
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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HEAD OF PLANNING

DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR REDEVELOPMENT EXISTING WASTE WATER TREATMENT PLANT AND ASSOCIATED FACILITIES, TULLICH ROAD, BALLATER

REFERENCE: 03/084/CP

APPLICANT: SCOTTISH WATER, C/O SOUTER ASSOCIATES LTD, 14 EARLSPARK GARDENS, BIELDSIDE, ABERDEEN, AB15 9AZ

DATE CALLED-IN: 7 NOVEMBER 2003

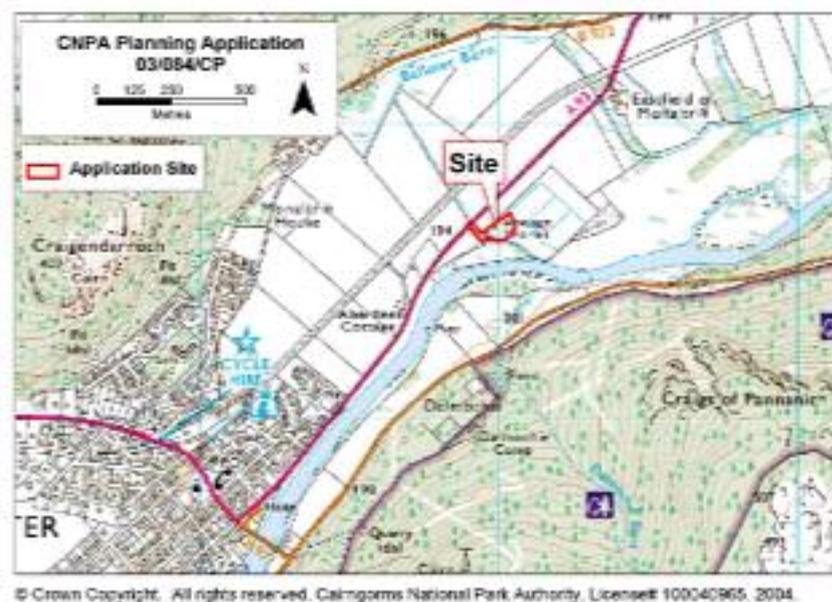


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The Waste Water Treatment Plant (WWTP) for Ballater is located approximately 1.25 kilometres north east of the village centre between the Tullich Road (A93) and the north bank of the River Dee (see fig. 1). The application for full planning permission proposes the :
 - Redevelopment of the existing WWTP site;
 - Cessation of use of the grass plots adjoining the existing WWTP for the secondary treatment of effluent and their landscaping or return to agricultural use;
 - Construction of a new outfall for the discharge of treated effluent to the River Dee at a point to the south of the WWTP site close to the location of the existing storm outfall.
2. The improvements are required to:
 - Ensure that the WWTP will comply with the European wastewater treatment standards by December 2005 as stipulated in the Urban Waste Water Treatment (Scotland) Regulations;
 - Address concerns expressed by the Scottish Environmental Protection Agency (SEPA) about the lack of treatment capacity
 - Address concerns expressed by Aberdeenshire Council's environmental health and consumer protection department about the efficacy of the current method of secondary treatment (discharged to grass plots) and the associated odour when ponding occurs;
 - Ensure that high peaks in the flows of waste water to be treated during the tourist season (when the local population can more than double) do not impair the ability of the WWTP to consistently comply with the required effluent discharge standards;
 - Create the additional wastewater treatment capacity required to serve the additional housing and other development planned at Ballater.
3. The WWTP site and grass plots are surrounded by rough grazing land on all sides - with the exception of that between the site and the A93 - which is improved pasture (see fig. 2). Some feature of the existing works have been retained but most of the equipment and structures are new within a layout designed so that each element of the treatment process follows in sequence down a gradient from the inlet works to the River Dee. Most of the structures would be wholly or partially buried. The uppermost parts of the sludge tank would be 3.5m above ground level with the percolating filters and the humus tanks 2.4m and 1.25m above ground respectively.
4. External lighting would be achieved by installing six 300 watt Tungsten halogen enclosed floodlights, mounted at high level onto the various available tanks and structures around the site and arranged to illuminate critical site areas. The lighting would be controlled via an externally mounted switch located adjacent to the control room access door.
5. The control building (which would have a footprint of 50m square and a height to the roof ridgeline of 4.95m) would be sited on a 300mm thick concrete slab and locally raised ground levels such that the base of the control

building is 1.25m above the general site ground level. It would include wash and toilet facilities and would be formed in rendered block work - topped with a synthetic slate roof. The access road would have an improved junction with the A93 consisting partly of a sub base with turf edging and dense bituminous material with precast concrete kerbing.

6. The works would be operated automatically - with only occasional visits by Scottish Water maintenance and operational personnel. Sludge generated at the works would be transported to a regional sludge centre (such as the ones at Aboyne and Aberdeen) for treatment and disposal. The traffic generated would normally not exceed one daily visit by a supervisor in a car/van and one weekly visit by a tanker lorry to collect/move sludge from the treatment works.
7. The operational compound will be enclosed by a 2.1m high dark green coloured chain link fence and will be enclosed by a generous landscape area which is approximately 35m wide between the North Deeside Road and the compound and an average of about 8m on other aspects. The landscaped areas will be grassed and planted with a mixture of Birch, Alder, Oak, Scots Pine and Ash.
8. The site is situated within a flood plain and has a vulnerability to flooding but alternative sites were not considered because:
 - (a) the existing wastewater drainage network serving Ballater dictates the location of the WWTP to a very significant degree, and
 - (b) pre-submission discussions with the Aberdeenshire Council, SEPA, SNH and Historic Scotland all raised no objections in principle to the redeveloping of the WWTP at its present location.



Fig. 1



Fig. 2

Fig. 1 - View towards the site from A93 (looking west).

Fig. 2 - View towards the site from B976 (looking north-west across River Dee).

DEVELOPMENT PLAN CONTEXT

9. **Aberdeen and Aberdeenshire Structure Plan 2001 - 2016 (North East Scotland Together - NEST) Policy 22 (Water Management)** refers to directing development away from “areas at significant risk from flooding according to the sensitivity of the development and the risk of flooding of the site.” The same policy also contains a commitment to “proposals for sustainable water management to enhance water quality, bio-diversity and access.”
10. **Finalised Aberdeenshire Local Plan**
The main proposals map shows the application site within an Area Landscape Significance and contains the following policies which are relevant to the proposals.
11. **Env 4**
Development that would have an adverse effect on habitats or species protected under British or European law, or identified as a priority in UK or local Bio-diversity Action Plans, or other valuable habitats, will be refused unless the developer demonstrates:
 - (a) that the public benefits at a local level clearly outweigh the value of the habitat for bio-diversity conservation,
 - (b) that the development will be sited and designed to minimise adverse impacts on the bio-diversity of the site including its environmental quality, ecological status and viability AND
 - (c) that there will be no further fragmentation or isolation of habitats as a result of the development.
12. **Env 5**
Development in or adjacent to a National Scenic Area or Area of Landscape Significance will not be permitted where its scale, location or design will detract from the quality or character of the landscape either in part or as a whole. In all cases, the high standards of design, in terms of location, scale, siting, aesthetics and landscaping will be required within National Scenic Areas and Areas of Landscape Significance.
13. **Env 9**
The council seeks to promote the creation and protection of sensitively designed and managed forests and woodlands for their ecological, recreational, landscape and natural heritage value, and to improve economic diversity this include promotion of community woodlands and habitat creation through planting and natural regeneration of native species and enhancement of landscape features such as shelter belts.

14. **Env 11**
Development that would cause the permanent loss of productive agricultural land will be refused unless it has been allocated for development in the Plan or the developer demonstrates:
- (a) its social or economic benefit clearly outweighs the agricultural value of the site AND
 - (b) there is no suitable alternative site for development
15. **Env 15**
River engineering works that would have an adverse effect upon water quality, quantity or flow rate, ecological status, riparian habitat, protected species or flood plains, whether up or down stream from the works will be refused.
16. **Inf 5**
Development will be approved in principle, if surface water treatment is dealt with in a sustainable manner and in ways which avoid flooding and pollution. Flood risk assessments will be required in those cases where flooding can be expected. Sustainable Urban Drainage Systems (SUDS) will be required as a means of achieving sustainable disposal and/or re-use/recycling of surface water. In all cases the developer will be required to demonstrate how the effectiveness of the measures taken will be maintained in perpetuity.
17. **Gen 8**
Development on land at risk from flooding, including any functional flood plain, will be refused unless:
- (a) it is for uses such as flood prevention measures that must be located in the flood plain or for essential transport or utilities infrastructure that suffer least from inundation by floodwater;
 - (b) it has been designed to minimise the risk of flooding and will not contribute to, or significantly increase the risk of, flooding elsewhere;
 - (c) it has adopted all reasonable measures to improve the management of floodwaters on and adjacent to and to assist the protection of properties within the vicinity of the site;
 - (d) it does not impede the flow of floodwater or the ability of the flood plain to store water and to flood naturally;
 - (e) it is designed to avoid damage to, or loss of existing, wetland habitat;
 - (f) it incorporates building design measures and materials to assist the evacuation of people and minimise damage from flooding;
 - (g) a hydrological survey and flood risk appraisal is provided at the developer's expense when requested AND
 - (h) it can provide for the satisfactory maintenance of any approved privately funded flood defence measures.
18. A further consideration - additional to the Development Plan - is the fact that the River Dee has been designated a candidate Special Area of Conservation for Freshwater pearl mussel, Atlantic salmon and European otter under the Conservation (Natural Habitats, etc.) Regulations 1994. This designation obliges "competent authorities" not to permit projects to proceed if there are likely to be significant adverse effects on any of the conservation interests.

CONSULTATIONS

19. SNH lodged an objection to the proposal in December on the grounds that the proposal “is likely to have a significant effect on the European interests of the River Dee candidate Special Area of Conservation.” Their concern indicated a need for a more detailed assessment of:
 - (a) whether any pearl mussels are present at the location of the proposed outfall and are likely to be threatened by the construction process, and,
 - (b) the location of salmon redds in relation to the timing of the proposed operations.
20. In relation to the pearl mussels issue it has been agreed that there is a need to carry out a further study of the location of mussels in the vicinity of the proposed works and that this should be done later this year when the water levels are lower, and more suitable, for this type of investigation. This is reflected in condition number 2 which will cover SNH’s interest and allow the removal of the SNH objection. In relation to the salmon redds it has been agreed that any adverse impact will be avoided by restricting work on the outfall to the period between the end of May and the end of October.
21. SEPA were consulted for an opinion on the flood risk assessment and have no objections.
22. Aberdeenshire Council’s Roads Manager has recommended that certain conditions be imposed relating to “roads” issues and these are incorporated in my recommendations.
23. The Park Authority’s Natural Resources Group has given consideration to the implications of this application for birds and has consulted with the RSPB. The RSPB say that the site is locally important for breeding waders due to the existing discharge onto grassland forming small lagoons. It is the only suitable breeding wader site between Cambus O’May and Ballater. A further bird survey is required and if this matches RSPB data there may be a need for mitigation measures such as avoidance of work during the breeding season and some continued discharge to land to maintain the breeding habitat. This may require consideration of how to address SEPA and Environmental Health Officer’s concerns about the efficacy of discharge to grass plots. There may also be other concerns including inadequate description of the reinstatement of the grass plots to agriculture and possible public health consequences of this. The Group also make reference to a similar scenario in Tarland where continued discharge to grassland has been allowed.

REPRESENTATIONS

24. No representations have received in relation to the proposal.

APPRAISAL

25. The present works are operating “at capacity” and the current arrangement of giving only primary treatment to sewage is causing concern to the relevant public authorities and a degree of public nuisance. Furthermore, the lack of spare capacity is creating a virtual embargo on new development. The proposal does, however, need to be considered in the following context

Population

26. The design capacity of the new works is 3,030. This is based, roughly, on information in the Draft Aberdeenshire Local Plan which gave the resident population of Ballater as 1536 in 1996 and forecast that the population would rise to 1660 by 2006. The population of the village does, of course, increase considerably during the summer months and against the recorded number of 1569 visitor bed spaces (including caravan pitches) it was assumed that there would be at least a 75% occupancy rate. Some allowance was made too for community and other non residential uses.
27. There is a single house 350m south west of the WWTP site and approximately 700m to the northeast there are dwellings at Eastfield of Monaltrie. At a similar distance to the north west and the southwest there are a number of dwellings at Morven Way and at the Scotia Homes Invercauld Park development.

Fauna and Flora

28. The application is supported by a freshwater pearl mussel survey (conducted in 2001) and a separate suite of ecological surveys (carried out in 2003). In summary these have identified only two significant concerns: freshwater pearl mussels and possible disturbance to salmonid breeding sites (redds). Under advice from SNH it has been agreed that the integrity of the salmon redds can be protected by restricting work on the outfall to the period between the end of May and the end of October and, in relation to the pearl mussels, the applicants have agreed to carry out a further study later this year when water levels are lower to identify a location for the outfall where there are no mussels.
29. The suggestion regarding continued discharge onto grass plots has been pursued by Scottish Water, but has resulted in concerns from the NHS Grampian Consultant in Public Medicine to an extent that Scottish Water, whilst initially willing to take on board the Natural Resource Group request, has now asked for the application to be determined as submitted. Scottish Water feel that any further delay would prejudice delivery of the upgraded Ballater WWTP by the December 2005 deadline. They are still willing to make land surplus to the development available to the Natural Resources Group or RSPB if they wish to pursue the possibility of creating a wetland, but Scottish Water would not take responsibility for maintenance of such an area. In terms of reinstating the land to agriculture it is proposed to employ similar

safeguards to those used when sewage sludge is put onto land (see Condition 5).

30. Balancing the need for the improved facility against the issues surrounding the wetland environment for waders, it is considered that the applicant has endeavoured to accommodate the latter as much as possible, but public health issues mean that an impasse has been reached and the upgraded treatment works should take precedence in this instance. These issues were not raised in Tarland at the time but they could have been if there had been the same level of public health input. They do have to be addressed in this instance. The offer is there for others to use Scottish Water land to create a new wetland environment for waders, but it is considered that it need not be part of an planning permission as it is not something the applicant will be delivering - merely facilitating.

Flood Risk

31. The flood risk appraisal undertaken on behalf of the applicants concludes that:
- the site of the proposed WWTP is vulnerable to flooding for both of the flood return period scenarios considered (1 in 500 and 1 in 200 year return periods with allowance for climate change)
 - in view of these results and because the potential for climate change which may exacerbate future flooding, consideration should be given to eliminating or reducing flood risks by, for example, raising individual vulnerable structures on plinths or platforms to a height equal to the 30 year + climate change return period flood
 - as the storm duration is relatively long and as the works would not be continuously staffed, there are no significant risks to staff safety from flooding
32. Prior to the submission of the application Aberdeenshire Council and SEPA confirmed that:
- (a) the proposed development is for essential utilities infrastructure which must be located in the flood plain
 - (b) the proposed design should incorporate features which minimise the plant's vulnerability to inundation in accordance with accepted water industry norms
 - (c) the proposed plant will not significantly contribute to, or increase the risk of, flooding elsewhere
 - (d) a need to adopt measures to improve the management of flood waters on and adjacent to and to assist the protection of properties within the vicinity of the site does not apply in this case
 - (e) the proposed development would not significantly impede the flow of flood water or the ability of the flood plain to store water and to flood naturally
 - (f) the need to avoid damage to or loss of existing wetland habitat does not apply in this case
 - (g) consideration should be given to the level of risk in terms of evacuating people and minimising damage from flooding and the need for appropriate mitigation
 - (h) flood defence measures are not appropriate in this case.

33. Aberdeenshire Council and SEPA further concurred with the view that the risk of untreated effluent escaping to the environment during flood events was not significant given the degree of natural dilution which could be expected.

Effects on Air and Odour

34. The improved WWTP would incorporate features designed to ensure satisfactory control of odour. In particular, the sludge storage tank would be fixed with an air mixing system.
35. The recent new housing development at Invercauld Park is not considered likely to make the setting of the improved WWTP significantly more sensitive from the point of view of odour since it is around 700m distant. Based on experience of similar plants elsewhere, Scottish Water considers that the degree of physical separation is more than sufficient to make justifiable cause for complaint improbable.

Noise

36. The improved WWTP would be designed to ensure that noise levels measured at the nearest houses would be increased by less than 10 dB (A) dba relative to existing ambient levels, no adverse effects in terms of noise impacts are likely.

Landscape and Visual Impact

37. The grass plots which presently receive sludge after primary treatment will be returned to agriculture and the operational area of the works will therefore be reduced. The plant and buildings have a fairly low profile and provision has been made for generous landscaping to provide screening from the north and, to a lesser extent, to the south and west. In the immediate, post construction period there will inevitably be very little screening effect from the planting but any such negative effects will reduce as the planting matures. There is potential for some impact from lighting on the site and condition 6 is intended to address this.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and enhance the natural and cultural heritage of the area

38. The effect of the proposal will be to treat Ballater's sewage to a higher standard which will be beneficial to the local environment. There are no designations on the site and the river Dee's interest as a Candidate Special Area of Conservation can be protected by the arrangements agreed with SNH. There are no features of historical or cultural interest in the immediate vicinity. The applicant has offered to facilitate the creation of wetland for birds.

Promote sustainable use of natural resources

39. There are no direct implications, positive or negative in terms of this aim.

Promote understanding and enjoyment of the area

40. There are no direct implications, positive or negative in terms of this aim.

Promote sustainable economic development of the areas communities

41. The improvements to the works will remove a development embargo on Ballater and allow development to take place which is judged to be in the community interest as well as improving the quality of sewage treatment for established development.

RECOMMENDATION

That Members of the Committee support a recommendation to:

Grant full planning permission for the redevelopment of Ballater Waste Water Treatment Plant subject to the following conditions:

1. The development to which this permission relates must be begun within 5 years of the date of this permission.
2. The position of the outfall in the River Dee is deferred for future agreement at a location which will not adversely effect local colonies of fresh water pearl mussels. The location will be determined under advice from Scottish Natural Heritage following a study by the applicants at an appropriate time during the year 2004, of the incidence of fresh water pearl mussels in the vicinity of the proposed works.
3. Work on the proposed outfall will take place only in the period between the end of May and the end of October. The landscaping proposals will be carried out during the first planting season after the construction of the works has commenced and, thereafter, maintained to the satisfaction of the CNPA as planning authority.
4. Prior to any other work on the site the following road improvements shall be carried out:
 - (a) the bell mouth radius at the junction between the access track and the A93 shall be formed to a radius of 7.6m
 - (b) the first 10m of the track shall be surfaced in bitmac
 - (c) no surface water to be allowed to discharge to the public road
 - (d) that the junction between the access road and the A93 visibility splays to the left and right of 2.4m by 155m shall be formed and thereafter maintained free of vegetation or obstructions.
5.
 - (a) A minimum period of 6 months will be allowed to pass between cessation of settled sewage distribution and agricultural use.
 - (b) Soil samples will be taken to ascertain levels of any heavy metals which may be present and the land shall only be returned to agricultural use if these are within statutory limits.

6. Precise details of all on sight lighting including the position, specification and orientation of lights shall be agreed in writing by the CNPA as Planning Authority prior to any lighting being installed.

Reasons for Conditions:

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to protect fresh water pearls in the River Dee.
3. In order to protect salmonid redds in the River Dee.
4. In the interests of road safety.
5. In the interests of public health and to ensure that the land is fit for agricultural use.
6. To minimise the impact of lighting on the landscape and night time environment.

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25 May 2004

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