treatment Plant at Ardersier WWTW;
- New outfall from Ardersier WWTW;
- New waste water main to Ardersier WWTW; and
- Upgrade / Expansion to Ardersier WWTW.

8.4.15 Each of these proposed developments will be required to follow due process and if planning permission is required then there will be an opportunity to make representations to the application. Any representations which raise material planning consideration will be given due consideration in determining any forthcoming application.

8.4.16 The Highland-wide Local Development Plan identifies a high level strategy for Phasing and Infrastructure in the A96 Corridor. Figure 5 (A96 Corridor Strategy) in the Highland-wide Local Development Plan shows this strategy. This includes the identification of the need to deliver improvement to water and waste water treatment supplies which are supported through the spatial strategy for the plan. As such, in principle these improvements are supported.

8.4.17 There is a need to consider the proposed development and the impact that it may have, alone and in combination / cumulatively with the other associated developments, in terms of environmental impact. It is not considered that the development of the pumping station will lead to a significant adverse impact above that already identified for the consented development at Ardersier WWTW. As such EIA is not required for this development.

8.5 **Other Considerations – not material**

8.5.1 As set out in paragraph 4.4 of this report, a number of non-material issues have been raised through representations to the application. While non-material it is considered appropriate to address these within the report:

- Impact on roads in Ardersier - this development is unlikely to affect roads within Ardersier as the development will be accessed from the Airport approach road.
- Odour in Ardersier - given that nature of the development and distance from Ardersier it is unlikely there will be an odour arising from the development which would raise concerns with regard to amenity.
- Flood Risk in Ardersier - areas of Ardersier are at risk of coastal flooding however, the site of this proposed development is not at risk of flooding.
- Impact on business and tourism in Ardersier - it is unlikely that the development of this pumping station will have an effect on the economy of Ardersier given the intervening distance and the scale of the development;
- Impact on Ardersier Conservation Area - given the distance between the

development and Ardersier Conservation Area the development will not effect the conservation area or any of the buildings within it.

- An alternative site for the WWTW should be considered - this is a matter which can be considered in any future application for a WWTW, however this pumping station is considered to be appropriately sited.

8.6 Matters to be secured by Section 75 Agreement

None.

9. CONCLUSION

9.1 The development proposed will provide an improvement to the existing waste water system in line with the high level strategy for the A96 Corridor as set out in the Highland-wide Local Development Plan and in turn facilitate other developments within the A96 Corridor. There are likely to be some short term impacts arising as a result of this development during the construction period and some minor visual impacts during operation but these can be can be mitigated through the application of appropriate conditions.

9.2 All relevant matters have been taken into account when appraising these matters specified in conditions. It is considered that overall 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

It is recommended the planning permission be **GRANTED** subject to the following conditions and reasons:

1. The development shall not become operational until the access to the site has been formed in accordance with approved plan 90245DG-1004 Rev 01 (dated 10.03.2016), finished in a bound bituminous material for the first 6m, as measured from the public road, and maintained in perpetuity.

Reason: In the interests of road safety.

2. No development shall commence until details of a scheme of hard and soft landscaping works 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. A plan showing existing landscaping features and vegetation to be retained;
- iii. The location, design and including materials, of any existing or proposed walls, fences and gates;

- iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities. For the avoidance of doubt this shall include details of additional planting on the eastern boundary; and
- v. 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.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

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

3. No development shall commence until full details of all surface water drainage provision within the application site (which should accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Second Edition, or any superseding guidance prevailing at the time) have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

4. The development shall not become operational until the gated entrance to the development has been put in place at a distance no closer than 15m to the public road. Thereafter the gate shall be maintained in this position in perpetuity, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of road safety.

TIMESCALES

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.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

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 & 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 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

Building Regulations

Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at BuildingStandards@highland.gov.uk or on 01349 886608.

Land Ownership/Planning Permission

For the avoidance of doubt, the existence of planning permission does not affect or supersede an individual's ownership or other legal rights. Please be advised that this permission does not entitle you to build on, under or over ground outwith your ownership or to enter private ground to demolish, construct or maintain your property.

Signature: Nicola Drummond

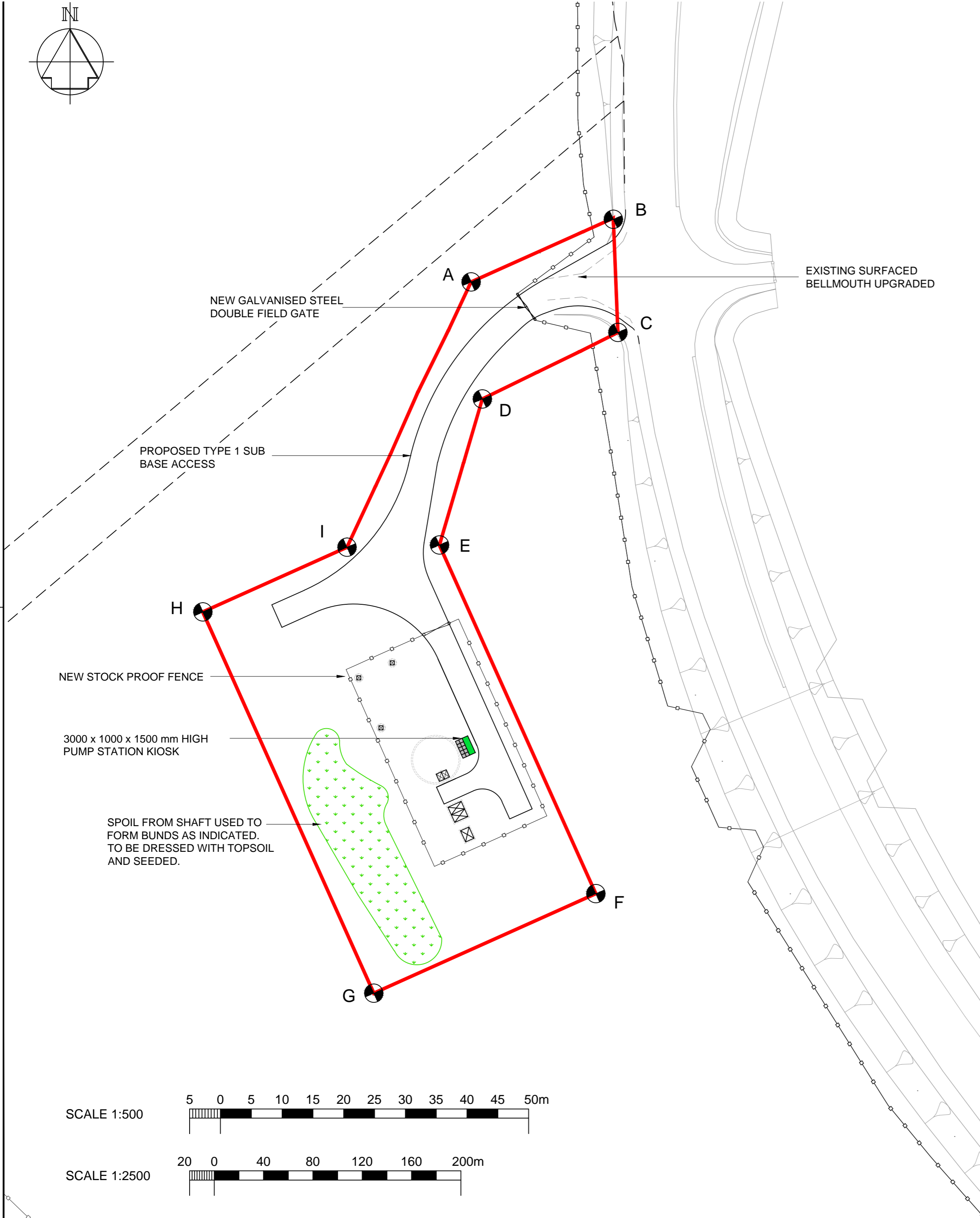
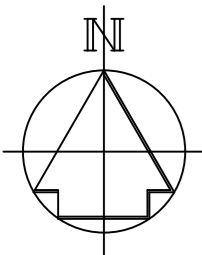
Designation: Area Planning Manager South / Major Developments

Author: Simon Hindson

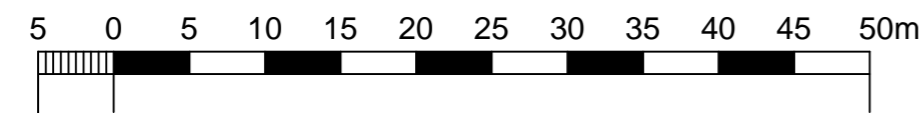
Background Papers: Documents referred to in report and in case file.

Relevant Plans:

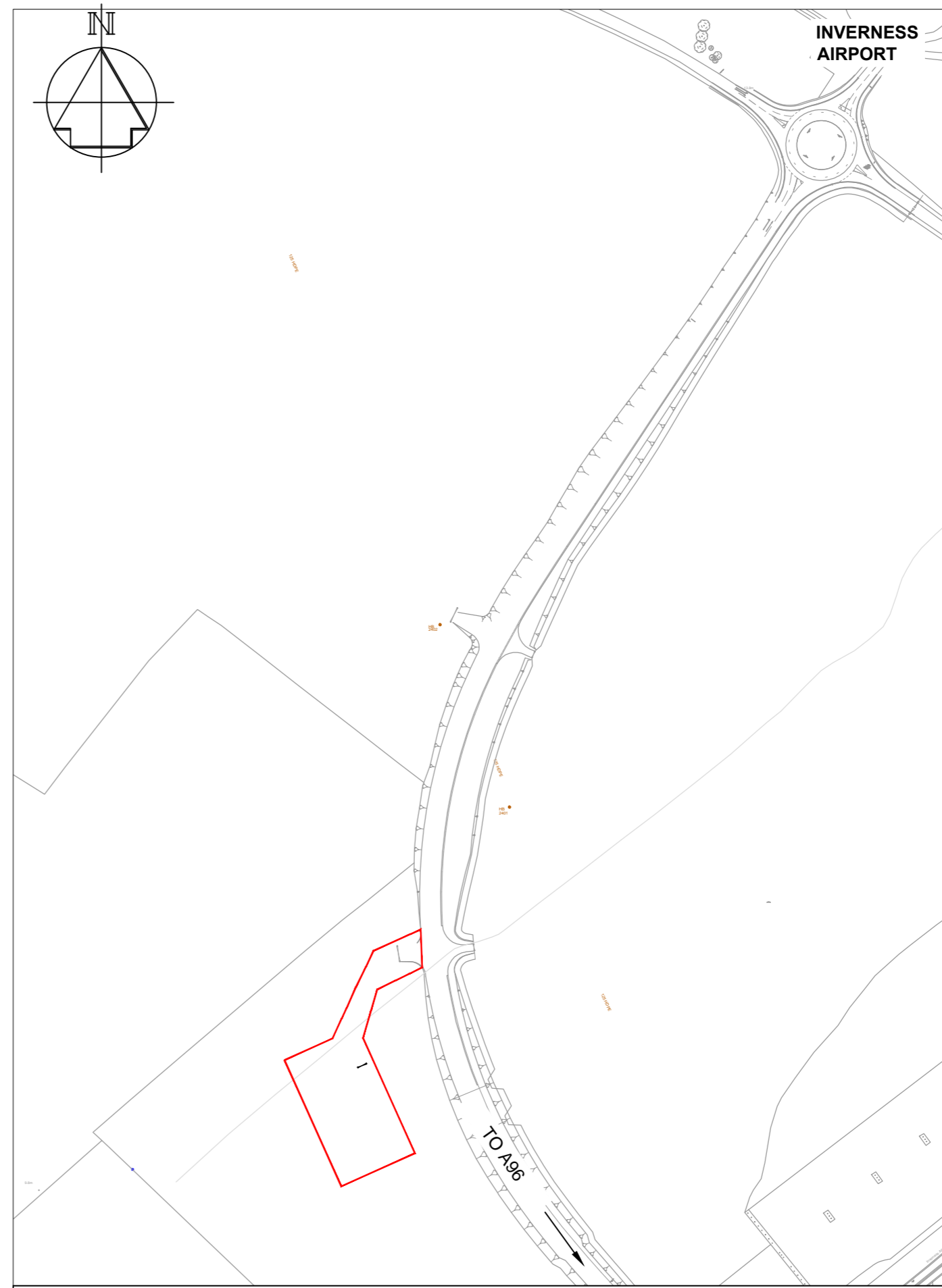
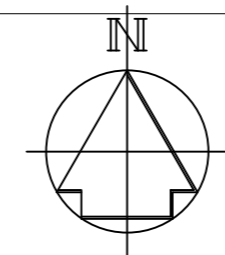
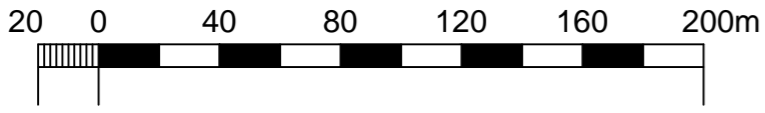
<u>Drawing No.</u>	<u>Title</u>
90245DG-1003 Rev 02	Location Plan
90245DG-1004 Rev 01	General Plan



SCALE 1:500



SCALE 1:2500



LOCATION PLAN
SCALE 1:2500

SITE COORDS (REF TO OS GRID)	
POINT	GRID REF
A	276188.20, 851337.00
B	276211.20, 851347.14
C	276212.01, 851328.82
D	276190.03, 851318.02
E	276183.07, 851294.34
F	276208.43, 851237.78
G	276172.42, 851221.63
H	276144.69, 851283.48
I	276168.07, 851293.97

NOTES

APPLICATION SITE BOUNDARY (3481m²)

Rev	Description	Drawn	Chkd	App'd	Date
02	REVISED LOCATION PLAN	GP	MR	MR	09.06.16
01	FOR PLANNING	MR	GP	MW	10.03.16

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Originated By	Drawn By	Checked By	Approved By
MR	MR	GP	MW
Date	Date	Date	Date
09.03.16	10.03.16	10.03.16	10.03.16

Scale: AS SHOWN @ A2 Status: FOR PLANNING

Project Title: TORNAGRAIN PUMP AWAY SCHEME

Drawing Title: AIRPORT BUSINESS PARK PUMP STATION RED LINE BOUNDARY PLAN

ELLIPSE EQUIPMENT No. 5XXXXXXXXX
ELLIPSE PLANT No. XXXXXXXX AUTOCODE No. 00000000

Drawing No. 90245-DG-1003

NOTES

Rev	Description	Drawn	Chk'd	App'd	Date
01	FOR PLANNING	MR	GP	MW	10.03.16

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SCOTTISH WATER
CASTLE HOUSE
6 CASTLE DRIVE
CARNegie CAMPUS
DUNFERMLINE
FIFE, KY11 6GG
TEL: 01383 848200
FAX: 01383 848371

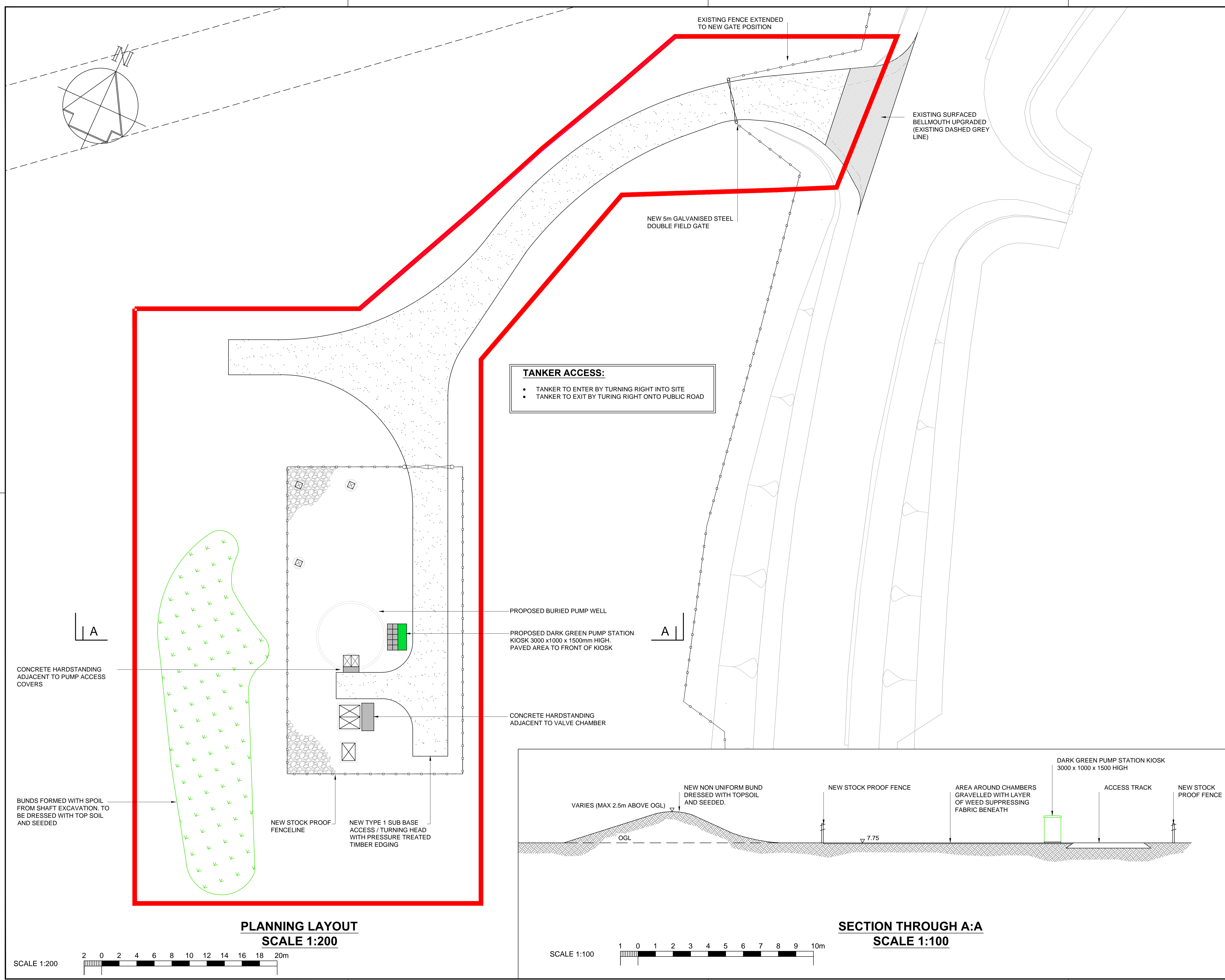
Originated By MR	Drawn By MR	Checked By GP	Approved By MW
Date 09.03.16	Date 10.03.16	Date 10.03.16	Date 10.03.16
Scale AS SHOWN @ A1	Status FOR PLANNING		

Project Title
**A96 CORRIDOR CENTRAL ZONE
WASTE WATER COLLECTION SCHEME**

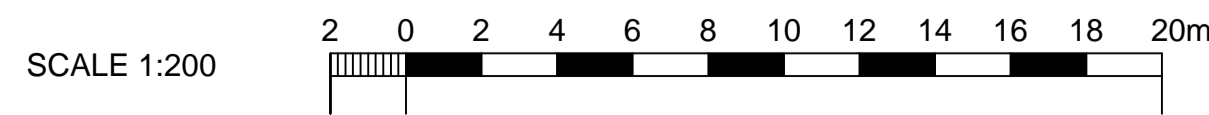
Drawing Title
**AIRPORT BUSINESS PARK PUMP STATION
PLANNING LAYOUT AND SECTION**

ELLIPSE EQUIPMENT No.	5XXXXXXXXX
ELLIPSE PLANT No.	XXXXXXXXXX
AUTOCODE No.	00000000

Drawing No.
90245-DG-1004



PLANNING LAYOUT
SCALE 1:200



SECTION THROUGH A:A
SCALE 1:100

